

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

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1991 SEP 24 AM 6:33

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #4

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: Agriculture TITLE NUMBER: 61

CITE AUTHORITY 19-9-34A

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 1C

TITLE OF RULE BEING PROPOSED: Disposal of Dead Poultry

(This rule was originally filed as series 1 and is now changed to 1C)

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.



WEST VIRGINIA LEGISLATIVE REGULATIONS
STATE DEPARTMENT OF AGRICULTURE
Chapter 19-9
SERIES IC

TITLE: Disposal of Dead Poultry

§61-1C-1. General.

1.1 Scope - These rules regulate the disposal of dead poultry and other domestic fowl by persons, firms or corporations engaged in growing poultry or other domestic fowl for commercial purposes.

1.2 Authority - W Va. Code 19-9-34A

1.3 Filing Date -

1.4 Effective Date -

§61-1C-2. Definitions.

2.1 "Poultry" means all chickens, ducks, turkeys, or other domestic fowl being kept or raised for commercial purposes.

2.2 "Dead poultry" means all poultry excluding those intentionally slaughtered, which die as a result of disease, injury or of natural causes.

2.3 "Person" means any person, firm, partnership, corporation, or institution which engages in the raising or keeping of poultry for commercial purposes. A person is further defined as the grower of the poultry regardless of the ownership of the poultry.

2.4 "Raising or keeping of poultry for commercial purposes" means the raising or keeping of 200 or more poultry at one time for the purpose of sale of such poultry or the eggs produced therefrom.

2.5 "Incinerator" means a firebox constructed of masonry or metal in which dead poultry is completely burned by the use of fuel.

2.6 "Composting" means a natural process in which beneficial microbes reduce organic waste (dead poultry) into a biologically safe by-product which is capable of being recycled in the agriculture industry. A composter is a unit constructed of concrete or treated wood located under a roofed structure. A typical unit will contain two treatment areas. A primary treatment area may consist of one or more compartments. The secondary treatment area will be one compartment that will receive partially composted material from the primary treatment areas. Material in the primary treatment area is moved to the secondary area when it has reached a peak temperature of 140 to 160 degrees fahrenheit

after seven to ten days. The composting process is complete when the temperature in the secondary treatment area has reached a peak temperature of 140 to 160 degrees fahrenheit after seven to ten days.

2.7 "Rendering" means the treatment of dead poultry by steam treatment or by cooking at a commercial rendering plant, for a sufficient time to effectively destroy the product for human food purposes and to preclude dissemination of disease through consumption by animals. Dead poultry intended for disposal by rendering shall be picked up by or delivered to the rendering company within 24 hours of death or be refrigerated below 40 degrees fahrenheit pending pickup or delivery. All persons shall hold all dead poultry for rendering in a container that is leak proof, fly proof, and pet and wild animal proof.

§61-1C-3. Rules Pertaining to the Disposal of Dead Poultry.

3.1 It is unlawful for any person to dispose of, or cause to be disposed of, dead poultry in any manner other than by incinerator, composting or through rendering as defined in section 2 of these rules except where the Commissioner of Agriculture authorizes other methods of disposal under the provisions of subsection 3.2 of this rule.

3.2 For protection of public and animal health, the Commissioner of Agriculture may authorize the disposal of dead poultry by methods other than those prescribed in this rule in instances of serious disease outbreak, abnormal death losses, flock depopulation or other emergency situations.



WEST VIRGINIA LEGISLATURE
LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

Room M-152, State Capitol
Charleston, West Virginia 25305
(304) 340-3286

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1991 SEP 24 PM 12:46
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Senator William R. Wooton, Co-Chairman
Delegate David Grubb, Co-Chairman

Debra A. Graham, Counsel
Michael McThomas, Associate Counsel
Marie Nickerson, Admr. Assistant

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

September 10, 1991

TO: Ken Hechler, Secretary of State, State Register

TO: The Honorable Cleve Benedict
Department of Agriculture
State Capitol
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Disposal of Dead Poultry

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed _____
 - (b) as modified by the agency X
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Robert Williams, Director
Marketing & Development Div.
Barbara Smith
Compliance Division