

WEST VIRGINIA LEGISLATURE
Legislative Rule-Making Review Committee

COCHAIRMEN

ROBERT M. STEPTOE
STATE SENATE
126 EAST BUNKE STREET
MARTINSBURG 25401

WILLIAM E. SHINGLETON
HOUSE OF DELEGATES
BOX 1348
FAIRMONT 26554



STAFF

LEGISLATIVE SERVICES
E-132 STATE CAPITOL
CHARLESTON 25305
PHONE (304) 348-2040

August 28, 1979

Hon. A. James Manchin
Secretary of State
W-151 State Capitol
Charleston, West Virginia 25305

Dear Mr. Manchin:

This is notification of approval of rules and regulations in accordance with Section 11, Article 3, Chapter 29A of the West Virginia Code.

On August 27, 1979, the Legislative Rule-Making Review Committee approved regulations submitted by the Department of Agriculture on West Virginia fairs, festivals and purebred consignment sales health requirements - 1979 and revised West Virginia liming materials regulations; by the Board of Examiners of Registered Nurses on readmission to state board test pool examination for registered nurses; by the State Board of Investments on rules for the administration of the consolidated pension fund by the West Virginia State Board of Investments and selection of state depositories for disbursement accounts through competitive bidding.

A copy of the approved regulations is attached.

Very truly yours,

Robert M. Steptoe

Robert M. Steptoe

William E. Shingleton

William E. Shingleton

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 8-28-79

Enclosures

WEST VIRGINIA FAIRS, FESTIVALS AND PUREBRED CONSIGNMENT SALES HEALTH REQUIREMENTS - 1979

1. This is an official interpretation of regulations promulgated under the authority of Chapter 19, Article 7 of the Code of West Virginia. This applies to Fairs, Festivals and Shows.

2. All livestock imported into the State of West Virginia for fairs, festivals and shows shall be accompanied by an official health certificate approved by the livestock health official of the state of origin. A copy of the approved health certificate shall be forwarded to the Director of the Animal Health Division, West Virginia Department of Agriculture, Capitol Building, Charleston, West Virginia, 25305, and should be in his possession 5 days prior to arrival of livestock.

HEALTH REQUIREMENTS FOR CATTLE AND GOATS

All out-of-state cattle and goats must be accompanied by an official health certificate.

No cattle or goats shall be shown or exhibited or offered for sale at purebred consignment sales that exhibit active pinkeye infection and/or ringworm.

Tuberculosis

Cattle to be exhibited at West Virginia fairs, festivals and shows must meet one of the following requirements.

From West Virginia

- (1) If originating from an accredited TB free herd - no test required.
- (2) If herd of origin has had a complete negative test within 12 months - no test required.
- (3) Any bovine less than 24 months of age - no test required - if herd of origin is not under any tuberculosis restrictions. ~~Or~~ negative to TB test within 90 days of show. If animal is to be sold purebred consignment rules apply.
- (4) All W. Va. cattle may be shown at all W. Va. fairs, festivals and exhibitions with only one negative tuberculosis test during the calendar year but prior to date of exhibition.

From Other States

- (1) SAME FILED IN THE OFFICE OF SECRETARY OF STATE OF WEST VIRGINIA
- (2) SAME
- (3) Negative to TB test within 90 days of show
- (4) NA

THIS DATE 8-28-79

Slaughter cattle classes - no test required for West Virginia cattle. Out of state cattle must have negative TB test within 90 days of show unless they qualify under conditions noted above.

Tuberculosis Requirements For Goats

No test required - recommended same rules as for cattle.

Cattle to be exhibited at West Virginia Fairs, festivals and shows must meet one of the following requirements:

From West Virginia	From Other States
(1) Certified herds - no test required	(1) Originating from Certified Brucellosis Free Herd - no test required.
(2) Complete herd test within one (1) year before show.	(2) SAME
(3) <u>All W. Va. cattle may be shown at all W. Va. fairs, festivals and exhibitions with only one negative brucellosis test during the calendar year but prior to date of exhibition.</u>	(3) <u>NA</u>

All other cattle require a 30 day negative test, except official brucellosis vaccinates under 24 months of age from a herd not under brucellosis restrictions - no test required.

Brucellosis Requirements for Goats

No test Required - recommended same rules as for cattle.

NOTE: Cattle and goats from other states with disease outbreaks may be required to secure a special permit from the Director, Animal Health Division, West Virginia Department of Agriculture, Charleston, West Virginia, 25305, Phone: 304-348-2214, before being admitted into West Virginia.

If animal is to be sold, purebred consignment rules apply.

Leptospirosis

- * Recommended: All cattle be vaccinated with *L. pomona* bacterin within 12 months of showing and that vaccination for *L. canicola*, *L. icterohaemorrhagiae*, *L. hardjo* and *L. grippotyphosa* be seriously considered.
- ** Requirement: All female cattle not pregnant and all other cattle which are not to be slaughtered within 30 days, must be vaccinated with *L. pomona* within 12 months of showing. Vaccination certificate must show date vaccinated, name of herd owner, serial number of vaccine, pharmaceutical company distributing vaccine and name of person vaccinating the animal. This must be furnished to show officials in charge of health requirements upon entry.

Warts

We strongly recommend that cattle and goat owners not enter or show cattle or goats or permit the showing of cattle or goats with warts.

HEALTH REQUIREMENTS FOR SWINE

All out-of-state swine must be accompanied by an official health certificate.

From West Virginia

Breeding swine must be examined within five days of the opening day of the fair and found free of signs of infectious disease.

From Other States

All swine must be accompanied by a certificate of health for entry into W. Va., stating that the animals are free from infectious or contagious disease.

Swine moved into W. Va. for exhibition purposes must originate in herds not known to be infected with pseudorabies and must have had a negative serum neutralization or other acceptable test for the diagnosis of pseudorabies within the 60 days immediately prior to movement into the state.

Slaughter classes of swine are required to be accompanied by a statement saying that they did not originate from a hog cholera infected area.

HEALTH REQUIREMENTS FOR SHEEP

From West Virginia

- (1) Must be accompanied by official health certificate, or
- (2) Have a current Honor Flock Certificate.
- (3) Market class of lambs to be inspected at fair by W. Va. Animal Health Officials.

From Other States

SAME

NA

SAME

HEALTH REQUIREMENTS FOR HORSES

From West Virginia

- (1) Must be positively identified and
- (2) Have a negative Coggins' Test (from a U.S.D.A. approved laboratory) within the last 24 months prior to show or fair.

From Other States

- (1) Must be positively identified and
- (2) accompanied by and approved official health certificate from the state of origin stating the temperature and
- (3) a negative Coggins' Test (from a U.S.D.A approved laboratory) within the last six months.
- (4) Horses from states with a horse health program comparable to West Virginia may be admitted if negative to Coggins' test within the previous twelve months.

Enforcement of health requirements for horses rest with officials of each show . All shows subject to spot checking by representatives of Animal Health Division.

NOTE: NO animals from any herd or herds under restrictions will be permitted to show or sell. Animal Health Officials of the W. Va. Department of Agriculture reserve the right to examine any animal consigned, and exclude animals from the show that exhibit signs of dis

PUREBRED CONSIGNMENT SALES

- (1) All cattle, except those from accredited herds or herds that have been tested within last 12 months, shall have a negative tuberculosis test within 30 days prior to sale.
- (2) All cattle, except those from certified herds or herds that have been tested within last 12 months, shall have a negative brucellosis test within 30 days prior to sale unless officially brucellosis vaccinated. If vaccinated, they shall be subject to above rule after reaching 24 months of age.
- (3) All cattle not pregnant must have been vaccinated for the strain of Leptospirosis mentioned above within the last year prior to sale.
- (4) No cattle shall be offered for sale that exhibit active pinkeye infection and/or ringworm. We strongly recommend that cattle with warts not be offered for sale.

ALL LIVESTOCK MUST MEET THE STATE OF DESTINATION HEALTH REQUIREMENTS AS TO MOVEMENT OF ANIMALS. SOME VARIATION IS FOUND IN HEALTH REQUIREMENTS AMONG THE SEVERAL STATES.



Agriculture Commissioner



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

GUS R. DOUGLASS
COMMISSIONER

RECEIVED
JUL 2 P 2:25
JUL 2 1979

Mr. Earl M. Vickers, Director
Legislative Services
Room E-132, Building #1
Charleston, WV 25305

Dear Mr. Vickers:

I am enclosing 17 copies of the revised West Virginia Liming Materials Regulations which are used to implement Chapter 19, Article 15-A, of the Code of West Virginia.

Notice of public hearing for the purpose of amending the regulations was given on April 12, 1979. The hearing was officially convened on May 22, 1979. Eight people appeared at the meeting and seven statements which had been received were read into the record. The attached regulations were prepared after due consideration of all comments.

Would you please forward the copies to the Counsel for the West Virginia Legislative Rule Making Committee? I have submitted the requisite number of copies to the Secretary of State for filing.

With best regards, I am

Very truly yours,

Gus R. Douglass
Agriculture Commissioner

GRD/G/d
Enc.



RECEIVED

JUL 2 P 2:25

STATE

GUS R. DOUGLASS
COMMISSIONER

STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

July 2, 1979

The Honorable A. James Manchin
West Virginia Secretary of State
Room W-157, Building #1
Charleston, WV 25305

Dear Secretary Manchin:

I am attaching the revised West Virginia Liming Material Regulations which have been prepared under authority of Chapter 19, Article 15-A.

Three copies are enclosed. Would you please date stamp one copy and return it to this office so that our files may be complete?

The chronology of the filing is that notice of public hearing was given on April 12, 1979. The hearing convened on May 22, 1979. Eight persons appeared at the hearing. At its conclusion, I gave additional time for the introduction of written comments. No other comments were received.

I have submitted the requisite number of copies to the West Virginia Legislative Rule Making and Regulation Review Committee.

With best regards, I am

Very truly yours,

Gus R. Douglass
Agriculture Commissioner

GRD/G/d
Enc.



2 P2:25
DATE

STATE OF WEST VIRGINIA
OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

A. JAMES MANCHIN
SECRETARY OF STATE

STATE REGISTER FILING

I, Gus R. Douglass, Commissioner,
Title or Position

W. Va. Department of Agriculture, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify ().

This filing pertains to

Chapter 19
Article 15-A
Series VI - A
Section _____
Page No. _____

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

July 2, 1979
Date Submitted

[Signature]
Signature of Person Authorizing
this Filing

Subject:--West-Virginia-Agricultural-Liming-Materials-Law-(Article-15A)

Section-1.00-GENERAL-

1.01--Scope.--These regulations establish values for neutralizing qualities and fineness, define deficiencies and establish tolerances, set standards for neutralizing qualities and fineness and establishes methods for assessing penalties.

1.02--Authority.--Chapter-19,-Article-15A,-Code-of-West-Virginia-as-enacted February-15,-1975-

1.03--Effective-Date.--These regulations were adopted June-17,-1976,-and become effective July-1,-1976,-provided,-that-in-case-of-these-firms-currently registered-for-1976-and-to-allow-for-depletion-of-existing-stocks-these regulations shall be considered as permissive through December-31,-1976,-and effective-January-1,-1977-

1.04--Filing-Date.--These regulations were filed in the Office of the Secretary of State on the second day of June,-1976-

1.05-Certification.--These regulations were certified authentic by the Secretary of State by certification number-33-

Section-2.00--INDEX

1.--General

2.--Index

3.--Administrative

4.--Penalty-Values-For-Neutralizing-Qualities-and-Sieve-Size-Guarantees

5.--Deficiencies-and-Tolerances

6.--Minimum-Calcium-Carbonate-Equivalents

7.--Minimum-Sieve-Size-Standards

8.--Blends

9.--Supersedure

Section-3.00--ADMINISTRATIVE-

~~By authority vested in the Commissioner of Agriculture by Chapter 19, Article 15A, Code of West Virginia, as amended and following public hearing of March 16, 1976, I, Gus R. Douglass, do hereby prescribe and adopt the following regulations relating to the distribution and sale of Agricultural Liming Materials in the State of West Virginia.~~

Section 1.00

These regulations, prepared under authority of chapter 19, article 15-A, section 8, establish minimum values for neutralizing qualities and fineness, defines deficiencies, establishes analytical and sampling tolerances, sets minimum standards for neutralizing qualities and fineness and establishes methods for assessing penalties. The standards herein adopted shall be considered as permissive through December 31, 1979, and effective January 1, 1980.

Section 2.00 (4-00) PENALTY VALUES FOR NEUTRALIZING QUALITIES AND SIEVE SIZE GUARANTEES.

2.01 (4-01) The values for neutralizing qualities and sieve size guarantees of agricultural liming material shall be based on the registrant's established delivery price at the quarry or if an out of state registrant, his distribution point within this State.

2.02 (4-02) Penalties shall be computed by multiplying the deficiency exceeding the tolerance, by times three, times the delivery price, times the volume of the lot.

Section 3.00 (5-00) DEFICIENCIES AND TOLERANCES.

3.01 (5-01) For administrative purposes and to allow for possible bias in sampling and analysis, an agricultural liming material shall be considered as deficient and subject to penalty when:

(a) The calcium carbonate equivalent falls more than five (5) percent below its guarantee.

(b) The amount of material which passes through any sieve is more than five (5) percent below the percentage guarantee for that sieve size.

Section 4.00 (6-00) MINIMUM CALCIUM CARBONATE EQUIVALENTS.

4.01 (6-01) The minimum calcium carbonate equivalent standards shall be:

- (a) Burnt Lime: Not less than 140%
- (b) Hydrated Lime: Not less than 110%
- (c) Marl: Not less than 85%
- (d) Limestone: Not less than 85%
- (e) Slag: Not less than 85%
- (f) Shells: Not less than 85%

Section 5.00 (7-00) MINIMUM SIEVE SIZE STANDARDS.

~~7.01--The minimum sieve size standards for agricultural liming material shall be--for~~

5.01 Agricultural liming materials sold in this State (except primary oxide and hydrated forms) shall conform to the following standards of fineness:

(a) PULVERIZED LIMESTONE

- 1. 100% passing a U.S. standard 20 mesh sieve
- 2. 70% passing a U.S. standard 100 mesh sieve

(b) GROUND LIMESTONE

- 1. 90% (95%) passing a U.S. standard 20 mesh sieve
- 2. 50% passing a U.S. standard 50 (60) mesh sieve.
- 3. 35% (40%) passing a U.S. standard 100 mesh sieve.

(c) COARSE GROUND LIMESTONE OR BY-PRODUCT LIME

- 1. 90% passing a U.S. standard 10 mesh sieve
- 2. 40% passing a U.S. standard 50 (60) mesh sieve

Section 6.00 (8-00) SUB-STANDARD LIMING MATERIALS.

6.01 The commissioner may accept registration of sub-standard material

having soil neutralizing capability. Such material shall be labeled, invoiced or identified to show its common name, the calcium and magnesium oxide or carbonate guarantee, the calcium carbonate equivalent, the percentage amounts passing U.S. standards nos.: 20, 50 and 100 mesh sieves and shall be prominently labeled SUB-STANDARD either preceding or next following the common name.

Section 7.00

These are minimum standards for the product class as defined. It is intended that registrants marketing liming materials of a higher chemical or mechanical quality may register and guarantee their materials as such.

~~Section 8.00-BLENDS-~~

~~8.01-Blends-of-agricultural-liming-materials-will-be-permitted, however, percentage-components-of-the-materials-used-must-be-shown-on-the-label-in relative-proximity-to-the-guaranteed-analysis,~~

~~8.02--The-commissioner-may-accept-registration-of-materials-having-soil neutralizing-capability-to-meet-special-local-needs.--Such-materials-shall be-labeled-to-show-its-common-name, calcium-and-magnesium-oxide-or-carbonate, calcium-carbonate-equivalent-and-the-actual-size-specification-as-referenced in-Section-7.01-(b).--Such-material-shall-also-be-prominently-labeled, invoiced-or-identified-as-"SUB-STANDARD-LIMING-MATERIALS"-next-following the-common-name.~~

~~Section 9.00--SUPERSEDEURE-~~

~~9.01--The-foregoing-regulations-supersede-all-previous-regulations-heretofore issued.--The-commissioner-reserves-the-right-to-rescind, suspend-or-amend-any regulation,--standard-or-value-herein-set-forth.~~



1979 JUL 2 P 2:25

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OFFICE OF THE SECRETARY OF STATE
CHARLESTON 25305

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