

H. B. 2959

(By Delegates Canterbury, A. Evans, Hamilton and Sponaugle)

[Introduced February 24, 2015; referred to the

Committee on Agriculture and Natural Resources then the Judiciary.]

A BILL to amend and reenact §19-9-34 of the Code of West Virginia, 1931, as amended, relating to allowing the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease.

Be it enacted by the Legislature of West Virginia:

That §19-9-34 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. DISEASES AMONG DOMESTIC ANIMALS.

§19-9-34. Disposal of carcass of diseased animal.

(a) Whenever it is necessary to destroy or dispose of the carcass of any animal to prevent the spread of disease, the destruction or disposal shall be made by one of the following methods designed to be protective of human health and the environment:

(a) (1) Complete cremation of the entire carcass with all its parts and products;

(b) (2) Boiling the carcass and all its parts and products in water or heating the same with

1 steam at the temperature of boiling water, continuously during at least two hours;

2 ~~(e)~~ (3) Disposing of the carcass and all its parts and products in a solid waste landfill
3 permitted and approved by the Department of Environmental Protection;

4 ~~(d)~~ (4) Burial of the carcass and all its parts and products:

5 (A) In a place that will not be subjected to overflow from ponds or streams, and which is not
6 less than one hundred feet from any watercourse, well, spring, public highway, house or stable;

7 ~~If buried, the carcass shall be~~

8 (B) Covered with quicklime to a depth of not less than three inches; and

9 (C) ~~So that the top of such the carcass shall is not be~~ within two feet of the surface of the
10 ground when the grave is filled and smoothed to the level of the surrounding surface;

11 ~~(e)~~ (5) Rendering by a licensed facility;

12 ~~(f)~~ (6) Composting; and

13 ~~(g) such~~ (7) Any other method as the commissioner ~~may prescribe~~ prescribes.

14 (b) When an animal infected with a communicable disease dies or is euthanized, the owner
15 of the animal shall destroy or dispose of the carcass in the manner provided in this section. It ~~shall~~
16 ~~be is~~ unlawful to sell ~~any such~~ the carcass, any part of it, or any hide or offal from it. If the owner
17 of ~~such the~~ animal does not dispose of the carcass within twenty-four hours as provided by law, the
18 commissioner or the commissioner's agent shall destroy or dispose of the carcass according to law,
19 at the cost of the owner. The expense of destruction or disposal may be collected from the owner
20 as debts of like amount are by law collectible.

21 (c) For purposes of this section and rules promulgated under this section:

22 "Composting" means a natural process in which beneficial microbes reduce organic waste

- 1 (poultry mortality) into a biologically safe by-product which is capable of being recycled in the
- 2 agriculture industry.
- 3 "Composter" is a roofed structure with an impervious floor, and with treatment areas made
- 4 of wood, designed for composting organic materials; or a rotary drum composter designed,
- 5 constructed and located to prevent the contamination of ground and surface water.

NOTE: The purpose of this bill is to allow the use of rotary drum composters to destroy or dispose of the carcass of any animal to prevent the spread of disease.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.