

H. B. 2888

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[Originating in the Committee on Agriculture and Natural Resources]
[February 23, 2015]

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.

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

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

8 (b) (2) Boiling the carcass and all its parts and products in
9 water or heating the same with steam at the temperature of
10 boiling water, continuously during at least two hours;

11 (c) (3) Disposing of the carcass and all its parts and products
12 in a solid waste landfill permitted and approved by the
13 Department of Environmental Protection;

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

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

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

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

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

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

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

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

29 (b) When an animal infected with a communicable disease
30 dies or is euthanized, the owner of the animal shall destroy or
31 dispose of the carcass in the manner provided in this section. It
32 ~~shall be~~ is unlawful to sell ~~any such the~~ carcass, any part of it, or
33 any hide or offal from it. If the owner of ~~such the~~ animal does
34 not dispose of the carcass within twenty-four hours as provided
35 by law, the commissioner or the commissioner's agent shall
36 destroy or dispose of the carcass according to law, at the cost of
37 the owner. The expense of destruction or disposal may be

38 collected from the owner as debts of like amount are by law
39 collectible.

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

42 “Composting” means a natural process in which beneficial
43 microbes reduce organic waste (poultry mortality) into a
44 biologically safe by-product which is capable of being recycled
45 in the agriculture industry.

46 “Composter” is a roofed structure with an impervious floor,
47 and with treatment areas made of wood, designed for composting
48 organic materials; or a rotary drum composter designed,
49 constructed and located to prevent the contamination of ground
50 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.