



**R**egulatory and Environmental Affairs Division's (READ) mission is to protect the health, property and environment of the citizens of West Virginia by providing uniform and equitable inspection, sampling analysis and investigative services.

READ consists of four sections: Food and Agricultural Materials, Laboratory Services (Guthrie and Moorefield), Pesticide Regulatory Programs and the Environmental Programs Section, located at the Moorefield Agricultural Complex.

Each section functions as a consumer-protection/consumer-service organization for dairy and egg products, pesticides and various agricultural products among others. In addition, READ licenses and provides training for private pesticide applicators, and licenses and registers distributors of agricultural products and their products.

Environmental Programs Section, located in Moorefield, monitors water quality and serves as headquarters for our Poultry Specialist and the WVDA Mobile Laboratory.

### **Food and Agricultural Materials**

The Food and Agricultural Materials Units acts as the eyes, ears and hands of the Regulatory Section. Its responsibility is to objectively collect factual data to substantiate compliance or non-compliance with the laws and regulations.

- Collected 4,323 Frozen Dessert samples during 768 facility inspections.
- Issued 563 Frozen Dairy Dessert Permits.
- Assisted 45 manufacturers with proper cleaning and sanitizing procedures.
- Issued 24-hour shut-down orders on 23 occasions and eight summary suspensions under the Frozen Dessert and Imitation Frozen Dessert Program.
- Canded 656 lots of eggs at 170 retail or wholesale outlets to assure quality and safety to the consumer.
- Licensed 563 egg distributors.

# **REGULATORY & ENVIRONMENTAL AFFAIRS**



**READ staff candled 656 lots of eggs at 170 retail or wholesale outlets to assure quality and safety to the consumer.**

- Collected 2,648 official agricultural material samples.
- Assessed \$21,989 in penalties for fertilizer violations \$5,961 of which was paid directly to consumers.
- Cited 261 feed violations and issued 35 embargoes.
- Registered over 18,171 products.
- Issued 59 seed embargoes

### ***Product Registration***

This program utilizes its ever-expanding database to maintain pertinent information on companies selling - or attempting to sell - regulated products in the state.

Staff conducts individual inspections and checks all products during routine surveillance sampling for registration. The WVPLANTS program establishes a history of each product and company and expedites the availability of that information.

Regulatory Officers reported 170 unregistered products in FY2014. The products either were registered or removed from sale.



**In 2013-2014, the WVDA was selected as the “go-to” laboratory in the United States for the detection of ricin in foods. The grant also included research to verify the ability of the FERN Shigella qPCR method to effectively detect Shigella dysenteriae in FSIS products.**

### ***Contracts Funded through Federal and State Agencies***

This section has contracts with USDA to complete inspections for “Country of Origin Labeling.” Staff are trained and certified to ensure proper labeling of the various products in West Virginia covered under this program.

The Division also has a contract with USDA under the Shell Egg Surveillance Program to ensure that restricted, dirties, leakers, hatchery reject eggs, etc. are handled properly and are not permitted to enter into the human food chain.

Another USDA contract includes USDA Destination Poultry Inspection of frozen poultry delivered to WVDA Food Distribution facility. Inspection includes temperature of delivery truck, condition of the actual product as it is unloaded, as well as sanitation-related conditions observed.

The WV Department of Education Summer Food Program contract includes inspection and sampling of lunches at preparation sites as well as sites where the lunches are delivered.

Two additional contracts with FDA cover inspections at food storage warehouses and seafood HACCP (Hazard Analysis Critical Control Points) facilities. The purpose of these inspections is to ensure proper storage and sanitation of the food. The second contract covers state feed facilities and manufacturers for GMP (Good Manufacturing Practices) and compliance with BSE (Bovine Spongiform Encephalopathy) requirements.

### ***Primary and Secondary Containment of Fertilizer***

This rule establishes standards for fertilizer for the purpose of protecting the groundwater resources of West Virginia. We currently have 12 firms holding storage facility permits. A yearly inspection is completed at these firms prior to issuing a permit.

### ***Seed Program***

In addition to collecting seed samples staff also inspect Seed Potatoes. Staff inspected 27 lots of seed potatoes, and 499 tons of seed potatoes sold in the state. Three lots of these potatoes were embargoed.

READ continues to work with USDA’s Trueness-to-Variety Program headquartered out of Gastonia, NC. Thirteen samples were collected and submitted to USDA in FY2014.

### ***Laboratory Services - Guthrie***

WVDA was awarded a highly competitive Microbiological Cooperative Agreement through the Food Emergency Response Network and the USDA’s Food Safety Inspection Service (FSIS). The project included a validation study and research project on optimizing an extraction method for abrin toxin and the validation of the Tetracore abrin ELISA kit.

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## Pesticide Regulatory Programs

This program includes agricultural health and safety, certification and training, compliance assistance, compliance management/enforcements, environmental programs, pesticide registration and agricultural worker protection.

### *The Pesticide Residue Laboratory*

The laboratory analyzes environmental samples for investigations related to pesticide applications. The staff also analyzes food products for pesticide residues.

### *The Agricultural Health and Safety Program*

This program is a collaboration of agricultural and medical professionals involved with health and safety issues in modern agriculture. The underlying purpose of the program is to reduce or eliminate chronic and acute illnesses and injuries associated with agricultural commodities and products.

Ag Safety Day trainings, jointly sponsored by the WVDA, USDA, NRCS, WVU Extension and the U.S. Department of Labor trained a total of 94 attendees in EPA Worker Protection Standards, respirator fit testing, OSHA overview, farm safety training and heart saver first aid.

This program provides on-site safety compliance assistance, hazard evaluation and program development assistance to agricultural businesses.

### *The Certification and Training Program*

This program provides support to public and industry groups and the WVU Cooperative Extension Service concerning pesticide application training. Many certified applicators and pesticide application businesses have come to depend on the WVDA as the prime source of information and assistance concerning access to and availability of the continuing education credits required for maintenance of their license.

### *The Compliance Assistance Program*

This program works to help schools and child care centers comply with Integrated Pest Management (IPM) rules.

Training in IPM methods and principles also is provided to licensed pesticide application businesses to assist them in implementing successful IPM programs.

The ability of the program to provide free pre-certification training to employees of such businesses is an extremely valuable service, since West Virginia law requires applicator certification for over-the-counter pesticide products.

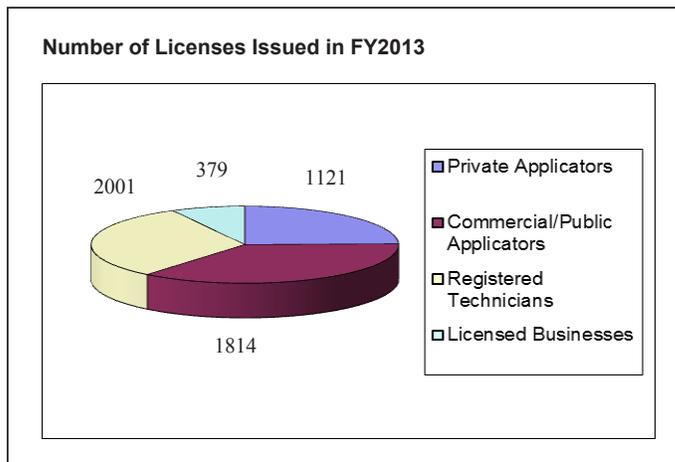
- Reviewed and acknowledged 53 integrated pest management (IPM) plans submitted by child care centers and IPM plans from public and private schools.
- Made 70 compliance assistance visits to schools, child care centers, and regulated pesticide application businesses.
- Provided initial pesticide applicator certification training for employees of licensed pesticide application businesses. In all, 36 participants received training during four sessions.

### *The Compliance Management/Enforcement Program*

This program assists individuals and businesses in complying with state and federal pesticide laws, and ensures compliance with those laws and regulations through enforcement action when necessary.

- Performed 427 pesticide inspections and collected 127 support samples.
- Conducted 55 enforcement actions (8 civil penalties, 33 warning letters and 14 advisory letters).
- One formal hearing was held resulting in negotiated settlements.

<u>Laboratory</u>	<u>Determinations Made</u>	<u>Samples Analyzed</u>	<u>Officials Analyzed</u>	<u>Number of Violations</u>	<u>% Violations</u>
Ag Materials	8,205	2,536	2,463	495	20.1
Dairy	7,820	4,343	4,119	821	20.0
Meat	1,236	310	276	35	12.68
Microbiology	6,732	5,605	5,294	25	3.32
Pesticide Residue	3,298	183	183	-	-
Seed	740	292	284	8	2.82
Feed Microscopy	1	1	1	-	-
<b>TOTALS</b>	<b>28,032</b>	<b>13,270</b>	<b>12,620</b>	<b>1,384</b>	<b>58.92</b>





**Water quality monitoring continued on 17 streams in the Eastern Panhandle.**

**Pesticide waste collected for disposal.**

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### ***Pesticide Environmental Programs***

This section develops and implements activities to prevent, minimize and monitor the effects of pesticides on environmentally sensitive areas and resources. The program collected and disposed of more than 11,000 pounds of waste pesticides in FY 2012 and continues to receive requests for disposal. A lengthy inventory has been prepared and several sites established for contractor pick-up and disposal. The pesticide container recycling program collected and recycled 10,312 pounds of plastic pesticide containers.

### ***The Pesticide Product Registration***

Staff registers all pesticide products offered for sale or transported through the state. Routine marketplace inspections are conducted by the Enforcement Section to review retail products to ensure registration and labeling is consistent with state and federal regulations. In the past fiscal year, the Division processed more than 12,000 products for registration and use.

### ***The Worker Protection Standard (WPS) Program***

The Worker Protection Standard (WPS) Program works with the WVUs Cooperative Extension Service, EPA Region III, and various farm worker interest groups to implement the WPS through various outreach efforts. The WVDA has implemented a "Train-the-Trainer" Program, and works with all certified WPS trainers in the education of agricultural pesticide workers and handlers.

- 55 Workers, 143 Handlers and three trainers received training.
- Multiple field visits to assist growers with WPS compliance and to reinforce regulatory presence.
- Respirator fit testing as requested by growers.

## **Environmental Programs Section**

### ***Moorefield Complex***

This section, located at the Moorefield Agricultural Complex, is responsible for nutrient management planning and certification, agricultural education and outreach, assisting farmers that are subject to NPDES regulations, working alongside the poultry industry on many endeavors, and working with state and federal agencies on the restoration of the Chesapeake Bay and the Gulf of Mexico watersheds. Water quality monitoring continued on 17 streams in the Eastern Panhandle.

Work also continued with several projects involving alternative uses for poultry litter, which include pelletizing and litter transfer.

### ***Nutrient Management Laboratory***

The West Virginia Department of Agriculture, in cooperation with the West Virginia Cooperative Extension Service, Farm Service Agency, Natural Resources Conservation Service, and West Virginia Conservation Agency, provided litter/manure analysis for farms in the region. These results are used to write nutrient management plans (NMPs) for program participants. Pilgrim's Pride, Cargill and Perdue require NMPs for all of their poultry growers. Additional samples were submitted by individual farmers to help maximize crop yields, minimize fertilizer expense, and limit the effect of land application on water resources.

### Sample and Analysis Summary for FY 14

Water Quality		Microbiology		Litter/Manure	
Analyses	Samples	Analyses	Samples	Analyses	Samples
31,046	2,582	7,981	2,577	3,781	258

GC/MS Analyses Water		GC/MS Analyses Veterinary		GC/MS Analyses (Other-FERN, QC)		Dairy - Frozen Dessert	
Analyses	Samples	Analyses	Samples	Analyses	Samples	Analyses	Samples
9	4	21	6	138	54	811	408

#### Chesapeake Bay Program (CBP)

Staff continued involvement in the Chesapeake Bay Program working with the Principals' Staff Committee, the Water Quality Goal Implementation Team, the BMP Verification Committee and the Agriculture Workgroup and associated subcommittees of the Agriculture Workgroup. The focus of the Department is on meeting the requirements set forth in EPA's Chesapeake Bay TMDL.

Work also continued with the West Virginia Chesapeake Bay Tributary Team, which began its work in April 2003. This group helps to coordinate the implementation of the state's Watershed Implementation Plan (WIP). The WIP is a detailed document describing the actions that will be taken to meet the requirements of the Bay TMDL.

#### CAFO Program

The program has been working on CAFO record keeping documents to assist farmers with documenting activities such as manure transfer, manure application, spreader equipment application, among others. Staff conducted site visits to assist farmers facing water quality complaints in regards to their agricultural operations. Complaint issues were resolved by providing technical service and training to remedy the issues.

#### Nutrient Management Specialist Program

The Nutrient Management Specialists worked this year to get as many acres as possible under Nutrient Management Plans.

West Virginia's Watershed Implementation Plan calls for 90,000 acres under a current plan by 2017. The CAFO regulations also require the updating and completion of many

nutrient management plans for producers statewide.

During the past year, WVDA Nutrient Management Specialists worked with a total of 165 farmers, collected 1,174 soil samples, 84 manure/litter samples, and completed 133 nutrient management plans on 22,557 acres.

