

1 H.774

2 Introduced by Committee on Agriculture

3 Date:

4 Subject: Agriculture; meat inspection; commerce and trade; weights and
5 measures; liquid fuels; dairy operations; animal foot baths

6 Statement of purpose: This bill proposes to: (1) clarify the definition of
7 itinerant slaughterers; (2) provide the agency of agriculture, food and markets
8 with authority to use revenues from the sale of the mobile poultry unit to
9 provide matching grants to promote poultry slaughter and poultry processing
10 capacity in the state; (3) codify the prohibition on the use of temperature
11 compensation in the delivery of liquid fuels, except liquefied petroleum gas;
12 (4) clarify the definition of “milk” and “fluid dairy products”; (5) reinstate the
13 statutory provision regarding dairy distributor’s licenses; and (6) provide the
14 agency of agriculture, food and markets with authority to regulate the use of
15 animal foot baths.

16 An act relating to meat inspection, delivery of liquid fuels, dairy operations,
17 and animal foot baths

18 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 2. 6 V.S.A. § 3305 is amended to read:

2 § 3305. ADDITIONAL POWERS OF THE SECRETARY

3 In order to accomplish the objectives stated in section 3303 of this title, the
4 secretary may:

5 * * *

6 (18) sell or lease a mobile slaughtering unit and may retain any proceeds
7 therefrom in a ~~revolving~~ fund designated for the purpose of purchasing
8 additional mobile slaughtering units ~~by the agency or providing matching~~
9 grants for capital investments to increase poultry slaughter or poultry
10 processing capacity.

11 Sec. 3. 6 V.S.A. § 3306 is amended to read:

12 § 3306. LICENSING

13 (a) No person ~~may~~ shall engage in intrastate commerce in the business of
14 buying, selling, preparing, processing, packing, storing, transporting, or
15 otherwise handling meat, meat food products, or poultry products, unless that
16 person holds a valid license issued under this chapter. Categories of licensure
17 shall include: commercial slaughterers, custom slaughterers, commercial
18 processors, custom processors, wholesale distributors, retail vendors, meat and
19 poultry product brokers, renderers, public ~~warehousemen~~ warehouse operators,
20 animal food manufacturers, handlers of dead, dying, disabled, or diseased
21 animals, and any other category which the secretary may by rule establish.

1 (b) The owner or operator of each plant or establishment of the kind
2 specified in subsection (a) of this section shall apply in writing to the secretary
3 on a form prescribed by him or her for a license to operate the plant or
4 establishment. In case of change of ownership or change of location, a new
5 application shall be made. Any person engaged in more than one licensed
6 activity shall obtain separate licenses for each activity.

7 (c) The head of service shall investigate all circumstances in connection
8 with the application for license to determine whether the applicable
9 requirements of this chapter and rules made under it have been complied with.
10 The secretary shall grant, condition, or refuse the license upon the basis of all
11 information available to him or her including all facts disclosed by
12 investigation. Each license shall bear an identifying number.

13 * * *

14 (f) Itinerant ~~custom~~ livestock slaughterers, ~~who slaughter solely at a~~
15 ~~person's home or farm and who do not own, operate or work at a slaughtering~~
16 ~~plant and itinerant poultry slaughterers~~ shall be exempt from the licensing
17 provisions of this section when engaged in itinerant slaughtering. ~~An itinerant~~
18 ~~custom slaughterer may slaughter livestock owned by an individual who has~~
19 ~~entered into a contract with a person to raise the livestock on the farm where it~~
20 ~~is intended to be slaughtered.~~

21 * * *

1 * * * Commerce and Trade; Weights and Measures * * *

2 Sec. 4. 9 V.S.A. § 2697 is amended to read:

3 § 2697. LIQUID FUELS

4 (a) Liquid fuels, including motor fuels, furnace oils, stove oils, ~~liquefied~~
5 liquefied petroleum gas, and other liquid fuels used for similar purposes, shall
6 be sold by liquid measure or by net weight in accordance with the provisions
7 of section 2671 of this title. In the case of each delivery of liquid fuel not in
8 package form, and in an amount greater than 10 gallons in the case of sale by
9 liquid measure or 99 pounds in the case of sale by weight, there shall be
10 rendered to the purchaser, either

11 (1) at the time of delivery; or

12 (2) within a period mutually agreed upon in writing or otherwise

13 between the vendor and the purchaser, a delivery ticket or a written statement
14 on which, in ink, or other indelible substance, there shall be clearly and legibly
15 stated:

16 (A) the name and address of the vendor;

17 (B) the name and address of the purchaser;

18 (C) the identity of the type of fuel comprising the delivery;

19 (D) the unit price (that is, the price per gallon or per pound, as the
20 case may be) of the fuel delivered;

1 (E) in the case of sale by liquid measure, the liquid volume of the
2 delivery shall be determined by a meter with a register printing the meter
3 readings on a ticket, a copy of which shall be given to the purchaser, from
4 which such liquid volume shall be computed, expressed in terms of the gallon
5 and its binary or decimal subdivisions (the ticket shall not be inserted into the
6 register until immediately before delivery is begun, and in no case shall a ticket
7 be in the register when the vehicle is in motion); or the liquid volume may be
8 determined by a vehicle tank used as a measure when in full compliance with
9 Handbook H-44 and calibrated by a weights and measures official. Sale by a
10 liquid measuring device as defined in Handbook H-44, and sale by a vapor
11 meter are excluded from this section. The volume of liquid fuels delivered on
12 consignment shall be computed and charged for only from the totalizers on the
13 devices dispensing the product;

14 (F) in the case of sale by weight, the net weight of the delivery,
15 together with any weighing scale readings from which that net weight has been
16 computed, expressed in terms of tons or pounds avoirdupois.

17 (b) The use of temperature compensation during delivery of all liquid fuels,
18 with the exception of liquefied petroleum gas, is prohibited. The secretary
19 shall enforce this prohibition in the same manner as other violations of this
20 chapter.

1 distributors at least annually and for a term of up to three years and issue and
2 renew such licenses on any calendar cycle. Application for the license and
3 renewal shall be made in the manner and form prescribed by the secretary and
4 shall be accompanied by a license fee of \$15.00 per annum or any part thereof.

5 (b) No person shall be granted a license under this section unless the
6 distributor first agrees to withhold the state tax on producers whose milk has
7 been received by the distributor imposed under chapter 161 of this title.

8 (c) For purposes of this section, the term “distributor” has the same
9 meanings as set forth in section 2672 of this chapter, which include the retail
10 distribution or sale of milk, except the sale of milk to be consumed on the
11 premises.

12 (d) Any distributor who carries on a business without license shall be
13 subject to penalty under sections 2678 and 2679 of this title.

14 * * * Formaldehyde Use in Animal Husbandry * * *

15 Sec. 7. FINDINGS

16 The general assembly finds and declares that:

17 (1) Vermont’s dairy industry continues to drive a large segment of
18 Vermont’s agricultural economy and is an integral component of the state’s
19 working landscape;

1 (2) Dairy farms throughout the country are routinely faced with
2 challenges related to herd health, including the management of papillomatous
3 digital dermatitis (PDD), also known as hairy foot wart.

4 (3) PDD is a condition that is contagious among cattle and is reported to
5 have major implications for the dairy industry, including a reduction in milk
6 production, and can lead to lameness and premature culling.

7 (4) Some Vermont dairy farms treat PDD and other livestock foot
8 diseases through an animal foot bath of copper sulfate or formaldehyde.

9 (5) Formaldehyde is naturally found in the environment and is also
10 commercially produced and widely available for use in other industries and
11 manufacturing processes when handled according to its labeling requirements.

12 (6) The United States Environmental Protection Agency has classified
13 formaldehyde as a probable human carcinogen, and formaldehyde can cause
14 irritation of the eyes, skin, and mucous membranes as well as upper respiratory
15 problems.

16 (7) The agency of agriculture, food and markets, the department of
17 labor, and the department of health each have an interest in ensuring the safe
18 and appropriate use and disposal of any chemical, equipment, or animal health
19 treatment on a farm as a matter of public health, safety, and welfare.

1 (8) The agency of agriculture, food and markets is collaborating with the
2 departments of health and labor regarding the use of formaldehyde on farms
3 for the purpose of ensuring worker safety.

4 (9) The agency of agriculture, food and markets and the department of
5 health are currently working with federal authorities to arrange for air
6 monitoring on and near farms where formaldehyde foot baths are used in order
7 to collect data and make recommendations related to environmental and human
8 health.

9 (10) To preserve the health, safety, and welfare of the public, there
10 should be clear legal authority to manage and, if appropriate, regulate the use
11 and disposal of chemicals found in animal foot baths on farms while additional
12 data are collected, study is conducted, and recommendations are formulated.

13 Sec. 8. RECODIFICATION OF LIVESTOCK CARE STANDARDS

14 ADVISORY COUNCIL; NEW SUBCHAPTER

15 6 V.S.A. §§ 791–793 are designated within 6 V.S.A. chapter 64, subchapter
16 1, which is added to read:

17 Subchapter 1. Livestock Care Standards Advisory Council

1 Sec. 9. 6 V.S.A. chapter 64, subchapter 2 is added to read:

2 Subchapter 2. Use of Animal Foot Baths

3 § 796. ANIMAL FOOT BATHS; REGULATION

4 (a) The secretary of agriculture, food and markets shall regulate the use of
5 animal foot baths for livestock in Vermont.

6 (b)(1) The secretary, after consultation with the commissioner of health,
7 shall adopt rules to implement regulation of animal foot baths for livestock,
8 including:

9 (A) if appropriate, a ban on the use of certain chemicals, such as
10 formaldehyde, as foot baths; and

11 (B) requirements for the administration of foot baths, the type of
12 chemicals used, disposal of the chemicals found in used foot baths, and
13 additional requirements deemed necessary by the secretary.

14 (2) The secretary may adopt emergency rules for the use of foot baths on
15 Vermont farms if the secretary determines such rules are necessary to protect
16 the public health, safety, and welfare.

17 (c) A violation of the rules adopted under this section shall be subject to
18 enforcement under chapter 1 of this title, including the assessment and
19 collection of administrative penalties under sections 15, 16, and 17 of this title.

1 Sec. 10. REPEAL

2 6 V.S.A. chapter 64, subchapter 2 (use of animal foot baths) shall be
3 repealed on July 1, 2014.

4 Sec. 11. EFFECTIVE DATE

5 This act shall take effect on passage.