



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

March 7, 2014

Via Electronic Mail and U.S. Mail

Mr. Gray Jernigan
Staff Attorney
Waterkeeper Alliance
19 West Hargett Street, Suite 602B
Raleigh, NC 27601

Dear Mr. Jernigan:

Thank you for your February 27 letter concerning the outbreak of Porcine Epidemic Diarrhea virus (PEDv) in the nation's swine herd, and any potential human health impacts that may arise here in North Carolina, particularly from issues regarding the disposal of deceased animals.

You are correct in much of your statistical and background data regarding the disease itself. The introduction of a novel disease into any naive animal population is especially challenging to the veterinarians and farmers that have responsibility for the care of the animals, particularly with a new disease where vaccines and other biological tools are not yet available. I commend the farmers for the extraordinary job they are doing in difficult circumstances.

You stated that "this high concentration of swine feeding operations makes disease transmission across facilities almost inevitable, and therefore efforts to curb transmission must be highly organized." While farm proximity is one factor influencing transmission of disease, your assertion that it is the primary contributor to this event is unfair. Our Veterinary Division's communications with other states reveal that across the country PEDv has affected farms of various sizes and proximities, including large, small, family-operated, integrated, closely situated and remotely located. In North Carolina, I can assure you that efforts to curb transmission by extraordinarily skilled private veterinarians against a tough opponent have been highly coordinated and organized, and to suggest otherwise is inaccurate.

As you are also aware, N.C. General Statute 106-403 and 02 NCAC 52C .0102 give authority to the State Veterinarian to regulate disposal of domesticated animal mortality. I am proud that the Veterinary Division is generally recognized as being a leader nationally with regard to oversight of those activities. Our working knowledge of the livestock industry indicates that rendering is the predominant method for disposing of deceased animals. We are fortunate in North Carolina to have 10 strategically located rendering plants, and my staff's efforts over the past decade through annual inspections and follow-up compliance visits have directly resulted in our rendering plants upgrading facilities, improving biosecurity and expanding capacity. We have also pioneered and assisted in the transition to and

permitting of highly effective and environmentally sound static-pile, forced-air, and rotary-drum composters on an increasing number of swine and poultry farms. As in many of our department's activities, compliance with disposal rules is influenced by resources and is significantly complaint-driven, with follow-up in a timely and thorough manner. Any assertion that this department is not doing its job with respect to enforcing disposal regulations is false.

On more than one occasion within your correspondence, you compared this PEDv event of the last eight months to conditions during the aftermath of Hurricane Floyd. With a sizeable portion of my staff employed and involved in the actual, emotionally draining field response to that tragic event, we have the experience to realize that the comparison between the two is ridiculous. Hurricane Floyd was a once-in-a-lifetime event, with all mortality generated at one distinct point in time, exceeding the capacity of all of the state's emergency management capabilities, occurring during sweltering weather, and involving death of significant numbers of large animals of many species.

In the aftermath of Floyd, swine disposal was complicated by the fact that much of the mortality involved large sows and pigs on feed, a considerable difference in weight and biomass than farms are currently experiencing with piglets. (It takes an estimated 250 piglets to match the biomass of a single 500-pound sow.) As a comparison, with PEDv the mortality has been primarily in small piglets, spread out relatively uniformly over eight months. A substantial portion of the PEDv event has occurred during one of the coldest winters on record when post-mortem effects are slowed. I was told that there were some minor interruptions in pickup for rendering when PEDv initially hit last year, as well as during the recent snow. However, these interruptions were nowhere near the scale of those caused by Hurricane Floyd, when flooded roads and compromised bridges impeded transportation for weeks. In the future I would please ask that you limit comparisons of the PEDv event to an actual emergency, Hurricane Floyd, out of respect to all of those who worked so diligently in responding back in 1999.

Your correspondence made several references to your awareness of activities that may be noncompliant with disposal rules. But these references lacked details or any record of complaints being forwarded to the department. I will address each individually:

- 1) You stated that "Following up on reports from concerned citizens, we have observed alarming numbers of dead hogs being handled in an unsafe manner in our state." While I have no doubt that occasional lapses occur as during most activities involving humans, to my knowledge we have not received a single direct complaint from citizens. I would be interested in further information on what constitutes "alarming numbers," and why you or those citizens have allowed that activity to continue and not reported it to our Veterinary Division for follow-up.
- 2) You mentioned that "rendering plants are at capacity." It would be appreciated if you would please provide a source for that information with plant names so we can target visits in the most resourceful manner as possible. Our own research into this claim shows that rendering plants have the necessary capacity to handle carcasses.
- 3) You included several graphic pictures of an overflowing mortality container, which obviously was out of compliance. These pictures appear to be all from the same site, possibly taken on the same day. Could you please provide the location and date those photographs were taken? That information would allow us to visit the producer, take compliance action and address any deficiencies in his disposal procedures to help prevent future occurrences. The age and large size of the animals in the picture seem inconsistent with what is occurring with PEDv, so we need a

date to confirm that the pictures are actually related to this incident or a result of any impact the snow may have had on collection.

- 4) You mentioned that a “significant risk to public health is looming” due to the disposal of these swine carcasses, as well as “reports” of “mass” disposal sites, many near wetlands. We are not aware of any published scientific data that indicates any groundwater contamination as a result of PEDv. If you have information, I would appreciate your sharing it with us so we can better address any future disposal-compliance issues with farmers.

After reading your concerns, I directed State Veterinarian David Marshall and his staff to conduct unannounced aerial surveillance of swine farms to determine whether noncompliant disposal was occurring. This surveillance covered six counties where breeding farms currently or formerly affected by PEDv are located. It did not find anything that would indicate a state of emergency with regard to PEDv. The staff did, however, observe that, while the farms were in good shape, numerous other properties unaffiliated with agriculture contained junked cars, trash and other debris.

In closing, your request that I ask for a declaration of an emergency from the Governor pursuant to NCGS 166-19.20 is not justified. While there is no argument that this event is unusual and has been a challenge to a well-developed and highly functioning food-production livestock commodity, to imply that it elevates to the level of a declared state of emergency is disrespectful to the farmers and citizens of the state who have suffered through actual emergencies. In addition, we are quite familiar with the Emergency Burial Guidelines developed in 2000 after Hurricane Floyd. In fact, Dr. Marshall participated on the committee and was instrumental in developing the guidelines. Because they were developed with the goal of addressing situations during a true crisis – and actually allow practices not normally recommended during non-emergency situations – there is no possibility that I will pursue an action to promote burial over more environmentally sound methods such as rendering with this event as it currently stands.

Your letter noted a public records request asking for data and information about PEDv collected by the department. We have received this request and are reviewing it now. We will comply by providing any information not protected by statute in as expedient a manner as possible.

We certainly look forward to the continuing buildup of herd immunity to PEDv within the nation’s swine population and the onset of warm, dry weather, both of which will significantly help to reduce the spread of this virus. Thank you for your correspondence and please let our office know if we can be of any further assistance in this matter.

Sincerely,



Steven W. Troxler
Commissioner

cc: Dr. David Marshall, State Veterinarian
Ms. Tina Hlabse, NCDA&CS General Counsel
Mr. Joe Reardon, NCDA&CS Assistant Commissioner