



Steven W. Troxler
Commissioner

North Carolina Department of Agriculture
and Consumer Services
Veterinary Division

David T. Marshall, DVM
State Veterinarian

November 2, 2009

Mary Bass
Tri-County Animal Shelter
138 Icaria Road
Tyner, NC 27980

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

7006 2760 0003 0472 1979

Notice of Voluntary Suspension of Gas Chamber Operation Privilege
Re: Violation of Title 02, N.C. Administrative Code Chapter 52J, Section(s) .0601 et seq.

Dear Ms. Bass:

Mr. Joe Blomquist, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, reports that the carbon monoxide chamber at your facility fails to comply with the requirements of 02 NCAC .0601 et seq., in violation of state law and regulations. Specifically, there is not a yearly report of inspection as detailed in NCAC 52J .0606 (b) as set forth in the attached inspection report. Ms. Swaim told you that you should not operate your carbon monoxide chamber unless and until you have corrected the following problems and issues:

- Failure to have an inspection report issued by a manufacture, manufacturer's representative or Industrial Hygienist

During our telephone conversation on 30 October 2009 you agreed to voluntarily suspend use of your carbon monoxide chamber to euthanize animals under your animal shelter certification. This letter confirms this Department's understanding that said suspension is voluntary and shall continue until you report to me that all of the above-listed instructions have been carried out.

Please let us know in writing (FAX, US mail or email) when you obtain an inspection report pursuant to NCAC 52J .0606 (b) prior verifying that the chamber meets the requirements pursuant to NCAC 52J .0605. You may fax a copy of the report verifying compliance to this office at (919) 733-6431, mail it to the address shown on this letter or email it to agr.aws@ncagr.gov.

If a violation of these statutes or regulations occurs, it could result in disciplinary action against your certification and that of the facility employing you, the assessment of a civil penalty of up to \$5,000.00 per violation under N.C. Gen. Stat. § 19A-40.

Sincerely,

Lee Hunter, DVM
Director, Animal Welfare Section

JLH/mwb

cc: Mr. Howard Isley, Assistant Commissioner
Ms Dianne Whitman, Administrative Officer
Mr. Barry Bloch, Assistant Attorney General
Mr. Joe Blomquist, Animal Health Technician