Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

Veterinary Division

David T. Marshall, DVM
State Veterinarian

October 5, 2009

Mr. Charles Jones
Hertford County Animal Shelter
PO Box 566
Winton, NC 27986

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED
7006 2760 0003 0472 1894

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

Dear Mr. Jones:

Mr. Joe Blomquist, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, discussed with you by telephone the non-compliance of your CO chamber. The chamber at the Hertford County Animal Shelter is not commercially manufactured thus it fails to meet the requirements of the NC General Statutes and the NC Administrative Code:

> **§ 19A-24. Powers of Board of Agriculture.**
> (5)… If the gas method of euthanasia is approved, rules shall require (i) that only commercially compressed carbon monoxide gas is approved for use, and (ii) that the gas must be delivered in a commercially manufactured chamber that allows for the individual separation of animals.
>
> **02 NCAC 52J .0601 CARBON MONOXIDE EQUIPMENT**
> If carbon monoxide is used for euthanasia in a certified facility, the following requirements shall be met:
> … (2) The gas shall be delivered in a commercially manufactured chamber that allows for the individual separation of animals;

At the time of the discussion you agreed to voluntarily cease use of the carbon monoxide chamber to euthanize dogs or cats. This letter confirms this Department's understanding that said cessation is voluntary and shall continue until a CO chamber at the Hertford County Animal Shelter is found to meet the criteria of the General Statutes and Administrative Code and approval for its use is given by the Animal Welfare Section.

If a CO chamber is used to euthanize dogs or cats by your organization before such approval is given by the Animal Welfare Section, it could result in disciplinary action against any Certified Euthanasia Technician using the chamber and as well as against the certification of the facility inlcuding 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, MPH
Director, Animal Welfare Section

BHB/mwb

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