Steven W. Troxler
Commissioner

North Carolina Department of Agriculture and Consumer Services

Veterinary Division

David T. Marshall, DVM
State Veterinarian

September 21, 2009

Mr. Ernie Wilkerson
Johnston County Animal Services
115 Shelter Way
Smithfield, NC 27577

CERTIFIED MAIL
RETURN RECEIPT
REQUESTED
7006 2760 0003 0472 1801

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

Dear Mr. Wilkerson:

Mr. Joe Blomquist, Animal Health Technician with the North Carolina Department of Agriculture & Consumer Services, Animal Welfare Section, Veterinary Division, conducted an inspection in your facility and discovered specific conditions and/or practices amounting to failure to comply with the requirements of 02 NCAC .0601 et seq., in violation of state law and regulations.

On 16 September 2009, Mr. Blomquist visited the Johnston County Animal Services at 115 Shelter Way, Smithfield, NC and found a failure to have a copy of a yearly report of inspection as detailed in NCAC 52J .0606 (b) as set forth in the attached inspection report. Mr. Blomquist 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

Based on the results of the above visit, you may have violated the following Agriculture regulation:

N.C. GEN. STAT. § 19A-24
02 NCAC 52J .0606 INSPECTIONS AND RECORDS

(b) The chamber must be inspected at least annually by the manufacturer, its authorized representative or an industrial hygienist knowledgeable about the manufacture and operation of the chamber.
History Note: Authority G.S. 19A-24; Eff. March 23, 2009.

At the time of inspection 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.

Mr. Blomquist also told you that your premises and practices may be rechecked. If you obtain an inspection report pursuant to NCAC 52J .0606 (b) prior to Mr. Blomquist's return inspection please fax a copy of the report to this office at (919) 733-6431.

This letter shall constitute a **WARNING**. If a future 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, MPH
Director, Animal Welfare Section

BHB/mwb

cc: Howard Isley, Assistant Commissioner
Dr. David T. Marshall, State Veterinarian
Mr. Barry Bloch, Assistant Attorney General
Mr. Joe Blomquist, Animal Health Technician