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**Procedures to Apply for Use of Vacant Public Land for Gardening or  
Agricultural Use, Establishment of Fees for Permits and  
Requirements for the Use of Such Lands**

**Sec. 22-6e-1. Procedure for inventory of state owned public lands for gardening or agricultural use**

(a) The Commissioner of Agriculture shall compile a list of vacant public land owned by the state which may be feasible for gardening or agricultural use by July 1st of each year. Such list shall be compiled by a canvas of state agencies that administer land resources and in consultation with the Commissioner of Public Works. Such list shall include the following information for each property listed:

- (1) Its location and total acreage.
- (2) Any information on past, present and potential gardening or agricultural use that may be available.
- (3) Any limiting conditions that may be placed on the property that will affect its gardening or agricultural use.
- (4) The date the property may be made available for gardening or agricultural use.

(b) Land feasible for gardening or agricultural use shall have the following qualifications:

- (1) As to land to be used for agricultural use, contain arable land of an acreage that would enable the property to be operated as an economically feasible farm unit.
- (2) Be designated by the commissioner of the agency with the primary responsibility for administering the land as vacant and feasible with respect to availability for gardening or agricultural use.
- (3) Contain soil types suitable for gardening or agricultural use as defined as 'agriculture' in subsection (q) of section 1-1 of the general statutes and have such other characteristics with respect to size, condition, topography or location as makes the land suitable for one or more of the activities set forth in the definition of 'agriculture' pursuant to subsection (q) of section 1-1 of the general statutes.

(Adopted effective August 8, 1995)

**Sec. 22-6e-2. Procedure for application to use available vacant public land designated by the commissioner as feasible for gardening or agricultural use**

(a) The Commissioner of Agriculture, in making available vacant public land for gardening or agricultural use, shall solicit bids for permits to use available vacant public lands.

(b) Bids shall be made on a form supplied by the Commissioner of Agriculture and shall include the following information:

- (1) Name and address of the person or organization seeking to use the vacant public land.
- (2) A written description and plan for any gardening or agricultural use that will be conducted on the vacant public land.
- (3) The annual fee the applicant proposes to pay to use the vacant public land provided no such fee.
- (4) The period of time during which the applicant wishes to use the vacant public land.
- (5) How the proposed use meets any limiting conditions placed on the land by any agency of the State of Connecticut.

(c) Notice of invitation to bid shall be published in a newspaper having a general circulation encompassing the municipality in which the land is located at least two weeks prior to the closing of the acceptance of bids.

(d) The Commissioner of Agriculture shall review the bids. The Commissioner of Agriculture may then award the permit based upon the following criteria:

(1) The fee offered for use of the vacant public land in the case of land for agricultural use.

(2) The suitability of the proposed gardening or agricultural use to the vacant public land being offered having regard to the nature of the proposed activity and the size, condition, topography and location of the property.

(3) The compatibility of the proposed gardening or agricultural use of the vacant public land with the limiting conditions set on the land and the land use goals of the agency with the administrative responsibility for the vacant public land.

(4) The compliance history of the applicant with respect to any permit previously issued to him pursuant to this regulation.

(e) The Commissioner of Agriculture reserves the right to reject any and all bids based on one or more of the above criteria.

(Adopted effective August 8, 1995)

### **Sec. 22-6e-3. Permits for use of vacant public land for gardening or agricultural use**

(a) Permits shall include the following:

(1) Description of the land, the gardening or agricultural use(s) and the permit period.

(2) The annual fee for land for agricultural use.

(3) Limiting conditions of use, if any.

(4) Signature of the permittee.

(5) Signature of the Commissioner of Agriculture.

(6) Signature of the commissioner of the agency administering the land.

(7) Agreement by the permittee to indemnify and save harmless the state and all its officers, agents and employees against suits and claims of liability of each name and nature arising out of, or in consequence of the use of vacant public land.

(b) No permit shall be valid unless and until approved by the Attorney General as to form, including legal sufficiency.

(Adopted effective August 8, 1995)

### **Sec. 22-6e-4. Restrictions on use**

No land permitted for gardening or agricultural use shall be used for any purposes other than those allowed under such permit and in conformity with the plan and description pursuant to Section 22-6e-2 (ii) and as it may thereafter be amended with the approval of the Commissioner of Agriculture.

(Adopted effective August 8, 1995)

### **Sec. 22-6e-5. Bonds and liability insurance**

The Commissioner of Agriculture may require bonds or liability insurance before the issuance of any permit if the Commissioner deems such protection is needed to save the State harmless with respect to any potential claims under such terms and in such amounts as the Commissioner believes necessary to ensure that the state, its officers, agents and employees are protected with respect to any such claims arising out of or in consequence of the use of the vacant public land.

(Adopted effective August 8, 1995)

**Sec. 22-6e-6. Responsibilities of individual gardening permittee**

(a) Applications for individual gardening permits shall be submitted to the Commissioner of Agriculture by January 30th of each year.

(b) Gardening plots will be assigned on a first come first served basis.

(c) Plots which are not worked between January 1st and June 1st are deemed to have been forfeited.

(d) Permittees shall maintain neat gardens free of weeds and debris. Weeds are to be cleared from any paths bordering the gardening plots.

(e) Permittees shall comply with all federal and state laws with respect to these activities related to permitted land.

(f) No permanent fixtures may be constructed on gardening plots.

(g) Gardens are to be cleared of all plants, plant debris, litter and any other debris at the close of the gardening season. Failure to return a plot in appropriate condition shall result in the permittee being ineligible for a plot the following year.

(h) Only one plot per family may be assigned unless excess plots exist after all applications have been processed.

(Adopted effective August 8, 1995)

**Sec. 22-6e-7. Responsibilities of organization sponsored gardening permittee**

(a) Applications for organization sponsored gardening permits shall be submitted to the Commissioner of Agriculture by January 30th of each year.

(b) Sponsoring organizations may establish site specific gardening rules subject to the Commissioner's review and approval.

(c) Subsection (c) to (h), inclusive, of section 22-6e-6 of these regulations shall apply to individual gardeners operating under organization sponsored gardening permits.

(Adopted effective August 8, 1995)

**Sec. 22-6e-8. Termination of permit**

(a) Any permit issued may be terminated by the Commissioner of Agriculture, without cause, upon written notice to the permittee.

(b) In the event of such termination the Commissioner shall remit, on a pro rata basis, so much of the permit fee as would be attributable to the unexpired term of the permit, provided in the event the permittee has failed to comply with any provisions of these regulations, the Commissioner may retain so much of the permit fee for the unexpired term as is necessary to compensate the state for any loss arising from such violation. Said retention shall be without prejudice to the right of the state to seek additional relief, in law and in equity, including but not limited to money damages or penalties, arising from any such violation or other activity done by the permittee on the premises.

(Adopted effective August 8, 1995)



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## ARTICLE 1 DESCRIPTION OF ORGANIZATION

### Part 1

#### Introduction

##### **Sec. 22-7-1. Creation and authority**

The department was established as a separate agency of the state government by section 22-1c of the 1971 noncumulative supplement to the general statutes of Connecticut. Section 22-6 of the 1971 noncumulative supplement to the general statutes of Connecticut describes the nature of the powers and duties of the commissioner. The department's powers are derived from the various statutes dealing generally with the grading and marketing of farm products, milk and poultry, as well as other activities related to agriculture and set forth primarily in title 22 of the Connecticut general statutes.

(Effective September 6, 1973)

##### **Sec. 22-7-2. Location of principal office**

The principal office of the department of agriculture is located at Hartford, Connecticut. All communications should be addressed to the Department of Agriculture, 765 Asylum Avenue, Hartford, Connecticut 06105, unless otherwise specifically directed.

(Effective September 6, 1973; amended November 9, 1999)

##### **Sec. 22-7-3. General duties and responsibilities**

The department is charged with enforcing legislation intended to supervise and regulate the dairy industry, both in its production and marketing aspects, the regulation and licensing of livestock growers and dealers, including canines, the licensing of buyers of live poultry, and the licensing of the practice of veterinary medicine, surgery, and dentistry in the state and jurisdiction and control over all shellfisheries which are located in the state in accordance with Public Act 52 of the 1971 General Assembly.

(Effective September 6, 1973)

### Part 2

#### Course and Method of Operation

##### **Sec. 22-7-4. Commissioner of agriculture**

The commissioner has the overall responsibility for the operation of the department. The deputy commissioner assists the commissioner and is the acting commissioner in his absence. In discharging his responsibilities, the commissioner may, by statute, delegate certain of his functions to a division of the department, to an individual division chief, or to an employee of the department.

(Effective September 6, 1973)

##### **Sec. 22-7-5. Organizational structure and division of responsibilities**

The department is composed of five divisions, the principal duties of which are as follows:

A. Livestock division—regulation and control of domestic animals.

Pursuant to sections 22-278 — 22-391 of the General Statutes of Connecticut, Rev. of 1958, as amended, the livestock division is responsible for the prevention,

control, and eradication of transmissible diseases of domestic animals and poultry and the registration of pet shops.

**B. Marketing — regulation and services in marketing products.**

The marketing division supervises the registration and licensing of seed sellers, controlled atmosphere storages, and the buyers of live poultry. The division provides market news and statistical information to farmers, wholesalers, and consumers. Grading services and certificates of quality are provided for farms, wholesalers, and consumers. Users of this service pay a fee and licensing is under the auspices of the United States Department of Agriculture. Promotion of Connecticut farm products is another area of responsibility. Regulation work is done on seeds, egg products, sanitation on farm egg rooms, and surveillance of the distribution of eggs for consumer quality protection.

**C. Dairy division — regulation and control of dairy farms and financial responsibility for licensing of stores and dealers.**

The primary function of the dairy division is to inspect dairy farms and plants in the New England area for quality milk production and adherence to proper sanitation levels in its production. Samples are taken for bacteriological, chemical, and butterfat control analysis. The division is also charged with the administration of the Connecticut Milk Marketing Act and is responsible for licensing of milk dealers, auditing dealer producer payrolls, financial responsibility audits in determining bonding requirements of dealers when necessary, auditing Connecticut Milk for Health, Inc., and enforcement of the financial provisions of section 22-242b of the general statutes of Connecticut, Rev. of 1958, as amended, as pertains to dealers and stores licensed to sell milk and fluid milk products.

**D. Aquaculture division — regulation and control of shellfish and related areas.**

The aquaculture division has administrative responsibility for approximately 40,000 acres of leased, franchised, and natural shellfish areas in the waters of Long Island Sound. Responsibilities also include surveying state owned grounds, setting buoys, collecting water samples for pollution control, maintenance of signals to be used for location of the grounds and continuous inspection for production of shell fish, control of predators, and patrolling for law violators.

**E. Marketing authority.**

The marketing authority provides facilities for the wholesale distribution of the state's agricultural products through operation of the regional market in Hartford and rental of merchandising space at this facility to distributors and producers of fruits, vegetables and other food products.

The Connecticut regional market strives to provide the consumer with the most efficient, economical and sanitary distribution of foodstuffs in Connecticut at no cost to the Connecticut taxpaying public.

(Effective September 6, 1973)

### **Part 3**

#### **Public Information**

##### **Sec. 22-7-6. Policy**

The policy of the department is to make available for public inspection all files, records, documents and other materials within its possession, unless prohibited by law. A compilation of all regulations, policy statements, final orders, decisions, and official opinions is available for public inspection at the office of the commissioner.

(Effective September 6, 1973)

**Sec. 22-7-7. Complaints and requests for information**

(a) Complaints and requests for information should be addressed to the Department of Agriculture, 765 Asylum Avenue, Hartford, Connecticut 06105.

(b) Requests for information should be directed preferably to the appropriate division in possession of the information. Requests for information about the department generally should be addressed to the Department of Agriculture, 765 Asylum Avenue, Hartford, Connecticut 06105.

(Effective September 6, 1973; amended November 9, 1999)

**ARTICLE 2****RULES OF PRACTICE****Part 1****General Provisions****Sec. 22-7-8. Procedure governed**

These rules govern practice and procedure before the department of agriculture under the applicable laws of the state of Connecticut and except where by statute otherwise provided.

(Effective September 6, 1973)

**Sec. 22-7 9. Definitions**

(a) "Commissioner" means the Commissioner of Agriculture.

(b) "Department" means the Department of Agriculture.

(c) "Division chief" means any departmental employee delegated by the commissioner as the head of a particular division of the department.

(d) "License" includes the whole or part of any permit, approval, registration, or similar form of permission required by law to be issued by the department.

(e) "Hearing" means that portion of the department's procedure in the disposition of matters delegated to its jurisdiction by law wherein a presentation of evidence and argument occurs, which is preceded by due notice and which includes both an opportunity to present to the department such written and oral testimony and argument as the department deems appropriate and an opportunity to examine and cross-examine any witness giving testimony therein.

(f) "Contested case" means a proceeding in the department's disposition of matters delegated to its jurisdiction by law in which the legal rights, duties or privilege of a party are determined by the department after an opportunity for a hearing.

(g) "Party" means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(h) "Person" means any individual, corporation, political subdivision, governmental agency or authority, municipality, partnership, association, trust or estate, and any other entity, public or private, however organized.

(Effective September 6, 1973)

**Sec. 22-7-10. Waiver of rules**

Where good cause appears, the department may permit deviation from these rules, except where precluded by statute.

(Effective September 6, 1973)

**Sec. 22-7-11. Procedure for the issuance, amendment or repeal of a regulation**

(a) Proceedings for the issuance, amendment, or repeal of regulation, including proceedings for the exemption of certain products or classes of products from statutory requirements, may be commenced by the department on its own initiative or pursuant to a petition submitted by an interested person.

(b) Notice of the proposed issuance, amendment, or repeal of a regulation will appear in the Connecticut Law Journal at least twenty days prior to the proposed action. The notice will contain: (i) a statement of the purpose of the proposed action; (ii) a statement of the time, date and place of the public hearing or other opportunity for the presentation of views; (iii) reference to the statutory authority under which the department is acting; and (iv) a statement of the terms or substance of the intended action.

(c) Adequate publicity will be provided by the department to assure that all interested parties have notice of the time, date and place of the public hearing or other opportunity for the presentation of views. The purpose is to afford an opportunity for all interested parties to participate in the proceedings through the submission of written or oral data, views, arguments, or suggestions.

(d) After any necessary revisions have been made, the proposed regulations will be forwarded to the Attorney General and to the Legislative Review Committee of the General Assembly for approval, as required under sections 4-169 and 4-170 of the General Statutes.

(e) The new regulation or the amendment or repeal of an existing regulation will become final following approval by the Attorney General and the Legislative Review Committee and certification thereof to the Secretary of State.

(f) When the department finds that an imminent peril to the public health, safety, or welfare so requires, it may adopt emergency regulations, as provided in section 4-168 (b) of the General Statutes.

(Effective September 6, 1973)

**Sec. 22-7-12. Computation of time**

Computation of any period of time referred to in these rules begins with the first day following that on which the act which initiates such period of time occurs. The last day of the period so computed is to be included unless it is a day on which the office of the department is closed, in which event the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and legal holidays counted, is five (5) days or less, the said Saturdays, Sundays and legal holidays shall be excluded from the computation; otherwise such days shall be included in the computation.

(Effective September 6, 1973)

**Sec. 22-7-13. Extensions of time**

At the discretion of the commissioner, for good cause shown, any time limit prescribed or allowed by these rules may be extended insofar as such extension is not precluded by statute. All requests for extension shall be made before the expiration of the period originally prescribed or as previously extended. The commissioner shall notify all parties of the department's action upon such motion.

(Effective September 6, 1973)

**Sec. 22-7-14. Consolidation**

Proceedings involving related questions of law or fact may be consolidated at the discretion of the commissioner.

(Effective September 6, 1973)

**Sec. 22-7-15. Rejection for incompleteness**

Any application or petition may be rejected by the department if it is incomplete or otherwise inadequate to permit processing or disposition thereof, unless prohibited by law. Any rejection under this section shall lapse any period of time prescribed by statute or by rule which begins to run when a person files a petition or application with the department. Any such period of time shall begin anew when a person resubmits a petition or application after prior rejection under this section. Any rejection under this section is without prejudice and is not a final decision by the department. Nothing in this section shall restrict the department from requiring additional information from an application or petitioner if his application or petition is accepted.

(Effective September 6, 1973)

**Part 2****Formal Requirements****Sec. 22-7-16. Office**

The principal offices of the department is 765 Asylum Avenue, Hartford, Connecticut 06105. The offices of the department are open from 8:30 a.m. to 4:30 p.m. each weekday except Saturdays, Sundays and legal holidays.

(Effective September 6, 1973; amended November 9, 1999)

**Sec. 22-7-17. Date of filing**

All orders, decisions, findings of fact, correspondence, motions, petitions, applications and any other documents governed by these rules, shall be deemed to have been filed or received on the date on which they are issued or received by the department at its principal offices.

(Effective September 6, 1973)

**Sec. 22-7-18. Identification of communications**

Communications should embrace only one matter, should contain the name and address of the communicator and the subject of the communication.

(Effective September 6, 1973)

**Sec. 22-7-19. Signatures**

Every application, notice, motion, petition, complaint, brief and memorandum shall be signed by the filing person or by one or more attorneys in their individual names on behalf of the filing person.

(Effective September 6, 1973)

**Sec. 22-7-20. Formal requirement as to documents and other papers filed in proceedings**

(a) **Copies.** Except as may be otherwise required by these rules or by any other rules or regulations of the department or ordered or expressly requested by the department, at the time motions, petitions, applications, documents or other papers are filed with the department, there shall be furnished to the department an original of such papers. In addition to the original there shall also be filed three (3) copies unless a greater or lesser number of copies is expressly requested by the department.

(b) **Form.** Except for such forms as may from time to time be provided by the department and used where appropriate, motions, petitions, applications, documents or other papers filed for the purpose of any proceeding before the department shall

be printed or typewritten on paper cut or folded to either letter or legal size, 8 to 8<sup>1</sup>/<sub>2</sub> inches wide. Width of margins shall be not less than one inch. The impression shall be on only one side of the papers, unless printed, and shall be double spaced except that quotations in excess of five (5) typewritten lines shall be single spaced and indented. Mimeographed, multigraphed, photo-duplicated or the like copies will be accepted as typewritten, provided all copies are clear and permanently legible.

(c) **Filing.** All papers relating to matters requiring action by the department shall be filed with the Commissioner, 765 Asylum Avenue, Hartford, Connecticut 06105. (Effective September 6, 1973; amended November 9, 1999)

## ARTICLE 3

### CONTESTED CASES

#### Part 1

#### Parties and Participation

##### **Sec. 22-7-21. Designation of parties**

In issuing a notice for a hearing, the commissioner will name as parties those persons entitled to be parties by law.

(Effective September 6, 1973)

##### **Sec. 22-7-22. Application to be designated a party**

(a) **Filing of petition.** Any other person who proposes to be named or admitted as a party to any proceeding shall file a written petition to be so designated not later than five (5) days before the date of the hearing of the proceeding as a contested case.

(b) **Contents of petition.** The petition shall state the name and address of the petitioner. It shall describe the manner in which the petitioner claims to be substantially and specifically affected by the proceeding. It shall state the contention of the petitioner concerning the issue of the proceeding, the relief sought by the petitioner, and the statutory or other authority therefor, and the nature of the evidence, if any, that the petitioner intends to present in the event that the petition is granted.

(c) **Designation as party.** The commissioner shall consider all such petitions and will name or admit as a party any person whose legal rights, duties or privileges will be determined by the decision of the department after a hearing, if the commissioner finds such person is entitled as of right to be a party to said contested case or that the participation of such person as a party is necessary to the proper disposition of said contested case.

(Effective September 6, 1973)

##### **Sec. 22-7-23. Procedure concerning added parties**

(a) **During hearing.** In addition to the designation of parties in the initial notice and in response to petition, the department may add parties at any time during the pendency of any hearing upon its finding that the legal rights, duties or privileges of any person will be determined by the decision of the department after the hearing or that the participation of such person as a party is necessary to the proper disposition of the contested case.

(b) **Notice of designation.** In the event that the commissioner shall name or admit any party after service of the initial notice of hearing in a contested case, the commissioner shall give written notice thereof to all parties theretofore named or

admitted. The form of the notice shall be a copy of the order of the commissioner naming or admitting such added party and a copy of any petition filed by such added party requesting designation as a party. Service of such notice shall be in the manner provided in these rules.

(Effective September 6, 1973)

## Part 2

### Hearing, General Provisions

#### Sec. 22-7-24. Place of hearings

Hearings shall be held at times and locations specified by the commissioner pursuant to statute.

(Effective September 6, 1973)

#### Sec. 22-7-25. Notice of hearings

(a) **Persons notified.** The commissioner shall give written notice of a hearing in any pending matter to all parties, to all persons otherwise required by law to be notified, to such other persons as have filed with the commissioner their written request for notice of a hearing in a particular matter, and to such additional persons as the commissioner deems appropriate and advisable. The commissioner shall give such notice by newspaper publication as may be required by law.

(b) **Contents of notice.** Notice of a hearing shall include but shall not be limited to the following: (1) a statement of the time, place and nature of the hearing; (2) a statement of the legal authority and jurisdiction under which the hearing is to be held; (3) a reference to the particular sections of the statutes and regulations involved; (4) a short and plain statement of fact describing the nature of the hearing and the principal facts to be asserted therein.

(Effective September 6, 1973)

#### Sec. 22-7-26. Representation of parties

Each person making an appearance before the commissioner as an attorney, agent or representative of any person, firm, corporation or association subject to the department's regulatory jurisdiction in connection with any contested case shall promptly notify the commissioner in writing in order that the same may be made a part of the record of the contested case.

(Effective September 6, 1973)

#### Sec. 22-7-27. Informal conferences

(a) The commissioner, the deputy commissioner, or any one of the division chiefs, as required by law or otherwise, may call in a party for an informal conference concerning alleged violations of any statutes administered by the department.

(b) Notification of such an informal conference shall be by certified mail. The notice shall contain (i) a statement of the time, date, and place of the conference; (ii) a reference to the statutory sections allegedly violated; (iii) a short statement of the facts surrounding the alleged violation; and (iv) a statement that the respondent may be accompanied by counsel, if he so desires.

(c) Informal conferences need not be recorded and transcribed. Formal rules of procedure and evidence shall not be observed.

(d) Informal conferences will not be publicized and press coverage of such proceedings is prohibited. This is to preclude possible adverse inferences against a party innocent of any wrongdoing.

(e) Any agreement reached as a result of an informal conference shall not preclude the department from further proceedings against the alleged violator. If the latter party desires a formal ruling concerning the practice in question, he may submit to the commissioner a request for a declaratory ruling, pursuant to Section 22-7-10.

(Effective September 6, 1973)

#### **Sec. 22-7-28. Attorney defined**

As used in these rules, the word “attorney” shall mean an attorney at law, duly admitted to practice before the Superior Court of the State of Connecticut. Any other person who appears before the department in any contested case shall be deemed to have appeared as the agent or representative of a person, firm, corporation or association and, as such, shall file with the written notification of appearance the written authorization of the person, firm, corporation or association being represented and shall be fully bound to proceed in accordance with these rules in the contested case.

(Effective September 6, 1973)

#### **Sec. 22-7-29. Rules of conduct**

Where applicable, the canons of professional ethics and the canons of judicial ethics adopted and approved by the judges of the Superior Court govern the conduct of the department, state employees serving the department, and all attorneys, agents, representatives, and any other persons who shall appear in any proceeding or in any contested case before the department in behalf of any public or private person, firm, corporation or association.

(Effective September 6, 1973)

### **Part 3**

#### **Hearings, Procedure**

#### **Sec. 22-7-30. General provisions**

(a) **Purpose of hearing.** The purpose of the hearing in a contested case shall be to provide to all parties an opportunity to present evidence and argument on all issues to be considered by the department.

(b) **Uncontested disposition of case.** Unless precluded by law, any contested case may be resolved by stipulation, agreed settlement, consent order or default upon order of the commissioner. Upon such disposition a copy of the order of the commissioner shall be served on each party.

(Effective September 6, 1973)

#### **Sec. 22-7-31. Record in contested case**

(a) The record in each contested case shall be maintained by the department in the custody of the commissioner and shall include the following: (1) any notices, petitions, applications, orders, decisions, motions, briefs, exhibits, and any other documents that have been filed with the department or issued by the department in written form; (2) all written evidence of any kind received and considered by the department; (3) a statement of any matters officially noticed by the commissioner including reference to prior decisions and orders of the commissioner; (4) any questions and offers of proof, together with any objections and rulings thereon during the course of the hearing; (5) any proposed finding of fact, proposed decisions, supporting memoranda, and exceptions that have been filed by any party; (6) any memoranda or data submitted by the department staff to the department in connection

with the department's consideration of the case; (7) the transcript of the hearing. The department will not be required to set forth as a separate item any of the foregoing which may have been duplicated and incorporated in some other portion of the record.

(b) A copy of the record shall also be available at all reasonable times for examination by the public without cost.

(Effective September 6, 1973)

### **Sec. 22-7-32. Filing of added exhibits**

Upon order of the commissioner before, during or after the hearing of a case, any party shall prepare and file added exhibits and testimony. Notice of the filing of such additional material shall be given to all parties by the party submitting the said material.

(Effective September 6, 1973)

### **Sec. 22-7-33.**

Repealed, August 27, 1990.

### **Sec. 22-7-33a. Rules of evidence**

The following rules of evidence shall be applied at hearings on contested cases within the Department of Agriculture:

(a) **General.** No formal rules of evidence shall govern proceedings in a contested case before the Department of Agriculture. It is within the discretion of the Commissioner or the hearing officer to receive any oral or documentary evidence, but the Commissioner or the hearing officer shall exclude any evidence deemed to be irrelevant, immaterial or unduly repetitious. Documentary evidence may be received in the form of copies of excerpts. Upon request, parties shall be given an opportunity to compare the copy with the original if the original is readily available, and such comparison will not unduly delay the hearing. All evidence shall be taken in the presence of the Commissioner or the hearing officer. The Commissioner or the hearing officer may request such additional information as is deemed necessary to render a decision. In order to enter a document or record into evidence at the hearing, the party must identify the document or record and must allow it to be marked. The party offering the exhibit shall provide one copy for the Commissioner or the hearing officer and one copy for each party. Other parties will be allowed to inspect the document or record and to state any objections to the proposed exhibit. If an objection is overruled, the Commissioner or the hearing officer shall receive the document or record into evidence. It is solely the function of the Commissioner or the hearing officer to assess the weight and credibility of the witnesses and evidence. All evidence admitted and the names and addresses of all witnesses shall be made a part of the record of the proceeding.

(b) **Cross Examination.** The Commissioner or the hearing officer may allow such cross-examination of witnesses as may be required for a full and true disclosure of the facts.

(c) **Facts Noticed.** The Commissioner or the hearing officer, on their own initiative or at the request of any party, may take notice of judicially cognizable facts, including prior decisions and orders of the Commissioner or the Department of Agriculture, or of generally recognized technical or scientific facts within the Department of Agriculture's or their own specialized knowledge. Parties shall be afforded an opportunity to contest the material so noticed by being notified before or during the hearing, or by appropriate reference in preliminary reports or otherwise, of the

material noticed. The Commissioner or the hearing officer shall nevertheless employ the experience, technical competence, and specialized knowledge of the Department of Agriculture in evaluating the evidence presented at the hearing for the purpose of making findings of the facts and arriving at a decision in any contested case.

(Effective August 27, 1990)

**Sec. 22-7-34. Order of procedure at hearings**

The order of procedure at hearings shall be determined by the commissioner and furnished to the parties at the beginning of the hearing. In a case where the opening portion has already been submitted in written form as provided by these rules, the hearing may open with cross-examination of persons who have given written testimony. In the event any person has given written testimony and is not available for such cross-examination at the time and place directed by the department, all of such written testimony may be discarded and removed from the record at the direction of the department.

(Effective September 6, 1973)

**Sec. 22-7-35. Limiting number of witnesses**

To avoid unnecessary cumulative evidence, the commissioner may limit the number of witnesses or the time for testimony upon a particular issue in the course of any hearing.

(Effective September 6, 1973)

**Part 4**

**Hearings, Decision**

**Sec. 22-7-36. Filing of proposed findings of facts and briefs**

At the conclusion of the presentation of evidence in any hearing the commissioner shall fix a time within which any party may file proposed findings of facts and briefs.

(Effective September 6, 1973)

**Sec. 22-7-37. Final decision**

(a) **Procedure and contests.** All decisions and orders of the commissioner concluding a contested case shall be in writing. The decision shall include all findings of fact and conclusions relied upon by the commissioner in arriving at his decision, the findings of fact and law to be separately stated. The finding of fact shall also set forth a concise and explicit statement of the underlying facts supporting the findings of fact, where appropriate. In any contested case where the commissioner has required any party to submit proposed findings of fact, the decision shall further include a ruling by the commissioner on each proposed finding. In the event, however, that such a proposed finding of fact has been submitted by any party without such requirement or order of the commissioner, then the commissioner's decision may omit a ruling on any findings so proposed.

(b) **Service.** A copy of the decision or order of the commissioner shall be served by mail to each party and to his attorney of record.

(Effective September 6, 1973)

**Sec. 22-7-38. Original records**

Any person shall, upon direction of the commissioner, furnish and make available for the use of the commissioner the original books, papers and documents on which

he has relied. If so directed, or permitted, certified or verified copies shall be furnished in lieu of such original records.

(Effective September 6, 1973)

## ARTICLE 4

### MISCELLANEOUS PROCEEDINGS

#### Part 1

#### Petitions Concerning Adoption of Regulations

##### Sec. 22-7-39. General rule

These rules set forth the procedure to be followed by the commissioner in the disposition of petitions concerning the promulgation, amendment, or repeal of a regulation.

(Effective September 6, 1973)

##### Sec. 22-7-40. Form of petitions

Any interested person may at any time petition the commissioner to promulgate, amend, or repeal any regulation. The petition shall set forth clearly and concisely the text of the proposed regulation, amendment, or repeal. Such petition shall also state the facts and arguments that favor the action it proposes by including such data, facts, and arguments either in the petition or in a brief annexed thereto. The petition shall be addressed to the commissioner and sent to him by mail or delivered in person during normal business hours. The petition shall be signed by the petitioner and shall furnish the address of the petitioner and the name and address of petitioner's attorney, if applicable.

(Effective September 6, 1973)

##### Sec. 22-7-41. Procedure after petition filed

(a) **Decision on petition.** Upon receipt of the petition the commissioner shall within thirty (30) days determine whether to deny the petition or to initiate regulation making proceedings in accordance with law.

(b) **Procedure on denial.** If the commissioner denies the petition, he shall give the petitioner notice in writing, stating the reasons for the denial based upon the data, facts, and arguments submitted with the petition by the petitioner and upon such additional data, facts, and arguments as the commissioner shall deem appropriate.

(Effective September 6, 1973)

#### Part 2

#### Requests for Advisory Rulings

##### Sec. 22-7-42. General rule

These rules set forth the procedure to be followed by the department in the disposition of requests for declaratory rulings as to the applicability of any statutory provision or of any regulation or order of the department. In its discretion the department may hold an informal conference for fact finding purposes relating to such requests. Such a ruling of the department disposing of a petition for a declaratory ruling shall have the same status as any decision or order of the department in a contested case.

(Effective September 6, 1973)

**Sec. 22-7-43. Form of petition for advisory ruling**

Any interested person may at any time request an advisory ruling of the department with respect to the applicability to such person of any statute, regulation or order enforced, administered, or promulgated by the department. Such request shall be addressed to the department and sent to the commissioner by mail or delivered in person during normal business hours. The request shall be signed by the person in whose behalf the inquiry is made. It shall give the address of the person inquiring and the name and address of such person's attorney, if applicable. The request shall state clearly and concisely the substance and nature of the request; it shall identify the statute, regulation or order concerning which the inquiry is made and shall identify the particular aspect thereof to which the inquiry is directed. The request for an advisory ruling shall be accompanied by a statement of any supporting data, facts, and arguments that support the position of the person making the inquiry.

(Effective September 6, 1973)

**Sec. 22-7-44. Procedure after petition filed**

(a) **Notice to other persons.** The commissioner may give notice to any person that such an advisory ruling has been requested and may receive and consider data, facts, arguments, and opinions from persons other than the person requesting the ruling.

(b) **Provision for hearing.** If the commissioner deems a hearing necessary or helpful in determining any issue concerning the request for advisory ruling, the commissioner shall schedule such hearing and give such notice thereof as shall be appropriate. The provisions of article 3 govern the practice and procedure of the department in any hearing concerning an advisory ruling.

(c) **Decision on petition, ruling denied.** If the commissioner determines that an advisory ruling will not be rendered, the commissioner shall within ten (10) days thereafter notify the person so inquiring that the request has been denied and furnish a statement of the reasons on which the commissioner relied in so deciding.

(d) **Decision on petition, ruling granted.** If the commissioner renders an advisory ruling, a copy of the ruling shall be sent to the person requesting it and to that person's attorney, if applicable, and to any other person who has filed a written request for a copy with the commissioner.

(Effective September 6, 1973)

**Part 3****Miscellaneous Provisions****Sec. 22-7-45. Intervention under the Environmental Protection Act of 1971**

Any person or other legal entity authorized by and qualifying under the provisions of Public Act 96 of the 1971 General Assembly to intervene in any proceeding before the department shall do so in accordance with the provisions of these rules and regulations as they may be applicable and as they may hereafter be amended.

(Effective September 6, 1973)

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### **Living Quarters of Agricultural Workers and Migratory Farm Workers**

#### **Sec. 22-17a-1. Water supplies and privies for field workers**

(a) Water shall be readily available to both shed and field workers in covered containers with sanitary drinking fountains or with individual paper cups in accordance with section 19-13-B35 of the public health code.

(b) Water for drinking and handwashing shall be obtained from a public water supply or from a properly protected and located ground water supply approved by the local director of health.

(c) No common drinking cup shall be permitted.

(d) Handwashing facilities shall be available for shed and field workers.

(e) Water containers shall be cleaned daily. At the start of the season and at other times when necessary, water barrels or other water containers shall be disinfected with steam or chlorine. The plug for filling the hole shall be kept tightly in place, except during the time for filling. (It is desirable to chain the plug to the barrel to avoid losing it.)

(f) A sanitary method of filling water barrels shall be provided. Overhead hoses shall be short enough so that they will swing clear of ground surface. Flange guards should be provided for the hose so that it will not enter more than four inches into water barrels.

(g) Portable or permanent privies shall be provided in adequate numbers and shall be readily accessible to all workers.

(h) Separate privies shall be provided for men and women and shall be so arranged as to secure privacy for both sexes and shall be clearly marked "Men" and "Women" at the entrance to each. These words shall be printed or painted on signs not less than six by eighteen inches.

(i) Privies shall be provided with inside hook and eye latches and toilet tissue.

(j) Privies shall be located at least one hundred feet from kitchen and dining rooms, living quarters or the source of the water supply.

(k) Privies shall be of fly and vermin-proof construction and shall consist of a pit at least three feet deep and constructed so as to exclude surface water. Cracks shall be battened and openings shall be screened with sixteen mesh wire screening. The door shall be well fitted to exclude flies and shall close automatically by means of a spring or spring hinges. Seat covers shall be hinged and shall be so constructed that they drop automatically into place when the seat is not occupied.

(l) Privies shall be adequately lighted and ventilated.

(m) No privy pit shall be filled with excreta to nearer than one foot from the surface of the ground. When this occurs, privies shall be moved or vaults cleaned out. The hole shall be filled up when privies are moved. Material removed from a privy or vaults or containers shall be disposed of by burial in such a manner as not to create a nuisance.

(n) Privies shall be maintained in clean condition and such maintenance shall include daily washing of seats with a disinfectant solution. (Use of earth, ashes or lime in the pits will help to keep down odors.)

(See 1961 Supp. § 19-13; Reg. 19-13-B53.)

#### **Sec. 22-17a-2. First aid kits for field workers**

Standard first aid kits shall be kept in every shed where work is going on and shall be readily available to all workers.

(See Reg. 19-13-B54.)

**Sec. 22-17a-3. Sanitary requirements for housing of workers**

(a) Housing shall be constructed in such a manner as to be structurally safe, adequate in size and reasonably easy to keep clean.\*

\* It is important that the provisions of the state statutes relating to fire prevention and safety and all regulations made pursuant thereto be complied with.

(b) For new construction, the window area of each room for living quarters, sleeping quarters, preparation of food or mess halls should be at least one-eighth of the floor area and so constructed that at least one-half of the window area may be opened for ventilation. When existing buildings are converted for housing purposes, window area and ventilation shall conform as nearly as possible to the above, but in any case shall meet with approval of the local director of health.

(c) All exterior openings shall be screened with sixteen mesh wire screening on frames except where self-closing devices on doors are maintained in service.

(d) Artificial lighting shall be provided on the basis of one forty watt bulb per one hundred square feet of the floor area and shall be reasonably well distributed.

(e) The floors of buildings shall be constructed in such a manner as to avoid dampness. Wooden floors shall be elevated not less than twelve inches above the normal ground level.

(f) No tents shall be used for housing, except when provided with wood platforms and with prior approval by the local director of health.

(g) Adequate lighting shall be provided for all toilets, hallways, main entrances and fire exits.

(h) Premises shall be kept clean and free of litter and rubbish.

(See Reg. 19-13-B55.)

**Sec. 22-17a-4. Sleeping quarters for workers**

(a) Sleeping quarters shall be in good structural condition and constructed so as to provide shelter to the occupants against the elements and to exclude dampness.

(b) Beds shall be furnished to all employees; a separate bed shall be provided for each person; single beds shall be set at a minimum of three feet apart; doubledeck beds shall be set at a minimum of four and one-half feet apart, ceiling height above the top mattress shall not be less than thirty-six inches in rooms used prior to June 7, 1960, for this purpose and not less than forty-two inches in the case of construction after said date.

(c) If a room in a lodging or boarding house is overcrowded, the director of health may order the number of persons sleeping or living in such room to be so reduced that there shall not be less than five hundred cubic feet of air to each person over twelve years of age and three hundred cubic feet of air to each child under twelve years of age occupying such room.\*

\* See G.S. § 19-346.

(d) Male and female boarders or lodgers shall not be housed in the same building, except that female cooks may be allowed to lodge in the same building with boys if suitable privacy can be arranged as to sleeping quarters and bathing and toilet facilities. This may also apply to camp directors and their families.

(e) Sleeping shall not be permitted in kitchens or eating quarters.

(f) Adequate lockers or storage space shall be provided for clothing and personal effects of lodgers. Regular inspections shall be made of the lockers and storage facilities to keep them clean and free from soiled clothing.

(See Reg. 19-13-B56.)

**Sec. 22-17a-5. Bedding in sleeping quarters for workers**

(a) Blankets, sheets, pillow cases, pillows and mattresses or mattress bags shall be provided.

(b) All bedding shall be maintained in a clean and sanitary condition and its condition shall be the responsibility of the management. The sheets and pillow cases shall be laundered at least once a week. Blankets shall be washed at sufficiently frequent intervals to insure cleanliness and, in any case, shall be washed at least every three months. Blankets shall be washed before use by a new worker. When mattresses, mattress bags or pillows become dirty or discolored, they shall be discarded or cleaned. If mattress bags are provided, the bags shall be washed at least every six months and, in any case, before use by a new worker. The mattress filling shall be changed at the time the bags are washed.

(c) Regular inspections of beds and bedding shall be made for vermin and periodic extermination service provided when necessary.

(See Reg. 19-13-B57.)

**Sec. 22-17a-6. Kitchen and mess hall or dining room for workers**

(a) The kitchen and dining room shall be separated from sleeping quarters and toilet rooms. Walls, floors and ceilings shall be in good repair and so constructed as to permit reasonable ease in cleaning. Walls and ceilings shall be painted a light color. The kitchen and dining room shall be adequately equipped for the preparation and serving of food to the number of people involved.

(b) Adequate refrigeration shall be provided and all refrigerators or ice chests shall be maintained in good order and kept in a clean condition. Refrigeration temperatures should be kept below 50°F. Adequate, ventilated and vermin-proof food storage space shall be provided. All food shall be stored at least eighteen inches above the floor.

(c) Dishes, knives, forks and other utensils shall be of nontarnishable materials and shall be kept in good condition. Cracked and chipped dishes shall be discarded. All eating and cooking utensils shall be protected from flies, vermin and dust.

(d) A scullery sink or other satisfactory means, together with ample facilities for furnishing hot water, shall be provided for washing kitchen utensils and dishes. (A three compartment sink is recommended.) All glasses, cups, knives, forks, spoons and dishes shall be thoroughly washed after each use by cleaning with hot water and soap and disinfected by a bactericidal process approved by the local director of health.\* All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. After cleansing, all equipment shall be stored in such a manner as not to become contaminated before being used.

\*See Reg. 22-17a-7.

(e) Stoves, work tables, shelves and accessories in adequate number shall be provided. Ample dish and food storage space shall be provided for the number of people to be accommodated.

(f) Tables, chairs or benches, sinks, counters, preparation and/or serving tables, cabinets and shelves shall be kept clean. Cutting boards shall be provided. Dining tables and counters shall be covered with solid top nonabsorbent, easily washed material.

(g) All windows, doors and exterior openings in kitchen and eating quarters shall be completely screened with sixteen mesh wire screening on frames. All doors shall be self-closing.

(h) Provision shall be made for collecting garbage in an adequate number of covered fly-tight metal containers and disposing of the same at least every two days. Disposal may be by burial not nearer than one hundred feet from the kitchen or water supply, or by hauling away and otherwise disposing of the same so as not to create a nuisance. All garbage cans shall be thoroughly cleaned after each time they are emptied. Garbage cans shall be stored either on concrete platforms, at least eight inches above the ground and with footings around the entire edge at least eighteen inches deep or on platforms eighteen inches above the ground and open underneath for raking.

(See Reg. 19-13-B58.)

### **Sec. 22-17a-7. Approved bactericidal processes**

The following are approved bactericidal processes:

(a) Immersion for at least two minutes in clean, hot water at a temperature of at least 170°F. or for one-half minute in boiling water. Unless actually boiling water is used, an approved thermometer shall be available, convenient to the vat. The pouring of scalding water over washed utensils shall not be accepted as satisfactory compliance; or

(b) Immersion for at least two minutes in a lukewarm chlorine bath containing at least fifty p.p.m. of available chlorine if hypochlorites are used, or a concentration of equal bactericidal strength if chloramines are used. The bath should be made up at a strength of one hundred p.p.m. or more of hypochlorites and shall not be used after its strength has been reduced to fifty p.p.m.; or

(c) Exposure in a steam cabinet equipped with an indicating thermometer located in the coldest zone to at least 170°F. for at least fifteen minutes, or to at least 200°F. for at least five minutes, or

(d) Exposure in a properly designed oven or hot-air cabinet equipped with an indicating thermometer located in the coldest zone to hot air at a temperature of at least 180°F. for at least twenty minutes.

(See Reg. 19-13-B58 App.)

### **Sec. 22-17a-8. Food for workers**

(a) Food handlers shall be persons in good health, free from open sores and lesions on the body and free from communicable diseases. (See section 19-13-A22, subsection (q), of the public health code relating to employment of persons with communicable diseases.) All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment. Employees shall not expectorate in rooms in which food is prepared. No employee shall resume work after using the toilet without first washing his hands.

(See Reg. 19-13-A23.)

(b) All food and drink shall be clean, wholesome, free from spoilage and so prepared as to be safe for human consumption. It shall be protected from dust, flies and vermin at all times. All oysters, clams and mussels shall be from approved sources.

(c) Lunches for consumption in the fields shall be put up in securely wrapped wax paper or other nonabsorbent material. Readily perishable food shall be kept at a temperature at or below 50°F. until served.

(d) Milk shall be handled and served in a sanitary manner and not exposed to dust, flies or vermin. Milk shall be kept under satisfactory refrigeration. Only pasteurized or canned milk shall be served.

(e) All meat served shall be from an inspected source.

(f) Sugar shall be stored in a covered container and shall be placed in covered dispensers.

(See Reg. 19-13-B59.)

### **Sec. 22-17a-9. Water supply for workers' quarters**

(a) The supply shall be adequate to furnish at least thirty gallons of water per day per person. Adequate storage to handle peak loads shall be provided. Running water under pressure shall be provided.

(b) Any water supply used or rendered available for drinking and for other personal or domestic purposes shall be obtained from a public water supply or from a properly protected and located ground water supply approved by the local director of health.

(c) All wells, whether drilled and cased, dug or driven, shall be so located, constructed and covered, and the pump so attached, as to prevent pollution of the well. All surface and near surface water shall be excluded from the well, preferably by a concrete platform curb. Provision shall be made for proper drainage of pump pits.

(d) If a ground water supply is used, the source shall not be nearer than one hundred feet to privy vaults, cesspools or other sewage disposal systems.

(e) Springs shall not be considered satisfactory unless amply protected against pollution and so constructed as to meet the requirements of the local director of health.

(f) The bacteriological quality of the water shall be determined by analysis of samples in those cases where the supply has been out of use or where it otherwise appears necessary.

(g) No common drinking cups shall be permitted. Individual paper drinking cups or approved type drinking fountains, conveniently located, shall be provided.

(h) No pipe connections shall be made between a potable water supply and any other water supply.

(See Reg. 19-13-B60.)

### **Sec. 22-17a-10. Sewage disposal for workers' quarters**

(a) Where no municipal disposal system is available, all kitchen, lavatory, toilet, bathhouse and laundry wastes shall be disposed of by running through covered drains to a sub-surface disposal system or otherwise disposed of in a manner approved by the local director of health. In unfavorable seepage soil it may be desirable to install separate systems for toilet wastes and other wastes.

(b) Toilet facilities shall be provided on the basis of one seat for each ten women, or one seat plus one standing urinal or three feet of trough type urinal for each twenty men. If privies are used, standards shall be not less than those required under section 22-17a-1. Toilet seats shall be of the open-front type.

(See Reg. 19-13-B61.)

### **Sec. 22-17a-11. Lavatory, bathing and laundry facilities for workers' quarters**

(a) Adequate handwashing, bathing and laundry facilities, with running water of approved quality, shall be provided. Hot water shall be available in adequate quantities.

(b) There shall be provided one lavatory or its equivalent for each fifteen persons or fraction thereof.

(c) Showers shall be provided in these ratios: One shower head for one to ten persons, except that, in case of quarters for less than five workers, a bathtub may be used in place of showers with the approval of the local director of health; two

shower heads for eleven to 40 persons; one shower head for each twenty persons or fraction thereof where over forty persons are housed.

(d) There shall be provided one laundry tub for each twenty-five men or one laundry tub for each twenty women, plus adequate facilities for clothes drying.

(e) Shower room floors shall be scrubbed daily with soap and water. Swabbing with a chlorine solution having a strength of not less than 0.5% available chlorine is an additional safeguard.

(f) Mats, cloth or other absorptive materials shall not be placed on bathroom floors or shower room floors.

(g) Duck boards shall not be used in shower rooms.

(h) Each shower room or bathroom shall be adequately ventilated by freely opening windows that shall be screened with sixteen mesh wire screen.

(i) Use of common towels shall not be permitted.

(See Reg. 19-13-B62.)

**Sec. 22-17a-12. Refuse disposal for workers' quarters**

Metal cans with tight fitting covers or other method of storage approved by the local director of health shall be provided to store rubbish pending collection and final disposal. Refuse shall be hauled away as necessary and disposed of so as not to create a nuisance. Rubbish cans shall be stored in the manner outlined for storage of garbage cans.

(See Regs. 19-13-B63; 22-17a-6(h).)

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## Agricultural Lands Preservation

### Sec. 22-26gg-1.

Repealed, August 21, 1991.

### Sec. 22-26gg-1a. Definitions

Any words, terms or phrases used in these regulations shall have the meanings assigned to them in this Section and Chapter 422a of the Connecticut General Statutes.

(a) **Applicant** means the fee simple owner of agricultural land or a person or entity lawfully empowered to exercise the rights of the fee simple owner.

(b) **Project** means an application considered for the joint purchase of development rights by the department of agriculture and a municipality.

(c) **Agricultural Land Preservation Fund** means a fund established by vote of a municipal legislative body for the purpose of purchasing development rights to agricultural lands.

(d) **Important farmland soils** means soils defined by the United States Department of Agriculture as being of statewide importance for production of food, feed, fiber, and forage crops.

(e) **Municipal farmland preservation plan** means a plan developed by or for a municipality approved by the legislative body of the municipality that provides qualitative and quantitative information on agricultural lands within the municipality containing goals and methods for preserving all or portions of such agricultural lands.

(f) **Area occupied by a residence** means single family residential dwellings and any associated on-site septic disposal system, potable well, and any area required for a residential driveway. The total area occupied by a residence shall be the sum of the land areas directly beneath the dwelling, the area occupied by any associated septic disposal system and the areas of land physically between the dwelling, septic disposal system and potable well, the area of the residential driveway, and any non-commercial structures associated with the residence.

(g) **Farm roads** means unpaved lanes used for access to interior portions of restricted lands by farm machinery for agricultural planting, maintenance and harvesting operations.

(h) **Residential driveways** means unpaved or paved accesses from public roads to a residential structure located on restricted agricultural lands.

(Effective August 21, 1991)

### Sec. 22-26gg-2. Application

Any fee simple owner of agricultural land in the state who wishes to apply for consideration to enter into agreement with the State of Connecticut for the purchase of the development rights of such agricultural land shall do so on a form provided by the commissioner.

(Effective September 21, 1979)

### Sec. 22-26gg-3. Probability of sale for non-agricultural use

The commissioner, in considering the probability that an applicant's land will be sold for non-agricultural use, shall request certain information from the owner thereof by use of a questionnaire to be furnished by the commissioner seeking information including but not limited to the following: The probability of non-agricultural development of the property, current productivity and proper continuation thereof, percentage of land owned and used for agricultural purposes, water management of land and nature of location of the land.

(Effective September 21, 1979)

**Sec. 22-26gg-4.**

Repealed, December 5, 1980.

**Sec. 22-26gg-4a.**

Repealed March 26, 1984.

**Sec. 22-26gg-4b.**

Repealed, August 21, 1991.

**Sec. 22-26gg-4c. Scoring values**

The Commissioner of Agriculture shall use the following scoring values when considering applications for inclusion in the agricultural lands preservation program. A minimal total score of 65 points from subsections (a) to (e), inclusive, of this section, is required for consideration by the Commissioner.

(a) PROBABILITY OF NON-AGRICULTURAL DEVELOPMENT AND FLOOD HAZARD MITIGATION (maximum 10 points)

- (1) Estate settlement or planning 10 points
- (2) Active negotiations to sell property 5 points
- (3) Significant flood storage area in flood plain 10 points

(b) CURRENT PRODUCTIVITY FROM OFFERED LAND AND LIKELIHOOD OF CONTINUED PRODUCTIVITY (maximum 40 points)

Total cropland offered (check one)

- 0 – 4 acres 0 pts.
- 5 – 15 acres 4 pts.
- 16 – 25 acres 8 pts.
- 26 – 50 acres 12 pts.
- 51 – 75 acres 16 pts.
- more than 75 acres 20 pts.

Crop yields per acre as determined by comparison of subject with state averages (check one)

$$(\% = \frac{\text{farm yield for commodity}}{\text{state average yield for commodity}})$$

- 33% or less 0 pts.
- 34 – 66% 4 pts.
- 66 – 84% 6 pts.
- 85% or more 10 pts.

(c) SUITABILITY OF OFFERED LAND FOR AGRICULTURE (maximum 40 points)

Quantity of land offered that are classified as prime and important farmland soils (check one)

- less than 30 acres 0 pts.
- 30 – 50 acres 5 pts.
- 50 – 75 acres 10 pts.
- 75 – 100 acres 15 pts.
- more than 100 acres 20 pts.

Percentage of cropland in application that contains prime and important farmland soils (check one)

- 20% or less 0 pts.
- 21 – 40% 5 pts.
- 41 – 60% 10 pts.
- 61 – 80% 15 pts.
- 81% or more 20 pts.

(d) PRESERVATION OF AGRICULTURAL POTENTIAL OF STATE (maximum points 20)

Method of marketing the commodities produced on the subject (check one)

Regular contract or cooperative	10 pts.
Regional market or delivery route	8 pts.
Farmers market or consumer picking	6 pts.
Lease of land to an agricultural producer	4 pts.
Active farmland within a two mile radius (check one)	
200 acres or less	0 pts.
201 – 300 acres	2 pts.
301 – 500 acres	4 pts.
501 – 800 acres	6 pts.
801 – 1000 acres	8 pts.
more than 1000 acres	10 pts.

Agricultural support services available to subject within a 30 mile radius (machinery, horticultural and livestock) (check one).

Good-All Available	5 pts.
Fair-Some Available	3 pts.
Poor-None Available	0 pts.

(e) NEGATIVE FACTORS INFLUENCING PRESERVATION (subtract points from total of all the categories above) Maximum negative points 10.

Surrounding properties intensively developed	10 pts.
Costs of development rights estimated to be in excess of \$10,000/acre (Effective August 21, 1991)	5 pts.

**Sec. 22-26gg-5. Acquisition cost**

Agricultural lands which, based on the evaluation provided for in section 4 of these regulations, are designated for further consideration shall be evaluated with regard to the cost of acquiring such land. Such evaluation shall be based on independent appraisals obtained, reviewed and approved by the department of environmental protection.

(Effective September 21, 1979)

**Sec. 22-26gg-6. Notification**

When the commissioner rejects an application, he shall notify the applicant by certified mail, return receipt requested. When the commissioner decides to make an offer to acquire certain agricultural lands, he shall pursue negotiations for said acquisition. If the landowner accepts the terms of the commissioner’s offer, the landowner shall evidence his acceptance by the signing of an acceptance letter provided by the commissioner.

(Effective September 21, 1979)

**Sec. 22-26gg-7. Filing of acceptance**

Whenever the commissioner acquires development rights to agricultural land, the instrument of conveyance shall be filed in the land records in the town wherein the land is located. In addition to filing notice in the office of the secretary of the state, as required by statute, the commissioner may also file notice with the appropriate zoning and planning officers and building inspectors of the town wherein the land is located.

(Effective September 21, 1979)

**Sec. 22-26gg-8. Application for building**

Any owner of land to which the state holds development rights shall notify the commissioner of any proposed construction on such land. Such notification shall be made on a form provided by the commissioner.

(Effective September 21, 1979)

**Sec. 22-26gg-9. Basic requirements for joint acquisition of development rights to agricultural lands**

(a) In order for a municipality to become eligible to submit a project to the commissioner, the municipality must have the following:

(1) A policy in support of farmland preservation. Such policy may take any one of the following forms:

(A) A policy statement in the plan of development which supports farming or farmland preservation.

(B) An open space plan which designates farmland for preservation purposes.

(C) A municipal farmland preservation plan.

(2) An agricultural land preservation fund.

(3) An applicant who has voluntarily offered to sell development rights to the municipality.

(4) A committee or an agent designated by the municipality with the authority to negotiate to purchase development rights.

A municipality must provide the Commissioner with the aforesaid policy statement or plan, and documentation showing how the requirements listed above have been met.

**(b) Applicant for Joint Acquisition.**

Applicants must voluntarily apply to the Department of Agriculture for the sale of development rights. The minimum qualification of agricultural lands included in the application shall be:

(1) thirty acres of prime and/or important farmland soils.

(2) a minimum of total gross value of annual agricultural crop productions of \$10,000, excluding livestock sales, forestry production and land lease revenues.

(Effective August 21, 1991)

**Sec. 22-26gg-10. Application procedure for applying to the department of agriculture for approval of joint acquisition of development rights**

(a) Applicants must voluntarily offer the sale of development rights.

(b) Upon receipt by the Department of an application for land which is in an eligible municipality, the department may initiate joint purchase of development rights projects with the eligible municipality.

(c) The municipality may solicit applications for the purpose of joint acquisition of development rights.

(d) The application shall be on a form provided by the Commissioner and contain the following:

(1) name of owner and acreage and location of property,

(2) original notice of offer to voluntarily sell development rights signed by the applicant(s),

(3) copies of local assessor map of property offered and deed references in local land records,

(4) soils map of the applicant property prepared by the Soil Conservation Service, USDA,

(5) description of agricultural operation including commodities produced and acreages planted, and

(6) identification and recommendation for preservation of the applicants agricultural lands in the municipal farmland preservation plan, or municipal plan of development or open space plan.

(Effective August 21, 1991)

**Sec. 22-26gg-11. Evaluations of applications by the commissioner**

(a) The Commissioner shall evaluate projects pursuant to the state purchase of development rights program, including issuing notices to the Departments of Environmental Protection, Economic Development, Transportation and the Office of Policy and Management, as set forth in Section 22-26cc of the C.G.S.

(b) Projects approved for action shall be appraised to determine development rights values.

(c) Projects rejected shall be ineligible for joint development rights purchase. The Commissioner shall notify the municipality of projects which have been rejected. Such notifications shall include reasons for rejection.

(Effective August 21, 1991)

**Sec. 22-26gg-12. Schedule of contributions**

(a) Schedule of the state’s contribution for projects initiated by municipalities shall be as follows:

*Acreage of active agricultural land within three mile radius of project, excluding project*

*State’s contribution*

1,000 acres or more	75% of value or \$600,000, whichever is less
800 – 999 acres	65% of value or \$500,000, whichever is less
600 – 799 acres	55% of value or \$400,000, whichever is less
400 – 599 acres	45% of value or \$300,000, whichever is less
200 – 399 acres	25% of value or \$200,000, whichever is less
0 – 199 acres	10% of value or \$100,000, whichever is less

(b) The Commissioner shall set aside an amount from the available funds as projects are approved and the value of development rights for such projects have been determined by appraisals.

(c) The total of municipal and state payments to applicants cannot exceed the value of development rights as determined by property appraisals done for the project on behalf of the Commissioner.

(Effective August 21, 1991)

**Sec. 22-26gg-13. Appraisals**

(a) The value of development rights for project acreages shall be determined by one or more appraisals. Appraisals shall be performed by appraisers licensed by the State of Connecticut Department of Consumer Protection. No appraisals shall be performed at the department’s expense unless the appraiser is approved by the Commissioner as someone qualified to determine the value of development rights to farmland.

(b) Municipalities, at their own expense, may have projects appraised prior to review by the Commissioner.

(c) Applicants, at their own expense, may have their project appraised by one or more appraisers prior to review by the Commissioner, or performed in addition to appraisals obtained by the municipality or the Department of Agriculture. Such appraisals shall not be acceptable to the Commissioner unless performed as mentioned in subsection (a) of this section. Such appraisals shall be considered by the Commissioner and the municipality in determining development rights values.

(d) Final determination of value of the property shall be determined by the Commissioner of Agriculture.

(Effective August 21, 1991)

**Sec. 22-26gg-14. Agreement for joint purchase**

(a) The Commissioner and the municipality shall enter into an agreement with each other prior to the joint purchase of development rights, once the value of the development rights has been determined. Such agreements shall specify the following:

(1) Maximum contribution for joint purchase of development rights to be made by the state,

(2) Maximum contribution for joint purchase of development rights to be made by the municipality,

(3) The commitment of the municipality to place its contribution to jointly purchase development rights in an escrow account until such time development rights are conveyed to the state and municipality or until such time it is determined that development rights cannot be conveyed from the applicant,

(4) That the contribution from the state is dependent upon approval of the State Properties Review Board and the State Bond Commission,

(5) That the state shall pay the reasonable closing and survey costs involved with the conveyance of development rights,

(6) The representative of the municipality authorized to negotiate with the project applicant for purchase of development rights,

(7) The owner of the subject property and closing date and acquisition price,

(8) A procedure for the adjustment of price based on A-2 survey acreage adjustment, and

(9) That the agreement shall be subject to the approval of the Office of the Attorney General.

(b) Agreements are to be signed by the Commissioner and the municipality's chief elected officer, treasurer, and chairman of the municipal body or commission, if any, responsible for farmland preservation planning.

(Effective August 21, 1991)

**Sec. 22-26gg-15. Negotiations with the applicant**

(a) The Commissioner, or his designee, shall be the chief negotiator for the purchase of development rights for the project.

(b) Only the municipality's designated negotiator shall be involved in negotiations with the seller in addition to the Commissioner or his designee.

(c) Contracts for purchase of development rights shall be on a form provided by the Commissioner. Such contracts shall include:

(1) state's contribution,

(2) municipality's contribution,

(3) any requirements that must be met before conveyance of development rights may take place,

(4) Commissioner's signature,

- (5) Municipality's negotiator's signature,
  - (6) Closing date, identification of parties and acquisition price, and
  - (7) A provision that the contract shall be subject to the approval by the Office of Policy and Management and the Office of the Attorney General.
- (d) The purchase offer agreement may be withdrawn anytime prior to acceptance by the applicant. Purchase agreements may be revised and resubmitted if both the Commissioner and the town's negotiator agree.
- (Effective August 21, 1991)

### **Sec. 22-26gg-16. Conveyance of development rights**

- (a) At time of purchase, the applicant shall give, on a form provided by the State, a warranty deed conveying marketable title in and to the development rights of the property, naming the state and the municipalities as grantees. Obtaining necessary land surveys, title certificate, and any title insurance shall be the responsibility of the Commissioner.
- (b) Deeds shall be recorded in the land records of the municipality. Surveys shall be placed on file in said municipality.
- (Effective August 21, 1991)

### **Sec. 22-26gg-17. Enforcement of restrictions**

- (a) The Commissioner and the municipality shall cooperate in the monitoring of the development rights restrictions placed on a project. The restriction shall be enforced by the Commissioner of Agriculture.
- (b) On site inspections of the project for compliance of restrictions shall be done by the Commissioner or his agent. The designated agent of the municipality shall be notified prior to on site inspections and may accompany the Commissioner or his agent during such inspection.
- (Effective August 21, 1991)

### **Sec. 22-26gg-18. Determination of acreage amounts of arable land including prime and important farmland present at the time of purchase of development rights and adjustments due to construction of residences and farm buildings made after the sale of development rights to the state**

- (a) The Commissioner shall determine the acreage or arable lands and prime and important farmland soils present at the time of purchase of development rights by the State. Aerial photographs, property surveys, soil surveys, and on-site inspections may be used to determine acreages. The Commissioner shall notify the owner of the acreage determination prior to purchase.
- (Effective August 21, 1991)

### **Sec. 22-26gg-19. Owner's responsibility to notify the commissioner of activities affecting restricted land**

- (a) Owners shall notify the Commissioner in writing no less than 90 days prior to commencing any of the following activities on land on which development rights have been conveyed to the State of Connecticut, pursuant to Chapter 422a of the Connecticut General Statutes:
- (1) Construction of farm buildings, or additions to existing farm buildings,
  - (2) Construction of residences, or additions to existing residences for persons directly incidental to the farm operation,
  - (3) Gravel excavation for uses incidental to the farm operation. Gravel excavation incidental to the farm operation means removal of sand and gravel material from one location on the farm for use on another location on the farm for either construction

or repair of farm roads; and/or bedding material for livestock; and/or as building materials for permitted construction of new farm buildings or residences or repair to existing farm buildings. The active borrow area of all gravel excavations cannot disturb more than five percent of the total acreage of prime farmland soils present when development rights were purchased by the State of Connecticut,

(4) Sale of restricted land. If restricted land is to be sold, the owner shall notify, in writing, the Commissioner of such impending sale not more than ninety days before transfer of title to the land and shall provide him with the name and address of the prospective buyer, and

(5) Lease of the farm in its entirety, or any portion hereof. The owner shall provide the Commissioner with the terms and duration of the lease and address of the lessee.

(b) Nothing herein shall expand the rights of the owner of restricted land by development rights beyond the extent provided by in Connecticut General Statutes Section 22-26cc and the deed of conveyance of development rights.

(Effective August 21, 1991)

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**Poultry and Poultry Products**  
**“Connecticut Fancy Grade Turkeys”**  
**and Identifying Tags**

**Sec. 22-27-A1. Turkeys to be Connecticut-grown and young. Tags**

Turkeys graded as “Connecticut Fancy Grade” shall be grown in Connecticut and young.

(a) “Grown in Connecticut” means birds raised in the state by a producer registered with the department of agriculture and natural resources and identified by an official tag designated by the commissioner of agriculture and natural resources. The official tags are as follows: (1) The Connecticut Fancy Grade Yellow Tag bearing the New England label, the trade mark of the Connecticut Turkey Producers’ Association, and the name, address and registry number of the producer. Use of this tag is restricted to producer members of the Connecticut Turkey Producers’ Association; (2) the New England Fancy Grade Tag of the New England Turkey Producers’ Association which bears the registry number of each producer. Use of this tag is restricted to producer members of the various state turkey organizations cooperating with the New England Association; (3) the Manila Tag bearing the New England Label and the name, address and registry number of the producer. This tag is for use by any turkey producer in Connecticut who is not affiliated with the Connecticut Turkey Producers’ Association but who desires to market turkeys under the Connecticut Fancy Grade. Connecticut producers shall register with the department of agriculture and natural resources before becoming eligible to use any of the above tags.

(b) “Young” means male or female birds less than one year old.

**Sec. 22-27-A2. Turkeys to be well bled and dressed**

Turkeys graded as “Connecticut Fancy Grade” shall be well bled, well dressed, either dry picked or semi-scalded, and with carcass clean.

(a) “Well bled” means no red pin marks on the breast and no reddening of thighs, wing tips or skin caused by blood clots.

(b) “Well dressed” means breast practically free of pin feathers, only a few scattering pin feathers over the remainder of the carcass, and vent, legs, shanks, feet and head clean. Clean picking of wing tips is recommended. Optional with growers. The head shall be properly wrapped with suitable parchment or a waxed wrapper or bag.

(c) “Dry picked” means plucked without wetting the feathers.

(d) “Semi-scalded” means plucked after immersing in hot water of 126-130°F. for not over thirty seconds.

**Sec. 22-27-A3. Turkeys to be soft meated and well fleshed**

Turkeys graded as “Connecticut Fancy Grade” shall be soft meated and well fleshed with broad full breast and with the entire carcass well covered with fat. “Well fleshed” means birds with well developed breasts and well covered with flesh over thighs, back and pin bones. Due allowance shall be made for fleshing condition characteristic of sex.

**Sec. 22-27-A4. Turkeys to be free of bruises or discolorations**

Turkeys graded as “Connecticut Fancy Grade” shall be free from flesh or skin bruises, abrasions or discolorations which are more than very slight, none of which shall be on breast or thighs.

(a) "Flesh bruise" means a bruise in the flesh which shows through the skin but does not penetrate the skin.

(b) "Skin bruise" means a bruise of the skin sufficient to form a blood clot under it but not extending into the flesh.

(c) "Skin abrasions" means reddened, bruised or scuffed outer skin caused by rubbing or rough handling.

(d) "Discoloration" means any prominently noticeable change from the normal color.

**Sec. 22-27-A5. Broken bones prohibited**

Turkeys graded as "Connecticut Fancy Grade" shall have no broken bones, wing tips excepted. "Wing tips" means the first or outer joint.

**Sec. 27-27-A6. Deformities**

Turkeys graded as "Connecticut Fancy Grade" shall have no crooked or seriously indented breast bone (not to exceed one-quarter inch in depth) or other deformities.

(a) "Crooked breast bone" means breast bone sufficiently crooked to interfere with slicing of meat.

(b) "Deformities" means hunch back, crooked breast, crooked back, misshaped legs or wings, or other conditions unnatural for normal, healthy birds.

**Sec. 22-27-A7. No feed in crops**

Turkeys graded as "Connecticut Fancy Grade" shall have no feed in crops that can be detected by feeling or by sight.

**Consumer Standards, Grades and Weight Classes  
For Shell Eggs**

**Sec. 22-27-B1. Specification for official Connecticut standards for quality of individual shell eggs**

(a) With clean unbroken shells: (1) AA quality. The shell shall be clean, unbroken and practically normal. The air cell shall not exceed one-eighth inch in depth and be practically regular. The white shall be clear and firm so that the yolk appears well centered and its outline only slightly defined when the egg is twirled before the candling light. The yolk shall be free from apparent defects. (2) A quality. The shell shall be clean, unbroken and practically normal. The air cell shall not exceed two-eighths inch in depth and shall be practically regular. The white shall be clear and at least reasonably firm so that the yolk appears at least fairly well centered and its outline only fairly well defined when the egg is twirled before the candling light. The yolk shall be practically free from apparent defects. (3) B quality. The shell shall be clean, unbroken and may be slightly abnormal. The air cell shall not exceed three-sixths inch in depth and may show total movement not in excess of three-eighths inch. However, an air cell not over two-eighths inch in depth may be free. The white shall be clear, but may be slightly weak so that the yolk may appear off center with its outline well defined when the egg is twirled before the candling light. The yolk may appear slightly enlarged and slightly flattened and may show other definite but not serious defects. (4) C quality. The shell shall be clean and unbroken and may be abnormal. The air cell may be over three-eighths inch in depth and may be bubbly or free. The white may be weak and watery so that the yolk may appear off center and its outline plainly visible when the egg is twirled before the candling light. The yolk may appear dark, enlarged and flattened and

may show clearly visible germ development but no blood due to such development. It may show other serious defects that do not render the egg inedible. Small blood clots or spots may be present.

(b) With dirty unbroken shells: (1) Stained. Individual egg that has no adhering dirt and no more than a combined total of one-eighth of the shell surface stained or soiled. (2) Dirty. Individual egg that has adhering dirt or more than a combined total of one-eighth of the shell surface stained or soiled. (3) Check. Individual egg that has a broken shell or crack in the shell but with no leakage of the contents.

(c) With checked or cracked shells: Leaker. Individual egg that has a broken shell or crack in the shell and shell membranes with the contents exuding or free to exude through the shell.

(See 1961 Supp. § 22-41.)

**Sec. 22-27-B2. Connecticut specifications and weight classes for consumer grades for shell eggs**

(a) Grade AA shall consist of edible eggs of which at least eighty per cent<sup>1</sup> are AA quality, fifteen per cent<sup>1</sup> may be A quality and not over five per cent<sup>1</sup> may be of qualities below A, in any combination, but not including dirties.<sup>2</sup>

(b) Grade A shall consist of edible eggs of which at least eighty per cent<sup>1</sup> are A quality or better, fifteen per cent<sup>1</sup> may be B quality and not over five per cent<sup>1</sup> may be of the qualities below B, in any combination, but not including dirties.<sup>2,3</sup>

(c) Grade B shall consist of edible eggs of which at least eighty per cent<sup>1</sup> are B quality or better, ten per cent<sup>1</sup> may be C quality or stained, in any combination, and not over ten per cent<sup>1</sup> may be dirties or checks in any combination.<sup>2,3</sup>

(d) Grade C shall consist of edible eggs of which at least eighty per cent<sup>1</sup> are C quality or stained, in any combination, or better, and the balance may be dirties or checks in any combination.<sup>2</sup>

(e) No grade. Eggs of possible edible quality that fail to meet the requirements of an official Connecticut grade or that have been contaminated by smoke, chemicals or other foreign material that has seriously affected the character, appearance or flavor of the eggs are classed as ‘‘No Grade.’’

(See 1961 Supp. § 22-41.)

<sup>1</sup> Officially graded eggs shall conform as nearly as possible to the specifications of the respective standards of quality. Tolerances (a total of twenty per cent) are permitted within each grade only as an allowance for variable efficiency and interpretation of conscientious graders, normal changes under favorable conditions during reasonable period between grading and inspection, and reasonable variation from inspector’s interpretation. Substitution of higher qualities for these specified is permitted.

<sup>2</sup> Within the total tolerance permitted an allowance will be made at receiving points or shipping destination for one-half per cent leakers in grades AA, A and B, and one per cent in grade C.

<sup>3</sup> Eggs with stained shells but otherwise conforming to the specifications of grade A or grade B may be classified as grade A, stained, or grade B, stained, respectively.

**Sec. 22-27-B3. Weight classes for consumer grades for shell eggs**

Size or Weight class	Minimum net weight per dozen Ounces	Minimum net weight per 30 dozen Pounds	Minimum weight for individual eggs at rate per dozen <sup>1</sup> Ounces
Jumbo	30	56	29
Extra Large	27	50 <sup>1</sup> / <sub>2</sub>	26
Large	24	45	23
Medium	21	39 <sup>1</sup> / <sub>2</sub>	20
Small	18	34	17
Peewee	15	28	

<sup>1</sup> Minimum weights listed for individual eggs at the rate per dozen are permitted in various size class only to the extent that they will not reduce the net weight per dozen below the required minimum, consideration being given to variable weight of individual eggs and variable efficiency of graders and scales, which should be maintained on a uniform and accurate basis.

(See 1961 Supp. § 22-42.)

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## Grading and Marketing of Farm Products

### Sec. 22-33-1. Grades and conditions

All agricultural farm products, including fresh fruits and vegetables, horticultural products, maple syrup and honey shall meet any marked or designated U.S. grades as pertaining to that particular lot. Any lots which contain grade and/or condition defects in excess of the applicable U.S.D.A. registered percentages and tolerances shall be subject to removal from public sale.

(Effective September 4, 1986)

### Sec. 22-33-2. Labeling requirements

All packages for agricultural farm products, including fresh fruits and vegetables, horticultural products, maple syrup and honey shall contain the following information:

(a) Name and address of manufacturer, packer or distributor.

(b) Commodity name.

(c) **Quantity**—net quantity of contents will be in terms of weight, measure or numerical count. Unless a statement of numerical count gives accurate information as to the quantity of food in a package, it will be supplemented by a statement of weight, measure, or size of the individual units.

(d) **Markings**—print must be prominent, definite, plain and in English. Size of letters and numbers in the quantity declaration must comply with the requirements of the Federal Fair Packaging and Labeling Act.

(e) **Bulk Displays**—grade, variety or type identified when applicable. Where price per pound is quoted on display, grade and variety must be also posted. On unknown variety, it must be marked “unknown.”

(Effective September 4, 1986)

### Sec. 22-33-3. Packaging requirements

(a) **Used Containers**—when agricultural farm products, including fresh fruits and vegetables, horticultural products, maple syrup and honey are packed in used containers and sold or offered for sale or transported for sale, any markings pertaining to the original contents shall be obliterated and such container shall be conspicuously marked or labeled with proper labeling requirements.

(b) **Container Coloring**—any agricultural farm products, including fresh fruits and vegetables, horticultural products, maple syrup and honey packaged for sale in a container which is misleading in form, fill or (enhancing, tinted or striped) color shall be deemed to be misbranded. (Examples: Carrots, potatoes, apples, celery, parsnips in color-enhancing packages). Any transparent or semi-transparent packaging used for fresh produce which is tinted over any of its surface with a color which enhances the appearance of the commodity inside is deemed to be misleading and in violation of this regulation if it is not entirely clear or colorless over at least 50% of the surface area. This clear area must be unobstructed and undivided by any color, tint or printed matter.

(c) **Additives**—any agricultural farm products, including fresh fruits and vegetables, horticultural products, maple syrup and honey packaged for sale which has had artificial coloring or permitted chemical applied after harvest, shall be deemed to be misbranded, unless it bears labeling stating that fact.

(Effective September 4, 1986)



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## Potatoes

### A

#### Connecticut Standard Grades

##### Sec. 22-33-A1. Connecticut standard grades

The Connecticut standard grades for potatoes shall be the following, which are identical with the standards established by the United States department of agriculture under authority of the congress of the United States:

(a) **General.** (1) Numbers and letters in parentheses following grade terms indicate where such terms are defined under definitions.

(2) All percentages shall be calculated on the basis of weight.

(3) The tolerances for the standards are on a container basis. However, individual packages in any lot may vary from the specified tolerance as stated below, provided the averages for the entire lot, based on sample inspection, are within the tolerances specified.

(4) When the tolerance specified is ten per cent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that at least one defective and one off-size specimen shall be permitted in a package.

(5) When the tolerance specified is less than ten per cent, individual packages in any lot may contain not more than double the tolerance specified except that for frozen potatoes, or those affected by soft rot or wet breakdown, not more than one-tenth of the packages may contain more than double the tolerance but not more than four times the tolerance specified, and except that at least one defective and one offsize specimen shall be permitted in a package.

(b) **Grades.** (1) Conn. Fancy shall consist of potatoes of one variety or similar varietal characteristics which are firm, mature (1), bright (2), well shaped (3), not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, shriveling, sprouting, soft rot or wet breakdown (4), hollow heart, and internal discoloration (5), and free from injury (6) caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, cuts, external discoloration, scab, dry rot, rhizoctonia, other disease, wireworm, other insects or other means (6).

(2) The diameter (7) of each potato shall be not less than two inches.

(3) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, not less than forty per cent of the potatoes in any lot shall be six ounces or more in weight.

(4) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain, or other similar varieties, not less than sixty per cent of the potatoes in any lot shall be two and one-quarter inches or larger in diameter.

(5) The size of the potatoes may be stated in terms of minimum diameter or minimum weight, or of range in diameter or weight, or of a certain percentage over a certain size, following the grade name, but in no case shall the potatoes be below the sizes specified for this grade. (See Tolerance for Size, (C-7).)

(6) In order to allow for variations other than size, incident to proper grading and handling, not more than a total of six per cent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than three per cent shall be allowed for potatoes affected by southern bacterial wilt, ring rot or late blight,

and including not more than one per cent for potatoes which are frozen, or affected by soft rot or wet breakdown.

(7) Conn. Extra No. 1 shall consist of potatoes of one variety or similar varietal characteristics which are fairly well shaped (8), fairly clean (9), not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown (4), and from damage (10) caused by sunburn, second growth (10a), growth cracks (10a), air cracks (10b), hollow heart, internal discoloration (5 and 10), external discoloration (10c), cuts, shriveling (10d), sprouting (10e), scab (10f and g), dry rot, rhizoctonia (10h), other disease (10), wireworm (10i), other insects or mechanical or other means (10). (See Skinning Classification, (D 1-5).)

(8) Unless otherwise specified, size of potatoes (See Size Classification and Tolerance for Size (C 1-8) shall be as follows: (A) The diameter (7) of each potato shall be not less than one and seven-eighths inches. (B) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, not less than sixty per cent of the potatoes in the lot shall be six ounces or larger, of which not less than one-half or thirty per cent, shall be ten ounces or more in weight. (C) For round or intermediate shaped varieties, such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain or other similar varieties, not less than sixty per cent of the potatoes in the lot shall be two and one-quarter inches or larger, of which not less than one-half, or thirty per cent, shall be two and three-quarters inches, or larger in diameter.

(9) In order to allow for variations other than size, hollow heart, and internal discoloration, incident to proper grading and handling, not more than a total of six per cent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than three per cent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including not more than one per cent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than five per cent may be damaged by hollow heart, and internal discoloration.

(10) Conn. No. 1 shall consist of potatoes of one variety or similar varietal characteristics which are fairly well shaped (8), not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown (4), and from damage (10) caused by dirt (10j) or other foreign matter (10j), sunburn, second growth (10a), growth cracks (10a), air cracks (10b), hollow heart, internal discoloration (5 and 10), external discoloration (10c) cuts, shriveling (10d), sprouting (10e) scab (10f and g), dry rot, rhizectonia (10h), other disease (10), wireworm (10i), other insects or mechanical or other means (10). (See Skinning Classification, (D 1-5).)

(11) Unless otherwise specified the diameter (7) of each potato shall be not less than one and seven-eighths inches. (See Size Classification and Tolerance for Size, (C 1-8).)

(12) In order to allow for variations other than size, hollow heart, and internal discoloration, incident to proper grading and handling, not more than a total of six per cent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than three per cent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including not more than one per cent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than five per cent may be damaged by hollow heart and internal discoloration.

(13) Conn. Commercial shall consist of potatoes which meet the requirements for Conn. No. 1 grade except that they shall be free from serious damage by dirt

(1la) and except for the increased tolerance for defects specified below. (See Skinning Classification, (D 1-5).)

(14) Unless otherwise specified, the diameter (7) of each potato shall be not less than one and seven-eighths inches. (See Size Classification and Tolerance for Size, (C 1-8).)

(15) In order to allow for variations other than size and sprouting, incident to proper grading and handling, not more than a total of twenty per cent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than five per cent may be seriously damaged by hollow heart and internal discoloration and not more than six per cent may fail to meet the remaining requirements of Conn. No. 2 grade, but not more than one-half of this amount, or three per cent, shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight and including not more than one per cent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than ten per cent of the potatoes may have sprouts over three-quarters inches long, but which are not seriously damaged by shriveling, provided, if all of the twenty per cent tolerance is not used for other defects, the unused part of the tolerance may also be used for potatoes having sprouts over three-fourths inch long but which are not seriously damaged by shriveling.

(16) Conn. No. 2 shall consist of potatoes of one variety or similar varietal characteristics which are not seriously misshapen or frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown (4), and from serious damage (11) caused by dirt (11a) or other foreign matter (11a) sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration (5 and 11), external discoloration (11b), cuts (11c), shriveling (11d), scab (11e and f), dry rot, other disease, wireworm (11g), and other insects, or mechanical or other means (11). (See Skinning Classification, (D 1-5).)

(17) Unless otherwise specified the diameter (7) of each potato shall be not less than one and one-half inches. (See Size Classification and Tolerance for Size, (C 1-8).)

(18) In order to allow for variations other than size, hollow heart, and internal discoloration, incident to proper grading and handling, not more than a total of six per cent of the potatoes in any lot may fail to meet the requirements of the grade, but not more than three per cent shall be allowed for potatoes affected by southern bacterial wilt, ring rot or late blight, and including not more than one per cent for potatoes which are frozen, or affected by soft rot or wet breakdown. In addition, not more than five per cent may be seriously damaged by hollow heart and internal discoloration.

(c) **Size classification for all grades except Conn. Fancy.** (1) When the potatoes are designated as “Conn. No. 1,” “Conn. Commercial” or “Conn. No. 2” without specifying a size classification, it is understood that the potatoes meet the minimum size specified in the grade but that no definite percentage of the potatoes is required to be larger than this minimum size.

(2) When potatoes meet the requirements of Size A or Size B as described below, the size classification may be specified in connection with any of the Conn. grades except Conn. Fancy, as: “Conn. No. 1, Size A”; “Conn. Extra No. 1, Size A”; “Conn. Commercial, Size B”; “Conn. No. 1, Size B”; “Conn. No. 2, Size A”; or “Conn. No. 2, Size B”; in accordance with the facts. When Size A or Size B is used in connection with the grade, it is not permissible to specify any smaller sizes than those specified under these designations.

(3) Size A. For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, the diameter of each potato shall be not less than one and seven-eighths inches and not less than forty per cent of the potatoes in the lot shall be six ounces or more in weight.

(4) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain, or other similar varieties, the diameter of each potato shall be not less than one and seven-eighths inches and not less than sixty per cent of the potatoes in the lot shall be two and one-quarter inches or larger in diameter.

(5) Size B. For all varieties the size shall be from one and one-half inches to not more than two inches in diameter.

(6) Other sizes. When any of the above size designations are not used in connection with Conn. Extra No. 1, Conn. No. 1, Conn. Commercial, or Conn. No. 2 grades, it is permissible to specify any other minimum size such as "1½ inches minimum," "2 inches minimum," or both a minimum and a maximum size as "1<sup>7</sup>/<sub>8</sub> inches to 3 inches," "6 to 10 ounces"; or to specify a certain percentage over a certain size as "25 per cent or more 2¼ inches and larger," "50 per cent or more 5 ounces and larger."

(7) In order to allow for variations incident to proper sizing, not more than three per cent of the potatoes in any lot may fail to meet the specified minimum size except that a tolerance of five per cent shall be allowed for potatoes packed to meet a minimum size of two and one-quarter inches or more in diameter, or six ounces or larger in weight. In addition, not more than fifteen per cent may fail to meet any specified maximum size.

(8) When a percentage of the potatoes is specified to be of a certain size and larger, no part of any tolerance shall be used to reduce such a percentage for the lot as a whole, but individual containers may have not more than fifteen per cent less than the percentage required or specified, provided that the entire lot averages within the percentage specified. For example, a lot specified as twenty-five per cent two and one-half inches and larger may have containers with not less than ten per cent two and one-half inches and larger provided the lot as a whole averages twenty-five per cent two and one-half inches and larger.

(d) **Skinning classification.** (1) The following optional skinning classifications are provided as a basis for classifying lots of potatoes as to the degree of skinning.

(2) "Practically no skinning" means that not more than five per cent of the potatoes in any lot have more than one-tenth of the skin missing or "feathered."

(3) "Slightly skinned" means that not more than ten per cent of the potatoes in any lot have more than one-fourth of the skin missing or "feathered."

(4) "Moderately skinned" means that not more than ten per cent of the potatoes in any lot have more than one-half of the skin missing or "feathered."

(5) "Badly skinned" means that more than ten per cent of the potatoes in any lot have more than one-half of the skin missing or "feathered."

(e) **Unclassified.** (1) Unclassified shall consist of potatoes which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

(f) **Definitions.** As used in these standards:

(1) "Mature" means that the outer skin (epidermis) does not loosen or "feather" readily during the ordinary handling and that practically no skin has been removed from the potatoes.

(2) "Bright" means practically free from dirt or other foreign matter, and that the outer skin (epidermis) has the attractive color normal for the variety.

(3) "Well shaped" means the normal shape for the variety and that the potato is not pointed, dumbbell-shaped, excessively elongated, or otherwise ill-formed.

(4) "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury or sunscald.

(5) "Internal discoloration" means discoloration such as is caused by net necrosis or any other type of necrosis, stem-end browning, internal brown spot, or other similar types of discoloration not visible externally, except blackheart.

(6) "Injury" means any defect which more than slightly affects the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than two per cent of the total weight of the potato including peel covering defective area.

(7) "Diameter" means the greatest dimension at right angles to the longitudinal axis. The long axis shall be used without regard to the position of the stem (rhizome).

(8) "Fairly well shaped" means that the appearance of the individual potato or the general appearance of the potatoes in the container is not materially injured by pointed, dumbbell-shaped or otherwise ill-formed potatoes.

(9) "Fairly clean" means that, from the viewpoint of general appearance, the potatoes in the container are reasonably free from dirt or other foreign matter and that individual potatoes are not materially caked with dirt or materially stained.

(10) "Damage" means any injury or defect which materially injures the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than five per cent of the total weight of the potato including peel covering defective area. Any one of the following defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as damage: (A) Second growth or growth cracks which have developed to such an extent as to materially injure the appearance of the individual potato or the general appearance of the potatoes in the container. (B) Air cracks which are deep, or shallow air cracks which materially injure the appearance of the individual potato or the general appearance of the potatoes in the container. (C) External discoloration, when skinned areas on individual potatoes are materially affected by dark discoloration, or when the general appearance of the lot is materially affected by discoloration. (D) Shriveling, when the potato is more than moderately shriveled, spongy or flabby. (E) Sprouting, when more than ten per cent of the potatoes have sprouts over three-fourths of an inch long. (F) Surface scab which covers an area of more than five per cent of the surface of the potato in the aggregate. (G) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than five per cent of the total weight of the potato, including peel covering defective area. (H) Rhizoctonia, when the general appearance of the potatoes in the container is materially injured or when individual potatoes are badly infected. (I) Wireworm, grass root or similar injury, when any hole, on potatoes ranging in size from six to eight ounces, is longer than three-quarters inch or when the aggregate length of all holes is more than one and one-quarter inches. Smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts, provided the removal of the injury by proper trimming does not cause the appearance of such potatoes to be injured to a greater extent

than that caused by the proper trimming of such injury permitted on a six to eight ounce potato. (J) Dirt, when the general appearance of the potatoes in the container is more than slightly dirty or stained, or when individual potatoes are badly caked with dirt or badly stained; or other foreign matter which materially affects the appearance of the potatoes.

(11) "Serious damage" means any injury or defect which seriously injures the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than ten per cent of the total weight of the potato, including peel covering defective area. Any one of the following defects or any combination of defects the seriousness of which exceeds the defects or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect shall be considered as serious damage: (A) Dirt, when the general appearance of the potatoes in the container is seriously affected by tubers badly caked with dirt; or other foreign matter which seriously affects the appearance of the potatoes. (B) External discoloration, when skinned areas on individual potatoes are seriously affected by very dark discoloration, or when the general appearance of the lot is seriously affected by discoloration. (C) Fairly smooth cuts such as are made by the digger or by a knife to remove injury, when both ends are clipped, or when more than an estimated one-fourth of the potato is cut away, or, in the case of long varieties, when the remaining portion of the clipped potato weighs less than six ounces. Irregular types of cuts which seriously affect the appearance of the individual potato, or which cannot be removed without a loss of more than ten per cent of the total weight of the potato, including peel covering defective area. (D) Shriveling, when the potato is excessively shriveled, spongy, or flabby. (E) Surface scab which covers an area of more than fifty per cent of the surface of the potato in the aggregate. (F) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than ten per cent of the total weight of the potato including peel covering defective area. (G) Wireworm, grass root or similar injury, when any hole, on potatoes ranging in size from six to eight ounces, is longer than one and one-quarter inches or when the aggregate length of all holes is more than two inches. Smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts, provided the removal of the injury by proper trimming does not cause the appearance of such potatoes to be injured to a greater extent than that caused by the proper trimming of such injury permitted on a six to eight ounce potato.

(See 1963 Supp. §22-27; Regs. 22-35-1, 22-35-2.)

## B

### Charter Oak Brand

#### Obligations of Packers

#### Sec. 22-33-B1. Obligations of packers

Each packer of "Charter Oak Brand Potatoes" shall (1) have a certificate renewable for each marketing season from the department of agriculture and natural resources obtainable on written application to use this brand; (2) have suitable equipment and demonstrate ability to grade and pack "Charter Oak Brand" potatoes in sufficient volume to participate in the program (Generally fifteen thousand pounds or more per day or per inspection lot); (3) use standard approved bags, properly

labeled and satisfactorily identified; (4) have all potatoes inspected for grade by federal-state inspectors before sale and shall pay the department of agriculture and natural resources inspection fees to cover the cost of furnishing such inspection at a rate not to exceed five dollars per forty-five thousand pound carload, plus travel at four cents per mile in excess of twenty miles based on the nearest headquarters; (5) use new bags purchased from dealers licensed to make "Charter Oak Brand" containers; (6) furnish the purchaser with a sales slip with each load sold showing the appropriate inspection certificate number of the lot or lots involved and keep a file of duplicate copies for the duration of the marketing season; (7) furnish the department of agriculture and natural resources such records and information as may be necessary to protect and promote the marketing of "Charter Oak Brand" potatoes; (8) comply with the spirit and letter of the marketing plan; (9) surrender his certificate and refrain from identifying potatoes as "Charter Oak Brand" for failure to comply with any of the provisions of rules and regulations.

(See 1963 Supp. § 22-27.)

### **Sec. 22-33-B2. Obligations of manufacturers of "Charter Oak Brand" potato bags**

Each manufacturer of "Charter Oak Brand" bags for potatoes shall (1) show integrity and satisfactory ability to produce "Charter Oak Brand" bags for potatoes; (2) sell only to licensed growers; (3) furnish "Charter Oak Brand" bags of satisfactory workmanship and the following minimum specifications: (a) Fifteen-pound size bags shall be of No. 1 grade, sized finished kraft paper, two walls of fifty-pound quality. Outer wall white; (b) Fifty-pound size bags shall be of No. 1 kraft paper, sized finished three walls of fifty-pound quality; (c) one-hundred-pound size shall be of new burlap, seven and one-half ounce quality; (4) faithfully reproduce the "Charter Oak Brand" on all packages in satisfactory ink from designs to be supplied at cost by the department of agriculture and natural resources; (5) furnish such records and information concerning the sale of "Charter Oak Brand" bags as may be requested by the department of agriculture and natural resources; (6) collect an advertising tax on all "Charter Oak Brand" bags sold, at a rate equivalent to three dollars per forty-five thousand pound carload of potatoes. All such moneys collected shall be turned over on request of commissioner of agriculture and natural resources to an advertising committee for the specific purpose of advertising "Charter Oak Brand" potatoes; (7) supply the department of agriculture and natural resources with a copy of the order agreement bearing the signature of the buyer and seller, and one copy of the shipping invoice; (8) surrender his permit and refrain from manufacturing or selling "Charter Oak Brand" bags for failure to comply with any of the provisions of rules and regulations.

(See 1963 Supp. § 22-27.)



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## **Connecticut Quality Seal Program**

### **Sec. 22-33-C1. Use of quality seal**

The Connecticut Quality Seal may be used on agricultural commodities that are produced in Connecticut.

(a) The Connecticut Department of Agriculture approves the use of the Connecticut Grown map symbol as an official emblem for identifying Connecticut produced agricultural commodities. The Connecticut Quality Seal is an oval shaped seal with the Connecticut Grown logo, which consists of an outline, located in the center of the oval, of the borders of the state of Connecticut with a farm scene imprinted within the center of the outline of the borders of Connecticut, and the words Connecticut Grown and Quality Seal written on the perimeters of the oval.

(b) Any person, firm, partnership, corporation, cooperative or association wishing to employ the Connecticut Quality Seal in marketing Connecticut agricultural commodities shall make application to the Connecticut Department of Agriculture. The application shall be made in writing on a form provided by the department for this purpose. The application shall reveal such information as is deemed necessary for the administration of the Connecticut Quality Seal program. Information requested will include the following: Name and Address, Trade Name, Commodity, Partnership or Corporation, Place of Business, Type of Container Used.

(Effective April 25, 1988)

### **Sec. 22-33-C2. Containers**

Any person, firm, partnership, corporation or cooperative wishing to supply containers bearing the Connecticut Quality Seal to licensed registrants shall make application to the Connecticut Department of Agriculture. The application supply containers shall be made in writing on a form provided by the department.

(Effective April 25, 1988)

### **Sec. 22-33-C3. Rejection of applications**

The commissioner may reject applications on the basis of the following: Failure of the applicant's product to conform with the grade standards for that commodity; the applicant's history of compliance with the conditions of any prior approval for use of the Connecticut Quality Seal; the applicant's commodity is not produced in Connecticut. Approved applications shall be valid for a period of one (1) year commencing July 1 of each year. Interim license and registration number may be granted to the applicant for a period of less than one (1) year. Application shall be submitted at least thirty (30) days prior to the effective date requested. The commissioner shall approve or deny the application in writing within thirty (30) days of receipt. If an application is denied, the applicant within thirty (30) days from the date of mailing of the notice of denial, may appeal to the commissioner for an opportunity to be heard. A notice of hearing will be given to the applicant within thirty (30) days after receipt by the commissioner of the applicant's notice of appeal, and at least ten (10) days prior to the hearing. Notice to the applicant of such a hearing will be given by hand delivering the notice to the applicant or by mailing it to the applicant. Any person who violates any of the provisions of Section 22-33 of the Connecticut General Statutes shall be subject to the penalties prescribed by Section 22-30 of the Connecticut General Statutes and to the revocation of approval.

(Effective April 25, 1988)

### **Sec. 22-33-C4. Quality seal promotional material**

(a) Approved users may purchase Connecticut Quality Seal labels in increments of 1,000. The charge for Connecticut Quality Seal labels and for Connecticut Quality

Seal closing tape shall be equal to the cost to the Department of Agriculture for the same. Checks are to be made payable to the Connecticut Department of Agriculture.

(b) Advertisement material employing the Seal may be obtained from the Department of Agriculture.

(c) Materials bearing the seal may not be transferred except in connection with the transfer of agricultural products meeting the grade standard for the commodity contained therein.

(d) Each approved user shall submit by June 1 of the year of approval a report on forms supplied by the department.

Information required will include:

1. An inventory of approved Connecticut Quality Seal Program logo imprinted materials;

2. Numbers of Connecticut Quality Seal Program materials used.

Failure to supply the above in a timely manner may be cause for rejection of application for the following year and revocation of any existing applications.

(Effective April 25, 1988)

**Sec. 22-33-C5. Agricultural commodities intended to be marketed under the Connecticut quality seal program**

All agricultural commodities marketed under the Connecticut Quality Seal program shall be produced and packed in Connecticut.

(Effective April 25, 1988)

**Sec. 22-33-C6. Commodity grades, packing requirements, packer identification and containers**

(a) All agricultural products bearing the Connecticut Quality Seal shall meet the Connecticut Quality Seal grade standards established by regulation for that commodity.

(b) Each closed container bearing the Connecticut Quality Seal shall either have the name and address of the approved user or, in the case of a cooperative packing, the registration number of approved user. All labeling, packaging and sales of commodities shall be in accordance with the provisions of regulations of Connecticut State Agencies, Section 42-115j-1 through 22-115j-8. All containers shall be new.

(Effective April 25, 1988)

**Sec. 22-33-C7. Point-of-purchase requirements**

The Connecticut Quality Seal shall be advertised or displayed only in association with commodities produced and packed under the Quality Seal Program.

(Effective April 25, 1988)

**Sec. 22-33-C8. Quality seal grade standards for apples**

(a) Each apple shall be of a diameter not less than 2<sup>1</sup>/<sub>2</sub> inches.

(b) Apples shall be of one or more of the following varieties:

Macintosh

Standard Red Delicious

Red Sport Delicious

Partially Red Varieties

Idared

Empire

Opalescent

Macoun

Cortland

Yellow Varieties  
Green Varieties  
Early Red Varieties

(c) Each apple shall display no more than the following defects:

Scab:	none
Cedar rust:	none
Rough russetting:	up to $\frac{1}{2}$ " in diameter, not including russetting inside stem and calyx ends, except no excessively rough or bark-like russetting shall be permitted.
Smooth net-like russetting:	up to 10% of surface, except for Golden Delicious which can be up to 15% of surface.
Smooth solid russetting:	up to 5% of surface, except for Russet varieties which allows any amount.
Hail Damage:	none
Limb rub:	up to $\frac{1}{4}$ " in diameter.
Stem punctures:	none
Cracks:	none
Insect stings:	up to $\frac{1}{8}$ "
Sooty Blotch or Fly Speck:	none
Spray Burn:	if spray burn blends into normal color and there are no blisters or cracks.
Watercore:	none allowed after January 31.
Bruises:	Firm, flat, shallow bruises only, not over $\frac{1}{8}$ " to deepest point; one bruise less than $\frac{1}{2}$ " in diameter, <i>or</i> several bruises each less than $\frac{1}{2}$ " in diameter, and total area of which does not exceed $\frac{3}{4}$ " in diameter.
Ripeness:	apples shall pressure test at least 12 lbs.
Shape:	must be fairly well formed and typical of the variety.
Color:	Macintosh—75% red Red Sport Delicious—100% red Standard Red Delicious—100% red Partially red varieties—75% red Idared—75% red Empire—75% red Opalescent—75% red Macoun—75% red Cortland—75% red Yellow varieties—75% yellow characteristic for the variety. Green varieties—Characteristic for the variety Early red varieties—75% red

(Effective April 25, 1988)

### Sec. 22-33-C9. Quality seal grade standards for apple cider

(a) Cider products marketed under the Connecticut Quality Seal shall meet the requirements of the general regulations pertaining to the Connecticut Quality Seal Program and the additional regulations as set forth in this section.

#### (b) Product Quality and Processing

(1) Apples should be free of dirt, dust, decay, spray residue, insect infestation and other foreign material.

(2) Cider shall be free of foreign flavors or odors.

(3) Cider shall be free from coarse particles of apple pomace or seeds.

(4) No adulteration of any kind is permitted in apple cider marketed under Connecticut Quality Seal regulations. However, this subsection shall not be meant to preclude the addition of preservatives provided that the cider products is so labeled.

(5) Pasteurization is not allowed.

**(c) Processing Area and Equipment**

(1) The cider processing area must be an enclosed building. The floors must be kept clean and provide adequate drainage. Wall and ceiling surfaces must be washable. If gasoline or diesel motors are used for powering equipment, the motors must be placed outside of the cider building.

(2) All machinery and equipment shall be in proper operating condition and be capable of being washed and cleaned. All surfaces coming in contact with pulp or cider must be made of wood, plastic, stainless steel or glass. Copper, tin, and other materials which might alter the flavor of the cider must not come in contact with the apples or cider during processing and storage.

(3) Hot water for sterilization of machinery and equipment that come in contact with the cider shall be available in the cider making area or adjacent to it.

(4) Cider storage containers must be covered. Cider shall be cooled promptly after it is made. Cider must be cooled below 40°F.

(5) Press cloths, racks, and forms are to be made of materials that can be easily cleaned.

(6) As the cider is processed, it shall be filtered prior to bulk storage or bottling.

**(d) Cleanliness and Sanitation**

(1) All machinery, equipment and fluid lines must be washed prior to each use and on a daily basis during periods of continuous use. All surfaces that come in contact with apple pulp or cider must be washed.

(2) Floors, walls, and ceilings in the area of the grinding machine and pulp disposal shall be kept clean.

(3) Press cloths shall be rinsed and washed; racks and forms shall be scrubbed and cleaned, so as to keep each of these items clean during use.

(4) Cider containers and caps must be new and stored in a clean area prior to use.

(5) Pomace and reject apples are to be removed from pressing area daily.

(Effective May 19, 1989)

**Sec. 22-33-C10.**

Repealed, February 6, 1991.

**Sec. 22-33-C10a. Quality seal grade standards for honey**

(a) Honey products marketed under the Connecticut Quality Seal shall meet the requirements of the general regulations pertaining to the Connecticut Quality Seal Program and the additional regulations as set forth in this section.

**(b) Definitions.**

(1) Extracted honey. Honey that has been physically removed from the comb.

(2) Crystallized honey. Honey that is or has begun the natural process of granulation.

(3) Creamed honey. Processed honey that is granulated, fine-grained, opaque and in a spreadable form, the only ingredient being honey.

(4) Comb. A structure of thin walled cells constructed from beeswax to hold honey.

(5) Combed honey. Honey that is in the comb.

(6) Capped honeycomb. Cells filled with honey that are totally sealed with a layer of wax.

(7) Chunk honey. A package containing cut comb honey which has been submerged in extracted honey.

(c) All honey products shall not be crystallized unless labeled to indicate crystallized honey. Each container of crystallized or crystallizing honey shall bear such a label.

(d) All honey products shall be free from dirt or objectionable materials, such as beeps or wax.

(e) All off-tasting honey such as honey dew, fermented or burnt tasting honey shall not be permitted to bear the Quality Seal.

(f) All extracted honey products shall have a moisture content equal to or less than 18%.

(g) All extracted honey products shall be 100% pure unadulterated honey, must not contain beeps or wax.

(h) All forms of comb honey shall be at least 90% capped. All forms of comb honey shall have a minimal amount of bruised, broken or irregular comb.

(i) Creamed honey shall be completely crystallized and fine-grained.

(j) Chunk honey shall be at least 90% capped with a minimal amount of bruised, broken or irregular comb.

(k) All storage and consumer containers shall be clean and sanitized.

(l) The facility and equipment in which honey products are processed shall be kept clean and sanitary.

(Effective February 6, 1991)

### **Sec. 22-33-C11. Quality seal grade standards for maple syrup**

(a) Maple products marketed under the Connecticut Quality Seal shall meet the requirements of the general regulations pertaining to the Connecticut Quality Seal Program and the additional regulations as set forth in this section.

#### **(b) Grades**

(1) The following grades of maple syrup are eligible to bear the Quality Seal: U.S. grade A light amber, U.S. grade A medium amber, and U.S. grade A dark amber.

(2) Such syrup shall be equal to or above the minimum limits of color and flavor established for the specified grade by the United States Department of Agriculture, Federal Regulation Title 7 CFR 52.5961 to 52.5967, inclusive.

#### **(c) Filtering**

(1) The only maple syrup upon which the Quality Seal may be affixed shall consist of 100 percent pure maple syrup which has been filtered at the time of packing and is free of any material other than pure, clear, clean, liquid maple syrup in sanitary condition.

#### **(d) Packing**

All maple syrup marketed under the Connecticut Quality Seal shall be packed at a temperature of 180°F or higher.

#### **(e) Maple Products Other Than Syrup**

(1) The only maple products upon which the Quality Seal may be affixed shall be made of pure maple syrup.

(2) Products made from such syrup shall contain no sugars, except pure maple sugar and contain no other ingredients except that cream, nuts, and butter may be ingredients of maple fudge.

**(f) Packing Facilities**

(1) The facilities in which Quality Seal maple products are packed shall be kept neat, clean, and sanitary and shall contain such equipment as is necessary to pack maple products.

(Effective May 19, 1989)

**Sec. 22-33-C12. Quality seal grade standards for mushrooms**

(a) Mushroom products marketed under the Connecticut Quality Seal shall meet all of the requirements of the general regulations pertaining to the Quality Seal program and the additional regulations as set forth in this section.

(b) Processing and packing rooms must be kept clean and sanitary in accordance with Food and Drug Administration standards.

(c) Mushrooms shall be processed and packed to insure freshness.

(d) Mushrooms shall be mature, well trimmed, clean, and free from disease or damage by any cause.

(e) Mushrooms shall be kept under refrigeration at between 35°F–40°F from when they are picked to the time of delivery to the retail outlet.

(f) Mushrooms are to be picked and packed the same day and stored in the same container that they are to be sold in.

(Effective May 19, 1989)

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### **Seed Potatoes**

#### **Sec. 22-35-1. Wholesale and retail transactions**

For the purpose of sections 22-35-1 and 22-35-2 a wholesale transaction shall be construed as one where the product is sold for resale and a retail transaction shall be construed as one where the product, regardless of quantity, is delivered to the ultimate consumer.

#### **Sec. 22-35-2. Certified seed potatoes exempt**

The provisions of section 22-35 of the 1963 supplement to the general statutes shall not apply to officially certified seed potatoes which meet the grade or certification requirements as labeled and which are sold exclusively for seed purposes in Connecticut, provided they shall be sold in the original packages and bear the official seal and certification of the department of agriculture of the state where they were grown. This exception does not apply to noncertified seed potatoes.



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## **Potato Culls**

### **Sec. 22-36-1. Potato culls**

Culls as applied to potatoes are defined as any lot which fails to meet the minimum requirements as set forth for “Conn. No. 2” potatoes in subdivisions (16), (17) and (18) of subsection (b) of section 22-33-A1.

### **Sec. 22-36-2. Labeling. Invoice description**

Any lot of “cull” potatoes, regardless of origin, when exposed for sale or transported for sale within this state shall be plainly and conspicuously labeled “culls.” Every invoice rendered in connection with the sale of a lot of cull potatoes shall describe the lot as “cull” potatoes.



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## **Shipment of Live Poultry**

### **Sec. 22-37-1. Who shall obtain licenses**

Except as noted below, every person, firm or corporation engaged in the business of buying, selling and/or transporting live poultry, the meat of which is to be sold or used for food, shall obtain a license from the commissioner of agriculture and natural resources. Such license will be granted after the applicant has filed application on a special form with said commissioner and has paid the required fee. The following are excepted from the provisions of this section: (1) Merchants transporting dressed poultry; (2) transportation of poultry by common carriers; (For the purpose of administering section 22-37 of the general statutes, as amended, the following definition of common carrier will apply: "One who transports persons or property indiscriminately for hire.") (3) shipments of poultry originating outside the state of Connecticut for destination within the state or passing through the state, provided a bill of sale shall accompany each shipment; (4) transportation by farmers of poultry entirely of their own raising.

### **Sec. 22-37-2. Application information**

The applicant for such license shall state the name of the applicant; if a firm, the names of members of such firm; and, if the applicant is a corporation, the names of the officers of such corporation. The applicant shall also state the place or places of business and telephone numbers of each place of business and the name of the manufacturer and the state registration number of each motor vehicle used in the conduct of such business.

### **Sec. 22-37-3. Each place of business to be licensed separately**

Each place of business shall be licensed separately and with each such license there will be issued one set of two number plates for a motor vehicle or other conveyance used in the conduct of the business so licensed.

### **Sec. 22-37-4. Posting of license at place of business**

The license shall be posted in a conspicuous place within the building or on the premises where the business of buying or selling of live poultry is conducted.

### **Sec. 22-37-5. Two metal license plates to appear on motor vehicle or conveyance**

Two metal license plates as issued by the department of agriculture and natural resources shall be prominently displayed, one on each side of the conveyance used in the buying, selling and/or transporting of live poultry for food purposes.

### **Sec. 22-37-6. Fees**

The sum of five dollars made payable to the commissioner of agriculture and natural resources shall accompany each application for license. If more than one motor truck or conveyance is operated by the licensee in the conduct of his business, additional sets of license plates may be obtained at one dollar per set.

### **Sec. 22-37-7. Expiration date of all licenses**

The expiration date of all licenses, unless previously revoked for cause, will be the last day of February at midnight of each year. The annual fee shall be five dollars per year or any part thereof.

**Sec. 22-37-8. Sales record in duplicate**

Each person, firm or corporation licensed to buy, sell and/or transport live poultry for food purposes shall provide himself with a poultry sales record book made in duplicate. The record of all sales shall show the following: (1) The name and address of the seller; (2) the date of the transaction; (3) the number of birds, classification (whether fowls, broilers, ducks, turkeys, etc.), total weight, price per pound and total amount in dollars and cents; (4) the name and address of the licensee or purchaser; (5) the license number, and (6) the motor vehicle registration number of the conveyance.

(Typical sales slip appears below)

**POULTRY SALES RECORD**

Bought of .....

(Name of Seller)

.....

(Address of Seller)

Date .....

No. Birds	Classification Fowl, Broilers, etc.	Total Weight	Price Per Pound	Total Amount

Name of Buyer .....

Address .....

Poultry License No. ....

Motor Vehicle Registration No. ....

The original copy of each sales slip shall be retained by the seller. The duplicate copy of each sales slip shall be retained by the purchaser for a period of six months after such transaction and shall be open for inspection at all times to the commissioner of agriculture and natural resources or his authorized agents.

**Sec. 22-37-9. Permission to transport poultry after dark**

The license granted by the commissioner of agriculture and natural resources and referred to under section 22-37-1 and the display of license plates as specified under section 22-37-5 shall constitute permission to transport live poultry upon any public highway within the state of Connecticut between 9 p.m. and 5 a.m., provided a duplicate sales slip, as specified under section 22-37-8, shall accompany such shipment.

**Sec. 22-37-10. Revocation of license**

If evidence is submitted to the commissioner of agriculture and natural resources or his authorized agent which convinces him that a holder of a poultry transportation license is defrauding by shortweighing, paying by worthless checks or any other method of dishonest dealing with poultry owners, it shall be deemed sufficient cause for revoking such license.

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## Joint Venture Program

### Sec. 22-38a-1. Joint venture program

(a) The purpose of the Joint Venture Program is to promote Connecticut Agricultural products through the use of the Connecticut Grown logo.

(b) Approved requests shall be matched in a proportion of not less than one dollar of applicant's funds to three dollars of state funds. The amount granted and the amount to be matched by the applicant shall be approved by the commissioner and specified in the grant agreement pursuant to Section 22-38a-3 (f) of the regulations of Connecticut State agencies.

(Effective January 3, 1989)

### Sec. 22-38a-2. Eligibility for joint venture funds

Requests must include the following:

(a) an estimated budget.

(b) description of the proposed marketing program with information as to how the program will make use of the slogan "Connecticut Grown" or the "Connecticut Grown" logo to increase consumer demand. The logo, a registered trademark with the Secretary of the State of Connecticut, Number 6653, consists of a variation in outline of the State of Connecticut with barn, silo, tree and field within.

(c) evidence of the availability of matching funds pursuant to Section 22-38a-1 (b) of the Connecticut State Regulations.

(Effective January 3, 1989)

### Sec. 22-38a-3. Use of joint venture funds

(a) Joint Venture funds shall be used to promote generic Connecticut Grown products.

(b) Joint Venture funds shall not be used to promote one business or farm, or any branded agricultural products, if the promotion may take market share away from other Connecticut vendors of the same commodity.

(c) In visual or printed promotion schemes, the "Connecticut Grown" logo must be used. In oral promotions (such as radio ads), the phrase "Connecticut Grown" must be used.

(d) Joint Venture funds shall not be used for costs such as hotels, meals, travel costs or honoraria.

(e) Joint Venture funds shall only be used for programs which are directly related to marketing or promoting Connecticut Grown products. Such uses do not include career-related or scholarship funds.

(f) Grantees shall execute a grant agreement in a form acceptable to the commissioner prior to receipt of any grant funds.

(Effective January 3, 1989)



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## Connecticut Standards for Apples

### Sec. 22-51-1. Definitions

As used in section 22-51-2: (1) “Mature” means that the apples have reached the stage of growth which will insure the proper completion of the ripening process. Before a mature apple becomes overripe, it will show varying degrees of firmness, depending upon the stage of the ripening process. The following terms are used for describing these different stages of firmness of apples: (a) “Hard” means apples with a tenacious flesh and starchy flavor. Apples at this stage are suitable for storage and long-distance shipment. (b) “Firm” means apples with a tenacious flesh but which are becoming crisp with a slight starchy flavor, except the Delicious variety. Apples at this stage are also suitable for storage and long-distance shipment. (c) “Firm ripe” means apples with crisp flesh, except that the flesh of the apples of the Gano, Ben Davis and Rome Beauty varieties may be slightly mealy. Apples at this stage may be shipped long distances but should be moved into consumption within a short period of time. (d) “Ripe” means apples with mealy flesh and soon to become soft for the variety. Apples at this stage should be moved immediately into consumption.

(2) “Overripe” means apples which are dead ripe, with flesh very mealy or soft, and past commercial utility.

(3) “Carefully hand-pick” means that the apples do not show evidence of rough handling or of having been on the ground.

(4) “Clean” means that the apples are free from excessive dirt, dust, spray residue and other foreign material.

(5) “Well formed” means that the apple has the normal shape characteristic of the variety, except that the shape may be slightly irregular, if it does not detract from the general appearance of the apple.

(6) “Injury” means any defect which more than slightly affects the appearance or the edible or shipping quality of the apples.

(a) Russeting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is injured by russeting, except that rough or bark-like russeting in the stem cavity or calyx basin shall be considered as injury when the appearance of the apple is materially affected. The following types and amounts of russeting outside of the stem cavity or calyx basin shall be considered as injury: (i) Smooth net-like russeting, when an aggregate area of more than five per cent of the surface is covered, and the color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russeting when the appearance is affected to a greater extent than the above amount permitted; (ii) smooth, solid russeting which covers an aggregate area of more than one-half inch in diameter, and the pattern and color of the russeting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russeting when the appearance is affected to a greater extent than the above amount permitted; (iii) slightly rough russeting which covers an aggregate area of more than one-fourth inch in diameter; (iv) rough russeting, unless it is well within the stem cavity or calyx basin and is not readily apparent.

Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as injury:

(b) Sunburn or spray burn, when the discolored area does not blend into the normal color of the fruit.

(c) Dark brown or black limb rubs which affect a total area of more than one-eighth inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of injury by russetting. (See subsec. (6)(a).)

(d) Hail marks, drought spots or other similar depressions or scars where there is appreciable discoloration other than russetting, or when the indentations are not superficial, or when an individual indentation exceeds one-eighth inch in diameter, or the total affected area exceeds one-fourth inch in diameter.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed a length of one-eighth inch.

(f) Diseases: (i) Cedar rust infection which affects a total area of more than one-eighth inch in diameter; (ii) sooty blotch or fly speck which is thinly scattered over more than five per cent of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter; (iii) red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-fourth inch in diameter.

(g) Insects: (i) Any healed sting or healed stings which affect a total area of more than one-eighth inch in diameter including any encircling discolored rings; (ii) worm holes.

(7) "Fairly well formed" means that the apple may be slightly abnormal in shape but not to an extent which detracts materially from its appearance.

(8) "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the apples.

(a) Russetting in the stem cavity or calyx basin which cannot be seen when the apple is placed stem end or calyx end down on a flat surface shall not be considered in determining whether or not an apple is damaged by russetting, except that excessively rough or bark-like russetting in the stem cavity or calyx basin shall be considered as damage when the appearance of the apple is materially affected. The following types and amounts of russetting outside of the stem cavity or calyx basin shall be considered as damage: (i) Russetting which is excessively rough on Roxbury Russet and other similar varieties; (ii) smooth net-like russetting, when an aggregate area of more than fifteen per cent of the surface is covered, and the color of the russetting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous net-like russetting when the appearance is affected to a greater extent than the above amount permitted, (iii) smooth solid russetting, when an aggregate area of more than five per cent of the surface is covered, and the pattern and color of the russetting shows no very pronounced contrast with the background color of the apple, or lesser amounts of more conspicuous solid russetting when the appearance is affected to a greater extent than the above amount permitted; (iv) slightly rough russetting which covers an aggregate area of more than one-half inch in diameter; (v) rough russetting which exceeds one-fourth inch in diameter, unless it is well within the stem cavity or calyx basin and is not readily apparent.

Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(b) Sunburn or spray burn which has caused blistering or cracking of the skin, or when the discolored area does not blend into the normal color of the fruit unless the injury can be classed as russetting.

(c) Limb rubs which affect a total area of more than one-half inch in diameter, except that light brown limb rubs of a russet character shall be considered under the definition of damage by russetting. (See subsec. (8)(a).)

(d) Hail marks, drought spots, or other similar depressions or scars which are not superficial, or when such injury affects a total area of more than one-half inch in diameter.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-fourth inch.

(f) Diseases: (i) Scab spots which affect a total area of more than one-fourth inch in diameter; (ii) cedar rust infection which affects a total area of more than one-fourth inch in diameter; (iii) sooty blotch or fly speck which is thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter; (iv) red skin spots which are thinly scattered over more than one-tenth of the surface, or dark, heavily concentrated spots which affect an area of more than one-half inch in diameter.

(g) Insects: (i) Any healed sting or healed stings which affect a total area of more than three-sixteenths inch in diameter including any encircling discolored rings; (ii) worm holes.

(9) “Seriously deformed” means that the apple is so badly misshapen that its appearance is seriously affected.

(10) “Serious damage” means any defect which seriously affects the appearance, or the edible or shipping quality of the apples.

(a) The following types and amounts of russetting will be considered as serious damage: Smooth solid russetting, when more than one-half of the surface in the aggregate is covered, including any russetting in the stem cavity or calyx basin or slightly rough, or excessively rough or bark-like russetting which detracts from the appearance of the fruit to a greater extent than the amount of smooth solid russetting permitted; provided any amount of russetting shall be permitted on Roxbury Russet and other similar varieties.

Any one of the following defects, or any combination thereof, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(b) Sunburn or spray burn which seriously detracts from the appearance of the fruit.

(c) Limb rubs which affect more than one-tenth of the surface in the aggregate.

(d) Hail marks, drought spots or scars, if they materially deform or disfigure the fruit, or if such defects affect more than one-tenth of the surface in the aggregate; provided no hail marks which are unhealed shall be permitted and not more than an aggregate area of one-half inch shall be allowed for well-healed hail marks where the skin has been broken.

(e) Stem or calyx cracks which are not well healed, or well healed stem or calyx cracks which exceed an aggregate length of one-half inch.

(f) Visible water core which affects an area of more than one-half inch in diameter.

(g) Diseases: (i) Scab spots which affect a total area of more than three-fourths inch in diameter; (ii) cedar rust infection which affects a total area of more than three-fourths inch in diameter; (iii) sooty blotch or fly speck which affects more than one-third of the surface; (iv) red skin spots which affect more than one-third of the surface; (v) bitter pit and Jonathan spot which is thinly scattered over more than one-tenth of the surface and does not materially deform or disfigure the fruit.

(h) Insects: (i) Healed stings which affect a total area of more than one-fourth inch in diameter including any encircling discolored rings; (ii) worm holes.

**Sec. 22-51-2. Grades**

The Connecticut grades for apples shall be the following, which are identical with standards established by the United States department of agriculture under authority of the congress of the United States, to wit:

**GRADES**

(Note: Numbers and letters in parentheses following grade terms indicate where such terms are defined under section 22-51-1.)

(a) Connecticut Extra Fancy consists of apples of one variety which are mature (1) but not overripe (2), carefully hand-picked (3), clean (4), well formed (5); free from decay, internal browning, internal breakdown, scald, scab, bitter pit, Jonathan spot, freezing injury, broken skins and bruises (except those that are slight and incident to proper handling and packing) and visible water core. The apples shall also be free from injury (6) caused by russeting (6a), sunburn or spray burn (6b), limb rubs (6c), hail (6d), drought spots (6d), scars (6d), stem or calyx cracks (6e), other diseases (6f), insects (6g) or mechanical or other means (6). Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color Requirements, Tolerances and Condition after Storage or Transit.)

(b) Connecticut Fancy consists of apples of one variety which are mature (1) but not overripe (2), carefully hand-picked (3), clean (4), fairly well formed (7); free from decay, internal browning, internal breakdown, bitter pit, Jonathan spot, scald, freezing injury, broken skins and bruises (except those incident to proper handling and packing) and visible water core. The apples shall also be free from damage (8) caused by russeting (8a), sunburn or spray burn (8b), limb rubs (8c), hail (8d), drought spots (8d), scars (8d), stem or calyx cracks (8e), other diseases (8f), insects (8g) or mechanical or other means (8). Each apple of this grade shall have the amount of color specified hereinafter for the variety. (See Color Requirements, Tolerances and Condition after Storage or Transit.)

(c) Connecticut No. 1. The requirements for this grade are the same as Connecticut Fancy except for color and russeting. In this grade less color is required for all varieties except yellow and green varieties, for which the requirements for both grades are the same. Apples of this grade shall be free from excessive damage caused by russeting which means that they shall meet the russeting requirements for Connecticut Fancy as defined under the definitions of "damage by russeting" (8a); provided the aggregate area of an apple which may be covered by smooth net-like russeting shall not exceed twenty-five per cent and provided the aggregate area of an apple which may be covered by smooth solid russeting shall not exceed ten per cent. (See Color Requirements, Tolerances and Condition after Storage or Transit.)

(d) Connecticut No. 1. Cookers consists of apples of one variety which meets the requirements of Conn. No. 1 grade except as to color. This grade is provided for apples which are mature but which may not have sufficient color to meet the specifications of Conn. No. 1. (See Tolerances and Condition after Storage or Transit.)

(e) Connecticut Utility consists of apples of one variety which are mature (1) but not overripe (2), carefully hand-picked (3), not seriously deformed (9): free from scald and freezing injury. The apples shall also be free from serious damage (10) caused by dirt or other foreign matter, broken skins, bruises, russeting (10a), sunburn (10b), spray burn (10b), limb rubs (10c), hail (10d), drought spots (10d), scars (10d), stem or calyx cracks (10e), visible water core (10f), other diseases (10g), insects

(10h), or mechanical or other means (10). (See Tolerances and Condition after Storage or Transit.)

(f) Color requirements. In addition to the requirements specified for the above grades, apples of these grades shall have the percentage of color specified for the variety in section 22-51-3. For the solid red varieties the percentage stated refers to the area of the surface which must be covered with a good shade of solid red characteristic of the variety; provided an apple having color of a lighter shade of solid red or striped red than that considered as a good shade of red characteristic of the variety may be admitted to a grade, if it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of good red characteristic of the variety required for the grade. For the striped red varieties the percentage stated refers to the area of the surface in which the stripes of a good shade of red characteristic of the variety shall predominate over stripes of lighter red, green or yellow. However, an apple having color of a lighter shade than that considered as a poor shade of red characteristic of the variety may be admitted to a grade, if it has sufficient additional area covered so that the apple has as good an appearance as one with the minimum percentage of stripes of a good red characteristic of the variety required for the grade. Faded brown stripes shall not be considered as color except in the case of the Gray Baldwin variety.

(g) Unclassified consists of apples which are not graded in conformity with any of the foregoing grades. The term “unclassified” is not a grade within the meaning of these standards but is provided as a designation to show that no definite grade has been applied to the lot.

**Sec. 22-51-3. Color requirements for specified Connecticut grades of apples, by varieties.**

Variety	: Conn. Extra : Fancy per cent	: Conn. : Fancy per cent	: Conn. : No. 1 per cent
Solid Red:			
Red Sport varieties <sup>1</sup>	75	50	25
Striped or partially red:			
Cortland	66	33	25
McIntosh	66	33	25
Other similar varieties <sup>2</sup>	66	33	25
Baldwin	50	25	15
Delicious	50	25	15
Northern Spy	50	25	15
Rome Beauty	50	25	15
Stayman	50	25	15
Wagener	50	25	15
Wealthy	50	25	15
Other similar varieties <sup>3</sup>	50	25	15
Stark	50	15	10
Other similar varieties <sup>4</sup>	50	15	10
Williams	50	15	— <sup>4</sup>
Other similar varieties	50	15	— <sup>4</sup>
Gravenstein	25	10	— <sup>4</sup>
Other similar varieties <sup>5</sup>	25	10	— <sup>4</sup>

Red cheeked or blushed:

Maiden Blush	— <sup>6</sup>	— <sup>4</sup>	— <sup>7</sup>
Twenty Ounce	— <sup>6</sup>	— <sup>4</sup>	— <sup>7</sup>
Winter Banana	— <sup>6</sup>	— <sup>4</sup>	— <sup>7</sup>
Other similar varieties	— <sup>6</sup>	— <sup>4</sup>	— <sup>7</sup>
Green varieties	— <sup>8</sup>	— <sup>8</sup>	— <sup>8</sup>
Yellow varieties	— <sup>8</sup>	— <sup>8</sup>	— <sup>8</sup>
Golden Delicious	— <sup>9</sup>	— <sup>9</sup>	— <sup>9</sup>

<sup>1</sup> When Red Sport varieties are specified as such, they shall meet the color requirements specified for Red Sport varieties. <sup>2</sup> Kendall, Macoun, Melba, Snow (Farneuse). <sup>3</sup> Early McIntosh, Milton. <sup>4</sup> Tinge of color. <sup>5</sup> Duchess, Red Astrachan. <sup>6</sup> Blush cheek. <sup>7</sup> None. <sup>8</sup> Characteristic ground color. <sup>9</sup> 75 per cent characteristic color. NOTE: "Characteristic color," when the white around the lenticels predominates over the green color, creating a mottling effect on the surface of the apple, it shall be considered as the minimum characteristic color.

**Sec. 22-51-4. Tolerances**

In order to allow for variations incident to proper grading and handling, not more than a total of ten per cent of the apples in any lot may fail to meet the requirements of the grade; provided not more than one-half of this amount, or five per cent, shall be allowed for apples which are seriously damaged by insects and including not more than one per cent for apples affected by decay or internal breakdown or both.

**Sec. 22-51-5. Application of tolerances to individual packages**

The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations, provided the averages for the entire lot are within the tolerances specified for the grade: (1) For packages which contain more than ten pounds, and a tolerance of ten per cent or more is provided (as in the case of size, where a tolerance of fifteen per cent is provided) individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than ten pounds and a tolerance of less than ten per cent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package; (2) for packages which contain ten pounds or less, individual packages in any lot are not restricted as to the percentage of defects; provided not more than one apple which is seriously damaged by insects or affected by decay or internal breakdown may be permitted in any package.

**Sec. 22-51-6. Basis of calculating percentages**

When the numerical count is marked on the container, percentages shall be calculated on the basis of count. When the minimum diameter or minimum and maximum diameters are marked on the container, percentages shall be calculated on the basis of weight. When the apples are in bulk, percentages shall be calculated on the basis of weight.

**Sec. 22-51-7. Condition after storage or transit**

Decay, scald or any other deterioration which may have developed on apples after they have been in storage or transit shall be considered as affecting condition and not the grade.

**Sec. 22-51-8. Size requirements**

The numerical count or the minimum diameter of the apples packed in a closed container shall be indicated on the container. When the numerical count is marked on the container, the minimum size of the largest apple shall be not more than one-fourth inch larger than the minimum size of the smallest apple. When the numerical count is not shown, the minimum diameter shall be plainly stamped, stenciled or otherwise marked on the container in terms of whole inches, whole and half inches, whole and quarter inches, or whole and eighth inches, as  $2\frac{1}{2}$  inches minimum,  $2\frac{1}{4}$  inches minimum, or  $2\frac{5}{8}$  inches minimum, in accordance with the facts. It is suggested that both minimum and maximum diameters be marked on the container, as  $2\frac{1}{4}$  to  $2\frac{3}{4}$  inches, or  $2\frac{1}{2}$  to  $2\frac{3}{4}$  inches, as such marking is especially desirable for apples marketed in the export trade. The measurements for minimum size shall be the largest diameter of the apple taken at right angles to a line from the stem end to the blossom end. The measurement for maximum size shall be the smallest dimension of the apple determined by passing the apple through a round opening. In order to allow for variations incident to proper sizing, not more than five per cent of the apples in any lot may not meet the size requirements; provided, when the maximum and minimum sizes are both stated, an additional ten per cent tolerance shall be allowed for apples which are larger than the maximum size stated.



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### **Registration Fees**

#### **Sec. 22-57-1. Registration fees for the sale of seeds**

Sellers of seeds shall pay an annual registration fee of (50) fifty dollars to the Commissioner of Agriculture except that any person selling only seeds which are supplied and labeled by a registered distributor is not required to be registered. All registrations shall expire on March thirty-first of each year.

(Effective November 16, 1982; amended December 23, 1997)



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**Connecticut Seed Law**

**Sec. 22-59-1. Sampling, inspecting, analyzing, testing and examining agricultural and vegetable seed, and tolerances to be followed**

*The terms used in seed testing and methods of sampling, inspecting, analyzing, testing and examining agricultural and vegetable seeds, and the tolerances to be followed \* \* \* in the administration of chapter 424 of the general statutes shall be those adopted effective July 1, 1955, and as subsequently amended, by the Association of Official Seed Analysts \* \* \* .*

(Effective October 29, 1963)

**Sec. 22-59-1a. Grower's declaration**

A grower's declaration is a statement signed by the grower giving, for any lot of seed, the lot number, the kind, variety, origin and weight.

(Effective October 29, 1963)

**Sec. 22-59-2. Agricultural experiment station to be seed-testing laboratory**

The Connecticut Agricultural Experiment Station shall be the official seed-testing laboratory.

**Sec. 22-59-3. Standards of germination for vegetable seeds**

The standards of germination for vegetable seeds in this state shall be those standards provided for by the rules and regulations of the Federal Seed Act. They are as follows:

Per cent	Per cent
Artichokes . . . . . 60	Endive . . . . . 70
Asparagus . . . . . 70	Kale . . . . . 75
Beans, * * * <i>asparagus</i> . . . . 75	Kohlrabi . . . . . 75
<i>Beans, garden</i>	Leek . . . . . 60
<i>(varieties other than Rival,</i>	Lettuce . . . . . 80
<i>Topcrop and Logan)</i> . . . . . 75	Muskmelon . . . . . 75
<i>Beans, garden,</i>	Mustard . . . . . 75
<i>(varieties Rival, Topcrop and</i>	<i>Mustard, spinach</i> . . . . . 75
<i>Logan)</i> . . . . . 70	Okra . . . . . 50
<i>Beans, horde or broad</i> . . . . . 75	Onion . . . . . 70
Beans, lima . . . . . 70	<i>Pak-choi</i> . . . . . 75
<i>Beans, runner</i> . . . . . 75	Parsley . . . . . 60
Beets . . . . . 65	Parsnips . . . . . 60
Broccoli . . . . . 75	Peas . . . . . 80
Brussels Sprouts . . . . . 70	Pepper . . . . . 55
Cabbage . . . . . 75	<i>Pe-tsai or Chinese cabbage.</i> . . 75
<i>Cardoon</i> . . . . . 60	Pumpkin . . . . . 75
Carrot . . . . . 55	Radish . . . . . 75
Cauliflower . . . . . 75	Rhubarb . . . . . 60
Celery and celeriac . . . . . 55	Rutabaga . . . . . 75
Chicory . . . . . 65	Salsify . . . . . 75
Citron . . . . . 65	Sorrell . . . . . 65
Collards . . . . . 80	<i>Soybean</i> . . . . . 75
Corn * * * . . . . . 75	Spinach (except New Zealand) 60
Cornsalad ( <i>Fetticus</i> ) . . . . . 70	Spinach, New Zealand . . . . . 40
Cowpea . . . . . 75	Squash . . . . . 75

Cress, garden . . . . .	75	Swiss Chard . . . . .	65
Cress, water . . . . .	40	Tomato . . . . .	75
Cucumber . . . . .	80	Tomato, husk . . . . .	50
Dandelion . . . . .	60	Turnip . . . . .	80
Eggplant . . . . .	60	Watermelon . . . . .	70

Standards for vegetable seeds are subject to change. This department will furnish information on changes upon request.

(Effective October 29, 1963)

**Sec. 22-59-4. Seeds on retail premises to bear analysis tag**

All agricultural and vegetable seeds on the premises of a retail merchant shall bear the complete analysis tag as prescribed by law.

(See 1963 Supp. § 22-56.)

**Sec. 22-59-5. Label to show secondary noxious weed seeds present**

The label on all mixtures shall show the name and number of the secondary noxious weed seeds present, singly or collectively, in excess of one seed in each fifteen grams.

(See 1963 Supp. § 22-56.)

**Sec. 22-59-6. Certain seeds deleted from noxious weeds**

(a) The seeds of \* \* \* bed straw (*Galium* spp.) \* \* \* may be deleted from the list of \* \* \* *prohibited noxious weeds* in lawn grass mixtures. (b) *The seeds of dock (Rumex spp.) except red sorrel (Rumex acetosella L.) may be deleted from the list of restricted noxious weeds in lawn seed mixtures.* (c) *The seeds of Plantago spp. other than broadleaf plantain (Plantago major), blackseed plantain (Plantago rugelii) and buckhorn plantain (Plantago lanceolata) may be deleted from the list of restricted noxious weeds in lawn grass mixtures.* (d) *The seeds of annual bluegrass (Poa annua L.) may be deleted from the list of restricted noxious weeds in lawn grass mixtures when it is listed on the label as a component crop seed and the percentage by weight and the percentage of germination is shown.*

(Effective October 29, 1963)

**Sec. 22-59-7. Seeds germinating below standard**

Vegetable seeds that germinate below the prescribed standard shall be marked on the face of the packet or on the face of the analysis tag, in a manner not less legible than eight point, open bold face type, with the words ‘Below Standard’ enclosed in a box.

**Sec. 22-59-8. Seeds containing primary noxious weeds prohibited**

Agricultural seeds containing primary noxious weeds are prohibited from sale.

(See 1963 Supp. §§ 22-55 (e) (1); 27-57 (a) (4).)

**Sec. 22-59-8a. Prohibited noxious weed seeds**

The following list of prohibited noxious weed seed is established, effective November 1, 1963: The seeds of bindweed (*Convolvulus arvensis* L.), Canada thistle (*Cirsium arvense* L.), quackgrass (*Agropyron repens* L. Beauv.), horse nettle (*Solanum carolinense* L.), perennial sowthistle (*Sonchus arvensis* L.) dodder (*Cuscuta* spp.), Russian knagweed (*Centaurea repens* L.), yellow nutsedge (*Cyperus esculentus* L.) and bedstraw (*Galium* spp.)

(Effective October 29, 1963)

(See 1963 Supp. §§ 92-55(e)(1); 22-57(a)(4).)

**Sec. 22-59-8b. Restricted noxious weed seeds**

The following list of restricted noxious weed seeds is established effective November 1, 1963: Seeds of dock (*Rumex* spp.) plantain (*Plantago* spp.), Wild mustards (*Brassica* spp.), white cockle (*Lychnis alba* Mill.), yellow rocket (*Barbarea vulgaris* R. Br.), annual bluegrass (*Poa annua* L.), and wild radish (*Raphanus raphanistrum* L.).

(Effective October 29, 1963)

(See 1963 Supp. §§ 22-55 (e) (2); 22-57 (a) (6).)

**Sec. 22-59-9. Label lettering**

The term "labeling" shall be interpreted as meaning that the lettering used to cover information required by law shall be large and legible enough so as not to be obscured by other type or illustrations used. Where any question of doubt arises, samples of proposed containers or labels may be submitted to the commissioner of agriculture and natural resources for approval.

**Sec. 22-59-9a. Labeling of seed prior to distribution**

After seed has been processed, it shall be labeled before distribution to any person, including a wholesaler. Each bag or bulk lot shall be completely labeled when supplied to a retailer or consumer. Labeling of seed supplied to a wholesaler, one whose predominant business is to supply seed to other distributors rather than to consumers of seed, may be by invoice or by an analysis tag attached to the invoice, if each bag or other container is clearly identified by a lot number stenciled on the container, or if the seed is in bulk. Each bag or container that is not so identified shall carry complete labeling.

(Effective October 29, 1963)

**Sec. 22-59-9b. White sweet clover**

Sweet clover seed containing more than five per cent of yellow sweet clover seed (more than one and one-quarter per cent of mottled seeds) shall not be labeled white sweet clover. Such seed shall be labeled as an agricultural seed mixture.

(Effective October 29, 1963)

**Sec. 22-59-9c. Poison label**

Seed treated with a mercurial or similarly toxic substance, if any amount remains with the seed, shall be labeled to show a statement such as "Poison," "Poison treated" or "Treated with Poison." The word "Poison" shall be in type no smaller than eight point and shall be in red letters on a distinctly contrasting background. In addition, the label shall show a representation of a skull and crossbones at least twice the size of the type used for the name of the substance and the statement indicating that the seed has been treated.

(Effective October 29, 1963)

**Sec. 22-59-10. Free tests of samples**

Any citizen of Connecticut may send samples for tests or analysis up to a maximum of five samples for germination tests, or one sample for purity analysis, within a given calendar month. The results of these free tests cannot be used for declaration of sales or for labeling purposes.

**Connecticut Grades for Lawn Seed Mixtures****Sec. 22-59-11. Connecticut grades for lawn seed mixtures**

(a) Conn. grade AA or Conn. gold seal, grade AA shall contain: (1) Not less than seventy-five per cent net weight of pure seed from Group I, except that, if a

mixture in this grade is to be sold for a special purpose, such as seeding shady places, steep banks, etc., it shall contain at least seventy-five per cent of seed of grasses reasonably adapted for that particular use. In such cases, seed from Group II may be substituted for seed from Group I; (2) not more than nineteen per cent net weight of pure seed for Group III (Red Top or annual rye grass only may be used as a nurse grass in this grade.); (3) not more than five and six-tenths per cent by weight of inert matter; (4) not more than four-tenths of one per cent by weight of weed seed.

(b) Connecticut grade A or Connecticut blue seal grade A shall contain: (1) Not less than sixty-five per cent net weight of pure seed from Group I, except that, if a mixture in this grade is to be sold for a special purpose, such as seeding shady places, steep banks, etc., it shall contain at least sixty-five per cent of seed of grasses reasonably adapted for that particular use. In such cases, seed from Group II may be substituted for seed from Group I; (2) not more than twenty-nine per cent net weight of pure seed from Group III; (3) not more than five and six-tenths per cent by weight of inert matter; (4) not more than four-tenths of one per cent by weight of weed seed.

(c) Connecticut grade B or Connecticut red seal grade B shall contain: (1) Not less than fifty per cent net weight of pure seed from Group I, except that, if a mixture in this grade is to be sold for a special purpose, such as seeding shady places, steep banks, etc., it shall contain at least fifty per cent of seed of grasses reasonably adapted for that particular use. In such cases, seeds from Group II may be substituted for seed from Group I; (2) not more than forty per cent net weight of pure seed from Group III; (3) not more than nine and one-tenth per cent by weight of inert matter; (4) not more than nine-tenths of one per cent by weight of weed seed.

### **Sec. 22-59-12. General requirements for officially graded lawn grass mixtures**

(a) Lawn grass mixtures shall contain no filler grasses.

(b) When the inert matter and/or weed seed is less than the maximum allowance for these grades, additional seed from Group III may be added to make up that discrepancy.

(c) Any lot of lawn seed mixture found on sale labeled as a Conn. graded mixture or otherwise represented as such which fails to meet specifications shall be deemed to be misbranded and its sale prohibited.

### **Sec. 22-59-13. Labeling and sealing of containers**

(a) Graded lawn seed grass mixtures labeled as such shall be sold in sealed containers (pasteboard containers, sealed bags, sealed cans, etc.).

(b) The latitude of variation or tolerance on samples tested for germination and purity shall be in accordance with the following, except that there will be no tolerance on germination for graded mixtures: (1) Purity percentages. In the determination of the tolerance for the percentage of the distinguishable kind, type or variety (pure seed), weed seeds, other crop seeds and inert matter, the sample shall be first considered as made up of two parts: (A) The percentage of the component (pure seed, weed seed, crop seed or inert matter, as the case may be) being considered, and (B) the difference between that percentage and one hundred. The number represented by (A) is then multiplied by the number represented by (B) and the product is divided by one hundred. The resulting number is then multiplied by 0.2 (2/10) and the resulting product added to 0.2 or 0.6 as indicated in the following formulae:

$$\begin{aligned} \text{Pure seed tolerance} &= 0.6 / \left\{ \begin{array}{c} 0.2 \times a \times b \\ 100 \end{array} \right\} \\ \text{Weed seeds, other} & \\ \text{Crop seeds and inert} &= 0.2 / \left\{ \begin{array}{c} 0.2 \times a \times b \\ 100 \end{array} \right\} \\ \text{matter tolerance} & \end{aligned}$$

(2) Germination. The following tolerances are applicable to the percentage of germination and also to the sum of the germination plus the hard seed:

Found by test:	Tolerance
96 or over	5
90 or over but less than 96	6
80 or over but less than 90	7
70 or over but less than 80	8
60 or over but less than 70	9
Less than 60	10

(c) Violation of any of the above provisions will result in cancellation of the certificate of registry and withdrawal of the registry number.

**Sec. 22-59-14. Labeling of lawn seed mixture**

“Fine Textured” kinds of grasses for the purposes of labeling, under section 22-56 of the 1969 supplement to the general statutes, is amended as follows:

Bent Grasses:

- Agrostis tenuis (Colonial)
- Agrostis palustris (Creeping)
- Agrostis canina (Velvet)

Bluegrasses:

- Poa trivialis (Rough Bluegrass)
- Poa pratensis (Kentucky)
- Poa nemoralis (Wood)
- Poa compressa (Canada)

Fescues:

- Festuca rubra var commutata (Chewings)
- Festuca rubra (Red)
- Festuca ovina (Sheep)

*Perennial Rye Grasses: Lolium perenne L. (varieties NK-100, Norlea, Pelo, and Manhattan).*

“Coarse Kinds”(including legumes and ground covers) shall be all kinds not named above.

(Effective September 23, 1969)



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## **Use and Operation of the Regional Market at Hartford**

### **Sec. 22-64-1. Marketing hours and days**

The marketing hours and days shall be as fixed and posted by the marketing authority after taking into consideration the needs of the users of the market.

### **Sec. 22-64-2. Use of marketing property restricted**

No person shall sell any products on any part of the market except from the part of the buildings or space leased by him or from railroad cars placed on the team tracks or railroad spurs on the market. No products shall be sold or delivered on any part of the market where both parties to the sale or delivery are nontenants of the marketing authority. No product shall be delivered, deposited or stored on any part of the market by a nontenant to be picked up by a nontenant or his agent.

### **Sec. 22-64-3. Refuse disposal by tenants**

Each person renting space in any building on the market, and the restaurant lessee, shall provide his own refuse containers of a type approved by the marketing authority, its employees or agents. Each such person, except office tenants, shall have all refuse removed from his premises and from the market property each business day at his own expense; provided, if arrangements are made by the marketing authority for the removal of such refuse, the cost shall be paid by the marketing authority and each such person shall pay to the authority, on or before the tenth day of each month, his proportionate share of the cost as determined by the marketing authority.

### **Sec. 22-64-4. Refuse disposal by others**

All persons other than those specified in section 22-64-3 using the market shall place all their refuse in containers provided for such purposes on the market by the marketing authority.

### **Sec. 22-64-5. Tenants to keep premises painted and clean**

All tenants of buildings on the market shall keep their premises well painted (except for exterior), clean and well-swept, to the satisfaction of the marketing authority.

### **Sec. 22-64-6. Drain clean-out baskets**

Clean-out baskets in the drains of each store unit shall be kept in place at all times except when being cleaned.

### **Sec. 22-64-7. Piling of goods on platform**

Each wholesale store lessee may pile goods in all areas on the truck side platform of his leased premises except in areas necessary for traffic purposes and as designated by the marketing authority.

### **Sec. 22-64-8. Enclosure of platform by lessee**

Each such lessee shall have the right to enclose the platform in front of his leased premises, provided plans and specifications for such enclosure shall be approved by the marketing authority and provided the end doors of the enclosure shall be not less than nine feet in width, an alleyway of the same width running parallel with the store buildings shall be left open for the purpose of traffic during the hours of business operation and the enclosed platform shall be maintained at all times to the satisfaction of the marketing authority.

**Sec. 22-64-9. Lessees to provide fire extinguishers**

Each wholesale store lessee and restaurant operator shall provide at his own expense, except as is hereinafter stated, a soda acid fire extinguisher of two and one-half gallon capacity for his leased premises. Each lessee occupying more than four store units shall provide at his own expense two such extinguishers for the leased premises. Each extinguisher shall be recharged annually with the date of recharging placed on the attached tag.

**Sec. 22-64-10. Peddlers to confine activities to leased stalls**

No servicing, arranging or discarding of products or containers by a retail fruit and vegetable peddler shall be made except at a stall space leased by him for the same.

**Sec. 22-64-11. Signs on exterior of leased premises**

Signs on the exterior of any leased premises shall be limited to such signs as are approved by the marketing authority.

**Sec. 22-64-12. Signs on doors of office tenants**

Office tenants may place the name of their firms or agencies on the window of the door leading to their leased offices, of a size, design and color as approved by the marketing authority.

**Sec. 22-64-13. Sanitary requirements for products**

All products sold on the market shall conform to the sanitary requirements of the federal and state statutes and to the health ordinances of the city of Hartford.

**Sec. 22-64-14. Products subject to authority inspection**

All products offered for sale on the market shall be subject to inspection by the marketing authority.

**Sec. 22-64-15. Weighing of poultry**

Poultry offered for sale by weight shall be weighed in full view of the purchaser.

**Sec. 22-64-16. Testing of scales and measures**

All scales and measures to be used on the market shall have been tested and approved by the city or state sealer of weights and measures.

**Sec. 22-64-17. Hand trucks and conveyors to have rubber tires**

All hand trucks and all other types of moveable conveyors, used on the market, shall be equipped with rubber tires.

**Sec. 22-64-18. Forestalling prohibited**

Forestalling, such as intercepting a farmer or dealer before he reaches his leased stall space on the market with an offer to buy a part or all of his load, is prohibited.

**Sec. 22-64-19. Parking of vehicles and trailers**

The parking of any vehicles or trailers on the market during market hours shall be limited to such places as are designated by the marketing authority. No vehicles or trailers except those owned by store lessees or sublessees or vehicles or trucks owned by others while in the process of loading or unloading goods or merchandise shall be parked on any part of the market at night. No unregistered vehicles or trailers shall be parked, stored or abandoned on any part of the market.

**Sec. 22-64-20. Speed limit**

The maximum speed of any vehicle on the market shall not exceed fifteen miles per hour.

**Sec. 22-64-21. Violation of traffic regulations**

Any violation of the vehicle, traffic and parking regulations may be sufficient cause for the removal of the operator and vehicle from the market.

**Sec. 22-64-22. Travel at risk of operator**

All travel on roadways and in parking areas at the market is at the risk of the operator of the vehicle.

**Sec. 22-64-23. Removal of certain motor vehicles and trailer boxes from market property**

Any trailer box or other type of motor vehicle that, in the opinion of the marketing authority or its agents, is being used for any purpose other than over the road transportation, may be removed by the marketing authority at the owner's expense.  
(Effective October 10, 1972)

**Sec. 22-64-24. Transfer of leased property at the Connecticut regional market**

Any lessee of the Connecticut Regional Market at Hartford who has been discharged from performing his lease and has received consent from the Connecticut marketing authority to cancel his lease, shall return said lease to said Connecticut marketing authority, which shall have sole authority to dispose of said lease.  
(Effective October 10, 1972)

**Sec. 22-64-25. Leasing of stalls from the Connecticut marketing authority**

It is the intent of the Connecticut Marketing Authority to lease vacated stalls to new applicants and existing tenants in order to accommodate the interests of both established market tenants for expansion with those of outside businesses in need of new marketing opportunities and facilities. In its leasing of vacant stalls, the Connecticut Marketing Authority may consider score values described in Section 22-24-27, which substantially contribute to the benefit of the market.  
(Effective May 27, 1986)

**Sec. 22-64-26. Definitions**

As used in this chapter.

The following terms shall, for purpose of Sections 22-64-26 through 22-64-30, inclusive have the following meanings, unless expressly stated otherwise:

(a) **Tenant:** A corporation, partnership or individual to which the Authority is presently engaged in a lease agreement.

(b) **Authority:** The Connecticut Marketing Authority.

(c) **Vacancy:** Any action by a tenant which the Authority deems to be termination or modification in use of premises including, but not limited to; quitting possession, violation of the Authority's lease terms, transfer of ownership, a change of company name or a significant underutilization of the leased premises.

(d) **Farmer:** One who is actually engaged in growing farm products on land owned or leased by him.

(e) **Jobber:** One who buys produce and agricultural products for resale on the market.

(f) **Seller:** Farmer, jobber or employee of farmer or jobber or other person selling produce or agricultural products on the market.

(g) **Farmer's market:** Area at the regional market at Hartford set aside for farmers, jobbers and sellers to sell their produce and agricultural products.

(h) **Fee schedule:** Fees established pursuant to Section 22-64-29 of the Regulations of Connecticut State Agencies.

(i) **Open Stall:** Area 12 feet by 30 feet designated by assigned numbers and marked off by lines, similar to a parking space.

(j) **Covered stall:** An open stall adjacent to a covered public walk area.

(k) **Board:** Refers to the Connecticut Marketing Authority Board.

(Effective May 19, 1989)

**Sec. 22-64-27. Scoring factors of the Connecticut marketing authority**

(a) **Diversity of food products within the market.** (maximum 30 points).

(1) Food products marketed by the applicant will add to the overall diversity of commodities sold in the market. 10 points

(2) Business will improve the market. 10 points

(3) Applicant intends to distribute non-food articles.

(4) Applicant plans to handle native-grown Connecticut products. 10 points

(b) **Financial History.** (maximum 30 points)

(1) Applicant has demonstrated a history of financial responsibility and indicates the likelihood of being a reliable, long-term tenant.

(c) **Need of Applicant.** (maximum 15 points)

(1) Compelling need to expand. 5 points

(2) Extent that present facilities are being used. 5 points

(3) Physical obsolescence in present facilities. 5 points

(d) **Intention of vacating tenant.** (maximum 15 points)

(1) Leasing to new applicant compatible with the business aims and transfer of physical and capital assets of the vacating tenant.

(e) **Expansion of existing tenants—location of vacancy.** (maximum 10 points)

(1) Contiguous stalls. 10 points

(2) Stall in same building. 5 points

(3) Stall not in same building. -5 points

(f) **Expansion of existing tenants—number of stalls presently occupied.** (maximum 10 points)

# of stalls occupied	10+	10	9	8	7	6	5	4	3	2	1
Score	0	1	2	3	4	5	6	7	8	9	10

(Effective May 27, 1986)

**Sec. 22-64-28. Determination of lessees for vacant stalls**

(a) **Notice of Intent to Lease.** Any outside business or existing tenant desirous of leasing stalls as they become vacant shall file a notice of intent to lease vacant stalls with the Executive Director of the authority and must renew such notice annually. When stalls become vacant, the Executive Director shall provide notice of such vacancy to all such persons. The Executive Director shall post and advertise such vacancy throughout the State of Connecticut in major daily newspapers.

(b) **Application.** Any outside business or existing tenant shall apply to the Authority in writing on a form provided to the applicant by the Authority so that the Authority may score each applicant.

(c) **Scoring of Applicants.** The Authority shall consider all applications for vacant stalls and shall assess a score based on the scoring system in Section 27 of these regulations to each applicant for the vacant stall in question. The Authority shall choose the tenant from the top five scoring applicants.

(d) **Notification of Applicants.** The Authority shall notify all applicants of the Authority's action on the applications within thirty (30) days after choosing a tenant for the vacant stall(s) in question. The Authority shall act upon requests to fill vacancies no sooner than thirty (30) days from the notification to the Authority of the vacancy.

(Effective May 27, 1986)

**Sec. 22-64-29. Setting of fees**

The Connecticut Marketing Authority Board shall establish fees for open stalls, covered stalls and vehicle parking and shall post the fee schedule in a prominent place at the Farmer's Market.

(Effective May 19, 1989)

**Sec. 22-64-30. Stall space—farmer's market**

(a) No person renting stall space in the Farmer's Market shall sublet or assign any part thereof or shall use the same for any purpose other than loading, unloading, displaying and selling farm products within the white lines, established by the Authority as the boundaries. Vehicles parked over the lines will be charged for an extra stall, as set forth in the fee schedule.

(b) If a vehicle parking area is utilized for display and sales, vehicles must be moved and parked in an area designated by the Authority. Vehicles parked in the designated Farmer's Market area will be charged for an extra stall, as set forth in the fee schedule.

(c) Each stall rented is limited to one vehicle per stall. Parking of any other vehicles for any purpose by the seller will be charged the normal daily rate as set forth in the fee schedule. Any person dropping off products to sellers will be charged the normal daily rate as set forth in the fee schedule.

(d) Buying out of a seller's product does not give the buyer the right to remain in the seller's stall. The product must be moved to the buyer's stall or removed from the market.

(e) Any seller moving his stall without the approval of the Authority will be charged for an extra stall, per fee schedule.

(f) The Authority reserves the right to change, move or alter the location of the seller's stall if required for facilitating parking or alleviating traffic congestion.

(g) No person shall assign, sell or offer for sale any products on said market grounds until the required stall fee has been paid.

(h) Open-stalls shall be rented daily, weekly, monthly, semi-annually (Jan-June/July-Dec.) or annually. Covered stalls are rented by the full year or a four-month period (Nov-Feb/March-June/July-Oct).

(Effective May 19, 1989)



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## **Organization and Rules of Practice**

### **Sec. 22-79-1. Organization and rules of practice**

The Connecticut Agricultural Experiment Station (statutory authority Secs. 22-79 to 22-118) conducts scientific experiments and investigations, principally on plants including trees; on plant diseases; on insects, including plant pests; on microbes; and on soil and water.

The management of the station is vested in a board of control, whose members, meetings and duties are prescribed in Sections 22-79 through 22-81 of the General Statutes. The public may make submissions or requests to the board, through the Director, 123 Huntington Street, New Haven, Conn. 06511.

The station staff, which is appointed and compensated according to Section 22-81 of the General Statutes, is organized into departments of Analytical Chemistry, Biochemistry, Ecology and Climatology, Entomology, Genetics, Plant Pathology and Botany, and Soil and Water.

The state entomologist, a member of the station staff (Sec. 22-88), has statutory duties including gypsy moth surveys, inspection of nurseries, bee inspection, and certification of imported nursery stock. As specified by statutes, the station samples fertilizers, feeds and pesticides registered for sale in the state, and publishes reports of analyses of these products. Station chemists also analyze or otherwise examine samples of food taken on the market by agents of other state agencies, and publish the results of these examinations.

Results of experiments and investigations made by the station are published, either in station publications or in technical or popular periodicals and books, and presented at public appearances by staff members. Station publications are supplied to those who request them, and reprints of other publications are available for distribution or for study. A list of available publications is issued annually, and all past reports of research are available at the station.

Citizens may request information on the experiments and investigations of the station by telephone, letter, or in person. The station is at 123 Huntington Street, New Haven, its Lockwood Farm in Hamden, and its Valley Laboratory on Cook Hill Road, Windsor.

(Effective May 3, 1973)

## **Personal Data**

### **Sec. 22-79-2. Personal data**

The following definitions shall apply to these regulations:

(1) "Category of Personal Data" means the classifications of personal information set forth in the Personal Data Act, Conn. Gen. Stat. Sec. 4-190 (9).

(2) "Other Data" means any information which because of name, identifying number, mark or description can be readily associated with a particular person.

(3) "Station" means The Connecticut Agricultural Experiment Station.

(Effective March 4, 1986)

### **Sec. 22-79-3. General nature and purpose of personal data systems**

#### **Personnel Records**

(1) All personnel records are maintained at The Connecticut Agricultural Experiment Station, 123 Huntington Street, New Haven, CT.

(2) Personnel records are maintained in both automated and manual form.

(3) Personnel records are maintained for the purpose of providing a history of payroll, promotion, discipline and related personnel information concerning Station employees.

(4) Personnel records are the responsibility of the Chief of Services, whose business address is The Connecticut Agricultural Experiment Station, 123 Huntington Street, New Haven, Connecticut. All requests for disclosure or amendment of these records should be made to the Director.

(5) Routine sources for information maintained in personal records are generally the employee, previous employers of the employee, references provided by applicants for employment, the employee's supervisor, the Comptroller's Office, Department of Administrative Services, Division of Personnel and Labor Relations, and State Insurance carriers.

(6) Personal data in personnel records are collected, maintained and used under authority of the State Personnel Act, Conn. Gen. Stat. Sec. 5-193 et seq.

(Effective March 4, 1986)

#### **Sec. 22-79-4. Categories of personal data**

(a) The following categories of personal data are maintained in personnel records:

- (1) Educational records.
- (2) Medical or emotional condition or history.
- (3) Employment records.
- (4) Marital status, and other reference records.

(b) The following categories of other data may be maintained in personnel records:

- (1) Addresses.
- (2) Telephone numbers.

(c) Personnel records are maintained on employees of the Station and applicants for employment with the Station.

(Effective March 4, 1986)

#### **Sec. 22-79-5. Maintenance of personal data—general**

(a) Personal data will not be maintained by the Station unless relevant and necessary to accomplish the lawful purposes of the agency. Where the agency finds irrelevant or unnecessary public records in its possession, the agency shall dispose of the records in accordance with its records retention schedule, or, if the records are not disposable under the records retention schedule, request permission from the Public Records Administrator to dispose of the records under Conn. Gen. Stat. Sec. 11-8a.

(b) The Station will collect and maintain all records with accurateness and completeness.

(c) Insofar as it is consistent with the needs and mission of the Station, the Station, wherever practical, shall collect personal data directly from the persons to whom a record pertains.

(d) Employees of the Station involved in the operations of the agency's personal data systems will be informed of the provisions of the (1) Personal Data Act, (2) the agency's regulations adopted pursuant to Sec. 4-196, (3) the Freedom of Information Act and (4) any other state or federal statute or regulations concerning the maintenance or disclosure of personal data kept by the agency.

(e) All employees of the Station shall take reasonable precautions to protect personal data under their custody from the danger of fire, theft, flood, natural disaster and other physical threats.

(f) The Station shall incorporate by reference the provisions of the Personal Data Act and regulations promulgated thereunder in all contracts, agreements or licenses for the operation of a personal system or for research, evaluation and reporting the personal data for the agency or on its behalf.

(g) The Station shall have an independent obligation to insure that personal data requested from any other state agency is properly maintained.

(h) Only employees of the Station who have a specific need to review personal data records for lawful purposes of the agency will be entitled access to such records under the Personal Data Act.

(i) The Station shall keep a written up-to-date list of individuals entitled access to each of the agency's personal data systems.

(j) The Station will insure against unnecessary duplication of personal data records. In the event it is necessary to send personal data records through inter-department mail, such records will be sent in envelopes or boxes sealed and marked "confidential."

(k) The Station will insure that all records in manual personal data systems are kept under lock and key and, to the greatest extent practical, are kept in controlled access areas.

(Effective March 4, 1986)

#### **Sec. 22-79-6. Maintenance of personal data—automated systems**

(a) To the greatest extent practical, automated equipment and records shall be located in a limited access area.

(b) To the greatest extent practical, the Station shall require visitors to such limited access area to sign a visitor's log and permit access to said area on a bona-fide need-to-enter basis only.

(c) To the greatest extent practical, the Station will insure that regular access to automated equipment is limited to operations personnel.

(d) The Station shall utilize appropriate access control mechanisms to prevent disclosure of personal data to unauthorized individuals.

(Effective March 4, 1986)

#### **Sec. 22-79-7. Maintenance of personal data—disclosure**

(a) Within four business days of receipt of a written request therefor, the Station shall mail or deliver to the requesting individual a written response in plain language, informing him/her as to whether or not the Station maintains personal data on that individual, the category and location of the personal data maintained on that individual and procedures available to review the records.

(b) Except where precluded by law, the Station shall disclose to any person upon written request all personal data concerning that individual which is maintained by the Station. The procedures for disclosure shall be in accordance with Conn. Gen. Stat. Sections 1-15 through 1-21k. If the personal data is maintained in coded form, the Station shall transcribe the data into a commonly understandable form before disclosure.

(c) The Station is responsible for verifying the identity of any person requesting access to his/her own personal data.

(d) The Station is responsible for ensuring that disclosure made pursuant to the Personal Data Act is conducted so as not to disclose any personal data concerning persons other than the person requesting the information.

(e) The Station may refuse to disclose to a person medical, psychiatric or psychological data on that person if the Station determines that such disclosure would be

detrimental to that person. The Station may also refuse to disclose to a person personal data pertaining to that person if such nondisclosure is otherwise permitted or required by law. In either case, the Station shall advise that person of his/her right to seek judicial relief pursuant to the Personal Data Act.

(f) If the Station refuses to disclose medical, psychiatric or psychological data to a person based on its determination that disclosure would be detrimental to that person and nondisclosure is not mandated by law, the Station shall, at the written request of such person, permit a qualified medical doctor to review the personal data contained in the person's records to determine if the personal data should be disclosed. If disclosure is recommended by the person's medical doctor, the Station shall disclose the data to such person; if nondisclosure is recommended by such person's medical doctor, the Station shall not disclose the personal data and shall inform such person of the judicial relief provided under the Personal Data Act.

(g) The Station shall maintain a complete log of each person, individual, agency or organization who has obtained access to, or to whom disclosure has been made of, personal data under the Personal Data Act, together with the reason for each disclosure or access. This log shall be maintained for not less than five years from the date of such disclosure or access or for the life of the personal data record, whichever is longer.

(Effective March 4, 1986)

#### **Sec. 22-79-8. Contesting the content of personal records**

(a) Any person who believes that the Station is maintain inaccurate, incomplete or irrelevant personal data concerning him/her may file a written request with the Station for correction of said personal data.

(b) Within 30 days of receipt of such request, the Station shall give written notice to that person that it will make the requested correction, or if the correction is not to be made as submitted, the Station shall state the reason for its denial of such request and notify the person of his/her right to add his/her own statement to his/her personal data records.

(c) Following such denial by the Station, the person requesting such correction shall be permitted to add a statement to his or her personal data record setting forth what that person believes to be an accurate, complete and relevant version of the personal data in question. Such statements shall become part of the Station's personal data system and shall be disclosed to any individual, agency or organization to which the disputed personal data is disclosed.

(Effective March 4, 1986)

#### **Sec. 22-79-9. Uses to be made of the personal data**

(a) Employees of the Station who are assigned personnel and payroll responsibilities use the personal data contained in the Station's personnel records in processing promotions, reclassifications, transfers to another agency, retirement, and other personnel actions. Supervisors use the personal data when promotion, career counseling, or disciplinary action against such employees is contemplated, and for other employment-related purposes.

(b) The Station retains personnel records according to schedules published by the Public Records Administrator, Connecticut State Library.

(Effective March 4, 1986)

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## **The Connecticut Agricultural Experiment Station**

### **Sec. 22-84-1. Plant quarantine**

Transporting of prohibited articles out of quarantined area. No contraband or prohibited articles or materials, or regulated articles or materials, shall be carried without the required certificates from points within any quarantined area to points outside the quarantined areas, even though patrolmen are not present.

### **Sec. 22-84-2. Persons to stop for examination**

The operators or drivers of all vehicles, boats and packanimals and all other persons shall stop when signaled by an inspector in uniform and wearing the badge of the Connecticut Agricultural Experiment Station, shall furnish such information as is required by such inspector and shall permit the examination of the contents of any vehicles, packages, cargoes or shipments.

### **Sec. 22-84-3. Employer not to prevent employee from stopping on signal**

No employer, officer or manager of any firm or corporation shall instruct, order, aid or in any manner assist an employee to refuse to stop on signal or to permit inspection of contents of any vehicles, packages, cargoes or shipments.

### **Sec. 22-84-4. Quarantined area for European chafer**

The following area is proclaimed as a quarantined zone for plant pests: \* \* \* *The towns of Berlin, Meriden and Southington*. No soil or plants bearing soil may be moved from this area without

(1) inspection and certification for freedom from infestation by the European chafer, or

(2) treatment by a supervised method approved by the director of the Connecticut Agricultural Experiment Station as effective in killing European chafers.

(Effective April 21, 1964.)

## **Longhorned Beetle (*Callidiellum rufipenne*) Quarantine**

### **Sec. 22-84-5a. Regulated items**

Regulated items are Arbovitae (*Thuja*), Juniper (*Juniperus*), Cedar (*Chamaecyparis*), and Pine (*Pinus*), trees, and raw wood products, including cut logs, infested by all living stages of a longhorned beetle (*Callidiellum rufipenne*).

(Adopted effective June 24, 1999)

### **Sec. 22-84-5b. Survey and eradication program in infested areas of Connecticut**

Nursery stock and other regulated items shall be examined by state inspectors or other persons authorized by the Director of The Connecticut Agricultural Experiment Station. Upon discovery of living *Callidiellum rufipenne*, state inspectors shall quarantine regulated items and survey public and private areas surrounding the initial point of infestation to determine the extent of the insect pest's geographic distribution. Infested trees or other regulated items shipped into Connecticut may be returned to the point of origin by the Connecticut receivers at the shipper's expense or, upon direction by authorized state officials, may be ordered destroyed by incineration, burning, burial or other approved methods or treated by acceptable procedures without expense to or indemnity paid by The Connecticut Agricultural Experiment Station or the State of Connecticut. When infested regulated items are received by state inspectors or authorized persons for the purpose of destruction, a

certificate shall be given to the owner of said regulated items indicating the number of trees or amounts of regulated materials surrendered by the owner.

(Adopted effective June 24, 1999)

### **Sec. 22-84-5c. Records of infestations in Connecticut**

The Office of the State Entomologist at The Connecticut Agricultural Experiment Station, 123 Huntington Street, P.O. Box 1106, New Haven, Connecticut 06504-1106, shall maintain records of survey results and a list of towns where infested regulated items have been found. This list shall be available on request.

(Adopted effective June 24, 1999)

### **Sec. 22-84-5d. Definitions**

For purposes of sections 22-84-5e through 22-84-5g inclusive, the following definitions apply:

(1) “Asian longhorned beetle” means an invasive insect to the United States of genus and species *Anoplophora glabripennis*.

(2) “Emerald ash borer” means an invasive insect to the United States of genus and species *Agrilus planipennis*.

(3) “Authorized person” means an inspector or other person authorized by the Director of The Connecticut Agricultural Experiment Station to examine regulated articles, implement survey, suppression, control or eradication activities, establish regulated areas, and enforce quarantine regulations, including restrictions on intra-state movement of regulated articles.

(4) “Regulated article” means any stage of Asian longhorned beetle or Emerald ash borer, or any living or dead plant material including nursery stock or wood products, or any means of conveyance that is infested or has the potential to be infested or may contribute to the spread of the Asian longhorned beetle or Emerald ash borer. “Regulated articles” include, but are not limited to:

(A) Trees of the following genera: Maple, Boxelder (*Acer* spp.); Horse-chestnut, buckeye (*Aesculus* spp.); Birch (*Betula* spp.); Katsura (*Cercidiphyllum* spp.); Willow (*Salix* spp.); Elm (*Ulmus* spp.); Ash (*Fraxinus* spp.); Sycamore (*Platanus* spp.); Poplar (*Populus* spp.); Mimosa (*Albizia* spp.); Mountain-ash (*Sorbus* spp.); Hackberry (*Celtis* spp.);

(B) Raw wood products, including composted or uncomposted chips of *Fraxinus* spp. for Emerald ash borer quarantines, green lumber, cut logs, all firewood, and wood debris greater than one inch in two dimensions;

(C) Any other item identified by an authorized person to be a “regulated article” that is infested or has potential to be infested by the Asian longhorned beetle or Emerald ash borer or that has the ability to contribute to the spread of the Asian longhorned beetle or Emerald ash borer.

(5) “Regulated area” means a geographic area infested with Asian longhorned beetle or Emerald ash borer or an adjacent area potentially infested with either such insect that is established by an authorized person to quarantine regulated articles.

(6) “Firewood” means any kindling, logs, timber or other portions of a tree of any hardwood species or length, cut or split, or not cut or split but intended to be cut or split into a form and size appropriate for use as fuel for fires in open pits, grills, fireplaces, stoves, or other wood burning furnaces or devices. “Firewood” does not include kiln dried dimensional lumber or wood that has been chipped to a maximum piece size that is no greater than one inch in two dimensions.

(7) “Director” means the Director of the Connecticut Agricultural Experiment Station.

(8) “Quarantined areas” means areas, counties, or regions of a state that are designated as part of a federally imposed quarantine area related to Emerald ash borer or Asian longhorned beetle.

(9) “Non-quarantined areas” means areas, counties, or regions of a state not subject to a federal quarantine for Emerald ash borer or Asian longhorned beetle.

(10) “Limited permit” means a United States Department of Agriculture document in which a United States Department of Agriculture Inspector or a person operating in accordance with a compliance agreement affirms that the article not eligible for a certificate is eligible for interstate movement only to a specified destination and in accordance with conditions specified on the permit.

(11) “Certificate” means a United States Department of Agriculture document that is issued for a regulated article by a United States Department of Agriculture inspector or other person operating in accordance with a compliance agreement and that represents such article is eligible for interstate movement.

(12) “Compliance agreement” means a written agreement between the United States Department of Agriculture-Animal and Plant Health Inspection Service and a person engaged in growing, handling, or moving regulated articles that are moved interstate, in which the person agrees to comply with federal quarantine regulations as applicable and any conditions imposed by federal authorities under such a quarantine.

(13) “Specialized permit” means a permit issued by the Connecticut Agricultural Experiment Station to a person engaged in growing or handling regulated articles that places conditions on the intrastate movement of regulated articles that are required to be met to comply with federal or state quarantine regulations or orders imposed by The Connecticut Agricultural Experiment Station.

(14) “Treatment certificate or label” means official documentation affixed to a load of firewood that indicates the firewood to which it is affixed was treated in accordance with applicable federal standards by an authorized facility.

(15) “Waybill” means an official shipping document that travels with a shipment, identifies its consignor, consignee, origin and destination, describes the goods, and shows their weight and freight.

(Adopted effective March 25, 2010; amended December 28, 2012)

**Sec. 22-84-5e. Prohibition or restriction on transport; survey and eradication programs in regulated areas of Connecticut**

(a) No person shall transport any regulated article in the State of Connecticut that is:

(1) Infested or potentially infested with Asian longhorned beetle or Emerald ash borer; or

(2) Subject to quarantine pursuant to subsections (c) and (d) of this section.

(b) Nursery stock and other regulated articles may be inspected by authorized persons for the purpose of ascertaining the presence of Asian longhorned beetle or Emerald ash borer.

(c) Upon discovery of Asian longhorned beetle or Emerald ash borer, authorized persons may cooperate with federal, state, and local officials and survey public and private areas surrounding the initial point of infestation to determine the extent of the insect pest’s geographic distribution, establish the regulated area in the state or any portion thereof, and quarantine regulated articles. Infested trees, firewood, or other regulated articles in regulated areas or shipped into Connecticut, upon direction by an authorized person and after notice specified in subsection (d) of this section, may be destroyed by chipping, incineration, burning, or other approved methods or treated by acceptable procedures without expense to or indemnity paid by The

Connecticut Agricultural Experiment Station or the State of Connecticut. Intrastate movement of regulated articles is restricted and shall comply with permit or specialized permit provisions established pursuant to subsection (d) of this section.

(d) Authorized persons shall notify persons in possession of inspected, regulated articles that such articles are subject to quarantine restrictions and that regulated articles cannot be moved anywhere without obtaining a permit or specialized permit from the Director or an authorized person. The Director shall issue a permit or specialized permit to ensure proper movement and disposal of regulated articles. Regulated articles infested with Asian longhorned beetle shall not be moved from a quarantined area within Connecticut unless chipped to one-inch or less in two dimensions. Requests for a permit or specialized permit to move regulated articles shall be submitted to the Director or an authorized person. Authorized persons may issue quarantine or abatement orders concerning Asian longhorned beetle or Emerald ash borer infestations. Affected parties shall be provided five days notice prior to public hearing on any quarantine order in accordance with *Section 22-84 of the Connecticut General Statutes*. Abatement orders may require the destruction or treatment of trees, firewood or other regulated articles not less than five days from the date of issuance. Notice of abatement orders shall be provided by personal service, certified mail or publishing in two local newspapers. When infested regulated articles are received by authorized persons and destroyed, written documentation shall be given by the Director or authorized persons to the owner of said regulated articles identifying the quantity and type of regulated materials surrendered by the owner. Copies of such certificates shall be maintained by the Office of the State Entomologist.

(Adopted effective March 25, 2010; amended December 28, 2012)

#### **Sec. 22-84-5f. Records of infestations in Connecticut**

In the Office of the State Entomologist at The Connecticut Agricultural Experiment Station, 123 Huntington Street, P. O. Box 1106, New Haven, Connecticut 06504-1106, the Director shall maintain records of destroyed regulated articles, survey results, and of a list of towns where infested regulated articles have been found. This list shall be available upon request.

(Adopted effective March 25, 2010)

#### **Sec. 22-84-5g. Regulation of firewood transported into and within Connecticut**

##### **(a) Transport of firewood**

(1) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person shall transport firewood, by any means, originating from quarantined areas into Connecticut without:

(A) a certificate or limited permit issued under a compliance agreement with the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA) confirming that the subject firewood may be transported interstate from an area currently under federal quarantine and that it has been handled or treated in accordance with the conditions of an applicable compliance agreement or treated in accordance with the following applicable federal standards articulated in the USDA Plant Protection and Quarantine Treatment Manual and addenda as may be revised from time to time:

- (i) Removal of the bark and additional one-half inch of wood;
- (ii) Kiln sterilization treatment;
- (iii) Fumigation according to a treatment schedule; or

(iv) Heat treatment;

(B) a certificate issued by an APHIS inspector pursuant to 7 CFR 301.53-5(a) or 7 CFR 301.51-5(a); or

(C) a limited permit issued by an APHIS inspector pursuant to 7 CFR 301.53-5(b) or 7 CFR 301.51-5(b).

(2) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person may transport firewood, by any means, originating from a non-quarantined area and not passing through a quarantined area into the state of Connecticut without:

(A) a permit or specialized permit from the Director;

(B) a treatment certificate or label from a United States Department of Agriculture qualified treatment facility indicating that the firewood has been treated to protect against the Emerald ash borer and Asian longhorned beetle in accordance with applicable federal standards articulated in the USDA Plant Protection and Quarantine Treatment Manual and addenda as may be revised from time to time;

(C) documentation from the USDA or a state agency with authority to control, suppress, or exterminate plant pests and diseases indicating that the firewood has been treated to protect against the Emerald ash borer and Asian longhorned beetle in accordance with applicable federal standards articulated in the USDA Plant Protection and Quarantine Treatment Manual and addenda as may be revised from time to time; or

(D) a treatment certificate or label from the Canadian Food Inspection Agency or a facility authorized by the Canadian Food Inspection Agency to issue such documentation.

(3) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person may transport firewood, by any means, originating from a non-quarantined area and passing through an area quarantined for Emerald ash borer into the state of Connecticut unless the firewood is handled and transported in compliance with the applicable requirements of 7 CFR 301.53-4(b)(2).

(4) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person may transport firewood, by any means, originating from a non-quarantined area and passing through an area quarantined for Asian longhorned beetle into the state of Connecticut unless the firewood is handled and transported in compliance with the applicable requirements of 7 CFR 301.51-4(a)(2)(ii).

(5) Notwithstanding subdivisions (1) to (4), inclusive, of this subsection, the United States Department of Agriculture may move firewood into the state of Connecticut for scientific and experimental purposes in accordance with 7 CFR 301.53-4(b)(1) or 7 CFR 301.51-4(a)(1).

(b) The Director or an authorized person may issue written permission to transport firewood into Connecticut from a non-quarantined area without a treatment certificate or label, or other documentation referenced in subdivision (a)(2) of this section on a case-by-case basis if, after review, and in consultation with the Commissioner of Energy and Environmental Protection or the Commissioner's designee, it is determined that:

(1) The firewood does not present a threat of Emerald ash borer or Asian longhorned beetle infestation because of verifiable origin from a non-quarantined area; and

(2) the firewood has been examined by an authorized inspector or authorized certified forester, its handling was conducted in accordance with 7 CFR 301.53-4(b)(2) or 7 CFR 301.51-4(a)(2)(ii), or it was otherwise treated to eliminate any threat.

(c) The Director or authorized persons may inspect any firewood being transported into or through Connecticut, being sold, or intended for sale, and may obtain information concerning the verifiable origin of that firewood and, if necessary upon inspection, request production of necessary certificates, waybill, labels, or limited permits regarding its origin or treatment.

(d) All transporters and retail sellers of firewood in Connecticut shall be able to demonstrate that any firewood in their possession or offered for sale is:

(1) Of a verifiable in-state origin and complies with any applicable requirements of a state or federal quarantine imposed in the state of Connecticut; or

(2) accompanied by a certificate, a limited permit, treatment certificate or label, or waybill verifying its origin and handling in accordance with subsection (a) of this section, if the firewood originated from out-of-state.

If the transporter or retail seller is not able to produce evidence of conformity with subdivision (1) or (2) of this subsection, the firewood shall be subject to confiscation by the Director or authorized persons in accordance with section 22-84 of the Connecticut General Statutes.

(e) Any firewood, transported into or possessed within Connecticut, that is of undisclosed or unverifiable origin or that lacks treatment certificates, appropriate labels, permits, or certificates required by this section or that of a federal or state quarantine shall be returned to its point of origin, disposed of at the site of detection if feasible, or transported via a tarped or otherwise enclosed vehicle to the nearest facility designated by the Department of Energy and Environmental Protection (DEEP) for responsible disposal, including a DEEP permitted resource recovery facility or solid-waste facility, unless otherwise directed by the Director or authorized person.

(Effective December 28, 2012)

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**The Connecticut Agricultural Experiment Station**

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## The Connecticut Agricultural Experiment Station

### Sec. 22-86-1. White pine blister rust: districts

Control areas comprising the below named towns, within which all ribes, both wild and cultivated, growing within nine hundred feet of a white pine stand one acre or more in extent, may be destroyed by a duly accredited representative of the Connecticut Agricultural Experiment Station, are hereby designated:

Andover	Coventry	Morris	Sterling
Ashford	Eastford	New Hartford	Thomaston
Avon	Ellington	New Milford	Thompson
Barkhamsted	Enfield	Norfolk	Tolland
Bethlehem	Farmington	North Canaan	Torrington
Bolton	Goshen	Plainfield	Union
Bridgewater	Granby	Plainville	Vernon
Bristol	Griswold	Plymouth	Voluntown
Brooklyn	Hampton	Pomfret	Warren
Burlington	Hartland	Putnam	Washington
Canaan	Harwinton	Roxbury	Watertown
Canterbury	Hebron	Salisbury	Willington
Canton	Kent	Scotland	Winchester
Chaplin	Killingly	Sharon	Windham
Colebrook	Litchfield	Simsbury	Woodbury
Columbia	Manchester	Somers	Woodstock
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**Honey Bee Tracheal and Honey Bee/Varroa Mite Quarantine**

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Repealed, November 19, 1992.

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### **Registration Fees**

#### **Sec. 22-111c-1. Registration fees for the sale of fertilizer**

Each brand and grade of commercial fertilizer shall be registered with the Commissioner of Agriculture annually before being distributed in this State. A fee of (15) fifteen dollars per major and minor element for each brand and grade listed on the application form shall accompany the application for registration. The cost for each registration shall not exceed (90) ninety dollars per individual product. All registrations shall expire on June thirtieth of each year.

(Effective November 16, 1982; amended December 23, 1997)



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**Establishment of Certain Inspection, Registration, Production and Marketing Fees for the Distribution of Fertilizer, Commercial Feeds, Milk and Milk Products**

**Sec. 22-111e-1. Inspection fees for the distribution of fertilizer**

A distributor of commercial fertilizer shall pay to the Commissioner of Agriculture annually, at the time an annual statement is filed pursuant to Section 22-111e(b) of the Connecticut General Statutes, an inspection fee of (25) twenty-five cents per U.S. ton of each commercial fertilizer distributed in this state during the period ending June 30th, provided that sales to manufacturers or exchanges between manufacturers and sales by distributors of less than (10) ten tons in any such annual period are exempted.

(Adopted effective June 6, 2000)



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## Sale and Distribution of Fertilizers

### Sec. 22-111j-1. Definitions

Except as the Commissioner of Agriculture designates otherwise in specific cases, the names and definitions for commercial fertilizers shall be those adopted by the Association of American Plant Food Control Officials.

(Effective August 9, 1979)

### Sec. 22-111j-2. Percentages

The term "percentage" by symbol or word, when used on a fertilizer label shall represent only the amount of individual plant nutrients in relation to the total product by weight.

(Effective August 9, 1979)

### Sec. 22-111j-3. Labels

(a) When requested by the Commissioner of Agriculture, each manufacturer or distributor shall furnish, with his application for registration, all proposed labels for fertilizer and any directions for the use of such fertilizer.

(b) All guaranteed plant nutrients in addition to, and following, the primary nutrients of nitrogen, phosphorous and potassium, shall be listed on each label of fertilizer in the order in which such elements appear in section 22-111-4 of these regulations.

(c) Any fertilizer which contains a minimum of 0.03% of boron in water soluble form shall carry the word "warning" or "caution" which shall be conspicuously displayed on such label. Such label shall list the crop or crops for which said fertilizer shall be used and shall state that the use of such fertilizer on any non-recommended crop may cause serious injury to such crop or crops.

(d) Any fertilizer which contains a minimum of 0.001% molybdenum shall carry the word "warning" or "caution" which shall be conspicuously displayed on such label. Such label shall state that the application of any fertilizer containing molybdenum may result in a level of molybdenum in forage crops which may be toxic to ruminant animals.

(Effective August 9, 1979)

### Sec. 22-111j-4. Plant nutrients

All plant nutrients which are to be used in the production, manufacture, and distribution of fertilizer shall be registered with the Commissioner of Agriculture and shall be guaranteed by the manufacturer or distributor. Said guarantees shall be established on an elemental basis as prescribed by statute. All sources of such elements, so guaranteed, and proof of the availability of such elements shall be provided to the Commissioner upon his request. The minimum percentage which shall be acceptable to the Commissioner for registration are as follows: calcium (CA), 1.000%; magnesium (MG), 0.5000%; sulfur (S), 1.000%; boron (B), 0.0200%; chlorine (CL), 0.1000%; cobalt (CO), 0.0005%; copper (CU), 0.0500%; iron (FE), 0.1000%; manganese (MN), 0.0500%; molybdenum (MO), 0.0005%; sodium (NA), 0.1000%; zinc (ZN), 0.0500%.

(Effective August 9, 1979)

### Sec. 22-111j-5. Investigational allowances

(a) A commercial fertilizer, or any individual element contained therein, shall be deemed deficient if the analysis of nutrient is below the guarantee by an amount exceeding the values in the schedule below. Such guaranteed analysis shall be

conducted in accordance with the recommended Association of Official Analytical Chemists (A.O.A.C.) procedures for obtaining samples and sample preparation. Such procedures are described in Official Methods of Analysis of the Association of Official Analytical Chemists, 11th edition, 1970, and in succeeding issues of the Journal of the Association of Official Analytical Chemists. Replicate data shall be evaluated by following the instructions listed in the Journal of the Association of Official Analytical Chemists, vol. 59, no. 5, pg. 935, table 19, October 1966.

<i>Guarantee Percent</i>	<i>Nitrogen Percent</i>	<i>Available Phosphoric Acid, Percent</i>	<i>Potash Percent</i>
04	0.49	0.67	0.41
05	0.51	0.67	0.43
06	0.52	0.67	0.47
07	0.54	0.68	0.53
08	0.55	0.68	0.60
09	0.57	0.68	0.65
10	0.58	0.69	0.70
12	0.61	0.69	0.79
14	0.63	0.70	0.87
16	0.67	0.70	0.94
18	0.70	0.71	1.01
20	0.73	0.72	1.08
22	0.75	0.72	1.15
24	0.78	0.73	1.21
26	0.81	0.73	1.27
28	0.83	0.74	1.33
30	0.86	0.75	1.39
32	0.88	0.76	1.44

(b) Secondary and minor elements shall be deemed deficient if any element is below the guarantee by an amount exceeding the values in the table below. The maximum allowable deviation of the values listed in such tables shall be one unit (1%).

<i>Element</i>	<i>Allowable Deficiency</i>
Calcium	0.2 unit + 5% of guarantee
Magnesium	0.2 unit + 5% of guarantee
Sulfur	0.2 unit + 5% of guarantee
Boron	0.003 unit + 15% of guarantee
Cobalt	0.0001 unit + 30% of guarantee
Molybdenum	0.0001 unit + 30% of guarantee
Chlorine	0.005 unit + 10% of guarantee
Copper	0.005 unit + 10% of guarantee
Iron	0.005 unit + 10% of guarantee
Manganese	0.005 unit + 10% of guarantee
Sodium	0.005 unit + 10% of guarantee
Zinc	0.005 unit + 10% of guarantee

(c) Method of determining investigational allowances. A minimum of two (2) values shall be averaged in order to determine that the minimum guarantee has been met. If more than two (2) values are obtained, all significant values shall be averaged.

Each value may be “rounded” to one decimal place for easy recording, but each value shall be carried to two (2) decimal places in order to apply such established averages to the preceding table. If the requisite guarantee is not listed in such table, the necessary appropriate value shall be calculated by interpolation.

(d) Sampling. Wherever applicable, all sampling equipment used and procedures employed shall be those adopted by the Association of Official Analytical Chemists.  
(Effective August 9, 1979)



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### **Registration Fees**

#### **Sec. 22-118b-1.**

Repealed, November 9, 1999.

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**Sale and Distribution of Feeds**

**Secs. 22-118g-1—22-118g-9.**

Repealed, November 9, 1999.

**Processed Animal Waste Products  
as Animal Feed Ingredients**

**Secs. 22-118g-10—22-118g-14.**

Repealed, November 9, 1999.

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**Establishment of Certain Inspection, Registration, Production and Marketing  
Fees for the Distribution of Fertilizer, Commercial  
Feeds, Milk and Milk Products**

**Sec. 22-118q-1. Commercial feeds and pet foods**

**(a) Incorporation by reference**

The provisions and requirements of and future changes to The Official Definitions of Feed Ingredients and Official Feed Terms adopted by the Association of American Feed Control Officials and published in the official publication of that organization, is incorporated by reference in its entirety. A copy of such document may be obtained by mail from the Connecticut Department of Agriculture, 765 Asylum Avenue, Hartford, Connecticut 06105 or by telephone at 860-713-2513.

(Adopted effective June 6, 2000)

**Sec. 22-118q-2. Fees**

A distributor of commercial feeds shall pay to the Commissioner of Agriculture annually, at time of registration pursuant to Section 22-118/ of the Connecticut General Statutes, a registration fee of (40) forty dollars for each commercial feed registered.

(Adopted effective June 6, 2000)



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**Establishment of Certain Inspection, Registration, Production and Marketing Fees for the Distribution of Fertilizer, Commercial Feeds, Milk and Milk Products**

**Sec. 22-128a-1. Production and marketing fees**

Any individual, partnership, association, firm, limited liability company or corporation producing and marketing milk and milk products required to be registered, licensed or permitted pursuant to Connecticut General Statutes Chapter 430, shall pay to the Commissioner of Agriculture at time of registration, licensing or permitting pursuant to Connecticut General Statutes Chapter 430, a fee of (10) ten dollars.

(Adopted effective June 6, 2000)



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**Secs. 22-133-1—22-133-14.**

Repealed, October 1, 2005.

**Grade A Milk and Cream**

**Sec. 22-133-15.**

Repealed, October 1, 2005.

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**Secs. 22-133-16—22-133-21.**

Repealed, October 1, 2005.

**Grade A Milk and Cream Pasteurized**

**Secs. 22-133-22—22-133-25.**

Repealed, October 1, 2005.

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Repealed, October 1, 2005.

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Repealed, October 1, 2005.

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**Secs. 22-133-45—22-133-51.**

Repealed, October 1, 2005.

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**Secs. 22-133-52—22-133-60.**

Repealed, October 1, 2005.

**Sec. 22-133-61.**

Repealed, November 24, 1970.

**Sec. 22-133-62.**

Repealed, November 24, 1970.

**Sec. 22-133-63.**

Repealed, November 24, 1970.

**Sec. 22-133-64.**

Repealed, November 24, 1970.

**Buying Milk by Weight and Butterfat Test. Reporting Butterfat Tests**

**Secs. 22-133-65—22-133-67.**

Repealed, October 1, 2005.

**Sec. 22-133-68.**

Repealed, November 24, 1970.

**Sec. 22-133-69.**

Repealed, November 24, 1970.

**Sec. 22-133-70.**

Repealed, November 24, 1970.

**Sec. 22-133-71.**

Repealed, November 24, 1970.

**Sec. 22-133-72.**

Repealed, November 24, 1970.

**Sec. 22-133-73.**

Repealed, November 24, 1970.

**Secs. 22-133-74—22-133-84.**

Repealed, October 1, 2005.

**Inspection for Approval of Additional Milk Sources**

**Secs. 22-133-85—22-133-88.**

Repealed, October 1, 2005.

**The Production of Approved Milk for Pasteurization and  
Approved Retail Raw Milk**

**Secs. 22-133-89—22-133-99a.**

Repealed, October 1, 2005.

**Sec. 22-133-100.**

Repealed, November 24, 1970.

**Abnormal Milk**

**Secs. 22-133-101—22-133-103.**

Repealed, October 1, 2005.

**Milk and Milk Products**

**Secs. 22-133-104—22-133-113d.**

Repealed, October 1, 2005.

**Sanitation and Quality Standards for the  
Production, Processing, Storage, Handling and  
Distribution of Milk for Pasteurization and  
Pasteurized Milk or Milk Products**

**Sec. 22-133-114. Definitions**

As used in sections 22-133-115 through 22-133-130 inclusive, of the Regulations of State Agencies:

(1) “Intrastate dealer” means any person, firm, corporation, limited liability company or association who receives, pasteurizes, processes and bottles milk from

one or more farms located within this state and who sells or offers for sale milk or milk products only within this state.

(2) “Interstate dealer” means any person, firm, corporation, limited liability company or association who receives, pasteurizes, processes and bottles milk from one or more farms, who sells or offers for sale milk or milk products within and outside of this state.

(3) “Un-ripened cheese” means cheese that has not undergone a sixty day aging process.

(4) “Depot” and “Distributor” means a place of business where packaged milk or milk products are stored for distribution. This shall not include those facilities that are part of a milk processing plant.

(5) “Store” means a place of business where packaged milk or milk products are offered for sale to consumers.

(6) “Refrigeration zone” means that area of a cooler or other area in which milk products are stored, which is actively cooled by a mechanical device.

(7) “Facility”, “Farm” and “Premises” means any place where one (1) or more lactating goat, cow or sheep are kept for milking purposes.

(8) “Herd” is defined as one (1) or more cows, goats or sheep which are kept for milking purposes.

(9) “Milk handler” means a person who handles milk or milk products, equipment which comes in direct contact with milk or milk products or milking aged animals.

(Adopted effective October 1, 2005)

**Sec. 22-133-115. Standards for the production, processing, handling, bottling and storage of milk for pasteurization, pasteurized milk and milk products, ultra-pasteurized milk and milk products, aseptically processed milk and milk products, condensed milk, dry milk and dry milk products, non-standardized fluid milk, standardized fluid milk products and the manufacture of single service milk containers**

(a) The following is incorporated by reference. The Pasteurized Milk Ordinance (PMO), Section 1, Sections 4 through 7 inclusive, Section 10, Sections 12 through 14 inclusive and Appendices B, D through O inclusive and Q, Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.

(b) The processing, storage and handling of aseptic milk and milk products shall comply with 21 CFR 113.

(c) The cooling requirements for pasteurized milk and milk products, except aseptically processed and packaged milk and milk products, shall be those in section 22-194 of the Connecticut General Statutes.

(d) Milk for pasteurization shall be cooled to less than forty five (45) degrees Fahrenheit or less within two hours of the completion of the milking. Milk shall be further cooled to a storage temperature of forty (40) degrees Fahrenheit or less within four hours of the completion of milking. The blend temperature after the first milking and subsequent milkings shall not exceed fifty (50) degrees Fahrenheit.

(e) Whenever three of the last five direct microscopic cell counts exceeds the standard established in subsection (a) of this section, the commissioner or the commissioner’s designated agent may require the producer to have all milking equipment inspected and repaired by a qualified serviceman and may require the producer to enroll the herd into the Connecticut Plan for the Eradication of Mastitis or follow an equivalent plan developed by a licensed veterinarian.

(f) Notwithstanding the provisions of the Pasteurized Milk Ordinance, intrastate dealers with a daily production of two hundred fifty pounds (250) or less shall comply with the following requirements:

(1) All workers filling and capping shall wear hair covering and wash hands immediately prior to starting the filling operation;

(2) Multiple use containers shall be washed, sanitized and drained no more than four hours prior to filling. Washing and sanitizing may be done in a three compartment sink or other apparatus acceptable to the commissioner or the commissioner's designated agent;

(3) Single service caps shall be sanitized immediately prior to use;

(4) Filling shall be done using suitable stainless steel piping equipped with a positive shutoff valve. No dipping or ladling is permitted;

(5) During filling, the pouring lip of the container shall be protected from overhead contamination by the use of a drip deflector installed on the filling device;

(6) The exterior of filled and capped containers shall be rinsed with potable water or potable water treated with a sanitizer immediately prior to being put into cold storage;

(7) Each filled container shall have the label affixed and the last sale date stamped or otherwise applied to the container before being transferred to a cooler or customer;

(8) Wet storage of filled containers is not permitted; and

(9) The storage and construction of caps and containers shall conform to subsection (a) of this section.

(g) Notwithstanding the provisions of the Pasteurized Milk Ordinance, intrastate dealers with a daily production of greater than two hundred fifty pounds (250) shall comply with the following requirements:

(1) Filling and capping shall be done in a sanitary manner using a mechanical device approved by the commissioner or the commissioner's designated agent;

(2) All workers filling and capping shall wear hair covering and wash hands immediately prior to starting the filling operation;

(3) Multiple use containers shall be washed, sanitized and drained no more than four hours prior to filling. Washing and sanitizing may be done in a three compartment sink or other apparatus acceptable to the commissioner or the commissioner's designated agent;

(4) The pouring lip of the container shall be protected from overhead contamination;

(5) The exterior of filled and capped containers shall be rinsed with potable water or potable water treated with a sanitizer immediately prior to being placed into cold storage;

(6) Each filled container shall have the label affixed and the last sale date stamped or otherwise applied to the container before being transferred to a cooler or customer;

(7) Wet storage of filled containers is not permitted; and

(8) The storage and construction of caps and containers shall conform to subsection (a) of this section.

(Adopted effective October 1, 2005)

### **Sec. 22-133-116. Methods of making sanitation ratings**

The following are incorporated by reference. Pasteurized Milk Ordinance Methods of Making Sanitation Ratings of Milk Supplies, Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.

(Adopted effective October 1, 2005)

**Sec. 22-133-117. Procedures governing the participation of the Department of Agriculture in the National Interstate Milk Shippers Conference**

(a) The following are incorporated by reference. Pasteurized Milk Ordinance Procedures Governing the Cooperative State-Public Health Service/Food and Drug Administration Program of the National Conference on Interstate Milk Shipments, Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.

(b) The commissioner of agriculture may appoint a designated agent from the department, knowledgeable in both public health matters and the production, processing and handling of milk and milk products, to attend the meetings of the National Conference on Interstate Milk Shipments. The commissioner's designated agent, in consultation with the commissioner, shall cast votes assigned to the state.

(Adopted effective October 1, 2005)

**Sec. 22-133-118. Standards for the production and manufacture of cheese**

(a) The following are incorporated by reference as the standards for the production and manufacture of cheese: 21 CFR 110, Current Good Manufacturing Practice In Manufacturing, Packing, Or Holding Human Food and 21 CFR 133 Cheeses And Related Cheese Products.

(b) Un-ripened cheeses shall not have a coliform bacteria count in excess of ten per milliliter or gram.

(c) Cheese shall be manufactured from milk which has been properly screened for the presence of drug residues or other inhibitors in accordance with section 22-203a of the Connecticut General Statutes and regulations adopted pursuant to section 22-203c of the Connecticut General Statutes.

(Adopted effective October 1, 2005)

**Sec. 22-133-119. Ricotta cheese, definitions for the purposes of section 22-133-120 of the Regulations of Connecticut State Agencies**

(1) Whole milk ricotta cheese is the cheese prepared from milk, whey or a blend of such products, heated to a minimum temperature of one hundred eighty (180) degrees Fahrenheit. Salt and acidifying agents may be added to whole milk ricotta cheese, as well as other generally recognized safe and suitable ingredients as defined in 21 CFR 184. The finished whole milk ricotta cheese shall not contain more than eighty (80) percent moisture and shall contain not less than eleven (11) percent of milkfat.

(2) Part-skim ricotta cheese is the cheese prepared from milk, whey or a blend of these products, heated to a minimum temperature of one hundred eighty (180) degrees Fahrenheit. Salt and acidifying agents may be added to part-skim ricotta cheese, as well as other generally recognized safe and suitable ingredients as defined in 21 CFR 184. The finished part-skim ricotta cheese shall not contain more than eighty (80) percent moisture and shall contain between six (6) and ten percent (10) milkfat.

(3) Skim milk ricotta (Ricotone) is the cheese prepared from skim milk, whey or a blend of these products, heated to a minimum temperature of one hundred eighty (180) degrees Fahrenheit. Salt and acidifying agents may be added to ricotta cheese from whey or skim milk, as well as other generally recognized safe and suitable ingredients as defined in 21 CFR 184. The finished ricotta from whey or skim milk shall not contain more than eighty two point five (82.5) percent moisture and shall contain less than one percent (1) milkfat.

(Adopted effective October 1, 2005)

**Sec. 22-133-120. Whole milk ricotta cheese, part-skim ricotta cheese and skim milk ricotta cheese. Standards**

(a) Each batch of whole milk ricotta cheese, part-skim ricotta cheese and skim milk ricotta cheese shall be monitored by the use of an indicating thermometer that complies with the Pasteurized Milk Ordinance, appendix H, indicating thermometers for batch pasteurization.

(b) At the end of the heating period before the addition of an acidifying agent, each operator shall log the temperature of the milk. In addition to the temperature, the log shall contain the date, kettle or vat identification, batch number, amount, and the name of the operator.

(c) The term “pasteurized”, may only be used when the milk used to manufacture whole milk ricotta cheese, part-skim ricotta cheese and skim milk ricotta cheese has been properly pasteurized using approved equipment, in conformance with section 22-133-115(a) of the Regulations of Connecticut State Agencies.

(d) The packaging, handling and storage of whole milk ricotta cheese, part-skim ricotta cheese and skim milk ricotta cheese shall comply with 21 CFR 110 Current Good Manufacturing Practice In Manufacturing, Packing, Or Holding Human Food.

(Adopted effective October 1, 2005)

**Sec. 22-133-121. Standards for the production and manufacture of butter**

The following are incorporated by reference as the standards for the production and manufacture of butter: 21 CFR 110, Current Good Manufacturing Practice In Manufacturing, Packing, Or Holding Human Food and 7 CFR 58, Grading And Inspection, General Specifications For Approved Plants And Standards For Grades Of Dairy Products.

(Adopted effective October 1, 2005)

**Sec. 22-133-122. Depot or distributor. Inspection and standards**

(a) The following are incorporated by reference as the standards for the storage and handling of packaged milk and milk products at a milk distribution facility: The Pasteurized Milk Ordinance (PMO), section 1, sections 4 and 6, section 7, items 1p, 2p, 3p, 4p, 5p, 6p, 7p, 8p, 9p, 15p, 20p, 21p, 22p and sections 12 through 14 inclusive, Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.

(b) The cooling requirements for packaged milk and milk products, cottage cheese, butter, cream cheese, sour cream, yogurt, kefir and related dairy products at a milk distribution facility shall conform to section 22-194 of the Connecticut General Statutes.

(c) Returned milk and milk products shall not be offered for re-sale, shall be kept cooled and shall be stored in an area clearly marked with the words “Returns” or “Not for Sale”, separate from other foods being offered for sale.

(d) The commissioner or the commissioner’s designated agent may inspect each milk distribution facility annually for compliance with this section. The inspection frequency may be increased for cause. A copy of the inspection report shall be retained at the milk distribution facility and shall be available for inspection.

(Adopted effective October 1, 2005)

**Sec. 22-133-123. Cheese, milk and milk product handling and storage in stores. Standards**

(a) The cooling requirements for milk and milk products in stores shall conform to section 22-194 of the Connecticut General Statutes.

(b) All coolers/refrigerators and display areas used for the storage or display of milk and milk products and cheese shall be kept clean and free of odors, rodents and insects.

(c) Milk and milk products and cheese shall be received in a sanitary manner. The areas where milk and milk products, or cheese are received shall be clean and free of litter, rodents and insects.

(d) Milk and milk products shall be immediately put into refrigerated storage upon receipt.

(e) Milk and milk products shall only be sold to consumers in the original container.

(f) The manufacturer's last sale date or expiration date shall not be altered in any way.

(g) No milk and milk product or cheese labeled with the words "keep refrigerated" or that is otherwise required to be refrigerated shall be stored outside the refrigeration zone of any cooler, display case or refrigerator.

(h) Returned milk and milk products and cheese shall not be offered for re-sale and shall be kept cooled, stored in an area clearly marked with the words "Returns" or "Not for Sale", separate from other foods being offered for sale.

(i) The commissioner or the commissioner's designated agent may inspect the receiving, storage and handling of milk, milk and milk products and cheese at each store annually for compliance with this section. The inspection frequency may be increased for cause. A copy of the inspection report shall be retained at the store and shall be available for inspection.

(Adopted effective October 1, 2005)

### **Sec. 22-133-124. Retail raw milk, production, cooling, storage and cleaning. Standards**

(a) The procedures, handling, equipment and facilities used in the production and handling of retail raw milk shall comply with section 22-133-115(a) of the Regulations of Connecticut State Agencies, except as modified by sections 22-133-124 through 22-133-131 inclusive of the Regulations of Connecticut State Agencies.

(b) Retail raw milk shall be cooled to forty degrees (40) Fahrenheit or less within three hours of the completion of milking. The blend temperature after the first milking and subsequent milkings shall not exceed fifty (50) degrees Fahrenheit.

(c) Retail raw milk shall be kept cooled to a temperature of forty degrees (40) Fahrenheit or less until delivered to the consumer.

(d) Each tank or bulk storage container shall be cleaned and sanitized every forty-eight hours.

(Adopted effective October 1, 2005)

### **Sec. 22-133-125. Retail raw milk. Herd health. Standards**

(a) Retail raw milk producers shall maintain a current and ongoing patient/client relationship with an accredited large animal veterinarian licensed to practice in the State of Connecticut.

(b) Herds shall be tested annually for brucellosis and tuberculosis. Such testing shall be conducted in accordance with sections 22-287, 22-298 and 22-304 of the Connecticut General Statutes.

(c) The milk ring test for the detection of *Brucella* spp. shall be administered monthly to each herd.

(d) Each herd producing retail raw milk shall be enrolled in the Connecticut Plan for the Eradication of Mastitis.

(e) The results of all herd testing required by this section shall be reported to the Commissioner.

(Adopted effective October 1, 2005)

**Sec. 22-133-126. Retail raw milk handler. Health standards**

(a) The personnel health of retail raw milk handlers and the procedures used to prevent the transmission of diseases that are transmissible through food shall conform to sections 13 and 14 of the Pasteurized Milk Ordinance (PMO), Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.

(b) Any retail raw milk handler with a communicable disease is prohibited from handling retail raw milk or retail raw milk cheese, equipment that may come in direct contact with retail raw milk or retail raw milk cheese, or from milking aged animals.

(Adopted effective October 1, 2005)

**Sec. 22-133-127. Retail raw milk, filling, capping and container. Standards**

(a) Retail raw milk producers with a daily production of two hundred fifty pounds (250) or less shall comply with the following requirements:

(1) All workers filling and capping shall wear hair covering and wash hands immediately prior to starting the filling operation;

(2) Multiple use containers shall be washed, sanitized and drained no more than four hours prior to filling. Washing and sanitizing may be done in a three compartment sink or other apparatus acceptable to the commissioner;

(3) Single service caps shall be sanitized immediately prior to use;

(4) Filling shall be done using suitable stainless steel piping equipped with a positive shutoff valve. No dipping or ladling is permitted;

(5) During filling, the pouring lip of the container shall be protected from overhead contamination by the use of a drip deflector installed on the filling device;

(6) The exterior of filled and capped containers shall be rinsed with potable water or potable water treated with a sanitizer;

(7) Each filled container shall have the label affixed and the last sale date stamped or otherwise applied to the container before being transferred to a cooler or customer;

(8) Wet storage of filled containers is not permitted; and

(9) The storage and construction of caps and containers shall conform to section 22-133-115(a) of the Regulations of Connecticut State Agencies.

(b) Retail raw producers with a daily production of greater than two hundred fifty pounds (250) shall comply with the following requirements:

(1) Filling and capping shall be done in a sanitary manner using a mechanical device approved by the commissioner;

(2) All workers filling and capping shall wear hair covering and wash hands immediately prior to starting the filling operation;

(3) Multiple use containers shall be washed, sanitized and drained no more than four hours prior to filling. Washing and sanitizing may be done in a three compartment sink or other apparatus acceptable to the commissioner;

(4) The pouring lip of the container shall be protected from overhead contamination;

(5) The exterior of filled and capped containers shall be rinsed with potable water or potable water treated with a sanitizer;

(6) Each filled container shall have the label affixed and the last sale date stamped or otherwise applied to the container before being transferred to a cooler or customer;

(7) Wet storage of filled containers is not permitted; and

(8) The storage and construction of caps and containers shall conform to section 22-133-115(a) of the Regulations of Connecticut State Agencies.

(Adopted effective October 1, 2005)

**Sec. 22-133-128. Retail raw milk cheese, production and manufacture. Standards**

(a) The standards, facilities, production and sale of retail raw milk cheese shall comply with the requirements for the manufacture of cheese contained in section 22-133-118 of the Regulations of Connecticut State Agencies, except as modified by sections 22-133-128 through 22-133-130 inclusive, of the Regulations of Connecticut State Agencies.

(b) All retail raw milk cheese shall be aged a minimum of sixty days at a temperature of not less than thirty five (35) degrees Fahrenheit.

(c) Salt, acidifying agents, rennet, flavoring ingredients as well as other generally recognized safe and suitable ingredients as defined in 21 CFR 184 may be added to retail raw milk cheese.

(d) The milk used in the manufacture of retail raw milk cheese shall comply with sections 22-133-124 to 22-133-126, inclusive, and section 22-133-129 of the Regulations of Connecticut State Agencies.

(e) A clean room shall separate the areas used to process, hold, age and package retail raw milk cheese from milking areas, animal housing areas, toilet facilities and other areas used for domestic purposes. All outside openings shall be screened and all exterior doors and entrances to cheese processing areas shall be equipped with self-closing doors. Toilet facilities shall be equipped with a self-closing door.

(f) Each retail raw milk cheese manufacturer shall identify each individual cheese made. The system to identify each cheese shall use consecutive numbers and include the date of manufacture as part of the identification. Each retail raw milk cheese manufacturer shall keep records of production. These records shall include the date, the amount of milk used in that day's production, the kind of cheese produced, the amount of each type of cheese produced and the identification number of each individual cheese. The records shall be kept on the premises and shall be available for inspection.

(Adopted effective October 1, 2005)

**Sec. 22-133-129. Retail raw milk and retail raw milk cheese. Quality standards**

(a) The standard plate count of retail raw milk shall not exceed thirty thousand (30,000) colonies per milliliter.

(b) The thermophilic bacteria count (lab pasteurized count) of retail raw milk shall not exceed one thousand (1,000) colonies per milliliter.

(c) The somatic cell count of retail raw milk shall conform to the standards established in section 7, Pasteurized Milk Ordinance (PMO), Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time.

(d) The coliform bacteria count of retail raw milk shall not exceed fifty (50) per milliliter.

(e) There shall be no detectable presence of human pathogens in retail raw milk and retail raw milk cheese, including, but not limited to: *Bacillus cereus*, *Listeria monocytogenes*, *Yersinia enterocolitica*, *Salmonella* spp., *Escherichia coli* O157:H7, *Clostridium botulinum* and *Campylobacter jejuni*.

(f) No water shall be added to retail raw milk.

(g) Retail raw milk shall be kept cooled and stored at a temperature of forty (40) degrees Fahrenheit or less.

(h) Retail raw milk shall contain no drug residues or other inhibitory substances at or above the tolerance levels for drugs or other inhibitors established by the US Food and Drug Administration. Drug or other inhibitor use shall conform to section 22-203c-8 of the Regulations of Connecticut State Agencies.

(i) The coliform bacteria count of retail raw milk cheese shall not exceed one hundred fifty (150) per milliliter or gram.

(Adopted effective October 1, 2005)

**Sec. 22-133-130. Retail raw milk and retail raw milk cheese. Sampling frequency, notification, investigations, recalls and enforcement**

(a) The commissioner or the commissioner's designated agent may collect samples of retail raw milk and retail raw milk cheese produced once per month. Sampling frequency may be increased whenever the commissioner or the commissioner's designated agent has a valid reason to increase the sampling frequency or whenever a standard established in section 22-133-129 of the Regulations of Connecticut State Agencies has been violated.

(b) The tests conducted on retail raw milk and retail raw milk cheese include, but are not limited to, the standard plate count, the direct microscopic cell count, the detection of drugs and other inhibitors, the detection of human pathogens, and the coliform bacteria count.

(c) Upon receipt of notification that retail raw milk or retail raw milk cheese violates standards established in section 22-133-129 of the Regulations of Connecticut State Agencies, the producer shall investigate the cause of the violation and prepare a written explanation, describing the cause and the corrective action taken. The written explanation and description of the corrective actions taken shall be completed within fifteen (15) days of the notification and kept on file by the retail raw milk producer or retail raw milk cheese manufacturer for one year and shall be available for inspection.

(d) In addition to section 22-133-130(c) of the Regulations of Connecticut State Agencies, whenever retail raw milk or retail raw milk cheese is found to have a coliform colony count exceeding one hundred fifty (150) colonies per milliliter (ml) the commissioner may prevent the sale and cause to be destroyed all contaminated retail raw milk or retail raw milk cheese in accordance with sections 22-129 and 22-129a of the Connecticut General Statutes, until an investigation by the commissioner or the commissioner's designated agent determines the retail raw milk or retail raw milk cheese produced at that facility complies with sections 22-133-124 through 22-133-129, inclusive, of the Regulations of Connecticut State Agencies.

(e) The confirmed presence of human pathogens in retail raw milk and retail raw milk cheese shall be considered an imminent public health threat. The commissioner shall prevent the sale and cause to be destroyed all contaminated retail raw milk or retail raw milk cheese in accordance with sections 22-129 and 22-129a of the Connecticut General Statutes. The producer may be required to initiate a product recall. The retail raw milk producer or retail raw milk cheese manufacturer shall make available to the commissioner or the commissioner's designated agent the names and contact information of all known consumers, distributors and retail sales outlets.

(Adopted effective October 1, 2005)

**Sec. 22-133-131. Milk or milk products and cheese. Labeling standards**

- (a) Labeling shall comply with 21 CFR 101 Food Labeling.
- (b) Products not manufactured, packaged and heat treated in a manner that makes the product safe to store at room temperature shall be conspicuously labeled with a last sale date. The last sale date shall be shown in contrasting color with the background. The last sale date shall be expressed as “sell by”, “last sale date” or “must be sold by”.
- (c) Products not packaged and heat treated in a manner that makes the product safe to store at room temperature shall bear the words “Keep Refrigerated”.
- (d) Products packaged and heat treated in a manner that makes the product safe to store at room temperature shall bear the words “Keep Refrigerated After Opening”.
- (e) No label shall contain false or misleading information.
- (f) In the case of cheese manufactured from raw milk, the ingredient listing shall state “made from raw milk” .
- (g) All labels shall be submitted to the commissioner for approval a minimum of thirty (30) days prior to use.
- (Adopted effective October 1, 2005)

**Sec. 22-133-132. Retail raw milk. Labeling**

In addition to section 22-133-131 of the regulations of Connecticut State Agencies, retail raw milk labels shall comply with the following requirements:

- (1) The name of the food “Raw Cow’s Milk”, “Raw Sheep Milk” or “Raw Goat’s Milk”, as is appropriate, shall be plainly labeled;
- (2) The label shall contain the name, address and zip code of the producing farm;
- (3) The label shall state the net amount of the contents.
- (4) The consumer shall be informed of the risks involved with the consumption of raw or undercooked animal food by conspicuously labeling each container with the following advisory statement *f*Raw milk is not pasteurized, pasteurization destroys organisms that may be harmful to human health.” The advisory statement shall be legible, in contrasting color from the label or contents and in type of no less one eighth (1/8) of an inch in height. The advisory statement shall be part of the label affixed to the container or printed on hangtags attached to the container;
- (5) The last sale date shall be calculated by adding a maximum of (7) days to the date the milk is bottled; and
- (6) Retail raw milk shall only be sold only in original containers.
- (Adopted effective October 1, 2005)

**Sec. 22-133-133. Materials incorporated by reference**

The material incorporated by reference in sections 22-133-115 through 22-133-118 inclusive, 22-133-121 and 22-133-122, of the Regulations of Connecticut State Agencies, is available for public inspection and copying during business hours by contacting:

Connecticut Department of Agriculture  
 Bureau of Regulation and Inspection  
 165 Capitol Avenue  
 Hartford, CT 06106  
 (Adopted effective October 1, 2005)



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**A Schedule of Fees for Various License Examinations,  
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**A Schedule of Fees for Various License Examinations,  
Laboratory Registrations, Permits and Laboratory Analysis**

**Sec. 22-136-1. Schedule of fees**

Weighing, gaging, sampling or testing of milk or cream for butterfat or bacterial content license examination fees shall be as follows:

(1) Initial License Examination. The fee for the initial examination for each of the above categories or combinations pursuant to Section 22-136 C.G.S. is established at fifteen (\$15.00) dollars and shall be paid at the time of application.

(2) License Renewals. All licenses are to be renewed in the month prior to their expiration. The license fee shall be twenty five (\$25.00) dollars and shall be valid for five years from the date of renewal.

(Effective July 1, 1992)



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**A Schedule of Fees for Various License Examinations,  
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**Sec. 22-150-1. Laboratory registration fee**

Any person, firm or corporation operating or maintaining a laboratory in which any determination involving the weighing, sampling or testing of milk for butterfat is conducted shall be required to pay an annual registration fee of twenty five (\$25.00) dollars. Registration is valid from July 1 to June 30, inclusive. Registrations must be renewed annually during the month of June.

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**Standards of Identity and Quality for Egnog**

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**A Schedule of Fees for Various License Examinations,  
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**Sec. 22-165-1. Fee for bio-assays to determine vitamin and mineral content  
of milk and milk products**

The Commissioner of Agriculture shall charge a dairy plant or milk dealer a fee of fifty (\$50.00) dollars for each sample of milk or milk products collected from the dairy plant or milk dealer for the purpose of analysis of milk and milk products for vitamin and mineral content.

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**Standards and Criteria Concerning the Use of Polycarbonate  
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Repealed, October 1, 2005.

**Grade A, Ultra High Temperature Processed and Aseptically Packaged  
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Repealed, October 1, 2005.

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**Grade A, Ultra High Temperature Processed and Aseptically Packaged  
and Grade A, Ultra-Pasteurized Milk and Milk Products,  
Goat Milk and Goat Milk Products**

**Sec. 22-195-10. Grade A, ultra high temperature processed and aseptically  
packaged milk and milk products, goat milk and goat milk products**

**(a) Definitions.**

(1) Ultra High Temperature Processed and Aseptically Packaged Milk and Milk Product means a product which is hermetically sealed in a container and thermally processed in conformance with the Code of Federal Regulations so as to render the product free of (a) microorganisms capable of reproducing in the product under normal unrefrigerated conditions of storage and distribution and (b) viable microorganisms which are significant to public health.

(2) The Code of Federal Regulations for purposes of these regulations means the Code of Federal Regulations, Title 21, Section 113, and item 16pc aseptic processing systems Grade-A, Pasteurized Milk Ordinance 1989, Revision U.S. Department of Health and Human Services Public Health Service Food and Drug Administration.

(3) Milk. For the purpose of this regulation the term milk or milk products shall mean milk or milk products processed from cow or goat milk as defined in Section 22-127 C.G.S.

(4) Commercial Sterility. Commercial sterility is the condition achieved by the application of heat which renders the milk free of microorganisms that either are capable of reproducing in the milk under normal non-refrigerated conditions of storage and distribution or are viable microorganisms (including spores) of public health significance.

(5) Equipment Sterilization. Equipment and containers used for UHT processing and aseptic packaging of milk shall be rendered commercially sterile by the application of heat, chemical sterilants or other appropriate equipment treatment that renders the containers and equipment free of viable microorganisms having public health significance, as well as microorganisms of non-health significance, capable of reproducing under non-refrigerated conditions of storage and distribution.

(6) Hermetically Sealed. Hermetically sealed container means a container that is designed and intended to be secure against the entry of microorganisms and thereby capable of maintaining the commercial sterility of its' contents after processing.

(b) **Aseptic Milk Processors' Permit:** Each processing facility supplying UHT processed and aseptically packaged milk for sale in Connecticut must obtain a permit issued by the Commissioner of Agriculture. Said permit shall be termed 'Aseptic Milk Processor's Permit' and shall be valid for the period of July 1 to June 30th of the following year and must be renewed annually.

**(c) Application for Permit.**

(1) Each person, firm, corporation or cooperative who processes Grade-A UHT processed and aseptically packaged milk or milk products, in whole or in part, for sale or distribution within the State of Connecticut shall make application to the Commissioner on forms provided by him.

(2) Each application shall be accompanied with information as to projected sales volume, product types, names and addresses of distributors handling or selling the product within the state and all other information required by the Commissioner.

Each processing plant supplying the milk must be identified by the firm's name and address. Each applicant shall agree to provide any additional information that the Commissioner deems necessary.

(d) **Fees.** An annual fee of two hundred and fifty dollars (\$250.00) shall be paid the Commissioner of Agriculture for each Aseptic Milk Processors' Permit issued. Milk Dealer licensing fees, as provided for by Sections 22-235a, and 22-236 of Chapter 431 of the Connecticut General Statutes shall apply to all sales of aseptic milk and milk products sold or distributed in Connecticut.

(e) **Criteria for Permit Approval.** Each person, firm, corporation or cooperative who processes Grade A UHT processed and aseptically packaged milk and milk products for sale or distribution within the State of Connecticut must have a current Interstate Milk Shippers' Sanitation Compliance and Enforcement Rating of not less than ninety (90) for aseptic milk and be regularly inspected by a state Regulatory Agency for compliance with the applicable provisions of the Grade-A Pasteurized Milk Ordinance.

(f) **Inspection.** (1) Any UHT processing and aseptically packaging facility granted a permit under the procedures of this section shall be exempt from routine inspections conducted by the Department of Agriculture. The Commissioner may require copies of the plant inspection report conducted by that state's regulatory authority be submitted to him at his request.

(2) Nothing contained herein precludes the right of the commissioner to conduct inspections of the processing facility or farms delivering milk to the plant, if such action is deemed necessary to protect public health and ensure a safe and wholesome product.

(g) **Labeling.** The label declaration for UHT processed and aseptically packaged milk and milk products must comply with the provisions of Section 22-133-106, Section 22-133-107, and Section 22-133-112 and all other applicable regulations as required by the Milk Regulation Board. For the purpose of this regulation, a pull or expiration date and the statement 'Refrigerate After Opening' must appear on the top portion of the container. In addition, the terms 'UHT Long Shelf Life,' 'Grade A,' and 'Homogenized' must appear on the information panel.

(Effective August 10, 1992)

## **Sec. 22-195-11. Grade A, ultra-pasteurized milk and milk products, goat milk and goat milk products**

### **(a) Definitions.**

(1) **Ultra-Pasteurization.** Ultra-Pasteurized means a milk product which has been thermally processed at or above two hundred eighty degrees fahrenheit for two or more seconds, either before or after packaging, in order to produce a product which has an extended shelf life when refrigerated.

(2) **Milk.** For the purpose of this regulation the term milk or milk products shall mean milk or milk products processed from cow or goat milk as defined in Section 22-127 C.G.S.

(b) **Ultra-Pasteurized Plant Permit.** Each processing facility selling or whose product is sold or distributed in the State must obtain a Permit from the Commissioner. Said Permit shall be termed 'Ultra-Pasteurization Plant Permit' and shall be valid for the period from July 1st to June 30th of the following year, and must be renewed during the month of June.

### **(c) Application for Permit.**

(1) Each person, firm or corporation who processes Grade A ultra-pasteurized milk or milk products, in whole or in part, for sale or distribution within the State

of Connecticut, shall make application to the Commissioner on forms provided by him.

(2) Each application must be accompanied with data relating to estimate of sales volume, and names and addresses of distributors handling or selling the milk product and all information required by the Commissioner. Each applicant shall agree to provide any additional information that the Commissioner deems necessary.

(d) **Fees.** The annual fee for an Ultra-Pasteurized Plant Permit is established at two hundred and fifty dollars (\$250.00) per licensing year and shall be valid from the period of July 1 through June 30 of the following year. Milk Dealer Licensing fees, as provided for by Sections 22-229, 22-235, and 22-236 of Chapter 431 of the Connecticut General Statutes shall apply to all sales of ultra-pasteurized milk and milk products sold or distributed in Connecticut.

(e) **Criteria for Permit Approval.** Each person, firm, or corporation who processes Grade A ultra-pasteurized milk or milk products for sale or distribution within the State of Connecticut must have a current Inter-State Milk Shippers' Sanitation and Enforcement Rating of not less than ninety (90) for Ultra-Pasteurized Milk and milk products and be regularly inspected by a State Regulatory Agency responsible for ensuring compliance with the applicable provisions of the Grade-A Pasteurized Milk Ordinance 1989, Revision U.S. Department of Health and Human Services Public Health Service Food and Drug Administration.

(f) **Inspection.**

(1) Any processing facility granted an Ultra-Pasteurized Plant Permit, as provided for by this section shall be exempt from routine inspection, as well as those farms comprising the milk supply dedicated to Ultra-Pasteurized Milk and Milk Products.

(2) Nothing contained herein precludes the right of the Commissioner to conduct inspections of the processing facility or farms delivering milk to the facility, or to suspend or revoke the processing plant's permit, if such action is necessary to protect public health.

(g) **Labeling.** The label declaration for ultra-pasteurized milk and milk products must comply with the provisions of Section 22-133-106, Section 22-133-107 and Section 22-133-112 and with all other applicable regulations as required by the Milk Regulation Board. For the purpose of this regulation the terms 'Grade A,' 'Ultra-Pasteurized' and 'Homogenized' must appear on the information panel.

(Effective August 10, 1992)

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**Dating of Milk Containers**

**Code Dating of Certain Milk and Cream Products  
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Repealed, October 1, 2005.



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**Testing of Milk—Milk Products for the Presence of Antibiotic Residues or Other Inhibitory Substances**

**Secs. 22-203c-1—22-203c-5.**

Repealed, October 1, 2005.

**Standards for Testing for the Presence of Drug Residues or other Inhibitory Substances**

**Sec. 22-203c-6. Drug residue or other inhibitor testing and reporting**

For the purposes of sections 22-203c-7 to 22-203c-10 inclusive, of the Regulations of Connecticut State Agencies:

(1) “Intrastate dealer” means any person, firm, corporation, limited liability company or association who receives, pasteurizes, processes and bottles milk from one or more farms located within Connecticut and who sells or offers for sale milk or milk products, only within this state.

(2) “Interstate dealer” means any person, firm, corporation, limited liability company or association who receives, pasteurizes, processes and bottles milk from one or more farms, and who sells or offers for sale milk or milk products within and outside of this state.

(Adopted effective October 1, 2005)

**Sec. 22-203c-7. Certified milk laboratories and milk screening laboratory, standards**

(a) The following are incorporated by reference: Evaluation of Milk Laboratories, U.S. Department of Health and Human Services, Public Health Service/Food and Drug Administration, Pasteurized Milk Ordinance (PMO) as amended from time to time. The material incorporated by reference in this subsection is available for public inspection and copying during business hours by contacting:

Connecticut Department of Agriculture  
Bureau of Regulation and Inspection  
165 Capitol Avenue  
Hartford, CT 06106

(b) The standards set forth in this section shall only apply to interstate dealers.

(Adopted effective October 1, 2005)

**Sec. 22-203c-8. Intrastate dealers and retail raw milk producers. Testing of milk for the presence of drug residues or other inhibitory substances**

(a) All retail raw milk producers and intrastate dealers with a herd of ten (10) or fewer milking aged animals shall keep records of the administration of any drug(s) including dry animal treatments, to milking age animals. Records shall be in a form and kept in a manner acceptable to the commissioner or the commissioner’s designated agent. The record shall be kept on the premises for twelve (12) months and shall be available for inspection. The record shall include:

- (1) The name of the drug(s);
- (2) Date of the treatment;
- (3) Name of person administering the treatment;
- (4) The identification of the animal(s) treated;
- (5) Milk withholding period;
- (6) Date the milk was offered for sale after the withholding period has ended; and

(7) When the manufacturer of a drug does not provide directions for use or the withholding time or the drug is restricted to use by prescription only, the record shall also include the name of the prescribing veterinarian, the veterinarian's prescribed withholding time, any cautionary statements and the veterinarian's prescribed directions for use.

(b) All retail raw milk producers and intrastate dealers with a herd of more than ten (10) milking aged animals and intrastate dealers who receive milk from a farm or farms other than their own, shall comply with the following:

(1) Each tank of milk shall be tested before any unloading or processing has begun;

(2) The test used to detect the presence of drug residues or other inhibitory substances shall be approved by the commissioner and capable of detecting drug(s) or other inhibitory substance(s) at and above the tolerance levels established by the US Food and Drug Administration;

(3) Testing areas shall have adequate lighting, be clean and well ventilated;

(4) Records shall include the date of the test, name of person conducting the test, identification of the tank, bulk truck or trailer or the producer, results of the test, and the disposition of the milk. Records shall be in a format acceptable to the commissioner, shall be kept for twelve (12) months on the premises and shall be available for inspection;

(5) The commissioner shall be notified of any positive test result within four hours of the test. Notification of positive test results may be by telephone, facsimile or other means acceptable to the commissioner;

(6) All test materials and test instructions shall be kept in the testing area and shall be available for inspection; and

(7) All test equipment and supplies shall be properly stored according to the manufacturer's instructions.

(Adopted effective October 1, 2005)

### **Sec. 22-203c-9. Producers of milk for pasteurization. Testing of milk for the presence of drug residues or other inhibitory substances**

Whenever the commissioner requires a producer to test for the presence of drug residues or other inhibitors the milk producer shall:

(1) Before offering for sale, test each bulk tank of milk or test each animal treated with a drug before milk from such animal is introduced into the bulk tank;

(2) Use a test approved by the commissioner that is capable of detecting the drug(s) or other inhibitory substances in use on the farm, at and above the tolerance levels established by the US Food and Drug Administration;

(3) Provide that testing areas shall have adequate lighting, be clean and well ventilated;

(4) Keep records of testing in ledger format, such records shall include the date of the test, name of the person testing the milk, identification of the tank being tested, test results and disposition of the milk;

(5) Keep test records for twelve months on the premises and available for inspection;

(6) Keep all test materials and test instructions in the testing area and available for inspection; and

(7) Properly store all test materials according to the manufacturer's instructions.

(Adopted effective October 1, 2005)

**Sec. 22-203c-10. Milk producer, intrastate dealer, interstate dealer, retail raw milk producer or retail raw milk cheese manufacturer. Drug residues or other inhibitory substances found**

(a) Pursuant to subsection (c) of section 4-182 of the Connecticut General Statutes, the commissioner may suspend any license, permit or registration issued by the department to an intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer whose milk or milk product is found to contain drug residues or other inhibitors at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration. The suspension shall remain in effect until such time as the commissioner or the commissioner's designated agent determines that all cheese, milk or milk products, retail raw milk or retail raw milk cheese, produced, processed or offered for sale no longer contain drug residues or other inhibitors at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration. Before resumption of producing, processing or manufacturing of cheese, milk or milk products, retail raw milk or retail raw milk cheese, the intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer shall comply with the testing requirements found in sections 22-203c-7 or 22-203c-8(b) of the Regulations of Connecticut State Agencies.

(b) The confirmed presence of drug residues or other inhibitory substances at or above the tolerance levels for drugs or other inhibitors established by the United States Food and Drug Administration in cheese, milk or milk products, retail raw milk or retail raw milk cheese offered for sale to the final consumer shall be considered an imminent public health threat. The commissioner shall prevent the sale and cause to be destroyed all contaminated milk or milk product in accordance with section 22-129 and 22-129a of the Connecticut General Statutes. The intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer may be required to initiate a product recall. The intrastate dealer, interstate dealer, cheese manufacturer, retail raw milk producer or retail raw milk cheese manufacturer shall make available to the commissioner or the commissioner's designated agent the names and contact information of all known consumers, distributors and retail sales outlets.

(c) Pursuant to subsection (c) of section 4-182 of the Connecticut General Statutes, the commissioner may suspend any license, permit or registration issued by the department to a milk producer. The commissioner shall prevent the sale and cause to be destroyed all contaminated milk or milk product in accordance with section 22-129 and 22-129a of the Connecticut General Statutes. Before resumption of selling or offering for sale milk or milk product, commissioner may require compliance with section 22-203c-9 of the Regulations of Connecticut State Agencies.

(Adopted effective October 1, 2005)



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**Standards for Bulk Milk Transport Tankers  
and the Transportation of Milk and Milk  
Products**

**Sec. 22-203h-1. Bulk milk pickup tanker. Standards**

(a) The following are incorporated by reference: Section 5 and Appendix B of the Grade A Pasteurized Milk Ordinance (PMO), Recommendations of the United States Public Health Service/Food and Drug Administration, as amended from time to time. The material incorporated by reference in this subsection is available for public inspection and copying during business hours by contacting:

Connecticut Department of Agriculture  
Bureau of Regulation and Inspection  
165 Capitol Avenue  
Hartford, CT 06106

(b) The commissioner or the commissioner's designated agent may inspect each permitted bulk milk pickup tanker annually. The inspection may take place at any location the tanker is found to be picking up milk, unloading milk, being washed or where the tanker is housed.

(c) After each inspection the commissioner or the commissioner's designated agent may affix a decal to each bulk milk pickup tanker found to be in compliance with this section. The decal shall indicate the month and year the inspection period expires. Those bulk milk pickup tankers that are not in compliance with this section may be issued a notice of non-compliance and may be required to submit proof of compliance to the commissioner within sixty (60) days from the date of the notice of non-compliance.

(d) Bulk milk pickup tankers housed outside this state that do not carry a valid inspection certificate from another state may be inspected by the commissioner or the commissioner's designated agent, provided that an inspection fee of ten (10) dollars is paid to the commissioner. Those out-of-state bulk milk pickup tankers found to be in compliance with this section may have a decal affixed to them which shall indicate the month and year the inspection period expires.

(e) Bulk milk pickup tankers housed outside this state that do not carry a valid inspection certificate from another state and whose owners or operators choose not to have such bulk milk pickup tankers inspected shall be issued a notice of non-compliance and shall be required to submit proof of compliance to the commissioner within sixty (60) days from the date of the notice of non-compliance.

(f) Those bulk milk pickup tankers for which proof of compliance has not been submitted to the commissioner pursuant to subsection (c) or (e) of this section shall be barred from transporting milk or milk products from or to any person, firm or company in this state.

(g) Whenever the commissioner or the commissioner's designated agent determines that a violation of this section may put the public health or safety at risk, or may allow contamination of the milk or milk products being transported, the commissioner or the commissioner's designated agent may order that immediate action be taken to abate such violation, including, but not limited to, prohibiting a bulk milk pickup tanker from transporting milk or milk products from or to any person, firm or company in this state until the violation is corrected. An inspection by the commissioner or the commissioner's designated agent or other proof of

correction of the violation shall be required before transportation of milk or milk products resumes.

(Adopted effective November 1, 2005)

**Sec. 22-203h-2. Bulk milk pickup tanker. Reporting**

(a) Annually in the month of April or upon acquisition of a new or replacement bulk milk pickup tanker, each person, firm or company located in this state which picks up or transports milk or milk products into or out of this state shall provide the commissioner an accounting of all such bulk milk pickup tankers transporting milk and milk products. Such accounting shall include the vehicle identification number (VIN), license plate number and state, owner assigned number, make, model, year and capacity of such bulk milk pickup tankers.

(b) Each person, firm or company operating a bulk milk pickup tanker within the state shall apply to the commissioner for a permit to operate such tanker. The application shall be upon forms provided by the department. The permit shall be in effect for one year from the date of application shall be renewed yearly.

(Adopted effective November 1, 2005)

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Repealed, November 9, 1999.

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## **Livestock Commission Sales**

### **Sec. 22-277-1. Filing of bond**

(a) The commissioner of agriculture may accept a bond or evidence of the filing of a bond made by any person, firm, or corporation licensed for the operation of a commission sale, pursuant to the bonding requirements of the U.S. Packers and Stockyards Act, 1921, as amended and any such person, firm or corporation presenting evidence shall be deemed to have complied with the bonding provisions of subsection (c) of section 22-277 of the General Statutes provided the amount of the bond equals or is greater than the amount required in subsection (c).

(b) If such bond does not satisfy the requirements of subsection (c) such bond shall be increased to an amount sufficient to fulfill the requirements of said subsection prior to issuance or renewal of a license for the operation of commission sales.

(c) Any person not required to file and maintain a bond under the provision of the U.S. Packers and Stockyards Act, 1921, as amended, is required to file and maintain a bond for the amount as set forth in subsection (c) of section 22-277 of the General Statutes in order to operate commissions sale.

(d) If any bond filed and maintained under subsection (c) of section 22-277 of the General Statutes is found to be inadequate by the commissioner, the commissioner upon notice to the licensee may require the bond to be increased to comply with such subsection. If any bond exceeds the required by such subsection, the commissioner may approve its reduction upon the licensee's request.

(Effective March 23, 1982)

### **Sec. 22-277-2. Information re financing and personnel**

(a) Any person, firm or corporation licensed to operate commission sales shall furnish annually and at such other times as the commissioner may designate or request verified financial statements and reports showing the number and value of livestock purchased or sold in Connecticut, including official identification of animals and the names and addresses or persons from whom livestock is purchased and to whom livestock is sold.

(b) Any person, firm or corporation licensed to operate commission sales shall annually furnish to the commissioner the names and addresses of all employees authorized to purchase livestock for such licensee.

(Effective March 23, 1982)

### **Sec. 22-277-3. Revocation of license**

(a) Refusal by any person, firm or corporation licensed to operate commission sales of a request by the commissioner or his agent for information required to be submitted under section 22-277 of the General Statutes or these regulations shall be cause for revocation of the license to operate commission sales. The submission of false information shall constitute cause for revocation of the license to operate commission sales.

(Effective March 23, 1982)



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## Notification, Testing, Transportation and Importation Requirements for Captive Cervidae

### Sec. 22-278-1. Definitions

The terms used in Sections 22-278-1 to 22-278-5, inclusive, shall have the following meaning:

(1) “Accredited Veterinarian” means a veterinarian approved by the Administrator of the United States Department of Agriculture (USDA), Animal & Plant Health Inspection Services (APHIS).

(2) “Bovine” means all cattle of the genus *Bos*.

(3) “Captive Cervid” means all species of deer, elk, moose and all other members of the family Cervidae including reindeer and caribou of the genus Rangifur raised or maintained in captivity for the production of meat and other agricultural products, for sport or for exhibition.

(4) “Captive Cervidae or Captive Cervids” means one or more “Captive Cervid”.

(5) “Chronic Wasting Disease (CWD)” means a transmissible spongiform encephalopathy of cervidae.

(6) “Comparative Cervical Tuberculin (CCT) Test” means an intradermal injection of biologically balanced USDA bovine Purified Protein Derivative (PPD) tuberculin and avian PPD tuberculin at separate sites in the mid-cervical area of the animal to determine the probable presence of bovine tuberculosis (*M. bovis*) by comparing the response of the two tuberculins at 72 hours (plus or minus 6 hours) following the injection.

(7) “Designated Accredited Veterinarian” means an accredited veterinarian who is trained and approved by cooperative State and Federal animal health officials to conduct the single cervical tuberculin (SCT) test on captive cervids.

(8) “Herd” means a group of captive cervids, a group of other livestock, or a group of captive cervids and other livestock maintained at the same location, or two or more groups of captive cervids or captive cervids and other livestock under common ownership or supervision that are geographically separated but that have movement of animals between groups without regard to health status.

(9) “Federal Veterinary Medical Officer” means a veterinarian employed by USDA, APHIS.

(10) “Livestock” means “Livestock” as defined in Section 22-278 of the Connecticut General Statutes, for example, cattle, bison, swine, goats, sheep, llamas, alpacas, captive cervids, antelope and other hooved animals.

(11) “Single Cervical Tuberculin (SCT) Test” means the intradermal injection of 0.1 ml (5,000 tuberculin units) of USDA PPD bovis tuberculin in the mid-cervical area of the animal with reading by visual observation and palpation at 72 hours (plus or minus 6 hours) following the injection.

(12) “Source herd” means a herd in which the State Veterinarian or federal veterinary medical officer has determined that a captive cervid less than 60 months of age that was diagnosed as CWD positive was born.

(13) “Tuberculin” means a product that is approved by and produced under USDA license for injection into cervids and other animals for the purpose of detecting bovine tuberculosis.

(14) “Tuberculosis” means the contagious, infectious, and communicable disease caused by *Mycobacterium bovis*. (Also referred to as bovine tuberculosis.)

(Adopted effective September 12, 2001)

**Sec. 22-278-2. Notification of captive cervidae**

(a) No person, firm or corporation shall possess captive cervidae for the purposes of raising, breeding, keeping or selling such captive cervidae for domestic or commercial use unless he has first notified the Commissioner of Agriculture upon forms prescribed by said Commissioner. Such notification shall be completed within sixty (60) days of the adoption of these regulations or the commencing of such operation, whichever is sooner.

(b) No captive cervid or group of cervidae may be transferred to or established on the same premises as a bovine herd.

(Adopted effective September 12, 2001)

**Sec. 22-278-3. Testing of captive cervidae**

(a) All captive cervidae six (6) months of age and older in cervidae herds required to be registered under section 2 of these regulations shall be tested and have a negative result to a single cervical tuberculin test administered by a designated accredited veterinarian. Such test shall be administered within sixty (60) days of the adoption of these regulations or the commencing of such operation whichever is sooner. The owner or keeper of such herd through written application to the Commissioner of Agriculture may request an extension of time in which to complete such testing. The Commissioner may grant such request and determine a reasonable period of time.

(b) The result of such testing shall be reported to the Commissioner no later than the close of business on the next business day following the receipt of the results of such tests.

(c) If any captive cervid from a herd shows a positive reaction to such test, such herd shall be immediately quarantined.

(d) The owner of captive cervidae showing a positive reaction to the test prescribed in subsection (a) of this section may elect to have such animals slaughtered and necropsied in accordance with State and Federal requirements.

(e) Captive cervidae tested and having a positive result to the test prescribed in subsection (a) of this section which are not slaughtered pursuant to subsection (d) of this section shall be tested using the comparative cervical tuberculin test.

(f) Herds which are tested and have a negative result to a single cervical tuberculin test, or a comparative cervical tuberculin test as prescribed by subsection (e) of this section shall be eligible to receive permission for transportation or sale pursuant to section 4 of these regulations.

(g) All herds which fail to qualify for permission for transportation or sale under subsection (f) of this section shall remain quarantined until such time as such herd is declared to be in compliance with the requirements of these regulations by the commissioner pursuant to the testing criteria set forth in this section.

(Adopted effective September 12, 2001)

**Sec. 22-278-4. Transportation of captive cervidae**

(a) No captive cervidae kept in Connecticut shall be transported on any public road, highway or byway within the State of Connecticut unless permission to transport is first obtained from the Commissioner of Agriculture prior to transportation.

(b) Permission to transport captive cervidae pursuant to subsection (a) of this section may only be issued if such cervidae are: (1) declared tuberculosis free pursuant to section 3 of these regulations; or (2) on their way to immediate slaughter, pursuant to subsection (d) of section 3 of these regulations.

(Adopted effective September 12, 2001)

**Sec. 22-278-5.**

Repealed, February 3, 2003.

**Sec. 22-278-6. Importation prohibited**

The importation of captive cervidae into Connecticut is prohibited.

(Adopted effective February 3, 2003)



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## Scrapie Eradication

### Sec. 22-278-A1. Definitions

As used in this section and in sections 22-278-A2 to 22-278-A14, inclusive, of the Regulations of Connecticut State Agencies.

- (1) “Animal” means a sheep or goat, including lambs and kids;
- (2) “Animal and Plant Health Inspection Service (APHIS)” means the Animal and Plant Health Inspection Service of the United States Department of Agriculture;
- (3) “Approved laboratory” means a laboratory approved by the state veterinarian and USDA to conduct scrapie testing;
- (4) “Area veterinarian in charge (AVIC)” means the veterinary official of APHIS who is assigned by the administrator of APHIS to supervise and perform the official animal health work of APHIS in the state concerned;
- (5) “Breed association and registries” means organizations that maintain the permanent records of ancestry or pedigrees of animals (including the animal’s sire and dam), individual identification of animals, and ownership of animals;
- (6) “CFR” means the United States Code of Federal Regulations;
- (7) “Commingle” means animals grouped together and having physical contact with each other, including contact through a fence. Commingling includes, but is not limited to, sharing an enclosure, sharing the same section in a transportation unit where there is physical contact and residing in other flocks for breeding or other purposes;
- (8) “Commissioner” means the Commissioner of Agriculture or the Commissioner’s designated agent;
- (9) “Dealer” means any person, firm or corporation who sells, offers for sale or arranges the sale of sheep or goats for another person, firm or corporation.
- (10) “Department” means the Connecticut Department of Agriculture;
- (11) “Designated scrapie epidemiologist (DSE)” means a state or federal veterinarian designated by USDA/APHIS and the state veterinarian to make decisions about the use and interpretation of diagnostic tests and field investigation data and the management of scrapie affected flocks;
- (12) “Exposed animal” means: (1) Any animal that has been in the same flock at the same time as a scrapie-positive female animal, excluding limited contacts; or (2) any animal born in a flock after a scrapie-positive animal was born into that flock or lambed in that flock, if born before that flock completes the requirements of a flock plan; or (3) any animal that was commingled with a scrapie-positive female animal during or up to 30 days after she lambed, kidded, or aborted, or while a visible vaginal discharge was present, or that was commingled with any other scrapie-positive female animal for 24 hours or more, including during activities such as shows and sales or while in marketing channels; or (4) any animal in a noncompliant flock;
- (13) “Exposed flock” means any flock in which a scrapie-positive animal was born or lambed or any flock that currently contains a female high-risk, exposed, or suspect animal, or that once contained a female high-risk, exposed, or suspect animal that lambed in the flock and from which tissues were not submitted for official testing and found negative. A flock that has successfully completed a post-exposure management and monitoring plan following the exposure shall not be considered an exposed flock;
- (14) “Flock” means all animals that are maintained on a single premise and all animals under common ownership or supervision on two or more premises with

animal interchange between the premises. Changes in ownership of part or all of a flock do not change the identity of the flock or the regulatory requirements applicable to the flock. Animals maintained temporarily on a premise for activities such as shows and sales or while in marketing channels shall not be considered a flock;

(15) “Flock identification” means a unique number assigned to a premise. The flock identification number is associated with an address or legal land description;

(16) “Flock of origin” means the flock in which an animal most recently resided in which it either was born, gave birth, or was used for breeding purposes. The determination of an animal’s flock of origin may be based either on the physical presence of the animal in the flock, the presence of official identification on the animal traceable to the flock, the presence of other identification on the animal that is listed on the bill of sale, or other evidence, such as registry records;

(17) “Flock plan” means a written flock management agreement approved by the state veterinarian, signed by an accredited veterinarian and the flock owner or a representative of the flock owner who can bind the flock owner to the agreement;

(18) “High-risk animal” means a sexually intact animal, excluding male sheep that have tested RR at codon 171 and AA at codon 136 using an official genotype test, that is: (1) The progeny of a scrapie-positive dam; or (2) born in the same flock during the same lambing season as progeny of a scrapie-positive dam, unless the progeny of the scrapie-positive dam are from separate contemporary lambing groups; or (3) born in the same flock during the same lambing season that a scrapie-positive animal was born, or during any subsequent lambing season, if born before that flock completes the requirements of a flock plan; or (4) an exposed female sheep that has not tested QR, HR, or RR at codon 171 using an official genotype test;

(19) “Infected flock” means the flock of origin of a female animal that the state veterinarian or APHIS representative has determined to be a scrapie-positive animal; or any flock in which a state veterinarian or APHIS representative has determined that a scrapie-positive female animal has resided unless an epidemiologic investigation conducted by the state veterinarian or APHIS representative shows that the animal did not lamb or abort in the flock. A flock will no longer be considered an infected flock after it has successfully completed the requirements of a flock plan;

(20) “Limited contact” means incidental contact between animals from different flocks off the flock’s premises such as at fairs, shows, exhibitions and sales; between ewes being inseminated, flushed, or implanted, or between rams at ram test or collection stations. Limited contact does not include any contact, incidental or otherwise, with animals in the same flock or with an animal during or up to 30 days after she lambed, kidded or aborted or when there is visible vaginal discharge;

(21) “Official certificate of veterinary inspection” means an official document issued by an USDA/APHIS representative, state animal health official, or an accredited veterinarian at the point of origin of an interstate movement of animals;

(22) “Official identification” means an identification number issued by USDA or a state animal health authority, that complies with a numbering system approved by the USDA, and a tag, mark or device approved by the USDA for use in identifying individual sheep and goats;

(23) “Owner” means a person, partnership, company, corporation, or any other legal entity who has legal or rightful title to animals;

(24) “Permit” means an official document issued in connection with the movement of animals that is issued by a state animal health official;

(25) “Premise” means each geographically distinct place or location where sheep or goats are housed, maintained, congregated or kept;

(26) “Premise identification” means a unique number assigned to a premise using a system approved by the USDA. The premise identification number is associated with an address or legal land description;

(27) “Scrapie” means a non-febrile, transmissible, insidious, degenerative disease affecting the central nervous system, and is a transmissible spongiform encephalopathy (TSE) found in sheep and goats;

(28) “Scrapie eradication program” means the cooperative state-federal program administered by USDA/APHIS and States to control and eradicate scrapie;

(29) “Scrapie flock certification program (SFCP)” means the cooperative federal-state-sheep and goat industry program for the control of scrapie;

(30) “Scrapie-positive animal” means an animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories or other approved laboratory;

(31) “Source flock” means a flock in which the state veterinarian or APHIS representative has determined that at least one animal was born that was diagnosed as a scrapie-positive animal at an age of 72 months or less. A flock shall not be considered a source flock after it has successfully completed the requirements of a flock plan;

(32) “Suspect animal” means an animal that is: (1) A sheep or goat that exhibits any clinical signs of scrapie and that has been determined to be suspicious for scrapie by a veterinarian or the state veterinarian or APHIS representative; (2) a sheep or goat that has tested positive for scrapie or for the proteinase resistant protein associated with scrapie on a live-animal screening test or any other test, unless the animal is designated a scrapie-positive animal; or (3) a sheep or goat that has tested inconclusive or suggestive on an official test for scrapie;

(33) “State Scrapie Board” means a certification board consisting of a state animal health official(s), a USDA representative(s) and sheep and goat industry representatives established for the purpose of oversight of the Scrapie Flock Certification Program, including making decisions to admit flocks to the Scrapie Flock Certification Program and to change flock status in accordance with the Scrapie Flock Certification Program standards;

(34) “State veterinarian” means the Connecticut state veterinarian;

(35) “Trace” means all actions required to identify a flock of origin or destination.

(36) “USDA” means the United States Department of Agriculture;

(37) “USDA/APHIS” and “USDA/APHIS/Vs” means the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services; and

(38) “Veterinarian” means a licensed and accredited veterinarian approved by a state animal health authority to practice in their state.

(Adopted effective September 5, 2007)

## **Sec. 22-278-A2. Importation of sheep and goats**

(a) All goats and sheep imported into this state shall be identified with an official identification number.

(b) A permit to import sheep or goats shall be obtained from the department prior to transporting such sheep or goats into this state.

(c) All goats and sheep imported into this state shall be accompanied with a certificate of veterinary inspection or official health certificate which states the animals are in good health, not showing signs of infectious, contagious or communicable diseases, and have not been exposed to scrapie.

(d) This section shall not apply to sheep or goats being transported through this state to another state without stopping, or sheep or goats designated for immediate slaughter, provided sheep or goats designated for immediate slaughter are not re-sold or offered for re-sale live. Sheep or goats imported into this state and designated for immediate slaughter shall be accompanied by an invoice or bill of sale that shows the name of the consignee, consignor, place of origin and destination.

(Adopted effective September 5, 2007)

**Sec. 22-278-A3. Reporting of suspected scrapie infection**

Any veterinarian, flock owner or a flock owner's agent who observes any animal or animals exhibiting the clinical signs of scrapie such as behavioral changes, tremor of the head and neck, excessive rubbing, loss of coordination, weight loss despite retention of appetite, biting of feet and limbs, or otherwise has reason to suspect an animal or animals may be infected with scrapie or may have been exposed to scrapie, shall immediately report such information to the state veterinarian. All laboratories conducting tests for the presence of scrapie in sheep or goats located in this state shall report such scrapie test results within twenty four (24) hours to the state veterinarian.

(Adopted effective September 5, 2007)

**Sec. 22-278-A4. Sale and movement of sheep and goats, animal identification**

(a) Whenever a sheep or goat changes ownership or is moved from one premise to another, each such sheep or goat shall be identified with an official identification number. Owners of flocks of origin shall maintain records on each animal in the flock. Sheep and goats that have been previously tagged with an official animal identification number may be retagged, provided all official identification numbers are recorded in the animal's permanent record or pedigree maintained by a breed association or breed registry.

(b) Whenever an animal is assigned and tagged with an official identification number the owner or the owner's agent shall maintain a record of identification for sixty (60) months. Such record shall be available for inspection and copying by the department. The record shall record the disposition of each animal (i.e. moved, sold, died, slaughtered for home use) and shall include the following information:

- (1) All identification including official identification assigned to each animal;
- (2) Species, sire, dam, date of birth or age, breed and sex of each animal;
- (3) Name, address and phone number of the person assuming ownership of an animal;
- (4) If an animal is purchased, the date purchased and the previous owner's name, address and phone number;
- (5) If the animal died, the date of the death, reason for the death, disposal method and location; and
- (6) When an animal is moved, the date of movement and the location the animal was moved to.

(c) Veterinarians who apply official identification numbers that are not assigned to the owner of the animal shall maintain records of identification and tagging. Veterinarians shall maintain the records for sixty (60) months and shall forward a copy of the records to the department upon request. Such records shall include the following:

- (1) The date;
- (2) The number of sheep and goats tagged;
- (3) The identification numbers applied;

(4) Species, date of birth or age, breed and sex of each animal; and

(5) The name, address and phone number of the owner of the flock of origin and the name, address and phone number of the current owner of the flock, if different.

(d) Commission sale stables and dealers shall identify all sheep and goats not bearing an official identification number with an official identification number prior to sale or being offered for sale. Animals originating from out of this state which are not accompanied by an official certificate of veterinary inspection, health certificate or an official Connecticut identification number shall be segregated and shall be identified and tagged, and sold only for immediate slaughter. Commission sale stables and dealers shall keep a record of the sales of all sheep and goats. Such records shall be maintained for sixty (60) months and shall be available for inspection and copying by the department. The records shall include the following:

(1) The date of sale/purchase;

(2) Species, date of birth or age, breed and sex of each animal;

(3) The name and address of the consignee and the all official identification numbers on the consignee animal(s) and all official identification number(s) applied to the animal by commission sale stable or dealer;

(4) The name and address of each person, firm, company, or corporation who purchases a sheep or goat and all official identification numbers on the purchased animal(s); and

(5) A copy of the certificate of veterinary inspection or official health certificate, if the animal originated from outside of this state or does not bear an official Connecticut identification number and was not sold for immediate slaughter.

(Adopted effective September 5, 2007)

#### **Sec. 22-278-A5. Official identification, loss, damage or tampering**

No person shall remove or tamper with any official identification device. Official identification devices that are lost or damaged or are no longer functional may be replaced, provided all possible flocks of origin are listed in the record associated with the new identification.

(Adopted effective September 5, 2007)

#### **Sec. 22-278-A6. Movement of scrapie infected or suspected scrapie infected animals**

No scrapie infected or suspect scrapie infected animal shall be moved in this state, including direct movement to slaughter, without written permission from the state veterinarian.

(Adopted effective September 5, 2007)

#### **Sec. 22-278-A7. Scrapie infected flocks**

(a) Any scrapie infected flock shall be quarantined for a period of not less than five (5) years after the last high risk animal is removed from the flock, or until all sheep and goats in the flock are depopulated, whichever is sooner. Premises where a scrapie infected flock was depopulated shall remain free of sheep or goats for one (1) year after depopulation and the areas where animals were raised shall be cleaned and disinfected.

(b) In addition to subsection (a) of this section, a scrapie infected flock shall complete the following to the satisfaction of the state veterinarian:

(1) All sheep and goats are identified and inventoried as to sex, age, breed and species;

(2) The epidemiological tracing is completed as to the origins of animals and the destination of animals moved from the flock;

(3) All animals that are classified as high risk by the state veterinarian are slaughtered, depopulated or sent to a research facility acceptable to the state veterinarian; and

(4) The flock owner or flock owner's agent has developed and implemented a post exposure flock plan approved by the state veterinarian. The post exposure flock plan shall be in effect for five (5) years and shall comply with section 22-278-A10 of the Regulations of Connecticut State Agencies. Cleaning and disinfection of scrapie infected premises shall be part of the flock plan.

(Adopted effective September 5, 2007)

#### **Sec. 22-278-A8. Source and trace flocks**

All flocks designated as scrapie source or trace flocks shall be placed under quarantine until the following is completed to the satisfaction of the state veterinarian:

(1) All sheep and goats must be identified and inventoried as to sex, age, breed and species;

(2) The epidemiological tracing is completed as to the origins of the animals and the destinations of animals moved from the flocks;

(3) All animals that are classified as high risk by the state veterinarian are slaughtered, depopulated or sent to a research facility acceptable to the state veterinarian; and

(4) The flock owner or flock owner's agent has developed and implemented a post exposure flock plan approved by the state veterinarian. The post exposure flock plan shall be in effect for five (5) years and shall comply with section 22-278-A10 of the Regulations of Connecticut State Agencies.

(Adopted effective September 5, 2007)

#### **Sec. 22-278-A9. Exposed flocks**

Owners of exposed animals shall develop and complete a flock plan that complies with section 22-278-A10 of the Regulations of Connecticut State Agencies.

(Adopted effective September 5, 2007)

#### **Sec. 22-278-A10. Flock plans**

(a) Flock plans shall be developed using the USDA/APHIS Scrapie Eradication Uniform Methods and Rules. At a minimum, the flock plan shall include the terms set forth herein. All animals shall be identified with an official animal identification number. No animal shall be sold from the flock for breeding purposes. Only wether lambs or cull animals going directly to slaughter may be sold from the flock. All animals that die for any reason shall be examined by a veterinarian, or the state or federal veterinarian who shall determine the cause of death and submit the appropriate samples to the National Veterinary Services Laboratory, or another approved laboratory, for scrapie diagnosis. Inventories shall be kept of the flock to be reviewed by the state veterinarian.

(b) The state veterinarian may include any reasonable measures deemed necessary in the flock plan to prevent and eliminate scrapie, including, but not limited to, mandatory enrollment in the Scrapie Flock Certification Program.

(c) The state veterinarian may inspect such flocks and flock records to determine compliance with the flock plan.

(Adopted effective September 5, 2007)

**Sec. 22-278-A11. Testing of flocks**

The state veterinarian may obtain any samples of tissue deemed necessary to determine the scrapie status of any flock. Such samples may be submitted to an approved laboratory for analysis. All animals from infected, source or trace flocks shall be tested using a validated and approved “live animal” test. Positive test animals shall be designated high risk animals.

(Adopted effective September 5, 2007)

**Sec. 22-278-A12. Scrapie flock certification program**

Any person, firm, company, corporation or any entity owning sheep or goats may enroll in the Scrapie Flock Certification Program. Application for enrollment shall be on forms provided by the department. Each participant in the Scrapie Flock Certification Program shall agree in writing to adhere to the USDA Scrapie Eradication Uniform Methods and Rules.

(Adopted effective September 5, 2007)

**Sec. 22-278-A13. Exhibition, identification and health requirements**

(a) All sheep or goats exhibited at fairs, shows, petting zoos, exhibitions or other places where sheep or goats from different flocks are present shall be identified with an official identification number.

(b) Sheep or goats that are within thirty (30) days of parturition, or that are postpartum, have aborted, or are pregnant and have a vaginal discharge shall not be exhibited. Should a lambing or kidding occur at a show, fair, petting zoo or exhibit the dam and her offspring shall be removed from the show grounds.

(c) All sheep or goats exhibited at fairs, shows, petting zoos, exhibitions or other places where sheep and goats from different flocks are present shall be accompanied by a health certificate or certificate of veterinary inspection which states the animals are in good health, not showing signs of infectious, contagious or communicable diseases, and have not been exposed to scrapie.

(d) Sheep or goats which are enrolled in the Scrapie Flock Certification Program and are exhibited at fairs, shows, petting zoos, exhibitions or other places where sheep or goats from different flocks are present shall be housed such that a solid partition or sufficient space prevents contact between animals enrolled in the Scrapie Flock Certification Program from animals not enrolled in the Scrapie Flock Certification Program.

(Adopted effective September 5, 2007)

**Sec. 22-278-A14. Sanitation**

Fairs, shows, exhibitions, petting zoos, auctions, commission sales stables or other places where sheep or goats are congregated shall keep all pens, show rings and all areas the animals have in common clean and free of litter. Should a lambing or kidding occur at a show, petting zoo, fair or other exhibition, the placenta, placental fluids, and soiled bedding shall be removed and disposed of immediately. Fecal matter, bedding, unconsumed feed, bodily discharges, body tissues, fluids and other contaminated debris shall be held in leak resistant, covered containers and disposed of in a sanitary landfill or by other means acceptable to the state veterinarian.

(Adopted effective September 5, 2007)



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### Uniform Fee Schedule for Cattle and Goat Tests

#### Sec. 22-280-1. Uniform fee schedule for cattle and goat tests

All tuberculin tests, blood tests and calfhoo vaccinations required by the Department of Agriculture shall be conducted in accordance with the Uniform Methods and Rules, United States Department of Agriculture Animal and Plant Health Inspection Service.

(a) All payments for required state testing shall be according to this schedule:

(1) Tuberculin Tests

Ten Dollars (\$10.00) for each herd-call.

Seventy-five cents (\$.75) for each animal tested.

(2) Blood Testing

Ten Dollars (\$10.00) for each herd-call.

Seventy-five cents (\$.75) for each animal tested.

(3) Calfhoo Vaccination

Ten Dollars (\$10.00) for each herd-call.

One Dollar and fifty cents (\$1.50) for each animal tested.

(A) Any combination of the above tests performed on a visit to a farm shall entitle the veterinarian assigned to but one herd-call fee for the visit but shall be entitled to a fee for each test performed on each animal per the schedule above. Veterinarian shall receive payment for only one herd-call during any 24 hour period, and no payment will be made for herd-calls in excess of four (4) calls per farm, per year without prior written approval of the State Veterinarian.

(b) No veterinarian shall receive payment unless such veterinarian is qualified as set out in Sec. 22-280 of the Connecticut General Statutes, and the assignment for testing has been ordered and approved by the State Veterinarian.

(c) Assignments will be made on a herd-call basis unless the State Veterinarian deigns otherwise, however, in no event shall a veterinarian receive payment for more than four (4) herd-calls at the same farm during any State of Connecticut fiscal year, July 1 through June 30.

(d) A herd-call is defined as a visit to a farm for testing all or a portion of that farm's animal (cattle or goat) population.

(e) Herds requiring testing for purposes of show, sale or export will not be assigned to private veterinarians.

(Effective November 10, 1980)



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### **Importation of Cattle Into Connecticut**

#### **Sec. 22-308-1. Imported cattle to be from tuberculosis-free herds or areas**

All bovine animals, except cattle for immediate slaughter as provided by section 22-308 of the general statutes, imported into the state from any point outside thereof shall come direct from (1) tuberculosis-free accredited herds or (2) qualified negative herds from modified accredited tuberculosis-free areas.

#### **Sec. 22-308-2. Tuberculin test required**

If such herds have not passed a negative tuberculin test within twelve months prior to entry, the cattle from these herds to be imported into the state shall be tuberculin tested within thirty days prior to entry.

#### **Sec. 22-308-3. Animals from infected herd**

Animals which originate in a herd in which infection is disclosed are not eligible for entry unless such herd has passed three consecutive tests at least sixty days apart.

#### **Sec. 22-308-4. Purpose of regulations**

Sections 22-308-1 to 22-308-3, inclusive, were issued for the sole purpose of protecting the healthy dairy herds, of preventing diseased animals from entering the state and of protecting the health of the public.



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## Control of Diseases in Swine

### Sec. 22-319-1. Importation. Quarantine

All imported animals shall be reported to the commissioner of agriculture within forty-eight hours after arrival and shall remain in quarantine on the consignee's premises until released by the commissioner or his deputy.

(Effective October 11, 1978)

### Sec. 22-319-2. Condemnation of diseased animals

All swine exhibiting symptoms of a contagious disease and indicating to the veterinarian that treatment would be of no avail shall be condemned and the carcasses disposed of so to prevent spread of the disease.

(Effective October 11, 1978)

### Sec. 22-319-3.

Repealed, October 11, 1978.

### Sec. 22-319-4. Platforms for feeding

In order that unsanitary conditions dangerous to the health of swine be avoided, swine shall not be fed on the ground. Feeding platforms or troughs shall be used and shall be cleaned before each feeding. Platforms shall be concrete in type or of other impervious material.

(Effective October 11, 1978)

### Sec. 22-319-5. Premises to be free of trash

Premises whereon swine are maintained shall be kept free of bones, cans, papers, glass and other trash, and these shall be stored in containers until removed from the premises.

(Effective October 11, 1978)

### Sec. 22-319-6. Rodent and insect control

Operators of premises where swine are maintained shall maintain an acceptable program of rodent and insect control.

(Effective October 11, 1978)

### Sec. 22-319-7. Disposal of solid wastes

Operators of premises feeding swine shall see that all solid wastes such as residual garbage and manure removed from pens, feeding platforms and buildings shall be disposed of in a sanitary manner. Acceptable methods of disposal include: (1) Burial or landfill; (2) compost; (3) cesspool; (4) spread on land and plowed under.

(Effective October 11, 1978)

### Sec. 22-319-8. Disposal of liquid wastes

All operators of premises feeding swine shall dispose of liquid wastes in such a way as to avoid polluting receiving waters. If such wastes are disposed of on land, such disposition shall be of a nature that does not constitute an animal health hazard on the farm.

(Effective October 11, 1978)

### Sec. 22-319-9. Construction of shelters and feeding areas

Operators of premises feeding swine shall so construct shelters and feeding areas that sanitary management can be maintained of the swine maintained on such premises.

(Effective October 11, 1978)

**Sec. 22-319-10. Testing swine for contagious and infectious diseases**

(a) Any person, firm or corporation engaged in the growing of swine which are to be used or disposed of elsewhere than on the premises where such swine are grown, shall have all breeding swine tested when and for any disease the Commissioner of Agriculture orders. These tests shall be conducted under the Uniform Methods and Rules of the United States Department of Agriculture, Animal and Plant Health Inspection Service when applicable.

(b) Such testing shall be performed by an accredited veterinarian, a veterinarian employed by the United States Department of Agriculture or the State of Connecticut or a technician employed by the livestock division of the Connecticut Department of Agriculture under supervision of the state veterinarian.

(c) The owner of any herd or animal to be so tested shall provide assistance and proper restraint for confining the animals for and during the application and diagnosis of said test.

(d) Reactor or positive swine must be sold for slaughter and removed from the premises under State or Federal permit within 15 days of the date of identification. Movement for immediate slaughter must be to a slaughtering establishment where State or Federal inspection is maintained.

(Effective October 8, 1985)

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## **Treating of Garbage Fed to Swine**

### **Sec. 22-320f-1. Heating of raw garbage**

Before being fed to swine, all raw garbage shall be heated throughout to the boiling point, or an equivalent temperature, for thirty minutes within twenty-four hours of its receipt on the premises where it is kept and cooked.

(See 1961 Supp. § 22-320a et seq.; Reg. 19-13-B79 (d).)

### **Sec. 22-320f-2. Heat-treating area to be separate from swine**

The heat-treating area shall be separate from the swine. Swine shall not have access to raw garbage.

### **Sec. 22-320f-3. Amount of equipment required**

To prevent accumulation of raw garbage with resulting possible dissemination of disease among swine, premises where garbage is kept and heat-treated using live steam or similar means of rapid heat treatment shall have enough equipment to heat-treat all garbage within twenty-four hours of its receipt on the premises. On premises where direct-fire-type of heat treatment is employed, the operator should have enough equipment to heat all the garbage at one time that is received during a twenty-four hour period.

### **Sec. 22-320f-4. Location of equipment**

Heat-treating equipment shall be so located that varying weather conditions are not a deterrent to operation of the equipment.

### **Sec. 22-320f-5. Loading of containers**

Vats or containers holding garbage for heat-treating purposes shall never be loaded so as to permit the contents to boil over.

### **Sec. 22-320f-6. Covers of containers**

Covers of heating vats or containers shall be made of solid material, shall be tight and shall be so constructed that the water of condensation will return to the garbage rather than escape.

### **Sec. 22-320f-7. Thermometer required**

Each operator shall have at least one functioning thermometer capable of registering at least 212°F. and suitable for measuring the temperature of the garbage being heat-treated.

### **Sec. 22-320f-8. Facilities to determine temperature and inspect garbage**

The operator shall provide suitable facilities adjacent to the truck, vat or container to facilitate the safe determination of temperature and the inspection of the garbage being heat-treated.

### **Sec. 22-320f-9. Heating fuel supplies**

Available supplies of heating fuel on hand at all times should be sufficient for the operation of heating equipment for a period of time comparable to that time the equipment is used over a three-day period.

### **Sec. 22-320f-10. Containers for carrying garbage to be leakproof and covered**

In order that raw garbage during transit and after reaching the premises where it is kept and heat-treated remain unexposed to animal sources, all trucks or containers used to carry raw garbage shall be leakproof and covered.

**Sec. 22-320f-11. Utensils for handling raw and heat-treated garbage**

Shovels, forks and other utensils or equipment used to handle raw garbage shall be cleaned before being used to handle heat-treated garbage, or separate equipment shall be used.

**Sec. 22-320f-12. Removal of dead animals**

For the prevention of the spread of disease among swine on premises where garbage is kept and heat-treated, dead animals shall be removed as soon as possible and shall be kept in covered, rat-proof containers until removed from the premises.

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## **Intensive Poultry Farming**

### **Sec. 22-323a-1. Definitions**

“Commissioner” means the commissioner of agriculture or his authorized agent.

“Department” means department of agriculture.

“Poultry” means all domesticated fowl.

“Premises” means that portion of a tract of land with the building thereon or a part of a building with its grounds or other appurtenances which is used for intensive poultry farming.

“Waste management system” means any structure, facility, or equipment for the storage, treatment, or disposal of waste products from an intensive poultry farm, and includes the methods of operation of such systems.

(Effective April 27, 1982)

### **Sec. 22-323a-2. All intensive poultry farming operations shall meet the following minimum acceptable management practices:**

(a) Premises upon which intensive poultry farms are located shall be kept free from accumulations of garbage, rubbish, vegetative growth or any other material which because of its character, condition, or improper storage constitutes or may become a breeding place or favorable habitat for flies or vermin, or may cause a threat to the environment or public health, or constitute a public nuisance.

(b) The premises on which intensive poultry farms are operated shall be maintained in such a manner as to minimize soil erosion and sedimentation of water courses.

(c) The area around buildings must be sloped to promote rapid runoff of surface water and prevent puddles and wet areas from forming.

(d) No structure housing poultry, farm wastes, or farm equipment used for intensive poultry farming shall be constructed or maintained so as to allow water or waste to move in or out of the structure when such a condition constitutes or may constitute a threat to the environment or public health, or constitute a public nuisance.

(Effective April 27, 1982)

### **Sec. 22-323a-3. Water quality**

Waste management systems including but not limited to lagoons and subsurface disposal systems shall be properly constructed, operated and maintained so as not to create a threat to the environment or public health, or constitute a public nuisance.

(Effective April 27, 1982)

### **Sec. 22-323a-4. Disposal of waste eggs**

Waste eggs shall be stored and disposed of in a manner so as not to create a threat to the environment or public health, or constitute a public nuisance.

(Effective April 27, 1982)

### **Sec. 22-323a-5. Fly control**

Intensive poultry farms shall be operated and maintained so as not to be a breeding place for excessive fly populations. Excessive fly populations shall be determined by the commissioner by examining fly specs on white cards within the poultry house or by examining the manure for larva or other appropriate methods. Acceptable readings shall be determined by the commissioner with the advice and assistance of the state entomologist.

(Effective April 27, 1982)

**Sec. 22-323a-6. Manure management**

(a) Manure shall be stored, managed, and disposed of in a manner which will minimize and control the breeding of flies and vermin, minimize and control offensive odors, and not create a threat to the environment or public health, or constitute a public nuisance.

(b) Manure transported over public highways on farm vehicles shall be in leak proof containers, spreaders, or vehicles. Manure transported in other than farm vehicles shall be in leak proof containers and be covered if necessary to prevent debris from blowing or falling out of the transporting vehicle.

(c) Any manure spilled on public roads or dumped on any property other than that on which the intensive poultry farm is located, without the owner's permission, shall be removed immediately by the vehicle owner or operator.

(Effective April 27, 1982)

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## **Inspection of Intensive Poultry Operations**

### **Sec. 22-323b-1. Notification of inspection**

Before an inspector proceeds with an inspection, the farm owner shall be sought out to accompany the inspector. If the farm owner is not available, his designee may accompany the inspector on the complete inspection of the intensive poultry farm.

(Effective October 8, 1985)

### **Sec. 22-323b-2. Disease precautions**

No inspector shall enter any pen or building on any intensive poultry farm without first changing his outer clothing and sanitizing his boots. In addition, an inspector shall, at a minimum, meet the sanitary standards required of employees of the intensive poultry farm being inspected, except that an inspector may conduct multiple inspections on any given day.

(Effective October 8, 1985)

### **Sec. 22-323b-3. Emergency disease control**

The State Veterinarian may stop all regular inspections of intensive poultry farms if he has reason to believe that the poultry industry is threatened by a contagious or transmissible disease.

(Effective October 8, 1985)

### **Sec. 22-323b-4. Inspection complete**

The inspector, upon completion of his inspection of an intensive poultry farm, shall leave a signed and dated copy of his inspection report with the farm owner or his designee, sanitize his boots and remove any outer clothing and place them in a plastic bag.

(Effective October 8, 1985)



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## Control of Avian Disease

### Sec. 22-324-1. Definitions

**Clinical evidence.** Evidence, such as decreased feed and water consumption, depression, unusual movements or position, increased mortality, hemorrhage beneath the skin on the lower legs and feet, severe decrease in egg production; post-mortum lesion; and history of the disease occurrence in the flock.

**Commissioner.** The Commissioner of Agriculture or his duly authorized representative.

**Director of the Task Force.** The Commissioner or Department of Agriculture official designated by the Commissioner to supervise and perform the disease control and eradication work of the Task Force.

**Exposed poultry.** Poultry which through the movement of poultry, individuals, feed, or other vectors has been determined by a Federal or State inspector to have had contact, directly or indirectly, with highly pathogenic avian influenza.

**State inspector.** An inspector of the Department of Agriculture, Department of Consumer Protection, or Department of Environmental Protection responsible for the performance of the function involved.

**Federal inspector.** An inspector of the Animal and Plant Health Inspection Service, the Agricultural Marketing Service, or the Food Safety and Inspection Service, United States Department of Agriculture, responsible for the performance of the function involved.

**Highly pathogenic avian influenza.** A disease of poultry caused by any influenza virus Type A that results in not less than 75 percent mortality within eight days in at least eight healthy susceptible chickens, 4-8 weeks old, inoculated by the intramuscular, intravenous, or caudal airsac route with bacteria-free infectious allantoic or cell culture fluids and using standard laboratory operating procedures to assure specificity

**Infected poultry.** Poultry determined by the Director of the Task Force, in such person's judgment, as being infected with highly pathogenic avian influenza on the basis of clinical evidence, epidemiological evidence,<sup>1</sup> or diagnostic tests.<sup>2</sup>

**Movement.** Shipped, transported, delivered or received for movement by any person.

**Permit.** Pursuant to this section of these regulations, an official document issued by a State or Federal inspector for movement of a restricted article.

**Person.** Any individual, partnership, corporation, association, joint venture or any other legal entity.

**Poultry.** Chickens, ducks, geese, swans, turkeys, pigeons, doves, pheasants, grouse, partridges, quail, guinea fowl, and pea fowl.

**Task Force.** Special force of Federal and/or State personnel designated by the Commissioner to control and eradicate highly pathogenic avian influenza.

**Veterinary Services.** The Veterinary Services unit of the Animal and Plant Health Inspection service, United States Department of Agriculture.

(Effective June 25, 1986)

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<sup>1</sup> Epidemiological evidence—evaluation of clinical evidence and the degree of risk posed by the potential spread of infection based on population and exposure factors.

<sup>2</sup> Protocol for such diagnostic tests can be found in the "Recommended Uniform Diagnostic Procedures" published by the Committee of the American Association of Veterinary Laboratory Diagnosticians. Copies of the test protocols may be obtained from the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, United States Department of Agriculture, Hyattsville, Maryland, 20782.

**Sec. 22-324-2. Intrastate movement of infected or exposed live poultry or materials**

(a) No live poultry infected with or exposed to highly pathogenic avian influenza or other contagious poultry disease shall be moved intrastate.

(b) No carcasses or parts thereof from poultry infected with or exposed to highly pathogenic avian influenza or other contagious poultry diseases, no manure from such poultry and no litter which has been used by such poultry shall be moved intrastate unless heated throughout to at least 160°F (71°C) or unless moved intrastate from a quarantined area for incineration, rendering, or burial in a landfill in accordance with Section 22-324-8 of these regulations.

(Effective June 25, 1986)

**Sec. 22-324-3. Contaminated means of conveyance, premises, containers, and other accessories; not to be used for movement of poultry until cleaned and disinfected**

No means of conveyance or premises which have contained any poultry which have been found infected with highly pathogenic avian influenza or other contagious poultry diseases, and no coops, containers, troughs, or other accessories used in the handling of such infected poultry, shall be used in connection with the movement of poultry until the said means of conveyance, premises, coops, containers, trough, or other accessories have been cleaned and disinfected under supervision of a Federal or State inspector with a permitted disinfectant, as provided in §§ 71.4, 71.6, 71.7, 71.10, and 71.11 of 9-CFR: or with three percent solution cresol compound, U.S.P.

(Effective June 25, 1986)

**Sec. 22-324-4. Quarantined areas**

Quarantined areas are those areas so designated by the Commissioner.

(Effective June 25, 1986)

**Sec. 22-324-5. Prohibited articles**

(a) The following are designated as prohibited articles:

- (1) Live Poultry;
- (2) Manure from poultry;
- (3) Litter that has been used by poultry, and
- (4) Hatching eggs.

(b) A prohibited article shall not be moved from a quarantined area.

(Effective June 25, 1986)

**Sec. 22-324-6. Restricted articles**

(a) The following are designated as restricted articles:

- (1) Poultry carcasses or parts thereof,
- (2) Eggs from poultry used for food,
- (3) coops, containers, troughs, or other accessories that have been used in the handling of poultry or poultry eggs.

(b) A restricted article shall not be moved without a permit from a quarantined area except in accordance with the provisions in Sections 22-324-6 through 22-324-9 of these regulations.

(c) Poultry carcasses or parts thereof may be moved from a quarantined area:

- (1) If from a poultry flock inspected by a Federal or State inspector prior to movement for slaughter and not found to have clinical evidence of highly pathogenic avian influenza, and if from poultry slaughtered at a federally inspected slaughtering establishment;

(2) If heated throughout to at least 160°F (71°C); or

(3) If moved under the supervision of State or Federal inspectors for incineration, rendering, or burial in a landfill (the incinerator, rendering facility, or landfill must have equipment and use procedures that are determined by the Commissioner to be adequate to prevent the dissemination of highly pathogenic avian influenza and must comply with the applicable laws for environmental protection).

(d) Poultry eggs for use as food which are from poultry not found infected with or exposed to highly pathogenic avian influenza may be moved from a quarantined area pursuant to a permit if prior to movement they are washed free of adhering material and rinsed with warm water containing not less than 50 p/m nor more than 200 p/m of available chlorine or its equivalent, and if moved in unused flats and cases, or in plastic flats and cases washed free of adhering material since last use and rinsed with warm water containing not less than 50 p/m of available chlorine or its equivalent.

Pursuant to a permit, poultry eggs for use as food which were laid outside of a quarantined area and which were subsequently moved into a quarantined area to an egg processing (cleaning, sanitizing, and repackaging) plant may then be moved from the egg processing plant if prior to the movement such eggs are washed free of adhering material and rinsed with warm water containing not less than 50 p/m nor more than 200 p/m of available chlorine or its equivalent, if such eggs are moved in new cartons for retail sale, and if the operator of the egg processing plant is operating under a compliance agreement whereby the operator of the processing plant agrees to comply with the provisions of this part.

(e) Any poultry eggs may be moved from a quarantined area under the supervision of a State or Federal inspector for incineration, rendering, or burial in a landfill (the incinerator, rendering facility, or landfill must have equipment and use procedures that are determined by the Commissioner to be adequate to prevent the dissemination of highly pathogenic avian influenza and must comply with the applicable laws for environmental protection).

(f) Used poultry coops, containers, troughs, or other accessories for use in the handling of poultry or poultry eggs may be moved from a quarantined area if prior to movement they are cleaned and disinfected with a permitted disinfectant specified in 9-CFR §§ 71.10 or 71.11.

(Effective June 25, 1986)

### **Sec. 22-324-7. Permits for movement of restricted articles**

(a) A permit for the movement of a restricted article may be obtained from a State or Federal inspector.<sup>3</sup> It shall list the name and address of the consignor and consignee, the origin and destination locations, the number and type of articles covered, and the purpose of the movement.

(b) Any permit which has been issued may be withdrawn by a Federal or State inspector or the Commissioner if he determines that the holder thereof has not complied with any condition for the use of the permit. The reasons for the withdrawal shall be confirmed in writing as promptly as circumstances allow. Any person whose permit has been withdrawn may appeal the decision in writing to the Commissioner within ten (10) days after receiving the written notification of the withdrawal. The appeal shall state all of the facts and reasons upon which the person relies to show that the permit wrongfully withdrawn. The Commissioner shall grant or deny the

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<sup>3</sup> Inspectors may be contacted at telephone numbers available from local agricultural extension agents and from the Commissioner.

appeal, in writing, stating the reasons for the decision as promptly as circumstances allow. If there is a conflict as to any material fact, a hearing shall be held to resolve such conflict.

(Effective June 25, 1986)

**Sec. 22-324-8. Movement by United States Department of Agriculture or Connecticut Department of Agriculture for diagnostic or experimental purposes; other movements**

(a) Notwithstanding other provisions in Sections 22-324-1 through 22-324-11 of these regulations, a prohibited article or restricted article may be moved by the United States Department of Agriculture or Connecticut Department of Agriculture for diagnostic or experimental purposes under conditions found by the Commissioner to be adequate to prevent the spread of highly pathogenic avian influenza.

(b) Notwithstanding other provision in Sections 22-324-1 through 22-324-11 of these regulations the Commissioner may in specific cases allow the movement of prohibited articles or restricted articles other than as provided for in Sections 22-324-1 through 22-324-11 of these regulations under conditions as the Commissioner may prescribe in each case to prevent the spread of highly pathogenic avian influenza. The Commissioner will promptly notify the appropriate officials of Federal and State Agencies involved of any such action.

(Effective June 25, 1986)

**Sec. 22-324-9. Inspections and seizures**

State inspectors and federal inspectors appointed as representatives of the Connecticut Department of Agriculture designated by the Commissioner and identified by an official identification card, shall have authority, in accordance with Section 22-324 of the Connecticut General Statutes to enter upon any premises in Connecticut for the purpose of making inspections and seizures necessary under Sections 22-324-1 through 22-324-11 of these regulations.

(Effective June 25, 1986)

**Sec. 22-324-10. Disposal**

(a) Whenever the Director of the Task Force finds that any poultry upon any premises in Connecticut are or have been infected with or exposed to highly pathogenic avian influenza, or that any carcasses or parts thereof, eggs, or other products or articles were so related to such poultry as to be likely to be a means of disseminating the disease, the Director of the Task Force will order the owner thereof, or the owner's agent in possession thereof, to maintain them in quarantine on such premises for such period and dispose of them within such time, and in such manner as the Director of the Task Force shall prescribe in accordance with Section 22-324 of the Connecticut General Statutes. The order shall be served upon the owner of the poultry, carcasses or parts thereof, egg products or articles, or the owner's agent, in person by a Federal inspector appointed as an employee of the Connecticut Department of Agriculture or by a State inspector. If the owner or the owner's agent does not comply with such order, after such notice thereof, the Director of the Task Force may seize, quarantine, and dispose of the poultry carcasses or parts thereof, eggs, products, or articles as provided in Section 22-324 of the Connecticut General Statutes.

(b) When any poultry, carcasses or parts thereof, eggs, products, or articles are ordered to be quarantined on any premises under paragraph(s) of this section, they

shall not be moved from such premises unless authorized by the Director of the Task Force.

(c) A premises quarantine shall remain in effect until the following conditions are met:

(1) All poultry on such premises are depopulated;

(2) All carcasses and parts thereof from the depopulated poultry, and any other poultry carcasses and parts thereof, eggs, products, and articles so related to the depopulated poultry as to be likely to be a means of disseminating highly pathogenic avian influenza, and disposed of by incineration, rendering, burial in a landfill or other place, or by such other means as the Commissioner determines would be adequate to prevent the spread of highly pathogenic avian influenza (the incinerator, rendering facility, place of burial, or other place of disposal must have equipment and use procedures that are determined by the Commissioner to be adequate to prevent the dissemination of highly pathogenic avian influenza and must comply with the applicable laws for environmental protection);

(3) The premises are found by a Federal or State inspector to have been cleaned and disinfected in accordance with Section 22-324-11 after the carcasses or parts thereof, eggs, products, or articles are disposed of as specified in paragraph (c) (2) of this section;

(4) No live poultry are taken onto the premises for a 30-day period after the premises have been found to meet the cleaning and disinfection provisions of paragraph (c) (3) of this section, and for any additional time period determined necessary by the Director of the Task Force to insure that the premises are free of highly pathogenic avian influenza; and

(5) The Director of the Task Force has determined (by means which may include testing with test birds and evaluation of epidemiological conditions) the highly pathogenic avian influenza has been eradicated and that the premises can be safely repopulated.

(Effective June 25, 1986)

### **Sec. 22-324-11. Cleaning and disinfecting requirements**

All pens, coops, containers, troughs, other accessories, or means of conveyance found by a Federal or State inspector to have been used in the handling of any poultry or related products, carcasses or parts thereof, egg products, or articles subject to an order under Section 22-324-11 of this regulation shall be cleaned and disinfected in accordance with the provisions in §§ 71.7, 71.10, and 71.11 of 9-CFR or with a three percent solution cresol compound, U.S.P., unless other disposal is ordered under Section 22-324-10 of these regulations.

(Effective June 25, 1986)



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## **Eradication and Control of Pullorum-Typhoid Disease in Flocks of Poultry**

### **Sec. 22-324-A1. “Flock” defined**

The word “flock,” as used in these regulations, shall be construed as meaning all poultry kept on the premises, farm or ranch of the owner.

### **Sec. 22-324-A2. Responsibilities of poultry owner**

The owner of a flock of poultry who has made application for examination and placed his flock under the supervision of the commissioner of agriculture and natural resources shall keep and agree to maintain such flock under a system of housing, yarding management and general sanitation satisfactory to the commissioner or his agent. He shall agree to refrain from advertising falsely or misleadingly regarding the tests on his flock, and shall agree not to hatch eggs on his farm except from poultry of like or higher status and not to have eggs from his own poultry hatched for him by a poultryman or hatcheryman except with a flock or flocks of like or higher status.

(See 1961 Supp. § 22-322.)

### **Sec. 22-324-A3. Age and time for testing**

No poultry shall be presented to the inspector for examination and blood test until five months of age. All poultry on the premises of breeding and laying age shall be tested at the beginning of the breeding season and within the testing year.

### **Sec. 22-324-A4. Segregation of birds. Post-mortem examination**

All birds reported as positive or doubtful shall be segregated at once from the flock. The owner, when so requested by the commissioner or his agent, shall submit birds for check-test by post-mortem examination to the Department of Animal Diseases, The University of Connecticut, Storrs, Connecticut, or final disposition made as directed by the commissioner.

### **Sec. 22-324-A5. Cleaning and disinfecting of pens, etc**

All pens, perches, dropping boards, nests, floors and side walls with which any of the infected poultry have come in contact at any time shall be cleaned and disinfected with one of a list of disinfectants approved by the commissioner and shall be subject to the inspection of the commissioner or his agent within fifteen days from the date of the order for such cleaning and disinfecting.

### **Sec. 22-324-A6. Certificates**

(a) When a flock has been found to be free of any evidence of pullorum-typhoid disease by one tube agglutination test made on all poultry on the premises, the flock shall be designated as pullorum-typhoid passed and a pullorum-typhoid passed certificate issued by the commissioner.

(b) When a flock has been found to be free of any evidence of pullorum-typhoid disease on two consecutive tube agglutination tests, made at intervals of not less than twenty-one days on all poultry five months of age or over on the premises, the flock shall be designated as pullorum-typhoid clean and a pullorum-typhoid clean certificate issued by the commissioner.

(c) When a flock originating from a pullorum-typhoid passed or a pullorum-typhoid clean flock has been found to be free of any evidence of pullorum-typhoid disease by one tube agglutination test on all poultry five months of age or over on

the premises, the flock shall be designated as pullorum-typhoid clean and a pullorum-typhoid clean certificate issued by the commissioner.

(d) Any flock may be pronounced clean on the completion of two consecutive clean tests not less than twenty-one days apart, the last being made within the testing year immediately preceding the date of sale of hatching eggs or chicks from such flocks.

#### **Sec. 22-324-A7. Requirements on finding of positive or doubtful birds**

(a) If one or more positive or doubtful birds are found in a pullorum-typhoid passed or a pullorum-typhoid clean flock by the tube agglutination test, the use of eggs for hatching shall be discontinued at once, from the pen or pens in which the reacting birds were found. The positive or doubtful birds shall be sent alive to the laboratory immediately by the owner as requested by the commissioner, provided not more than five shall be sent, unless others are requested by the laboratory.

(b) If no evidence of pullorum-typhoid disease is found in the reacting birds upon post-mortem examination at the laboratory, the flock shall be considered pullorum-typhoid clean.

(c) If the pullorum-typhoid organism is identified in any of the birds posted and so reported by the laboratory, all sales of hatching eggs and chicks to pullorum-typhoid passed or pullorum-typhoid clean flocks shall stop at once.

(d) If not more than one half of one per cent of a pullorum-typhoid clean flock is found to be positive by the post-mortem examination, a retest of the entire flock shall be made at the discretion of the commissioner not earlier than twenty-one days and not later than forty-two days after the first test. For the flock to be reinstated as a clean flock, it shall pass two negative tests not less than twenty-one days apart.

(e) If the pullorum-typhoid disease organism is recovered from young chicks which unquestionably originated from Connecticut pullorum-typhoid passed or Connecticut pullorum-typhoid clean flocks, the flock from which the chicks originated shall be tested at the discretion of the commissioner.

(f) Any poultryman selling eggs for hatching or chicks shall notify the purchaser at once regarding any change in the status of his flock.

#### **Sec. 22-324-A8. Addition or return of birds to passed or clean flocks**

(a) All hatching eggs, chicks or poultry to be added to pullorum-typhoid passed or pullorum-typhoid clean flocks under supervision shall be approved by the commissioner before purchase.

(b) All birds returned to pullorum-typhoid passed and pullorum-typhoid clean flocks from poultry exhibits or egg-laying contests or after being removed from the premises for any purpose whatsoever shall be quarantined until birds from pullorum-typhoid passed flocks have passed one clean test and birds from pullorum-typhoid clean flocks have passed two clean tests at least twenty-one days apart. If a reactor is found, all birds under quarantine shall be disposed of.

#### **Sec. 22-324-A9. Breeders and hatcheries to place flock under supervision of commissioner**

No breeder, breeder hatchery or commercial hatchery in Connecticut may offer pullorum-typhoid passed or pullorum-typhoid clean chicks for sale unless the flock and hatchery are placed under the supervision of the commissioner of agriculture and natural resources. Hatcheries handling more than one class of chicks shall be classified as of the lowest class handled.

**Sec. 22-324-A10. Tube agglutination test to be used**

The tube agglutination test shall be used for all official tests. Private pullorum-typhoid tests of flocks under supervision will not be permitted.

**Sec. 22-324-A11. The National Poultry and Turkey Improvement Plans**

Poultrymen and hatcherymen participating in the U.S.-Connecticut pullorum-typhoid disease control program may cooperate in breed improvements under the National Poultry and Turkey Improvement Plans by cooperating with the Connecticut Poultry Improvement Association, Inc., set up for the purpose of supervising the breeding stages of the National Poultry and Turkey Improvement Plans in Connecticut.

**Controlling the Spread of Virus Disease and the Sale, Distribution and Use of Live Virus Vaccine for Poultry****Sec. 22-324-B1. Infectious laryngotracheitis**

Flocks of chickens and domesticated pheasants with infectious laryngotracheitis shall be held in strict quarantine until all infected and exposed birds have been disposed of for slaughter. During the duration of the quarantine, sale or disposal of market eggs, hatching eggs and day-old chicks is ordinarily permissible.

**Sec. 22-324-B2. Newcastle disease**

Flocks of domesticated birds affected with an active outbreak of Newcastle disease shall be held in strict quarantine for at least two months following the disappearance of all clinical signs and symptoms of the disease. The quarantine is inclusive of all poultry products and equipment. If direct sanitary marketing can be assured, written permission for the sale or disposal of market eggs and of birds for slaughter may be obtained.

**Sec. 22-324-B3. Importation of vaccine**

Infectious laryngotracheitis vaccine or live Newcastle vaccine or any virulent product of a similar nature shall not be shipped or transported into the state without the written permission of the commissioner of agriculture and natural resources.

**Sec. 22-324-B4. Possession of vaccine or virus regulated**

No person, firm or corporation, nor the agent or employee of any corporation, shall have in his possession or use any virulent exudate, vaccine or virus, or any preparation of a similar nature for infectious laryngotracheitis and Newcastle diseases, unless permission in writing has been obtained from the commissioner of agriculture and natural resources.

**Sec. 22-324-B5. Doubtful diagnosis to be determined by University**

In case of doubt, the diagnosis of infectious laryngotracheitis and Newcastle diseases shall be established through the examination of suitable specimens at the department of animal diseases of The University of Connecticut.

**Sec. 22-324-B6. Administration**

Sections 22-324-B1 to 22-324-B5, inclusive, shall be administered at the discretion of the commissioner of agriculture and natural resources.

## **Public Exhibition of Live Poultry**

### **Sec. 22-324-C1. Commissioner to be notified of exhibitions**

The commissioner of agriculture and natural resources shall be notified in writing by the show management of the date and place of holding its show or exhibition of live poultry at least five days prior to the date of opening of such show or exhibition.

### **Sec. 22-324-C2. Adult birds to be shown**

Only adult birds may be shown.

### **Sec. 22-324-C3. Statement of freedom from disease**

All entries to a show or exhibition shall be accompanied by a declaration or certification from the owner or exhibitor that, to the best of his knowledge, the poultry entries and source of flock or flocks are free from any evidence of, and were not recently exposed to, Newcastle disease or any other infectious or transmissible disease, the certification to be based on inspection made within at least five days of admission to each show or exhibition *by a certificate of the commissioner of agriculture and natural resources that such entries are negative to a pullorum-typhoid test or, for any show or exhibition held on or after January 1, 1969, by a certificate of the commissioner that such entries are from flocks negative to a pullorum-typhoid test.* The certificate or declaration shall contain the date of inspection, the name and address of the owner or exhibitor, the name and location of the show, and the number, breed, species and identification band number of each bird to be exhibited.

(Effective June 4, 1968)

### **Sec. 22-324-C4. Birds without certificate or diseased not permitted**

Birds not accompanied by a health certification or those showing evidence of disease shall not be permitted to enter a show or exhibition.

### **Sec. 22-324-C5. Disinfection of crates and vehicles**

All crates, boxes or containers and vehicles used for transporting the poultry to a show shall be thoroughly cleaned and disinfected prior to such use.

### **Sec. 22-324-C6. Examination by veterinarian on admission**

Repealed, November 30, 1966.

### **Sec. 22-324-C7. Daily examination**

Repealed, November 30, 1966.

### **Sec. 22-324-C8. Segregation of diseased birds**

Birds showing evidence of disease upon entry to or during a show shall be properly segregated and cared for and reported promptly by the \* \* \* superintendent of the show to a representative of the commissioner of agriculture and natural resources. It is recommended: (1) Since all birds returned from a show are potential sources of infection, they be isolated immediately after their return from all other birds. This isolation should be maintained at least until it has been established that the birds are not carriers of disease-producing agents as may be determined by exposure of a few susceptible birds to direct contacts with them; (2) shows be of not more than three days' duration; (3) there be solid partitions between coops, and (4) satisfactory provisions be made for air disinfection.

(Effective August 25, 1966)

## Standards for Egg Room Sanitation

### Sec. 22-324-D1. Definitions

As used in sections 22-324-D1 to 22-324-D7, inclusive: (1) “Case” means, when referring to containers, an egg case, as used in commercial practice in the United States, holding thirty dozens of shell eggs; (2) “condition” means any condition, including, but not limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food, of any product which affects its merchantability; (3) “plant” means any building, machinery, apparatus or fixture, used for the storing, grading or packing of shell eggs; (4) “potable water” means water that has been approved by the state department of health, or any agency or laboratory acceptable to the commissioner of agriculture and natural resources, as safe for drinking and suitable for food processing; (5) “premises” means a tract of land with the buildings thereon or building or part of a building with its grounds or other appurtenances; (6) “product” or “products” means shell eggs of the domesticated chicken; (7) “shell eggs” means eggs of domesticated chickens; (8) “shell protected” means eggs which have had a protective covering such as oil applied to the shell surface.

(Effective April 7, 1970)

### Sec. 22-324-D2. Physical requirements of plant

(a) The plant shall be free from strong foul odors, dust and smoke-laden air.

(b) The premises shall be free from refuse, rubbish, waste and other materials and conditions which constitute a source of odors or a harbor for insects and rodents and other vermin.

(c) The buildings shall be of sound construction and kept in good repair, such as to prevent the entrance or harboring of vermin.

(d) Rooms shall be kept free from refuse, rubbish, waste materials, odors, insects and rodents, and from any conditions which may constitute a source of odors or engender insects and rodents. Materials and equipment not currently needed shall be handled or stored in a manner so as not to constitute a sanitary hazard.

(e) Doors and windows that open to the outside shall be protected against the entrance of flies and other insects. Doors and windows serving rooms where edible product is exposed shall be protected against the entrance of dust and dirt. All doors leading into rooms where edible product is processed shall be of solid construction and such doors, other than freezer and cooler doors, shall be fitted with self-closing devices.

(f) Doors and other openings which are accessible to rodents shall be of rodent-proof construction.

(g) There shall be an efficient drainage and plumbing system for the plant and premises. All drains and gutters shall be properly installed with traps and vents. The sewerage system shall have adequate slope and capacity to remove readily all waste from the various processing operations. All floor drains shall be equipped with traps and constructed so as to minimize clogging.

(h) Both the hot and cold water supplies shall be ample, clean and potable, with adequate facilities for distribution throughout the plant or portion thereof utilized for egg processing and handling operations, and for protection against contamination and pollution.

(i) The floors, walls, ceiling, partitions, posts, doors and other parts of an structures shall be of such materials, construction and finish as to permit their ready and thorough cleaning. The floors and curbing shall be watertight.

(j) Each room and each compartment in which any shell eggs are handled or processed shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character, free from objectionable odors and vapors, and shall be maintained in a clean and sanitary condition.

(k) Every practicable precaution shall be taken to exclude dogs, cats and vermin including, but not limited to, rodents and insects, from the plant or portion thereof in which shell eggs are handled or stored.

(l) There shall be adequately lighted dressing rooms and toilet rooms, ample in size, conveniently located and separated from the rooms and compartments in which shell eggs are handled, processed, or stored, sufficient in number to accommodate the number of persons employed. The dressing rooms and toilet rooms shall be separately ventilated.

(m) Lavatory accommodations, including, but not limited to, hot and cold running water, towels, and soap which does not impart an odor which interferes with accurate evaluation of the product, shall be placed at such locations in the plant as may be essential to assure cleanliness of each person handling any shell eggs.

(n) Suitable facilities for cleaning and sanitizing utensils and equipment shall be provided at convenient locations throughout the plant.

(Effective April 7, 1970)

#### **Sec. 22-324-D3. Equipment and utensils**

Equipment and utensils used in processing shell eggs shall be of such design, material and construction as will (1) enable the examination, segregation and processing of such products in an efficient, clean and satisfactory manner, and (2) permit easy access to all parts to insure thorough cleaning and sanitizing. So far as is practicable all such equipment shall be made of metal or other impervious material, if the metal or other impervious material will not affect the product by chemical action or physical contact. Receptacles and packages used for shell eggs which are not fit for human food shall bear some conspicuous and distinctive identification.

(Effective April 7, 1970)

#### **Sec. 22-324-D4. Protection of shell eggs**

(a) Shell eggs which are not fit for human food shall be placed in a conspicuously marked container and shall be treated in such manner as will preclude their use as human food.

(b) No product or material which creates an objectionable condition shall be processed, stored or handled in any room, compartment or place where any shell eggs are processed, stored or handled.

(c) Only germicides, insecticides, rodenticides, detergents or wetting agents or other similar compounds which will not deleteriously affect the egg products and which have been approved and listed in the U.S. Department of Agriculture list of Chemical Compounds, authorized for use under the U.S.D.A. poultry and egg products inspection program, may be used in a plant. The use of such compounds shall be in a manner satisfactory to the commissioner.

(d) Packages or containers for eggs shall be clean when being filled; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such eggs. Only new containers or used containers that are clean and in sound condition shall be used for packaging eggs. (1) A used fiber case shall be construed to be good if it is reasonably clean and free from excessive stains and odors. Cases which have lost their original shape, due to warping, bulging, sagging or denting shall not

be used. All seams shall be securely fastened without broken stitches or pulled staples. Hand slots and other parts of the case shall be free of tears. (2) Used fillers, flats and filler-flats shall be construed to be good if they are reasonably clean and sufficiently sound to permit the lifting of the layer of eggs from the case without losing eggs. They shall be free of mold, mustiness or off-odor. (3) Any material which does not meet the definition of new, good, and used shall not be used.

(Effective April 7, 1970)

#### **Sec. 22-324-D5. Candling and transfer room: Construction**

(a) The candling and transfer room shall be so constructed that it can be adequately darkened to assure accuracy in removal of inedible or loss of eggs by candling. Equipment shall be arranged so as to facilitate cleaning and the removal of refuse and excess packing material.

(b) The construction of the floor shall allow thorough cleaning. In any building constructed after the effective date of this regulation, the floors shall be of water-resistant composition and provided with proper drainage.

(c) Ventilation shall be such as to provide for the rapid removal of objectionable odors and dust, preferably by means of an exhaust fan.

(d) Candling devices of an approved type shall be provided to enable candlers to detect inedible, dirty or checked eggs, and eggs other than chicken eggs.

(e) Leaker trays shall be made of such material and design as to be conducive to easy cleaning and sanitizing.

(f) Containers made of a material and design conducive to easy cleaning and sanitizing shall be provided for inedible eggs. All such containers shall be conspicuously marked.

(g) Containers made of a material and design conducive to easy cleaning and sanitizing shall be provided for trash unless clean disposable containers are furnished daily.

(h) Shell egg conveyors shall be constructed so that they can be thoroughly cleaned.

(Effective April 7, 1970)

#### **Sec. 22-324-D6. Candling and transfer room: Cleanliness**

(a) Candling and transfer rooms shall be kept clean and free from cobwebs, dust, objectionable odors and excess packing materials.

(b) Floors, benches and conveyors shall be cleaned as often as necessary to maintain a clean operation but at least once daily.

(c) Mechanical candling machines shall be maintained in a clean condition during operations.

(d) Containers for trash and inedible eggs shall be removed from the candling room as often as necessary but at least once daily and shall be cleaned and treated in such a manner as will avoid off odors or objectionable conditions in the plant.

(Effective April 7, 1970)

#### **Sec. 22-324-D7. Cooler room requirements. Shell egg protecting and cleaning operations**

(a) **Cooler room requirements:** Shell eggs shall be held under refrigeration meeting the following requirements:

(1) Cooler rooms shall have refrigeration facilities capable of reducing within forty-eight hours and holding the maximum volume of eggs handled to 45°F. or below. Accurate thermometers shall be provided.

(2) Cooler rooms shall be free from objectionable odors and from mold and shall be maintained in a sanitary condition.

(b) **Shell egg protecting operations.** Shell eggs protecting (oil processing) operations shall be conducted in a manner to avoid contamination of the product and maximize conservation of its quality.

(1) Oil having off odor, or that is obviously contaminated, shall not be used in shell egg protection.

(2) Processing oil that has been previously used and which has become contaminated shall be filtered and heat treated at 180°F for three minutes prior to use.

(c) **Shell egg cleaning operations.**

(1) Shell egg cleaning equipment shall be kept in good repair and shall be cleaned after each day's use or more frequently if necessary.

(2) Waste water from the egg washing operation shall go directly to a drain.

(3) Continuous-type washers shall have a complete water change at least once during each day and at the end of each day or more frequently.

(4) Bucket type washers shall have a complete water change after every five baskets.

(5) Wash water used shall be at least 20°F warmer than the eggs. The minimum maintained temperature of the wash water shall be 90°F. The twenty degree differential shall be maintained throughout the cleaning cycle. Prewetting by submersion shall not exceed five minutes.

(6) During any rest period, eggs shall be removed from the washing and rinsing area of the egg washer and from the scanning area whenever there is a buildup of heat.

(7) Only Consumer and Marketing Service, U.S.D.A. approved list cleaning and sanitizing compounds revised October, 1968, and as subsequently amended may be used. The use of metered equipment for dispensing the compounds into solution is recommended.

(8) The entire shell egg cleaning and drying operation shall be continuous and shall be completed as rapidly as possible.

(9) Only potable water may be used to wash eggs.

(10) Where practicable all washed eggs shall be spray rinsed with warm, potable water which contains a sanitizing compound.

(11) Washed eggs shall be reasonably dry before cartoning or casing.

(Effective February 6, 1991)

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## **Disposal of Dead Poultry**

### **Sec. 22-324a-1. Time for disposal**

The carcass or parts thereof of any dead poultry not killed for food shall be removed and placed in disposal facilities within twenty-four hours after death.

(Effective March 31, 1964)

### **Sec. 22-324a-2. Acceptable methods**

(a) A disposal pit shall be so constructed as to be vermin proof, with tight fitting covers, and large enough to accommodate daily disposal and comply with the public health code of the state of Connecticut. No disposal pit shall be constructed within seventy-five feet of a well or spring or within fifty feet of a place of human habitation nor shall it be constructed within fifty feet of a tributary of a water supply reservoir or any ground or surface water drain tributary to such reservoir. No disposal pit shall be located within ten feet of a lot line or within twenty-five feet of any stream, pond, lake or tidal water except by specific approval by the local director of health having jurisdiction. The bottom of any such pit shall be at least eighteen inches above maximum ground water level. The minimum size pit for one thousand birds shall be ninety-six cubic feet. The recommended capacity for ten thousand birds is six hundred forty cubic feet.

(b) Incineration shall be by continuous firing, and complete destruction of the soft tissues shall be accomplished.

(c) Burying shall be permitted only in case of an emergency. At least two feet of earth shall be used for covering the dead birds.

(d) No other form of disposal shall be utilized without the permission of the commissioner of agriculture and natural resources.



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## **Control of Avian Disease**

### **Sec. 22-326c-1. Appraisal**

Poultry, carcasses or parts thereof, eggs, products, or articles required to be destroyed in accordance with Section 22-324-10 shall be appraised by two appraisers, one chosen by the Commissioner and one chosen by the owner. If they are unable to agree upon the value of such property, each shall choose an arbitrator, and the two arbitrators so chosen shall choose a third, and the three arbitrators so chosen or a majority of the three arbitrators so chosen shall be approved by the Commissioner.

(Effective June 25, 1986)

### **Sec. 22-326c-2. Payment**

(a) A claim for payment for destruction of poultry, carcasses or parts thereof, eggs, products, or articles must be presented to the Director of the Task Force before payment will be made. The claimant must state whether the items for which payment is requested are, or are not, subject to a mortgage, lien, or other security or beneficial interest held by any person other than the claimant. If the claimant is the owner and states that there is no mortgage, lien, or other such interest on the items, payment will be made to the owner. If the claimant states that there is a mortgage, lien, or other such interest, a VS form 1-23 shall be signed by the claimant and by each person holding a mortgage, lien, or other such interest on the items, consenting to the payment of any indemnity allowed to the person specified thereon and payment will be made to such person. All payments are dependent upon the availability of funds appropriated to the Department of Agriculture for the payment of compensation pursuant to Connecticut General Statutes Section 22-326c.

(b) No payment shall be made unless all conditions for release of quarantine in Section 22-324-10c and 22-324-11, and Sections 22-326c-1 and 22-326c-2 of these regulations are met.

(Effective June 25, 1986)



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## **Use of Living Dogs for Medical or Biological Teaching, Research or Study**

(Effective October 15, 1963)

### **Sec. 22-332b-1. Definitions**

For the purpose of sections 22-332b-1 to 22-332b-11, inclusive, the following definitions shall apply: "Hospital" means any institution for the medical care of human patients licensed under sections 19-31 to 19-42, inclusive, of the general statutes. "Educational institution" means a college or university licensed and accredited to confer academic degrees under the provisions of the general statutes, or a school, institute or academy of any kind giving instruction requiring use of dogs. "Laboratory" means any other facility utilizing living dogs for medical or biological research or study. "Medical or biological teaching" shall include instruction in any subject under circumstances involving surgical manipulation of living dogs, administration to dogs of drugs, anaesthetic or toxic substances, or the subjection of dogs to unusual physical, environmental, psychological or nutritional stress or stimulus. "Research or study" means subjection of living dogs to experimental procedures involving surgery, administration of drugs, anaesthetic or toxic substances, or the application of unusual physical, environmental, nutritional or psychological stress or stimulus.

### **Sec. 22-332b-2. Eligibility for license to procure and use dogs**

No person shall be eligible to apply for a license to procure or use any living dog for medical or biological teaching, research or study except the owner or authorized and responsible agent of a hospital, educational institution or laboratory.

### **Sec. 22-332b-3. Exemptions**

A person, firm or corporation engaged in the care, breeding, training or use of living dogs under the provisions of the general statutes pertaining to the practice of veterinary medicine or to the operation of a kennel or pet shop shall be exempt from the provisions of sections 22-332b-1 to 22-332b-11, inclusive, unless engaged in an activity which, in the judgment of the commissioner of health, falls within the meaning of research or study as defined above.

### **Sec. 22-332b-4. Application for license**

Application for a license to procure or use living dogs for medical or biological teaching, research or study shall be made on forms procurable from the state department of health and shall be made by an authorized and responsible agent of the hospital, educational institution or laboratory proposing to engage in such activity. Each application shall contain the name of the facility and its address, a description of the land, buildings, equipment and facilities available, a description of the nature of the proposed uses of living dogs, the location of such activity and such other data as may be required by the commissioner of health. Such application shall further designate the person or persons who shall be responsible for compliance with the provisions of sections 22-332b-1 to 22-332b-11, inclusive, and shall set forth pertinent data concerning qualifications of such person or persons.

### **Sec. 22-332b-5. Fees**

A fee of fifty dollars shall be paid at the time of application for a license or renewal thereof. Such fee shall not be returnable.

**Sec. 22-332b-6. Issuance or denial of license**

Issuance of a license shall be dependent upon presentation by the applicant of evidence acceptable to the commissioner of health that the proposed teaching, research or study program is designed to impart or elicit knowledge or understanding of the problems of human or animal health and that the use of living dogs in such program is essential. If, after investigation, it is found that this evidence is not sufficient or it is found that the applicant does not have facilities and personnel adequate for reasonable compliance with standards hereinafter set forth, the application will be denied and the applicant informed in writing of the reasons for such denial.

**Sec. 22-332b-7. Revocation or suspension of license**

When investigation or inspection discloses that a licensee has failed to maintain substantial compliance with standards set forth in sections 22-332b-1 to 22-332b-11, inclusive, or has wilfully and materially failed to comply with the provisions of any law or regulation relating to the acquisition, housing and care of dogs, his license may be suspended or revoked after written notice from the commissioner of health. Within ten days after receipt of a notice of intent to suspend or revoke a license, the licensee may request a hearing to show cause why the license should not be suspended or revoked. If no request for a hearing is made within the aforesaid ten days, suspension or revocation of the license, at the discretion of the commissioner of health, shall become effective upon issuance to the licensee of an order of suspension or revocation accompanied by the commissioner's findings and conclusions. In a similar manner, after a hearing, suspension or revocation of license shall be effective when in the judgment of the commissioner such action is necessary. No facility shall procure or use living dogs for medical or biological teaching, research or study while its license is suspended or after revocation thereof. Reinstatement of a suspended license may be requested after the correction of conditions leading to suspension, at which time reinstatement may be granted at the discretion of the commissioner when such evidence as he may require indicates that acceptable corrective measures have been made effective.

**Sec. 22-332b-8. Renewal of license**

(a) Each license shall be renewed annually on or before July first. Application for renewal shall be filed annually before such date and shall be accompanied by the renewal fee.

(b) In addition, renewal of license shall be required at any time when the premises of the facility licensed are to be changed or when there is to be any additional use of living dogs not covered by a license then current. Licenses are not transferable with respect to either condition.

**Sec. 22-332b-9. Standards for housing, care, treatment, handling and disposition of dogs**

(a) The activity shall be under the direction of a person or persons with qualifications acceptable to the state department of health who shall be designated by the licensee as responsible for the operation of the facility licensed. Except for limited activities and with express approval of the commissioner of health, the following are the minimum acceptable qualifications;

- (1) Possession of an earned doctoral degree from a recognized college or university in veterinary medicine, medicine, dentistry or the biological sciences, or
- (2) essentially equivalent specialized education, training and experience.

(b) The licensee may be required to employ other personnel with such qualifications as the commissioner of health deems reasonable and necessary for the activity licensed.

(c) The premises in which dogs are quartered or used shall be adequate in size for the number of dogs housed or used therein.

(d) The licensee shall at all times maintain the dogs in a manner providing a minimum of bodily discomfort compatible with the activity licensed.

(e) When a licensee has acquired ownership of a dog or dogs for medical or biological research or study, he shall promptly cause such dog or dogs to be transported to the facility licensed under conditions compatible with humane and sanitary maintenance.

(f) Dogs shall at all times be kindly and humanely treated and provided with adequate amounts of wholesome, nutritious food and of clean water from a source acceptable to the state department of health. Inhumane exposure of dogs to extremes of temperature and humidity shall be avoided at all times.

(g) Quarters shall be of such size that each animal may stand, sit and lie in a normal position and turn around with ease.

(h) The licensee shall provide reasonable facilities for the removal and disposal of excreta and such other facilities for maintenance of animal health, comfort and exercise as the commissioner of health may require.

(i) Quarters shall be kept clean, well lighted and ventilated and be maintained at a proper temperature. After being vacated and before being reoccupied they shall be cleaned by procedures acceptable to the state department of health for the prevention of spread of communicable diseases.

(j) Surgery or experimental procedures capable of inducing discomfort greater than that attending anaesthetization shall not be performed without proper administration of a suitable anaesthetic and the dog shall be maintained under such anaesthesia until the operation or experimental procedure is completed. Exceptions to this are permissible only when provisions for maximum comfort, including anaesthesia, would defeat the object of the experiment and then only by direction of a person qualified in the judgment of the commissioner of health to evaluate the need for and conditions of the procedure.

(k) Surgery shall be performed under strict asepsis whenever the animal is expected to survive. No dog shall be used for two or more successive painful experiments unless it is a part of the original operation.

(l) When a surgical or experimental procedure has been performed on a dog which will continue to cause discomfort or pain to the animal or might significantly shorten its normal life expectancy, the animal shall be destroyed painlessly by intravenous injection of a drug acceptable to the commissioner of health. This shall be done promptly upon conclusion of a reasonable postoperative or post experimental observation period during which the animal shall be given care to minimize discomfort equivalent to that which would be rendered to human beings under similar circumstances.

(m) Bodies of dead animals shall be disposed of promptly by incineration or by other means approved by the commissioner of health.

(n) Premises wherein dogs are quartered or used shall be open for inspection to an agent of the state department of health at all times.

#### **Sec. 22-332b-10. Records and reports**

Suitable records on all dogs procured or used shall be maintained and shall include:

- (1) A description or other identification of each animal;

- (2) the date and source from which the animal was procured;
- (3) the condition of the animal upon receipt;
- (4) the use to which the animal was put;
- (5) details of administration of anaesthesia;
- (6) the method of humane destruction of the animal or other disposition of it.

Such records shall be available for inspection at all times to an agent of the state department of health. The licensee shall submit upon request reports on such matters and at such times as the commissioner of health may require.

**Sec. 22-332b-11. Display of regulation**

A copy of sections 22-332b-1 to 22-332b-11, inclusive, shall be displayed prominently on the premises of licensees wherein dogs are quartered or utilized for experimental purposes.

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## Dog Pounds

### Secs. 22-336-1—22-336-12.

Repealed, April 26, 1993.

### Standards for the Construction and Improvement of Dog Pounds

#### Sec. 22-336-13. Definitions

As used in sections 22-336-13 to 22-336-30, inclusive:

(a) “Dog Pound” means a building provided and maintained by a city or town which is used for the detention and care of impounded dogs or other facilities including a licensed veterinary hospital or licensed commercial kennel which, through written agreement with a town, is used for the detention and care of impounded dogs.

(b) “Impounded Dog” means a dog seized by the chief canine control officer, assistant chief canine control officer, canine control officer, regional canine control officer, assistant regional canine control officer or municipal animal control officer for the purpose of detaining the dog, quarantining the dog, or holding a dog under a restraint or disposal order.

(c) “Indoor Pen” means a completely enclosed area inside a dog pound building to be used for shelter by an impounded dog.

(d) “Indoor Run” means an area inside a completely enclosed dog pound to be used for shelter and exercise by an impounded dog.

(e) “Outdoor Run” means an incompletely enclosed area adjacent to a dog pound building to be used for exercise by an impounded dog.

(f) “Renovate” means to change the size, construction or composition of pens, runs, fences, floors, heating system, water supply system, waste disposal system, or any other physical component of dog pound buildings which are governed by these regulations.

(g) “Sanitary” means that which pertains to health, with especial reference to cleanliness and freedom from infective and deleterious influences.

(Effective April 26, 1993)

#### Sec. 22-336-14. Impoundment requirements

No dog may be impounded at a dog pound which does not meet the requirements of sections 22-336-13 to 22-336-29, inclusive, of these regulations, subject to the provisions of Section 22-336-30 of these regulations.

(Effective April 26, 1993)

#### Sec. 22-336-15. Compliance

All dog pounds in which impounded dogs are kept must comply with sections 22-336-13 to 22-336-29, inclusive, of these regulations, subject to the provisions of Section 22-336-30 of these regulations.

(Effective April 26, 1993)

#### Sec. 22-336-16. Physical requirements

(a) Any building to be used as a dog pound shall be constructed in compliance with sections 22-336-13 to 22-336-30, inclusive, of these regulations and maintained in good repair.

(b) The lower portion of interior and exterior walls of a building to be used as a dog pound shall be constructed of concrete or cement block material up to a minimum height of four (4) feet.

(c) All fencing shall be a maximum 1½ inch wire mesh by 11 minimum wire gauge to contain impounded dogs and of a design to prevent injury.

(d) A copy of blueprints detailing the construction of the dog pound facility or renovation of an existing facility shall be submitted to the commissioner at least ninety (90) days prior to the start of construction.

(Effective April 26, 1993)

### **Sec. 22-336-17. Pens and runs**

(a) Dog pounds shall provide either an indoor run, or an outdoor run and an adjacent indoor pen for each adult dog.

(b) Indoor runs shall measure not less than forty (40) square feet with a minimum width of four (4) feet and a minimum height of six (6) feet. Solid partition dividers shall be provided between each run extending from the floor to a height of at least four (4) feet and shall extend the full length of the run.

(c) Outdoor runs shall measure not less than four (4) feet wide, eight (8) feet long and six (6) feet high with a gate at the end of each run. Solid partition dividers shall be provided between each run extending from the floor to a height of at least four (4) feet and shall extend the full length of the run.

(d) Outdoor runs shall be covered by a permanent roof of suitable material to protect the runs from snow, rain and excessive sunlight and a barrier shall be provided between the top of the runs and the roof structure to prevent the escape of impounded dogs.

(e) Indoor pens shall be adjacent to each outdoor run and shall measure not less than four (4) feet square and at least four (4) feet high. Any indoor run of less than six (6) feet in height must be covered with a maximum of 1½ inch wire mesh by 11 minimum wire gauge chain link fence and shall be kept clear of obstruction to provide for air circulation.

(f) Indoor pens shall be supplied with a solid partition divider extending from the floor to a height of at least four (4) feet.

(g) Doorways between indoor pens and the outdoor runs shall be offset from center to provide adequate space for resting beds to be placed in the indoor pens.

(Effective April 26, 1993)

### **Sec. 22-336-18. Floors and base of runs**

(a) All dog pounds shall have smooth concrete floors, runs and troughs with a minimum of one-quarter (¼) inch pitch per foot.

(b) Floors of outdoor runs shall be pitched away from the building in the direction of a trough installed at the end of the run, exterior to the run fencing.

(c) Floors of indoor pens shall be pitched toward a trough installed at the end of the pen, exterior to the pen fencing.

(d) Floors of indoor runs shall be pitched toward a trough which has been made inaccessible to dogs by either covering or placement exterior to the run fencing.

(e) All troughs shall be pitched toward covered drains at least six (6) inches in diameter connected by pipe not less than six (6) inches in diameter to a disposal system approved by the official responsible for local sewage disposal.

(Effective April 26, 1993)

### **Sec. 22-336-19. Heat and ventilation**

(a) Thermostatically controlled clean and sanitary heat shall be provided to maintain a minimum temperature of fifty-five (55) degrees Fahrenheit at floor level. At

no time shall the indoor temperature of the dog pound where dogs are housed exceed ninety (90) degrees Fahrenheit.

(b) The indoor portion of the dog pound where dogs are housed shall be mechanically ventilated in such a manner as will provide fresh air to maintain health and comfort of impounded dogs.

(Effective April 26, 1993)

#### **Sec. 22-336-20. Water supply**

All dog pounds shall be supplied with a sufficient amount of hot running water for the purpose of maintaining proper sanitary conditions. The pound shall also provide a sufficient supply of potable water for impounded dogs.

(Effective April 26, 1993)

#### **Sec. 22-336-21. Lighting**

Electrical lighting shall be provided in all dog pounds, capable of providing a minimum of 30 foot candles. Lighting shall be provided for a minimum of eight (8) hours during each twenty-four (24) hour period.

(Effective April 26, 1993)

#### **Sec. 22-336-22. Sanitation**

(a) The dog pound shall be kept sanitary and cleaned a minimum of once daily.

(b) A disinfectant capable of eliminating canine viruses and bacteria shall be used in washing down runs, pens and interior areas of the dog pound.

(c) Such disinfectants shall be used in such a manner not harmful to dogs.

(d) Runs and pens shall be cleaned and disinfected before use by another dog.

(e) Feces and other excreta shall be removed from pens, runs and troughs daily.

(f) Equipment shall be available for the proper storage or disposal of waste material to control vermin, insects and obnoxious odors.

(Effective April 26, 1993)

#### **Sec. 22-336-23. Food and water containers**

Galvanized or stainless steel food and water containers shall be provided and kept clean and sanitary at all times. Food and water containers shall be washed and disinfected daily and before use by another dog.

(Effective April 26, 1993)

#### **Sec. 22-336-24. Storage of dog food**

Dog food in original packaging shall be stored at least twelve (12) inches above the floor on clean racks, dollies or other clean surfaces, in such a manner as to protect from splash and other contamination. Unsealed bags of dog food shall be stored in covered metal or covered heavy duty plastic containers at least twelve (12) inches above the floor on clean racks, dollies or other clean surfaces, in such a manner as to protect from splash and other contamination.

(Effective April 26, 1993)

#### **Sec. 22-336-25. Removal of dead dogs**

Any dead dog shall be immediately removed from the dog pound area. A dead dog shall be preserved in a properly operating refrigerator at a temperature of not more than forty (40) degrees fahrenheit or freezer at a temperature of not more than thirty-two (32) degrees fahrenheit until such time as the dog is transferred for purposes of diagnostic testing or disposed of by cremation or burial.

(Effective April 26, 1993)

**Sec. 22-336-26. Isolation area**

At least one (1) isolation area shall be provided for each ten indoor runs or outdoor runs with adjacent indoor pens. An isolation area must consist of an indoor run or an outdoor run with an indoor pen. Such isolation areas shall only be used by dogs quarantined pursuant to Sections 22-358 or 22-359 C.G.S.

(Effective April 26, 1993)

**Sec. 22-336-27. Quarantined dogs**

Impounded dogs quarantined pursuant to Sections 22-358 or 22-359 C.G.S., must be kept in an isolation area. Only one (1) dog shall be kept in each isolation area.

(Effective April 26, 1993)

**Sec. 22-336-28. Animal care**

(a) Water shall be provided for dogs at all times. Adult dogs shall be fed at least once per day. Dogs under the age of six (6) months shall be fed at least two (2) times per day.

(b) Dogs shall be fed the type and quantity of food as directed by the manufacturers' label.

(c) Any dog which appears sick or injured shall be examined by a licensed veterinarian.

(d) A water impervious removable resting bed shall be provided for each impounded dog. Not more than one adult dog shall be kept in each indoor run or outdoor run with adjacent indoor pen.

(Effective April 26, 1993)

**Sec. 22-336-29. Transportation**

All dogs transported by municipal animal control officers shall be transported in an enclosed vehicle. Vehicles used to transport dogs shall be structurally sound and maintained in good repair to prevent injury to dogs carried therein.

(Effective April 26, 1993)

**Sec. 22-336-30. Grandfather clause**

(a) The requirements of Sections 22-336-17 (b), 22-336-17 (c), 22-336-17 (d) and 22-336-17 (e) of these regulations concerning minimum measurements for the size of runs and pens, and the requirements of Section 22-336-18 of these regulations do not apply to dog pounds which are completely constructed prior to the effective date of these regulations. All other requirements of sections 22-336-13 to 22-336-29, inclusive, of these regulations including the provisions of Sections 22-336-17 (a), 22-336-17 (d) and 22-336-17 (g) shall apply to such dog pounds.

(b) Notwithstanding the provisions of Section 22-336-30 (a) of these regulations, any renovations to the size, construction or composition of pens, runs, fences, floors, heating system, water supply system, waste disposal system, or any other physical component of dog pound buildings completely constructed prior to the effective date of these regulations must conform with the appropriate requirements of sections 22-336-13 to 22-336-29, inclusive, of these regulations.

(Effective April 26, 1993)

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## **Operations and Maintenance of Commercial Kennels**

### **Sec. 22-344-1. Condition of facilities**

The facilities for housing dogs shall be structurally sound and shall be maintained in good repair to prevent injury to the dogs, to contain the dogs and to restrict the entrance of other animals.

(Effective January 6, 1970)

### **Sec. 22-344-2. Floors. Walls. Ceilings**

Kennel floors and removable rest boards, if provided, shall be constructed of non-toxic, easily cleaned, water impervious materials. Walls and ceilings shall be painted and kept clean.

(Effective January 6, 1970)

### **Sec. 22-344-3. Runs. Inside pens**

Inside or outside runs shall be provided and shall be not less than thirty-six inches wide for a dog weighing not more than forty-five pounds, forty-eight inches wide for a dog weighing more than forty-five pounds. The minimum length of runs shall be ten feet. Inside pens shall be of the following sizes: For dogs weighing not more than twenty-five pounds, five square feet per dog, for dogs weighing more than twenty-five pounds but not more than forty-five pounds, nine square feet per dog, and for dogs weighing over forty-five pounds, sixteen square feet per dog.

(Effective January 6, 1970)

### **Sec. 22-344-4. Lighting. Sunlight**

Lighting by either natural or artificial means shall provide a minimum of thirty candle power for at least eight hours per day except where contraindicated for health reasons. A means to control the amount of sunlight entering dog quarters during the warm seasons of the year shall be provided.

(Effective January 6, 1970)

### **Sec. 22-344-5. Water facilities**

Hot and cold water facilities shall be provided.

(Effective January 6, 1970)

### **Sec. 22-344-6. Ventilation**

The kennel space shall be ventilated in such a manner as will provide fresh air at all times.

(Effective January 6, 1970)

### **Sec. 22-344-7. Kennel temperature**

The kennel temperature shall be maintained at a reasonable and suitable level to promote the health and comfort of the type of dog or dogs housed.

(Effective January 6, 1970)

### **Sec. 22-344-8. Sanitation**

Environmental sanitation shall be adequate to keep vermin at a minimum.

(Effective January 6, 1970)

### **Sec. 22-344-9. Removal and disposal of excreta**

Feces and other excreta shall be removed at least once daily and the runs washed down with hot water and disinfectant cleaner. Excreta shall be disposed of in a sanitary manner.

(Effective January 6, 1970)

**Sec. 22-344-10. Segregation of dogs**

Adult dogs shall be segregated for health, welfare or breeding reasons, and any vicious animal shall be removed and caged separately.

(Effective January 6, 1970)

**Sec. 22-344-11. Isolation facilities**

Facilities for isolating dogs under quarantine or treatment for communicable diseases shall be in a room or area that is separated from other dog-holding facilities.

(Effective January 6, 1970)

**Sec. 22-344-12. Segregation of puppy litters**

Puppy litters shall be maintained segregated from other litters.

(Effective January 6, 1970)

**Sec. 22-344-13. Cages**

Dogs confined in cages shall be caged individually except where otherwise indicated for health or welfare reasons. Each cage shall be large enough for the dog or dogs housed therein to turn about freely, to stand erect and to lie down in a natural position.

(Effective January 6, 1970)

**Sec. 22-344-14. Shelter from inclement weather**

All dogs shall be provided access to shelter which will protect them against inclement weather, preserve the dogs' body heat and keep them dry. The shelter shall be kept clean and in a sanitary condition.

(Effective January 6, 1970)

**Sec. 22-344-15. Water and food supplies**

Dogs shall be provided with clean and fresh water and sufficient and wholesome food, food and water containers shall be kept clean and sanitized.

(Effective January 6, 1970)

**Dog Training Facilities**

**Sec. 22-344-15a. Facility for housing dogs for training**

The facility for housing dogs for training shall be subject to the established regulations set forth for commercial kennels, section 22-344-1 through section 22-344-15, and further the training facility shall be separate from a home or living quarters, and shall conform to zoning regulations of the municipality wherein such training facility is being maintained.

(Effective August 1, 1983)

**Sec. 22-344-15b. Posting for public safety**

For reasons of public safety the building and area in which a guard or attack dog is trained must be posted with bilingual (English and Spanish) or visual guard dog signs at least eight inches by twelve inches, that shall not be more than 200 feet apart, and shall be at all property corners and at every entrance into the area.

(Effective August 1, 1983)

**Sec. 22-344-15c. Outside training facilities**

If guard or attack dogs are trained outside the building, the area must be enclosed by at least a six foot chain link fence.

(Effective August 1, 1983)

**Sec. 22-344-15d. Gates and entrances to a facility**

All gates and entrances to a facility where guard or attack dogs are housed, used or trained must be kept locked when not in use.

(Effective August 1, 1983)

**Sec. 22-344-15e. Control of noise**

In order to control noise, a sight barrier shall be installed in such a manner as to break the dog's line of sight.

(Effective August 1, 1983)

**Sec. 22-344-15f. Prohibited training procedures**

Any type of training that would detrimentally affect the dog's health, safety or welfare, or the welfare of the public is prohibited. The following procedures are specifically forbidden:

- (1) Use of electric or battery devices (collar, prods, etc.).
- (2) Kicking, beating, hanging or any other kind of physical abuse.
- (3) With-holding of food or water or reasonable comfort in order to promote aggression.

(Effective August 1, 1983)

**Secs. 22-344-16—22-344-19.**

Repealed, April 26, 1989.

**Secs. 22-344-20—22-344-21.**

Repealed, December 4, 1973.

**Secs. 22-344-22—22-344-24.**

Repealed, April 26, 1989.

**Sec. 22-344-25.**

Repealed, December 4, 1973.

**Secs. 22-344-25a—22-344-25b.**

Repealed, April 26, 1989.

**Pet Shops****Sec. 22-344-16a. Structural standards**

The facilities for housing animals shall be structurally sound and shall be maintained in good repair to prevent injury to the animals. All buildings, premises and containers used to transport animals shall be maintained in a sanitary manner. Equipment shall be available for the proper storage or disposal of waste material to control vermin, insects and obnoxious odors. Pet shops shall take effective measures to control and prevent the infestation of animals and premises with external parasites and vermin. The burning of any excreta, bedding or debris on the premises is prohibited.

(Effective April 26, 1989)

**Sec. 22-344-17a. Enclosures**

(a) Enclosures for all animals shall be suited to the species of animals, structurally sound and maintained in good repair to protect animals from injury and escape. Enclosures shall be constructed and maintained so as to enable the animals to remain

clean and dry when appropriate for the species. All animals shall be kept in proper enclosures except when cleaning said enclosures. Birds acclimated to open perches shall be exempt from the enclosure requirement.

(b) Walls and floors of enclosures shall be constructed of nonabsorbent, nonporous materials impervious to moisture. If wire or grid flooring is used it must be made of galvanized, stainless steel, or plastic coated wire and be of adequate gauge to support the animal(s) without sagging and to prevent the animals' feet from passing through the openings. Enclosures in current use shall be cleaned and disinfected daily or more if necessary to maintain a sanitary condition.

(c) Enclosures shall be designed and constructed as to provide adequate physical comfort to the animals. Each animal must be provided with sufficient space to turn about freely and easily stand, sit or lie in a comfortable natural position. Animals that are group housed must be maintained in compatible groups. No female dog or cat in season (estrus) shall be housed in the same primary enclosure with male animals except for breeding purposes.

(Effective April 26, 1989)

### **Sec. 22-344-18a. Housing facilities—temperatures**

(a) Pet shops shall be sufficiently heated to protect animals from the cold and to provide for their health and comfort at all times. The temperature of the air surrounding animals shall be maintained, under normal conditions, at a minimum of 65° F and a maximum of 78° F, except for those animals which require higher temperatures. Animals shall be provided protection from the direct rays of the sun.

(b) Housing for animals shall be adequately ventilated in such a manner as to minimize drafts, offensive odors and moisture condensation and to provide for the health and comfort of the animals at all times. Ventilation shall be deemed adequate only if mechanical ventilation, such as exhaust fans, exhaust vents or air conditioning is provided and operating properly.

(Effective April 26, 1989)

### **Sec. 22-344-19a. Lighting**

Facilities housing animals shall have ample well distributed light by natural or artificial means, or both, providing a minimum of 30 foot candles for a minimum of eight hours in each twenty-four hour period, except where contraindicated for health reasons. Enclosures shall be so placed as to protect animals from excessive illumination except those which require it.

(Effective April 26, 1989)

### **Sec. 22-344-20a. Animal health**

(a) Animals shall be provided with food that is wholesome, palatable, free from contamination and of sufficient quantity and nutritive value to maintain animals in good health. Animals, other than certain reptiles which according to normal husbandry practices for their species are not fed at least once daily, must be fed at least once a day, including Sundays and holidays, except as dictated by hibernation, veterinary treatment, normal fasts, or other commonly accepted practices recognized by professionals who are expert in the care of the animals concerned. In the case of young animals, they shall be fed at least two times per day, except when continuous self feeders are provided. Feeding pans shall be durable and sanitized daily. Self feeders may be used for the feeding of dry food provided they are cleaned and sanitized regularly to prevent molding or caking of food. If disposable food receptacles are used, they must be discarded after each feeding. Food shall be stored in

facilities which adequately protect the supplies against deterioration, molding or contamination by vermin.

(b) Potable water shall be provided at all times to each animal in accordance with its needs, except as directed by hibernation, veterinary treatment or other commonly accepted practices recognized by professionals who are expert in the care of the animals concerned. Water containers shall be designed and of sufficient number to provide and dispense adequate quantities of water for the particular species and must be placed in such a way as to prevent spillage. Water containers shall be cleaned and sanitized at least once each day, except that sipper-tube type water bottles, if used, must be kept clean and sanitized regularly, kept free of dirt, debris and algae, and must be cleaned and sanitized prior to an animal being placed in an enclosure.

(c) All dogs and cats received for resale shall be housed, separate from other dogs and cats on the premises for a minimum of 48 hours before being released to a purchaser. Each animal shall be observed daily by the licensee or his representative in order to recognize general symptoms of injury, illness or disease. Any dog or cat that exhibits symptoms of injury, illness or disease shall be isolated and treated as prescribed by a veterinarian. Any such dog or cat shall be verified by a veterinarian to be healthy before such dog or cat can be offered for sale.

(d) Dogs confined in cages shall be removed at least once daily for a period of time. Each pet shop shall consult with a veterinarian licensed in Connecticut to determine the place and period of time necessary for exercise for their dogs confined in cages. Each pet shop shall follow the advice of the veterinarian.

(Effective April 26, 1989)

### **Sec. 22-344-21a. Prohibited sales**

The exhibition, sale or offer for sale by a pet shop of any of the following listed animals is prohibited.

- (1) Chicks, ducklings or other poultry under three months of age.
- (2) Foxes (*Urocyon eineroarg-enteus*; *Vulpes fulva*).
- (3) Raccoons (*Procyon Lotor*).
- (4) Skunks (*Mephitis*).
- (5) Venomous reptiles.
- (6) Venomous amphibians.
- (7) Venomous arachnids.
- (8) Turtles, except those sold or offered for sale in accordance with section 19a-102 of the General Statutes and Connecticut Department of Health Services regulation 19-13-A49.
- (9) Monk or Quaker Parakeets (*Myiopsitta Monachus*).
- (10) All animals listed under section 26-40a of the General Statutes as potentially dangerous wild animals.
- (11) Any animal which exhibits:
  - (a) Obvious signs of infectious disease such as distemper, parvovirus, coronavirus, hepatitis, leptospirosis, rabies or other similar diseases. (Not to be construed to include incubating diseases.)
  - (b) Obvious signs of nutritional disease which may include rickets and emaciation.
  - (c) Obvious signs of severe parasitism—extreme enough to be influencing its general health.
  - (d) Fractures or congenital abnormalities affecting its general health.

(Effective April 26, 1989)

**Sec. 22-344-25c. Records**

(a) The owner or operator of a pet shop shall maintain the following records regarding each dog or cat obtained by the pet shop:

(1) Name and address of person, firm or corporation from whom animal was obtained, date thereof and United States Department of Agriculture (USDA) dealer license number if applicable.

(2) Description of dog or cat including species, breed, sex, color and distinctive markings, physical condition and health, age and USDA animal identification number if applicable.

(3) Name and address of person, firm or corporation to whom dog or cat was sold or ownership was transferred and date thereof.

(4) Disposition of dog or cat, if not sold or transferred, including euthanasia and method, mortality and cause, if known, escape, or other specific circumstance, and date thereof.

(5) For each dog or cat receiving medical care, the type of service rendered, date and veterinarian's name.

(6) If applicable the USDA individual health certificate and identification form (VS form 18-1)

(b) The information required by subdivisions (1) and (2) of subsection (a) shall be entered into a bound logbook with all pages consecutively numbered within 72 hours of receipt of the dog or cat. The information required by subdivisions 3 through 5 of subsection (a) shall be entered into the logbook within 72 hours of the event which is being recorded. Any entry in the logbook which is not adjacent to the original entry describing the animal shall refer to such original entry.

(c) The records required by subsection (a) shall be maintained at the pet shop for a minimum of two years after the date of sale, transfer or other disposition of the dog or cat addressed by the record, and shall be readily available for inspection by any designated agent of the commissioner.

(d) The licensee of a pet shop shall, within 72 hours of receipt of a dog or cat, mail or deliver a copy of the USDA individual health certificate and identification form (VS form 18-1) to the State Veterinarian.

(Effective May 23, 1988)

**Grooming Establishments**

**Sec. 22-344-26. Room requirements**

A grooming facility established in a home shall be in a room, separate from living quarters, at least twelve feet by twelve feet in size, with a separate outside entrance. Adequate lighting and ventilation shall be provided.

(Effective January 6, 1970)

**Sec. 22-344-27. Walls. Ceilings. Floors**

The walls and ceiling of the facility shall be painted, paneled or of other suitable materials. Floors shall be covered with a non-toxic easily cleaned water impervious material.

(Effective January 6, 1970)

**Sec. 22-344-28. Grooming equipment**

A grooming facility shall be equipped with at least the following: A bathing tub, a grooming table, hot and cold running water, a drier, clippers, combs, brushes and shears. All equipment shall be sterilized after each use and kept in a sanitary manner.

(Effective January 6, 1970)

**Sec. 22-344-29. Drying cages**

Drying cages shall be kept clean and sanitary and shall be of sufficient size to accommodate the dog contained comfortably. Recommended size twenty-two inches to twenty-four inches wide, twenty-four to twenty-eight inches high, thirty inches to thirty-four inches in depth.

(Effective January 6, 1970)

**Sec. 22-344-30. Exercise area. Keeping dogs overnight**

There shall be an indoor or outdoor exercise area for dogs being detained for grooming for periods exceeding four hours, measuring at least three feet by eight feet, with covered top provided. Dogs shall not be kept overnight, unless proper kennel facilities and license requirements are met.

(Effective January 6, 1970)

**Sec. 22-344-31. Sanitation of grooming and exercise areas**

The grooming area and exercise area, if required, shall be kept disinfected, cleaned and sanitary at all times.

(Effective January 6, 1970)



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## **Surveys for Unlicensed Dogs**

### **Sec. 22-349-1. Notification to commissioner, forms**

Prior to initiating a survey for unlicensed dogs, the selectman or chief executive officer or any other authority as the charter of any town may designate, must notify the Commissioner in writing of such intent to conduct a survey.

(Effective July 24, 1986)

### **Sec. 22-349-2. Pre-search, procedure**

A list of delinquent dog licenses shall be given to the dog warden from the town clerk by August 1st of the current license year. Said warden shall contact by telephone, mail or in person those individuals on the list to notify them of their delinquent status and requirement to license their dog(s).

(Effective July 24, 1986)

### **Sec. 22-349-3. Search, procedure**

A door-to-door search for unlicensed dogs shall be conducted within the town and a record of such search shall be kept by the dog warden on a form prescribed by the Commissioner. Said record shall be a part of the statement required in section 22-349-5 and subject to verification by the Commissioner or his designated agent.

(Effective July 24, 1986)

### **Sec. 22-349-4. Definition**

A door-to-door survey shall be deemed to have been conducted when twenty percent (20%) of the residences within a municipality have been contacted. Said survey shall not include those residences on the current license and delinquent license lists.

(Effective July 24, 1986)

### **Sec. 22-349-5. Verification**

A notarized statement shall be submitted to the Commissioner on a form prescribed by him containing the signatures of the dog warden, town clerk and chief executive officer (or any other authority as the charter of any town may designate) indicating that a diligent search for unlicensed dogs has been conducted in such town.

(Effective July 24, 1986)



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### **Tattooing of Dogs**

#### **Secs. 22-353-1—22-353-4.**

Repealed, November 9, 1999.

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## **Control of Rabies in Public Settings**

### **Sec. 22-359-1. Definitions**

As used in Sections 22-359-1 to 22-359-5, inclusive, of the Regulations of Connecticut State Agencies:

- (1) “Animal” means any warm blooded creatures, including bats.
- (2) “Commissioner” means the Commissioner of Agriculture or the Commissioner’s designated agent.
- (3) “Controlled situation” means a public setting in which an animal is under the control of a handler and persons having direct physical contact with such animal can be readily identified and contacted if a rabies exposure incident occurs.
- (4) “Currently vaccinated” means an animal was vaccinated against rabies and is considered immunized based on administration of the primary vaccination at least 30 days previously or immediately after a booster vaccination and vaccinations have been administered in accordance with licensed rabies vaccine label directions.
- (5) “Licensed rabies vaccine” means a vaccine against rabies for certain species of animals licensed by the United States Department of Agriculture for use in such species and marketed in the United States.
- (6) “Not currently vaccinated” means an animal for which there is no licensed rabies vaccine or an animal for which there is a licensed rabies vaccine but such animal is under the minimum age to be vaccinated against rabies or does not satisfy the requirements of “currently vaccinated” as defined in subdivision (4) of this section.
- (7) “Public setting” means any event, facility or premise at which the public is invited and allowed to have direct physical contact with animals. Public settings include but are not limited to fairs, animal exhibitions, petting zoos, municipal pounds, animal shelters, nature centers, riding stables, pony rides, and educational programs.
- (8) “Rabies” means an infection of the central nervous system of mammals caused by viruses in the Rhabdovirus family that typically results in death.
- (9) “Uncontrolled situation” means a public setting at which persons have direct physical contact with an animal and such persons cannot be readily identified or contacted if a rabies exposure incident occurs.
- (10) “Vaccinated” means an animal was vaccinated against rabies in accordance with licensed rabies vaccine label directions.

(Adopted effective August 4, 2009)

### **Sec. 22-359-2. Animals for which there is a licensed rabies vaccine. Exceptions**

- (1) No animal for which there is a licensed rabies vaccine may be in a public setting without being currently vaccinated for rabies.
- (2) Animals under the minimum age to be vaccinated, vaccinated animals offered for sale or adoption and animals residing in municipal pounds shall be exempt from the provisions of this section.

(Adopted effective August 4, 2009)

### **Sec. 22-359-3. Animals not currently vaccinated**

- (1) Written records shall be kept by the owner, keeper, or handler of any animal not currently vaccinated for rabies that is present in a public setting in a controlled situation. The written records shall include contact information for all persons having direct physical contact with such animal, including the names, addresses and telephone numbers of such persons and the date of contact. Such records shall

be maintained for a period of six months and shall be made immediately available to the Commissioner upon request.

(2) Any animal not currently vaccinated for rabies that is present in a public setting in an uncontrolled situation shall be separated from the public by sufficient means to avoid direct contact between people and animals, such as a double fence, plexiglas, or other device to avoid direct contact between people and animals as determined by the Commissioner, or a conspicuous sign shall be posted near the animal enclosure stating “CONNECTICUT RABIES ADVISORY NOTICE – DO NOT FEED OR TOUCH ANIMALS”.

(Adopted effective August 4, 2009)

#### **Sec. 22-359-4. Exemptions**

(1) Mice, rats, gerbils, hamsters, guinea pigs, and rabbits and any other animal in a public setting considered low risk for rabies transmission by the Commissioner which can be documented as being born and exclusively raised and kept in a manner that prohibits direct physical contact with wildlife are exempt from the provisions of sections 22-359-2 and 22-359-3 of the Regulations of Connecticut State Agencies.

(2) Birds, reptiles and amphibians shall be exempt from the provisions of sections 22-359-2 and 22-359-3 of the Regulations of Connecticut State Agencies.

(3) Animals which were bred at facilities licensed by the United States Department of Agriculture, and which can be documented as being born and exclusively raised and kept in a manner that prohibits direct physical contact with wildlife, and have at no time been co-mingled with animals that may have had direct physical contact with wildlife, are exempt from the provisions of sections of sections 22-359-2 and 22-359-3 of the Regulations of Connecticut State Agencies.

(Adopted effective August 4, 2009)

#### **Sec. 22-359-5. Penalty**

The Commissioner may impose civil penalties for any violation of the provisions of sections 22-359-2 and 22-359-3 of the Regulations of Connecticut State Agencies in accordance with the provisions of Connecticut General Statutes section 22-7.

(Adopted effective August 4, 2009)

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## **Animal Population Control Program**

### **Sec. 22-380m-1. Animal population control program: Definitions**

As used in Sections 22-380m-1 through 22-380m-5, inclusive:

(1) “Spay” means the surgical procedure of ovariectomy on a female dog or cat;

(2) “Neuter” means the surgical procedure of castration on a male dog or cat;

(3) A “bona fide animal rescue or adoption organization” means a non-profit organization, with a principal place of business in Connecticut, that is engaged in the annual placement of ten or more dogs and cats as pets with the public. In order to qualify as a bona fide animal rescue or adoption organization, such organization must have a written adoption policy and a spay/neuter program in place, and no officer, director, member or employee of such organization shall have been convicted of violations of laws pertaining to animal abuse or cruelty;

(4) “Medically unfit” means any medical condition, as determined by a participating veterinarian, that may place a dog or cat at life-threatening risk if a surgical procedure is performed on that animal;

(5) “Cryptorchidism” means the retention of the testes in the abdomen or inguinal canal; and

(6) “Veterinary Practice” means one or more licensed veterinarians who provide veterinary services through a professional proprietorship, partnership or corporation.

(Effective February 23, 1995)

### **Sec. 22-380m-2. Animal population control program: Payment required for adoption of unspayed or unneutered dogs and cats. Refunds**

(a) No pound shall sell or give away any unspayed or unneutered dog or cat to any person unless such pound receives forty-five dollars from the person buying or adopting such dog or cat, provided that such payment shall not be required for the purchase or adoption of any dog or cat by a bona fide animal rescue or adoption organization as that term is defined in subsection (3) of section 22-380m-1 of the Regulations of Connecticut State Agencies. In order to be exempt from payment of the forty-five dollars, a bona fide animal rescue or adoption organization must present to the pound a currently valid form provided and signed by the commissioner certifying that such organization meets the definition of a bona fide animal rescue or adoption organization and is exempt from the forty-five dollar fee. Certification by the commissioner that the organization meets the definition of a bona fide animal rescue or adoption organization shall be for a one-year period but may be renewed on a yearly basis.

(b) At the time of the receipt of payment, the pound shall provide to the person purchasing or adopting an unspayed or unneutered dog or cat a certificate, noting payment of the forty-five dollars, on a form provided by the commissioner.

(c) All moneys received by a pound pursuant to General Statutes § 22-380f and subsection (a) of section 22-380m-2 of the Regulations of Connecticut State Agencies shall be paid at least monthly by the pound into the account.

(d) If such certificate is returned to the commissioner postmarked within thirty days of the adoption or purchase of the dog or cat and is signed by a participating veterinarian stating that such dog or cat has been spayed or neutered and specifying the date on which the operation was performed, or that such dog or cat is medically unfit for such surgery, the commissioner shall refund thirty-five dollars to the person who purchased or adopted the animal.

(e) If such certificate is not returned to the commissioner postmarked within thirty days, the payment shall be considered forfeited and shall be retained in the account, except that, in the case of a dog or cat that is medically unfit for surgery or a dog or cat under the age of six months, such certificate shall specify a date by which such dog or cat may be fit for surgery and the eligible owner shall have thirty days from that date to return the certificate for the refund provided in subsection (d) of section 22-380m-2 of the Regulations of Connecticut State Agencies.

(Effective February 23, 1995)

**Sec. 22-380m-3. Animal population control program: Animal population control account**

(a) The account will contain moneys required by law to be deposited in the account. Any balance remaining at the end of any fiscal year will be carried forward to the succeeding fiscal year.

(Effective February 23, 1995)

**Sec. 22-380m-4. Animal population control program: Participating veterinarians**

(a) Any veterinarian licensed pursuant to General Statutes § 20-199 and practicing within the State of Connecticut may file with the commissioner an application to become a participating veterinarian on a form available from the commissioner. Such application shall list the fees charged by the veterinarian for animal sterilizations performed in the normal course of business. Any licensed veterinarian of the State of Connecticut may be certified by the commissioner as a participating veterinarian provided that the veterinarian meets and continues to meet the criteria set forth in section 22-380m-4 of the Regulations of Connecticut State Agencies. Any veterinary practice located in the State of Connecticut may be certified by the commissioner as participating veterinarians provided each veterinarian of such practice meets and continues to meet the criteria set forth in section 22-380m-4 of the Regulations of Connecticut State Agencies.

(b) In order to be certified by the commissioner as a participating veterinarian, the veterinarian must:

(1) perform all spay and neuter surgical procedures, and presurgical immunizations in a veterinary hospital facility that meets the standards set forth by section 20-196-4 of the Regulations of Connecticut State Agencies;

(2) make all records pertaining to care provided, work done and fees received for or in connection with program available for inspection by the commissioner or his representatives;

(3) maintain records in accordance with §§ 19a-14-40 through 19a-14-44, inclusive, of the Regulations of Connecticut State Agencies;

(4) hold a currently valid license to practice veterinary medicine in the State of Connecticut by the Department of Health & Addiction Services; and

(5) submit a fee schedule, on his or her application for certification as a participating veterinarian, that the commissioner deems reasonable. The commissioner shall find a fee schedule to be reasonable if the charge for each animal sterilization procedure is not greater than 10% above the average charge for such procedure in the county in which the veterinarian practices, as set forth in the following fee schedule:

**Animal Population Control Program  
Fee Schedule in Dollars**

County	Weight/Dog								Cat.	
	0-25 lb.		26-50 lb.		51-75 lb.		75+ lb.		M	F
	M	F	M	F	M	F	M	F		
Fairfield Avg.	123	146	134	150	139	155	145	162	73	113
Hartford Avg.	89	108	92	112	99	118	102	125	49	79
Litchfield Avg.	69	87	72	91	76	97	76	101	37	63
Middlesex Avg.	68	86	75	97	86	112	95	131	41	64
New Haven Avg.	106	121	114	131	119	136	122	143	52	94
New London Avg.	72	81	75	85	82	91	85	98	38	65
Tolland Avg.	89	106	91	109	94	113	99	123	42	72
Windham Avg.	70	86	75	92	80	98	83	103	37	60

(c) Any participating veterinarian who does not meet the requirements of this section shall be disqualified from participation in the program. A veterinarian may apply for, and the commission may grant, reinstatement in the program if, at the time the application for reinstatement is filed, the veterinarian meets the requirements of this section.

(d) Any veterinarian disqualified or otherwise denied participation may appeal, within ten days of receipt of a notice of such disqualification or denial, to the commissioner, who shall hold a hearing to consider such appeal in accordance with the provisions of General Statutes Chapter 54.

(e) Complaints received by the commissioner or his representatives regarding services provided by participating veterinarians shall be referred to the Board of Veterinary Medicine of the Connecticut Department of Public Health & Addiction Services.

(f) Certification as a participating veterinarian shall be for a period of one year and may be renewed annually.

(g) A participating veterinarian performing an animal sterilization procedure will be entitled to payment from the account, upon submission of the animal sterilization certificate, signed by the participating veterinarian and the eligible owner, of a fee equivalent to eighty percent of the fee charged by the veterinarian for each procedure, as listed on the fee schedule submitted by such veterinarian on his or her application for certification as a participating veterinarian.

(h) The commissioner may make periodic adjustments to the fee schedule as deemed necessary, by amending these regulations in accordance with sections 4-166 to 4-189, inclusive, of the general statutes. If the commissioner amends the fee schedule in the manner set forth herein, a participating veterinarian shall be compensated for any procedures performed under this program at the rate set forth in the previous fee schedule until the participating veterinarian's current certification expires.

(i) A neuter procedure involving a cryptorchid condition shall be paid at the same rate as a spay surgical procedure listed in subsection (b) (5) of section 22-380m-4 of the Regulations of Connecticut State Agencies.

(Effective February 23, 1995)

**Sec. 22-380m-5. Animal population control program: Presurgical immunizations**

(a) In addition to the fee received for an animal sterilization procedure, the commissioner shall pay to the participating veterinarian a fee, as limited in subsection (c) of this section, for presurgical immunizations performed by such veterinarian upon a dog or cat, not previously immunized, that is owned by an eligible owner.

(b) Participating veterinarians may receive payment only for the presurgical immunizations of dogs against rabies, distemper, hepatitis, leptospirosis and parvovirus, and the presurgical immunizations of cats against rabies, feline panleukopenia, calici, pneumonitis and rhinotracheitis.

(c) In no event shall a participating veterinarian be entitled to a payment of more than ten dollars for each immunization procedure and, in any case, more than twenty dollars for one animal.

(d) A participating veterinarian shall be paid by the commissioner from the account upon the submission of a certificate, to be provided by the commissioner, and signed by the veterinarian performing the operation and by the eligible owner, stating that the animal has been immunized coincident with the performance of an animal sterilization procedure pursuant to the program.

(Effective February 23, 1995)

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## Transportation of Equines

### Sec. 22-415-1. Definitions

(a) The following terms are defined as follows:

- (1) Horse means all members of the equine family.
- (2) Vehicle means any machine, tractor, trailer or semitrailer, or any combination thereof propelled or drawn by mechanical power and used upon the highways in the transportation of property.
- (3) Double Deck or Possum Belly means vehicles with two or more levels on which horses can be loaded.

(Effective December 8, 1976)

### Sec. 22-415-2. Prohibitions and enforcement

(a) No person shall transport horses in any vehicle for more than eighteen (18) hours unless:

- (1) within such vehicle the horses have enough space and opportunity for rest and are supplied with proper food and drink; or
- (2) the horses are unloaded for at least five (5) consecutive hours unless prevented by storm or accidental cause.

(b) Horses unloaded pursuant to (a) (2) shall be properly fed, watered and sheltered during the time they are unloaded by the owner or person having custody during transportation.

(c) Any duly authorized police officer or humane agent may feed, water and shelter horses which are neglected by the owner or person having custody during transportation; such feeding, watering or sheltering shall be at the expense of the owner or person having custody during transportation.

(d) The use of double deck or possum belly vehicles to transport horses is strictly prohibited, unless the same is used pursuant to Sec. 22-415-3.

(Effective December 8, 1976)

### Sec. 22-415-3. Construction and dimensions of vehicles

Any vehicle for the transportation of equines shall meet the following standards:

(1) The interiors of compartment containing horses are to be of smooth construction with no protruding or sharp objects.

(2) The floors are to be of non-skid construction or a non-skid material is to be placed on the floor. A nonskid floor shall mean:

(a) Non-skid rubber or like material secured to the floor, or

(b) A reasonable amount of abrasive material - these materials shall include but are not limited to sand, clay, sawdust; or

(c) Metal grade floors with dull surfaces not to protrude or injure hooves but with sufficient base to prohibit sliding.

(3) There shall be adequate ventilation in all closed trailers. Any truck having a slatted body shall be deemed to have sufficient ventilation.

(4) Sturdy partitions are to be provided approximately every ten (10) feet inside the vehicle.

(5) Doorways used by horses are to be of adequate height to allow twelve (12) inches above the withers and to allow the largest horse to pass through without injury.

(6) A minimum of twelve (12) inches must be allowed between the withers of the largest horse and the structure above the horse while the horse is in a natural standing position.

(7) If the vertical distance from the trailer to the unloading area is greater than eighteen (18) inches, ramps for loading and unloading are to be provided and are to be constructed such that they provide safe footing for horses.

(Effective December 8, 1976)

**Sec. 22-415-4. Other restrictions**

(a) Injured or handicapped horses shall not be loaded in the same compartment with healthy horses.

(b) Ponies or young horses shall not be loaded in the same compartment with larger and mature horses except as provided in (c) below.

(c) Dams with their own and other sucklings shall be transported in the same compartment and separate from other horses.

(Effective December 8, 1976)