

# WEST VIRGINIA CODE: §19-14-3

## §19-14-3. Powers and duties of the commissioner.

The commissioner has the power and authority to:

- (1) Enter and inspect, during reasonable hours, any location where commercial feed is manufactured, distributed, transported, or used, and where records relating to the manufacture, distribution, shipment, labeling, or sale of commercial feed are kept. Such inspection may include, but is not limited to, examining, photographing, verifying, copying, and auditing records as necessary to determine compliance with this article; and reviewing labels, consumer complaints, and papers relating to the manufacturing, distribution, sampling, testing, and sale of commercial feeds.
- (2) Open, examine, sample, and test commercial feed, unmixed or unprocessed whole seeds, equipment, containers, transport containers, and packages used or intended to be used in the manufacture and distribution of commercial feeds.
- (3) Issue permits and registrations pursuant to this article.
- (4) Refuse, suspend, or revoke permits and registrations as provided in this article.
- (5) Issue embargoes as provided in this article.
- (6) Condemn and confiscate any product that is not brought into compliance with this article.
- (7) Collect fees and penalties, and expend moneys under the terms of this article.
- (8) Conduct sampling in accordance with the official methods published in the current edition of the Official Methods of Analysis of the Association of Official Analytical Chemists and supplements thereto, or other methods approved by the commissioner by rules.
- (9) Conduct hearings as provided by this article.
- (10) Assess civil penalties and refer violations to a court of competent jurisdiction.
- (11) Obtain court orders directing any person refusing to submit to inspection, sampling, and auditing to submit.
- (12) Establish and maintain feed testing facilities; establish reasonable fees for such tests; incur expenses; and conduct tests in accordance with the official methods published in the current edition of the Official Methods of Analysis of the Association of Official Analytical Chemists and supplements thereto, or other methods approved by the commissioner by rules.

(13) Be guided by the analytical results of the official sample when determining whether the commercial feed is deficient in any component.

(14) Report the analytical results on all official samples to the guarantor and, in the case of deficient samples, also to the dealer and the purchaser, if known.

(15) Upon request made within 30 days from the date the official sample results are reported, furnish a portion of the official sample to the guarantor.

(16) Cooperate with and enter into agreements with governmental agencies of this state and other states, agencies of the federal government and foreign governments, and private associations to carry out the purpose and provisions of this article.

(17) Promulgate rules, in accordance with §29A-3-1 *et seq.* of this code, dealing with commercial feeds and enforcement of this article.