

Proposed Rule
LSA Document #18-541

DIGEST

Amends [345 IAC 2-4.5-4.5](#) to remove the requirement for cervids being moved into Indiana to either originate from a certified brucellosis free herd or meet certain import testing requirements, except for cervids moving into a certified or monitored herd. Amends [345 IAC 2-7-1](#) and [345 IAC 2-7-2.4](#) to include reindeer as a cervid susceptible to chronic wasting disease (CWD) and therefore subject to the program's requirements. Amends [345 IAC 2-7-6](#) to include hunting preserves in the section of the CWD rule that sets forth the enforcement actions that the agency is authorized to take in the event a herd owner violates provisions related to sample collection. Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)[345 IAC 2-4.5-4.5](#); [345 IAC 2-7-1](#); [345 IAC 2-7-2.4](#); [345 IAC 2-7-6](#)

SECTION 1. [345 IAC 2-4.5-4.5](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 2-4.5-4.5](#) Brucellosis requirements for cervids entering Indiana

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17-3-13](#)

Sec. 4.5. (a) Before a person may import into Indiana cervidae not known to be infected with or exposed to brucellosis, one (1) of the following set of requirements must be met:

(1) **If the animal is to be moved into a herd that is not brucellosis certified or monitored under section 3 of this rule, the animal must meet the movement requirements set forth in [345 IAC 1-3](#).**

(A) originated from a herd that is certified brucellosis-free under requirements that are at least equal to those in section 3 of this rule; and

(B) is accompanied by a certificate of veterinary inspection certifying that the animal originated from a brucellosis-certified herd.

~~(2) the animal:~~

~~(A) originated from a herd that is brucellosis-monitored under requirements that are at least equal to those in section 3 of this rule;~~

~~(B) if sexually intact and at least one (1) year of age, tests negative for brucellosis using an official test conducted within ninety (90) days prior to the animal entering Indiana; and~~

~~(C) is accompanied by a certificate of veterinary inspection certifying that the animal originated from a brucellosis-monitored herd and tested negative for brucellosis on a specific date.~~

~~(3) (2) If the animal originated from a herd that is not to be moved into a herd that is brucellosis certified or monitored and under section 3 of this rule, the following requirements are **must be** met:~~

~~(A) If The animal is to be added to a herd that is brucellosis-certified or monitored under section 3 of this rule: **meets** the animal meets the requirements in the Brucellosis in Cervidae UM & R adopted under section 2 of this rule for additions to a herd with that status.~~

~~(B) If the animal is to be added to a herd that is not brucellosis-certified or monitored under section 3 of this rule, the animal tests negative for brucellosis using an official test within thirty (30) days prior to the animal entering Indiana.~~

~~(C) (B) The animal is accompanied by a certificate of veterinary inspection certifying that the animal: met~~

~~(i) **meets** the **movement** requirements for importation listing the set forth in [345 IAC 1-3](#); and~~

~~(ii) **provides** specific test dates and other necessary information to verify compliance with the UM & R herd addition requirements.~~

(4) The animal is consigned to slaughter and is moved directly to the slaughter establishment.

(b) A person may not import into Indiana the following cervidae:

(1) Cervids that respond to a brucellosis test.

(2) Cervidae that originate from a herd that is:

(A) under quarantine for brucellosis; or

(B) affected with brucellosis.

- (c) Cervids that respond to a brucellosis test may be imported into Indiana if the animal:
- (1) subsequently, prior to importation into Indiana, tests negative for brucellosis using an official brucellosis test; or
 - (2) is:
 - (A) sold or consigned to slaughter; and
 - (B) moved directly to the slaughter establishment.

(Indiana State Board of Animal Health; [345 IAC 2-4.5-4.5](#); filed Aug 22, 2014, 4:04 p.m.: [20140917-IR-345140057FRA](#); readopted filed Oct 16, 2014, 9:43 a.m.: [20141112-IR-345140300RFA](#))

SECTION 2. [345 IAC 2-7-1](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 2-7-1](#) Definitions

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17](#)

Sec. 1. The following definitions and the definitions in [IC 15-17-2](#) apply throughout this rule:

- (1) "Animal" means any farmed or captive cervid.
- (2) "Approved CWD sample collector" means a person that has been approved by the state veterinarian to collect official samples for CWD testing.
- (3) "Board" means the Indiana state board of animal health appointed under [IC 15-17-3](#).
- (4) "Certification program" means the CWD herd certification program in section 4 of this rule.
- (5) "Cervid" means all members of the family cervidae that are susceptible to CWD. These are the animals in the following genera and their hybrids and related species:
 - (A) *Odocoileus* (mule deer and whitetail deer).
 - (B) *Cervus* (elk, wapiti, red deer, and Sika deer).
 - (C) *Alces* (moose).
 - (D) Rangifer (reindeer).**
 - ~~(E)~~ **(E)** Any other species of the family cervidae that:
 - (i) is found to be susceptible to CWD; and
 - (ii) the state veterinarian designates in writing as being governed by the CWD program established in this rule.
- (6) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.
- (7) "CWD exposed animal" means an animal that is part of a CWD positive herd or that has been exposed to a CWD positive animal or CWD contaminated premises in the last five (5) years.
- (8) "CWD exposed herd" means a herd in which a CWD positive or exposed animal has resided within sixty (60) months prior to the diagnosis of CWD.
- (9) "CWD negative animal" means an animal that has been subjected to an official CWD test that resulted in a negative classification.
- (10) "CWD positive animal" means an animal that has been diagnosed as having CWD through official confirmatory testing conducted by the National Veterinary Services Laboratories.
- (11) "CWD positive herd" means a herd in which a CWD positive animal resided at the time it was diagnosed and that has not been released from quarantine.
- (12) "CWD suspect animal" and "CWD suspect" means an animal for which the state veterinarian has determined that unofficial CWD test results, laboratory evidence, or clinical signs suggest a diagnosis of CWD, but for which official laboratory results are not yet available or have been inconclusive.
- (13) "Herd" means an animal or a group of animals that are:
 - (A) under common ownership or supervision; and
 - (B) grouped on one (1) or more parts of a single premises, or on two (2) or more separate premises but on which animals have been interchanged or had direct or indirect contact with one another.
- (14) "Herd plan" means a written herd and premises management agreement described in section 5.5 of this rule that is developed by the herd owner, the herd owner's veterinarian, and the state veterinarian, and approved by the state veterinarian, that states the steps that will be taken to:
 - (A) eradicate CWD from a CWD positive herd;
 - (B) control the risk of CWD in a CWD exposed or CWD suspect herd; or
 - (C) prevent introduction of CWD into that herd or any other herd.
- (15) "High risk animal" means a cervid that may have been exposed to CWD. The state veterinarian shall determine which animals are high risk animals based on an epidemiological investigation that includes evaluation of animal movements, housing, location, and probable contacts with CWD positive, CWD exposed,

or CWD suspect animals.

(16) "Official identification" means a device or method of animal identification approved for use under this rule by the state veterinarian. Official identification must include a nationally unique animal identification number that adheres to one (1) of the following numbering systems:

(A) National Uniform Eartagging System that employs an eight (8) or nine (9) character alphanumeric format, consisting of two (2) number state or territory code, followed by two (2) or three (3) letters and four (4) additional numbers.

(B) Animal identification number (AIN), the official numbering system for identification of animals in the United States. The AIN must contain fifteen (15) digits with the first three (3) being one (1) of the following:

(i) The country code (840 for the United States).

(ii) The alpha characters "USA".

(iii) The numeric code assigned to the manufacturer of the identification device by the International Committee on Animal Recording.

(C) A premises-based numbering system that combines an official premises identification number with a producer's livestock production numbering system to provide a unique identification number. The PIN number and the production number must both appear on the official tag.

(D) Any other numbering system that has been approved by the state veterinarian and the United States Department of Agriculture for the identification of animals in commerce.

(17) "Official test" means a CWD detection test approved by the state veterinarian conducted in a laboratory approved by the state veterinarian.

(18) "Owner" means a person who legally owns an animal. The state veterinarian may include as an owner a person who possesses an animal under a permit issued by the United States government or the Indiana department of natural resources, whether or not the permit holder actually has ownership rights in the animal, if it furthers the purposes of this rule.

(19) "Premises identification number" or "PIN" means a nationally unique number assigned by the state veterinarian, the animal health authority of another state, or a federal animal health authority to a premises that is, in the judgment of the assigning animal health authority, a geographically distinct location from other premises. All of the following apply to a PIN:

(A) It is associated with an address, geospatial coordinates, or location descriptors that provide a verifiably unique location.

(B) It may be used in conjunction with a producer's own livestock production numbering system to provide a unique identification number for an animal.

(C) It may be used as a component of a group/lot identification number.

(D) It may consist of:

(i) the state's two (2) letter postal abbreviation followed by the premises assigned number; or

(ii) a seven (7) character alphanumeric code, with the right-most character being a check digit. The check digit number is based upon the ISO 70-64 Mod 36/37 check digit algorithm.

(20) "Quarantine" means an order restricting the movement of animals onto or off of a premises.

(21) "State veterinarian" means the state veterinarian appointed under [IC 15-17-4](#) or his or her authorized agent.

(Indiana State Board of Animal Health; [345 IAC 2-7-1](#); filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 12, 2002, 1:07 p.m.: 26 IR 346; filed Jul 23, 2008, 1:01 p.m.: [20080820-IR-345070824FRA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed May 23, 2013, 3:16 p.m.: [20130619-IR-345120491FRA](#); errata filed Jul 5, 2013, 10:19 a.m.: [20130717-IR-345120491ACA](#))

SECTION 3. [345 IAC 2-7-2.4](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 2-7-2.4](#) Interstate movement of cervids susceptible to chronic wasting disease

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17-3-13](#); [IC 15-17-18-6](#)

Sec. 2.4. (a) A person moving a cervid into the state must comply with the requirements in this article and [345 IAC 1-3](#).

(b) A person may move or cause to be moved into the state live animals of the family cervidae that are susceptible to CWD only as provided in this section. These are animals of the following genera and their hybrids and related species:

- (1) *Odocoileus* (mule deer and whitetail deer).
- (2) *Cervus* (elk, wapiti, red deer, and Sika deer).
- (3) *Alces* (moose).

(4) Rangifer (reindeer).

(4) (5) Any other species of the family cervidae that:

- (A) is found to be susceptible to CWD; and
- (B) the state veterinarian designates in writing as being governed by the movement requirements in this rule.

(c) When making a preentry permit determination under [345 IAC 1-3-29\(b\)](#), the state veterinarian may require the applicant to provide any information, including supporting documentation, that is relevant to evaluating the disease risk associated with the movement and compliance with subsections (d) through (g). The state veterinarian may require that the application for a permit be in writing and be submitted not less than one hundred twenty (120) hours prior to the proposed movement date.

(d) The state veterinarian may issue a preentry permit under [345 IAC 1-3-29\(b\)](#) to move a live animal of the species listed in subsection (b) into the state if the epidemiology as it relates to CWD indicates that the proposed movement is consistent with reasonable animal health precautions. The state veterinarian must follow the principles of subsections (e) through (g) when issuing preentry permits.

(e) Except as provided in subsections (f) and (g) and [345 IAC 1-3-29\(c\)](#), the state veterinarian must follow the following principles when issuing preentry permits for live animals:

(1) Each animal in the proposed movement must originate from an area that meets all of the following conditions:

- (A) The principal animal health official in the state of origin has authority to quarantine CWD infected, CWD exposed, and CWD suspect animals.
- (B) State law in the state of origin requires that a diagnosis of CWD be reported to the principal animal health official of the state.
- (C) The state of origin is engaged in surveillance for CWD in captive and free-ranging cervids.
- (D) The state of origin is participating in the federal CWD herd certification program under 9 CFR Part 55, Subpart B or the United States Department of Agriculture is administering this CWD certification program in the state.
- (E) CWD has not been diagnosed in a captive cervid herd in the state where the herd of origin is located within the sixty (60) months immediately prior to the date of the proposed movement.
- (F) CWD has not been diagnosed in a free-ranging cervid in the state where the herd of origin is located within the sixty (60) months immediately prior to the date of the proposed movement.
- (G) The herd of origin's premises is not located in a state or federal CWD-quarantine area, CWD-infected area, CWD-containment area, CWD-management area, or a similarly designated CWD control area.

(2) Each animal in the proposed movement must originate from a herd that meets all of the following conditions:

- (A) No animal in the herd, no animal that originated from the herd, and no animal that has been traced to the herd has been diagnosed as positive for CWD within the sixty (60) months immediately prior to the date of transportation into Indiana.
- (B) The herd is not classified as a CWD-positive, CWD-exposed, or CWD-suspect herd and is not currently designated a trace back or trace forward herd in a CWD epidemiological investigation.
- (C) The herd has been enrolled in or subject to an official state or federal surveillance program equivalent to the program described in 9 CFR Part 55, Subpart B whereby the herd has been monitored for CWD for not less than sixty (60) consecutive months and has achieved CWD certified status. The owner of the herd must be in compliance with the surveillance program requirements. The certification program information shall be:
 - (i) disclosed when applying for an entry permit under this section; and
 - (ii) included on the certificate of veterinary inspection required under section 4 of this rule.

(f) The state veterinarian may issue a preentry permit under [345 IAC 1-3-29\(b\)](#) and this section for an animal if the animal has tested negative for CWD using a live animal test that has been approved by the United States Department of Agriculture and the state veterinarian.

(g) The state veterinarian may issue a preentry permit under [345 IAC 1-3-29\(b\)](#) and this section to move a live animal of the species listed in subsection (b) into the state directly to slaughter if all of the following requirements are met:

- (1) An official certificate of veterinary inspection is obtained for the animals on the shipment.
- (2) Each animal is identified with two (2) forms of identification as required in [345 IAC 1-3-29](#) and the identification is recorded on the certificate of veterinary inspection.
- (3) A copy of the certificate of veterinary inspection moves with the animals and is presented to a state or federal official at the slaughtering plant.
- (4) The animals are moved directly to a slaughtering plant inspected by the board or the United States Department of Agriculture without stopping and unloading the animals elsewhere in the state.
- (5) The state veterinarian must be provided access to collect samples from each animal for testing for disease.
- (6) The animal must originate from a herd that is not classified as a CWD-positive, CWD-exposed, or CWD-suspect herd and is not currently designated a trace back or trace forward herd in a CWD epidemiological investigation.
- (7) The herd of origin's premises must not be located in a state or federal CWD-quarantine area, CWD-infected area, CWD-containment area, CWD-management area, or a similarly designated CWD control area.
- (8) The permit may contain any other conditions the state veterinarian determines to be necessary to prevent, detect, and control disease.

(Indiana State Board of Animal Health; [345 IAC 2-7-2.4](#); filed Sep 5, 2003, 8:41 a.m.: 27 IR 92; readopted filed Jul 30, 2009, 10:44 a.m.: [20090826-IR-345090368RFA](#); filed May 23, 2013, 3:16 p.m.: [20130619-IR-345120491FRA](#); filed Aug 22, 2014, 4:04 p.m.: [20140917-IR-345140057FRA](#))

SECTION 4. [345 IAC 2-7-6](#) IS AMENDED TO READ AS FOLLOWS:

[345 IAC 2-7-6](#) Chronic wasting disease program compliance

Authority: [IC 15-17-3-21](#)

Affected: [IC 15-17-3-13](#); [IC 15-17-18-12](#)

Sec. 6. (a) The state veterinarian may take any of the following actions against a herd owner that violates any provision of this rule or any of the requirements for moving cervids into Indiana in [345 IAC 1-3](#):

- (1) Suspend, revoke, or lower the CWD status of the person's herd.
- (2) Impose a monetary penalty under [IC 15-17-18-12](#).
- (3) Require the development and implementation of a herd plan.
- (4) Require participants in the herd certification program to submit at designated intervals copies of the herd inventory or reports of changes to the herd inventory.
- (5) Any other action authorized by law.

(b) The state veterinarian may take any of the following actions against a person that alters or removes official identification of a cervid:

- (1) Suspend, revoke, or lower the CWD status of the person's herd.
- (2) Impose a monetary penalty under [IC 15-17-18-12](#).
- (3) Require the development and implementation of a herd plan.
- (4) Any other action authorized by law.

(c) In the event a sample required to be collected under section **3(b)(7) or 4(b)(3)** of this rule is not collected and submitted for testing, the following apply:

- (1) The owner must either:
 - (A) collect an ear from the carcass that contains an official identification ear tag and preserve the ear by freezing it or by using another method approved by the state veterinarian until such time as the inventory required under section 4(b)(6) of this rule is completed and any discrepancies in the inventory are resolved; or
 - (B) have a licensed and accredited veterinarian verify in writing that the carcass is in a condition that is unsuitable for sampling. The written verification must be kept with the herd inventory records.
- (2) The state veterinarian may take any of the following actions:
 - (A) Issue a letter of warning.
 - (B) Issue a compliance order.
 - (C) If the herd owner or caretaker is an approved CWD sample collector, require the sample collector to complete additional training or take any of the actions specified in section 2(f) of this rule against the approved CWD sample collector's approval.
 - (D) After more than one (1) violation in a twelve (12) month period relating to the same herd, do the

following:

- (i) Require additional samples be collected from the herd.
- (ii) Impose a monetary penalty of not more than two hundred fifty dollars (\$250) for each missed sample.
- (iii) Require the development and implementation of a herd plan.
- (iv) Suspend or lower the CWD status of the herd.
- (E) Any other action authorized by law.

(d) In the event a sample required under section 4(b)(3) of this rule is collected and submitted for testing but the sample is incomplete or is not in a condition that may be tested, the state veterinarian may take any of the following actions:

- (1) Issue a letter of warning.
- (2) Issue a compliance order.
- (3) Require the sample collector to complete additional training.
- (4) Take any of the actions specified in section 2(f) of this rule against the approved CWD sample collector's approval.
- (5) After more than one (1) violation in a twelve (12) month period relating to the same herd, do the following:
 - (A) Require additional samples be collected from the herd.
 - (B) Impose a monetary penalty of not more than two hundred fifty dollars (\$250) for each missed sample.
 - (C) Suspend or lower the CWD status of the herd.
- (6) Any other action authorized by law.

(Indiana State Board of Animal Health; [345 IAC 2-7-6](#); filed Jul 23, 2008, 1:01 p.m.: [20080820-IR-345070824FRA](#); errata filed Oct 3, 2008, 3:30 p.m.: [20081022-IR-345080767ACA](#); filed May 23, 2013, 3:16 p.m.: [20130619-IR-345120491FRA](#))

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