

Document: Proposed Rule, **Register Page Number:** 29 IR 3083

Source: June 1, 2006, Indiana Register, Volume 29, Number 9

Disclaimer: This document was created from the files used to produce the official CD-ROM Indiana Register.

**TITLE 345 INDIANA STATE BOARD OF
ANIMAL HEALTH**

Proposed Rule
LSA Document #05-315

DIGEST

Adds 345 IAC 1-1.5 to prescribe official forms, recognize electronic filing, and consolidate filing requirements. Amends 345 IAC 1-3-1.5 concerning definitions. Amends 345 IAC 1-3-4 to eliminate import permit requirements for Camelidae and Caprinae. Amends 345 IAC 2-6-1 concerning definitions. Amends 345 IAC 3-4-3 concerning official health certificates required for sale. Amends 345 IAC 7-3.5-2 concerning definitions. Amends 345 IAC 7-5-1 and 345 IAC 7-5-2.5 and adds 345 IAC 7-5-2.3 to eliminate certificate of veterinary inspection requirements for exhibition. Makes other changes to animal health laws including laws governing certificates of veterinary inspection. Repeals 345 IAC 7-5-15.1, 345 IAC 7-5-20, and 345 IAC 7-5-25.6. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Estimated Number of Small Businesses Subject to This Rule:

The rule affects veterinarians and owners of livestock that exhibit their animals. There are 2,363 persons with an Indiana license to practice veterinary medicine and a United States Department of Agriculture accreditation. The number of people owning livestock that exhibit the animals is estimated to be 20,000.

Estimated Average Annual Reporting, Record Keeping, and Other Administrative Costs Imposed on Small Businesses:

The proposed changes do not impose any new reporting, record keeping, or other administrative costs. The rule clarifies filing requirements for certificates of veterinary inspection.

Estimated Total Annual Economic Impact on Small Businesses:

There is no annual economic impact on small businesses. The revisions to certificate of veterinary inspection requirements for exhibition removes a current requirement imposed on an exhibitor of livestock.

Justification for Costs:

There are no additional requirements or costs on small businesses.

Regulatory Flexibility Analysis:

The proposed rule incorporates the alternative methods the agency determined to be less costly or less intrusive to small businesses while still meeting statutory requirements.

Supporting Data, Studies, or Analyses:

The Board did not rely on any studies in reaching the conclusions in this economic impact statement.

345 IAC 1-1.5	345 IAC 7-5-1
345 IAC 1-3-1.5	345 IAC 7-5-2.3
345 IAC 1-3-4	345 IAC 7-5-2.5
345 IAC 2-6-1	345 IAC 7-5-15.1
345 IAC 3-4-3	345 IAC 7-5-20
345 IAC 7-3.5-2	345 IAC 7-5-25.6

SECTION 1. 345 IAC 1-1.5 IS ADDED TO READ AS FOLLOWS:

Rule 1.5. Official Forms

345 IAC 1-1.5-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2-9.9; IC 15-2.1-3; IC 15-2.1-4; IC 15-2.1-18-17

Sec. 1. (a) The definitions in IC 15-2.1-2 and this section apply throughout this rule.

(b) “Board” means the Indiana state board of animal health appointed under IC 15-2.1-3.

(c) “Certificate of veterinary inspection” or “CVI” shall have the meaning set forth in IC 15-2.1-2-9.9.

(d) “State veterinarian” means the state veterinarian appointed under IC 15-2.1-4 and all authorized agents. (*Indiana State Board of Animal Health; 345 IAC 1-1.5-1*)

345 IAC 1-1.5-2 Certificates of veterinary inspection

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3; IC 15-2.1-18-17

Sec. 2. (a) The following qualify as official certificates of veterinary inspection for purposes of IC 15-2.1 and this title:

(1) A printed or electronic form that meets the following requirements:

(A) The form meets the requirements of IC 15-2.1 and this rule.

(B) The form is approved by the state veterinarian.

(C) The form is issued and signed by a veterinarian who holds the following qualifications:

(i) The veterinarian is accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.

(ii) The veterinarian is licensed to practice veterinary medicine in the state.

(2) A printed or electronic form that is approved by the principal animal health official of another state if the following requirements are met:

(A) The state veterinarian determines that the form meets the requirements for a CVI in IC 15-2.1 and this title.

(B) The state of origin recognizes Indiana CVIs.

(C) The form is issued and signed by a veterinarian who holds the following qualifications:

(i) The veterinarian is accredited by the United States Department of Agriculture (USDA) under 9 CFR, Subchapter J.

(ii) The veterinarian is licensed to practice veterinary medicine in the state of origin.

(3) A printed or electronic form that is approved by the United States Department of Agriculture if the following requirements are met:

(A) The state veterinarian determines that the form meets the requirements for a CVI in IC 15-2.1 and this title.

(B) The form is issued and signed by a veterinarian who holds the following qualifications:

(i) The veterinarian is accredited by the United States Department of Agriculture (USDA) under 9 CFR, Subchapter J.

(ii) The veterinarian is licensed to practice veterinary medicine in the state of origin.

(4) A printed or electronic form that is approved by the principal animal health official of another country if the following requirements are met:

(A) The state veterinarian determines that the form meets the requirements for a CVI in IC 15-2.1 and this title.

(B) The form is recognized by the United States Department of Agriculture.

(C) The form is issued and signed by a veterinarian that is recognized by USDA as authorized to prepare official animal health documents for moving animals into the United States.

(b) A CVI that meets the requirements of this rule must be used whenever a CVI is required by IC 15-2.1 or this title. However, if a statute or rule requires a specific form for a CVI, the more specific requirement shall control over the general requirements in this rule.

(c) A veterinarian completing a CVI for animals located in Indiana must file a copy of the CVI with the board not more than thirty (30) days after the document is completed. However, if a statute or rule requires a different time frame for submission of documents, the more specific requirement shall control over the general requirements in this rule. (*Indiana State Board of Animal Health; 345 IAC 1-1.5-2*)

345 IAC 1-1.5-3 Completing, distributing, and filing official documents

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3; IC 15-2.1-18-17

Sec. 3. (a) Veterinarians must comply with the standards in 9 CFR 161.3 when issuing a CVI, form, record, or report required by this title.

(b) A person completing a CVI, form, record, or report must complete and distribute the form as indicated by the following:

- (1) The applicable requirements in IC 15-2.1.**
- (2) The applicable requirements in this title.**
- (3) Instructions issued on or with the form.**
- (4) Instructions issued by the state veterinarian.**

(c) Whenever IC 15-2.1 or a rule in this title requires any of the following be filed with the board, the state veterinarian may accept electronic filing of the document to the extent that an electronic version of the document meets the applicable requirements for the document and that electronic submission is otherwise allowed by law:

- (1) A certificate of veterinary inspection.**
- (2) A form.**
- (3) A record.**
- (4) An application.**
- (5) A registration.**
- (6) A notice.**
- (7) A report.**
- (8) Any other document.**

(Indiana State Board of Animal Health; 345 IAC 1-1.5-3)

SECTION 2. 345 IAC 1-3-1.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-1.5 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2-15; IC 15-2.1-3-13; IC 15-2.1-4; IC 15-2.1-8; IC 15-2.1-21-6; IC 15-2.1-24

Sec. 1.5. The definitions in IC 15-2.1-2 and the following definitions apply throughout this rule:

- (1) “Approved official health certificate” or “approved certificate of veterinary inspection” means an official certificate of veterinary inspection endorsed or approved by the chief livestock health official of the state of origin.
- (2) “Approved vaccine” means a vaccine that is:
 - (A) approved by the board for use in Indiana; and
 - (B) manufactured under license granted by the Veterinary Biologics Division, United States Department of Agriculture.
- (3) “Baby calves” means calves of all breeds that are:
 - (A) imported without dams; and
 - (B) under two hundred (200) pounds in weight.
- (4) “Board” means the Indiana state board of animal health created under IC 15-2.1.
- (5) “Cattle” means all animals of the:
 - (A) bovine species; and ~~all animals of the~~
 - (B) bison species.
- (6) “Cervid” or “Cervidae” means all members of the Cervidae family, including **the following**:
 - (A) Deer.
 - (B) Elk.
 - (C) Moose.
 - (D) Caribou.
 - (E) Reindeer. ~~and~~
 - (F) Related species and hybrids thereof.
- (7) “Chronic wasting disease” or “CWD” means a transmissible spongiform encephalopathy of cervids.
- (8) “Class A”, “Class B”, or “Class C” state or zone means the state or zone is designated or classified by the United States Department of Agriculture as a brucellosis “A”, brucellosis “B”, or brucellosis “C” area.
- (9) “Domestic animal” has the meaning set forth in IC 15-2.1-2-15.
- (10) “Duly recognized slaughtering establishment” or “approved slaughtering establishment” means an establishment where domestic animals are slaughtered and processed for human consumption under the federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Indiana Meat and Poultry Inspection Act (IC 15-2.1-24).
- (11) “Equine infectious anemia” or “EIA” means the infectious disease equine infectious anemia caused by a lentivirus, equine infectious anemia virus (EIAV).

- (12) "Equine infectious anemia test" means the official test for the detection of EIA as defined in 345 IAC 6-1.1.
- (13) "Farm of origin of cattle and bison" means a farm or other premises:
 (A) where cattle or bison to be shipped interstate were born or have been kept for not less than four (4) months ~~prior to before~~ the date of shipment; and ~~which premises;~~
 (B) **that**, within the four (4) months ~~prior to before~~ the date of shipment, have not been used to assemble cattle or bison from any other premises.
- (14) "Feeder cattle" means the following cattle, but does not include female dairy type cattle of any kind:
 (A) Steers of any age.
 (B) Nonpregnant and nonparturient females.
 (C) Bulls of beef breeds that are:
 (i) obviously under eighteen (18) months of age; and ~~are~~
 (ii) intended for slaughter after having reached the desired feeding state.
- (15) "Feeder pigs" means:
 (A) swine intended for feeding purposes, commonly designated as feeder pigs; and
 (B) swine of any breed, weighing not in excess of one hundred eighty (180) pounds.
- (16) "Hatchery" means hatchery equipment on one (1) premises operated or controlled by any person, company, or corporation for the hatching of poultry.
- (17) "Hatching eggs" means eggs of poultry for hatching purposes, including embryonated eggs.
- (18) "Immediate slaughter" means livestock that are designated for slaughter must be slaughtered within seven (7) days of first consignment.
- (19) "Johne's disease" means an infectious communicable disease that primarily affects:
 (A) cattle;
 (B) sheep;
 (C) goats; and
 (D) other domestic, exotic, and wild ruminants;
 also known as paratuberculosis, caused by *Mycobacterium paratuberculosis*.
- (20) "National Poultry Improvement Plan" or "NPIP" means the National Poultry Improvement Plan and Auxiliary Provisions adopted by the board in 345 IAC 4-4-1.
- (21) "Normal trade area" means an area in an adjoining state in which are located buyers and sellers who normally do business at an Indiana auction market, the size and extent of ~~such the~~ area to be determined by the board.
- (22) "Official ear tag" is a metal identification ear tag that:
 (A) conforms to the nine (9) character alphanumeric National Uniform Ear Tagging System; and ~~that~~
 (B) is the appropriate color.
- (23) "Official health certificate", "health certificate", ~~or "certificate of veterinary inspection", or "CVI"~~ means ~~the printed a form adopted by a state to record that meets the owner, identification, description, tests, vaccinations, and other data concerning the health status of domestic animals listed thereon. The requirements for a certificate of veterinary inspection in 345 IAC 1-1.5. CVIs, for the purpose of this rule, must be issued for the following:~~
 (A) ~~issued for~~ Feeder pigs within fifteen (15) days ~~prior to before~~ importation.
 (B) ~~issued for~~ All other domestic animals within thirty (30) days ~~prior to before~~ importation.
 (C) ~~signed by a licensed and accredited veterinarian; and~~
 (D) ~~in compliance with all board rules for health certificates.~~
- (24) "Official test" means a disease detection test approved by the state veterinarian conducted in a laboratory approved by the state veterinarian.
- (25) "Permit" means a permit for importation of domestic animals issued by the ~~the~~ state veterinarian.
- (26) "Poultry" means live chickens and turkeys of all ages.
- (27) "Premises identification number" means a unique number assigned by the state veterinarian to a livestock production unit that is, in the judgment of the state veterinarian, epidemiologically distinct from other livestock production units. A premises identification number shall consist of the state's two-letter postal abbreviation (IN) followed by the premises' assigned number.
- (28) "Quarantine" means a law or ~~an~~ order restricting or prohibiting the movement of animals:
 (A) onto or off of a premises; or
 (B) into or out of an area.
- (29) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 or an authorized agent.

(Indiana State Board of Animal Health; 345 IAC 1-3-1.5; filed Jan 8, 1986, 2:52 p.m.: 9 IR 990; filed Dec 2, 1994, 3:52 p.m.: 18 IR 855; filed Oct 11, 1996, 2:00 p.m.: 20 IR 738; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1477; errata filed Mar 31, 1999, 9:36 a.m.: 22 IR 2534; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1334; readopted filed May 2, 2001,

1:45 p.m.: 24 IR 2895)

SECTION 3. 345 IAC 1-3-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-4 Certificate of veterinary inspection and permit required for importation

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1

Sec. 4. (a) A person may not transport into Indiana a domestic animal, or a wild animal of the family Bovidae, family Suidae, family Equidae, family Cervidae, or family Camelidae, unless the animal is accompanied by an official certificate of veterinary inspection. The following animals may be transported into Indiana without a certificate of veterinary inspection:

- (1) Those consigned for immediate slaughter.
- (2) The state veterinarian may allow a person to transport into Indiana an animal without a certificate of veterinary inspection in order to facilitate the diagnosis, prevention, or control of disease.
- (3) Swine moving under the procedures in section 16.5 of this rule.

(b) No person may transport into Indiana an animal other than those described in subsection (a) unless the animal is accompanied by a shipping manifest clearly stating the following information:

- (1) The origin of each animal.
- (2) An individual description and identification of each animal.
- (3) The destination of each animal.
- (4) The import permit number, if required under subsection (d), for the shipment.

(c) The state veterinarian may set specific restrictions, prerequisites, and other requirements for the transportation of diseased or experimental animals into Indiana. Each official certificate of veterinary inspection or shipping manifest must note any restrictions imposed.

(d) No person may transport into Indiana any domestic or wild animal of the family Bovidae, family Suidae, **or** family Cervidae, ~~or family Camelidae~~ regardless of age, sex, or breed, without first obtaining a permit to transport the animal into Indiana. Permits shall be obtained from the state veterinarian. The state veterinarian shall assign a permit number for each permit issued. The permit number shall be recorded on the certificate of veterinary inspection associated with the permitted animals or, if a certificate of veterinary inspection is not required, the shipping manifest accompanying the shipment. The certificate of veterinary inspection or shipping manifest with the correct permit number must be in possession of the person in charge of animals during movement. A person transporting the following animals into Indiana is exempt from the requirements in this subsection:

- (1) Animals transported into Indiana for immediate slaughter.
- (2) The state veterinarian may waive all or part of the requirements in this subsection for a specific shipment of animals to facilitate the diagnosis, prevention, or control of disease.
- (3) Swine moving under the procedures in section 16.5 of this rule.
- (4) Animals of the subfamily Caprinae (sheep and goats).**

(e) Permits for the transportation of animals into Indiana may be obtained day or night, including weekends and holidays, by calling the following telephone numbers:

- (1) For a permit to transport an animal of the bovine, ~~ovine, caprine~~, bison, **or** Cervidae ~~or camelid~~ species, call (317) 227-0316.
- (2) For a permit to transport an animal of the porcine species, call (317) 227-0311.

(Indiana State Board of Animal Health; Reg 76-1, Title I, Sec 3; filed Aug 10, 1976, 10:29 a.m.: Rules and Regs. 1977, p. 128; filed May 2, 1983, 10:02 a.m.: 6 IR 1039; filed Jan 8, 1986, 2:52 p.m.: 9 IR 992; filed May 24, 1988, 9:40 a.m.: 11 IR 3535; filed May 1, 1990, 10:25 a.m.: 13 IR 1700; filed Dec 2, 1994, 3:52 p.m.: 18 IR 857; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1478; errata filed Mar 31, 1999, 9:36 a.m.: 22 IR 2534; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1337; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:05 p.m.: 26 IR 1524)

SECTION 4. 345 IAC 2-6-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-6-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 1. The following definitions apply throughout this rule:

(1) “B’ branded cattle” means all reactor cattle shall be permanently identified by hot iron branding with the letter “B” (at least two (2) inches by two (2) inches) placed high on the left tailhead (over the fourth to the seventh coccygeal vertebrae). An approved reactor tag must be placed in the left ear. Identification of reactors must be accomplished within fifteen (15) days of the test date. The time may be extended fifteen (15) days for reasons mutually acceptable to the cooperating state and federal officials-in-charge.

(2) “B’ brand permit (VS Form #1-27)” means an official document issued by a USDA Veterinary Services representative, Indiana state board of animal health representative, or licensed, accredited veterinarian. This document is to accompany “B” branded cattle and bison (or exposed cattle and bison moved under official seal). The permit must include the following:

(A) Identification tag, tattoo, United States Department of Agriculture (USDA) back tag, registration number, or similar identification.

(B) The reactor tag number.

(C) The owner’s name and address.

(D) Origin and destination locations.

(E) Number of cattle covered.

(F) The purpose of the movement.

If a change in destination becomes necessary, a new permit must be prepared. No diversion from the permitted destination is allowed. Distribution of the copies is printed on the official document and must be followed.

(2) “B² branded cattle” means all reactor cattle shall be permanently identified by hot iron branding with the letter “B²” (at least two (2) inches by two (2) inches) placed high on the left tailhead (over the fourth to the seventh coccygeal vertebrae). An approved reactor tag must be placed in the left ear. Identification of reactors must be accomplished within fifteen (15) days of the test date. The time may be extended fifteen (15) days for reasons mutually acceptable to the cooperating state and federal officials-in-charge.

(3) “Board” means the Indiana state board of animal health or its authorized agent.

(4) “Brucellosis”, commonly called contagious abortion or Bang’s Disease, means a communicable and infectious disease in domestic animals caused by Brucella organisms.

(5) “Brucellosis tests”, used at the state or state-federal laboratory, must be approved by USDA, APHIS, VS, and state-federal veterinary brucellosis epidemiologists.

(6) “Cattle” means genus Bos and includes all dairy and beef animals and bison.

(7) “Certified brucellosis-free herd” means a herd:

(A) that meets the requirements of section 3 of this rule; and

(B) for which the owner holds an unrevoked and unexpired brucellosis-free certificate issued by the board.

(8) “Cooperating agencies” means the Indiana state board of animal health and the Animal and Plant Health Inspection Service (APHIS) Veterinary Services of the United States Department of Agriculture (USDA).

(9) “Exposed cattle” means those that are part of a brucellosis infected herd or have been in contact with a brucellosis reactor twenty-four (24) hours, or less than twenty-four (24) hours if a reactor has recently aborted, calved, or has a vaginal or uterine discharge.

(10) “Feeder cattle” means steers of any age and nonpregnant, nonparturient females and bulls of beef breeds:

(A) obviously under eighteen (18) months of age; and

(B) intended for slaughter after having reached the desired feeding state.

(11) “Goats” means genus Capra.

(12) “Herd depopulation” means removal of all sexually intact animals to an approved slaughter establishment.

(13) “Herds” means all cattle, except steers and spayed heifers, under common ownership or supervision that are grouped on one (1) or more parts of any single premise (lot, farm, or ranch), or all cattle on two (2) or more premises geographically separated, but on which the cattle have been interchanged or where there has been:

(A) contact of cattle between the premises; or

(B) interchange of equipment used or caretakers.

For brucellosis eradication purposes, groups of cattle, under multiple ownership on common premises, such as community pastures or grazing association units, shall also be considered as a herd. Such herds shall include all other groups of cattle owned by those persons unless the epidemiological investigation establishes that association has not occurred.

(14) “Immediate slaughter” means a shipment of cattle from the premises of origin directly to a slaughtering establishment or consigned to one (1) market for reconsignment directly to an approved state or federal slaughtering establishment within seven (7) days of the first consignment.

(15) “Individual herd plan” means a herd management and testing plan designed by the following:

(A) The herd owner.

(B) His or her veterinarian if so requested. ~~and~~

(C) A veterinarian of the cooperative brucellosis eradication program that will control and eventually eradicate brucellosis from an affected herd.

A similar plan for determining the true status of suspects and preventing exposure to brucellosis within the herd is also within the meaning of the term.

(16) "Livestock auction market" or "salebarn" means an established place of business and contiguous surroundings, including vehicles of transportation:

(A) from which domestic animals consigned to such livestock auction market or salebarn are sold or exchanged at auction or otherwise; and

(B) for the sale or exchange of which a commission is paid to the operator of ~~such the~~ place of business.

(17) "Market cattle reactor herd" means a herd from which one (1) or more reactors were disclosed on the market cattle identification program test (MCI).

(18) "Milk ring suspicious herd" means a herd that has been classified suspicious to the standard milk ring test of milk or cream.

(19) "Milk ring test (BRT)" means a test for brucellosis using whole milk or cream.

(20) "Negative" means the following:

(A) Official vaccinates of dairy breeds twenty (20) months of age or over and official vaccinates of beef breeds twenty-four (24) months of age or over with brucellosis test titers not higher than complete agglutination of 1:50 dilution on the standard plate test or standard tube test unless diagnosed suspect or reactor on the basis of a card test or complement fixation test.

(B) Cattle more than six (6) months of age when the standard plate test or standard tube test:

(i) discloses reactions of not more than complete agglutination in the 1:25 dilution if performed;

(ii) is negative to the brucellosis card test if performed;

(iii) discloses twenty-five percent (25%) fixation or less (one (1) plus) at the 1:10 dilution on the complement fixation test if performed; or

(iv) discloses less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test if performed.

The board may accept variations when an epidemiological investigation indicates *Brucella abortus* infection is present. A diagnosis of suspect or reactor will then be accepted.

(C) Cattle negative to **the following**:

(i) The rapid screening test when no other tests are performed.

~~(D) Cattle negative to~~ **(ii)** The card test when no other tests are performed.

~~(E) Cattle negative to~~ **(iii)** Both rapid screen test and brucellosis card test where plate titers are disclosed that are less than incomplete 1:100.

(21) "New state classification" shall be as follows:

(A) "Free status" means no field Strain B. abortus infection in the state for the past twelve (12) months, maintained and adjusted as per current UM & R.

(B) "Class A status" means twelve (12) months' accumulated herd infection rate due to field Strain B. abortus shall not exceed twenty-five hundredths percent (.25%) or two and five-tenths (2.5) herds per one thousand (1,000), maintained and adjusted as per current UM & R.

(C) "Class B status" means twelve (12) months' accumulated herd infection rate not to exceed one and five-tenths percent (1.5%) or fifteen (15) herds per one thousand (1,000), maintained and adjusted as per current UM & R.

(D) "Class C status" means twelve (12) months' accumulated herd infection rate exceeding one and five-tenths percent (1.5%) or fifteen (15) herds per one thousand (1,000), maintained and adjusted as per current UM & R.

(22) "Official ear tag" means a metal identification ear tag purchased from ~~Indiana state~~ a board of animal health designated source, conforming to the nine (9) character alphanumeric National Uniform Ear Tagging System of appropriate color, for example, orange for brucellosis vaccination. The ear tag provides unique identification for each individual animal.

(23) "Official ear tag record" means an accurate record of all ear tags applied by the licensed, accredited veterinarian must be:

(A) recorded on record of identification card provided with the ear tags; and

(B) returned to the board as soon as the card is completed.

(24) "Official health certificate", "**certificate of veterinary inspection**", or "**CVI**" means ~~any prescribed or printed a form adopted by a state to be used for that meets~~ the purpose of recording:

~~(A) data;~~

~~(B) results of tests; and~~

~~(C) statements;~~

concerning the health status or other matters **requirements** in relation thereto with respect to domestic animals listed thereon: **345 IAC 1-1.5 for a certificate of veterinary inspection.**

(25) "Official vaccinate" means a female bovine animal or bison vaccinated by a licensed, accredited veterinarian against brucellosis in accordance with this rule.

(26) "Owner" means the legal owner or his **or her** agent or person in possession of, or responsible for, cattle involved.

(27) "Reactor" means the following:

(A) Official vaccinates of dairy breeds twenty (20) months of age or over and official vaccinates of beef breeds twenty-four (24) months of age or over, as evidenced by the presence of the first pair of permanent incisors, or official vaccinates under these ages that are parturient (springers) or postparturient when they disclose complete standard plate test or standard tube test agglutination reactions in the blood titer dilution of 1:200 or higher.

(i) Positive to the brucellosis card test where it has been the only test conducted.

(ii) Disclose titers of twenty-five percent (25%) fixation (one (1) plus) in a dilution of 1:40 or higher on the complement fixation test, if it is performed.

(iii) Disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test, if it is performed.

(B) All other cattle more than six (6) months of age when they disclose a complete agglutination reaction in the blood titer dilution of 1:100 or higher on the standard plate test or standard tube test.

(i) Are positive to the brucellosis card test where it has been the only test conducted.

(ii) Disclose titers of fifty percent (50%) fixation (two (2) plus) in a dilution of 1:20 or higher on the complement fixation test.

(iii) Disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test.

(C) Found infected by isolation of *Brucella abortus* microorganisms.

The board may accept variations when an epidemiological investigation indicates *Brucella abortus* is not present. A diagnosis of suspect will then be accepted.

(28) "'S' branded cattle" means cattle that have been identified by branding, with a hot iron, the letter "S" (at least two (2) inches by two (2) inches) placed high on the left tailhead (over the fourth to the seventh coccygeal vertebrae). "S" branding is required for exposed cattle to move in marketing channels from farms or markets to immediate slaughter. Finished fed heifers moving in marketing channels directly to slaughter will be exempted from the "S" branding requirement.

(29) "'S' brand permit" means a document that is required to accompany animals in marketing channels having a restricted destination. The permit must show **the following**:

(A) The origin.

(B) The destination.

(C) The number of restricted cattle.

(D) The purpose of the movement.

(E) The USDA back tag numbers (when applied serially, only the beginning and the ending number need be recorded). ~~and~~

(F) A statement certifying to the "S" brand identification.

The permit shall be prepared at the point of origin by a licensed, accredited veterinarian, a representative of the board, or a designated official at a quarantined feedlot. A copy of this "S" brand permit shall be immediately sent to the state animal health official with the original accompanying the animals. The original shall be delivered at the destination and retained at that location for a minimum of six (6) months.

(30) "Suspect" means the following:

(A) Official vaccinates of dairy breeds twenty (20) months of age or over and official vaccinates of beef breeds twenty-four (24) months of age or over, as evidenced by the presence of the first pair of permanent incisor teeth or official vaccinates under these ages that are parturient (springers) or postparturient when they disclosed any standard plate test or standard tube agglutination reactions in the dilution of 1:100 or incomplete agglutination in the 1:200 dilution.

(i) Vaccinated cattle serologically negative to the standard plate test or standard tube test but that are positive to the brucellosis card test, if it is performed.

(ii) Vaccinated cattle having less than twenty-five percent (25%) fixation (one (1) plus) in a dilution of 1:40 and fifty percent (50%) (two (2) plus) or more in a dilution of 1:10 to the complement fixation test, if it is performed.

(B) All other cattle more than six (6) months of age when they disclose a positive rapid screen test or a positive card test or plate titers of incomplete one hundred (100) or over and are not classified as reactors. Cattle having less than fifty percent (50%) fixation (two (2) plus) in a dilution of 1:20 and fifty percent (50%) fixation (two (2) plus) or more in a dilution of 1:10 to the complement fixation test, if it is performed.

(C) The board may accept variations when an epidemiological investigation indicates *Brucella abortus* is not present. A diagnosis of negative will then be accepted. When an epidemiological investigation indicates *Brucella abortus* infection is present, a diagnosis of reactor will be accepted.

(31) "Tested herd", formerly qualified herd, means cattle for which records show that the complete herd has been subjected to official testing for brucellosis, in accordance with the required procedures for herds. Testing shall be done within the previous twelve (12) months, and the herd must not be known to be affected with brucellosis.

(32) "Test-eligible cattle" means the following:

(A) All cattle over six (6) months of age except steers, spayed heifers, official calfhood vaccinates under twenty (20) months

of age for dairy breeds and twenty-four (24) months of age for beef breeds that are not parturient (springers) or postparturient and feeder cattle held under quarantine and kept separate and apart from all other cattle.

(B) "Market cattle identification (MCI) and blood sampling" means blood sampling, at a slaughtering establishment, of all cows and bulls over two (2) years of age, including preparturient heifers.

(33) "Uniform methods and rules" or "UM & R" means minimum standards of current brucellosis eradication procedures recommended by the Brucellosis Committee of the United States Animal Health Association approved by the USDA. The board may accept any of the recommendations of the current uniform methods and rules that are compatible with this rule. In case of conflict, the state rules will prevail.

(34) "Veterinarian" means a person who:

(A) is licensed and accredited to practice veterinary medicine in Indiana; or

(B) graduated veterinarian employed by Animal Plant Health Inspection Service (APHIS) of USDA.

(Indiana State Board of Animal Health; 345 IAC 2-6-1; filed Oct 29, 1984, 8:59 a.m.: 8 IR 163; filed Dec 22, 1986, 3:40 p.m.: 10 IR 1061; filed Sep 6, 1990, 2:30 p.m.: 14 IR 83; errata filed Sep 10, 1990, 9:30 a.m.: 14 IR 155; filed Oct 11, 1996, 2:00 p.m.: 20 IR 740, ineffective under IC 4-22-2-25; filed Mar 27, 1997, 11:15 a.m.: 20 IR 2108; errata, 22 IR 2007; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 5. 345 IAC 3-4-3 IS AMENDED TO READ AS FOLLOWS:

Rule 4. Swine Brucellosis Testing, Control, and Eradication; Validated Brucellosis-Free Herds

345 IAC 3-4-3 Official health certificate required for sale

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1

Sec. 3. (a) As long as Indiana maintains a validated brucellosis-free state status, Indiana swine in intrastate commerce are not required to be tested and found negative for brucellosis ~~prior to~~ **before**:

(1) sale;

(2) offer for sale;

(3) lease;

(4) barter; or

(5) exchange.

Interstate swine must satisfy the swine brucellosis requirements of the state of destination. If Indiana loses the validated brucellosis-free state status, the requirements in subsection (b) apply.

(b) No person shall sell, offer for sale, lease, barter, or exchange any swine for breeding purposes in Indiana unless the transaction is accompanied by an official health certificate ~~(a special form prescribed for such purpose by the Indiana state board of animal health may be used in lieu of an official health certificate in approved laboratories at markets and stockyards)~~ indicating said **veterinary inspection that meets the requirements in 345 IAC 1-1.5 and that indicates the swine to be** are individually identified and negative to brucellosis within the thirty (30) days preceding the date of sale, lease, barter, or exchange, except as follows:

(1) Swine originating directly from the owner's currently validated brucellosis-free herd.

(2) Swine under six (6) months of age.

(3) Swine consigned for immediate slaughter.

(4) Barrows.

(5) Swine exempted by the board.

(Indiana State Board of Animal Health; Reg 73-1, Title III, Sec 1; filed Jan 22, 1974, 9:15 a.m.: Rules and Regs. 1975, p. 179; filed Oct 29, 1984, 9:02 a.m.: 8 IR 178; filed Jun 18, 1990, 3:06 p.m.: 13 IR 1995; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 6. 345 IAC 7-3.5-2 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-3.5-2 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2-15; IC 15-2.1-2-27; IC 15-2.1-3; IC 15-2.1-4; IC 15-2.1-14; IC 15-2.1-15

Sec. 2. The following definitions apply throughout this rule:

(1) "Board" means the Indiana state board of animal health appointed under IC 15-2.1-3.

- (2) "Cattle" means all dairy and beef animals and bison.
- (3) "Concentration point" means a licensed place of business under the provisions of IC 15-2.1-14 where only feeder pigs, to which the licensee of such point has taken title, are assembled for resale within or without of the state of Indiana.
- (4) "Consignee" means one to whom livestock is delivered or assigned for the purpose of sale, resale, or exchange.
- (5) "Consignment" or "consigning" means the act of delivering or shipping domestic animals to another for sale, resale, or exchange.
- (6) "Consignor" means any person consigning, shipping, or delivering domestic animals for sale, resale, or exchange.
- (7) "Dealer" means any person engaged in the business of dealing and includes, but is not limited to, **the following:**
- (A) Stockyards.
 - (B) Auction markets.
 - (C) Buying stations. ~~and~~
 - (D) Concentration points.
- (8) "Dealing" means buying, selling, trading, or negotiating the transfer of livestock either for:
- (A) processing into meat products in conjunction with the operation of a business enterprise; or ~~for~~
 - (B) the purpose of resale, transfer, or final disposition in any other manner.
- (9) "Domestic animals" has the meaning set forth in IC 15-2.1-2-15.
- (10) "Draft" means a group of animals that are weighed and sold together as a unit.
- (11) "Immediate slaughter" means any domestic animals purchased or sold for slaughter must:
- (A) be consigned to a recognized slaughtering establishment or be slaughtered within seven (7) days of first consignment; and ~~must~~
 - (B) not be diverted for further feeding or breeding purposes.
- (12) "Inspection" means a critical observation of livestock by a licensed, accredited veterinarian or by one under his or her direct supervision and conducted in a manner that will lend itself to the disclosure of the apparent physical condition or health status of the animals inspected.
- (13) "Licensee" means any person:
- (A) licensed by the state of Indiana as an individual or market facility dealer; or
 - (B) holding a combination license.
- (14) "Livestock" has the meaning set forth in IC 15-2.1-2-27(a).
- (15) "Livestock auction market" or "auction market" means an established place of business and contiguous surroundings where domestic animals are consigned to be sold at public auction upon a commission basis to be paid by the consignor at which place the operator of the business acts as agent for consignor.
- (16) "Market facility" means a livestock auction market, stockyard, or concentration point.
- (17) "Nonambulatory" or "downed" animal means a conscious animal that is unable to stand or walk without assistance.
- (18) "Official health certificate", ~~or~~ "certificate of veterinary inspection", ~~or~~ "CVI" means **the printed a form adopted by any of that meets the various states and designed to record the identification, description, tests, vaccinations, and other data concerning the health status requirements for a certificate of domestic animals listed thereon: veterinary inspection in 345 IAC 1-1.5.**
- (19) "Permit" means permission granted by the board for the importation of domestic animals that will include an identification number of the permit.
- (20) "Person" means **any of the following:**
- (A) **An individual or** individuals of either sex.
 - (B) Firms.
 - (C) Copartnerships.
 - (D) Corporations.
 - (E) Associations.
 - (F) Cooperatives. ~~and~~
 - (G) Joint ventures of all kinds. ~~and~~
 - (H) Places of residence. ~~or~~
 - (I) Any other groups or combinations acting in concert.
- (21) **"Quarantined" means the subject of an order issued by the board restricting the movement of animals onto or off of a premises.**
- ~~(21)~~ (22) "Sale" means:
- (A) sale;
 - (B) lease;
 - (C) donation;
 - (D) trade; or

(E) exchange in any manner.

~~(22)~~ **(23)** "Sell" means to:

(A) sell;

(B) lease;

(C) donate;

(D) trade;

(E) barter; or

(F) exchange in any manner.

~~(23)~~ **(24)** "Selling" means:

(A) selling;

(B) leasing;

(C) donating;

(D) trading;

(E) bartering; or

(F) exchanging in any manner.

~~(24)~~ "Quarantined" means the subject of an order issued by the board restricting the movement of animals onto or off of a premises.

(25) "Slaughtering establishment" means a place of business where domestic animals are slaughtered and meat products are processed for human consumption subject to federal, state, or local inspection.

~~(25)~~ **(26)** "Slaughter only market" means any market facility where all animals purchased are consigned directly to a recognized slaughtering establishment or sold for direct reassignment to a recognized slaughtering establishment but not including auction markets.

~~(26)~~ "Slaughtering establishment" means a place of business where domestic animals are slaughtered and meat products are processed for human consumption subject to federal, state, or local inspection.

(27) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4.

(28) "Stockyard" means any place of business commonly known or advertised as a stockyard, and which is operated for compensation or profit as a public market consisting of sheds, pens, or other enclosures, and their contiguous appurtenances in which live livestock is received from the public and kept temporarily for sale, marketing, or shipping.

(Indiana State Board of Animal Health; 345 IAC 7-3.5-2; filed Jan 20, 1988, 4:01 p.m.: 11 IR 1750; filed Nov 20, 1997, 2:45 p.m.: 21 IR 1285; errata filed Dec 5, 1997, 9:15 a.m.: 21 IR 1349; errata filed Mar 23, 1998, 10:05 a.m.: 21 IR 2990; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:02 a.m.: 25 IR 1609)

SECTION 7. 345 IAC 7-5-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3; IC 15-2.1-4; IC 15-2.1-15-14

Sec. 1. The following definitions and the definitions in IC 15-2.1-2 apply throughout this rule:

(1) "Accredited veterinarian" means a veterinarian that is accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.

(2) "Approved official health certificate" or "approved certificate of veterinary inspection" means an official certificate of veterinary inspection that bears the endorsement or **other** approval of the chief livestock health official of the state of origin.

(3) "Board" means the Indiana state board of animal health appointed under IC 15-2.1-3.

(4) "Certificate of veterinary inspection" or **"CVI"** means **any prescribed or printed a form adopted by a state to be used for that meets the purpose of recording the identification, description, results of tests, vaccinations, and other data concerning the health status of animals listed thereon. Certificates of veterinary inspection must be issued and signed by a veterinarian who holds the following qualifications:**

~~(A) The veterinarian is accredited by the United States Department of Agriculture under 9 CFR, Subchapter J.~~

~~(B) The veterinarian is licensed to practice veterinary medicine in the state in which the requirements for a certificate is issued.~~
of veterinary inspection in 345 IAC 1-1.5.

(5) "Equine infectious anemia" or "EIA" means an acute or chronic disease of Equidae, characterized by **the following:**

(A) Intermittent fever.

(B) Depression.

(C) Progressive weakness.

(D) Loss of weight.

(E) Edema. ~~and~~

(F) Progressive or transitory anemia.

(6) "Equine infectious anemia test" has the meaning set forth in 345 IAC 6-1.1-1.

(7) "Exhibition" means a fair, show, or competition of limited duration that congregates animals from multiple sources on a premises.

(8) "National Poultry Improvement Plan" or "NPPI" means the National Poultry Improvement Plan and Auxiliary Provisions adopted by the board in 345 IAC 4-4-1.

(9) "Official ear tag" means an identification ear tag approved by the state veterinarian and conforming to the alphanumeric, security, and design requirements set by the state veterinarian.

(10) "Quarantine" means an order restricting the movement of animals into or out of, or both, a premises.

(11) "State 4-H department" means the branch of the Cooperative Extension Service of the United States Department of Agriculture (USDA) that is responsible for administering the state 4-H programs.

(12) "State veterinarian" means the state veterinarian appointed under IC 15-2.1-4 and authorized agents.

(Indiana State Board of Animal Health; Reg 77-2, Title I; filed Jul 21, 1978, 2:30 p.m.: 1 IR 567; filed May 2, 1983, 10:03 a.m.: 6 IR 1035; filed May 21, 1984, 3:20 p.m.: 7 IR 1714; filed Feb 15, 1985, 9:05 a.m.: 8 IR 790; filed Jan 8, 1986, 2:54 p.m.: 9 IR 997; filed Dec 2, 1994, 3:50 p.m.: 18 IR 859; filed Oct 11, 1996, 2:00 p.m.: 20 IR 750; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1535)

SECTION 8. 345 IAC 7-5-2.3 IS ADDED TO READ AS FOLLOWS:

345 IAC 7-5-2.3 Requirements imposed by the exhibition

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3; IC 15-2.1-15-14

Sec. 2.3. (a) Nothing in this rule prohibits an exhibition organizer from imposing animal health requirements in addition to those prescribed by the board. Requirements added by an exhibitor may not contradict requirements imposed by the board.

(b) An exhibition organizer may procure a licensed and accredited veterinarian to review animals and animal health documentation during the exhibition. *(Indiana State Board of Animal Health; 345 IAC 7-5-2.3)*

SECTION 9. 345 IAC 7-5-2.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 7-5-2.5 Animal health documentation

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3; IC 15-2.1-15-14

Sec. 2.5. (a) A person moving animals into the state for exhibition must comply with the requirements in 345 IAC 1-3 and this rule.

(b) If a test, vaccination, inspection or other procedure is required under this title to exhibit an animal, written record of the following animals test, vaccination, inspection, or procedure must be accompanied by a certificate of veterinary inspection for accompany the animal while on the exhibition premises.

(1) All animals of the family Bovidae; including cattle, sheep, goats, and buffalo:

(2) All animals of the family Equidae if the animal originates from outside the state:

(3) All animals of the family Suidae; including domestic and feral swine:

(4) All animals of the family Cervidae; including deer and elk:

(5) All animals of the family Camelidae; including camels, llamas, and alpacas:

(c) For the purposes of this rule, a certificate of veterinary inspection is valid only if the certificate was issued within the following time frames:

(1) If the animal originated from within the state and the certificate of veterinary inspection is an Indiana certificate, within the ninety (90) days immediately preceding the date the animal enters the exhibition grounds:

(2) If the animal originated from outside the state, within the thirty (30) days immediately preceding the date the animal enters the exhibition grounds:

(d) The ~~certificate of veterinary inspection~~ **written record** must include the ~~information required on the certificate~~, including the following:

- (1) The official identification of each animal as required under section 9 of this rule.
- (2) The age and sex of each animal.
- (3) The ~~results of any tests~~ **test, vaccination, inspection, or procedure** conducted on each animal **including any applicable results**.
- (4) The name and address of the exhibitor.
- (5) **The name, address, and veterinary license code of the veterinarian performing the test, vaccination, inspection, or procedure.**

(e) Each person intending to exhibit an animal in the state or an agent for that person must mail or deliver a copy of the official certificate of veterinary inspection for the animal to the state veterinarian prior to the opening date of the exhibition. A person moving an animal out of state to exhibition must mail or deliver a copy of the official certificate of veterinary inspection to the state veterinarian within thirty (30) days of the date the certificate was completed.

(f) The state veterinarian may refuse to allow an animal to be exhibited if the requirements in this section are not met. (*Indiana State Board of Animal Health; 345 IAC 7-5-2.5; filed May 24, 1988, 9:45 a.m.: 11 IR 3537; filed Jun 18, 1990, 2:49 p.m.: 13 IR 1990; filed Dec 2, 1994, 3:50 p.m.: 18 IR 860; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 19, 2002, 12:00 p.m.: 26 IR 1536*)

SECTION 10. THE FOLLOWING ARE REPEALED: 345 IAC 7-5-15.1; 345 IAC 7-5-20; 345 IAC 7-5-25.6.

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on July 27, 2006 at 9:40 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed rules that add 345 IAC 1-1.5 to prescribe official forms, recognize electronic filing, and consolidate filing requirements, amend 345 IAC 1-3-4 to eliminate import permit requirements for Camelidae and Caprinae, amend 345 IAC 7-5 to eliminate certificate of veterinary inspection requirements for exhibition, and make other changes to animal health laws including laws governing certificates of veterinary inspection.

The proposed changes eliminate requirements and clarify existing requirements and therefore do not impose additional requirements on individuals and regulated entities. The Board did not rely on any data, studies, or analyses in reaching this conclusion.

Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health