



Eric J. Holcomb, Governor
Bret D. Marsh, DVM, State Veterinarian

INDIANA STATE BOARD OF ANIMAL HEALTH

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INDIANA STATE BOARD OF ANIMAL HEALTH
QUARTERLY MEETING

The Indiana State Board of Animal Health (BOAH) will hold its quarterly meeting at **9:30 a.m. on Tuesday, July 12, 2022** at the Board of Animal Health office on the Indiana State Fairgrounds at Discovery Hall, Suite 100, 1202 E. 38th Street, Indianapolis, IN 46205.

MEETING AGENDA

- Recognition of BOAH Employees for Years of Service
1. Approval of minutes of the previous quarterly meeting: April 12, 2022.
 2. 9:30 a.m. Public Hearing - Proposed Rule governing reportable diseases in birds (Egg Drop Syndrome Virus) – LSA #22-127
 3. Consideration for Final Adoption - Proposed Rule governing reportable diseases in birds (Egg Drop Syndrome Virus)- LSA #22-127
 4. Consideration for Final Adoption – Readoption of Expiring Rules – LSA #22-146
 5. First Reading and Consideration for Publication - Proposed Rule governing milk sanitation – LSA #22-232.
 6. Animal Disease Diagnostic Laboratory (ADDL) Report
 7. Technical Services
 - a. Public Information report - Mrs. Denise Derrer
 - b. Chief of Staff report - Mr. Gary Haynes
 8. Animal Programs
 - a. Avian Health report – Dr. Maria Cooper, Dr. Kyle Shipman
 - b. Swine Health report – Dr. Kelli Werling
 - c. Biodefense & Disease Preparedness report – Dr. Maria Cooper
 - d. Compliance report
 - e. Animal Programs Department report - Dr. Marianne Ash
 9. Food Safety
 - a. Meat and Poultry Department Report
 - b. Dairy Inspection Department – Patrick Hash
 10. Other Business:
 - a. State Veterinarian’s Report; Bret D. Marsh, D.V.M., Indiana State Veterinarian
 - b. Establish date for the October 2022 meeting. Proposed date: October 4, 2022

Cc: Lt. Governor’s Office, Attorney General’s Office, Media, USDA-AVIC, BOAH Cabinet Members

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Indiana State Board of Animal Health
Meeting Minutes
April 12, 2022

The Indiana State Board of Animal Health (BOAH) held its regular quarterly meeting on Tuesday, April 12, 2022. The meeting was held at the Board of Animal Health office at Discovery Hall, Suite 100, 1202 E 38th Street, Indianapolis. Board members participated by attending in-person and the meeting was available to the public electronically via Microsoft Teams video and audio conference.

Chairperson Dr. William Doig called the meeting to order at 9:30 a.m. and conducted a roll call of the board members.

Members Participating: William Doig, DVM, Chairperson; attended in-person
Julie Davis, DVM, Vice Chairperson; attended in-person
Mr. David Hardin; attended in-person
Greg Hoagland, DVM; attended in-person
Mr. Ty Harweger; attended in-person
Mr. Keith Beer; attended in-person
Mr. Tim Rice; attended in-person
Mr. Rick Davis; attended in-person

Members Absent: Amy Lanum, DVM
Mr. Kraig Bowers

Vacant Position: Member representing the Purdue College of Veterinary Medicine

BOAH Staff Participating:

Bret D. Marsh, DVM, State Veterinarian
Mr. Gary Haynes, Chief of Staff
Mrs. Denise Derrer, Public Information Officer
Mrs. Sarah Simpson, General Counsel
Marianne Ash, DVM, MVPH, DACVPM, FNAP, Director, Animal Programs Department
Michael Kopp, DVM, Avian Health Director, Animal Programs Department
Kyle Shipman, DVM, Field Operations Director, Animal Programs Department
Kelli Werling, DVM, Swine Health Director, Animal Programs Department
Patrick Hash, BOAH, Director, Dairy Department

Chairperson Dr. Bill Doig proceeded with the posted agenda. (Exhibit 1)

Recognition of BOAH Employee's Years of Service

State Veterinarian Dr. Bret Marsh recognized the following BOAH employees for years of service to the State of Indiana:

Brody Winebrenner, 10 years
Dorel Rogozea, 10 years
Denise Derrer Spears, 25 years
Charles Marion, 35 years

First Order of Business - Approval of Minutes

Dr. William Doig asked the Board to approve the minutes from the January 11, 2022 quarterly meeting. Dr. Julie Davis made a motion – MOTION – “I move to approve the minutes of the January 11, 2022 meeting.” Dr. Greg Hoagland seconded the motion. The Board approved the MOTION by a VOTE of 8-0. (Exhibit 2)

Second Order of Business – Public Hearing – Proposed rule Concerning disposal of animal carcasses – LSA Document #21-540 (Exhibit 3)

Sarah Simpson, BOAH General Counsel, explained the proposed changes to BOAH rules governing disposal of animal carcasses.

Chairperson Doig opened the floor for public comment. Joshua Trenary, Executive Director for Indiana Pork provided oral and written comments about the proposed rule.

Sarah Simpson discussed changes to the proposed final rule that were made in response to the Indiana Pork comments.

Chairperson Doig closed the public hearing.

Third Order of Business – Consideration for Final Adoption – Proposed rule governing disposal of animal carcasses – LSA Document #21-540 – (Exhibit 3)

The Board members asked questions and discussed the proposed changes. Mr. David Hardin made a motion – MOTION – “I move that the proposed final rule be approved.” Dr. Julie Davis seconded the motion. The Board approved the MOTION by a VOTE of 8-0.

Fourth Order of Business – Avian Health Report (Exhibit 4)

Dr. Mike Kopp presented information on highly pathogenic avian influenza (HPAI) in Asia, Europe and detections in domestic and wild birds in the United States. Dr. Kopp discussed the lineage of the virus and comparisons to the 2015 – 2016 HPAI outbreak in the U.S.

Dr. Kyle Shipman updated the Board on the status of premises in Indiana quarantined because of HPAI detections and industry, BOAH and USDA efforts to eradicate the virus.

Board members asked questions and discussed the HPAI outbreak and response. The Board discussed public sales and exhibitions of birds (commingling events) and potential BOAH

actions to mitigate disease risk. Dr. Marsh reported on internal BOAH discussions on commingling events and pledged to continue to monitor the potential disease risks associated with these events.

Fifth Order of Business – Consideration for Readoption – Emergency rule governing reportable diseases in birds (Egg Drop Syndrome Virus) – (Exhibit 5)

Dr. Mike Kopp updated the Board on an outbreak of Egg Drop Syndrome virus (EDSV) in pastured poultry in Northeast Indiana. Dr. Kopp described the agency’s efforts to assist the poultry industry in addressing the outbreak. He explained how adding EDSV to the list of diseases that must be reported to the Board of Animal Health will aid in responding to the virus.

Sarah Simpson reviewed the emergency rule language.

Board members asked questions and discussed the proposed language. Becky Joniskan, Executive Director of the Indiana State Poultry Association (ISPA) expressed the ISPA’s support for the emergency rule orally and in writing.

Dr. Julie Davis made a motion - “I move that the emergency rule be approved as presented.” Dr. Greg Hoagland seconded the motion. The Board approved the MOTION by a VOTE of 8-0.

Sixth Order of Business - First Reading and Consideration for Publication – Proposed rule Concerning – reportable diseases in birds (Egg Drop Syndrome Virus) - LSA Document #22-127 (Exhibit 6)

General Counsel Sarah Simpson presented the proposed rule changes. The Board members asked questions and discussed the proposed changes. Dr. Julie Davis made a motion – MOTION – “I move that the proposed rules be approved for publication”. Mr. Tim Rice seconded the motion. The Board approved the MOTION by a VOTE of 8-0.

Seventh Order of Business – Animal Disease Diagnostic Laboratory (ADDL) report

Kenitra Hendrix, DVM, PhD, DACVM, Director, Purdue ADDL, updated the Board on ADDL activity, including changes in business processes and personnel. (Exhibit 7)

Dr. Hendrix presented a schedule of proposed changes to the ADDL fee schedule for the Board’s consideration. (Exhibit 7).

Dr. Greg Hoagland made a motion – MOTION – “I move to approve the changes to the ADDL fee schedule as presented in the written documents.” Mr. Tim Rice seconded the motion. The Board approved the MOTION by a VOTE of 8-0.

Eighth Order of Business – Technical Services

a. Legal Affairs and Enforcement Report

Sarah Simpson discussed the compliance report. (Exhibit 8)

b. General Assembly report

Sarah Simpson reported on the BOAH legislative proposal to create a Center for Animal Policy in state government consisting of the Board of Animal Health and the Board of Veterinary Medicine. She explained changes to the introduced bill prior to final passage and that the effective date is July 1, 2023. (Exhibit 9)

Sarah updated the Board on other bills passed by the General Assembly, including a bill governing the sale of food products produced in households, HEA 1149.

c. Public Information Report (Exhibit 10)

Ms. Denise Derrer reported on agency public information activity.

d. Chief of Staff Report. (Exhibit 11)

Mr. Gary Haynes updated the Board on BOAH's annual request to the United States Department of Agriculture for funding for the Meat and Poultry Inspection program, deficiencies in current federal allocations for the Indiana program and current challenges in filling meat and poultry inspection positions.

Chairperson Doig called for a short break in the meeting at 11:20 a.m.

Chairperson Doig resumed the meeting at 11:25 a.m.

Ninth Order of Business – Animal Programs (Exhibit 12)

- a. Swine Health report – Dr. Bret March and Dr. Maria Cooper updated the Board on the status of African Swine Fever (ASF) in the world and BOAH's ongoing efforts to prepare for an outbreak of ASF. Dr. Marsh updated the Board on the initiative to create a national Swine Health Improvement Plan (SHIP) and BOAH's effort to start the program in Indiana.
- b. Animal Programs Division – Dr. Marianne Ash highlighted some of the items in the Department's report on agency animal programs activity, including aquaculture programs and equine disease activity.

Tenth Order of Business – Food Safety

- a. Dr. Kerri Suhr reported on Meat and Poultry Inspection program activities. Dr. Suhr reported on staffing for the Meat and Poultry Department, the ongoing increase in activity at state inspected meat plants, an increase in the number of plants participating in the cooperative interstate shipment (CIS) program and the number of new state-inspected plants that have recently started and that are expected to start in 2022. (Exhibit 13)

- b. Patrick Hash reported on Dairy Division activity, including successful state survey evaluations of the program, changes in permit numbers and rescheduled plans for the National Conference on Interstate Milk Shipments (NCIMS) biannual conference to be held in Indianapolis in Spring 2023. (Exhibit 14).

Eleventh Order of Business – Other Business

- a. State Veterinarian’s report, Dr. Bret Marsh (Exhibit 15)
Dr. Marsh presented his Quarterly Report to the Board.
Dr. Marsh thanked the Board for their ongoing support of the agency.

- b. Date of Next Meeting
The Board set the date for the next regular meeting to be July 12, 2022.

- c. Election of officers

- i. Chairperson

Dr. Julie Davis nominated Dr. William Doig to serve as chairperson.

Dr. Greg Hoagland seconded the nomination.

Mr. Tim Rice made a motion – MOTION – “I move to close the nominations for chairperson.” Dr. Greg Hoagland seconded the motion. The Board approved the MOTION by a VOTE of 8-0;

The Board approved the nomination of Dr. William Doig to serve as Chairperson of the Board by a VOTE of 7-0; Dr. William Doig abstained from voting.

- ii. Vice Chairperson

Dr. Greg Hoagland nominated Dr. Julie Davis to serve as vice-chairperson.

Mr. Keith Beer seconded the motion.

Mr. Tim Rice made a motion – MOTION – “I move to close the nominations for vice-chairperson.” Mr. Keith Beer seconded the motion. The Board approved the MOTION by a VOTE of 8-0.

The Board approved the nomination of Dr. Julie Davis to serve as Vice--Chairperson of the Board by a VOTE of 7-0; Dr. Julie Davis abstained from voting.

- iii. Hearing Officer

Dr. Julie Davis nominated Dr. William Doig to serve as hearing officer.

Mr. Keith Beer seconded the nomination.

Mr. Rick Davis made a motion – MOTION – “I move to close the nominations for hearing officer.” Mr. David Hardin seconded the motion. The Board approved the MOTION by a VOTE of 8-0;

The Board approved the nomination of Dr. William Doig to serve as hearing officer by a VOTE of 7-0; Dr. William Doig abstained from voting.

Chairperson Dr. William Doig adjourned the meeting at 12:30 p.m.

William Doig, D.V.M., Chairperson

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Secretary

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Final Rule

LSA Document #22-127(F)

DIGEST

Amends 345 IAC 1-6-1.5 to add a definition of "animal health professional". Amends 345 IAC 1-6-2 to add Egg drop syndrome virus (EDSV) to the signs of disease list, and requires a veterinarian, owner, caretaker, or custodian of an animal who knows or has reason to suspect that a disease or condition declared reportable by the board exists in an animal to report that information to the state veterinarian within twenty-four (24) hours after discovering the occurrence or suspected occurrence of the disease or condition. Amends 345 IAC 1-6-3 to add EDSV in birds to the reportable disease list, and requires a diagnostic laboratory or animal health professional to report a diagnosis of any reportable disease within twenty-four (24) hours of the diagnosis. Effective 30 days after filing with the Publisher.

345 IAC 1-6-1.5; 345 IAC 1-6-2; 345 IAC 1-6-3

SECTION 1. 345 IAC 1-6-1.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-6-1.5 Definitions and general provisions

Authority: IC 15-17-3-21

Affected: IC 15-17

Sec. 1.5. The following definitions and the definitions in IC 15-17-2 apply throughout this rule:

(1) "Animal health professional" has the meaning set forth in IC 15-17-10-1(a).

~~(2)~~ **(2) "Board"** means the Indiana state board of animal health created under IC 15-17-3.

~~(3)~~ **(3) "Reportable disease"** means a transmissible disease that the board determines to have socioeconomic or public health importance to the state and which is significant in the trade of animals and animal products. Reportable diseases are designated as reportable to the state veterinarian under this rule.

~~(4)~~ **(4) "State veterinarian"** means the Indiana state veterinarian appointed under IC 15-17-4 or an authorized agent.

(Indiana State Board of Animal Health; 345 IAC 1-6-1.5; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1607; readopted filed Feb 9, 2007, 9:42 a.m.: 20070307-IR-345060512RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; readopted filed Oct 16, 2014, 9:43 a.m.: 20141112-IR-345140300RFA; readopted filed Jul 14, 2020, 1:42 p.m.: 20200812-IR-345200230RFA)

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

345 IAC 1-6-2 Reporting signs of disease

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-10-1

Sec. 2. ~~A veterinarian, owner, caretaker, or custodian that observes an animal presenting signs consistent with any For purposes of IC 15-17-10-1(b), the following reportable diseases or receives information which provides knowledge or a reason to suspect that any of the following diseases exist in the animal, must report that information to and conditions declared reportable by the state veterinarian within two (2) business days of receiving the information board are as follows:~~

~~(1)~~ (1) Anthrax (*Bacillus anthracis*).

~~(2)~~ (2) Aujeszky's disease (*pseudorabies*).

~~(3)~~ (3) Avian influenza.

~~(4)~~ (4) Avian mycoplasmosis (*Mycoplasma gallisepticum*) in turkeys.

~~(5)~~ (5) Bovine tuberculosis (*Mycobacterium bovis*).

~~(6)~~ (6) Brucellosis (*B. abortus*, *B. canis*, *B. ovis*, *B. melitensis*, *B. suis*).

(7) Egg drop syndrome virus (EDSV).

~~(8)~~ ~~(8)~~ (8) Equine infectious anemia (EIA).

~~(9)~~ ~~(9)~~ (9) Foreign animal diseases.

~~(10)~~ ~~(10)~~ (10) Fowl typhoid (*Salmonella gallinarum*).

~~(11)~~ ~~(11)~~ (11) Johne's disease (*Mycobacterium avium paratuberculosis*).

- ~~(11)~~ (12) Pullorum disease (*Salmonella pullorum*).
- ~~(12)~~ (13) Rabies.
- ~~(13)~~ (14) Transmissible spongiform encephalopathies, including the following:
 - (A) Chronic wasting disease.
 - (B) Scrapie.
 - (C) Bovine spongiform encephalopathy.
- ~~(14)~~ (15) Vesicular diseases, including the following:
 - (A) Foot-and-mouth disease.
 - (B) Vesicular stomatitis.
 - (C) Swine vesicular disease.
 - (D) Vesicular exanthema.

(Indiana State Board of Animal Health; 345 IAC 1-6-2; filed Jul 23, 1992, 2:00 p.m.: 15 IR 2568; filed Oct 11, 1996, 2:00 p.m.: 20 IR 740; filed Jun 17, 1998, 9:03 a.m.: 21 IR 4205; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1607; filed Sep 5, 2003, 8:41 a.m.: 27 IR 90; filed Sep 29, 2006, 8:56 a.m.: 20061018-IR-345060030FRA; readopted filed Feb 9, 2007, 9:42 a.m.: 20070307-IR-345060512RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; filed Nov 18, 2014, 3:13 p.m.: 20141217-IR-345140236FRA; readopted filed Jul 14, 2020, 1:42 p.m.: 20200812-IR-345200230RFA)

SECTION 3. 345 IAC 1-6-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-6-3 Reporting a laboratory diagnosis of disease

Authority: IC 15-17-3-21

Affected: IC 15-17-3-13; IC 15-17-10-1

Sec. 3. (a) Except as provided in subsection (b), for the purpose of facilitating animal disease programs, a diagnostic laboratory or ~~veterinarian~~ **an animal health professional** must report a diagnosis of any of the following reportable diseases in an animal or article from Indiana or whose owner is from Indiana to the state veterinarian within ~~two (2) business days of the diagnosis~~ **time frame set forth at IC 15-17-10-1(d)**. If a sample is submitted to a National Animal Health Laboratory Network (NAHLN) laboratory for testing and the positive result is sent by the laboratory to the state veterinarian, duplicate reporting by the veterinarian is not required as follows:

- (1) The following diseases in any species:
 - (A) Akabane (congenital arthrogryposis-hydranencephaly syndrome).
 - (B) Anthrax (*Bacillus anthracis*).
 - (C) Aujeszky's disease virus (pseudorabies virus).
 - (D) Bluetongue virus.
 - (E) Bovine tuberculosis (*Mycobacterium bovis*).
 - (F) Brucellosis (*B. abortus*, *B. canis*, *B. ovis*, *B. melitensis*, *B. suis*).
 - (G) Camel pox.
 - (H) Crimean Congo hemorrhagic fever.
 - (I) Cysticercosis (Larval form of *Taenia* spp).
 - (J) Eastern equine encephalomyelitis.
 - (K) Echinococcus/hydatidosis.
 - (L) Epizootic hemorrhagic disease.
 - (M) Foot and mouth disease.
 - (N) Glanders (*Burkholderia mallei*).
 - (O) Heartwater (*Ehrlichia ruminantium*).
 - (P) Japanese encephalitis.
 - (Q) Johne's disease (*Mycobacterium avium* paratuberculosis).
 - (R) Leishmaniasis (*Leishmania*).
 - (S) Malignant Catarrhal Fever.
 - (T) Melioidosis (*Burkholderia pseudomallei*).
 - (U) New world screwworm (*Cochliomyia hominivorax*).
 - (V) Nipah virus.
 - (W) Old world screwworm (*Chrysomya bezziana*).
 - (X) Plague (*Yersinia pestis*).
 - (Y) Q fever (*Coxiella burnetii*).

- (Z) Rabies.
 - (AA) Rift Valley fever.
 - (BB) Rinderpest.
 - (CC) Surra (*Trypanosoma evansi*).
 - (DD) *Trichinella* spp.
 - (EE) Trypanosomiasis (*T. congolense*, *T. vivax*, *T. brucei*).
 - (FF) Tularemia (*Francisella tularensis*).
 - (GG) Venezuelan equine encephalomyelitis.
 - (HH) Vesicular stomatitis.
 - (II) West Nile fever.
 - (JJ) Western equine encephalomyelitis.
- (2) The following diseases in cattle, bison, and buffalo:
- (A) Bovine anaplasmosis (*Anaplasma marginale*, *A. centrale*).
 - (B) Bovine babesiosis (*Babesia bovis*, *B. bigemina*).
 - (C) Bovine spongiform encephalopathy.
 - (D) Bovine genital campylobacteriosis (*Campylobacter fetus venerealis*).
 - (E) Bovine viral diarrhea (BVD).
 - (F) Contagious bovine pleuropneumonia (*Mycoplasma mycoides mycoides*).
 - (G) enzootic bovine leukosis (BLV).
 - (H) Hemorrhagic septicemia (*Pasteurella multocida*, B/Asian or E/African serotypes).
 - (I) Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis (IBR/IPV).
 - (J) Lumpy skin disease.
 - (K) Theileriosis (*Theileria annulata*, *T. parva*).
 - (L) Trichomonosis (*Tritrichomonas (Trichomonas) foetus*).
- (3) The following diseases in sheep and goats:
- (A) Caprine arthritis/encephalitis (CAE).
 - (B) Contagious agalactia (*Mycoplasma agalactiae*, *M. capricolum capricolum*, *M. putrefaciens*, *M. mycoides mycoides*, *M. mycoides mycoides* (LC)).
 - (C) Contagious caprine pleuropneumonia (*Mycoplasma capricolum capripneumoniae*).
 - (D) enzootic abortion of ewes (Ovine Psittacosis, *Chlamydia abortus*).
 - (E) Maedi-visna/ovine progressive pneumonia.
 - (F) Nairobi sheep disease.
 - (G) Peste des petits ruminants.
 - (H) Salmonellosis (*Salmonella abortusovis*).
 - (I) Scabies (*Sarcoptes scabiei* var. *ovis*, *Chorioptes bovis*, *Psoroptes ovis*, *Psoroptes cuniculi*, *Psorergates ovis*).
 - (J) Scrapie.
 - (K) Sheep pox and goat pox.
- (4) The following diseases in equine:
- (A) African horse sickness.
 - (B) Contagious equine metritis (*Taylorella equigenitalis*).
 - (C) Dourine (*Trypanosoma equiperdum*).
 - (D) Equine herpesvirus myeloencephalopathy (EHV1-EHM).
 - (E) Equine infectious anemia (EIA).
 - (F) Equine influenza (virus type A).
 - (G) Equine piroplasmiasis (Babesiosis, *Theileria equi*, *B. caballi*).
 - (H) Equine viral arteritis (EVA).
 - (I) Hendra.
- (5) The following diseases in swine:
- (A) African swine fever.
 - (B) Classical swine fever.
 - (C) Porcine reproductive and respiratory syndrome (PRRS).
 - (D) Swine erysipelas (*Erysipelothrix rhusiopathiae*).
 - (E) Swine vesicular disease.
 - (F) Transmissible gastroenteritis (TGE).
 - (G) Vesicular exanthema.
- (6) The following diseases in birds:

- (A) Avian chlamydiosis (Psittacosis and Ornithosis, *Chlamydia psittaci*).
 - (B) Avian infectious bronchitis.
 - (C) Avian infectious laryngotracheitis.
 - (D) Avian influenza.
 - (E) Avian mycoplasmosis (*Mycoplasma gallisepticum*).
 - (F) Avian mycoplasmosis (*Mycoplasma synoviae*).
 - (G) Duck virus hepatitis.
 - (H) Egg drop syndrome virus (EDSV).**
 - ~~(H)~~ (I) Fowl typhoid (*Salmonella gallinarum*).
 - ~~(I)~~ (J) Infectious bursal disease (Gumboro disease).
 - ~~(J)~~ (K) Newcastle disease.
 - ~~(K)~~ (L) Pullorum disease (*Salmonella pullorum*).
 - ~~(L)~~ (M) Turkey rhinotracheitis.
- (7) The following diseases in crustaceans:
- (A) Crayfish plague (*Aphanomyces astaci*).
 - (B) Infectious myonecrosis.
 - (C) Infectious hypodermal and hematopoietic necrosis.
 - (D) Necrotizing hepatopancreatitis.
 - (E) Spherical baculovirus (*Penaeus monodon*-type baculovirus).
 - (F) Tetrahedral baculovirus (*Baculovirus penaei*).
 - (G) Taura syndrome.
 - (H) White spot disease.
 - (I) White tail disease.
 - (J) Yellowhead disease.
- (8) The following diseases in fish:
- (A) Bacterial kidney disease (*Renibacterium salmoninarum*).
 - (B) Gyrodactylosis (*Gyrodactylus salaris*).
 - (C) Epizootic hematopoietic necrosis.
 - (D) Epizootic ulcerative syndrome.
 - (E) Infectious hematopoietic necrosis.
 - (F) Infectious pancreatic necrosis.
 - (G) Infectious salmon anemia (ISA).
 - (H) Koi herpesvirus disease.
 - (I) *Oncorhynchus masou* virus disease.
 - (J) Piscirickettsiosis (*Piscirickettsia salmonis*).
 - (K) Red sea bream iridoviral disease.
 - (L) Salmon pancreas disease (salmonid alphavirus).
 - (M) Spring viremia of carp.
 - (N) Viral encephalopathy and retinopathy.
 - (O) Viral hemorrhagic septicemia.
 - (P) White sturgeon iridoviral disease.
 - (Q) Whirling disease (*Myxobolus cerebralis*).
- (9) The following diseases in lagomorphs:
- (A) Myxomatosis.
 - (B) Rabbit hemorrhagic disease.
- (10) The following diseases in mollusks:
- (A) Abalone viral mortality.
 - (B) *Bonamia exitiosa*.
 - (C) *Bonamia ostreae*.
 - (D) *Haplosporidium nelsoni* (MSX) or *Haplosporidium costale* (sea side organism).
 - (E) *Marteilia chungmeunsis*.
 - (F) *Marteilia syndeyi*.
 - (G) *Marteilia refringens*.
 - (H) *Mikrocytos roughleyi*.
 - (I) Ostreid herpesvirus-1 microvariant.
 - (J) *Perkinsus marinus*.

- (K) *Perkinsus olseni*.
- (L) QPX (Quahog parasite unknown).
- (M) *Xenohaliotis californiensis*.

(11) Chronic wasting disease in cervidae.

(b) The state veterinarian may do the following:

(1) Conduct surveillance for reportable diseases.

(2) Establish a reporting agreement with a laboratory that does not require reporting every diagnosis of a particular disease listed in subsection (a) if the reporting standard is consistent with the National Animal Health Reporting System and board programs.

(Indiana State Board of Animal Health; 345 IAC 1-6-3; filed Jul 23, 1992, 2:00 p.m.: 15 IR 2568; filed Oct 11, 1996, 2:00 p.m.: 20 IR 740; filed Jun 17, 1998, 9:03 a.m.: 21 IR 4205; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Dec 31, 2001, 10:00 a.m.: 25 IR 1607; filed Sep 5, 2003, 8:41 a.m.: 27 IR 90; filed Sep 29, 2006, 8:56 a.m.: 20061018-IR-345060030FRA; readopted filed Feb 9, 2007, 9:42 a.m.: 20070307-IR-345060512RFA; readopted filed Aug 7, 2013, 8:32 a.m.: 20130904-IR-345130236RFA; filed Nov 18, 2014, 3:13 p.m.: 20141217-IR-345140236FRA; filed Aug 24, 2018, 11:21 a.m.: 20180919-IR-345180197FRA)



April 11, 2022

Dear Members of the Indiana State Board of Animal Health:

As the home of the nation's most diverse poultry flock, Indiana's poultry producers seek to protect all poultry species and forms of production from the threat of disease. On behalf of the Board of Directors of the Indiana State Poultry Association, please accept this letter as an endorsement of the Indiana State Board of Animal Health's proposal to readopt the emergency rulemaking action to add egg drop syndrome virus to the list of diseases reportable to the state veterinarian in the State of Indiana. Further, we support the proposed rulemaking to make egg drop syndrome virus a reportable disease in Indiana on a permanent basis.

Your attention to this matter and your consideration of the proposed emergency rulemaking and regular rulemaking initiative is appreciated.

Indiana's poultry industry is grateful for the support of Dr. Bret Marsh, Indiana State Veterinarian, and the veterinarians and staff of the Indiana State Board of Animal Health for all they do to assist us in protecting our flocks and proactively preparing for and responding to animal disease incidents. Please contact me with any questions or concerns.

Sincerely,

Rebecca Eifert Joniskan, President

Indiana State Poultry Association
Creighton Hall of Animal Sciences, Purdue University
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Economic Impact Statement

LSA Document #22-127

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

Egg drop syndrome virus (EDSV) is an infectious disease caused by an adenovirus which mainly affects breeder and layer hens. The disease results in egg quality defects in the eggs laid by infected hens. Many species of poultry and birds can be affected by EDSV. The first sign of infection with EDSV can be a change in the color of the egg, quickly followed by production of thin-shelled, soft-shelled, or shell-less eggs, and a rapid and extended loss in egg production. Clinical signs are mainly associated with egg production. There is no treatment for EDSV. Vaccine use is limited to emergency use by affected flocks under the Indiana State Board of Animal Health (BOAH) case management and a permit issued by the USDA APHIS Center for Veterinary Biologics (CVB). Early virus detection and biosecurity practices are critical to the prevention and containment of this virus.

The proposed rule will require a veterinarian, owner, caretaker, or custodian of an animal who knows or has reason to suspect that EDSV exists in an animal to report the existence of the disease or condition to the state veterinarian or local health officer not later than twenty-four (24) hours after discovering the occurrence or suspected occurrence of the disease or condition. It also requires a diagnostic laboratory or animal health professional to report a diagnosis of EDSV in birds from Indiana, or whose owner is from Indiana, within twenty-four (24) hours of receiving the positive diagnosis. The proposed rule will add a definition of "animal health professional" and amend the reporting timeframe for all listed diseases from two (2) business days to twenty-four (24) hours to align with statutory changes that were made in the 2021 legislative session (P.L.5-2021).

1. Description of Affected Industry

Indiana has 1,346 commercial poultry premises and 11,025 backyard flocks voluntarily registered in the BOAH premises identification program. Indiana ranks 1st nationally in ducks, 2nd in all layer chickens, 2nd in table eggs, and 3rd in turkeys.² According to the US Poultry and Egg Association, the direct economic impact of Indiana's poultry producers and processors includes:

- The creation of 12,879 production and processing jobs.
- A direct contribution of over \$4.8 billion annually to Indiana's economy.
- The total contribution to Indiana's economy is nearly \$14.5 billion, including over 49,176 jobs and nearly \$2.5 billion in wages.
- Payment of \$296.7 million dollars of state taxes and \$774.3 million dollars in total taxes.³

The BOAH will involve regulated entities in the development of the rule. Prior to a first reading of a rule at a quarterly board meeting, the agency sends out an email correspondence to subscribed stakeholders making them aware of proposed rule changes so they have the opportunity to provide input. All proposed rules are also placed in multiple areas of the website to provide interested parties as much time as possible to review and comment upon a proposed rule change. The affected industry includes small businesses under the definition at [IC 4-22-2.1-4](#).

2. Estimated Annual Reporting, Record Keeping, and Other Administrative Costs

The proposed rule does not include additional record keeping or other administrative costs requirements for the above-described entities. The rule is not implementing a new testing requirement. It is requiring that, if an animal owner is conducting a test for EDSV for surveillance or other purposes, a positive diagnosis of this disease must be reported to the state veterinarian. Because there is already an infrastructure in place for animal owners, laboratories, and veterinarians to notify the state of listed diseases, these entities will not need to incur administrative costs to comply with the reporting requirements in the proposed rule.

3. Estimated Total Annual Economic Impact on Small Businesses

This rule does not increase compliance costs for regulated entities. With regard to reporting signs consistent with EDSV, there is no cost for a veterinarian, owner, caretaker, or custodian to report that information to the state veterinarian. There is a cost to having to make a phone call, send an email, or otherwise notify BOAH of the animal's condition, but this would be de minimus.

With regard to reporting a positive diagnosis of EDSV, a notification system is already in place for all reportable diseases. Adding EDSV to the disease list will not change this system. Commercial poultry owners and hobbyists already have processes in place for animal health professionals to collect and submit samples to approved laboratories to comply with state and federal requirements to move animals and animal products in commerce, such as the National Poultry Improvement Plan (NPIP).

There is a cost for an animal owner to pay a veterinarian to take samples and pay a fee for a National Animal Health Laboratory Network (NAHLN) laboratory to run the test, but there is no testing requirement in the proposed

rule. Once an animal owner has elected to perform a test for EDSV, a NAHLN laboratory does not assess an additional fee because it is a reportable disease. Alternatively, if an animal health professional obtains a positive EDSV diagnosis that was not submitted to a NAHLN lab, they similarly have incurred costs for the diagnosis but there is no cost to report the positive result to the state veterinarian. There is a small cost to place a phone call, send an email, or otherwise notify BOAH of the diagnosis, but this would be de minimus. The addition of EDSV to the reportable disease list will not increase compliance costs for these individuals and businesses, and the BOAH estimates that the total estimated impact (cost) of the rule will be less than \$500,000.

4. Justification of Requirements

a. Compliance with Federal Law

The proposed rule is not specifically necessary to comply with a federal mandate. EDSV is not currently reportable under federal law, but since the first Indiana diagnosis of EDSV in December 2021, BOAH has been working collaboratively with the federal government in efforts to contain the virus. There are four poultry companies that own the approximately 20 EDSV affected flocks in Indiana. Activities at these sites include voluntary depopulation and development of a unique EDSV flock plan specific for an individual farm premises. The flock plan is a federal requirement for emergency use of vaccine by affected flocks under a permit issued by the USDA APHIS Center for Veterinary Biologics (CVB). The goal of the flock plan is to contain the virus and prevent exposure to other poultry premises, eliminate the virus, and prevent reintroduction at the premises. Components of the flock plan include improved and continued use of biosecurity measures and restricted use of vaccine.

b. Compliance with State Law

The addition of the definition "animal health professional" to the rule will expand the applicability of the reporting rule to other individuals in the animal health industry beyond just veterinarians, such as registered veterinary technicians, public health officials, and trained zoo and wildlife personnel. The reduction of the reporting timeframe from two (2) business days to twenty-four (24) hours also shortens the reporting deadline for these individuals. However, the definition aligns with federal standards and is specifically established in state law.⁴ The reduction in the reporting timeframe is also necessary to comply with state law, which specifically includes the twenty-four (24) hour requirement.

The BOAH currently administers the reportable disease law in Indiana. Under this law, a veterinarian, owner, caretaker, or custodian of an animal that knows or has reason to suspect that a disease or condition declared reportable by the board exists in an animal must report to the state veterinarian within twenty-four (24) hours after discovering or having reason to suspect the disease or condition exists. It also requires a diagnostic laboratory or animal health professional to report a positive diagnosis of a disease declared reportable by the board within twenty-four (24) hours of the diagnosis. [IC 15-17-10](#). Pursuant to this law, the BOAH periodically updates the list of diseases declared reportable by the board in the reportable disease rule.

In addition to the above-described duties in [IC 15-17-10](#), the board has a general duty to prevent, detect, control, and eradicate diseases which affect animal health and threaten the public health and welfare of the citizens of Indiana. [IC 15-17-3-11](#); [IC 15-17-3-13](#). In order to carry out this duty, the BOAH must periodically update the reportable disease rule to ensure that the high consequence diseases the nation is currently working to control are included, such as EDSV.

c. Justification of Requirements not Mandated by State or Federal Law

The proposed rule does not impose any requirement or cost beyond what is expressly required by state or federal law.

5. Regulatory Flexibility Analysis

Indiana's reportable disease rule plays an integral role in protecting the state's share of the global market for animals and animal products. The proposed rule ensures prompt notification of EDSV outbreaks and necessary assurances to domestic and international buyers of Indiana products that monitoring for this virus is occurring in Indiana. The failure to add EDSV to the rule could jeopardize the ability of Indiana's livestock and poultry companies to ship their product in domestic and international commerce. The inclusion of a disease of concern on the list ensures that appropriate safeguards are in place to detect and prevent the spread of high consequence diseases of livestock and poultry.

BOAH considered alternative methods to achieve the objectives of the proposed rule, such as voluntary reporting. BOAH personnel have been working collaboratively with the poultry industry since the first diagnosis of EDSV in December of 2021. After consultation with the industry and federal partners, it was determined the voluntary reporting would not provide sufficient assurance to domestic and international markets that safeguards are in place to detect and prevent the spread of EDSV. Therefore, it was determined that a mandatory reporting requirement was the preferred approach to ensure that the state veterinarian is receiving positive diagnosis information that is critical to shaping state response activities.

¹ *United States Department of Agriculture*, <https://usda.library.cornell.edu/concern/publications/m039k491c>

² United Soybean Board, *2005-2015 Economic Analysis of Animal Agriculture*, September 2016.

³ US Poultry and Egg Association, *Economic Data*, <https://www.poultryfeedsamerica.org/>.

⁴ United States Department of Agriculture-Animal and Plant Health Inspection Service (USDA-APHIS) *National List of Reportable Animal Diseases*,

https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/monitoring-and-surveillance/nlrad/ct_national_list_reportable_animal

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An [html](#) version of this document.

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

Readopted Final Rule LSA Document #22-146(F)

DIGEST

Readopts rules in anticipation of IC 4-22-2.5-2, providing that an administrative rule adopted under IC 4-22-2 expires January 1 of the seventh year after the year in which the rule takes effect unless the rule contains an earlier expiration date. Effective 30 days after filing with the Publisher.

345 IAC 1-2.1; 345 IAC 2-6-1; 345 IAC 2-6-2.5; 345 IAC 2-6-3; 345 IAC 2-7-3; 345 IAC 2-9; 345 IAC 8-2-1.6; 345 IAC 8-2-1.7; 345 IAC 8-2-1.9; 345 IAC 8-2-2.2; 345 IAC 8-2-4; 345 IAC 8-2-5; 345 IAC 9-7-4; 345 IAC 9-17-20; 345 IAC 10-1; 345 IAC 10-2-3; 345 IAC 10-2-4; 345 IAC 10-2-6; 345 IAC 10-2-7; 345 IAC 10-14-27; 345 IAC 13

SECTION 1. UNDER IC 4-22-2.5-4, THE FOLLOWING ARE READOPTED:

345 IAC 1-2.1	Garbage Feeding and Disposal
345 IAC 2-6-1	Definitions
345 IAC 2-6-2.5	Brucellosis requirements for cattle and bison entering Indiana
345 IAC 2-6-3	Certified brucellosis-free herd; establishment; maintenance
345 IAC 2-7-3	Chronic wasting disease registered herd program
345 IAC 2-9	Hunting Preserves
345 IAC 8-2-1.6	Abnormalities of milk
345 IAC 8-2-1.7	Pasteurization, ultra pasteurized, and aseptic processing
345 IAC 8-2-1.9	General requirements; permits
345 IAC 8-2-2.2	Modified requirements that apply to a qualified facility
345 IAC 8-2-4	Bulk milk collection; pickup tankers; samples
345 IAC 8-2-5	Grading raw milk and cream; testing; records
345 IAC 9-7-4	Inspection required; work schedules of establishments
345 IAC 9-17-20	Incorporation by reference; quantity of contents labeling and procedures and requirements for accurate weights
345 IAC 10-1	Definitions
345 IAC 10-2-3	Applicability of inspection provisions
345 IAC 10-2-4	Poultry requirements
345 IAC 10-2-6	Limited permit for sales of exempt poultry products
345 IAC 10-2-7	Labeling of exempt poultry products
345 IAC 10-14-27	Incorporation by reference; quantity of contents labeling and procedures and requirements for accurate weights
345 IAC 13	COMMERCIAL DOG BREEDERS AND BROKERS

TITLE 345 INDIANA STATE BOARD OF ANIMAL HEALTH

IC 4-22-2.5-3.1 Statement Concerning Readopted Rules Affecting Small Businesses July 12, 2022 LSA #22-146

The agency has conducted a review to consider whether there are any alternative methods of achieving the purpose of each rule that are less costly or less intrusive, or that would otherwise minimize the economic impact of the proposed rule on small businesses. Below is a summary of those findings for each rule included in this rule readoption.

345 IAC 1-2.1 Garbage Feeding and Disposal

(1) Continued need for the rule: Over the past few years, BOAH has been contacted by several entrepreneurs seeking to start a business to recycle food discards for dry swine feed production. According to one business proposal, discarded food would be collected from sources operating with state funding (i.e. schools, jails) and the resulting dry swine feed will be transported to existing local processing centers (i.e. co-ops) for sale.

Under both state and federal law, the feeding of untreated garbage to swine is prohibited due to the risk of transmission of diseases, such as foot and mouth disease. Under the federal Swine Health Protection Act, the company would be authorized to produce their product as "treated garbage" provided that they treat the garbage by handling and cooking it according to federal standards. However, prior to 2015 Indiana law only allowed garbage to be fed to swine if it was a "rendered product", which is protein meal, grease, or tallow product that must be heated to a higher temperature. The federal regulations similarly authorize the feeding of "rendered product" but have additional provisions for "processed product" and "treated garbage" to be fed to swine, which were absent from the state law.

In the 2015 legislative session, legislation was passed that amended IC 15-17-10-16 to align the state's prohibition of feeding of garbage to swine with federal law. *Pub. L. No. 133 (May 4, 2015)*. The legislation retained the prohibition on feeding of garbage to swine, but authorizes the BOAH to issue permits to a person to treat garbage so that it may be fed to swine and adopt rules to authorize the forms of treatment that will mitigate disease risk. This rule is necessary because it carries out the above-described duty of the board to establish licensing and operating standards for a person treating garbage to be fed to swine, which includes incorporating the federal treatment standards by reference. 9 CFR 166 (2015).

(2) Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency: BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule: As mentioned above, BOAH has received inquiries regarding the requirements to conduct these activities, but no such entities have been licensed to date. However, it is important to have these standards in place in the event that an entity wishes to engage in this activity.

(4) The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances: The rule does not duplicate or conflict with federal law. The Swine Health Protection Act allows each state to determine whether garbage feeding is allowed within their state. If a

state allows garbage feeding, each producer must obtain a license before feeding any human food waste to their pigs. The licensing process requires the pig producer to demonstrate appropriate cooking and handling of garbage feed for swine. The state also develops the structure for enforcing the Swine Health Protection Act in their state. In some states, this is handled by state employees. In other states, state and APHIS employees work together to cooperatively enforce the Swine Health Protection Act.

(5) The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time: This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 2-6-1

Definitions

(1) Continued need for the rule: This section contains the definitions for the Rule 6, Cattle Brucellosis Control and Eradication. Because all states are currently under Class Free status, cattle entering Indiana are exempt from testing requirements. However, if another state's classification were to change, this rule is important because it clarifies which cattle are subject to testing requirements, which is largely accomplished by incorporating federal program standards. It also contains the testing protocols for cattle owners who wish to maintain a Certified Brucellosis-free herd.

(2) Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency: BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule. There have not been issues with the rule standards in the enforcement process.

(4) The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances: The rule does not duplicate or conflict with federal law. There are federal regulations governing the interstate movement of domestic animals. 9 CFR 86. However, each state has its own animal movement laws that reference the federal regulations. This rule aligns with the federal law and recognizes documentation issued in other states, provided that certain requirements are met.

(5) The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time: This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 2-6-2.5

Brucellosis requirements for cattle and bison entering Indiana

(1) Continued need for the rule: Bovine brucellosis is a disease of livestock that has significant animal health, public health, and international trade consequences. Infection in animals causes decreased milk production, weight loss, loss of young, infertility and lameness. As stated above, because states are currently under Class Free status, cattle entering Indiana are exempt from testing requirements. However, if another state's classification were to change, this rule is important because it clarifies which cattle are subject to testing requirements.

(2) Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency: BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* The rule does not duplicate or conflict with federal law. This rule aligns with the federal brucellosis regulations governing the interstate movement of cattle. It is critical that BOAH have these requirements in state rule because it enters into a cooperative agreement with USDA-APHIS to administer this program in Indiana. It is also important for the state to have independent authority to take regulatory action in a disease event.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 2-6-3

Certified brucellosis-free herd; establishment; maintenance

(1) *Continued need for the rule:* Although not required, some cattle producers voluntarily enter into an agreement with the BOAH to establish and maintain a Certified Brucellosis-free herd. Establishing a Certified Brucellosis-free herd provides benefits to an owner related to marketing of animals. This rule is necessary for the BOAH to provide this opportunity for cattle owners.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in administering this rule.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* The rule does not duplicate or conflict with federal law. It aligns with the federal brucellosis regulations governing Certified Brucellosis-free herds. It is critical that BOAH have these requirements in place for cattle owners to participate in this national program and sell their cattle domestically and internationally.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 2-7-3

Chronic wasting disease registered herd program

(1) *Continued need for the rule:* CWD is a transmissible spongiform encephalopathy (TSE) disease of certain members of the cervidae family. Transmissible spongiform encephalopathies (TSEs), also known as prion diseases, are a group of progressive, invariably fatal, conditions that affect the brain (encephalopathies) and nervous system of certain animals. CWD has been found in over half of the US states and it has been spread in part by shipments of infected animals. Many species of cervids are susceptible, including elk, moose, and several kinds of deer. Infected animals typically begin showing signs such as weight loss, lethargy, and drooling 2 to 3 years after infection and then die within months.

This section of the CWD sets forth identification, recordkeeping, fencing, and testing requirements for any person that keeps a farmed cervid susceptible to CWD at a location in Indiana.

(2) Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency: BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule: There have not been issues with the rule standards in the enforcement process.

(4) The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances: The rule does not duplicate or conflict with federal law. There are federal regulations governing the interstate movement of cervids, which require that the animal be from a CWD Certified Herd. However, to protect the state's farmed and wild cervids from this economically devastating disease, it is critical that the state have additional standards in place for herds that are not moving animals in interstate commerce.

(5) The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time: This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 2-9

Hunting Preserves

(1) Continued need for the rule: In the 2016 Session of the Indiana General Assembly, a law was passed which established licensing and inspection requirements for hunting preserves. *Pub. L. No. 89 (March 22, 2016)*. The preserves must pass an annual inspection to ensure they are meeting the specific requirements of the statute, which includes items such as minimum acreage, fencing, signage, reporting of escapes, authorized times of operation, and recordkeeping. The law authorizes the BOAH to adopt rules governing the use of a cervid for food after the animal has been sedated or treated with medication. The legislation also requires a person who takes or hunts a cervid on a hunting preserve to have a special hunting permit issued by the BOAH.

This rule is critical for BOAH to carry out its duty to administer and enforce the state hunting preserve law. IC 15-17-14.7. The BOAH currently conducts annual inspections at licensed hunting preserves to ensure compliance with the law and associated rules. The rule provides further clarification to operators of preserves regarding the licensing and inspection process.

(2) Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency: BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule: There have not been issues with the rule standards in the enforcement process.

(4) The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances: The rule does not duplicate or conflict with federal law. Federal law in this area focuses on animal health requirements to move cervids interstate, such as identification, recordkeeping, and testing. Hunting preserves do not typically participate in the federal CWD certified

program because they are not shipping animals interstate. In addition, the hunting preserve law addresses public policy concerns that are outside the scope of the federal standards, such as animal care and public safety.

(5) The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time: This rule was last reviewed in 2016. Since that time, there have not been changes to the state law that necessitate any changes to the rule.

345 IAC 8-2-1.6

Abnormalities of milk

(1) Continued need for the rule: This rule defines “abnormal milk”, “contaminated milk” and “undesirable milk” for purposes of the BOAH dairy products rule. State law requires the board to adopt rules to administer and enforce the state dairy products law. IC 15-18-1. Therefore, in order to comply with this statutory mandate, the agency must ensure that these terms are clearly defined in rule so regulatory actions may be taken in response to a finding of abnormal, contaminated, or undesirable milk.

(2) Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency: BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule: There have not been issues with these definitions in the enforcement process.

(4) The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances: The rule does not duplicate or conflict with federal law. BOAH is a voting member of the National Conference on Interstate Milk Shipments (NCIMS). As a member of this entity, each state has agreed to enforce the standards set forth in the Pasteurized Milk Ordinance. The FDA audits state program implementation by conducting check ratings of all farms and plants in Indiana every six years. If BOAH does not have adequate rules in place to take regulatory actions on contaminated product which are consistent with FDA standards, milk may not be able to ship in interstate commerce.

(5) The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time: This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 8-2-1.7

Pasteurization, ultra pasteurized, and aseptic processing

(1) Continued need for the rule: This rule defines these terms for purposes of the BOAH dairy products law. IC 15-18-1. BOAH currently inspects 720 Grade A dairies and 22 Grade A processing plants. These are dairies producing Grade A milk that is processed for use in products such as fluid milk and yogurt. BOAH currently inspects 33 manufacturing grade plants, which are facilities using manufacturing grade milk as an ingredient in products such as ice cream and cheese. The BOAH must ensure that these terms are clearly defined in rule and consistent with FDA standards for these businesses to ship their product in interstate commerce.

(2) Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency: BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with these definitions in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* The rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 8-2-1.9

General requirements; permits

(1) *Continued need for the rule:* This is the section that requires all milk and milk products to be produced, transported, processed, handled, sampled, graded, labeled and sold in compliance with IC 15-18-1 and associated rules. It also sets forth the different categories of permits, such as for a dairy farm, milk plant, receiving station, transfer station, and milk hauler/sampler. In addition to the permits described above, BOAH has 477 milk haulers, 5 truck washes, 2 transfer stations, 554 milk trucks, 12 single service manufacturers, and 9 distributors. It is critical that the permit requirements for these businesses are clearly outlined in the dairy products rule.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* As described above, the dairy products rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 8-2-2.2

Modified requirements that apply to a qualified facility

(1) *Continued need for the rule:* In 2016, BOAH passed a rule that updated the incorporation by reference of certain Food and Drug Administration (FDA) food standards (LSA #16-222). Specifically, to comply with federal law, BOAH aligned standards for Grade A and manufacturing grade milk plants with 9 CFR 117, Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food, which was published on September 17, 2015. Processing plants must have a preventive control plan, recall plan, allergen control plan, supplier verification plan, and environmental monitoring plan. This section replaced the state-specific standard for these plants as FSMA was phased in, which ensures that the plants are not subject to inconsistent or more stringent administrative requirements at the state level upon the Food Safety Modernization Act (FSMA) effective dates.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* As described above, the dairy products rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 8-2-4

Bulk milk collection; pickup tankers; samples

(1) *Continued need for the rule:* This section contains the sanitary, temperature, examination, and handling standards for bulk milk pickup tankers. As state above, BOAH licenses 477 milk haulers. This rule ensures that there are clear operating standards in place for licensees to mitigate the risk of bulk milk contamination.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* As described above, the rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 8-2-5

Grading raw milk and cream; testing; records

(1) *Continued need for the rule:* This section sets forth what milk is considered unfit for human consumption and the handling of rejected milk. It also includes procedures and recordkeeping requirements for milk plants related to bacterial, somatic cell, and inhibitory substance tests. This rule section is needed to protect public health and food safety and to meet federal standards for the interstate shipment of milk and milk products.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule: There have not been issues with the rule standards in the enforcement process.

(4) The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances: As described above, this rule does not duplicate or conflict with federal law.

(5) The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time: This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 9-7-4

Inspection required; work schedules of establishments

(1) Continued need for the rule: This section prohibits slaughter and processing activities unless conducted under the supervision of a division employee, but authorizes inspection under varied frequency for processing. It requires official establishments to submit a work schedule and sets forth how to submit amendments to this schedule. This section ensures that there is a clear process for official establishments regarding how to request or amend an existing request for inspection service.

State law requires the BOAH to enforce requirements with respect to intrastate operations that are at least equal to those imposed and enforced under the federal Meat Inspection Act (21 U.S.C. 601 et seq.) and the federal Poultry Products Inspection Act (21 U.S.C. 451 et seq.). IC 15-17-5-1(4). To comply with this statutory mandate, BOAH must ensure the rules are place that are at least equal to 9 CFR Subchapter E, which contains the requirements for federally inspected facilities. State law further authorizes the BOAH to cooperate with USDA-FSIS to effectuate the purpose of the Meat and Poultry Inspection Law, to accept federal assistance for that purpose, and spend public funds appropriate for the administration of the law to pay not more than fifty percent (50%) of the total cost of the cooperative program (IC 15-17-5-5(11)). Pursuant to this power, the BOAH has entered into a state-federal cooperative agreement with USDA-FSIS to receive 50% of the annual operating costs of the Meat and Poultry Inspection (MPI) program.

BOAH's MPI program is subject to regular audits by USDA-FSIS to ensure that the state standards are at least equal to federal requirements. If BOAH does not maintain rules consistent with the federal regulations, it would jeopardize the funding the agency receives under the state-federal agreement. If the BOAH does not remain in compliance with the state-federal agreement by keeping the inspection rules in place, it would have negative consequences for the regulated community. Indiana relies on the federal funding to support an adequate number of inspectors for the state's 80 official plants and 45 custom exempt plants. If BOAH cannot fund an adequate number of inspectors, the official plants will not be able to operate at full capacity because an inspector must be on site continually during the slaughtering process and inspect the processing area once per day.

(2) Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency: BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule: There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* As described above, the rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 9-17-20

Incorporation by reference; quantity of contents labeling and procedures and requirements for accurate weights

(1) *Continued need for the rule:* This rule is necessary to ensure that scales used to determine net weight of meat and poultry products sold or otherwise distributed in commerce are verified to be accurate.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* As described above, the rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 10-1

Definitions

(1) *Continued need for the rule:* This rule contains the definitions for the poultry and poultry products inspection article. As described above, these definitions align with the federal Poultry Products Inspection Act (21 USC 451 et seq.) and are necessary for the MPI division to comply with state law and the USDA-FSIS cooperative agreement. IC 15-17-5-1(4).

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* As described above, the rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the*

area affected by the rule since that time: This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 10-2-3

Applicability of inspection provisions

(1) *Continued need for the rule:* This section requires inspection for every establishment in which any poultry is slaughtered or any poultry is processed for transportation or sale in commerce as articles intended for use a human food. It authorizes inspection by division personnel, provides authority to withdraw inspection services for violations of the Act, and contains requirements for inedible disposal.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* As described above, the rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 10-2-4

Poultry requirements

(1) *Continued need for the rule:* This section contains the requirement that a person slaughtering or preparing poultry products for human food must slaughter and prepare products in an official establishment. It sets forth notification and recall procedures for adulterated or misbranded poultry products. It is important for plants to have recall plans in place so swift action may be taken when a voluntary recall is necessary.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* As described above, the rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

(1) *Continued need for the rule:* BOAH has two types of permits for exempt poultry product: Limited Permit-HC (Household Consumer) and Limited Permit-Retail/HRI (Retail, Hotels, Restaurants and Institutions). This section contains the permit, inspection, operating, and labeling requirements for these businesses. It is important that the BOAH have these specified in rule to carry out the duty to permit and regulate these businesses as set forth in state law. IC 15-17-5-11.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* The rule does not duplicate or conflict with federal law. Federal law allows sales of exempt poultry products in all distribution channels provided that the product does not move interstate. However, it is not unusual for states to have additional standards for operating and distribution the which align with and reference the federal regulations.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

(1) *Continued need for the rule:* This section contains the specific labeling requirements for poultry products produced under a limited permit described above. In the event of a foodborne illness, it is critical that product is properly labeled for product tracing purposes.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* As described above, this rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

(1) *Continued need for the rule:* This rule is necessary to ensure that scales used to determine net weight of meat and poultry products sold or otherwise distributed in commerce are verified to be accurate.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* As described above, there have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* The rule does not duplicate or conflict with federal law.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

345 IAC 13

COMMERCIAL DOG BREEDERS AND BROKERS

(1) *Continued need for the rule:* This rule sets forth the application, registration, fee structure, standards of care, recordkeeping, and enforcement for the BOAH Commercial Dog Breeder and Broker (CBB) program. Indiana has 183 dog breeders and 7 dog brokers registered in the program. This rule is critical for the BOAH to carry out the duty set forth in state law for the agency to register and administer the state commercial dog breeder law. IC 15-21.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* BOAH has not received complaints or comments concerning the rule or its implementation by the agency.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There have not been issues with the rule standards in the enforcement process.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* The rule does not duplicate or conflict with federal law. Under the federal Animal Welfare Act, a commercial dog breeder engaged in the purchase and sale of dogs and that maintains more than 4 breeding females much obtain a Class B license. State law requires the BOAH to oversee the registration of breeders that maintains more than twenty (20) breeding female and a broker who is a Class B licensee and sells more than 500 dogs in a calendar year. The state law definition of a “breeder” does incorporate the large scale USDA-licensed breeders, but that is a policy decision established by state statute. The state standards of care for dog breeders reference the federal regulations to ease the regulatory burden for registrants.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* This rule was last reviewed in 2016. Since that time, there have not been changes in federal regulations that necessitate any changes to the rule.

TITLE 345. INDIANA STATE BOARD OF ANIMAL HEALTH

Proposed Rule LSA Document # 22-

DIGEST

Amends 345 IAC 8-3-2 to extend the amount of time that raw milk for pasteurization may be stored a on Grade A dairy farm. Effective 30 days after filing with the Publisher.

345 IAC 8-3-2

345 IAC 8-3-2 Grade A milk production and storage

Authority: IC 15-17-3-21; IC 15-18-1-14

Affected: IC 15-18-1-18

Sec. 2. The following are required to hold a Grade A dairy farm permit:

(1) Milk that is produced or processed must meet the chemical, bacteriological, and temperature standards in Section 7 and Table 1 of the **Grade A Pasteurized Milk Ordinance (PMO)** ~~adopted~~ **incorporated** by reference in section 1 of this rule.

(2) The farm must meet the sanitation, construction, operation, and other standards in the provisions of the ~~Pasteurized Milk Ordinance~~ **PMO adopted incorporated** by reference in section 1 of this rule, including the following:

(A) Section 7, "Standards for Grade "A" Raw Milk For Pasteurization, Ultra-Pasteurization, or Aseptic Processing and Packaging", Items 1r through 19r.

(B) Appendix C, "Dairy Farm Construction Standards; Milk Production".

(C) Appendix D, "Standards for Water Sources".

(D) Appendix F, "Sanitization".

(E) A farm utilizing an automatic milking installation (AMI) must comply with Appendix Q.

(3) The animals on the farm must meet the animal health requirements in IC 15-18-1-18 and Section 8 of the ~~Pasteurized Milk Ordinance~~ **PMO adopted incorporated** by reference in section 1 of this rule.

(4) The administrative procedures set forth in the ~~Pasteurized Milk Ordinance~~ **PMO adopted incorporated** by reference in section 1 of this rule shall be followed in implementing the standards required in this section.

(5) Before:

(A) milkhouses;

(B) milking barns;

(C) stables; or

(D) parlors;

regulated under this rule are constructed or extensively altered, construction plans shall be submitted to the state veterinarian for written approval before work is begun.

(6) Raw milk for pasteurization shall not be stored:

(A) on a dairy farm for more than ~~forty-eight (48)~~ **seventy-two (72)** hours; however, sheep and goat milk may be stored on a dairy farm for up to seven (7) days in accordance with the procedures in the Grade A Pasteurized Milk Ordinance; ~~and or~~

(B) outside a farm bulk milk tank.

(7) Agitation and refrigeration of all farm bulk milk cooling and holding tanks shall be automatically controlled with automatic controls that will maintain mixed milk temperature between thirty-two (32) degrees Fahrenheit, and forty-five (45) degrees Fahrenheit and an interval timer that will activate agitation of the milk for a minimum period of two (2) minutes in every sixty (60) minute interval.

(8) A farm's milkhouse bulk tank may only be used for collection and storage of raw milk for pasteurization. A farm's milkhouse bulk tank may be converted to a raw milk storage vessel holding commingled raw milk for pasteurization as follows:

(A) Once the final milking has been completed and before processing, a bulk tank sample of the farm's milk supply must be collected by a permitted hauler/sampler for quality and drug residue testing.

(B) The collected sample must be tested and meet the Grade A quality and drug residue standards.

(C) Raw milk from other bulk tank units (BTU) may ~~only~~ be commingled **only** after milk quality and drug residue samples have been collected and the milk from each BTU meets Grade A standards.

(D) Before untested milk may be added to the milkhouse bulk tank, the bulk tank must be emptied, cleaned, and sanitized in accordance with the ~~Grade A Pasteurized Milk Ordinance~~ PMO. Untested milk shall not be added or commingled with tested milk in the farm milkhouse bulk tank.

(9) Ungraded milk shall not be:

(A) stored in the permitted bulk tank with milk for graded purposes; or

(B) harvested using common equipment unless:

(i) it is harvested after all graded milk; and

(ii) the equipment is completely washed prior to subsequent milkings.

(Indiana State Board of Animal Health; 345 IAC 8-3-2; emergency rule filed Jan 27, 1994, 5:00 p.m.: 17 IR 1224, eff Feb 1, 1994; filed Apr 17, 1998, 9:00 a.m.: 21 IR 3355; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895; filed Sep 27, 2002, 2:40 p.m.: 26 IR 341; filed Jul 18, 2005, 1:00 p.m.: 28 IR 3565; readopted filed May 9, 2007, 3:16 p.m.: 20070516-IR-345070037RFA; errata filed Oct 3, 2008, 3:30 p.m.: 20081022-IR-345080767ACA; filed Sep 11, 2012, 2:35 p.m.: 20121010-IR-345120107FRA; filed Dec 4, 2014, 1:59 p.m.: 20141224-IR-345140199FRA; filed Dec 7, 2016, 9:26 a.m.: 20170104-IR-345160222FRA; filed Feb 23, 2021, 1:10 p.m.: 20210324-IR-345200476FRA) NOTE: Transferred from the Indiana State Department of Health (410 IAC 8-14-8.2) to the Indiana State Board of Animal Health (345 IAC 8-3-2) by P.L.137-1996, SECTION 76, effective July 1, 1996.



Eric J. Holcomb, Governor
Bret D. Marsh, DVM, State Veterinarian

INDIANA STATE BOARD OF ANIMAL HEALTH

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Media/Public Information Office Report

30 June 2022 for 12 July 2022 Board Meeting

Denise Derrer Spears, Public Information Director

Public Information:

- Participated in a day-long conference for state public information officers, hosted by the Governor's media team.
- Attended Women in Ag Stakeholder meeting to discuss and provide input to current issues and programming for Purdue Extension's outreach efforts.
- Attended quarterly meeting of Media and Emergency Services Organization (MESO).
- Co-instructed Basic Public Information Officer course for IN Dept of Homeland Security (IDHS).
- Jalee Wondercheck resigned on June 17 to take another position. The job is currently posted.
- Participated in a meeting with Professional Licensing Agency to discuss the Board of Veterinary Medicine's move to Discovery Hall.
- Served as evaluator for IDHS's full-scale disaster exercise, Operation Lights Out, in Madison County in June. Specific tasks were to observe and evaluate the public information and warning functions of the exercise to determine if standards were met.
- Coordinated BOAH's session for Boiler Vet Camp at the Indianapolis Zoo. This year 48 students learned about BOAH's mission areas through activities at five hands-on stations.
- Participated in monthly calls for the Communication Officers of State Department of Ag (COSDA).
- Joined a demonstration of a proposed portal to handle access to public records (APRA) requests. The state plans to centralize the request and fulfillment processes for all state agencies, including a searchable database of information provided to the public. Agencies will have the opportunity to customize the interface.
- Continued to represent BOAH within the Indiana Family of Farmers group.
- Represented BOAH to the Indiana Environmental Health Association with updates for monthly board meetings.

Animal Health & Care:

- Coordinated situation updates, industry calls and media inquiries for the high-path avian influenza (HPAI) event. Participated in weekly USDA Joint Information Center virtual meetings for involved states.
- Participated in virtual meeting with Tyson representatives to discuss planning efforts for high-consequence disease events in the pork sector.

Disaster Preparedness:

- Coordinated the BOAH quarterly lunch-and-learn format webinar: *HPAI: What to Look for and 2022 Situation Update*, presented by BOAH's Dr. Cheryl Miller.

Food Safety:

- Working with IN State Department of Agriculture's economic development team to plan information meetings to help small meat, poultry and dairy processors identify and access state and federal funding and resources. Meetings are planned for Sept. 23 (Jackson County) and 30 (Kosciusko County). BOAH will be represented on the agenda.
- Working to update the Buyer's Guides for meat and poultry and dairy in partnership with ISDA and Indiana Grown.

Website & Social Media Fun Facts:

- Web traffic from mobile devices continues to grow. 60% of users in Q2 were on a mobile device.
- Top five BOAH web pages: Animal-related laws, HPAI, FAQs, dead-animal disposal, and premises registration.

Upcoming Events:

- Quarterly Webinar: August 17 at noon: Topic: *Sheltering Pets in a Disaster*

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Chief of Staff Report July 12, 2022

Quarterly Highlights

- **Budget:**
 - Closed fiscal year 2022. BOAH met budget requirements for the fiscal year but did not meet the goal of a two percent reserve of state appropriations. Spending related to the agency response to Highly Pathogenic Avian Influenza and increases in personnel and operating costs impacted BOAH's ability to meet the SFY 2022 reserve target.
 - Prepared the agency spending plan for state fiscal year 2023.
 - Began preparing BOAH's request for the 2024 – 2025 biennial budget process.

- **Cooperative Agreements:**
 - USDA approved BOAH's 2022 cooperative agreement funding requests for the animal disease control and traceability programs.
 - Continued preparations to apply for a supplemental USDA cooperative agreement for Highly Pathogenic Avian Influenza (HPAI) related expenses.

- **Personnel:**
 - Filled the following positions: Four meat inspectors. One meat and poultry compliance officer. One animal health specialist.
 - Currently recruiting for the following positions: Three meat inspectors. One dairy plant inspector. One district veterinarian. One assistant public information specialist.
 - BOAH has two summer interns participating in the Governor's Summer Internship program.
 - Luke Pfanstiel -Biology Major, Pre-Vet Interest
 - Erica Long - Animal Sciences Major, Biosciences
 - Worked with the State Personnel Department and State Budget Agency on a compensation plan for BOAH front-line inspectors and related positions.

- **Policy:**
 - Participated in BOAH's response to Highly Pathogenic Avian Influenza (HPAI). Served in the General Counsel and Contracts position in the BOAH HPAI Incident Command structure.
 - Established a Center for Animal Policy working group to plan for BOAH's support for the Board of Veterinary Medicine beginning in July 1, 2023. Met with the Professional Licensing Agency to share information and discuss transition activities.

- Participated in BOAH's swine incident management team and NADPRP swine mass euthanasia working group.
- Participated as an agency representative in the State of Indiana payroll modernization rollout group.
- Coordinated with the Indiana Office of Technology for disaster recovery services and testing for the BOAH USAHERDS database.

Gary L. Haynes

Chief of Staff



Eric J. Holcomb, Governor
Bret D. Marsh, DVM, State Veterinarian

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Animal Programs Department Board Report 2nd Quarter 2022

Quarterly Highlights

- A tremendous amount of time and effort this quarter was dedicated to BOAH's continued response to Highly Pathogenic Avian Influenza (HPAI). As of 6/30/2022, Indiana has logged thirteen cases of HPAI in five counties since February of this year and responded to 114 calls from backyard flock owners reporting clinical signs of illness in their birds. A special HPAI report with additional details is included in the board meeting materials.
- BOAH has continued working extensively with poultry industry constituents in northeast Indiana related to reporting, testing, epidemiology, and eradication of cases of egg drop syndrome virus (EDSV).
 - Since the first report of clinical signs of EDSV in late August of 2021, a total of 33 cases have been diagnosed among 4 commercial egg production companies resulting in the depopulation of 662,198 layers. The impact on these companies has been significant.
 - BOAH worked with Ceva Animal Health and the USDA Center for Veterinary Biologics (CVB) this spring and gained authorization for use of an inactivated EDSV vaccine on previously affected farms.
 - Despite significant increases in biosecurity and implementation of numerous prevention practices, new cases have continued to be diagnosed this quarter, proving devastating to these companies and their growers. In June, after extensive discussion and planning, Indiana is seeking approval for use of the vaccine in all the affected company's pullet and layer premises located in Indiana.

Fast Facts

Swine

- Reports of ongoing and recurring outbreaks of African swine fever (ASF) have been made this quarter in areas of China, Thailand, Bhutan, Nepal, Korea, Russia, and several countries in Eastern Europe. New domestic cases were reported in Italy and Germany in May. USDA-APHIS continues to assist with outbreak response in the Dominican Republic and Haiti.

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- Enrollment of Indiana producers and packers in the national Swine Health Improvement Plan has continued this quarter. Indiana currently has 204 participants enrolled. Together these participants represent each of the SHIP site classifications, i.e. breeding, growing, packer, etc.

Cervid

- Dr. Chavis has been participating in a CWD working group with representatives from the North American Deer Farmers Association, the North American Elk Breeders Association, and other cervid producers to develop recommendations for change regarding how CWD traces are conducted by regulators. The plan is to present these recommendations to the National Assembly of State Animal Health Officials.
- Enforcement action was taken in four cases of non-compliance with CWD program standards this quarter including one suspension, one warning, and two notices of violation for such deficiencies as missing samples, delayed inspections, and poor record keeping.

Sheep & Goats

- There were no scrapie traces, investigations, or clinical suspects this quarter. Routine slaughter surveillance continues as normal.
- As of the end of May, Indiana has sampled 332 sheep for scrapie, surpassing our USDA annual minimum quota of 246. We are just over halfway in terms of meeting the quota of sampling 120 goats.

Aquaculture

- Producers have adapted well to the updated viral hemorrhagic septicemia (VHS) susceptible species list and associated changes in permitting requirements.
- The Great Lakes VHS Risk Assessment Working Group has had two full-group meetings along with several targeted meetings with specific stakeholder sectors. The initial scope of the project has been narrowed to focus on risk assessments in public and tribal hatcheries to provide concrete risk assessment examples to the private sector aquaculture producers in the future.
 - As part of the regulatory sector subgroup, Dr. Strasser will be meeting to comment on the risk assessment model soon.

Companion Animal

- Rabbit hemorrhagic disease virus (RHDV2) continues to be diagnosed in the United States in both wild and domestic rabbits.
 - Several states had their first cases diagnosed in 2022 including Tennessee, Washington, New Jersey, and Hawaii. A total of 22 states have been affected.
- Six bats have tested positive for rabies in 2022. In two of the six cases, domestic pet exposures were identified; in those cases, the pets received rabies booster vaccines and underwent a 45-

day in-home observation period. All exposed humans were referred to the state and local health departments for recommendations on post-exposure prophylaxis.

Equine

- The final quarantine issued in the DeKalb County equine herpesvirus (EHV-1) neurologic outbreak was released at the end of May.
 - The affected barn suffered a loss of four horses that were euthanized due to this virus, constituting a loss of 10% of the population. From the onset of the first clinical signs in the index case, horses were under quarantine for just over nine weeks.
 - Eleven of the 41 horses stabled in that barn eventually showed neurologic signs of the disease during the quarantine period. Fortunately, appropriate biosecurity measures were implemented, and no additional Indiana premises were affected by spread of this disease.
- A single case of equine influenza was reported in April in a horse that had recently attended an Indiana equine event. The horse was voluntarily quarantined at its home Indiana barn, and no further cases were reported.
- A 2-year old racing quarter horse stallion tested positive for piroplasmiasis in May after routine testing. Through trace testing, his dam, a 10-year-old quarter horse broodmare was also found to be positive. The stallion is believed to have been infected from a very young age or potentially before birth.
 - The two positive horses are under quarantine at separate facilities in Indiana. Treatment is planned for the stallion, but the drug required by the USDA treatment protocol is currently unavailable. The mare will be allowed to foal out with subsequent testing of the foal, and a decision will be made at that time about treating her.
 - No other horses associated with this case have tested positive for piroplasmiasis.

Animal Care & Welfare

- BOAH received 89 animal welfare related complaints this quarter. Our new animal welfare operations director, Hannah Fisher, has proven to be a fantastic asset in providing assistance and direction to the public and to local agencies and organizations. The resulting number of investigations our field veterinarians must subsequently follow up on seems to have already trended downward because of her dedication to triaging these complaints, finding solutions, and providing resources specific to the issue at hand.
- Hannah Fisher also continues to develop the curriculum for animal welfare officer training courses which will aim to bolster the knowledge of local officials in regard to investigating crimes against animals. The proposed Animal Welfare Officer Academy would consist of three, forty-hour courses: basic, intermediate, and advanced.

One Health

- The first case of Monkeypox during the 2022 outbreak was identified in Indiana in June. BOAH anticipates being an integral partner with the Indiana Department of Health (IDOH) in investigating potential zoonotic incidents involving susceptible animals with contact to positive humans.
- BOAH field veterinarians will again partner with private practitioners across the state to assist, in conjunction with IDOH, in identifying unknown species of ticks. A tick of particular interest is the Asian long horned tick (*Haemaphysalis longicornis*). This tick has not yet been discovered in Indiana but has been migrating closer to our border since 2010.
- A total of 365 animals have tested positive for SARS-CoV-2 in the United States, with 25 states also recording detection in wildlife.

Drug Residue Prevention

- There were two milk residue investigations completed on Indiana farms this quarter.
 - In the first case, investigation showed that the milk line had not been removed from the bulk tank before milking the treated cows.
 - In the second case, a cow that had been treated while dry ended up calving early, and the on-farm milk test being utilized was not designed to detect the antibiotic that was administered. The producer indicated that due to supply issues, they were using a new drug for the first time and didn't realize their test would not detect it.
 - Both farms have implemented corrective actions to prevent their mistakes from recurring.

Foreign Animal Disease Investigations

- In addition to working up numerous suspect cases of HPAI, one foreign animal disease investigation was conducted this quarter to rule out RHDV2. The investigation commenced upon a private veterinarian's report that their rabbit patient had exhibited neurologic signs and hemorrhagic discharge from the nostrils before dying acutely. RHDV2 was ruled out by the Plum Island diagnostic laboratory.

Compliance, Enforcement, & Licensing

- Our animal health specialists conducted eleven carcass disposal complaint investigations this quarter involving improper disposal of cattle, swine, poultry, horses, and goats.
- BOAH investigated several occurrences of altered certificates of veterinary inspection on racehorses coming to an Indiana track from out of state. The Indiana Horse Racing Commission has issued a fine to at least one horse owner for their role in altering and presenting fraudulent certificates. The USDA continues their investigation.

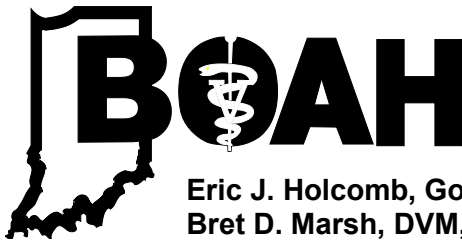
Partnerships and Outreach

- Dr. Macy and Denise Derrer Spears coordinated another educational webinar for our Veterinary Medical Reserve Corp members and private practitioners around the state. Dr. Cheryl Miller spoke about Indiana's response to HPAI.
- BOAH will again be partnering with the Indiana Department of Health this year to reimburse testing costs for equine practitioners sampling un-/under-vaccinated horses exhibiting signs of Eastern Equine Encephalitis in an effort to increase early surveillance for this zoonotic disease which tends to occur in the fall months.
- As part of the summer season, BOAH animal health specialists are performing inspections at local swap meets to ensure state requirements for animal traceability are being met. We utilize these events as educational opportunities and distribute information on animal identification requirements, certificate of veterinary inspection rules, record keeping for sales of poultry, how to register for a premises ID, and more.
- Requests for assistance continue to come in related to creating or improving animal control programs throughout the state. Hannah Fisher has visited with county officials including law enforcement, county commissioners, and county prosecutors to assist their efforts to improve animal welfare within their jurisdictions.

Respectfully Submitted,



Maria Cooper, DVM
Deputy Director, Animal Programs Department



Eric J. Holcomb, Governor
 Bret D. Marsh, DVM, State Veterinarian

INDIANA STATE BOARD OF ANIMAL HEALTH

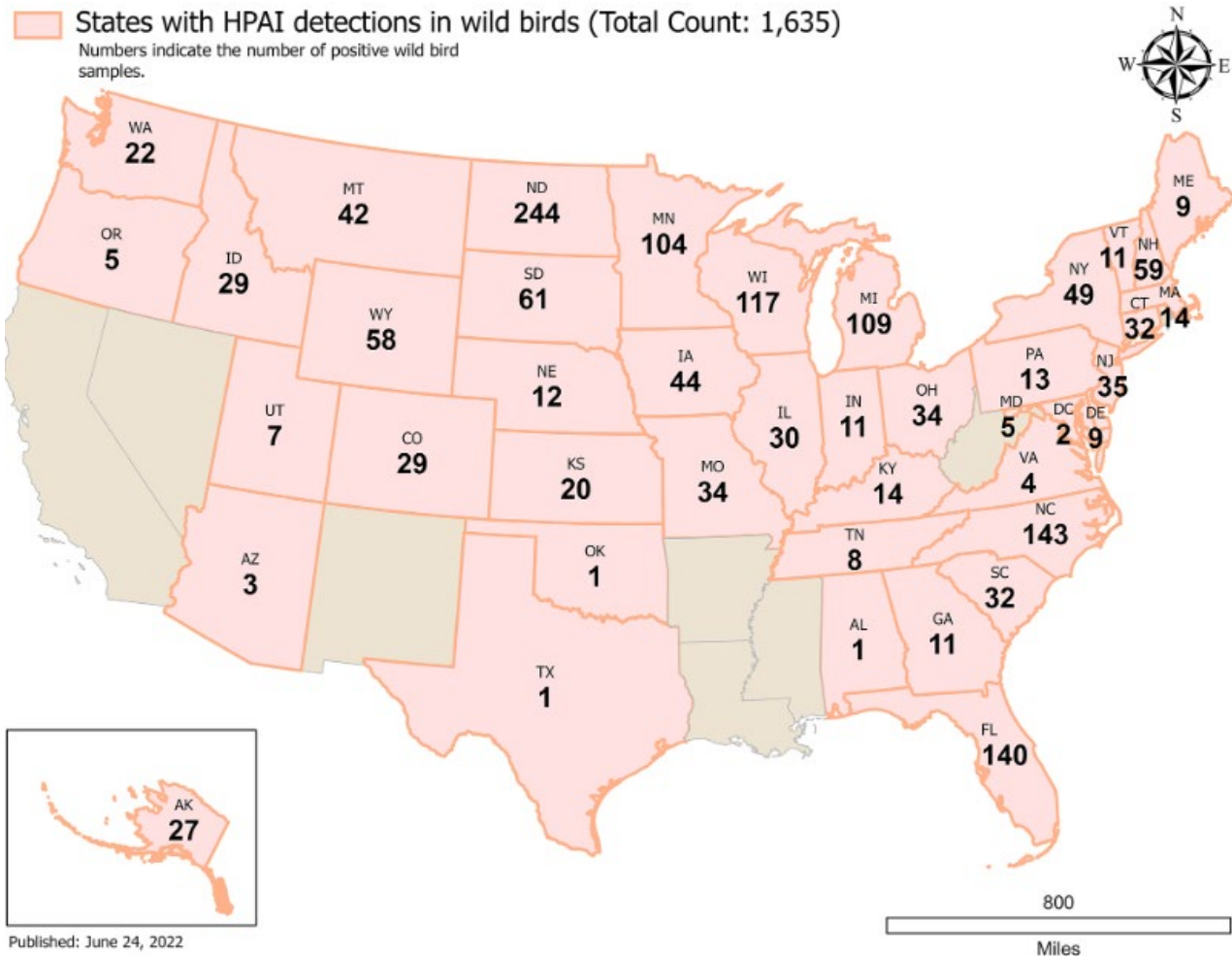
Office of the State Veterinarian
 Discovery Hall, Suite 100
 1202 East 38th Street
 Indianapolis, IN 46205-2898
 Phone: 317/544-2400

HIGHLY PATHOGENIC AVIAN INFLUENZA REPORT
 (BOAH Board Meeting 07/12/22)
 Michael D Kopp, DVM

USDA 2022 Detections of Highly Pathogenic Avian Influenza in Wild Birds as of 06/24/22.

- USDA website below of HPAI detections shows the state, county, date detected and type of wild bird.
- [USDA APHIS VS Website List of 2022 Detections of Highly Pathogenic Avian Influenza in Wild Birds](#)
- USDA is only posting when HPAI is NVSL confirmed in the wild bird samples.
- First wild bird of H5N1 HPAI Eurasian strain was in SC on 01/13/22 in Hunter Harvest American Wigeon.
- Indiana first detection was 1 Redhead duck with H5N1 HPAI EA swabbed on 02/23/22 in Dubois County.
- Vancouver, Canada had first separate H5N1 HPAI from Pacific flyway on 03/02/22 in dead Bald Eagle.
- The number of cases continues to change as more HPAI samples are identified across the US.

USDA 1,635 Detections of H5N1 Highly Pathogenic Avian Influenza in Wild Birds in 42 States as of 06/24/22.



Indiana BOAH Website 2022 Detections of H5N1 HPAI Eurasian Strain - Clade 2.3.4.4b in Indiana Poultry.

- [Indiana BOAH 2022 HPAI Information Website](#)
- Indiana 2022 Event starts on MON 02/07/22 with PU ADDL presumptive H5 positive on Dubois 1.
- H5N1 HPAI Eurasian strain first one found in US in a Commercial or Backyard Poultry premises.
- Control Areas released 14 days after Initial VE Completed Date with Allen 02 last closed on 06/18/22.
- “HPAI Free” Status is 28 days after final VE completed on last infected premises IN currently 07/21/22.

County & #	Date Confirmed	Quarantine Released	Type of Operation	# Birds
Dubois 01	02/08/22	04/27/22	Commercial Turkey	29,015
Dubois 02	02/16/22	04/21/22	Commercial Turkey	26,625
Dubois 03	02/24/22	05/18/22	Commercial Turkey	35,988
Dubois 04	03/02/22	06/1/22	Commercial Turkey	16,494
Greene 01	02/23/22	05/18/22	Commercial Turkey	48,211
Greene 02	02/23/22	04/20/22	Commercial Turkey	15,400
Elkhart 01	04/08/22	06/2/22	Commercial Breeder Ducks	4,724
Elkhart 02	04/14/22	06/2/22	Commercial Breeder Ducks	6,379
Elkhart 03	04/20/22	06/5/22	Commercial Meat Ducks	6,600
Johnson 01	04/28/22	150-day fallow period	Backyard Flock (Non-Poultry)	43
Allen 01	05/19/22	150-day fallow period	Backyard Flock (Non-Poultry)	7
Allen 02	06/07/22	Disinfection & 150-day	Backyard Flock (Poultry)	114
Allen 03	06/08/22	150-day fallow period	Backyard Flock (Non-Poultry)	41
5 Counties	13 Premises		9 Commercial and 4 Backyard	189,641

Genetic sequences from H5N1 HPAI Eurasian clade 2.3.4.4b from Indiana turkeys and other US premises.

- Highly similar to viruses causing ongoing outbreaks in Europe and also found in Newfoundland, Canada.
- United States reported the same similar viruses from wild bird surveillance along the Atlantic flyway.
- First detection of Eurasian H5 clade 2.3.4.4 in poultry in US since 2015 & first HPAI in poultry since 2020.
- 2022 H5 clade/b can directly infect poultry versus 2015 H5 clade/c had to poultry adapt with NA N type.
- Based on analysis of more than 2925 full genome sequences and in consideration of epidemiologic data available to NVSL, as of June 14, 2022, at least 84% (297/355) analyzed U.S. detections in poultry premises and non-poultry flocks to date are consistent with independent wild bird origin introductions.

World Organization of Animal Health (OIE) in May 2021 Meeting Updated AI Chapter and Poultry Definition.

- Reporting as always on HPAI in any bird species, but only restricting trade to new poultry definition.
- Focusing on objective to mitigate animal and public health risks posed by any infection with HPAI.
- Other AI (LPAI) that may have potential for a negative impact on animal and public health are notifiable.
- Like a sudden and unexpected increase in virulence of LPAI in poultry is notifiable as emerging disease.
- Or like LPAI in domestic and captive wild birds with severe human consequences are notifiable.
- “Poultry” means all birds used for breeding or production of any commercial animal products.
- Birds and products used in single household are non-poultry if there is no direct contact with poultry.
- Other birds, kept for shows, racing, zoo and pet birds, are non-poultry if no direct contact with poultry.
- Updated and shortened the incubation period at flock-level for HPAI from 21 days to 14 days.
- Updated and shortened the recovery of HPAI Free Status for Country or Zone from 90 days to 28 days.

USDA VS is using and updating all its AI response documents to reflect the new OIE changes during this event.

- On Foreign Animal Disease Preparedness and Response Plan (FAD PReP) HPAI website.
- [USDA FAD PReP Highly Pathogenic Avian Influenza \(HPAI\)](#)
- Also, many other documents are changing during the event with current 27 new changed documents.

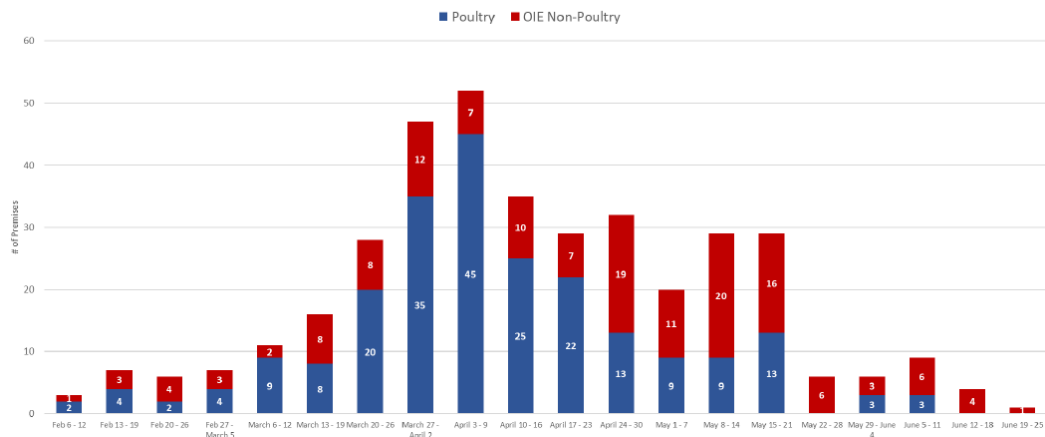
Total # of 377 New & Confirmed OIE Poultry & OIE Non-Poultry Premises as 06/24/22

226 Cases of H5N1 HPAI Eurasian Strain in OIE Poultry Flocks in 26 States.

151 Cases of H5N1 HPAI Eurasian Strain in OIE Non-Poultry Flocks in 28 States.

State	OIE Poultry	OIE Non-Poultry	Grand Total
Alaska		1	1
Colorado	6	1	7
Connecticut		1	1
Delaware	3		3
Georgia		1	1
Idaho	10	15	25
Illinois		4	4
Indiana	10	3	13
Iowa	15	4	19
Kansas	4	2	6
Kentucky	2		2
Maine	1	11	12
Maryland	4		4
Massachusetts		1	1
Michigan	3	10	13
Minnesota	61	19	80
Missouri	6	3	9
Montana	2	7	9
Nebraska	4	4	8
New Hampshire		1	1
New Jersey	1		1
New York	4	4	8
North Carolina	9		9
North Dakota	11	5	16
Ohio		1	1
Oklahoma	1		1
Oregon	1	2	3
Pennsylvania	17		17
South Dakota	38	2	40
Texas	1		1
Utah	1	4	5
Vermont		1	1
Virginia		1	1
Washington	2	22	24
Wisconsin	9	13	22
Wyoming		8	8
Grand Total	226	151	377

HPAI Epidemiological Curve of Presumptive Cases



INDIANA STATE BOARD OF ANIMAL HEALTH - ANIMAL CARE INVESTIGATIONS - QUARTER 2, 2022

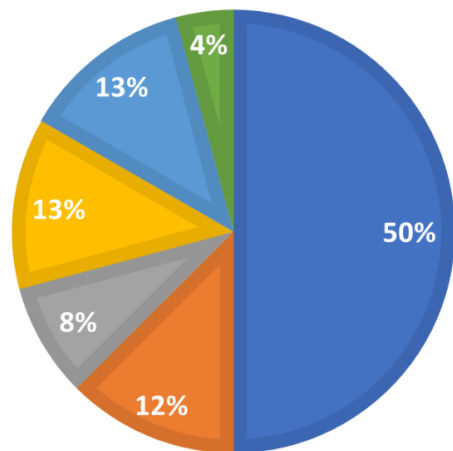
Incident Name	Date Range	Species Involved	Primary Investigator	Summary of Complaint	Summary of BOAH Disposition	Enforcement Action (if known)
14MC145C-04C Wayne	03/25/22 - 04/04/22	(1) Canine	Dr. Melissa Justice	Animal control contacted BOAH regarding a dog seized for neglect	Investigation Complete: Termination of ownership rights recommended	Criminal charges filed by the county prosecutor's office
14PB15M1-04C Madison	03/09/22 - 04/07/22	(~50) Bovine, (1) Equine	Dr. Melissa Justice	Private citizen contacted BOAH regarding concerns about living environment and body conditions of animals	Written recommendations provided	None
14MD1B3X-0AL Jefferson	03/28/22 - 04/07/22	(1) Feline	Dr. Katelyn Macy	Private veterinarian contacted BOAH regarding an owned cat they examined with wounds consistent with abuse	Investigation Complete: Findings were consistent with animal abuse	Criminal charges expected to be filed by the county prosecutor's office (but have not been as of the time of this report)
14PB14UY-04C Blackford	03/31/22 - 04/07/22	(2) Bovine, (~20) Caprine, (1) Equine	Dr. Melissa Justice	Private citizen contacted BOAH regarding concerns about living environment and body conditions of animals	Investigation Complete: The animals' primary caretaker recently died and the family is learning how to properly care for the animals	None
14MR1PL4-04C Wayne	04/07/22 - 04/17/22	(1) Canine	Dr. Melissa Justice	Law enforcement contacted BOAH regarding one dog that was seized due to an untreated traumatic injury	Investigation Complete: Euthanasia recommended	Criminal charges expected to be filed by the county prosecutor's office (but have not been as of the time of this report)
14N9224X-055 Crawford	04/07/22 - 04/19/22	Bovine, Equine <i>No animals individually evaluated.</i>	Kassie Gunn	Private veterinarian contacted BOAH regarding complaints they had received about welfare concerns at sale barn	Investigation Complete: BOAH reminded sale barn of various requirements and standards	None
14NC10T8-01Y Elkhart	04/21/22 - 04/22/22	Avian, (~30) Bovine, (~10)Caprine, (~10) Ovine	Dr. Bruce Lamb	Humane society contacted BOAH about improper carcass disposal and animal welfare concerns	Investigation Complete: Removal of animals recommended	BOAH administrative order AND pending local ordinance violation
14M00MEZ-093 Pike	03/23/22 - 04/26/22	(1) Equine	Dr. Eric Renshaw	Private citizen contacted BOAH about concerns the animal wasn't being cared for properly anymore	Investigation Complete: Animal not in jeopardy	None
14NH14HB-0AL Jefferson	04/12/22 - 05/13/22	(3) Equine	Dr. Katelyn Macy	Animal control contacted BOAH about complaints they had received about horses in questionable condition	Written recommendations provided	Animal control will follow-up to ensure recommendations are followed
14NG0XZ3-01X Brown	05/10/22 - 05/13/22	(1) Bovine	Dr. Jodi Lovejoy	Animal control contacted BOAH about an extremely emaciated cow with an ingrown halter and overgrown hooves	Investigation Complete: Animal allegedly was euthanized prior to BOAH's review of pictures	Animal control will attempt to confirm animal is deceased and not just relocated

Incident Name	Date Range	Species Involved	Primary Investigator	Summary of Complaint	Summary of BOAH Disposition	Enforcement Action (if known)
14NM0WJQ-0B4 Montgomery	05/13/22 - 05/17/22	(15) Canine, (1) Chinchilla, (1) Feline, (1) Ferret	Dr. Deborah Boyd	Animal control contacted BOAH about potential neglect of multiple animals related to environmental concerns	Verbal recommendations provided	Animal control will follow-up to ensure recommendations are followed
14NP1HGV-0B4 Tippecanoe	05/16/22 - 05/18/22	(1) Canine	Dr. Deborah Boyd	Animal control contacted BOAH regarding a dog seized for alleged failure to provide veterinary care	Investigation Complete: Continued veterinary care recommended or euthanasia if unable to provide care	None; Owner elected to euthanize in lieu of criminal charges being filed
14NPOYTW-02N Huntington	05/13/22 - 05/20/22	(15) Feline	Dr. Shelly Chavis	Humane society contacted BOAH about animals seized for alleged abandonment	Investigation Complete: Termination of ownership rights recommended	Criminal charges expected to be filed by the county prosecutor's office (but have not been as of the time of this report)
14NT1T8V-01Z St. Joseph	04/18/22 - 05/23/22	(~70) Ovine	Dr. Jennifer Strasser	Animal control contacted BOAH regarding sheep in questionable condition	Written recommendations provided	Animal control will follow-up to ensure recommendations are followed
14NQ1GDM-02N Huntington	05/18/22 - 05/23/22	(1) Canine	Dr. Shelly Chavis	Humane society contacted BOAH about a dog seized for alleged neglect	Investigation Complete: Termination of ownership rights recommended	Criminal charges expected to be filed by the county prosecutor's office (but have not been as of the time of this report)
14P11ANS-01Z LaPorte	05/13/22 - 05/31/22	(3) Avian	Dr. Jennifer Strasser	Law enforcement contacted BOAH regarding three roosters seized for alleged neglect	Investigation Complete: Further testing and private veterinarian evaluation recommended	Criminal charges filed by the county prosecutor's office
14P5017L-01Z Pulaski	03/17/22 - 06/05/22	Avian, (1) Bovine, (~12) Canine, (5) Caprine, (2) Equine, Feline, (1) Porcine	Dr. Jennifer Strasser	Animal control contacted BOAH about potential neglect of multiple animals related to deceased animals discovered on property	Investigation Complete: Remaining animals were in good condition and being provided care	None: Animal control was going to follow up to ensure proper disposal of carcasses
14P921HG-04C Wayne	06/07/22 - 06/08/22	(1) Canine	Dr. Melissa Justice	Law enforcement contacted BOAH regarding a deceased dog seized for alleged neglect	Investigation Complete: Unable to determine cause of death	Criminal charges expected to be filed by the county prosecutor's office (but have not been as of the time of this report)
14PA1DVR-0B4 Tippecanoe	06/01/22 - 06/09/22	(1) Canine	Dr. Deborah Boyd	Animal control contacted BOAH regarding a stray dog in questionable condition	Investigation Complete: Further investigation encouraged if an owner is discovered	None at this time
14P91ASM-01X Scott	06/02/22 - 06/09/22	(1) Canine	Dr. Jodi Lovejoy	Animal control contacted BOAH requesting an evaluation of a dog seized for a bite investigation	Investigation Complete: Animal deemed aggressive and unsafe to release	Criminal charges filed by the county prosecutor's office

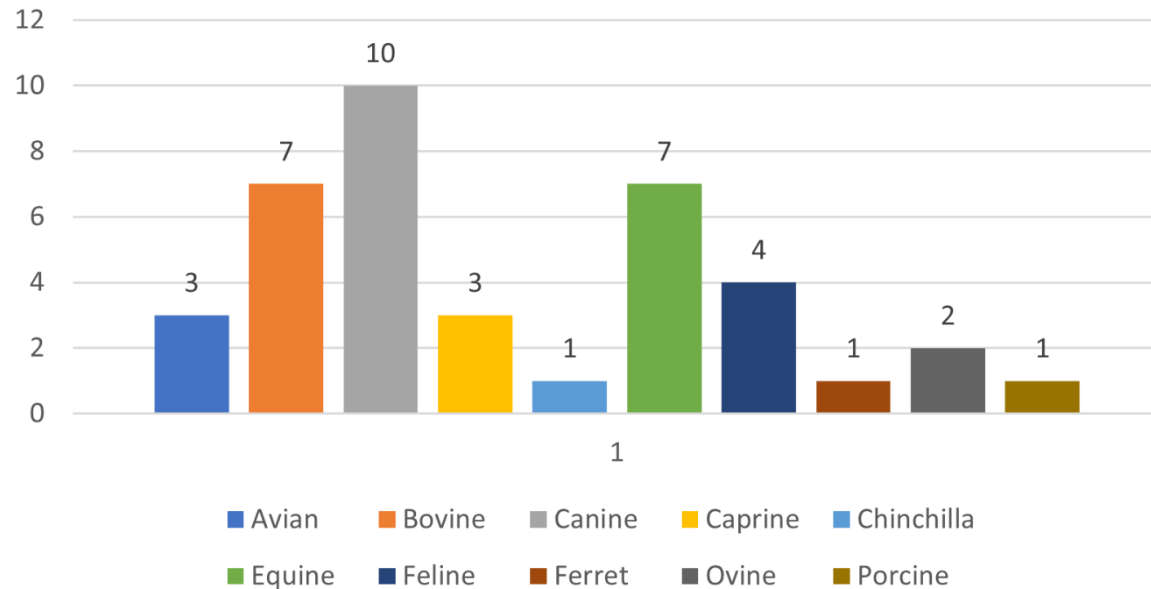
Incident Name	Date Range	Species Involved	Primary Investigator	Summary of Complaint	Summary of BOAH Disposition	Enforcement Action (if known)
14PB14LS-04C Madison	05/23/22 - 06/10/22	(4) Bovine, (1) Caprine, (2) Ovine, (1) Porcine	Dr. Melissa Justice	<i>Re-evaluation</i> of animals previously seized for alleged neglect	Investigation Complete: Animals are showing improvement in new environment	Criminal charges filed by the county prosecutor's office
14PH1QQB-0AL Franklin	05/26/22 - 06/16/22	(8) Bovine	Dr. Katelyn Macy	Animal control contacted BOAH about potential neglect of multiple animals related to environmental concerns	Written recommendations provided	Animal control will follow-up to ensure recommendations are followed
14PL12F0-02N Jay	06/13/22 - 06/20/22	(3) Equine	Dr. Shelly Chavis	Animal rescue contacted BOAH regarding three horses and concern on who was caring for them due to a death	Investigation Complete: Animals surrendered and placed in care of rescue	None
14PP1D0X-0B4 Carroll	06/20/22 - 06/22/22	(1) Canine	Dr. Deborah Boyd	Animal control contacted BOAH regarding a dog in questionable condition	Written recommendations provided	Animal control will follow-up to ensure recommendations are followed

SOURCE OF COMPLAINT

- Animal Control
- Humane Society
- Private Veterinarian
- Citizen
- Law Enforcement
- Rescue



Reports Including Each Species



REPORT TO THE BOARD, July, 2022

Quarterly Highlights

- FSIS State- Federal Audit Branch conducted their on-site audit April 18th through the 29th. They conduct these every 3 years. It went very well. We are anticipating having all documentation completed by the end of July.
- FSIS Civil Rights Audit was conducted the week of April 11th in the Central Office. We have not yet received the final report but it also seemed to go well.
- 6 new plants have joined the program this quarter- 3 Custom exempt plants, 2 inspected facilities and 1 Limited Permit Retail HRI for poultry.
- Dr Suhr and Dr Swiatkowski are currently in Savannah, Georgia attending the State Meat and Poultry Inspection Directors meetings held during the Southern Animal Health Association annual conference.
- Two of our EIAOs and Dr. Swiatkowski attended the FSIS Chicago District Frontline Supervisor meetings the first week in May as representatives of the CIS program for Indiana.



Fast Facts:

- Facilities by type:

Red meat harvest and processing	49
Poultry harvest and processing	2
Meat harvest, no further insp. processing	3
<u>Processing only facilities</u>	<u>26</u>
Official establishments	80
+	
Limited Permit Retail HRI	2
<u>Custom exempt establishments</u>	<u>46</u>
Total program facilities	128

- We currently have 3 open inspector positions
- We have filled our Compliance Officer position

Looking Ahead:

- BOAH MPI continues to take advantage of USDA/FSIS virtual training courses. We had our new EIAO participate in the FSIS EIAO course on April 4th and successfully completed the course on the 25th. Our new compliance officer will participate in the SIEM

Meat & Poultry Inspection Division



(Surveillance, Investigation and Enforcement Methodology) training in August through FSIS.

- 3-4 new facilities are estimated to join the State MPI program in the next few months.

Partnerships and Outreach

- FSIS Chicago District Office CIS weekly teleconference between BOAH MPI and Ohio MPI – sharing pandemic and CIS related information.
- MPI weekly teleconference with field staff.
- MPI, IMPPA and ISDA are holding monthly meetings to help support new and existing plants

Respectfully submitted,

Keri Z. Luhn, DVM



Eric J. Holcomb, Governor
Bret D. Marsh, DVM, State Veterinarian

INDIANA STATE BOARD OF ANIMAL HEALTH

Office of the State Veterinarian
Discovery Hall, Suite 100
1202 East 38th Street
Indianapolis, IN 46205-2898
Phone: 317/544-2400

Dairy Division

Quarterly Highlights

- For the second quarter of 2022 there were 26 state surveys and 7 federal check ratings. Overall average sanitation score was 88. Overall average enforcement score was 94.
- These ratings included 12 Grade A plants and 6 single service plants.
- Indiana is down 15 Grade A farms for this quarter.

Fast Facts

- Currently 714 Grade A farms (-6)
- Haulers 463 (-14)
- 22 Grade A Dairy Plants
- 1 Pending Grade A Plant
- 5 Truck Wash / 2 Transfer Stations
- 33 farms with a total of 177 AMI's
- 13 Manufactured Grade Farms (+1)
- Milk Trucks 595 (+41)
- 30 Manufactured Grade Plants (-3)
- 14 Single Service Manufactures (+1)
- 9 Distributors

Looking Ahead

- Dates have been set for the National Conference on Interstate Milk Shipments that was to be held in Indianapolis in April of 2022. This event will now be held April 3-7, 2023.
- Ken McCune will be retiring at the end of August this year. We will be actively working to fill his position towards the end of July.

Partnerships and Outreach

- Throughout the 1st quarter of 2022 several Dairy Department staff members have helped with the HPAI outbreak in Dubois and Greene County. Department members helped with the backyard surveillance activities including sampling and running of samples for BOAH and our industry partners.
- Nathan Campbell will be in Nashville Tennessee July 9-13 for the National Association of Dairy Regulatory Officials of which he serves as President.
- The BOAH Dairy Department was awarded an AFDO equipment grant this year. These funds will be used to purchase additional printers and inspection equipment for the department.

Respectfully Submitted,

Patrick Hash
Director, Dairy Division

Safeguarding Indiana's animals, food supply and citizens for more than 125 years.

An equal opportunity employer and provider.



**DEPARTMENT OF HEALTH & HUMAN SERVICES
Public Health Service
Food and Drug Administration**

June 3, 2022

Dr. Brent Marsh, State Veterinarian
Indiana State Board of Animal Health
Discovery Hall, Suite 100
1202 East 38th St.
Indianapolis, IN 46205

Dear Dr. Marsh:

Enclosed is the Triennial State Program Evaluation of the Indiana State Board of Animal Health Grade "A" Milk and Dairy Program. This evaluation was prepared in accordance with the United States Food and Drug Administration's (FDA) Compliance Program 7318.003 - Milk Safety Program. The purpose of the evaluation is to assess both strengths and weaknesses of the state's milk and dairy safety program and provide recommendations for corrections and improvements to the responsible state program officials.

State program evaluations have been important for many state agencies to use in developing sound and standard milk sanitation programs. The evaluations have also led to the development of more uniformity and reciprocity between states and state dairy regulatory agencies.

The information used to prepare this evaluation was obtained through an assessment of state administrative procedures and records, discussions with IBOAH staff, and observations of program components during FDA certifications and field evaluations (check-ratings) of individual dairy producer groups, commingling sites, single service manufacturers, and milk processors from January 1, 2019, through December 31, 2021.

Utilizing the above reference guidance, the determination is that the State of Indiana's Grade "A" National Conference on Interstate Milk Shipments (NCIMS) Program is in compliance with the USFDA Pasteurized Milk Ordinance (PMO) and the Procedures Governing the Cooperative State- PHS/FDA Program of the National Conference on Interstate Milk Shipments, and its related documents.

This evaluation report is an acknowledgement that the Indiana State Board of Animal Health is a model NCIMS participant that reflects the principals and the essence of the cooperative nature of the NCIMS. This is largely due to the commitment of the Board of Animal Health and the dedication of your agency and staff toward the success of their public health mission.



Please respond to this evaluation with the acknowledgement of receipt. If you have any questions concerning this evaluation, please feel free to contact Milk Specialist Tarsha T. McClendon at 312-596-6532 or 312-202-2555 her Chicago, Illinois office.

Sincerely,

A handwritten signature in black ink, appearing to read "Laurie Farmer", is positioned above the typed name and title.

Laurie Farmer, Office Director
Office of State Cooperative Programs
Office of Human and Animal Feeds
Food and Drug Administration
DO-ATL-ANNEX1 HFR-SE14
60th Eighth Street NE
Atlanta, GA 30309
Phone 404-253-1775

cc: Milk Safety HFS-626
Tim Roddy, FDA
Tarsha T. McClendon, FDA

State Veterinarian's Progress Report

For the Period

April 13, 2022 through July 12, 2022

Highlights of the Quarter

1. Highly Pathogenic Avian Influenza (HPAI) continued to dominate BOAH's work activity throughout the quarter. The diagnosis of the virus on three commercial duck facilities in Elkhart county in early April represented the first commercial duck premises diagnosed with HPAI in the nation. Prompt action by the duck company in collaboration with BOAH resulted in the rapid depopulation and disposal of the flocks. One site in Johnson county and three sites in Allen county were diagnosed into June 2022, although these were small flocks. One of the Allen county premises was determined to be a commercial site, therefore a Control Area was established. There has been extensive outreach in each of these cases to the backyard poultry community, and BOAH personnel have been heavily involved in the identification of backyard flocks within the Control Areas.

Because the first commercial poultry premises in the US was diagnosed in Dubois county in February 2022, and continuing diagnoses in commercial ducks and backyard flocks into June 2022, Indiana has had the longest experience with HPAI of any state. BOAH is evaluating its response to this on-going incident and determining what changes may need to be made to be responsive to the industry's needs.

2. Egg Drop Syndrome Virus (EDSV) has been an on-going threat to the brown egg-laying flocks in northeastern Indiana. BOAH has worked extensively with the three affected companies to establish a plan to address the virus. A vaccine produced in Hungary and shipped to the US under a special permit with USDA, has been used on affected flock premises. Currently, BOAH has filed letters with the vaccine manufacturer to ship vaccine for use on all Indiana sites within these companies in an effort to curtail the impact of the virus. Heretofore, the companies have taken extraordinary steps to contain the virus, and the goal is to use the vaccine to keep the virus from spreading to other production companies. BOAH has received excellent cooperation on this challenging issue from the poultry industry, and we are hopeful the more broad use of the vaccine will contain the disease.
3. BOAH met with the Director of the Professional Licensing Agency (PLA), Deborah Frye, and members of her Executive team to discuss the smooth transition of the Board of Veterinary Medical Examiners (which will become known as the Board of Veterinary Medicine) to BOAH. The legislation that passed in the 2022 General Assembly will become effective July 1, 2023. BOAH has established an internal working group to make sure the transition works well. BOAH has received excellent cooperation from PLA.
4. BOAH has been heavily engaged in an external evaluation of the veterinary diagnostic services of the state of Indiana. Dr. Bruce Akey, a distinguished veterinary diagnostician who was instrumental in the success of veterinary diagnostic laboratories in Virginia, New York and Texas, has been secured to lead the evaluation of Indiana's services. He is conducting a series of

interviews, as well as an in-depth analysis of the services currently provided, and his report is expected to be completed by the end of July 2022.

5. BOAH is collaborating with Indiana Pork to enroll producer and packers in the US Swine Health Improvement Plan (SHIP). The goal of SHIP is to establish an African Swine Fever (ASF)/Classical Swine Fever (CSF) certification program for producers and packers that will facilitate surveillance, early detection, rapid response and more rapid recovery if ASF or CSF is diagnosed in the US. BOAH has been designated the Official State Agency (OSA) for the program.
6. This quarter had a busy meeting schedule including meetings with the ADDL Advisory Committee, USDA Core Orientation for senior veterinary students, Purdue College of Veterinary Medicine Graduation Celebration, Ag Alumni Fish Fry, National Poultry Improvement Plan meeting in Dallas, TX, Indiana Council on Animal Welfare, Canine Welfare Forum, North Central USAHA meeting in Bismarck, ND and stakeholder meetings on Egg Drop Syndrome Virus.

Looking Forward

1. BOAH had planned to conduct a HPAI “Hot Wash,” but the virus hasn’t quit! Once we have successfully released the last restrictions on Indiana premises, BOAH will evaluate how to improve our response to the virus. This evaluation will be critical because we fully expect avian influenza viruses to be an on-going challenge in the years to come.
2. BOAH is in the process of developing the agency budget for the period from July 1, 2023 through June 30, 2025. The BOAH agency request will be reviewed by the Governor’s Office before being considered by the General Assembly.
3. The US SHIP’s second House of Delegates session will be held in Bloomington, MN, September 6-8, 2022. We hope to have a full complement of delegates to represent Indiana.
4. The USAHA meeting will be held in Minneapolis, MN, October 7-12, 2022.
5. After twenty years of very distinguished service to BOAH and the State of Indiana, Dr. Marianne Ash has announced she will retire at the end of July 2022. She has blazed a trail for others to follow and her contributions to the success of multiple BOAH programs cannot be overstated. We wish her the very best!
6. More to come...

Bret D. Marsh, DVM

State Veterinarian