

**WEST VIRGINIA  
SECRETARY OF STATE  
KEN HECHLER  
ADMINISTRATIVE LAW DIVISION**

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Filing Date

FILED IN THE OFFICE OF  
THE SECRETARY OF STATE  
THIS DATE Aug. 8, 1991  
ADMINISTRATIVE LAW DIVISION

Form #7

Effective Date

Aug. 12, 1991

**NOTICE OF AN EMERGENCY RULE**

AGENCY: Agriculture TITLE NUMBER: 61

CITE AUTHORITY: 19-9-2

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 1

TITLE OF RULE BEING AMENDED Animal Disease Control

IF NO, SERIES NUMBER OF RULE BEING FILED AS AN EMERGENCY: \_\_\_\_\_

TITLE OF RULE BEING FILED AS AN EMERGENCY: \_\_\_\_\_

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

**THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:**

This rule is necessary for the immediate preservation of the public health and welfare. This rule establishes requirements for the importation of Cervidae (deer and elk) into this state that will prohibit the importation of tuberculosis with these animals. This will protect all animals in this state, including cattle and the wild deer herd. In addition this will protect the health of humans, as TB is transmissible from these animals to humans.

  
Signature

DATE: August 8, 1991

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: West Virginia Department of Agriculture

EMERGENCY RULE TITLE: Animal Disease Control

1. Date of filing: August 8, 1991
2. Statutory authority for promulgating the emergency rule:  
19-9-2
3. Date of filing of proposed legislative rule: June 27, 1991  
(comment pd. notice)
4. Does the emergency rule adopt new language or does it amend or repeal a current legislative rule?  
Amends a current legislative rule.
5. Has the same or similar emergency rule previously been filed and expired?  
Animal Disease Control has been filed as an emergency rule before and adopted by the legislature. The nature of the emergency is different in this case.
6. State, with particularity, those facts and circumstances which make the emergency rule necessary for the immediate preservation of public peace, health, safety or welfare  
see statement on the second page

7. If the emergency rule was promulgated in order to comply with a time limit established by the Code or federal statute or regulation, cite the Code provision, federal statute or regulation and time limit established therein.

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8. State, with particularity, those facts and circumstances which make the emergency rule necessary to prevent substantial harm to the public interest.

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6. This rule is necessary to preserve the immediate preservation of the public health and welfare. This rule establishes requirements for the importation of Cervidae (deer and elk) into this state that will prohibit the importation of tuberculosis with these animals. This will protect all animals in this state, including cattle and the wild deer herd. In addition this will protect the health of humans, as TB is transmissible from these animals to humans.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Animal Disease Control

Type of Rule: X Legislative          Interpretive          Procedural

Agency Agriculture Address 1900 Kanawha Boulevard, East  
Charleston, WV 25305-0170

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

3. Objectives of these rules: These rules establish rules for the importation of deer and elk and establish procedures to prevent the introduction of tuberculosis into domesticated animal herds, wildlife, wildlife farms or humans. The rules establish fees for testing birds for pullorum-typhoid that will recover the costs to the agency for performing such tests.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government. Current regulations establish test fees for birds at 5 1/2 cents per bird. The proposed regulations establish fees that will recover the cost to the state of performing such tests. Currently the department is not doing such testing and expects to become involved in such testing only under unusual situations, i.e. a disease outbreak.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

Persons importing deer and elk in this state will have to incur the cost of testing and experience a delay of at least 72 hours before a certificate may be issued. Approximately 10 % of deer will die as a result of this testing with an approximate loss of \$2000 per animal.

C. Economic Impact on Citizens/Public at Large.

The citizens at large will be protected from the ramifications of having tuberculosis enter this state from infected deer and elk. The state of West Virginia cattle industry will maintain their TB free status and TB will not spread through the wild population of deer.

Date: 6/26/91

Signature of Agency Head or Authorized Representative

Chas. B. Smith

TITLE 61  
LEGISLATIVE RULE  
DEPARTMENT OF AGRICULTURE

SERIES 1  
ANIMAL DISEASE CONTROL

TITLE: Animal Disease Control

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**§61-1-1. General**

1.1. Scope - These legislative regulations establish general operating rules and procedures in the Animal Health Disease Control Division and are established to prevent, suppress, control and eradicate communicable diseases of livestock and poultry.

1.2. Authority - W. Va. Code 19-9-2.

1.3. Filing Date -

1.4. Effective Date -

1.5. Amendment of Former Rules - This legislative rule amends WV61CSR1 "Animal Disease Control" filed April 11, 1991 and effective on April 15, 1991.

**§61-1-2. Definitions**

~~2-1-1~~ 2.1. Accredited Veterinarian - Any veterinarian accredited by the Commissioner and APHIS.

~~2-1-2~~ 2.2. APHIS - Animal and Plant Health Inspection Service or its successor agency of the United States Department of Agriculture.

~~2-1-2-1~~ 2.2.a. To identify reactor animals by means of a chemical brand applied to the left cheek using the letter "B".

~~2-1-2-2~~ 2.2.b. To attach a special tag in the left ear.

~~2-1-2-3~~ 2.2.c. To complete all necessary forms, both State and Federal, and instruct the herd owner as to the method of disposing of such animals.

~~2-1-4~~ 2.3. Approved E.I.A. and/or pseudorabies Laboratory -

An A USDA approved laboratory for conducting the official A-G-I-D-E.I.A. (Coggins') test and/or an official pseudorabies test.

2.4. Biologicals are products intended for diagnostic or therapeutic purposes for animals

~~2-1-5-~~ 2.5. Boar is any male swine used for or intended to be used for breeding purposes.

~~2-1-6~~ 2.6. Bovine Reactor - cattle showing a positive reaction to a test, except vaccinated calves (Brucellosis).

~~2-1-7~~ 2.7. Brucellosis - Brucellosis (Bang's Disease), an infectious disease in bovine animals caused by any member of the Genus Brucella. Any animal is considered infected with brucellosis if it has a positive reaction to the blood test or any approved test for brucellosis, or if any member of the Genus Brucella has been found in the body or its secretions or discharges, or if it has been treated with a live culture of Brucella.

~~2-1-8~~ 2.8. Calfhood Vaccination - The inoculation of female bovines between the ages of 120 to 240 days, with a vaccine approved by the Commissioner. Vaccination must be done by a licensed accredited veterinarian.

~~2-1-9~~ 2.9. Calves - Bovine animals which have not reached the usual age of maturity for the particular breed.

~~2-1-10~~ 2.10. Cattle - Bison and bovine animals of any age.

~~2-1-11~~ 2.11. Certified Brucellosis Free Herd - A herd which is certified as a free from brucellosis (Bang's disease) by the Commissioner.

2.12. Cervidae - Deer and elk of any age.

~~2-1-12~~ 2.13. Commissioner - Commissioner of the West Virginia Department of Agriculture or his or her agent.

2.14. Complete Herd Test - Cervidae - All animals six months of age and older.

~~2-1-13-~~ 2.15. Destroyed - Disposed of by slaughter or killing under official inspection.

~~2-1-14-~~ 2.16. Equine - A member of the Equinae genus.

~~2-1-15-~~ 2.17. Equine Infectious Anemia - (E.I.A.) shall mean the animal is infected with the causal agent Equine Infectious anemia, regardless of whether the animal is showing clinical signs of the disease.

2-1-16- 2.18. E.I.A Reactors - shall be declared when the animal is one year of age and its serum reacts to two consecutive agar-gel immunodiffusion (AGID) (Coggins') tests and confirmed by the federal laboratory at Ames, Iowa.

2-1-17- 2.19. Establishment and Maintenance of an Accredited and Certified Herd - Herds may be accredited and/or certified when all animals eligible for testing in the herd have had two negative herd tests at an interval of 10-14 months, continued Accreditation and Certification requires annual negative herd tests. ~~{Regulations will-be-changed-as-needed-to-conform-with-Federal-Law-}~~

2-1-18- 2.20. Exposed E.I.A. Animal - shall mean horse, pony, mule or ass (collectively called equines) which are stabled or commingling (racetracks excluded) within 200 yards of a reactor or any horse, pony, mule or ass which, in addition to the reactor, is under the care of the same trainer.

2-1-19- 2.21. Farm - A farm is one contiguous parcel of land operated as a unit. Parcels of land owned by a farmer, but separated by other farms are considered separate farms. For purposes of accreditation and certification, separate farms, when approved by the Commissioner, will be considered to exist when cattle are permanently segregated and kept separate for purposes of livestock disease control.

2-1-20- 2.22. Feeder pig is any immature swine used for or intended to be used exclusively for feeding for slaughter.

2-1-21- 2.23. Free, Class A, B & C States - States status proclaimed by the United States Department of agriculture. This is derived by weighing the prevalence of brucellosis infection and brucellosis control measures.

2-1-22- 2.24. Fur-Bearing Animals - shall include (1) the mink, (2) the weasel, (3) the muskrat, (4) the beaver, (5) the opossum, (6) the skunk and civet cat (commonly called polecat), (7) the otter, (8) the red fox, (9) the gray fox, (10) the wildcat, bobcat or bay lynx and (11) the raccoon and fisher.

2-1-23- 2.25. Game - Means game animals, game birds and game fish.

2-1-24- 2.26. Herd - A herd shall consist of one or more female cattle or bulls, six months of age or over, located on a farm. In no instance, except for purposes of accreditation and certification, will more than one herd be considered to exist on a farm even though different groups of cattle are separated in various fields. Cattle owned by different people, but located on one farm will be considered as one herd.

2-1-25- 2.27. Herd in the Process of Accreditation and/or

Certification - A herd in which tests are being made on all animals in the herd six months of age or older, at regular intervals, by an agent or accredited veterinarian for the purpose of determining whether or not the animals are free from brucellosis or tuberculosis. (Official vaccinates for brucellosis are not tested for brucellosis until dairy animals are 20 months of age and beef animals are 24 months of age.)

~~2-1-26-~~ 2.28. Herd Unit - One or more cattle maintained separate and apart from other herd units belonging to the same owner.

~~2-1-27-~~ 2.29. Indemnity - Money paid by the State and Federal Government to the owner of reactor cattle.

~~2-1-28-~~ 2.30. Negative Herd - A herd in which all the animals in the herd, six months of age or older, have been tested one or more times, by an agent or veterinarian approved by the Commissioner and found to be free from brucellosis or tuberculosis. (Animals which have been calfhood vaccinated for brucellosis will not be tested for brucellosis until dairy animals are 20 months of age and beef animals are 24 months of age.)

~~2-1-29-~~ 2.31. Non-reactor - Animals showing negative reaction to a test.

~~2-1-30-~~ 2.32. Official E.I.A. Blood Sample - Samples drawn and submitted by an accredited veterinarian or designated regulatory personnel.

~~2-1-31-~~ 2.33. Official Health Certificate - An official health certificate is a legible record covering the requirements of the state of destination, accomplished on an official form approved by the Animal Health official of the state of origin and issued by a licensed veterinarian approved by the proper Animal Health official of the state of origin. All animals listed on an official Health Certificate must be examined by a licensed, accredited veterinarian at the time the certificate is issued or requested.

~~2-1-32-~~ 2.34. "Official Pseudorabies Serologic Test" is an official pseudorabies test conducted on swine serum to detect the presence or absence of pseudorabies antibodies.

~~2-1-33-~~ 2.35. "Official Pseudorabies Test" is any test for the diagnosis of pseudorabies approved by the United States Department of Agriculture and conducted in an approved laboratory.

~~2-1-34-~~ 2.36. Positive E.I.A. Identification - A description or color, markings, scars or other physical characteristics of the animal including tatoos and brands.

~~2-1-35-~~ 2.37. Postmortem Report - A written report made by

the State or Federal Inspector who witnessed the slaughter of a reactor animal.

2-1-36- 2.38. "Pseudorabies" is an infectious and contagious disease of swine and certain other warm-blooded animals.

2-1-37- 2.39. "Pseudorabies Monitored Herd" is a swine breeding herd that has been tested according to Section-6-16-3-5 of-this-regulation subsection 11-1 of these rules.

2-1-38- 2.40. "Qualified Pseudorabies Negative Herd" is a swine herd that meets the provisions of Section-6-16-3-6--of-this-regulation subsection 11.2 of these rules.

2-1-39- 2.41. Reactors - Cattle showing a positive reaction to a test, except vaccinated calves (Brucellosis).

2-1-40- 2.42. Salvage - The net proceeds received by the owner of reactors when disposed of for slaughter.

2-1-41- 2.43. Sow is any female swine used for or intended to be use for breeding purposes.

2-1-42- 2.44. Stocker Cattle - Sexually intact and sexually mature cattle not consigned to slaughter.

2-1-43- 2.45. Suspect - An animal whose blood, when tested for Brucellosis, shows a complete agglutination in any dilution lower than 1-50, or shows a positive card test or positive rivanol test, except official calfhood vaccinates less than 20 months of age if dairy heifers and less than 24 months of age if beef breeds.

2-1-44- 2.46. Test - An examination made to determine the presence or absence of antibodies to a disease or an incriminating reaction to an antigen.

2-1-45- 2.47. Tuberculosis - An infectious disease called by Mycobacterium tuberculosis, commonly known as the tubercle bacillus.

2-1-46- 2.48. Vaccination - To inoculate any animal with vaccine prescribed by the Commissioner for a specific disease.

2-1-47- 2.49. Veterinarian - State or Federal employed veterinarian, registered veterinarian, consulting veterinarian or livestock technical (agent) employed by the Commissioner.

2-1-48- 2.50. Wild Animals - All mammals native to the State of West Virginia, occurring either in a natural state or in captivity except mice and rats.

2-1-49- 2.51. Wild Birds - Shall include all birds other

than domestic poultry - chickens, ducks, geese, guinea fowl, peafowl and turkeys; psittacidae (commonly called parrots and parakeets), and other foreign cage birds such as the common canary, exotic finches and ring dove. All wild birds, including those occurring in the natural state in West Virginia and those imported foreign game birds, such as waterfowl, pheasants, partridges, quail and grouse, regardless of how long raised or held in captivity, shall remain wild birds under the meaning of this regulation.

2-1-50: 2.52. Wildlife - Wild birds, wild animals, game and fur-bearing animals, fish (including minnows), frogs and other amphibians, aquatic turtles and all forms of aquatic life used as fish bait, whether dead or alive.

**§61-1-3. Regulations for Tuberculosis and Brucellosis in Bovine, Goat and Cervidae**

**3.1 Infected Animals or Animal Products**

3-1-1- 3.1.a. Animals infected with brucellosis or tuberculosis or any products such as milk and meat for human consumption from such animals shall not be removed from the premises on which they are located except by written permit from the Commissioner.

3-1-2 3.1.b. Permits for the removal of infected animals for slaughter purposes will be issued by the Commissioner. The application for permit to remove such animals shall contain a complete description of each animal and all the information required by the Commissioner and the removal shall be in accordance with these instructions. The permit shall be made only on forms approved by the Commissioner for intrastate or interstate movement of infected or exposed animals, or animals consigned directly to slaughter.

3-1-2-1 3.1.b.A. All animals found to be infected with brucellosis or tuberculosis shall be quarantined, ear tagged in the left ear and branded on the left jaw in an acceptable manner with capital letter "B" for brucellosis and/or capital letter "T" for tuberculosis, in letters not less than 2 inches high and 1-1/2 inches wide. Hot brands are acceptable.

3-1-2-2 3.1.b.B. Such animals shall be disposed of in the manner prescribed by the Commissioner.

3-1-2-3 3.1.b.C. All diseased animals with tuberculosis (T.B.) and/or brucellosis (Bang's disease) shall be marketed in a manner that insures that a post-mortem inspection will be held at the place of slaughter under the official supervision of an authorized Federal or State veterinarian.

3-1-3 3.1.c. Infected animals originating in other states

will be permitted to enter West Virginia, for slaughter purposes only, when accompanied by an APHIS permit processed according to recommended procedures.

### 3.2 Quarantines

3-2-1 3.2.a. A special or general quarantine, according to circumstances, shall be placed and kept on animals infected with brucellosis and tuberculosis or other infectious diseases transmissible to human beings, or when it is necessary to have the animals examined and tested. Such quarantine is to be for a period of time that will permit the testing necessary to insure the safety of animals and to allow them to enter commerce free of restraints.

3-2-2 3.2.b. The quarantine shall also include the dairy and meat products of any and all infected animals, and any equipment used in the collection, transportation, processing and manufacturing of food products from such animals as may be deemed necessary.

3-2-3 3.2.c. During the period that a quarantine, either special or general, is in force, no animal or any other item included in the quarantine, shall be removed from the herd or the area quarantined and no dairy or meat products originating therefrom may be sold, offered, or exposed for sale except upon written permission by the Commissioner.

3.3 Making and Reporting Tests - The results of all blood and other diagnostic tests for brucellosis and tuberculosis shall be reported immediately in writing to the Commissioner. Each report shall contain a complete statement of the results of such tests, a description of the animal, tattoo and/or ear tag number, sex, age, breed and other marks of identification, together with the name and address of the owner, location of the farm and the name and address of the person making the test.

### 3.4 Payment of Indemnities

3-4-1 3.4.a. Indemnities will be paid to owners by the State Department of Agriculture (when funds are available) for animals found to be reactors when branded, appraised and slaughtered under State or Federal Supervision, and under the following conditions:

3-4-1-1 3.4.a.A. If the owner has signed an application with the Commissioner for testing his animals, has agreed to dispose of animals reacting to the test and has complied with the law and the rules and regulations herein promulgated.

3-4-1-2 3.4.a.B. If the owner has had the test performed on his herd by the Commissioner.

3-4-1-3 3.4.a.C. If the reactors found have been added to the herd in compliance with the law and the rules and regulations governing additions to the herd.

3-4-1-4 3.4.a.D. If all reactors in the herd are slaughtered within 15 days after tests and appraisals have been made, unless an extension of time has been granted by the Commissioner.

3-4-1-5 3.4.a.E. If reactors are sold to obtain the highest price.

3-4-1-6 3.4.a.F. If the premises on which reacting animals were found have been cleaned and disinfected by the owner.

3-4-1-7 3.4.a.G. When animals have been brought in from other states and the owner has furnished proof that the animals were brought into West Virginia in accordance with the law, and the rules and regulations herein promulgated.

3-4-1-8 3.4.a.H. If the remaining animals in the herd have been kept under quarantine for the time required to complete the necessary testing to insure that they are not diseased.

3-4-1-9 3.4.a.I. If registration certificates of reacting purebred animals of ages three years and over have been presented for inspection at the time of appraisal or when registration certificates of the breed association have been received by the Commissioner, within thirty days after appraisal, for purebreds under three years of age, such animals will be appraised as purebreds. Otherwise, all such animals shall be appraised as grade cattle

3-4-2 3.4.b. Indemnities will not be paid:

3-4-2-1 3.4.b.A. For vaccinated animals reacting to the test unless dairy animals are at least 20 months of age and beef animals are at least 24 months of age.

3-4-2-2 3.4.b.B. For reacting vaccinated animals unless the vaccine was administered within the time span prescribed by the Commissioner.

3-4-2-3 3.4.b.C. For any animals in a herd if there is evidence that the owner or his agent has been engaged in any unlawful attempt to obtain indemnity for condemned animals.

3-4-2-4 3.4.b.D. For animals kept in a herd in which all animals were not listed in the application agreed to and signed by the owner, or the violation of the law or rules and regulations herein promulgated.

3-4-2-5 3.4.b.E. For reacting animals which have been moved from the premises of the owner without written permission.

3-4-2-6 3.4.b.F. For any animal found in herds where adult vaccination has been performed or any animals that have been vaccinated with Brucella abortus vaccine, at age intervals other than those designated by the Commissioner.

3-4-2-7 3.4.b.G. If the existence of brucellosis in the animals was not determined as the result of approved test.

3-4-2-8 3.4.b.H. If any part of the claimant's herd has not been tested under Federal and State supervision for the eradication of brucellosis and/or tuberculosis.

3-4-2-9 3.4.b.I. For calves under six months of age.

3-4-2-10 3.4.b.J. For animals owned by any governmental agency or political sub-division of the State of West Virginia.

3-4-2-11 3.4.b.K. For animals kept in another state.

3-4-2-12 3.4.b.L. For animals brought into this state contrary to law and these regulations, or when the owner or claimant, at the time of coming into possession of the animals, knew or had reason to believe it to be infected with a communicable disease; when the owner has been guilty of negligence or has carelessly exposed such animals to brucellosis and/or tuberculosis diseased animals.

### 3.5 Establishment and Maintenance of a Certified Brucellosis Free Herd.

3-5-1 3.5.a. A herd shall include all cattle over six months of age except steers, spayed heifers and officially vaccinated animals not more than twenty months of age if dairy animals and not more than twenty-four months of age if beef animals. The establishment of a certified brucellosis free herd requires two negative complete herd tests for brucellosis 10-14 months apart.

3-5-2 3.5.b. A herd may be accepted for the certification process if and when a herd owner signs an agreement to comply with the law and the rules and regulations governing the testing and certification of herds.

3-5-3 3.5.c. Herds will qualify for certification after two negative herd tests at an interval of 10-14 months. A certified herd certificate shall be valid for one year unless

sooner revoked by the Commissioner.

3-5-4 3.5.d. Herd certification may be extended for a period of one year upon a negative herd retest.

3-5-5 3.5.e. Any and all suspects found in testing a certified herd shall be removed and kept separate and apart from the herd and shall be retested within 30-60 days. If such animals are found to be negative on the retest, herd certifications shall be extended for a period of twelve months from the anniversary date.

3-5-6 3.5.f. If any of the suspects are found to be reactors when retested, the entire herd shall be retested. If all such suspects are found to be negative, the herd certification will be extended for a period of twelve months from the anniversary date. A retest at 60 to 90-days 180 days is highly recommended.

3-5-7 3.5.g. If more than one reactor is found in any test of a certified herd, the herd owner will be required to follow the general plan for certification.

3-5-8 3.5.h. All animals in certified herds where infection has been found shall be quarantined until the herd has passed adequate testing to insure safety in commerce.

3-5-9 3.5.i. The Commissioner may revoke or suspend any herd certification for failure of the herd owner to comply with the law, or with the rules and regulations herein promulgated.

3.6 Addition of Animals to Certified Herds or Herds In The Process of Certification.

3-6-1 3.6.a. Animals from certified herds may enter certified herds or herds in the process of certification without being retested.

3-6-2 3.6.b. Animals over six months of age from herds in the process of certification for brucellosis, when and if found to be negative to the test within thirty days of entry, may enter herds in the process of certification without further tests. Such animals shall be separated from other herd animals until the test is made and they have been found to be free from brucellosis.

3-6-3 3.6.c. Negative animals, tested within 30 days, may enter certified herds by isolation and negative retest after 60 days.

3.7 Interstate Movement of Animals -

3-7-1 3.7.a. Animals infected with or that have been exposed to brucellosis or tuberculosis shall not be transported

into this state without written permission from the Commissioner.

3-7-2 3.7.b. Animals imported into this state shall be accompanied by a health certificate or permit which must be attached to the waybill, or shall be in the possession of the driver of the vehicle, or person in charge of animals if moved on foot. Such certificate or permit shall be void after thirty days from date of issue.

3-7-3 3.7.c. A health certificate shall contain the names and addresses of the consignor and the consignee.

3-7-4 3.7.d. Animals transported into this state without a health certificate and not meeting the health requirements shall be held in quarantine at the owner's risk and expense until released by the Commissioner.

3-7-5 3.7.e. Owners and operators of railway cars, trucks, and other conveyances that have been used for interstate movement of animals infected with or exposed to brucellosis or tuberculosis shall have such cars, trucks and other conveyances thoroughly cleaned and disinfected under official supervision. Written notice of cleaning and disinfection shall be attached to Dept. of Agri. the waybill or be in the possession of the driver of the truck or other conveyance.

3-7-6 3.7.f. Test for brucellosis and tuberculosis shall be made in an approved State or Federal laboratory, or by a veterinarian approved by the Animal Health official of the state where the animals originated.

3-7-7 3.7.g. When calfhood vaccinated female animals from unknown herds, that have not freshened, are imported into West Virginia, they shall be permanently quarantined until tested negative after the first parturition.

3-7-8 3.7.h. Female calves from reactor cows that have not calved, whether found at market or farm, must be quarantined until tested negative after first parturition.

3-7-9 3.7.i. Bull calves from reactor cows whether found at market or farm, must be quarantined until castrated or given permission to enter commerce by the Commissioner of Agriculture.

3-7-10 3.7.j. Cattle for dairy and breeding purposes located in a tuberculosis modified accredited area may enter the state if they originate directly from tuberculosis accredited herds, or from herds tested negative within the previous 12 months that have not been under quarantine for tuberculosis during the last 12 months. Nursing calves may move on dam's test or status. Cattle not meeting these requirements are required to have a negative tuberculosis test with the 60 days immediately prior to

entry.

~~3-7-11~~ 3.7.k. Brucellosis - Cattle for dairy and breeding purposes may enter the state if they originate directly from a Certified Brucellosis Free Herd. A post entry test is recommended 45-120 days after being moved into the herd. Total segregation is recommended until a retest is conducted.

~~3-7-11-1~~ 3.7.k.A. Cattle Imported From Free States:

~~3-7-11-1a~~ 3.7.k.A.1. These cattle can be imported provided the herd of origin is Certified and the imported animals are verifiable progeny of the herd.

~~3-7-11-1b~~ 3.7.k.A.2. Imported animals, other than official vaccinates of dairy breeds less than 20 months of age or official vaccinates of beef breeds less than 24 months of age, must be tested negative with 30 days prior to entry.

~~3-7-11-1c~~ 3.7.k.A.3. The official vaccinates of beef breeds less than 24 months of age and official vaccinates of dairy breeds less than 20 months of age -no test required, and the herd of origin must be-known comply with the herd standards set in part 3.7.k.A.1 of these rules.

~~3-7-11-1d~~ 3.7.k.A.4. They are nursing calves moving on the dam's test or status.

~~3-7-11-1e~~ 3.7.k.A.5. Herd test dates shall be recorded on health certificates.

~~3-7-12~~ 3.7.1. Cattle Imported From Class A States -

~~3-7-12-1~~ 3.7.1.A. These cattle can be imported provided the herd of origin is Certified and the imported animals are verifiable progeny of the herd.

~~3-7-12-2~~ 3.7.1.B. The herd of origin has had a complete herd test within 12 months, but not less than 90 days prior to entry or shall originate from a herd that has had a negative milk ring test conducted within six months, but not less than 980 days prior to entry and when entering under the above categories shall also be negative to a brucellosis test administered within 30 days of entry.

~~3-7-12-3~~ 3.7.1.C. The official vaccinates of beef breeds less than 24 months of age and official vaccinates of dairy breeds less than 20 months of age - no test required, and the herd of origin complies with subparagraphs 3-7.1.A. or 3-7.1.B of these rules. 1-or-2-above.

~~3-7-12-4~~ 3.7.1.D. They are nursing calves moving on

the dam's test or status.

3-7-12-5 3.7.1.E. Herd test dates shall be recorded on health certificates.

3-7-13 3.7.m. Cattle imported from a Class B or Class C State - A prior permit must be obtained from the State Veterinarian's office prior to movement.

3-7-14 3.7.n. Brucellosis Requirements for Cattle Imported From Class B or Class C States -

3-7-14-1 3.7.n.A. All cattle must be verifiable progeny of one of a herd that is Certified Brucellosis Free: or a herd that has had two negative herd tests within 12 months, at least 90 days apart and the last one at least 90 days prior to entry, or a herd that has had two negative milk ring tests during the last year, but not less than 90 days prior to entry, and the animals entering must have had a negative brucellosis test within last thirty days; or be official vaccinates of beef breeds less than 24 months of age or official vaccinates of dairy breeds less than 20 months of age (no test required), but the herd of origin must comply with all of the above. Nursing calves may move on dam's test or status.

3-7-14-2 3.7.n.B. Herd test dates shall be recorded on health certificates.

3-7-14-3 3.7.n.C. Animals imported from Class B and Class C states must be quarantined upon arrival and retested at owner's expense within 60-120 days following shipment.

3-7-15 3.7.o. Stocker Cattle -

3-7-15-1 3.7.o.A. Stocker cattle from Free and Class A states consigned to auction markets must be negative to a brucellosis test at the livestock auction market.

3-7-15-2 3.7.o.B. Stocker Cattle from Class B and Class C states must meet qualifications for breeding cattle before being consigned to a livestock auction market, after which they must test negative to brucellosis at the market.

3-7-16 3.7.p. Feeder Cattle -

3-7-16-1 3.7.p.A. All sexually intact cattle for feeding purposes shall enter the state with an official health certificate, permanent identification, and will be placed under quarantine until slaughtered or moved to another state. If over 18 months of age, breeding cattle regulations must be met.

3-7-16-2 3.7.p.B. Tuberculin and brucellosis tests

are not required for feeder steers.

3-7-17 3.7.q. Goats -

3-7-17-1 3.7.q.A. Goats for dairy and breeding purposes and not from an accredited and certified herd may enter the state only provided they are accompanied by a certificate of health showing a negative test for tuberculosis within 60 days and come from a brucellosis-free herd and are negative to an approved test within thirty (30) days of the date of entry. The health certificate shall contain a full description of each animal, giving age, color and markings. Tests are not required for goats from accredited or certified herds.

3-7-17-2 3.7.q.B. Apparently healthy goats may be imported into the state of West Virginia when consigned directly to a recognized public stockyard of a slaughtering establishment where state or federal inspection is maintained.

3.7.r. Cervidae (Deer and Elk)

3.7.r.A. All Cervidae shall be accompanied by an official health certificate issued by a licensed and accredited veterinarian and a permit issued by the West Virginia Department of Agriculture; and

3.7.r.B. Except when consigned directly to slaughter, all animals must come from herds that have had a complete negative herd test for tuberculosis within the last year using the single cervical test as prescribed by the United States Department of Agriculture on December 31, 1990, or any subsequent test prescribed by the United States Department of Agriculture; and a negative tuberculosis test on the individual animals being imported in the last sixty (60) days; and

3.7.r.C. A negative brucellosis test within 30 days of entry, except for castrated males and spayed females.

3.7.r.D. Nursing animals may move on dam's negative test.

3.7.r.E. All Cervidae not meeting the above requirements must enter the State on VS Form 1-27 and consigned directly to slaughter.

3.8 Calfhood Vaccination -

3-8-1 3.8.a. All vaccinations shall be administered by a licensed and accredited veterinarian, who shall, at the time of vaccination, mark the calf or calves with a legible V-shield tattoo in the right ear, preceded by the numeral of the quarter of the year and followed by the last number of the calendar year. In

addition, thereto, a metal ear tab shall be securely fastened in the right ear, excepting purebred animals bearing registration tattoos.

3-8-2- 3.8.b. If the registration tattoo is not legible on a purebred animal, the animal shall be identified with an official metal ear tag.

3-8-3 3.8.c. The Calfhood Vaccination Report shall be made in quadruplicate on forms furnished by the Commissioner. It must contain the name and address of the owner, the county the farm is located in, manufacturer and serial number of vaccine, expiration date of the vaccine, number of ear tag or tattoo of animal, breed, sex, date of birth, whether purebred or grade, name and address of veterinarian and date of vaccination. Each Calfhood Vaccination Report should show the preparation of the tattoo pattern.

3-8-4 3.8.d. The original and one copy of the report shall be forwarded to the Commissioner c/o Animal Health Division no later than five days following vaccination. One copy shall be given to the herd owner and one copy shall be retained by the veterinarian administering the vaccine.

3-8-5 3.8.e. Vaccinated calves shall not be classified as reactors or suspects, even though the titers may indicate so, until after the dairy animals reach 20 months of age and beef animals reach 24 months of age.

3-8-6 3.8.f. Vaccinated calves from reactor herds or adult vaccinated herds under quarantine shall be classified as reactors when reaching the age of 20 months if dairy animals or 24 months if beef animals.

3-8-7 3.8.g. When a herd has been released from quarantine, after the reactors have been removed, it shall be retested for brucellosis at 9 and again at 12 months after the release date.

### 3.9 Accreditation of Veterinarians -

3-9-1 3.9.a. All resident veterinarians are hereby prohibited from participating in programs to control and eradicate brucellosis or tuberculosis unless they have made application for registration and have been approved as an accredited veterinarian for that purpose.

3-9-2 3.9.b. Accredited veterinarians are hereby authorized to draw blood samples, vaccinate calves and perform all duties necessary in carrying out the program for control and eradication of brucellosis or tuberculosis.

### 3.10 Authority of APHIS Employees - Employees of APHIS shall act

as agents of the Commissioner and shall have full authority to enter the premises of an owner to inspect, draw blood samples, quarantine, condemn and brand animals with an infectious and transmissible disease and take any and all other action necessary for the purpose herein set forth, when instructed to do so by the Commissioner.

#### §61-1-4. Biologicals

~~4.1 Commissioner Must Approve Manufacture, Sale and Use of Vaccine~~ ~~4-1-1~~ No person, firm, partnership, association, or corporation shall manufacture for sale, sell, or offer for sale, in West Virginia, any veterinary biologicals intended for diagnostic or therapeutic purposes for animals except by written permission from the Commissioner.

~~4-1-2~~ 4.2. No person shall inoculate or otherwise administer to any domestic animal any virus or other veterinary biological containing pathogenic or disease producing germs of a kind that is virulent for man or for animals, or a kind that may cause the animal when tested to show a suspicious or positive reaction similar to the test results generally obtained from naturally infected animals except by written permission from the Commissioner.

~~4-2~~ 4.3. Reports Necessary on Manufacture, Sale and Use of Biologicals -

~~4-2-1~~ 4.3.a. The Commissioner may register persons, firms, associations or corporations and license the same to manufacture and/or sell veterinary biologicals and may issue permits to administer veterinary biologicals. Any person, firm, association or corporation holding such license or permit to manufacture any veterinary biological for diagnosis or prophylactic treatment of any contagious or infectious disease of animals.

~~4-2-2~~ 4.3.b. The holder of a permit to administer a veterinary biological for the prophylactic treatment of any contagious or infectious disease of animals shall make a written report to the Commissioner c/o Animal Health Division within five days after the use of such veterinary biologicals, and shall include a detailed description of each animal so treated, the name and address of the owner, the name of the manufacturer, and the serial number and expiration date of the veterinary biological used.

~~4-3~~ 4.4. Restriction on the Sale of Live, Modified-Live or Killed Vaccine to Be Used in Animals or Birds -

~~4-3-1~~ 4.4.a. No person may sell a vaccine, containing live, modified-live or killed agents, for diseases not yet known to be in West Virginia or for diseases considered to be public health

hazards, for use in animals or birds to other than a licensed veterinarian or person authorized by a county commissioner to conduct rabies clinics or an establishment that legally sells such vaccines to persons licensed or authorized to use such preparations. An annual list of restricted vaccines will be issued each January 1.

4-3-2 4.4.b. The list of restricted live, modified-live and killed vaccines for the current calendar year may be obtained from the Commissioner.

**§61-1-5. Four D Cattle**

5.1 Cattle found at livestock auction markets to be diseased, down, drugged or dying, shall be consigned directly to slaughtering establishments with meat inspection services. These animals shall be moved on VS Form 1-27.

**§61-1-6. General Limitations on Animal Importation**

6.1 No animal, including poultry of any species, that is affected with or that has recently been exposed to any infectious, contagious, or communicable disease or that originates from a quarantined area, shall be imported into the state.

6.2 A copy of the approved official health certificate shall have been forwarded to the ~~Animal-Health-Division-of-the-State-of-West-Virginia-~~ Commissioner c/o Animal Health Division before the arrival of the livestock.

6.3 All animals covered by these regulations originating from public stockyards or which may be assembled at public stockyards from sources of unknown origin shall be required to meet regulations of the State of West Virginia before being released.

6.4 All livestock imported into the state shall be accompanied by an official health certificate which must be attached to the waybill or shall be in the possession of the driver of the vehicle or person in charge of the livestock.

6.5 Livestock entering the state without a proper health certificate shall be held in quarantine at the owner's expense until released by the Animal Health official of the State of West Virginia.

6.6 Only licensed and accredited veterinarians who are approved by the Animal Health official of the State of origin and veterinarians in the employ of the United States Department of Agriculture shall render official inspections.

6.7 Official health certificates shall be approved only by the Animal Health official of the state of origin.

6.8 The official health certificate shall contain the names and addresses of the consignor and the consignee, with an accurate description or identification of the livestock and shall also indicate the health status of the animals involved including results of required tests as well as dates and vaccination, if any. Health certificates shall be void thirty (30) days after issuance.

6.9 Requests for special permits must be directed to the ~~Animal Health official of the state~~ Commissioner c/o Animal Health Division and shall include information on the number and kind of animals, origin of the shipment and the proposed destination.

~~6-9-1-~~ 6.9.a. All animals entering the State under special permit shall be consigned to a legal resident.

~~6-9-2~~ 6.9.b. Cattle entering the State under a special permit will be quarantined for a period of not less than ninety (90) days and required at that time to be retested for brucellosis at the owner's expense.

~~6-9-3~~ 6.9.c. All special permits are void fifteen (15) days after the date of issue.

6.10 Owners and operators of common carriers, trucks and other conveyances are forbidden to move livestock through the State except in compliance with the following regulations.

~~6-10-1~~ 6.10.a. All railway cars, trucks, and other conveyances used for the transportation of livestock and poultry shall be maintained in a sanitary condition.

~~6-10-2~~ 6.10.b. Owners and operators of railway cars, trucks and other conveyances that have been used for the movement of any livestock infected with or exposed to any infectious, contagious or communicable disease shall be required to have such cars, trucks and conveyances thoroughly cleaned and disinfected under official supervision, before further use is permitted for the transportation of livestock.

6.11 Scabies - No cattle affected with or exposed to scabies shall be shipped, trailed, driven or otherwise imported into West Virginia for any purpose.

6.12 Immediate Slaughter -

~~6-12-1~~ 6.12.a. Cattle for immediate slaughter, consigned to a recognized slaughtering center or public stockyard where state or federal inspection is maintained, may enter the State without a health certificate.

~~6-12-2~~ 6.12.b. Adult vaccinated cattle may move only to slaughter and only when ~~the proper form has been executed~~ form VS

127 has been executed.

6.13 Horses, Mules, Asses and Ponies -

6-13-1 6.13.a. These animals may be imported into the State of West Virginia when accompanied by an official health certificate, issued by the proper official, from the state of origin certifying that they have been given a careful, clinical inspection and have been found free of symptoms of infectious or clinical disease.

6-13-2 6.13.b. Equines entering West Virginia from states with a comparable Equine Infectious Anemia health program for purposes other than immediate slaughter or consigned to livestock auction markets for sale or slaughter, must be accompanied by an official health certificate giving positive description and showing a negative Agar-gei-immunodiffusion--(AGID) U.S.D.A. approved (Coggins') test for E. I. A. within twelve months prior to entry.

6-13-3 6.13.c. Equines entering West Virginia from states with Equine Infectious Anemia programs less than comparable with West Virginia for the purposes other than immediate slaughter or consigned to livestock auction markets for sale or slaughter must be accompanied by an official health certificate giving a positive description and showing a negative Agar-gei-immunodiffusion-(AGID) U.S.D.A. approved (Coggins') test for E.I.A. within six months prior to entry.

6-13-4 6.13.d. When an equine is found to be positive to one Agar-gei-immunodiffusion-(AGID) U.S.D.A. approved (Coggins') test it and all exposed equine on the same premises shall be immediately quarantined for further testing.

6-13-5 6.13.e. When a reactor is found at a horse racetrack, all animals handled by the same trainer who is in charge of the reactor will be considered exposed animals and quarantined. The Agriculture Commissioner, if he deems necessary, may classify as exposed all animals in the same shed row or stall area as the reactor.

6-13-6 6.13.f. Before a quarantine for E.I.A. can be lifted, all exposed animals must be tested negative no sooner than 30 days after the reactor has been removed from the band. The reactor or reactors must be isolated from non-reactors in stalls or pastures a distance of at least 200 yards from other equines. A reactor can be moved only with the permission of the Agriculture Commissioner or-his-agent.

6-13-7 6.13.g. All animals found to be reactors shall be permanently identified with a visible freeze brand under the mane on the left side, with the notation 54-A and a number assigned to the particular horse. All permanent identification shall be made

by the ~~West-Virginia-Department-of-Agriculture, Animal-Health Division~~ commissioner. The ~~Commissioner of-Agriculture~~ reserves the right to retest the animals when and if conditions warrant. When a reactor has originated, within the preceding 12 months, from another known herd of equine, traceback testing will be done. All reactors shall be branded as such.

6-13-8 6.13.h. Indemnities will not be paid by the State of West Virginia when it is necessary to destroy a reactor animal.

6-13-9 6.13.i. If reactors are with foal, the foal should be isolated from the dam as quickly as possible after birth and tested. All foal found to react positively to an official test shall be quarantined and retested at 12 months of age. If positive at that time, the animal shall be subject to permanent identification and continued quarantine.

~~6-14-Reserved-for-General-Poultry-Regulations-At-A-Later-Time-See-Also-Section-9-~~

6-15 6.14. All Sheep and Lambs Entering The State For Purposes Other Than Immediate Slaughter Shall Be -

6-15-1 6.14.a. Officially dipped within ten (10) days prior to entry if warranted.

6-15-2 6.14.b. Accompanied by a certificate of health indicating that the flock of origin was carefully examined not more than thirty (30) days prior to entry and that such examination revealed no scabies, contagious ecthyma (sore mouth), foot rot, or any other contagious, communicable disease.

6-15-3 6.14.c. Sheep and lambs entering the State for immediate slaughter and apparently healthy may be imported when consigned directly to a recognized public stockyard or a slaughtering establishment approved and designated by the United States Department of Agriculture and or the Commissioner.

6-16 6.15. Swine

6-16-1 6.15.a. Swine may be imported for immediate slaughter when ~~accompanies~~ accompanied by an official health certificate provided they are consigned directly to a recognized public stockyard or to a slaughtering establishment that is approved and designated by the United States Department of Agriculture or the Commissioner.

6-16-2 6.15.b. All swine imported into West Virginia for purposes other than immediate slaughter shall be accompanied by an official health certificate indicating that they are free from any symptoms of any infectious or contagious disease and individually identified on the certificate, except that swine vaccinated for

pseudorabies shall not be imported.

6-16-3 6.15.c. Purebred Swine for breeding purposes shall in addition:

6-16-3-1 6.15.c.A. be tested for brucellosis and may be imported only if found negative in a dilution of 1.25 by tube test or negative to card test within 30 days prior to date of importation, although breeding swine originating from validated brucellosis free herds need not be tested 30 days prior to importation if the health certificate indicates the herd certificate number and date of the last herd test;

6-16-3-2 6.15.c.B. be tested and be negative by the serum neutralization (SN) test, or other acceptable U.S.D.A. approved test for pseudorabies, within 30 days prior to the date of importation, or certification that the swine originated from a qualified pseudorabies negative herd. The health certificate must show the herd certificate number and the date of the last test.

6-16-3-3 6.15.c.C. Blood samples collected for use in conducting an official test shall be done by an accredited veterinarian, or technicians approved by the commissioner, and the test shall be conducted at an approved laboratory or by approved agents. The accredited veterinarian or approved technician, shall record on a test chart an individual identification of each animal tested.

6-16-4 6.15.d. Identification of Swine tested for Pseudorabies

6-16-4-1 6.15.d.A. All swine tested for pseudorabies shall be individually identified by eartag, or tattoo, or ear notch recorded in a book of record of a purebred registry association or by any other method approved by the commissioner or his agents.

6-16-4-2 6.15.d.B. Feeder pigs subject to this regulation shall be individually identified by a metal eartag or by any other method approved by the commissioner or his agents.

6-16-8 6.16. ~~Intrastate Dealings in Feeder and Breeder swine; Interstate Shipment;~~ 6-16-8-1 Feeder and breeder swine sold, lent, leased or traded in West Virginia; feeder and breeder swine offered for sale, loan, lease, or trade in West Virginia; feeder pigs imported into West Virginia from other states; and feeder pigs exported from West Virginia into states that require testing for export shall:

6-16-8-1-1 6.16.a. Originate from a pseudorabies monitored herd; or

6-16-8-1-2 6.16.b. Originate from a qualified

pseudorabies negative herd; or

~~6-16-8-1-3~~ 6.16.c. Be individually tested and found negative for pseudorabies within 30 days prior to the shipment and within 30 days prior to the transaction.

**§61-1-7. Limitation on the Importation of Dogs and Cats into West Virginia**

7.1 All dogs and cats imported into the State of West Virginia, except for exhibition, shall be accompanied by a certificate of health stating that the animal is free from all infectious diseases and has not been exposed to such diseases; and, if a dog or a cat is over five months of age, that it has been immunized against rabies not more than twelve (12) months prior to shipment. Dogs and cats under ~~5-months~~ 6 months of age are exempt from the rabies requirement.

**§61-1-8. Game, Fur-Bearing, Wild and Semi-wild, Domesticated Wild Animals and Wild Birds**

8.1 No person shall import into or have in his possession within this State for purposes of liberation, or liberate within this State, any live wildlife from without the State, except as authorized by a permit from the Director, West Virginia Department Division of Natural Resources, State Capitol Building, Charleston, West Virginia 25305.

8.2 Animals imported into West Virginia as zoo animals must have been examined by an accredited veterinarian within thirty (30) days prior to the date of entry and found free of disease and exposure thereto and must be accompanied by an approved interstate health certificate from the Animal Health official of the state of origin. A copy must be forwarded to the ~~Director, Animal Health Division, State Department of Agriculture, State Capitol Building, Charleston, West Virginia 25305~~ Commissioner c/o Animal Health Division.

**§61-1-9. Regulations for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication**

9.1 All hatcheries shall report weekly the total number of eggs set and the total number of chicks and poults hatched to the ~~Federal-State Crop & Livestock Reporting Service, State Department of Agriculture, Capitol Building, Charleston, West Virginia 25305.~~

9.2 All dealers in baby chicks and broiler contractors shall report the number of shipments of chicks and poults into the State to the ~~West Virginia Department of Agriculture, Capitol Building, Charleston, West Virginia 25305~~ Commissioner c/o Animal Health Division.

9.3 All hatcheries producing and offering for sale baby chicks and turkey poults shall have their breeder supply flocks officially blood tested annually for pullorum-typhoid, *Mycoplasma gallisepticum*, *M. synoviae* and *M. meleagridis*.

9.4 All chickens to be used as breeders must be tested when more than five months of age.

9.5 All turkeys to be used as breeders must be tested when more than four months of age.

9.6 All flocks shall consist of health healthy, normal individuals characteristic of the breed and variety, cross, or other combination which they are stated to represent.

9.7 All domesticated birds on the premises, with the exception of a flock of unmated layers properly segregated, shall be tested and qualify as pullorum-typhoid clean.

9.8 All official tests for pullorum-typhoid will be made by trained inspectors employed by or under the supervision of the West Virginia Department of Agriculture. All inspectors shall be certified by the West Virginia Department of Agriculture.

9.9 The official test for pullorum-typhoid in chickens shall be the test recommended by the National Poultry Improvement Plan (NPIP).

9.10 The official test for pullorum-typhoid in turkeys shall be the tests recommended by the NPIP.

9.11 No private or unofficial test will be permitted.

9.12 In conducting such official tests the recommended procedures of APHIS shall be used.

9.13 Each lot of pullorum-typhoid antigens used for testing shall be approved by the United States Department of Agriculture.

9.14 There shall be an interval of at least 21 days between any official blood test and any previous test with *Salmonella* antigen.

9.15 All reactors shall be considered in determining the classification of a flock.

9.16 Reactors may be submitted to a state laboratory for autopsy and bacteriological examination. In case such bacteriological examination fails to demonstrate pullorum-typhoid infections, the flock shall be deemed to have had no pullorum-typhoid reactors.

9.17 Hatcheries shall furnish local transportation for the tester, and the hatcheries and/or flock owner shall provide all necessary labor in handling birds to be selected and tested.

9.18 Reactors shall be immediately removed for slaughter. The disposal of suspects and rejects shall be made within 10 days from the date of test and a report shall be made of such disposal to the Department of Agriculture Commissioner c/o Animal Health Division.

9.19 The fee for testing and inspection shall be ~~five and one-half cents (5 1/2c) per bird, which includes an officially sealed and numbered leg band set at a rate to reflect the actual costs of doing the testing and inspection at 24 cents per mile for travel and \$10 per hour for the time for travel, testing and inspection when such testing is performed by the commissioner.~~ Payment is to be made to the State Department of Agriculture upon completion of the test. Independent certified testers, not employees of the Department of Agriculture, are not bound by the fees set for tests done by the West Virginia Department of Agriculture employees. All birds tested shall be identified by an officially sealed and numbered leg or wing band. All test records, including name and address of owner, date, number tested, digits on the leg or wing bands and test results, along with name and address of the tester shall be mailed to the Commissioner c/o Animal Health Division within seven days.

9.20 These regulations for chicken and turkey testing are intended to supplement the regulations for operation of the National Poultry and Turkey Improvement Plans in West Virginia as revised on March 11, 1955, but under no circumstances are these regulations to be considered as eliminating any of the minimum provisions as outlined in the USDA publication.

**§61-1-10. Animal Health Requirements for West Virginia Fairs, Festivals and Purebred Consignment Sales**

10.1 All livestock imported into the State of West Virginia for fairs, festivals, shows and sales shall be accompanied by an official health certificate approved by the Animal Health official of the state of origin. A copy of the approved health certificate shall be forwarded to the ~~Director of the Animal Health Division, West Virginia Department of Agriculture, Capitol Building, Charleston, West Virginia 25305~~ Commissioner c/o Animal Health Division, so that it shall be received 5 days prior to the arrival of the livestock.

10.2 Goats, showing signs of caseous lymphadenitis, may be shown only if an accredited veterinarian expresses, in writing, after examining the goat or goats, that the node or nodes show no signs of immediate rupture.

10.3 Tuberculosis Requirements for Exhibiting at Fairs, Festivals and Shows -

~~10-3-1~~ 10.3.a. West Virginia cattle can be exhibited at West Virginia fairs, festivals and shows only if they meet one of the following requirements for tuberculosis.:

~~10-3-1-1~~ 10.3.a.A. Originate from an accredited tuberculosis-free herd; or

~~10-3-1-2~~ 10.3.a.B. Herd the herd of origin has had a complete negative test within 12 months; or

~~10-3-1-3~~ 10.3.a.C. If the animal is less than 24 months of age, no test is required if the herd of origin is not under any tuberculosis restrictions. (If animal is to be sold, purebred consignment sale rules apply); or

~~10-3-1-4~~ 10.3.a.D. the animal is a West Virginia cattle bovine and is shown at a ~~may-be-shown-at-all~~ West Virginia fairs, festivals and exhibitions and the bovine has had with-only one negative tuberculosis test during the calendar year, ~~but-t~~ The test must have been prior to the date of the exhibition; or

~~10-3-1-5~~ 10.3.a.E. ~~Nursing-calves-may-move-on-dam's test-or-status~~ the animal is a nursing calf and moving on the dam's test or status.

~~10-3-2~~ 10.3.b. Out-of-state cattle exhibited at West Virginia fairs, festivals and shows must meet one of the following requirements for tuberculosis:

~~10-3-2-1~~ 10.3.b.A. Originate from an accredited tuberculosis-free herd; or

~~10-3-2-2~~ 10.3.b.B. The herd of origin has had a complete negative test within the immediately preceding 12 months ; or

~~10-3-2-3~~ 10.3.b.C. the animal has Has had a negative tuberculosis test within the 90 days immediately preceding the show ; or

~~10-3-2-4~~ 10.3.b.D. ~~Nursing-calves-may-move-on-dam's test-or-status~~ the animal is a nursing animal and moving on dam's test or status.

~~10-3-3~~ 10.3.c. There are no tuberculosis test requirements for slaughter cattle classes from West Virginia.

~~10-3-4~~ 10.3.d. Slaughter cattle classes for out-of-state cattle must meet one of the requirements of ~~10-3-2~~ paragraph

10.3.b of these rules.

~~10-3-5~~ 10.3.e. There are no tuberculosis test requirements for goats although it is recommended that the same rules as for cattle be followed.

10.4 Brucellosis Requirements for Exhibiting at Fairs, Festivals and Shows -

~~10-4-1~~ 10.4.a. West Virginia cattle to be exhibited at West Virginia fairs, festivals and shows must meet one of the following requirements:

~~10-4-1-1~~ 10.4.a.A. Originate from a certified herd;  
or

~~10-4-1-2~~ 10.4.a.B. Herd of origin has had a complete negative test within the last 12 months; or

~~10-4-1-3~~ 10.4.a.C. The animal has had one One negative brucellosis test during the calendar year but prior to date of exhibition; or

~~10-4-1-4~~ 10.4.a.D. Official brucellosis vaccinates less than 20 months (dairy) and 24 months (beef) of age - no test required. ; or

~~10-4-1-5~~ 10.4.a.E. ~~Nursing-calves-may-move-on-dam's test-or-status.~~ The animal is a nursing calf and moving on the dam's test or status; or

~~10-4-1-6~~ 10.4.a.F. ~~All-other-cattle,-except-steers, require-a-30-day-negative-test.~~ The animal has had a negative test within 30 days of the event, except for steers that may be shown with no test requirement.

~~10-4-1-7~~ ~~Only-steers-may-be-shown-from-herds-under quarantine-for-brucellosis;--There-is-no-test-required.~~

~~10-4-2~~ 10.4.b. Cattle originating from states other than West Virginia must meet one of the following:

~~10-4-2-1~~ 10.4.b.A. Originate from a certified herd;  
or

~~10-4-2-2~~ 10.4.b.B. Herd of origin has had a complete negative test within the last 12 months; or

~~10-4-2-3~~ 10.4.b.C. Official brucellosis vaccinates less than 20 months (dairy) and 24 months (beef) of age - no test required. ; or

~~10-4-2-4~~ 10.4.b.D. ~~Nursing-calves-may-move-on-dam's~~

test-or-status. The animal is a nursing calf and moving on the dam's test or status; or

10-4-2-5 10.4.b.E. All-other-cattle,-except-steer, require-a-30-day-negative-test. The animal has had a negative test within 30 days of the event, except for steers that may be shown with no test requirement.

10-4-2-6 10.4.b.F. No animals from herds under quarantine for brucellosis may be shown.

10-4-2-7 10.4.b.G. All animals imported must be identified on the herd tests or be verifiable progeny of herd.

10-4-2-8 10.5. Special permits may be required from the Director,-Animal-Health-Division,-West-Virginia-Department-of-Agriculture,-Charleston,-West-Virginia-25305, Commissioner c/o Animal Health Division before cattle and goats are admitted into West Virginia from states which are experiencing disease outbreaks.

10-5 10.6. Regulations Governing Leptospirosis in Cattle To Be Exhibited At West Virginia Fairs, Festivals and Shows.

10-5-1 10.6.a. All female cattle not pregnant and all other cattle which are not to be slaughtered within 30 days, must be vaccinated with L. pomona within 12 months of showing. Vaccination certificates must show date vaccinated, name of herd owner, serial number of vaccine, pharmaceutical company distributing vaccine and name of person vaccinating the animal. This must be furnished to show officials in charge of health requirements upon entry.

10-5-2 10.6.b. It is highly recommended that all cattle be vaccinated with L. pomona bacterin within 12 months of showing and that vaccination for L. canicola, L. icterohaemorrhagiae, L. hardjo and L. grippotyphosa be seriously considered.

10-6 10.7. It is strongly recommended that cattle and goats with warts, pinkeye and ringworm not be entered or allowed to show.

10-7 10.8. Health Requirements for Swine to be Exhibited at West Virginia Fairs, Festivals and Shows -

10-7-1 10.8.a. Breeding swine from West Virginia must be examined within the five days preceding the opening day of the fair and found free of symptoms of infectious disease.

10-7-2 10.8.b. Breeding swine from states other than West Virginia must be:

10-7-2-1 10.8.b.A. Accompanied by an official health certificate from the state of origin stating that the animals are

free of infectious or contagious disease.

10-7-2-2 10.8.b.B. In regard to pseudorabies, the animal must be from a qualified pseudorabies free herd or have a negative serum neutralization or other acceptable test for diagnosis of pseudorabies within 60 days immediately prior to movement into state. Qualified pseudorabies negative herd number and dates of the last qualifying test must be recorded on the health certificate.

10-7-3 10.8.c. Slaughter classes of swine must be accompanied by a statement stating that they did not originate from a hog cholera area.

10-8 10.9. Health Requirements for Sheep to be Exhibited at West Virginia Fairs, Festivals and Shows -

10-8-1 10.9.a. Breeding sheep must be accompanied by an official health certificate or have a current Honor Flock Certificate.

10-8-2 10.9.b. Market class lambs must be inspected at the fair, festival or show by a-West-Virginia-Animal-Health-Inspector the commissioner or Veterinarian.

10-9 10.10. Health Requirements for Equines to be exhibited at West Virginia Fairs, Festivals and Shows -

10-9-1 10.10.a. Equines from West Virginia being exhibited at West Virginia fairs, shows, festivals, parades, trail rides or other points of public assembly must be accompanied by an official certificate giving positive description of the animal and showing a negative result to an Agar-gel-immunodiffusion-(AGID) U.S.D.A. approved (Coggins') test for E.-i.-A. Equine Infectious Anemia within twenty-four (24) months immediately prior to such exhibition.

10-9-2 10.10.b. Equines from states other than West Virginia must:

10-9-2-1 10.10.b.A. Be positively identified;

10-9-2-2 10.10.b.B. Accompanied by an official health certificate from the state of origin; and

10-9-2-3 10.10.b.C. Have had a negative Coggins' test (from a U.S.D.A. approved laboratory) within last six months.

10-9-2-4 10.10.b.D. Equines from states with a horse health program comparable to West Virginia may be admitted if they have tested negative to the Coggins' test within the previous twelve months.

10-9-3 10.10.c. The checking of the Coggins' certification, for animals from both within and without the state, rests with the management of each event, although all credentials and certificates for equines at any and all events shall be subject to unannounced spot checking by ~~officials-of-the-Department-of Agriculture~~ the commissioner.

10-9-4 10.10.d. No animals from any band or bands under restrictions will be permitted to be shown or sold. The Department commissioner reserves the right to examine any animal consigned and to exclude animals that exhibit signs of disease from the show.

10-10 10.11. Regulations Governing Purebred Cattle Consignment Sales -

10-10-1 10.11.a. Tuberculosis-Requirements--all-cattle must-meet-one-of-the-following: All cattle must meet one of the following tuberculosis requirements prior to being accepted for sale:

10-10-1-1 10.11.a.A. Originate from an accredited herd; or

10-10-1-2 10.11.a.B. Originate from a herd that has had a negative test within the last 12 months; or

10-10-1-3 10.11.a.C. The animal has Have-had a negative tuberculosis test within 60 days prior to sale; or

10-10-1-4 10.11.a.D. Be-a-nursing-calf-and-move-on dam's-test-or-status The animal is a nursing calf and moving on the dam's test or status.

10-10-2 10.11.b. Brucellosis-requirements-for-cattle-from West-Virginia: All cattle originating in West Virginia must meet one of the following brucellosis requirements prior to being accepted for sale.

10-10-2-1 10.11.b.A. Herd of origin is certified; or

10-10-2-2 10.11.b.B. Herd of origin has had a complete negative herd test within last 12 months; or

10-10-2-3 10.11.b.C. The animal has had a negative Negative test within 30 days of prior to sale; or

10-10-2-4 10.11.b.D. Official vaccinates less than 24 months of age (beef) and 20 months of age (dairy), no test required. ; or

10-10-2-5 10.11.b.E. Nursing-calves-may-move-on dam's-test-or-status The animal is a nursing calf and moving on

the dam's test or status.

10-10-3 10.11.c. Brucellosis Requirements for Cattle From Free States - All cattle originating outside West Virginia must meet one of the following brucellosis requirements prior to being accepted for sale:

10-10-3-1 10.11.c.A. Herd of origin is certified; or

10-10-3-2 10.11.c.B. Cattle other than official vaccinates of dairy breeds less than 20 months of age or official vaccinates of beef breeds less than 24 months of age, must be tested negative within 30 days prior to entry; or

10-10-3-3 10.11.c.C. Official vaccinates of beef breeds less than 24 months of age and official vaccinates of dairy breeds less than 20 months of age - no test required - but herd of origin must be known; or

10-10-3-4 10.11.c.D. ~~Nursing calves may move on dam's test or status~~ The animal is a nursing calf and moving in the dam's test or status.

10-10-3-5 10.11.c.E. ~~All cattle must be verified progeny of 10-10-3-1, 10-10-3-2 or 10-10-3-3~~ In any case the cattle must be verified as being a progeny of the cattle listed in subparagraphs 10-11.c.A, B or C of these rules 10-10-3-1, 10-10-3-2 or 10-10-3-3.

10-10-4 10.11.d. Brucellosis Requirements for Cattle from Class A States

10-10-4-1 10.11.d.A. Herd of origin is certified; or

10-10-4-2 10.11.d.B. Herd of origin has had a complete herd test within 12 months, but not less than 90 days prior to entry, or shall originate from a herd that has had a negative milk ring test conducted within six months, but not less than 90 days prior to entry and animals entering shall be negative to brucellosis test within 30 days of entry; or

10-10-4-3 10.11.d.C. Official vaccinates of beef breeds less than 24 months of age and official vaccinates of dairy breeds less than 20 months of age - no test required - but herd of origin must comply with 10-10-4-1 and 10-10-4-2 above subparagraphs 10-11.d.A. or B of these rules.

10-10-4-4 10.11.d.D. Nursing calves may move on dam's test or status.

10-10-4-5 10.11.d.E. All cattle must be verified progeny of 10-10-4-1, 10-10-4-2 or 10-10-4-3 subparagraphs 10-11.d.A., B., or C of these rules.

~~10-10-5~~ 10.11.e. Brucellosis Requirements for Cattle From Class B and Class C States.

~~10-10-5-1~~ 10.11.e.A. Herd of origin is Certified Brucellosis Free; or

~~10-10-5-2~~ 10.11.e.B. Herd of origin has had two negative tests within 12 months at least 90 days apart and the last one at least 90 days prior to entry or shall originate from a herd that has had two negative milk ring tests during the last year but not less than 90 days prior to entry and test eligible animals entering must have a negative brucellosis test within 30 days; or

~~10-10-5-3~~ 10.11.e.C. Official vaccinates of beef breeds less than 24 months of age and official vaccinates of dairy breeds less than 20 months of age - no test required - but herd of origin must comply with ~~10-10-5-1-or-10-10-5-2~~ subparagraphs 10-11.e.A. or B. of these rules; or

~~10-10-5-4~~ 10.11.e.D. Nursing calves may move on dam's test or status.

~~10-10-5-5~~ 10.11.e.E. All cattle must be verifiable progeny of ~~10-10-5-1;-10-10-5-2-or-10-10-5-3~~ above subparagraphs 10-11.e.A., B., or C of these rules.

~~10-10-5-6~~ 10.11.e.F. Cattle consigned from Class B or Class C states need a prior permit obtained from the Animal Health-Division commissioner.

~~10-11~~ 10.12. Health requirements for birds to be imported or exhibited at fairs, festivals or shows.

~~10-11-1~~ 10.12.a. Birds to be exhibited at fairs, festivals or shows shall be apparently healthy and shall not originate from a flock known to be infected with pullorum/typhoid.

~~10-11-2~~ 10.12.b. All birds exhibited at West Virginia fairs, festivals and shows shall be accompanied by: 1) A statement by the owner signed on the day of the show stating that the birds have been free of disease for the past 30 days and did not originate from a flock known to be infected with pullorum/typhoid; 2) A Form 9-2 indicating that the birds have been tested within 90 days of the show, or; 3) A Form 9-3 indicating that they have originated from a pullorum/typhoid clean flock, or; 4) Submit to a test at the place of exhibit performed by a state approved tester. ~~All-birds-not-complying-with-(2)-or-(3)-must-submit-to-a-test-at-the-place-of-exhibit-performed-by-a-state-approved-tester.~~

~~10-11-3~~ 10.12.c. Qualified individuals approved by the Commissioner may perform the pullorum/typhoid test at fairs, festivals and shows.

10-11-4 10.12.d. The individual who performs the pullorum/typhoid test shall report to the Commissioner on forms provided by the Commissioner the results of these tests within seven (7) days of the testing.

10-11-5 10.12.e. If any bird submitted by an owner tests positive for pullorum/typhoid, all birds of that owner shall be denied entry into the fair, festival or show.

10-11-6 10.12.f. The fair management shall keep a record of all birds exhibited at these events their event. These records shall include the name and address of the exhibitor and the number of birds exhibited.

10-11-7 10.12.g. No bird will be allowed for exhibit from an area under quarantine for Avian Influenza or Viscerotropic Velogenic Newcastle Disease (VVND).

#### §61-1-11. Pseudorabies Herd Designations

##### 6-16-5 11.1. Pseudorabies Monitored Herd Procedures:

6-16-5-1 11.1.a. To achieve initial certification as a pseudorabies monitored herd, a swine breeding herd shall be tested and found to be negative for pseudorabies, with the testing to be of a representative sample of the herd, including all boars. The sample size shall be as follows:

6-16-5-1-1 11.1.a.A. In herds of ten sows or fewer, all sows shall be tested;

6-16-5-1-2 11.1.a.B. In herds of 11 to 35 sows, ten randomly-selected sows shall be tested; and or

6-16-5-1-3 11.1.a.C. In herds of 36 sows or more, 30% of the sows or 30 randomly-selected sows, whichever is fewer, shall be tested.

6-16-5-2 11.1.b. To continue certification as a pseudorabies monitored herd, the initially certified swine breeding herd shall be recertified annually by utilizing the sample size found in Section-6-16-3-5-1-of-the-regulations section 1 of these rules. The sample for recertification shall include all boars and 30% of the sows added to the swine breeding herd since the last certification test. For continued certification, the swine must be tested every twelve months.

##### 6-16-6 11.2. Qualified Pseudorabies Negative Herd Procedures:

6-16-6-1 11.2.a. Qualified pseudorabies negative herd status shall be attained by subjecting all swine over six months of

age in the swine breeding herd to an official pseudorabies serologic test and finding all swine so tested to be negative. The herd must not have been infected within the past 30 days. A minimum of 90 percent of the swine in the herd must have been on the premises and part of the herd for at least 90 days prior to the qualifying official pseudorabies test or have entered directly from another qualified pseudorabies negative herd.

6-16-6-2 11.2.b. Qualified pseudorabies negative herd status shall be maintained by subjecting all swine over six months of age in the swine breeding herd to an official pseudorabies serologic test at least once each year. The test shall be accomplished by testing 25% of all swine over six months of age every 80-105 days and finding all swine so tested to be negative. No swine shall be tested twice in one year to comply with the 25% requirement; or

6-16-6-2-1 11.2.b.A. By testing 10 percent of the swine over six months of age each month and finding all swine so tested negative; no swine shall be tested twice in ten months to comply.

6-16-6-2-2 11.2.b.B. The qualifications for the establishment and maintenance of a qualified pseudorabies herd shall be governed by the provisions of 9 CFR 85.1. (Code of Federal Regulations)

6-16-7 11.3. Proof-of-Herd-Health-Status: 6-16-7-1 Proof of herd-health status for pseudorabies shall be by one of the following methods:

6-16-7-1-1 11.3.a. A current Swine Herd Health Card for Pseudorabies issued by the State Veterinarian or other proof, specified by the State Veterinarian, of being a pseudorabies negative herd; or

6-16-7-1-2 11.3.b. An official pseudorabies test chart identifying the individual feeder pigs offered in the transaction or shipment and indicating that they have been tested and found to be negative for pseudorabies within the past 30 days.

6-16-9 11.4. REACTOR-HERDS-6-16-9-1--When-Pseudorabies Reactors-are-Found: 6-16-9-1-1 When Pseudorabies reactors are found all All swine shall be quarantined and can move only with Form VS 1-27 to slaughter establishments certified to receive such animals. All shipments must have prior permission from the Commissioner or his agents before being moved. A continuing effort must be made to eliminate the infection and removal of quarantine.

6-16-10 11.5. Removal--of--Quarantine: 6-16-10-1 The quarantine can be removed by depopulation of all reactor and exposed swine, followed by an approved method of cleaning and

disinfecting as prescribed by a state veterinarian; or 6-16-10-2  
~~The quarantine may be removed by following these procedures, in the~~  
order presented.

11.5.a. After all positive swine have been removed, the premises must be cleaned and disinfected as prescribed by the state veterinarian commissioner.

11.5.b. After a period of thirty days following the removal of the positive swine, all swine, except swine nursing their dams, shall test negative to an official pseudorabies test.

11.5.c. After another interval of 30 to 60 days, after the first negative test, all swine six months of age shall be found to test negative to another official pseudorabies test.

~~6-16-10-3~~ 11.5.d. The procedures for release of quarantine shall be governed by the provision of 9 CFR 85.1.

#### **\$61-1-12. Pseudorabies Requirements for Exhibition**

#### ~~6-16-11--Pseudorabies-Requirements-for-Exhibition-~~

~~6-16-11-1~~ 12.1. All swine must be tested negative within sixty (60) days prior to show except:

~~6-16-11-2~~ 12.2. Swine from a qualified pseudorabies - negative herd. The qualified pseudorabies negative herd number and dates of the last qualifying test must be recorded on a health certificate.