

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

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OFFICE OF THE
SECRETARY OF STATE

Form #8

Effective Date

Nov. 12 1991

NOTICE OF AN EMERGENCY AMENDMENT TO AN EMERGENCY RULE

AGENCY: West Virginia Department of Agriculture TITLE NUMBER 61

DATE EMERGENCY RULE WAS ORIGINALLY FILED: August 8, 1991

IS THIS THE FIRST EMERGENCY AMENDMENT TO THE ORIGINALLY FILED EMERGENCY RULE:

yes

IS THIS THE SECOND EMERGENCY AMENDMENT TO THE ORIGINALLY FILED EMERGENCY RULE:

DATE OF FIRST EMERGENCY AMENDMENT: August 8, 1991

SERIES NUMBER OF RULE: 1 TITLE OF RULE: Animal
Disease Control

THE ATTACHED IS AN EMERGENCY AMENDMENT TO AN EXISTING EMERGENCY RULE. THIS EMERGENCY AMENDMENT BECOMES EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 35TH DAY AFTER FILING, WHICHEVER OCCURS FIRST.

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

see attached sheet


Signature

STATEMENT OF FACTS AND CIRCUMSTANCES REGARDING THE
EMERGENCY AMENDMENT TO THE EMERGENCY RULE
ANIMAL DISEASE CONTROL

This amendment is being filed after review and modification by the Legislative Rule Making Committee. The modifications of the committee required extensive reorganization of the rule, but did not materially affect the content of the rule. The agency wishes to enforce the rule as modified by the committee.

The original statement of facts and circumstances is 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.

DATE: November 12, 1991

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: Barbara J. Smith, WV Department of Agriculture

EMERGENCY RULE TITLE: Animal Disease Control

1. Date of filing: ~~August****1991~~ November 12, 1991
2. Statutory authority for promulgating the emergency rule:
WV Code 19-9-2
3. Date of filing of proposed legislative rule: _____
August 8, 1991
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?
This rule was originally filed as an emergency 8-8-91
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 next 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.

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

Answer to question #6.

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.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Animal Disease Control

JUN 19 1968

Type of Rule: 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 cost 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 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 tests 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: 5/26/91

Signature of Agency Head or Authorized Representative

Alan B. ...

TITLE 61
LEGISLATIVE RULE
DEPARTMENT OF AGRICULTURE

SERIES 1
ANIMAL DISEASE CONTROL

FILED
NOV 18 1991
DEPARTMENT OF AGRICULTURE
SECRETARY OF STATE

TITLE: Animal Disease Control

§61-1-1. General

1.1. Scope - These legislative regulations rules 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 means any veterinarian accredited by the Commissioner and APHIS and approved by the Animal Health Official of the state where the veterinarian is doing business.

2.2. Animal means a bird, fish, reptile, or mammal other than man.

~~2-1-2~~ 2.2. 2.3. APHIS - means the Animal and Plant Health Inspection Service or its successor agency of the United States Department of Agriculture.

~~2-1-2-1~~---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~~ 2.4. Approved E.I.A. and/or Pseudorabies Laboratory --An means any USDA United States Department of Agriculture laboratory approved laboratory for conducting the an official ~~A.G.F.D.~~ E.I.A. (Coggins') test and/or an official pseudorabies test.

~~2-4~~ 2.5. Biologicals mean products that are intended for diagnostic or therapeutic purposes in animals other than man.

~~2-1-5~~ ~~2-5~~ 2.6. Boar is means any male swine used for or intended to be used for breeding purposes.

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

~~2-1-7~~ 2.7. Brucellosis --Brucellosis--(Bang's-Disease) or Bang's Disease is 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~~ to any APHIS 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-means-the-inoculation-by-a-licensed-accredited-veterinarian-of-female-bovines-between-the-ages-of-120-to-240-days,-with-a-brucellosis-vaccine-approved-by-the-commissioner-listed-on-the-restricted-vaccine-list-published-by-the-commissioner-under-the-provisions-of-section-3-of-this-rule.-Vaccination-must-be-done-by-a-licensed-accredited-veterinarian-~~

~~2-1-9~~ 2.8. Calves --Bovine mean bovine animals which have not reached the usual age of maturity for the particular breed. The singular of the term is calf.

~~2-1-10~~ 2.9. Cattle --Bison-and means bison or bovine animals of any age.

~~2-1-11~~ 2.10. Certified Brucellosis Free Herd --A means a herd which is certified as a free from brucellosis (Bang's-disease) by the Commissioner and APHIS.

2.11. Cervidae means a deer or elk of any age.

~~2-1-12~~ 2.12. Commissioner means the Commissioner of the West Virginia Department of Agriculture or his or her agent. Employees of the Veterinary Services of APHIS have the authority to act as agents of the commissioner.

2.13. Communicable disease means all the diseases listed in WV

Code §19-9-1-e and the disease avian influenza.

~~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.~~

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

~~2-1-14: 2-16: 2.14. Equine --A means an animal that is a member of the Equinae genus including horses, ponies, mules, asses and zebras.~~

~~2-1-15:--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: 2.15. E.I.A. Reactor --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 means an equine one year of age or older who has had two consecutive positive tests for E.I.A. performed in an approved E.I.A. laboratory and one additional positive test performed in a United States Department of Agriculture. The animal may not show clinical signs of the disease.~~

~~2-1-17:--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: 2.16. Exposed E.I.A. Animal --shall-mean means any equine horse,-pony,-mule-of-ass-(collectively-called-equines) which-are is or has been 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 any equine that has had a positive E.I.A. (Coggins') test and may include an animal which has had the same handler as the equine that has had the positive E.I.A. (Coggins') test.~~

~~2-1-19: 2.17. Farm A-farm-is means 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.~~

2-1-20: 2-22: 2.18. Feeder pig is means any immature swine used for or intended to be used exclusively for feeding for slaughter.

2-1-21: --- 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: 2.19. Fur-Bearing animal -- shall include (1) means 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 or fisher.

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

2-1-24: -- 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: --- 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: -- Herd Unit -- One or more cattle maintained separate and apart from other herd units belonging to the same owner.

2-1-27: 2-29: 2.20. Indemnity -- Money paid by the State and Federal Government to the owner of reactor cattle means money paid by the commissioner to the owner of an animal found to be a reactor for a communicable disease which cannot be cured or controlled by isolation and adequate or proper veterinary treatment. The amount of the indemnity will be the difference between the sale price of the animal and the value of the animal in the certificate of appraisal.

2-1-28: -- 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: 2.21. Non-reactor means an animal Animals showing a negative reaction noted by a specific titer to a test.

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

2-1-31: 2-33: 2.22. 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. means an official form issued by an accredited veterinarian in the state of origin and approved by the Animal Health Official of the state of origin listing all animals (with an accurate description or other identification) covered by the certificate that have been examined by the person issuing the form, stating the nature of the examination and the findings of the health of the animals covered by the certificate. In addition, the official health certificate shall contain the names and address of the consignor and the consignee of the animals, the vaccinations that the animals may have received and the dates that the vaccinations occurred. The official health certificate is void thirty (30) days after issuance.

2-1-32: 2-34: 2.23. 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: 2.24. 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.

2.25. Person means any individual, partnership, association, fiduciary, firm, company, corporation or any organized group of persons whether incorporated or not. The term extends to the agents, servants, officers and employees of the person.

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

2-1-35: -- 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- 2.26. Pseudorabies or Aujeszky's disease (mad~~
itch) is an infectious and contagious disease of swine and certain
other warm-blooded animals.

~~2-1-37- --"Pseudorabies Monitored Herd" is a swine breeding~~
~~herd that has been tested according to Section 6-16-3-5--of this~~
regulation:

~~2-1-38- --"Qualified Pseudorabies Negative Herd" is a swine~~
~~herd that meets the provisions of Section 6-16-3-6---of this~~
regulation:

~~2-1-39- 2-41- 2.27. Reactors---Cattle showing a positive~~
~~reaction to a test, except vaccinated calves (Brucellosis)-~~
Reactor
means any animal that responds to a test for a particular disease
showing a positive titer above that which is considered a negative
or suspect reaction for a particular disease.

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

~~2-1-41- 2-43- 2.28. Sow is means any female swine used for~~
~~or intended to be used for breeding purposes.~~

~~2-1-42- 2-44- 2.29. Stocker Cattle --Sexually means~~
sexually intact and--sexually-mature cattle not consigned to
slaughter.

~~2-1-43- --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 rivanoi test,~~
~~except official calfhood vaccinates less than 20 months of age if~~
~~dairy heifers and less than 24 months of age if beef breeds:~~

2.30. Suspect means an animal that shows a titer to a
particular test that makes it uncertain whether the animal has been
exposed or has the particular disease.

~~2-1-44- 2-46- 2.31. Test --An means an examination made to~~
~~determine the presence or absence of antibodies to a disease or an~~
~~incriminating reaction to an antigen or other activities to~~
determine whether or not an animal has a particular disease.

~~2-1-45- 2-47- 2.32. Tuberculosis --An means an infectious~~
~~disease called caused by Mycobacterium bovis tuberculosis, commonly~~
~~known as the tubercle bacillus.~~

2.33. Vaccine means any biological that is a preparation of
live, modified-live or killed infectious agents or a preparation of
tissue that is administered to produce or artificially increase
immunity to a particular disease.

~~2-1-46: 2-48: 2.34. Vaccination --To inoculate any animal with vaccine prescribed by the Commissioner for a specific disease means the inoculation of an animal with a vaccine.~~

~~2-1-47: 2-49 2.35. Veterinarian --State or Federal employed veterinarian, registered veterinarian, consulting veterinarian or livestock technical (agent) employed by the Commissioner. means any veterinarian employed by a state or federal agency, any veterinarian in this state that is recognized by the West Virginia Veterinary Medical Association, any licensed veterinarian, or any livestock technician employed by the commissioner.~~

~~2-1-48: 2-50: 2.36. Wild Animal --All mammals means any mammal native to the State of West Virginia, occurring either in a natural state or in captivity except mice and rats. The term does not include mice and rats.~~

~~2-1-49: 2-51: 2.37. Wild Bird --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 means any bird native to the state, or migrating through this state and includes any imported foreign game bird, such as pheasant, partridge, quail, grouse or waterfowl regardless of whether the birds are held in captivity or not. The term does not include chicken, duck, goose, guinea fowl, peafowl, turkeys, common canary, exotic finches, ring doves or psittacidae. 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: 2.38. Wildlife Wild means any wild bird, wild animal, game animal, and fur-bearing animal, fish (including minnows), frogs and other amphibians, aquatic turtles and all forms of aquatic life used as fish bait or any aquatic animal used as fish bait, whether dead or alive.~~

~~§61-1-4 3. 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 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 Reports--Necessary--on--Manufacture,--Sale--and--Use--of Biologicals---

4.2.1 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 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--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 Restriction--on--the--Sale--of--Live,--Modified--Live--or--Killed Vaccine--to--Be--Used--in--Animals--or--Birds---

4.3.1 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 The--list--of--restricted--live,--modified--live--and--killed vaccines--for--the--current--calendar--year--may--be--obtained--from--the Commissioner.

3.1. The commissioner restricts the sale of any vaccine containing live, modified-live or killed infectious agents for any disease known to be a public health hazard to man or that is not yet known to occur in this state, referred to as "Restricted Vaccines"; to licensed veterinarians, to any person authorized by a county commission to conduct rabies clinics, and may further restrict the sale of any biological capable of causing harm to the public or animal health when misused to particular persons or situations.

3.1.a. The commissioner shall publish a list of Restricted

Vaccines containing live, modified-live or killed infectious agents for any disease known to be a public health hazard to man or that is not yet known to occur in this state, known as "Restricted Vaccines", on January 1 of each year. The commissioner will provide this list to any person upon request.

3.2. No person may manufacture, offer for sale, or sell any biological in this state without a valid permit for the sale of biologicals issued by the commissioner.

3.3. Every person administering a biological to an animal must make a written report to the commissioner within 7 days of the administration of the biological. The report shall contain the detailed description of each animal treated, the name and the address of the owner, the name of the manufacturer of the biological and the serial number and expiration date of the product used.

§61-1-4. Quarantines

3-2--Quarantines

~~3-2-1 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 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 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.~~

4.1. The commissioner may place a special or a general quarantine on any animal or animals as provided by WV Code §19-9-13, 14 and 15 and by this rule, when any animal is found to be infected with any contagious or infectious disease, when he suspects that any animal is infected with any contagious or infectious disease, or when the animal has been imported into this state in violation of the provisions of WV Code §19-9-1 et seq. or this rule.

4.2. The commissioner may extend the special or general quarantine to the premises where the animal is or has been located when the premises is suspected of being capable of transmitting the disease to other animals or humans, or the animal needs to be segregated from other animals so as not to transmit the disease to other animals or humans.

4.3. The commissioner may extend the special or general quarantine to the meat or milk products of any animal found to be, or suspected of having, and contagious or infectious disease and to any equipment used in the collection, transportation, processing or manufacturing of the meat or milk products of these animals.

4.4. No person may move any animal or article under quarantine from the area specified in the quarantine while the quarantine is in effect, except when the commissioner gives written permission for this movement to take place.

~~3-7-8- 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- 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.~~

4.5. The commissioner will release a quarantine when the animal, product or location under quarantine is found to be free of disease or not capable of causing the transmission of disease to other animals or man.

4.6. The commissioner shall allow those animals that were released from quarantine when found to be free of disease to enter commerce free from any restraint caused by the quarantine.

§61-1-3 5. Regulations for Tuberculosis and Brucellosis in Bovine, Goat and Cervidae Tuberculosis or Brucellosis in Cattle

~~3-9--Accreditation of Veterinarians---~~

~~3-9-1 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 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.~~

~~3-1--Infected Animals or Animal Products~~

3-i-1- 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-i-2 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-in-interstate-movement of-infected-or-exposed-animals,-or-animals-consigned-directly-to slaughter.

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

3-i-2-3 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.

3-3--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.

5.1. No person other than an accredited veterinarian, a qualified official of the United States Department of Agriculture or agents of the commissioner may perform any activity for the control or eradication of brucellosis or tuberculosis.

5.2. Each laboratory performing tests for brucellosis or tuberculosis is responsible for reporting in writing to the commissioner the results on all tests for brucellosis and tuberculosis as soon as the test results are received. Each report shall contain a description of the animal including the tattoo or ear tag number and any other marks of identification, the sex, the

age the breed, the complete test results, the name and address of the owner of the animal, the place where the animal was located when tested, and the name and address of the person testing the animal.

5.3. The test results for brucellosis will be evaluated with other factors such as the age of the animal, the age of vaccination, if any, and the herd conditions when the commissioner is determining if an animal is a reactor; provided that an animal tested at a public market will be considered a reactor when both the buffered plate antigen at a 1/25 dilution of serum and the standard card test results are positive.

5.4. The commissioner may quarantine any female animal who has not had a calf when found to be a progeny of a cow that is a reactor to brucellosis until the animal has had a calf and a subsequent negative test for brucellosis.

5.5. The commissioner will quarantine any nursing bull calf found in this state that is a progeny of a cow that is a reactor to brucellosis until that animal has been castrated or the commissioner gives a special permit for the movement of that animal.

5.6. The commissioner shall mark any animal found to be infected with tuberculosis or brucellosis by placing an ear tag supplied by APHIS in the left ear of the animal and branding the left jaw of the animal with the capital letter "B" for brucellosis or the capital letter "T" for tuberculosis in letters not less than 2 inches high and 1 1/2 inches wide. The commissioner may accept the use of hot brands for this purpose.

5.7. Any person owning any animal infected with or exposed to tuberculosis or brucellosis that is under quarantine may apply to the commissioner for permission to move the animal to slaughter. The application shall include the complete description of the animal, the place where the owner wishes to have the animal slaughtered and any other information that the commissioner may require to determine if he should grant such a permit.

5.7.a. If the commissioner grants permission to move to slaughter and issues a VS FORM 1-27 for this purpose, the permit shall specify all conditions for movement under which the permit is approved including the requirement that the slaughter take place under the supervision of an authorized Federal or State meat plant veterinarian. The commissioner will require the authorized Federal or State meat plant veterinarian supervising the slaughter to provide him forthwith a post-mortem report on the animal in the case where the animal was found to be a reactor to tuberculosis.

3-4--Payment-of-Indemnities

3-4-1 - 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 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 If the owner has had the test performed on his herd by the Commissioner:

3-4-1-3 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 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 If reactors are sold to obtain the highest price:

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

3-4-1-7 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 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 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 Indemnities will not be paid:

3-4-2-1 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 For reacting vaccinated animals unless the

vaccine-was-administered-within-the-time-span-prescribed-by-the Commissioner.

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

3-4-2-6 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 If-the-existence-of-brucellosis-in-the animals-was-not-determined-as-the-result-of-approved-test.

3-4-2-8 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 For-calves-under-six-months-of-age.

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

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

3-4-2-12 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.

5.8. The commissioner will pay an indemnity to the owner of any bison or bovine animal that has been found to be infected with either brucellosis or tuberculosis or to be a reactor to these diseases under the following conditions:

5.8.a. Funds for the payment of indemnities are available to the commissioner

5.8.b. The animal was located in this state when it was when found to be infected or when found to be a reactor.

5.8.c. The animal was tested for brucellosis using an APHIS approved test by veterinarians employed by APHIS or by the commissioner or for tuberculosis using an APHIS approved test by an accredited veterinarian.

5.8.d. The animal had been vaccinated for brucellosis within the age limits prescribed by the commissioner, as specified in section 9 of this rule, and the animal was at least 20 months of age, if an animal of a dairy type breed, or at least 24 months of age, if an animal of a beef type breed when found to be infected or when found to be a reactor.

5.8.e. The animal was not vaccinated for brucellosis as an adult nor maintained in a herd where vaccination for brucellosis of any animal in the herd has occurred at an age other than that specified in section 9 of this rule of these rules.

5.8.f. The animal has been quarantined, branded, been issued a certificate of appraisal by the commissioner and slaughtered under the supervision of a Federal or State meat plant veterinarian.

5.8.g. The owner of the animal has allowed a quarantine to be placed on all the animals remaining under his ownership, signed an agreement with the commissioner listing all cattle owned by him and agreed to testing for brucellosis or tuberculosis on all cattle listed in the agreement. The owner has further agreed to destroy any animal found to be infected within 15 days of the date that the commissioner issues a certificate of appraisal for any animal found to be infected.

5.8.h. The owner of the animal has agreed to comply with WV Code §19-9-28 through §19-9-37 and with the provisions of this rule.

5.8.i. The owner of the animal has agreed to make any further additions to the herd in compliance with the provisions of WV Code §19-9-1 et seq. and with section 6 of this rule.

5.8.j. The owner of the animal has cleaned and disinfected all premises where the animal was located while it was infected.

5.8.k. The owner has not been negligent nor carelessly exposed any animals under his care to brucellosis or tuberculosis, and the owner has not purchased any animal that he knew or had reason to believe that had a communicable disease.

5.8.l. The owner of the animal is not any governmental agency or a political sub-division of this state.

5.8.m. The owner of the animal or his agent has not

been previously found to have engaged in any fraudulent attempt to obtain an indemnity for any animal.

5.8.n. The owner of the animal has sold the animal at the highest possible price.

5.9. The commissioner will issue a certificate of appraisal based on the purebred value of the animal only when the purebred registration certificate is submitted to the commissioner prior to making the appraisal, unless the animal is less than three years of age, in which case the commissioner will be allowed to amend the appraisal within 30 days after the original certificate was issued when the breed association submits the registration certificate for the animal. All other certificates of appraisal shall appraise the cattle at a value of a non-purebred, or grade, animal.

~~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.~~

5.10. The commissioner will require that any herd that have been released from a brucellosis quarantine after the reactor animals in the herd have been removed, be retested for brucellosis at 9 and at 12 months after the quarantine is lifted.

§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.~~

6.1. No person may import any animal into this state in violation of the provisions of WV Code §19-9-1 et seq. or with these rules. Any animal that is imported into this state in violation of WV Code §19-9-1 et seq. or these rules is subject to quarantine at the expense of the owner of the animal. Animals imported into this state for the sole purpose of exhibition at a fair or festival or for sale at a purebred consignment sale are subject to the provisions of section 8 of this rule in addition to those of this section.

6.2. No person may import any animal into this state that is infected with a communicable disease, that has recently been exposed to a communicable disease, or that is from an area under a state or federal quarantine; except for the provisions of this section of the rule.

6.3. No person may import any animal into this state for breeding purposes or that is to be included in a dairy herd without

a valid official health certificate.

6.4. The commissioner may require that an animal that is imported into this state for sale at a public market or when exhibited at a fair or festival in this state have a valid official health certificate issued by an accredited veterinarian when the protection of the public and/or animal health of this state warrants this requirement.

6.5. The animal health official of the state of origin of the animal to be imported into this state should forward the official health certificate to the commissioner, in care of the Animal Health Division, prior to the importation of the animal.

6.5.a. The commissioner will not accept an official health certificate unless the name of the consignor and the consignee of the animal, an accurate description or identity of the animal, the general health status and any other information that is required by the provisions of this rule is listed on the certificate.

~~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.~~

6.6. The commissioner may decline to accept the official health certificate of any animal, and thus prevent the importation of the animal, under the provisions of WV Code §19-9-25.

6.7. The commissioner may require that an animal have a special permit issued by him prior to importation into this state as specified by this section of the rule.

6.7.a. When the commissioner requires that the animal to be imported have a special permit, the owner or cosigner of the animal shall apply to the commissioner for the permit. The application shall state the name of the owner, the description of the animal, the place of origin and destination of the animal. The application may cover the importation of more than one animal if the origin and destination are the same.

6.7.b. No person may import an animal that requires a special permit for entry without a valid special permit and may not import an animal in any manner that is contrary to the provisions of the permit issued.

6.7.c. The commissioner will not issue a special permit for any animal that is not consigned to a legal resident of this state.

6.7.d. The commissioner will issue a special permit for a

period not to exceed fifteen days after the date of issue.

6.8. The commissioner may allow any animal that does not have, or that has not been exposed to a communicable disease, to be imported into this state for immediate slaughter without an official health certificate. The commissioner will allow an animal to be imported into this state for immediate slaughter when that animal has a communicable disease or has been exposed to a communicable disease only under the provisions of this section of the rule.

~~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 before the arrival of the livestock.~~

~~3.7.3--A health certificate shall contain the names and addresses of the consignor and the consignee.~~

6.9. Nursing animals may be imported into this state on the dam's test or status, except where otherwise specified.

~~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.~~

~~3.7.2- 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.~~

6.10. Any person in possession of any animal that is imported into this state shall maintain the official health certificate on the waybill that shall accompany the animal at all times.

~~3.7.4--- 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.~~

~~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.~~

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

~~3.7--Interstate Movement of Animals--~~

~~3.7.1--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.~~

~~6.9.1--All animals entering the State under special permit shall be consigned to a legal resident.~~

~~6.9.3--All special permits are void fifteen (15) days after the date of issue.~~

~~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 a VS FORM 1-27 issued by APHIS processed according to recommended procedures.~~

~~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--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--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.~~

~~3.7.5--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.~~

6.11. All owners and operators of common carriers, railway cars, trucks and any other conveyance are prohibited from moving

livestock into this state or through this state unless the common carrier, railway car, truck or other conveyance:

6.11.a. is maintained in a sanitary condition,

6.11.b. has been thoroughly cleaned and sanitized after the use for the transportation of any animal that has been exposed to or that has any communicable disease, provided that in the case where any animal that has been exposed to or that has tuberculosis, the owner or operator of that conveyance shall maintain proof with the waybill that the cleaning and sanitizing of the conveyance has occurred under official supervision.

6.12. Cattle

~~6-ii-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.a. No person may import into this state any bison or bovine animal that is affected with or that has been exposed to scabies.

6.12.b. The commissioner will not require any bison or bovine animal that is not capable of reproducing to have had a tuberculosis or brucellosis test prior to entry.

6.12.c. The commissioner will allow any bison or bovine animal infected with brucellosis or tuberculosis to enter this state only for slaughter, and only when a VS FORM 1-27 has been issued for that animal.

6.12.d. No person may import any bison or bovine animal into this state that has been infected with or has been exposed to brucellosis or tuberculosis without a valid special permit issued by the commissioner.

6.12.d.A. The special permit that the commissioner issues for an animal infected with or exposed to brucellosis or tuberculosis shall require that the animal be quarantined for not less than ninety days after importation and shall be retested after that time at the owner's expense to determine that the animal is not infected with, or a reactor to, brucellosis or tuberculosis.

6.12.e. No person may import any bovine into this state that is from a herd that has been under quarantine for tuberculosis during the twelve months previous to the importation unless that animal has had a negative tuberculosis test no more than 2 months prior to importation into this state.

6.12.f. The commissioner will allow any bison or bovine animal imported for breeding purposes or for use in a dairy herd to

be imported into this state with an official health certificate and

6.12.f.A. without a tuberculosis test on the animal when that animal comes from a herd that has been completely tested for tuberculosis and found to contain no reactors within 12 months previous to the importation, or when the animal comes from a herd that is accredited as Tuberculosis Free by APHIS,

6.12.f.B. with a negative tuberculosis test no more than 2 months prior to importation into this state.

6.12.g. The commissioner will allow any female animal that has not had a calf but that has been vaccinated for brucellosis and that comes from a herd of unknown brucellosis status to be imported into this state only when a special permit has been issued. The special permit shall require that the animal shall be quarantined until after the animal's first parturition and a subsequent negative test result for the presence of brucellosis.

~~3.7.7--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.~~

~~6.9.2--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.~~

~~6.12--Immediate Slaughter---~~

~~6.12.1---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--a VS FORM 1-27 issued by APHIS accompanies the animal.~~

6.12.h. The commissioner will allow any bovine to be imported for immediate slaughter, or to a public stockyard without an official health certificate or a special permit; except for any bovine that has been vaccinated for brucellosis at an age older than 240 days when he will require that the animal be issued a VS FORM 1-27 prior to the importation of the animal for the purpose of immediate slaughter.

~~3.7.6--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.~~

3.7.10--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--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.

2.1.21--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.

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 forth 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.i.--Cattle Imported From Class A States--

3.7.12.1--3.7.i.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.i.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-90-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.n.--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.

3.7.16--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-~~

~~3-1-3--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-a-permit-issued-by-APHIS
processed-according-to-recommended-procedures-~~

6.12.i. No person may import for feeding purposes any bison or bovine animal that has been infected with tuberculosis or brucellosis, that is under 18 months of age and that is sexually intact unless that animal has a valid official health certificate and is permanently identified. The commissioner will not require tests for tuberculosis or brucellosis for these animals. The commissioner will place this animal under quarantine upon entry into this state until the animal is slaughtered or removed from this state.

6.12.i.A. The commissioner will require that any bison or bovine animal that has been infected with tuberculosis or brucellosis be imported into this state only with a valid VS FORM 1-27 issued by APHIS and only for movement directly to slaughter.

6.12.j. No person may import any bovine into this state for breeding or milking purposes from any state that is designated a "Free", "Class A", "Class B" or "Class C" state as designated by the United States Department of Agriculture unless the following conditions are met:

6.12.j.A. The animal is

6.12.j.A.(a) from a herd that is a United States Department of Agriculture Certified Brucellosis Free Herd, is a verifiable progeny of the herd, and the latest complete herd test date and results are noted on the official health certificate; or

6.12.j.A.(b) from a "Free" state and has been tested and found to be free of brucellosis within 1 month of importation into this state, unless the animal is a dairy type animal less than 20 months of age and is an official vaccinate or is a beef type animal less than 24 months of age and an official vaccinate, where the commissioner will not require a brucellosis test on that animal; or

6.12.j.A.(c) from a "Class A" state must be

6.12.j.A.(c)(A) from a herd that has had a complete herd test for brucellosis not more than 12 months and not less than 3 months prior to the importation; or

6.12.j.A.(c)(B) shall be from a

herd that has had a negative milk ring test not more than 6 months and not less than 180 days prior to entry; and

6.12.j.A.(c)(C) each individual animal shall have had a negative brucellosis test no more than 30 days prior to entry, except for official vaccinates of dairy breeds that are less than 20 months of age, or for official vaccinates of beef breeds that are less than 24 months of age where the brucellosis test is not required.

6.12.j.A.(d) from a "Class B" or "Class C" state where the commissioner will require that the animal has a special permit prior to entry. The special permit will require that any animal that is not from a Certified Brucellosis Free Herd be quarantined upon arrival into this state, and be retested for brucellosis at the owner's expense not more than 6 months, but not less than 2 months after entry when that animal. The quarantine will be released when the animal is found to test negative after the test. An animal from these states must be

6.12.j.A.(d)(A) from a Certified Brucellosis Free Herd; or

6.12.j.A.(d)(B) be from a herd that has had two negative complete herd tests for brucellosis not more than 12 months and not less than 3 months prior to the importation of the animals (with the tests at least 3 months apart); or

6.12.j.A.(d)(C) may be from a herd that has had two negative milk ring tests not more than 12 months and not less than 3 months prior to entry; and

6.12.j.A.(d)(D) each individual animal shall have had a negative brucellosis test no more than 30 days prior to entry, except for official vaccinates of dairy breeds that are less than 20 months of age, or for official vaccinates of beef breeds that are less than 24 months of age where the brucellosis test is not required.

6.12.k. No person may import any bovine under 18 months of age that is capable of reproducing into this state for feeding purposes without an official health certificate, some form of permanent identification, and without allowing the commissioner to place the animal under quarantine until slaughtered or moved out of this state. The commissioner will require any animal that is capable of reproducing that is over 18 months of age when imported into this state meet all the requirements of cattle imported for breeding cattle, in this section of these rules.

6.12.l. Any animal that is imported into a dairy or breeding herd should be segregated from the herd until a brucellosis test is made within 45-120 days after importation and

negative results are received.

6.13. Goats

3-7-17--3-7-g--Goats---

3-7-17-1---3-7-g-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-g-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:

6.13.a. No person may import any goat into this state that has been infected with or has been exposed to brucellosis or tuberculosis without a valid special permit issued by the commissioner.

6.13.b. No person may import any goat into this state for breeding or milking purposes unless that animal has a valid official health certificate showing that the animal has had a negative tuberculosis test within 2 months prior to entry into this state or the animal has been maintained in a herd that is a United States Department of Agriculture Accredited Tuberculosis Free Herd.

6.13.c. No person may import any goat into this state for breeding or milking purposes without a valid official health certificate showing that the animal has had a negative brucellosis test within 1 month prior to entry into this state or the animal has been maintained in a herd that is a United States Department of Agriculture Certified Brucellosis Free Herd.

6.14. Equines

6-13-Horses,-Mules,-Asses-and-Ponies---

6-13-1-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--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 gel 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 gel immunodiffusion (AGID) U.S.D.A. approved (Coggins') test for E.I.A. within six months prior to entry.~~

~~6.14-Reserved for General Poultry Regulations At A Later Time. See Also Section 9.~~

6.14.a. No person may import any equine, for any purpose except for sale at a public market, without a valid official health certificate showing the results of a negative approved APHIS test for E.I.A. attached to or noted on the certificate and that the animal has been found free of symptoms of any infectious or clinical disease. The commissioner will accept the test result from a test within 12 months prior to importation into this state if the state of importation has an E.I.A. program that equals or exceeds the program outlined in section 11 of this rule. In all other cases, the commissioner will accept the test result from a test within 6 months prior to importation into this state.

6.15. Sheep and lambs

~~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.~~

6.15.a. No person may import any sheep or lambs into this state for any purpose other than immediate slaughter without a

valid official health certificate showing the that flock of origin was fully examined not more than thirty days prior to entry and found to be free of scabies, contagious ecthyma (sore mouth), foot rot, or any other contagious or communicable disease.

6.15.b. The commissioner will prohibit the importation of any sheep or lambs into this state that have a condition that can be treated with full immersion in a pesticidal solution, unless that animal has been so treated within 10 days prior to entry.

6.16. Swine

~~6.16.1---Swine may be imported for immediate slaughter when accompanies 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;~~

~~6.16.3.3--6.15.c.E.---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.a. No person may import into this state any swine that have been vaccinated for pseudorabies.

6.16.b. No person may import into this state any swine that does not have a valid official health certificate that identifies the animal and states that the animal is free of any infectious or contagious disease, unless the animal has been consigned to immediate slaughter upon entry.

6.16.c. No person may import into this state any swine that are to be used for breeding purposes that does not contain the following information on the official health certificate;

6.16.c.A. a negative brucellosis test within 1 month prior to importation into this state unless the animal is from a herd that has a certification from the United States Department of Agriculture as a Validated Brucellosis Free Herd and the official health certificate shows the date of the last brucellosis test on that herd; and

6.16.c.B. a negative official pseudorabies serologic test or other official pseudorabies test within 1 month prior to importation, unless the animal is from a herd that has a certification as a qualified pseudorabies negative herd.

~~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.c.C. All brucellosis tests must be a United States Department of Agriculture approved test.

6.17. Wildlife

~~§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.~~

~~3-7-r.A.--All Cervidae imported into this state must accompanied by an official health certificate issued by a licensed 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 on all animals in the herd that are 6 months of age or older for tuberculosis within the last year using the single cervical test as prescribed by the United States Department of Agriculture on December 31, 1990.---Each individual animal being imported into this state must have had a negative tuberculosis test within sixty (60) days of entry into this state; and~~

3.7.r.C.--Each individual animal being imported into this state must have had a negative brucellosis test within 30 days of entry into this state, 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 requirements of this subdivision must be accompanied by a VS FORM 1-27 issued by APHIS and consigned directly to slaughter.

6.17.a. The commissioner will not allow the importation of any wildlife into this state without a valid official health certificate and without evidence that the animal has been issued a valid "Wildlife Importation Permit" by the Department of Natural Resources, unless that animal is not required to obtain that permit by the Department of Natural Resources.

6.17.b. Cervidae and Elk

6.17.b.A. No person may import any animal of the Cervidae genus, except for animals that are consigned directly to slaughter, without a valid official health certificate issued by an accredited veterinarian and a special permit from the commissioner. The official health certificate shall indicate that the animal

6.17.b.A.(a) is from a herd that has had no tuberculosis reactors found during a complete herd test for tuberculosis on all animals six months of age and older within the 12 months prior to the importation; and

6.17.b.A.(b) is an animal that has had a negative tuberculosis test within 2 months prior to the importation of the animal; and

6.17.b.A.(c) that the animal has had a negative brucellosis test within 1 month prior to the importation of the animal.

6.17.b.B For purposes of this section of the rule, the complete herd test for tuberculosis shall use the single cervical test as prescribed by the United States Department of Agriculture on December 31, 1990.

6.17.b.C. No person may import any animal of the Cervidae genus consigned directly to slaughter without an official health certificate and may only import an animal that has been exposed to tuberculosis or brucellosis with a VS FORM 1-27 issued by APHIS accompanying the animal.

-----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 in care of the Animal Health Division.~~

6.17.c. No person may import any animal into West Virginia that is to be placed in a zoo, or is of a species likely to be found in a zoo, without a valid official health certificate issued by an accredited veterinarian. The official health certificate shall state that the animal has been examined within 1 month prior to entry and found to be free of any communicable disease nor known to have been exposed to any communicable disease.

~~§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 ~~six~~ 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.~~

6.18 Dogs and Cats

6.18.a. No person may import any dog or cat into this state that is over 6 months of age without a valid official health certificate that states that the animal has had a rabies vaccination within the 12 months prior to the importation.

6.19. Birds

~~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 performed by a state-- approved inspector at the place of exhibit. 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).~~

6.19.a. No person shall import any bird that is from a flock that is known to be infected with pullorum/typhoid or that is from an area under quarantine for Avian Influenza or Viscerotropic Velogenic Newcastle Disease.

6.19.b. The commissioner requires that any bird that is imported into this state be accompanied by

6.19.b.A. a statement completed and signed by the owner of the bird upon entry that the bird has been free from disease for the 30 days prior to the importation of the bird and did not originate from a flock known to be infected with pullorum/typhoid;

6.19.b.B. a United States Department of Agriculture form 9-2 from the tester stating that the birds have been tested for pullorum typhoid within 3 months prior to the date of the importation; or

6.19.b.C. a United States Department of Agriculture form 9-3 from the tester indicating that the bird has originated from a flock that is not infected with pullorum/typhoid; or

6.19.b.D. the commissioner will require that the bird

must be tested for pullorum typhoid and shown to be free of disease by a tester at the time and place of importation.

§61-1-7. Rules for Livestock Sales

§61-1-5-4. 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 only with a VS FORM 1-27 issued by APHIS.~~

~~6.3--All animals covered by these regulations rules originating from public stockyards or which may be assembled at public stockyards from sources of unknown origin shall be required to meet regulations the provisions of subsection 6.1 through paragraph 6.9.c. of these rules of the State of West Virginia before being released.~~

~~3.7.15--3.7.0--Stocker Cattle--~~

~~3.7.15.1--3.7.0.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--3.7.0.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.~~

7.1. The commissioner shall test all bovine animals for the presence of brucellosis that are over 18 months of age and sexually intact, except for

7.1.a. any male animal that is considered to be too dangerous to test; and

7.1.b. any official vaccinate that is under 20 months of age for animals of dairy-type breeds and under 24 months of age for animals of beef-type breeds.

7.2. The commissioner will require that any animal considered to be too dangerous to test for brucellosis be consigned directly to slaughter.

7.3. The commissioner will require that any animal, including female nursing calves of a reactor, found to be a reactor for brucellosis at a public sale be issued a VS FORM 1-27 and be permanently identified as a brucellosis reactor by his agents at the sale and be consigned directly to a slaughterhouse from the public sale; except for male nursing calves which may be returned

to the owner after castration.

7.4. The commissioner will allow animals found to be exposed to brucellosis at a public sale to be

7.4.a. returned to the owner if the animal is a male nursing calf and it has been castrated;

7.4.b. returned to the owner in the state of West Virginia after the animal and the herd of origin are placed under quarantine and not returned to the public sale until the quarantine is removed; or

7.4.c. returned to the owner in a state other than West Virginia after agreement of the commissioner, the United States Department of Agriculture and the animal health official of the state of origin.

7.5. The commissioner will require that any animal found to be diseased, down, drugged or dying be consigned directly to slaughter.

7.6. No person may import any cattle to a public sale from a United States Department of Agriculture "Class B" or "Class C" state unless that animal meets to requirements set forth in section 6 of this rule.

§61-1-10 8. Animal-Health Requirements for West Virginia Fairs, Festivals and Purebred Consignment Sales

8.1. General

~~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-in-care-of-the-Animal Health-Division,-so-that-it-shall-be-received-5-days-prior-to-the arrival-of-the-livestock;~~

8.1.a. No person may import any animal into the state of West Virginia for showing at a fair, festival, show or sale without a valid official health certificate that has been received by the commissioner at least 5 days prior to the importation of the animal.

8.1.b. The commissioner will permit a nursing animal to move based on the test status of the dam.

8.2. Cattle

~~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 in care of the Animal Health Division before cattle and goats are admitted into West Virginia from states which are experiencing disease outbreaks.~~

8.2.a. No person may import an animal into this state for the purpose of exhibition without a valid official health certificate.

8.2.b. No person may import an animal into this state for the purpose of exhibition without a special permit when the commissioner requires that a special permit be issued due to a disease outbreak in the state of origin.

~~10.6--10.7.--It is strongly recommended that cattle and goats with warts, pinkeye and ringworm not be entered or allowed to show.~~

8.2.c. The commissioner recommends that no bovine or bison animal be exhibited in this state that is affected with warts, pinkeye, or ringworm.

~~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:-----~~

8.2.d. Tuberculosis

8.2.d.A. No person may show any bovine or bison originating within this state unless the animal is:

8.2.d.A.(a) from a United States Department of Agriculture Accredited Tuberculosis Free Herd;

8.2.d.A.(b) from a herd that has had a complete negative tuberculosis herd test within the 12 months prior to the show;

8.2.d.A.(c) the animal will not be sold in this state, is less than 24 months of age;

8.2.d.A.(d) the animal has had a negative tuberculosis test within the calendar year of the exhibition but prior to the date of exhibition; or

8.2.d.A.(e) the animal will be shown in a slaughter class.

8.2.d.B. No person may show any bovine or bison originating from without this state unless the animal meets all the requirements of subparagraph 8.2.d.A. of these rules; except that

8.2.d.B.(a) the animal has had a negative tuberculosis test within 3 months prior to the date of exhibition, when a test is required; and

8.2.d.B.(b) animals shown in slaughter classes must have an individual test and meet the requirements of the paragraphs 6.12.e. and 6.12.f. of this rule, except that the negative tuberculosis test must be within 3 months prior to the importation into this state.

8.2.d.C. No person may offer any bovine or bison for sale at a purebred consignment sale unless that animal meets the requirements set forth in paragraphs 6.12.e. and 6.12.f. of this rule.

~~10.10--10.11--Regulations Rules 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:

10.4---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.

8.2.e. Brucellosis

8.2.e.A. No person may exhibit any animal, except for steers, at a fair, festival or show that is from a herd that is under quarantine for brucellosis.

8.2.e.B. No person may exhibit an animal at a fair, festival or show that requires an official health certificate when that certificate does not show the animal to be a verifiable progeny of a particular herd.

8.2.e.C. No person may exhibit an animal at a fair, festival or show unless that animal originated from a herd

8.2.e.C.(a) that is a United States Department of Agriculture Certified Brucellosis Free Herd;

8.2.e.C.(b) the herd of origin has had a complete negative brucellosis test within the 12 months prior to the exhibition of that animal;

8.2.e.C.(c) the animal originates in West Virginia and has had a negative brucellosis test within the calendar year of the exhibition but prior to the exhibition except for official vaccinates that are less than 20 months of age for dairy type breeds, or 24 months of age for beef type breeds, in which case no individual test is required; or

8.2.e.C.(d) the animal originated in a state other than West Virginia and has had a negative brucellosis test within 1 month prior to the exhibition except for official vaccinates that are less than 20 months of age for dairy type breeds, or 24 months of age for beef type breeds, in which case no individual test is required.

8.2.e.D. No person may offer any bovine or bison for sale at a purebred consignment sale unless that animal meets the requirements of paragraph 6.12.j. of this rule.

~~10.5--10.6---Regulations-Rules-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-~~

8.2.f. Leptospirosis

8.2.f.A. No person may exhibit any non-pregnant female animal or any other animal other than those to be slaughtered within 1 months after the exhibition at a fair, festival, or show unless that animal has been vaccinated with Leptospirosis pomona within 12 months prior to the exhibition.

8.2.f.B. No person may exhibit any animal that is required to have had a vaccination with Leptospirosis pomona without showing to the officials in charge of the exhibit a vaccination certificate that shows the date of vaccination, the name of the herd owner, the serial number of the vaccine, the pharmaceutical company distributing the vaccine and the name of the person vaccinating the animal.

8.2.f.C. The commissioner recommends, but does not require, that all bovines be vaccinated with Leptospirosis pomona, L. canicola, L. icterohaemorrhagiae, L. hardjo and L. grippotyphosa within 12 months prior to the date of the exhibition.

8.3. Goat

8.3.a. No person may import any goat into this state for the purpose of showing at an exhibition without a valid official health certificate.

8.3.b. No person may import an animal into this state for the purpose of exhibition without a special permit when the commissioner requires that a special permit be issued due to a disease outbreak in the state of origin.

~~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.~~

8.3.c. No person may import any goat showing signs of caseous lymphadenitis, unless the animal has been issued a written statement from an accredited veterinarian that the node, or nodes, show no signs of rupture during the time the animal is expected to be in this state.

~~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 the provisions of subparagraphs 10.3.a. and 10.3.b. be applied to goats.~~

8.3.d. The commissioner recommends that any goat being imported into this state follow the same rules for cattle for tuberculosis set forth in paragraph 8.2.d. of this rule.

8.3.e. The commissioner recommends that no goat be exhibited in this state that is affected with warts, pinkeye, or ringworm.

8.4. Equine

~~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 E. I. A. (Coggins') test confirmed by a United States Department of Agriculture laboratory 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 had a negative E. I. A. (Coggins') test confirmed by a United States Department of Agriculture laboratory 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 is 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 may 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.

8.4.a. No person may exhibit any equine from any band that is under quarantine for any communicable disease.

8.4.b. No person may exhibit any equine that shows signs of any infectious or communicable disease.

8.4.c. The officials of the exhibition are responsible to see that all equines shown meet the requirements of this subsection.

8.4.d. No person may exhibit any equine originating from

outside this state without a valid official health certificate that shows the test results for an E.I.A. test.

8.4.e. No person may exhibit any equine without a negative E.I.A. test within 24 months prior to the exhibition, if the animal originates from within this state, or that the animal has had a negative E.I.A. test within 12 months prior to the exhibition if the state of origin has an E.I.A. program at least equal to the program set forth in section 11 of this rule, or that the animal has had a negative E.I.A. test within 6 months prior to the exhibition.

8.4.e.A. For purposes of this section the negative E.I.A. test must have been performed in an approved United States Department of Agriculture laboratory.

8.5. Sheep and Lambs

~~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's agent or Veterinarian.~~

8.5.a. No person may exhibit any sheep or lamb that is capable of breeding that does not have a valid official health certificate or that does not have a certificate that the animal originates from an Honor Flock as designated by the commissioner.

8.5.b. The commissioner will inspect all sheep or lambs in the market class for the presence of any infectious disease when the animal is exhibited. The commissioner may refuse to allow an animal to be shown based on the results of the examination.

8.6. Swine

~~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.~~

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.~~

8.6.a. No person may exhibit any swine originating within this state that is capable of breeding that has not had an examination by a veterinarian within 5 days prior to the exhibition and been found to be free from any symptoms of infectious disease.

8.6.b. No person may exhibit any swine originating from outside this state that is capable of breeding without a valid official health certificate that shows that the animal has been examined and found to be free from any symptoms of infectious disease and that the animal is from a qualified pseudorabies free herd or have had a negative pseudorabies test within 2 months prior to the exhibition. In addition the official health certificate for any animal from a qualified pseudorabies free herd shall show identify the herd of origin and indicate the date of the last pseudorabies test performed on that herd.

8.6.b.A. For purposes of this section a serum neutralization test or other pseudorabies test approved by APHIS will be accepted.

8.6.c. The commissioner may require a statement from the animal health official of the state of origin that the animal did not originate from an area where pseudorabies is known to be present.

8.7. Birds

8.7.a. The provisions of subsection 6.19 of this rule apply to the exhibition of birds in this state.

8.7.b. The management of the exhibit shall maintain records of the documents required by this section including the names and addresses of all exhibitors and the number of birds exhibited by those persons for a period of 2 years after the show and shall provide the records to the commissioner upon request.

8.7.c. The management of the exhibit shall deny entry to all birds of a particular owner when any one of the birds of that owner tests positive for pullorum-typhoid.

8.7.d. The owner of any bird found to test positive for pullorum typhoid will submit the bird to the commissioner who will necropsy the bird and sample the tissues for recovery of the organism.

§61-1-9. Official Vaccinates

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 in care of 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.--~~

9.1. Official vaccinates are calves that have been vaccinated for brucellosis between the ages of 120 days and 240 days by an accredited veterinarian who

9.1.a. marks the calf at the time of vaccination with a legible tatoo consisting of the numeral of the quarter of the year, a "V-shield", followed by number indicating the last number in the current year in the right ear of any calf and securely fastens a metal ear tag in the right ear of any calf that does not already have a legible purebred registration tatoo; and

9.1.b. completes a Calfhood Vaccination Report on the animal using forms supplied by the commissioner. The completed report contains the name and address of the owner of the calf, the county where the animal was located when vaccinated, the date of the vaccination, the manufacturer and serial number of the vaccine, the number of the ear tag or the purebred animal tattoo, a stamp of the tattoo, the breed, designation of purebred or grade, the sex of the animal, the date of birth, the name and address of the person completing the report.

9.2. The accredited veterinarian shall forward the original and one copy of the Calfhood Vaccination Report to the commissioner, in care of the Animal Health Division and one copy to the owner of the calf no later than five days following the vaccination. The accredited veterinarian shall keep one copy of the report for ten years following the vaccination.

9.3. No person shall classify any official vaccinate as a reactor or suspect for brucellosis, even though the test results may indicate a reactor or suspect, until the animal has been tested after they have reached 20 months of age for animals of the dairy breeds or 24 months of age for animals of the beef breeds.

9.4. The commissioner will classify vaccinated calves or adults from herds containing reactors to brucellosis as reactors when reaching the age of 20 months for animals of dairy type breeds or 24 months for animals of beef type breeds, only if they have a titer of a reactor.

\$61-1-10. Establishment and Maintenance of a Certified Brucellosis Free Herd.

3.5--Establishment and Maintenance of a Certified Brucellosis Free Herd:

3.5.1--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--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---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.

3.6---Addition of Animals to Certified Herds or Herds in The Process of Certification:

3.6.1---Animals from certified herds may enter certified herds or herds in the process of certification without being retested.

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

3.5.4--Herd certification may be extended for a period of one year upon a negative herd retest.

3.5.5--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--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-- 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-- 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.~~

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

~~3.6.1-- Animals from certified herds may enter certified herds or herds in the process of certification without being retested.~~

~~3.6.2-- 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-- Negative animals, tested within 30 days, may enter certified herds by isolation and negative retest after 60 days.~~

~~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 WV Code §19-9-20 through 19-9-24 or with subsection 3.5. through paragraph 3.6.c. of these rules.~~

10.1 For the purpose of this section, the term herd means one or more cattle six months of age or older that are cows or bulls. No steers or spayed heifers or official vaccinates that are less than 20 months of age for dairy animals or 24 months of age for beef animals will be considered to be part of a herd. A herd shall be located on a farm any may consist of animals located in separate fields of a farm. The animals in a herd may have several owners.

10.2. Establishment of Herd Status

10.2.a. The owner, or owners, of the herd must sign an agreement with the commissioner that they will comply with WV Code §19-9-20 through 24 and with the provisions of this rule.

10.2.b. The commissioner and the United States Department of Agriculture will certify the herd as brucellosis free after two series of tests for brucellosis between 10 and 14 months apart shows that all animals in the herd are free from brucellosis.

10.2.c. The commissioner and the United States Department of Agriculture will then issue a certificate for the Certified

Brucellosis Free herd. The certificate shall be valid for one year unless sooner revoked by the commissioner for non-compliance with the provisions of WV Code §19-9-20 through 24 or with the provisions of this rule.

10.3. Maintenance of Herd Status

10.3.a. The commissioner and the United States Department of Agriculture will renew a certificate for a Certified Brucellosis Free Herd for the period of one year when the herd has shown no reactors after a complete herd test.

10.3.b. The owner, or owners, of the herd shall cause any animal in a certified herd that is suspected of having brucellosis to be segregated from the herd. The animal shall be retested between 30 and 60 days after the initial test. If the animal is found to test negative to the retest, it can be returned to the herd and the animal will not be the cause for non-renewal of the certified herd certificate. The commissioner recommends that all animals in the herd be tested at 180 days under these conditions.

10.3.b.A. If the suspect tests as a reactor during the subsequent test, then all animals in the herd shall be tested again for brucellosis.

10.3.c. If more than one reactor is found in a herd, the commissioner will refuse to renew, or revoke, the certificate and the owner of the herd must begin the process of establishment of herd status.

10.3.c.A. The commissioner shall quarantine the herd until brucellosis testing has been performed to establish the status of the herd and the animals in the herd.

10.3.d. Addition of animals

10.3.d.A. The owner, or owners, of the herd may add animals to the herd during the period of establishment of herd status or while the herd is certified under the following conditions:

10.3.d.A.(a). The animal is from a herd that is certified as free of brucellosis. The commissioner will not require the animal to have had a test for brucellosis prior to entry.

10.3.d.A.(b). The animal is over 6 months of age and is from a herd that is in the process of establishing brucellosis certification. The animal must have a negative brucellosis test within 30 days of importation into the herd. The animal must be separated from other animals in the herd until they show a negative brucellosis test at 60 days after importation into the herd and segregation.

§61-1-11. Equine Infectious Anemia

6:13.4--When an equine is found to be positive to one Agar gel immunodiffusion (AGID) (Coggins') test it and all exposed equine on the same premises shall be immediately quarantined for further testing.

6:13.5--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--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----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. 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.

2:1.34.--Positive E.I.A. Identification -- A description or color, markings, scars or other physical characteristics of the animal including tattoos and brands.

6:13.8--Indemnities will not be paid by the State of West Virginia when it is necessary to destroy a reactor animal.

6:13.9---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.

11.1. The commissioner shall immediately quarantine any equine that is found to be an E.I.A. Reactor. The quarantine shall extend to all Exposed E.I.A. Animals and to any place or location that the commissioner deems necessary to protect the health of the equines

of this state.

11.1.a. The commissioner may consider all racehorses handled by the same trainer as Exposed E.I.A. Animals.

11.1.b. The commissioner may consider all other equines that have been housed in the same shed row or stall area as Exposed E.I.A. Animals.

11.1.c. If the E.I.A. Reactor has a foal, the foal should be isolated from the reactor as soon as possible after birth and E.I.A. tested. Any foal that is found to be an E.I.A. Reactor shall be placed under quarantine. If the foal is tested at 12 months of age and found to be an E.I.A. Reactor at that time, then the quarantine shall remain in effect and the commissioner will brand the animal.

11.2. Under terms of the quarantine the commissioner will require to E.I.A. Reactor to be isolated from all equines by stabling or pasturing at least 200 yards from all other equines.

11.3. The commissioner will identify all E.I.A. Reactors with a visible freeze brand under the mane on the left side of the equine. The brand shall start with "54 A" and end with a number that the commissioner assigns to the equine.

11.4. The commissioner will allow the E.I.A. Reactor to be removed from the quarantine area only upon written permission.

11.5. The quarantine will remain in effect for all Exposed E.I.A. Animals after the E.I.A. Reactor has been removed.

11.6. The commissioner shall not release the quarantine for Exposed E.I.A. Animals until all Exposed E.I.A. Animals have been determined to be non-E.I.A. Reactors at least 30 days after the E.I.A. Reactor has been removed from the band.

11.7. The commissioner will perform testing for Equine Infectious Anemia on any other equine that the E.I.A. Reactor has been in contact with during the past 12 months, within the limits of his resources.

11.8. The commissioner will not pay an indemnity for any E.I.A. Reactor that must be destroyed.

§61-1-12. Pseudorabies in Swine

6-16-4--Identification-of-Swine-tested-for-Pseudorabies

6-16-4.1--All swine tested for pseudorabies shall be individually identified by ear tag, or tattoo, or ear notch recorded

in a book of record of a purebred registry association or any other method approved by the commissioner or his agents:

6.16.4.2---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.i---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.i.1---6.16.a.---Originate from a pseudorabies monitored herd; or

6.16.8.i.2---6.16.b.---Originate from a qualified pseudorabies negative herd; or

6.16.8.i.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:

6.16.5--11.1.---Pseudorabies Monitored Herd Procedures:

6.16.5.i---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.i.1--11.1.a.A.---In herds of ten sows or fewer, all sows shall be tested;

6.16.5.i.2--11.1.a.B.---In herds of 11 to 35 sows, ten randomly selected sows shall be tested; and or

6.16.5.i.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.i of the regulations section i 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-a VS FORM-1-27 issued by APHIS 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.~~

12.1. No person shall perform a test for pseudorabies on any swine without placing an eartag on each animal that is not previously identified with ear notches for their purebred registry. The commissioner will allow only a metal eartag be used for identification of feeder pigs, when eartags are used. The person performing the test shall record the sex, age, breed and the identification of the animal by the eartag number or by recording the purebred registry ear notches.

12.2. No person shall sell, lend, lease, or trade any feeder or breeder swine in this state, or import into this state or export out of this state any feeder pig unless that animal

12.2.a. originates from a pseudorabies monitored herd or a qualified pseudorabies negative herd from within this state, or from a herd that meets or exceeds the requirements of these herds provided by this section; or

12.2.b. the animal has been tested and found to be free of pseudorabies within 1 month prior to the movement of the animal or the date of the sale.

12.3. Pseudorabies Monitored Herds

12.3.a. A swine breeding herd may establish their status as a pseudorabies monitored herd after all the animals required by this subsection have been found to be free of pseudorabies. All

boars will be tested. All sows will be tested in herd of 10 sows or fewer. Ten randomly selected sows will be tested in herds containing 11 to 35 sows. Thirty percent of the sows, or 30 randomly selected sows, whichever is fewer, will be tested in herds containing 36 or more sows.

12.3.b. A swine breeding herd may maintain their status as a pseudorabies monitored herd when a herd test performed twelve months after the previous test on the animals prescribed by subsection 12.3.a., all the boars, and thirty percent of the sows added to the herd since the previous herd test has shown that all animals are free from pseudorabies.

12.4. Qualified Pseudorabies Negative Herds

12.4.a. A swine breeding herd may establish their status as a qualified pseudorabies negative herd after the provisions of Title 9 Part 85.1 of the Code of Federal Regulations have been met; and

12.4.a.A. all swine over 6 months of age have been found to be free of disease when tested using an official pseudorabies serologic test, the herd is not known to have been exposed to the disease within the month previous to the test, and at least ninety percent of the animals in the herd have been in the herd and on the premises for at least 3 months prior to the test or have entered the herd directly from another qualified pseudorabies negative herd.

12.4.b. A swine breeding herd may maintain their status as a qualified pseudorabies negative herd after

12.4.b.A. all swine over 6 months of age as provided in this paragraph have been found to be free of disease when tested using an official pseudorabies serologic test; and

12.4.b.B. twenty-five percent of all swine over 6 months of age have been found to be free of disease when tested every 80-105 days using an official pseudorabies serologic test, provided that no animal will be tested more often than once every 12 months; or ten percent of all swine over 6 months of age have been found to be free of disease when tested every month using an official pseudorabies serologic test, provided that no animal is tested more often that once every 10 months.

12.5. The commissioner will accept a valid Swine Herd Health Certificate issued by the state veterinarian as proof that any animal is part of a Pseudorabies Negative Herd.

12.6. The commissioner will accept an official pseudorabies test chart indicating that the animal has been tested and found free of pseudorabies within the past month and identifying the

individual feeder pig tested as proof that the animal is free of pseudorabies.

12.7. The commissioner will quarantine any swine herd when any animal is found to be a reactor to an official pseudorabies test. The quarantine may be released only after the provisions of Title 9 Part 85.1 of the Code of Federal Regulations has been met including:

12.7.a. depopulation of all animals that have found to be reactors and all exposed swine, followed by cleaning and disinfecting the location of the herd by a method that has been approved by the commissioner; or

12.7.b. removal of all swine that have been found to be reactors, cleaning and disinfecting the premises as directed by the commissioner, followed by the testing schedule as follows:

12.7.b.A. after 1 month, testing all swine, except for nursing animals and finding all animals to test negative to pseudorabies, then

12.7.b.B. after an additional 1 to 2 months, testing all swine over 6 months of age and finding all animals to test negative to pseudorabies.

§61-1-9 13. Regulations Rules for Hatcheries, Growers and Contractors Pertaining to Poultry Disease Control and Eradication

13.1. General

~~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.~~

13.1.a. For the purposes of this section a flock means a group of poultry that are characteristic of the breed, variety, cross or other combination which they are stated to represent.

13.1.b. The owners of any flock shall test all poultry on the premises, except for wild birds or unmated and segregated birds held for laying purposes, for pullorum-typhoid.

~~--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.~~

13.1.c. No person shall maintain a flock containing any individuals testing positive for pullorum-typhoid without complying with the provisions of this section of this rule.

~~9-20--These regulations rules for chicken and turkey testing are intended to supplement the regulations rules 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 rules to be considered as eliminating any of the minimum provisions as outlined in the USDA publication.~~

13.1.d. The commissioner intends for the provisions of this section of the rule to supplement, and not supersede, the regulations set forth in the National Poultry Improvement Plan and Auxiliary Provisions set forth in Title 44 of the Code of Federal Regulations Parts 145 through 147 (published October 26, 1979).

~~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 in care of the Animal Health Division.~~

13.1.e. Any person owning a hatchery or a flock will be responsible for furnishing transportation on the premises and necessary labor needed for handling birds at no expense to the commissioner or the tester when needed by the tester to perform his duties under this section of the rule.

13.1.f. The commissioner requires that all birds found to be reactors or suspected of being a reactor to any disease be removed from the flock and destroyed within 10 days after the test was reported. The owner of the animal must certify to the commissioner that the birds were destroyed within 10 days of test results in a manner approved by the commissioner.

13.2. Testing

~~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 must be certified by the West Virginia Department of Agriculture.~~

~~9-11--No private or unofficial test will be permitted.~~

13.2.a. The commissioner will accept only official test results. The commissioner will accept tests performed by inspectors certified by the commissioner and performed according to

the provisions of this section of the rule and the National Poultry Improvement Plan and Auxiliary Provisions as official tests.

~~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.~~

13.2.b. No person may use any chicken for breeding purposes without having that animal tested and found negative for the presence of pullorum typhoid when over 5 months of age but before the animal is used for breeding.

13.2.c. No person may use any turkey for breeding purposes without having that animal tested and found negative for the presence of pullorum typhoid when over 4 months of age, but before the animal is used for breeding.

~~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.~~

~~9.12---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.~~

13.2.d. The commissioner will not accept any test performed with any lot of pullorum typhoid antigen that was not approved by the United States Department of Agriculture.

13.2.e. The commissioner will not accept any test performed with pullorum typhoid antigen on any animal that has had a previous test with any Salmonella antigen within 21 days of the pullorum typhoid test.

~~9.19--The fee for testing and inspection shall be five and one-half cents (5 1/2 cents) 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 in care of the Animal Health Division within seven days.

13.2.f. The commissioner shall set the fee for testing and inspection at a rate to reflect the actual costs of doing the testing and inspection for the commissioner's employees. The costs for testing and inspection for the commissioner's employees is 24 cents per mile for all travel and \$10 per hour for the time for travel, testing and inspection. The owner of the birds tested shall pay the fee to the West Virginia Department of Agriculture within 10 days of billing by the commissioner.

13.2.g. The owner of birds may contract with independent certified testers to perform official testing and inspection. The fees charged by the independent certified tester are not bound by the fees charged by the commissioner.

13.2.h. The tester shall identify each bird that has been officially tested with an officially sealed and numbered leg or wing band.

13.3. Reporting

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.

13.3.a. All persons owning hatcheries shall report the total number of eggs set and the total number of chicks and poults hatched on a weekly basis to the Federal State Crop and Livestock Reporting Service, United States Department of Agriculture, Capitol Building/Guthrie Center, Charleston, West Virginia 25305.

13.3.b. The tester shall mail all official test records within seven days of the completion of the test on the flock to the commissioner, in care of the Animal Health Division, Charleston, WV. The official test records shall include the name and address of the owner of the birds, the date of test, the number of the leg or wing band attached to the bird, the test results and the total number of birds tested in the flock.

9-2 13.3.c. 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-in-care-of-the-Animal-Health-Division. Any dealer in
baby chicks and broiler contractors shall keep records of the
number of shipments of chicks and poults into this state for a
period of 5 years and shall provide them to the commissioner upon
request.

13.4. Classification of a flock

13.4.a. The provisions of the National Poultry Improvement
Plan and Auxiliary Provisions will determine the classification of
a flock.

13.4.b. The commissioner will not consider the test results
of any animal for the purposes of classifying the flock that was
found to be a reactor using antigen and subsequently found to be
not infected upon necropsy and subsequent bacterial examination.

~~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.~~

KEN HECHLER
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(Plus all the volunteer
help we can get)

November 14, 1991

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Agriculture


RULE: Amendments, Series 1, Animal Disease Control

ORIGINALLY FILED AS AN EMERGENCY RULE: August 8, 1991

FIRST EMERGENCY AMENDMENT: November 14, 1991

DECISION NO. 102-91

Following review under WV Code 29A-3-15a, it is the decision of the Secretary of State that the above emergency rule be approved. A copy of the complete decision with required findings is available from this office.



KEN HECHLER
Secretary of State

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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FILED

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(Plus all the volunteer
help we can get)

DECISION

EMERGENCY RULE DECISION (ERD 102-91)

AGENCY: Agriculture

RULE: Amendments, Series 1, Animal Disease Control


ORIGINALLY FILED AS AN EMERGENCY RULE: August 8, 1991

FIRST EMERGENCY AMENDMENT FILED: November 12, 1991

- par. 1 The Department of Agriculture (Department) has filed the above new rule as an emergency.
- par. 2 West Virginia Code 29A-3-15a requires the Secretary of State to review all emergency rules filed after March 8, 1986. This review requires the Secretary of State to determine if the agency filing such emergency rule: 1) has complied with the procedures for adopting an emergency rule; 2) exceeded the scope of its statutory authority in promulgating the emergency rule; or 3) can show that an emergency exists justifying the promulgation of an emergency rule.
- par. 3 Following review, the Secretary of State shall issue a decision as to whether or not such an emergency rule should be disapproved [(29A-3-15a(a))].
- par. 4 (A) Procedural Compliance: WV Code 29A-3-15 permits an agency to adopt, amend or repeal, without hearing, any legislative rule by filing such rule, along with a statement of the circumstances constituting the emergency, with the Secretary of State and forthwith with the Legislative Rule-Making Review Committee (LRMRC).
- par. 5 If an agency has accomplished the above two required filings with the appropriate supporting documents by the time the emergency rule decision is issued or the expiration of the forty-two day review period, whichever is sooner, the Secretary of State shall rule in favor of procedural compliance.

- par. 6 The Department filed this emergency rule with supporting documents with the Secretary of State November 12, 1991 and with the LRMRC November 12, 1991.
- par. 7 It is the determination of the Secretary of State that the Department has complied with the procedural requirements of WV Code §29A-3-15 for adoption of an emergency rule.
- par. 8 (B) Statutory Authority -- WV Code §19-9-2(b) reads:
- (b) To make and enforce such rules and regulations as may be necessary to effectuate the provisions of this article.
- par. 9 It is the determination of the Secretary of State that the Department has not exceeded its statutory authority in promulgating this emergency rule.
- par. 10 (C) Emergency WV Code 29A-3-15(g) defines "emergency" as follows:
- (g) For the purposes of this section, an emergency exists when the promulgation of a rule is necessary for the immediate preservation of the public peace, health, safety or welfare or is necessary to comply with a time limitation established by this code or by a federal statute or regulation or to prevent substantial harm to the public interest.
- par. 11 There are essentially three classes of emergency broadly presented with the above provision: 1) immediate preservation; 2) time limitation; and 3) substantial harm. An agency need only document to the satisfaction of the Secretary of State that there exists a nexus between the proposal and the circumstances creating at least one of the above three emergency categories.
- par. 12 The facts and circumstances as presented by the Department are as follows:
- This amendment is being filed after review and modification by the Legislative Rule Making Committee. The modifications of the committee required extensive reorganization of the rule, but did not materially affect the content of the rule. The agency wishes to enforce the rule as modified by the committee.
- par. 13 It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(g).

par. 14 This decision shall be cited as Emergency Rule Decision 102-91 or ERD 102-91 and may be cited as precedent. This decision is available from the Secretary of State and has been filed with the Department of Agriculture, the Attorney General and the Legislative Rule Making Review Commission.



KEN HECHLER
Secretary of State

Entered _____

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE