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Chapter 19-2
Series I
1965

Subject: ANIMAL DISEASE CONTROL
Bovine Brucellosis (Bang's Disease)
Rules and Regulations Governing the Control and Eradication

Section 1 -GENERAL

1.01 Scope. These regulations establish general operating rules and procedures in the Animal Disease Control Division.

1.02 Authority. These regulations are issued under authority of Chapter 19, Article 9, Code of West Virginia.

1.03 Effective Date. These regulations are promulgated and become effective on July 13, 1950.

1.04 Filing Date. These regulations were filed in the Office of the Secretary of State on

1.05 Certification. These regulations are certified authentic by the Secretary of State by certification number

Section 2 -DUTY OF THE COMMISSIONER.

2.01 Article 9, Chapter 19, of the Code of West Virginia specifically sets out certain duties and responsibilities of the Commissioner of Agriculture with respect to controlling and eradicating diseases of domestic animals, and Section 2 of Article 9, Chapter 19 provides that it shall be the duty of the Commissioner and he shall have authority:

x (a) To prevent, suppress, control and eradicate any communicable diseases of animals or poultry.

(b) To make and enforce such rules and regulations as may be necessary to effectuate the provisions of this article.

(c) To collect and disseminate information and statistics by means of circulars and bulletins on the prevalence and control of animal and poultry diseases and their treatment, the proper care and sanitation of stables and other buildings so as to prevent the existence and spread of communicable diseases among such animals and poultry, and such other information relative thereto as will be of value to the stock industry of the State.

(d) To make or cause to be made any investigations he may deem advisable regarding the causes and methods of preventing, controlling and eradicating diseases of animals or poultry, and exercise such other powers and perform such other duties as may be proper or necessary to prevent the spread of, eradicate or control any communicable disease among animals or poultry.

(e) To prohibit the importation into this State of animals and poultry when necessary to prevent the spread of diseases.

(f) To cause general or special quarantine of premises and of animals and poultry to be established and maintained.

(g) To cause the disinfection of any premises.

(h) To cause the destruction of diseased animals, when such animals are deemed diseased as a result of physical examination or an approved test, and of infected personal property, and to regulate and prohibit the moving or transportation of such animals or property from one place to another in this State.

(i) To have charge of the enforcement of the provisions of this article and the laws of the State relating to diseases of animals and poultry, and the manufacture, preparation, storage, sale and offering for sale of the food and food products derived from diseased animals and poultry.

2.02 Section 7, Article 9, Chapter 19 of the Code of West Virginia provides that the Commissioner shall have authority to accept on behalf of the State the laws, rules and regulations of the Agricultural Research Service or its successor agency of the United States Department of Agriculture, for the prevention, control and eradication of communicable diseases among animals and poultry.

2.03 By virtue of authority vested in me as Commissioner of Agriculture of West Virginia by Article 9, Chapter 19 of the Code of West Virginia, I, J.B. McLaughlin, Commissioner of Agriculture of the State of West Virginia, promulgate the following rules and regulations to govern and control brucellosis (Bang's Disease), tuberculosis and other infectious, communicable and transmissible diseases of domestic animals.

Section 3 - DEFINITIONS.

3.01 The following words as used in these regulations, unless the context otherwise requires or a different meaning is specifically prescribed, shall have the following meanings:

(1) Commissioner. The State Commissioner of Agriculture or his authorized agents.

(2) Veterinarian. State or Federal employed veterinarian, registered veterinarian, consulting veterinarian or other technicians employed by the Commissioner.

(3) Test. An examination made to determine the presence or absence of a disease.

(4) Animal. Any domestic equine or bovine animal, sheep, goat, swine, dog, cat or poultry.

(5) Cattle. Bovine animals of any age and may include other quadrupeds such as sheep, goats, horses, mules and swine.

(6) Calves. Bovine animals which have not reached the usual age of maturity for the particular breed.

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

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

(9) 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 purpose of accreditation, 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.

(10) Herd Unit. One or more cattle maintained separate and apart from other herd units belonging to the same owner.

(11) Reactors. Cattle showing a positive reaction to a test, except vaccinated calves. See Regulation 4.11, Page 23.

(12) Non-reactors. Animals showing negative reaction to a test.

(13) Suspect. An animal whose blood when tested for brucellosis shows a complete agglutination in any dilutions lower than 1-100 or a partial agglutination in dilutions 1-100, except permanently identified animals officially vaccinated as calves.

(14) Vaccination. To inoculate any animal with vaccine prescribed by the Commissioner for a specific disease.

(15) Calf Vaccination. The inoculation of bovine animals between the ages of four and eight months with Brucella Abortus Vaccine or any other Brucella vaccine as prescribed by the Commissioner.

(16) Accredited Brucellosis Free Herd. A herd which is certified as free from brucellosis (Bang's disease) by the Commissioner.

(17) Accredited Area. A county or area in which the test of all animals six months of age or over discloses less than 5% herd infection and less than 1% cattle infection except steers, spayed heifers and animals less than twenty-four months of age which were officially vaccinated between the ages of four and eight months.

(18) Indemnity. Money paid by the State and Federal Government to the owner of reactor cattle.

(19) Registered Veterinarian. Any veterinarian registered by the Commissioner.

(20) The A.R.S. Agricultural Research Service or its successor agency of the United States Department of Agriculture.

(21) Destroyed. Disposed of by slaughter or killing under official inspection.

(22) Appraisal.

(a) To identify reactor animals by means of the chemical brand applied to the left cheek using the letter "B".

(b) To attach a special tag in the left ear.

(c) To fix the value of the animal but not to exceed \$150.00 for a grade animal or \$250.00 for a pure-bred registered animal.

(d) To complete all necessary forms, both State and Federal, and instruct the herd owner as to the method of disposing of such animals.

(23) Salvage. The net proceeds received by the owner of reactor animals when disposed of for slaughter.

(24) Post Mortem Report. A written report made by the State or Federal inspector who witnessed the slaughter of a reactor animal.

(25) Premises. To be taken in its broadest terms and shall include land, any structure, pen, coop, or enclosure thereon, any vehicles owned, leased, rented or occupied, car or vessel used in transporting

passengers, goods or animals by land, air or water.

(26) Tuberculosis. An infectious disease caused by the *Mycobacterium tuberculosis*, commonly known as the tubercle bacillus.

(27) A 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, at intervals, by an agent or veterinarian approved by the Commissioner and found to be free from brucellosis or tuberculosis.

(28) A Herd In the Process of Accreditation. 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 veterinarian approved by the Commissioner for the purpose of determining whether or not the animals are free from brucellosis or tuberculosis.

Section 4 -REGULATIONS.

4.01 Infected Animals or Animal Products.

(1) Animals infected with brucellosis or tuberculosis or the products such as milk and meat for human consumption from such animals infected with any contagious or infectious diseases transmissible to animals and human beings shall not be removed from the premises on which they are found except by written permit from the Commissioner.

(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 shall be removed in accordance with his instructions. The permit shall be made in quadruplicate, as follows:

.....19...
.....

Permission is hereby granted for the removal from your herd the following infected animals:

Ear Tag or Tattoo No.	Breed	Age	Sex	Reactor	Suspect	Exposed
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
:	:	:	:	:	:	:
Consigned to.....						to be slaughtered.

COMMISSIONER OF AGRICULTURE
STATE OF WEST VIRGINIA

By: _____

Note: This form to be used only for intrastate movement of infected or exposed animals.

(a) All animals found to be infected with brucellosis or tuberculosis shall be quarantined, ear tagged in the left ear and branded on the left jaw with a chemical solution of branding material with the capital letter "B" for brucellosis and/or the capital letter "T" for tuberculosis, in letters of not less than 2 inches high and 1 1/2 inches wide.

(b) Such animals shall be disposed of in the manner prescribed by the Commissioner.

(c) As amended by Order dated September 15, 1951, Chapter 19, Article 9, requires that all diseased animals with Tuberculosis

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(T.B.) and/or Brucellosis (Bang's Disease) be marketed in such a manner that a postmortem or inspection be held at the place of slaughter under official supervision by an authorized Federal or State veterinarian.

The State and Agricultural Research Service or its successor agency of the United States Department of Agriculture, cooperating, are authorized by law to pay indemnities for animals infected with tuberculosis, brucellosis, etc.

The present methods employed in disposing of diseased animals wherein such animals have changed ownership many times before they finally reach the places where they are to be slaughtered and posted and often expose other animals to the diseases by such methods.

Be it ordered, That on and after September 15, 1951, that all animals tested and found to be reactors to tuberculosis and/or brucellosis shall be sold through a public auction market designated by the Commissioner of Agriculture or his authorized agents. The movement and sale of any such diseased animals shall be accompanied by Permit A.D.E. Form 1-27 in transportation and in delivery to the market for sale.

Done in the office of the Commissioner of Agriculture this the 8th day of September, 1951.

(3) Infected animals originating in other states will be permitted to enter West Virginia for slaughter purposes only, when accompanied by U.S. Department of Agriculture, Agricultural Research Service, A.D.E. Form 1-27 as follows:

4.02 Quarantines:

(a) A quarantine shall be placed and kept on animals infected with brucellosis, tuberculosis or other infectious diseases transmissible to human beings, or exposed to animals carrying infectious or contagious diseases, or when it is necessary to have the animals examined and tested. Such quarantine is to be for a period of time which will permit not less than two consecutive negative herd tests at thirty to sixty day intervals following the removal from the herd of the last known infected animal.

(b) The quarantine shall also include the dairy and meat products of any and all infected animals, the equipment used in collection, transportation, processing and manufacturing of the food products from such animals.

(c) During the period that a quarantine, (special or general) is in force, no animal shall be removed from the herd or the area quarantined; no dairy or meat product may be sold, offered or exposed for sale, or any other item included in the quarantine except upon written permission by the Commissioner. Permit Form to be as follows:

ADC - Remove from
Quarantine
Rev. July - 1964

WEST VIRGINIA DEPARTMENT OF AGRICULTURE
Charleston, West Virginia, 25305

PERMIT TO REMOVE FROM QUARANTINE - FOR IMMEDIATE SLAUGHTER ONLY

TO: _____
ADDRESS: _____
COUNTY: _____ DATE: _____

Permission is hereby granted to remove from quarantine (for immediate slaughter only) the livestock mentioned and described as follows:

NO. HEAD	BREED	SEX	EAR-TAG - TATTOO OR REGISTRATION NUMBERS

Located on the following described premises: _____

The above described animals were received and sold for slaughter to:

BUYER: _____
 ADDRESS: _____
 MARKET: _____
 BY: _____

COMMISSIONER,
STATE DEPARTMENT OF AGRICULTURE

DIRECTOR, ANIMAL DISEASE CONTROL
DIVISION

Original: TO THE OWNER and MUST ACCOMPANY ANIMAL TO THE SELLING AGENCY FOR COMPLETION, THEN RETURNED TO:
Director, Animal Disease Control Division,
State Department of Agriculture,
Charleston, West Virginia, 25305

Duplicate: RETAINED BY THE OWNER
Triplicate: RETAINED BY THE OFFICE OF THE COMMISSIONER

NOTE: Permits for the removal of animals or other items from quarantine shall be executed in triplicate. The original and one copy to be submitted to the herd or property owner, one copy of which shall accompany the cattle or other described items to its destination; the last copy to be retained in the office of the Commissioner.

4.03 Making and Reporting Tests. 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.

4.04 Payment of Indemnities. Payment of indemnities will be made to owners by the State (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:

(a) If the owner has signed an application with the Commissioner for testing his animals, in which he agrees to dispose of animals reacting to the test and has complied with the law and the rules and regulations herein promulgated.

(b) If the owner has had the test performed on his herd by an agent of the Commissioner.

(c) If the reactors found have been added to the herd in compliance with the law and the rules and regulations governing additions to herds.

(d) If all reactors in the herd are slaughtered within 15 days after tests and appraisals have been made, unless an extension of time has been granted by the Commissioner.

(e) If reactors are sold to obtain the highest price.

(f) If the premises on which reacting animals were found have been cleaned and disinfected by the owner.

(g) When animals have been brought in from other states and the owner has furnished proof that the animals were brought into West Virginia in accordance with the law, and the rules and regulations herein promulgated.

(h) If the remaining animals in the herd have been kept under quarantine for a time pending two consecutive negative tests at thirty day intervals.

(i) If registration certificates of reacting purebred animals of ages three years and over are presented for inspection at the time of appraisal. (Such animals will be appraised as purebreds). 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. Otherwise, all animals shall be appraised as grades.

Indemnities will not be paid:

(a) For vaccinated animals reacting to the test unless 18 months have elapsed after date of vaccination.

(b) For reacting vaccinated animals unless the vaccine was administered between the ages of four and eight months.

(c) For any animals in a herd if there is evidence that the owner or his agent has been engaged in any unlawful attempt to obtain indemnity for condemned animals.

(d) For animals kept in a herd in which all animals were not listed in the application agreed to and signed by the owner, or the violation of the law or rules and regulations herein promulgated.

(e) For reacting animals which have been moved from the premises of the owner without written permission.

(f) For any animals found in herds where adult vaccination has been performed or any animals that have been vaccinated with Brucella Abortus vaccine, eight months of age and older.

(g) If the existence of brucellosis in the animals was not determined as the result of the tube agglutination test or other approved test.

(h) If any part of the claimant's herd has not been tested under Federal and State supervision for the eradication of brucellosis and/or tuberculosis.

(i) For calves under six months of age.

(j) For animals owned by any governmental agency or political sub-division of the State of West Virginia.

(k) For animals kept in another state.

(l) For animals brought into this state contrary to law and these regulations, or when the owner or claimant at the time of coming into possession of the animal knew or had reason to believe it to be in-

fectured 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.

4.05 Accredited Herd and Accredited Area Plans:

(1) Accredited Herd Plan. Test and dispose of reacting animals by slaughter, and payment of indemnities for reactors.

(a) Vaccination Plan A: Test and dispose of reacting animals by slaughter, followed with calf vaccination and payment of indemnities.

(2) Accredited Area Plan. Test and dispose of reacting animals by slaughter, and payment of indemnities for reactors.

(a) Vaccination Plan A-a: Test and dispose of reacting animals by slaughter, followed with calf vaccination and payment of indemnities.

4.06 Establishment and Maintenance of An Accredited Herd:

(1) A "herd" shall include all animals over six months of age except steers, spayed heifers and officially vaccinated animals not more than twenty-four months of age. Calves vaccinated between four and eight months of age and not over thirty months of age may carry a blood titer not over incomplete in dilutions of 1-100.

(2) A herd may be accepted for accreditation if and when a herd owner signs an agreement to comply with the law and the rules and regulations governing the testing and accreditation of herds. Agreement Form L-F-31 to be as follows:

Application for an Accredited Herd

I hereby make application to have my herd tested for brucellosis (Bang's disease) for the purpose of eradicating and controlling the disease and also to have my herd accredited for brucellosis.

I agree to comply with the law and/or the rules and regulations, methods and practices set out in L-F-31 governing the eradication and control of brucellosis in my herd.

My herd consists of.....head of cattle.....breed.

	Grade	Purebred	Total
Females 6 months of age and over.....
Males 6 months of age and over.....
Calves under 6 months.....

Owner's name..... Address.....
 Owner's Tel. No..... Tel. Exchg.....
 District..... County.....

Most accessible route to farm.....
.....

In witness whereof, I have signed this agreement this.....day of
....., 19...

.....
Owner's Signature

.....
Witness

(3) Herd owners, having adopted Plan 1 or 2 for accreditation, shall have their herds tested at intervals of not more than sixty days until

negative, and again within three or four months following the date of the first clean test. Such herds shall be accredited when they have passed at least three consecutive clean tests in not less than twelve months. Animals under thirty months of age, vaccinated between the ages of four and eight months, shall not be required to be negative to the test.

(4) An accredited herd certificate shall be valid for one year unless revoked by the Commissioner.

(5) Herd accreditation may be extended for a period of one year upon a negative herd retest.

(6) If suspects are found in a test of an accredited herd, they shall be removed and kept separate and apart from the herd. They shall be retested within 30-60 days. If such animals are found to be negative on the retest, herd accreditation shall be extended for a period of twelve months from the date of the last herd test.

(7) If any of the suspects are found on retest to be reactors, the entire herd shall be retested. If found to be negative, the herd accreditation will be extended for a period of twelve months from the date of the last test.

(8) If more than one reactor is found by any test of an accredited herd, the herd owner will be required to follow the general plan for accreditation-Regulation 4.06, Rule 3.

(9) All animals in accredited herds where infection has been found shall be quarantined until the herd has passed a negative test, such test to be made in not less than thirty days following the test in which reactors were found.

(10) The Commissioner may revoke or suspend any herd accreditation for failure of the herd owner to comply with the law, or rules and regulations herein promulgated.

4.07 Addition of Animals to Accredited Herds or Herds in the Process of Accreditation:

(1) Animals from accredited or negative herds may enter accredited herds or herds in the process of accreditation without being retested.

(2) Animals over six months of age from herds in the process of accreditation for brucellosis or tuberculosis, when and if found to be negative to the test within thirty days of entry, may enter accredited herds or herds in the process of accreditation without further test. Such animals shall be kept separate and apart from other animals until the test is made and they are found to be free from brucellosis or tuberculosis.

(3) If bred, animals shall be kept separate and apart until a test is made not less than thirty days after calving and before being bred.

4.08 Accreditation of Areas:

(1) An area may be a magisterial district, a multiple of magisterial districts, a county, or a territory specifically defined by an order of the Commissioner.

(a) The Commissioner shall give due notice of his intention to test an area by publication of two notices in two newspapers of general circulation in the area.

(2) When a test has been ordered by the Commissioner for the purpose of accreditation, the area shall be placed under quarantine and

the herds in the area shall be tested until found negative, according to the rules, regulations and methods governing accredited herds or herds in the process of accreditation.

(3) All female animals and bulls six months of age and over shall be tested for brucellosis and/or tuberculosis. Animals showing a positive reacting titer in dilutions of 1-100 or higher shall be reactors. They shall be branded on the left jaw with the regulation letter "B". In the case of tuberculosis reactors, they shall be branded with the regulation letter "T". Such animals shall be placed in special quarantine and slaughtered within fifteen days after notice to the owner of the animals reacting to the test, unless an extension of time is granted in writing by the Commissioner.

(4) When a test of all female animals and bulls six months of age or over has been made in the area and found to be negative, the area shall be accredited for a period of three years and the quarantine of such area shall be cancelled.

(5) At the expiration of three years, an accredited area may be check-tested for re-accreditation, and if the check-test shows that the percentage of infected animals does not exceed 1% of the total number of animals check-tested and 5% of herd infection, the area shall be re-accredited.

4.09 Interstate Movement of Animals:

(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.

(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.

(3) A health certificate shall contain the names and addresses of the consignor and the consignee, with an accurate description or identification of the animals. The certificate for the importation of calves under six months of age shall include the brucellosis status of the herd in which the calves originated, and for vaccinated calves between four and eight months of age shall state the age of the calves when vaccinated and date of vaccination. A copy of the certificate shall be furnished to the Commissioner before arrival of the animals.

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

(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 an infectious or transmissible disease 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 the waybill or in the possession of the driver of the truck or other conveyance.

(6) Animals for dairy and breeding purposes, feeder cows, heifers and bulls of beef breeds, including calves and animals for exhibition purposes, may be imported into this state under the following rules:

(a) Animals from accredited herds or herds in the process of accreditation when under Federal and State supervision in which all animals in the herd over six months of age were negative to an official test for brucellosis or tuberculosis within twelve months of date of entry, and the animals for entry were negative to an official blood test within thirty days prior to the date of entry.

(b) Calves from accredited herds or herds in the process of accreditation under six months of age will not be required to be blood tested prior to entry.

(c) All female calves officially vaccinated between the ages of four and eight months and all officially vaccinated female animals over two years of age, negative to one or more tests within thirty days of entry, may be transported into the State without a test.

(d) Animals for dairy and breeding purposes, feeder cows, heifers and bulls of beef breeds for show purposes, may enter the State if the herd is negative to an official test for brucellosis and tuberculosis within thirty days prior to the date of entry. Such animals will not be eligible to addition to accredited herds and herds in the process of accreditation.

(e) Tests for brucellosis and tuberculosis shall be made in a State Laboratory, an approved laboratory, or by a veterinarian approved by the livestock sanitary official of the State where the animals originated.

4.10 Tuberculosis:

(1) Animals for dairy and breeding purposes, feeder cows, heifers and bulls of the beef breeds, including calves and animals for exhibition purposes, originating in tuberculosis-free herds and herds in tuberculosis-free areas in other states, may enter the State of West Virginia. Such animals shall have passed a negative tuberculosis test within thirty days prior to entry and shall be accompanied by a health certificate.

(2) Steers from herds not under quarantine for tuberculosis may be imported into the State for feeding purposes or to a livestock sales yard for immediate slaughter without a tuberculin test. If they are imported for feeding purposes, they shall be kept separate and apart from dairy and breeding animals.

4.11 Vaccination of Calves. Accredited herd owners or owners of herds in the process of accreditation desiring to vaccinate their calves between the ages of four and eight months with Brucella vaccine for the prevention and control of brucellosis will be granted a permit to do so upon request.

(1) Such vaccine shall be administered by a person approved by the Commissioner, 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 tag shall be securely fastened in the right ear, excepting purebred animals bearing registration tattoos.

(2) Calves in purebred herds that are registered or to be registered in the breed association at the time of vaccination must be recorded by the breed association registration name number and tattoo number. If not registered, they shall be recorded by the name of the registered dam, giving date of birth of the calves vaccinated.

(3) The vaccination shall be reported to the Commissioner immediately and not later than five days following vaccination. The report shall be made in quadruplicate on forms furnished by the Commissioner. The original and one copy shall be forwarded to the Commissioner, one copy shall be given to the herd owner and one copy retained by the person administering the vaccine.

(4) Such calves shall not be classed as reactors until after reaching thirty months, if retained in the herd, or if moved out of the herd, they shall be classed as reactors after reaching the age of two years. Vaccinated calves originating in adult vaccinated herds will be considered reactors.

4.12 Biologicals:

(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.

(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.

4.13 Manufacture, Sale and Use of Biologicals:

(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 shall report to the Commissioner within five days from the date of each sale of any veterinary biological for diagnosis or prophylactic treatment of any contagious or infectious disease of animals.

(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 furnish him a detailed description of each animal so treated, the name and address of the owner, the name of the manufacturer, the serial number and expiration date of the veterinary biological used.

4.14 Registration of Veterinarians:

(1) All accredited resident veterinarians are hereby prohibited from participating in the control and eradication of brucellosis or tuberculosis program unless they have made application for registration and have received appointment as a registered veterinarian for that purpose.

(2) Registered 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) Registered veterinarians may administer biologicals for the prophylactic treatment of any contagious or infectious diseases of animals when such biologicals have been approved by the Commissioner. He shall make a written report to the Commissioner within five days after the use of such biologicals and furnish to him a detailed description of each animal so treated, the name and address of the owner, the name of the manufacturer, the serial number and the expiration date of the biological used.

(4) APPLICATION AND APPOINTMENT OF REGISTERED VETERINARIANS

Control and Eradication
of
Infectious and Transmissible Diseases
of Animals

I,.....of....., hereby
(Name) (Address)
make application for appointment as a REGISTERED VETERINARIAN for the control and eradication of infectious and transmissible diseases among animals.

In consideration of my appointment, I agree:

(a) To strictly adhere to the law, approved methods, practices, rules and regulations promulgated by the Commissioner and the Agricultural Research Service or its successor agency of the United States Department of Agriculture, in the control and eradication of infectious or transmissible diseases of livestock.

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(b) To charge the following rates for services rendered:

1. Combination drawing of blood samples of animals at the farm and giving the Tuberculin test:

\$3.00 per herd unit for two trips
\$.80 per head

2. Tuberculin test of animals at the farm:

\$3.00 per herd unit for two trips
\$.50 per head

3. Drawing of blood samples of animals at the farm:

\$1.50 per herd unit
\$.40 per head

4. Vaccination of calves at the farm:

\$1.00 per head

5. Combination drawing of blood samples of animals at the farm, Tuberculin test, and vaccination of calves:

\$3.00 per herd unit for two trips
\$1.00 per head

(c) To blood test for the owner when authorized to do so by the Commissioner.

(d) To vaccinate calves for the owner when authorized to do so by the Commissioner.

(e) To submit reports in detail promptly and in accordance with the requirements of these regulations.

(f) When area testing is to be done, to test all cattle within area limits, irrespective of the number of cattle in the herds or their accessibility; such services to be paid for by the State.

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I agree that all reports in connection with my work as registered veterinarian relating to the control and eradication of all infectious and transmissible diseases will be reported promptly and completely before claiming any compensation for services rendered.

(Signature of Veterinarian)

I, _____, have this _____ day of _____, 19____,
(Commissioner)

appointed _____, as registered veterinarian, in accordance with the above agreement, which appointment shall remain in force unless otherwise revoked for cause.

Commissioner of Agriculture
State of West Virginia

4.15 Powers of Employees of the Agricultural Research Service or its successor agency of the United States Department of Agriculture:

(1) The employees of the Agricultural Research Service or its successor agency of the United States Department of Agriculture, shall have full authority to enter the premises of an owner, to inspect, draw blood samples, quarantine, condemn and brand animals with any infectious or transmissible disease and take any and all other action necessary for the purposes herein set forth.

4.16 Responsibility of all Employees:

(1) All persons authorized by the Commissioner to perform the services and carry out the rules and regulations herein promulgated, shall exercise due and reasonable care in handling of animals in the performance of their duties.

(2) The Commissioner or his agents will not be responsible for any unfavorable conditions resulting from or appearing to result from vaccination, the drawing of blood samples, or any other duties necessary in the performance or in connection with the eradication and control of infectious and transmissible diseases in livestock.

4.17 Transportation of Animals Within the State: Article 9, Section 38 of Chapter 19 of the Code of West Virginia:

"It shall be unlawful for any person knowingly to drive, move or transport on, across or along any public highway, or in any wagons or railroad cars or other vehicles, any animal infected with any communicable disease except on express permission in writing from the Commissioner of his agents."

(1) The above section is interpreted to mean any infectious, communicable or transmissible diseases of domestic animals.

(2) Such animals may be transported on the public highways for sale at a public market for immediate slaughter, or to a person, firm or corporation engaged in the business of slaughtering livestock.