

STATEMENTS OF POLICY

Title 7—AGRICULTURE

DEPARTMENT OF AGRICULTURE

[7 PA. CODE CH. 3a]

Importation and Intrastate Transportation of Cervids and Camelids

The Department of Agriculture (Department) is adopting the following statement of policy to amend a pre-existing statement of policy: the temporary guidelines for the importation and intrastate transportation of cervids and camelids in 7 Pa. Code Chapter 3a. Cervids include animals such as deer and elk, while camelids include animals such as llamas. These animals are also potential carriers of tuberculosis and brucellosis—both of which are transmissible diseases.

Authority

This statement of policy revises a pre-existing statement of policy, and is offered under authority of Domestic Animal Law (3 Pa.C.S. §§ 2301—2389) (law). Cervids and camelids maintained in captivity are domestic animals for purposes of section 2303 of the law (relating to definitions). Section 2305 of the law (relating to keeping and handling of domestic animals) charges the Department with responsibility to exclude or contain dangerous transmissible diseases among domestic animals in this Commonwealth. Tuberculosis and brucellosis—the diseases addressed in this statement of policy—are specifically designated “dangerous transmissible diseases” under section 2321(a)(12) and (38) of the law (relating to dangerous transmissible diseases). Section 2329(a) of the law (relating to quarantine) authorizes the Department to impose quarantines as necessary to accomplish its responsibility to detect, contain and eliminate dangerous transmissible diseases among this Commonwealth’s domestic animal population.

Need for this Statement of Policy

This statement of policy is needed to bring the Department’s standards with respect to detection and containment of tuberculosis and brucellosis among camelids and cervids into greater conformity with testing and surveillance regimens developed by the United States Department of Agriculture (USDA). It will eliminate confusion in the regulated community between conflicting Federal/State testing and documentation standards. It will also eliminate confusion among the accredited veterinarians responsible to perform the prescribed Federal and State testing. In addition, this statement of policy will serve to provide owners of camelids and cervids a clearer understanding of the disease testing which must be done prior to importing camelids or cervids into this Commonwealth or moving them intrastate. This statement of policy reflects the experience the Department has gained in administering the pre-existing statement of policy. Where scientifically defensible from a disease detection/containment/eradication perspective, testing and documentation requirements have been made less burdensome.

It remains the Department’s intention to replace this statement of policy with formal regulations. These regulations will be part of the extensive regulatory revisions necessitated by the law. Until this substantial regulatory undertaking is completed, though, this statement of policy

will provide helpful guidance to owners, keepers and transporters of cervids and camelids.

In summary, the Department is satisfied there is a need for this statement of policy, and that it is otherwise consistent with Executive Order 1996-1, “Regulatory Review and Promulgation.”

Summary

This statement of policy revises the pre-existing statement of policy to update the Department’s testing and certification standards with respect to tuberculosis and brucellosis in cervids and camelids. Import standards for cervids are revised to more closely conform to recently-published Federal regulations on the same subject (9 CFR Chapter 1, Subpart B (relating to captive cervids)). The requirement that cervids and camelids be bluetongue test-negative before entering the Commonwealth has been eliminated, as have the requirements relating to the intrastate movement of camelids.

Section 3a.1 (relating to purpose) is revised to reflect that the law provides the statutory authority for this statement of policy.

Section 3a.2 (relating to definitions) is revised to add definitions for terms such as “accredited cervid herd,” “brucellosis-monitored cervid herd,” “tuberculosis-monitored cervid herd” and “certified brucellosis-free cervid herd.” These definitions prescribe specific testing requirements that track with testing requirements recommended by USDA.

Section 3a.3 (relating to importation of camelids and cervids) is revised for greater clarity. It separates the standards applicable to cervids from those applicable to camelids. It also distinguishes tuberculosis testing and documentation requirements from brucellosis testing and documentation requirements. The testing and documentation requirements, themselves, have been revised to more closely conform to USDA standards and to provide owners, keepers, transporters or importers of camelids and cervids more alternatives by which to document the tuberculosis-free or brucellosis-free status of their animals to the satisfaction of the Department. In addition, a requirement that cervids and camelids be bluetongue test-negative prior to importation has been eliminated, since this is not an import requirement for other bluetongue-susceptible species and the scientific necessity of this testing is questionable.

Section 3a.4 (relating to intrastate transportation of cervids) is revised by deleting any reference to intrastate transportation of camelids. The Department considered these intrastate transportation requirements and determined they are not necessary. In addition, subsection (b) is revised to extend the age beyond which a cervid being moved intrastate must have a certificate attesting that it is tuberculosis-free and brucellosis-free to from 6 months to 12 months. Subsection (c) is revised to further restrict the circumstances under which a cervid may be moved intrastate without the identification and health documentation required in subsections (a) and (b).

Section 3a.6 (relating to minimum requirements for release of certain quarantines) is revised to more clearly describe the circumstances under which a quarantine would be released with respect to a herd of camelids or cervids. The revision also requires a follow-up herd test be conducted between 6 and 12 months after release of a brucellosis-related quarantine.

This statement of policy does not constitute a rule or regulation, does not have the force and effect of law and is not intended to circumscribe the Department's administrative discretion to act to prevent the spread of dangerous transmissible diseases of animals or to prevent the importation of animals that carry transmissible disease or that react positively to a test for the presence of a transmissible disease.

Persons Likely to be Affected

This statement of policy will impact owners, keepers and transporters of camelids or cervids who seek to import these animals into this Commonwealth or move them intrastate. In general, this statement of policy moves this Commonwealth's importation requirements for cervids into conformity with recently-developed Federal standards. It will eliminate confusion among the regulated community and the accredited veterinarians responsible for required testing and certification. It will also provide a clearer explanation of the identification and testing procedures required by the Department with respect to the importation or intrastate movement of these animals. This statement of policy is not expected to result in an appreciable increase in costs to these affected persons. Where this revised statement of policy requires testing that was not previously required, the testing is also required under Federal regulation. This statement of policy adds no costs that are not also required under Federal regulation.

Fiscal Impact

Commonwealth

This statement of policy will have no appreciable fiscal impact upon the Commonwealth.

Political Subdivisions

This statement of policy will have no appreciable fiscal impact upon political subdivisions.

Private Sector

Although this statement of policy establishes specific identification, testing and documentation standards that must be met by owners, keepers or transporters of camelids and cervids who seek to import these animals into this Commonwealth or move them intrastate, these standards are identical to Federal standards and do not, therefore, impose new costs upon the regulated community. For this reason, this statement of policy is not expected to result in an appreciable increase in costs to these affected persons.

General Public

This statement of policy will have no appreciable fiscal impact upon the general public.

Paperwork Requirements

This statement of policy will not result in an appreciable increase in the paperwork handled by the Department.

Contact Person

Further information is available by contacting the Department of Agriculture, Bureau of Animal Health and Diagnostic Services, 2301 North Cameron Street, Harrisburg, PA 17110-9408, Attention: Phillip DeBok, DVM, (717) 783-5301.

Sunset/Expiration Date

Although the Department has not established a sunset or expiration date for this statement of policy, it will review the efficacy of this statement of policy on an

ongoing basis. The statement of policy will ultimately be supplanted by formal regulations promulgated by the Department.

Effective Date

This statement of policy will take effect upon publication in the *Pennsylvania Bulletin*

SAMUEL E. HAYES, Jr.,
Secretary

(*Editor's Note:* The regulations of the Department are amended by amending the statement of policy at 7 Pa. Code Chapter 3a. Sections 3a.1—3a.4 and 3a.6 are amended to read as set forth in Annex A.)

Fiscal Note: 2-129. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 7. AGRICULTURE

PART I. BUREAU OF ANIMAL HEALTH AND DIAGNOSTIC SERVICES

CHAPTER 3a. TEMPORARY GUIDELINES FOR THE IMPORTATION AND INTRASTATE TRANSPORTATION OF CERVIDS AND CAMELIDS—STATEMENT OF POLICY

§ 3a.1. Objectives.

This chapter is intended to provide owners, transporters, keepers and potential purchasers of cervids or camelids with guidelines as to those procedures or protocols which the Department intends to apply to ensure that these animals do not introduce dangerous transmissible diseases into the domestic animal population of this Commonwealth, or spread the diseases once they have been detected within this Commonwealth. This chapter is not exhaustive, and does not circumscribe or limit the Department's authority to take action to protect the health of domestic animals, to allow exceptions to the procedures or protocols set forth in this chapter or to otherwise exercise its discretion under the Domestic Animal Law.

§ 3a.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Accredited cervid herd—A herd of cervids with respect to which all of the following are correct:

(1) The herd has passed at least three consecutive official tuberculosis tests of all animals 12 months of age and older conducted at intervals of no less than 9 months and no more than 15 months.

(2) The herd shows no evidence of bovine tuberculosis.

(3) The herd meets the standards set forth in the most recent edition of the *Uniform Methods and Rules for Tuberculosis Eradication in Cervidae*, developed by the Animal and Plant Health Inspection Service of USDA.

Brucellosis—An infectious disease of animals and man caused by *Brucella abortus*, *Brucella suis*, *Brucella melitensis* or *Brucella ovis*.

Brucellosis-monitored cervid herd—A cervid herd raised under range conditions in which sufficient numbers of sexually intact animals 6 months of age or older have been tested to provide a 95% probability of detecting a 2% brucellosis prevalence in the herd.

Camelid—An animal that belongs to the Family *Camelidae*. A llama is an example of a camelid.

Certified brucellosis-free cervid herd—A herd of cervids with respect to which all of the following are correct:

(i) All animals 12 months of age or older have passed at least three consecutive official brucellosis tests conducted at intervals of no less than 9 months and no more than 15 months.

(ii) The herd shows no evidence of brucellosis.

(iii) The herd meets the standards set forth in the most recent edition of the *Uniform Methods and Rules for Brucellosis in Cervidae*, developed by the Animal and Plant Health Inspection Service of USDA.

Cervid—An animal that belongs to the Family *Cervidae*. Deer and elk are examples of cervids.

Department—The Department of Agriculture of the Commonwealth.

Domestic animal—An animal maintained in captivity.

Domestic Animal Law—3 Pa.C.S. §§ 2301—2389.

Qualified herd—A herd of cervids with respect to which all of the following are correct:

(i) The herd has undergone at least one complete official negative tuberculosis test of all animals 12 months of age and older within the past 12 months.

(ii) The herd is not classified as an accredited herd.

(iii) The herd shows no evidence of tuberculosis.

(iv) The herd meets the standards of the *Uniform Methods and Rules (UMR) for Tuberculosis Eradication in Cervidae*, published by the USDA.

Tuberculosis—An infectious disease of cattle, bison, sheep, goats, swine, horses, cervidae, camelids and man caused by *Mycobacterium bovis*, *M. avium* or *M. tuberculosis*.

Tuberculosis-monitored cervid herd—A herd of cervids with respect to which all of the following are correct:

(i) Identification records are maintained for animals over 12 months of age that are slaughtered and inspected for tuberculosis at an approved State or Federal slaughter facility or an approved laboratory, so that each slaughtered animal can be identified to the herd.

(ii) The number of animals slaughtered and inspected for tuberculosis at an approved State or Federal slaughter facility or an approved laboratory shall be evenly distributed over a 3-year period, at a rate to provide a 95% probability of detecting a 2% tuberculosis prevalence in the herd.

USDA—The United States Department of Agriculture.

§ 3a.3. Importation of camelids and cervids.

(a) *Identification required.* A person may not import camelids or cervids into this Commonwealth unless each animal is individually identified by a unique ear tag issued or approved by the state or country of origin, by a permanent tag or unique mark approved by the Department or by some other device or means of identification approved by the Department.

(b) *Health requirements.*

(1) *General.* Camelids and cervids may only be imported into this Commonwealth if the importation is done in compliance with §§ 3.3, 3.4 and 3.6 (relating to requirements for importation; health certificates for imported animals; and vehicular sanitation). For purposes of this chapter, the term “animal” as defined in § 3.1

(relating to definitions), shall be construed to include camelids and cervids held in captivity.

(2) *Cervids.* As a condition of importation, each cervid shall be accompanied by a written certification from a USDA-accredited veterinarian of the state or country of origin that the animal identified in that document originated from a herd that is not known to be infected with an infectious or contagious, or both, disease and that the specific test requirements of the Department have been met. This certification shall be dated and issued no more than 30 days prior to the importation of the subject cervid into this Commonwealth. The specific test requirements are as follows:

(i) *Brucellosis.* At least one of the following conditions shall be met for cervids 12 months of age or older to be imported into this Commonwealth:

(A) The cervids are brucellosis test-negative, according to USDA recommended protocol, no more than 30 days prior to importation.

(B) The cervids originate from a brucellosis-monitored cervid herd and be test negative within 90 days prior to importation.

(C) The cervids originate from a certified brucellosis-free cervid herd.

(ii) *Tuberculosis.* At least one of the following conditions shall be met for cervids to be imported into this Commonwealth:

(A) The cervids are accompanied by a certificate verifying that they were classified negative to two consecutive USDA-approved tuberculosis tests, which were conducted at least 90 days apart, with the most recent test having been conducted within 90 days prior to importation, and that the cervids were isolated from all other members of the herd during the testing period.

(B) The cervids originate from an accredited cervid herd.

(C) The cervids originate from a qualified herd and have tested negative for tuberculosis within 90 days prior to importation. If the qualifying herd test was administered within this 90-day period and the results are test-negative, no additional test is required.

(D) The cervids originate from a tuberculosis-monitored cervid herd and have tested negative for tuberculosis within 90 days prior to importation.

(E) The cervids are less than 12 months of age, originate and were born in an accredited cervid herd, a qualified herd or a tuberculosis-monitored cervid herd and have not been exposed to cervids from a lower status with respect to tuberculosis risk.

(3) *Camelids.* As a condition of importation, each camelid shall be accompanied by a written certification from a USDA-accredited veterinarian of the state or country of origin that the animal identified in that document originated from a herd that is not known to be infected with an infectious or contagious, or both, disease and that the specific test requirements of the Department have been met. This certification shall be dated and issued no more than 30 days prior to the importation of the subject camelid into this Commonwealth. The specific test requirements are as follows:

(i) *Brucellosis.* Camelids 12 months of age or older shall be brucellosis test-negative, according to USDA recommended protocol, no more than 60 days prior to importation.

(ii) *Tuberculosis*. Camelids 12 months of age or older shall be negative to a USDA approved tuberculosis test no more than 90 days prior to importation.

§ 3a.4. Intrastate transportation of cervids.

(a) *Identification required*. A cervid that is transported from one location within this Commonwealth to another location within this Commonwealth for sale, exhibition or commingling with other domestic animals shall be individually identified by a unique ear tag issued or approved by the Department, or by a permanent tattoo or unique mark approved by the Department, or by some other device or means of identification used with the advance written approval of the Department.

(b) *Health requirements*. As a condition of intrastate transportation of cervids for sale, exhibition or commingling with other domestic animals, each cervid that is 12 months of age or older shall be accompanied by the written certification of a USDA-accredited veterinarian that the animal identified in that document is brucellosis test-negative and tuberculin test-negative, according to USDA recommended protocols, no more than 180 days prior to movement.

(c) *Exemptions*. A cervid shall be exempt from the identification and health requirements of subsections (a) and (b) if the cervid is moved intrastate directly to slaughter, a hunting preserve for purposes of being shot or to an exhibition where there are no other hoof stock.

§ 3a.6. Minimum requirements for release of certain quarantines.

(a) *Bovine tuberculosis-related quarantines*. If the Department imposes a quarantine as a result of the suspected presence of bovine tuberculosis in a herd containing camelids or cervids, or on the basis that a herd containing camelids or cervids has been exposed to bovine tuberculosis, one of the following minimum requirements shall be met as a precondition to the release of the quarantine:

(1) Exposed or infected animals have been removed from the quarantined premises, a sanitation protocol approved by the Department has been completed and no susceptible domestic animals have been on the premises for at least 30 days after completion of the sanitation protocol. In a newly assembled herd on premises where a tuberculous herd has been depopulated, two annual

whole-herd tests shall be given. The first test is to be given approximately 6 months after assembly of the new herd. If the premises has been vacated for 1 year, these requirements may be waived at the Department's discretion.

(2) Tuberculin test reactors have been removed from the quarantined premises, and the animals remaining at the quarantined premises have been tuberculin test-negative, according to USDA protocol, on at least three separate tests of all the animals on the quarantined premises. The first test of the animals on the premises shall be conducted at least 90 days after the last reactor has been removed from the quarantined premises. The second and third tests shall be conducted at least 180 days following the immediately preceding test.

(b) *Brucellosis-related quarantines*. If the Department imposes a quarantine as a result of the suspected presence of brucellosis in camelids or cervids, or on the basis that camelids or cervids have been exposed to brucellosis, one of the following minimum requirements shall be met as a precondition to the release of the quarantine:

(1) Exposed or infected animals have been removed from the quarantined premises, a sanitation protocol approved by the Department has been completed and no animals have been on the premises for at least 30 days after completion of the sanitation protocol.

(2) Brucellosis test reactors have been removed from the quarantined premises, and the animals remaining at the quarantined premises have been brucellosis test-negative, according to USDA protocol, on at least two separate tests of the animals on the quarantined premises. The first test of the animals on the premises shall be conducted at least 30 days after the last reactor has been removed from the quarantined premises. The second test shall be conducted at least 180 days following the immediately preceding test. Additionally, a postquarantine test shall be conducted 6 to 12 months after release from quarantine.

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