

NOTICE OF INTENT
Louisiana Department of Agriculture and Forestry
Office of Animal Health and Food Safety
Board of Animal Health

(LAC 7: XXI.1311, 1313, 1321 and 1323. Swine)

In accordance with the Administrative Procedure Act, R.S. 49:950, *et seq.*, notice is hereby given that the Department of Agriculture and Forestry ("Department"), through the Office Animal Health and Food Safety, and the Board of Animal Health intend to amend LAC 7:XXI.1311, 1313, 1321 and 1323 relative to swine in Louisiana. The requirement that swine be tested negative for pseudorabies and brucellosis is being removed from Rules 1311, 1313 and 1323. Louisiana is considered free of pseudorabies and brucellosis in domesticated swine therefore testing is no longer required for interstate trading status. The amendments to Rule 1311 clarify procedure which must be followed for a free roaming or feral swine to be able to be reclassified as a domestic swine. The amendments to Rule 1321 reorganize the rule but do not change the substance of the rule. Finally, all references to the Livestock Sanitary Board are being replaced with the Board of Animal Health.

Title 7
AGRICULTURE AND ANIMALS
Part XXI. Animals and Animal Health

Chapter 13. Swine
(Formerly Chapter 9)

Subchapter B. Brucellosis and Pseudorabies

§1311. Quarantining, Vaccinating and Testing Swine for Brucellosis and Pseudorabies
(Formerly §905)

A. The state veterinarian or his representative shall have the authority to conduct epidemiologic investigations and quarantine of:

1. swine herds in which one or more of the animals are found to be positive to Brucellosis or pseudorabies, as determined by the epidemiologist, based on the interpretation of official tests;
2. the herd of origin of swine that have been added to a herd that becomes quarantined because of Brucellosis or pseudorabies, if swine have been acquired from said herd of origin within the last 12 months;
3. herds which have received swine from herds found to have Brucellosis or pseudorabies.

B. Herds of swine including feedlots, within a 1.5-mile radius of the quarantined herd, will be monitored in accordance with the recommendation of the state veterinarian and/or epidemiologist by either a test of all breeding swine or by an official random sample test.

C. A herd plan and epidemiology report must be completed within 30 days from the date an animal that originated from the herd was found to be a reactor at slaughter. A herd test must be completed within 45 days from the date an animal that originated from the herd was found to be a reactor at slaughter.

D. To be eligible for release from quarantine due to positive pseudorabies, a swine herd must meet the following requirements.

1. All swine positive to an official pseudorabies test must be tagged with an official reactor tag in the left ear and permitted on Form VS 1-27 to recognized slaughter establishment, rendering plant, or disposed of on the herd premises or other "approved" location by disposal means authorized by applicable state laws within 15 days. All swine, over 6 months of age and a random sampling of any growing/finishing swine which remain in the herd, must be tested negative 30 days or more after removal of reactors. No livestock on the premises shall have shown signs of pseudorabies after removal of reactors.

2. Whole Herd Depopulation. All swine on the premises must be tagged with an official reactor tag in the left ear and permitted on a Form VS 1-27 to a recognized slaughter establishment, rendering plant, or disposed of on the herd premises or other "approved" location by disposal means authorized by applicable state laws. The premises must remain depopulated for 30 days and the herd premises must be cleaned and disinfected with an approved disinfectant prior to putting swine back on the premises.

E. To be eligible for release from quarantine due to positive Brucellosis, a swine herd must meet one of the following requirements.

1. All swine positive to an official Brucellosis test must be tagged with an official reactor tag in the left ear and permitted on Form VS 1-27 to a recognized slaughter establishment, rendering plant, or disposed of on the herd premises by disposal means authorized by applicable state laws within 15 days.

a. All swine over six months of age which remain in the herd, must be tested according to an approved herd plan.

b. A herd may be released from quarantine upon completion of three negative complete herd tests (CHT):

- i. the first test must be completed at least 30 days after removal of the last reactor;
- ii. a second CHT must be conducted 60-90 days following the first CHT;
- iii. a third CHT is required 60-90 days following the second CHT;
- iv. a fourth CHT is required six months after the third CHT.

2. Whole Herd Depopulation

a. All swine on the premises must be tagged with an official reactor tag in the left ear and permitted on a Form VS 1-27 to a recognized slaughter establishment, rendering plant, or disposed of on the herd premises or other "approved" location by disposal means authorized by applicable state laws.

b. The premises must remain depopulated for 30 days and the herd premises must be cleaned and disinfected with an approved disinfectant prior to putting swine back on the premises.

F. All movement from pseudorabies or Brucellosis quarantined herds, must be accompanied by a VS Form 1-27, permit for movement of restricted animals, listing the official, individual identification of each animal to be removed.

1. This form must be delivered to an authorized representative at destination.

2. These permits will be issued by a representative of the Board of Animal Health.

G. All exposed swine moving from quarantined premises in interstate or intrastate commerce, must move directly to a recognized slaughter establishment or to an approved swine quarantined feedlot or rendering plant.

H. The use of pseudorabies vaccine is prohibited, except by permission of the state veterinarian.

I. Reclassification of Feral Swine

1. Free-roaming or Feral Swine may be qualified for reclassification as domestic swine upon completion of the following test protocol:

a. Three consecutive complete herd tests (CHT) for brucellosis and pseudorabies, with negative results, shall be conducted in order to qualify for reclassification;

b. The first test must be completed at least 30 days after removal of the last reactor;

c. A second CHT must be conducted 60-90 days following the first CHT;

d. A third CHT is required 60-90 days following the second CHT;

e. In addition, any sexually intact female swine must also undergo a brucellosis and pseudorabies test, with negative results, not less than 30 days after their initial farrowing;

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2135.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 16:392 (May 1990), amended LR 18:839 (August 1992), LR 20:1258 (November 1994), LR 23:1493 (November 1997), repromulgated

by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:969 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 42:391 (March 2016); LR 42:

**§1313. Operation of Livestock Auction Markets
(Formerly §907)**

A. All swine which are sold or offered for sale in livestock auction markets must meet the general requirements of §131 and the following specific pseudorabies/Brucellosis requirements.

1. All breeder and feeder swine moving to Louisiana auction markets from farms outside Louisiana must meet the requirements of §131.

2. All swine over six months of age, being sold at Louisiana livestock auction markets must be identified by an official swine back tag, placed on the animals' forehead and an official metal ear tag.

3. The market shall furnish the Board of Animal Health's official representative a copy of each check-in slip, showing the name of the auction market, the date, the name and complete address of each consignor, and the official back tag numbers applied to the consignor's livestock. It shall be a violation of this regulation for anyone to consign livestock to a Louisiana livestock auction market and give a name and address that is not the name and address of the owner consigning the livestock to the auction market.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:245 (March 1985), amended LR 11:615 (June 1985), amended by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 16:392 (May 1990), LR 18:839 (August 1992), LR 23:1494 (November 1997), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:970 (May 2014); LR 42:

Subchapter C. Quarantine Swine Feedlots and Feral Swine Approved Holding Facilities

**§1321. Quarantine Swine Feedlots and Feral Swine Approved Holding Facilities
(Formerly §909)**

A. Permit Required. No person may operate a quarantined swine feedlot or feral swine holding facility without first obtaining a permit from the Board of Animal Health. Any person operating a feedlot or holding facility without a valid permit will be in violation of this regulation and subject to prosecution. Approval for a quarantine swine feedlot or feral swine holding facility may be given after initial inspection by an authorized agent of the Board of Animal Health.

B. Requirements for Operation of Quarantined Swine Feedlots and Approved Feral Swine Holding Facilities

1. All swine must be maintained at a minimum 200 yards from all other domestic swine pens.

2. Complete records must be maintained on all transactions as described in (C.) of this subsection. These records shall be made available to state-federal personnel upon request.

3. No feral swine shall be comingled with domestic swine unless the facility is operating as a quarantine swine feedlot and all swine movements from the quarantine swine feedlot facility must be directly to a slaughtering establishment operating under approved state or federal meat inspection.

4. Only feral swine may be placed in an approved feral swine holding facility.

5. Quarantine swine feedlots and approved feral swine holding facilities must be fenced with swine-proof fence to prevent any swine from escaping and the fencing must be continually maintained by the owner/operator to prevent escape of swine.

6. Feral swine shall not be fed garbage as per LAC Title 7 Part XXI Ch.23:§2305.

7. Each quarantine swine feedlot or feral swine holding facility shall be inspected at least annually by an authorized agent of the Board of Animal Health.

C. Records

1. Records shall be generated and maintained by owner/operators of quarantine swine feedlots and approved feral swine holding facilities. The records shall include the following:

- a. Number of swine placed in and removed from the facility quarterly;
- b. Trapper/Transporter name and license number for feral swine;
- c. Weight, color, sex and any applied identification for each animal;
- d. Date each animal was placed in and removed from the facility;
- e. Parish where feral swine were trapped;

2. All records shall be provided to an authorized agent of the commission upon request. All records shall be maintained for not less than five years.

D. Cancellation of Quarantined Swine Feedlot or Approved Feral Swine Holding Facility Permit

1. A quarantined swine feedlot permit may be canceled upon written notice that the operation does not meet the requirements of this regulation, or the operator of such quarantined swine feedlot has violated the provisions of this regulation in any respect.

2. The board shall give written notice of the cancellation of a quarantined swine feedlot permit to the operator thereof.

3. Any operator of a quarantined swine feedlot whose permit is so canceled may appeal the cancellation thereof by written notice to the board within 10 days of receipt of the notice of cancellation. Any operator of a quarantined swine feedlot who appeals cancellation of his permit shall be entitled to a full hearing before the board, and the decision of the board at such hearing will be final unless the operator appeals to a court of competent jurisdiction.

4. Closure of a quarantine swine feedlot or approved feral swine holding facility

a. Upon termination of a permit, the owner/operator may take up to 14 days to dispose of all feral swine at the facility.

b. No person shall release feral swine, or any swine species, into the wild;

c. Cleaning and disinfection of the premises shall be completed immediately upon closure of the facility if required by the Board of Animal Health.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093 and R.S. 3:2135.

HISTORICAL NOTE: Promulgated by the Department of Agriculture, Livestock Sanitary Board, LR 11:247 (March 1985), amended LR 11:615 (June 1985), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:970 (May 2014), amended by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety, Board of Animal Health, LR 42:392 (March 2016); LR 42:

Subchapter D. Slaughterhouse Requirements for Identification, Sampling and Records

§1323. Identification of Swine with Official Backtags and the Collection of Blood Samples from Officially Backtagged Swine at Slaughter Establishments under State or Federal Meat Inspection (Formerly §911)

A. Official Backtagging of Swine

1. All swine over six months of age that are not officially tagged when received by a slaughter establishment, under state or federal meat inspection, shall be identified by an official backtag, properly placed. The name and address of the consignor, the name and address of the owner of the herd of origin, (if different from that of the consignor), shall be recorded, along with the official backtag numbers, on forms provided for this purpose. A copy of the completed form shall be retained by the slaughter establishment for their records; the original is to be furnished to the meat inspector to accompany blood samples to the state-federal livestock diagnostic laboratory.

2. The slaughter establishment shall be responsible for the identification of the animals and for maintaining required records.

B. Records. All records pertaining to the identification of the swine, the name and address of the owner of the herd of origin, (if different from that of the consignor), shall be maintained and made available to representatives of the Board of Animal Health, upon request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 3:2093.

HISTORICAL NOTE: Promulgated by the Department of Agriculture and Forestry, Livestock Sanitary Board, LR 16:392 (May 1990), repromulgated by the Department of Agriculture and Forestry, Office of Animal Health and Food Safety and the Board of Animal Health, LR 40:970 (May 2014); LR 42:

Family Impact Statement

The proposed Rule does not have any known or foreseeable impact on family formation, stability, and autonomy. In particular, the proposed Rule has no known or foreseeable impact on:

- (1) the stability of the family;
- (2) the authority and rights of persons regarding the education and supervision of their children;
- (3) the functioning of the family;
- (4) family earnings and family budget;
- (5) the behavior and personal responsibility of children;
- (6) the ability of the family or a local government to perform the function as contained in the proposed Rule.

Poverty Impact Statement

The proposed Rule does not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973(B). In particular, there should be no known or foreseeable effect on:

- (1) the effect on household income, assets, and financial security;
- (2) the effect on early childhood development and preschool through postsecondary education development;
- (3) the effect on employment and workforce development;
- (4) the effect on taxes and tax credits;
- (5) the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

Small Business Statement

The proposed Rule will have no adverse impact on small businesses as defined in the Regulatory Flexibility Act.

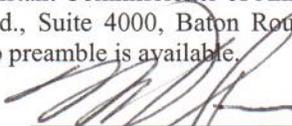
Provider Impact Statement

The proposed Rule does not have any known or foreseeable impact on providers as defined by HCR 170 of the 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

- (1) the effect on the staffing level requirements or qualifications required to provide the same level of service;
- (2) the total direct and indirect effect on the cost to the providers to provide the same level of service; or
- (3) the overall effect on the ability of the provider to provide the same level of service.

Public Comments

Interested persons may submit written comments, data, opinions and arguments regarding the proposed Rule. Written submissions must be directed to John Walther, Assistant Commissioner of Animal Health and Food Safety, Department of Agriculture & Forestry, 5825 Florida Blvd., Suite 4000, Baton Rouge, LA 70806 and must be received no later than 12:00 p.m. on November 4, 2016. No preamble is available.



Mike Strain, DVM

Commissioner of Agriculture and Forestry