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**TITLE 345 INDIANA STATE BOARD OF
ANIMAL HEALTH**

Proposed Rule
LSA Document #01-413

DIGEST

Amends 345 IAC 1-3 to impose restrictions on the movement of cervids into Indiana. Amends 345 IAC 2-7 to require cervid owners to register locations housing cervids with the state veterinarian and participate in a chronic wasting disease certification program that includes record keeping, identification, death loss reporting, and perimeter fencing requirements. Amends 345 IAC 2-7 to establish requirements for chronic wasting disease positive, suspect, and exposed herds. Makes other changes in the law of animal disease control. Effective 30 days after filing with the secretary of state.

345 IAC 1-3-1.5 **345 IAC 2-7-3**
345 IAC 1-3-30 **345 IAC 2-7-4**
345 IAC 2-7-1 **345 IAC 2-7-5**

SECTION 1. 345 IAC 1-3-1.5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-1.5 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2-15; IC 15-2.1-3-13; IC 15-2.1-4; IC 15-2.1-8; IC 15-2.1-21-6; IC 15-2.1-24

Sec. 1.5. The definitions in IC 15-2.1-2 and the following definitions apply throughout this rule:

- (1) "Approved official health certificate" or "approved certificate of veterinary inspection" means an official certificate of veterinary inspection endorsed or approved by the chief livestock health official of the state of origin.
- (2) "Approved vaccine" means a vaccine that is:
 - (A) approved by the board for use in Indiana; and
 - (B) manufactured under license granted by the Veterinary Biologics Division, United States Department of Agriculture.
- (3) "Baby calves" means calves of all breeds that are:
 - (A) imported without dams; and
 - (B) under two hundred (200) pounds in weight.
- (4) "Board" means the Indiana state board of animal health created under IC 15-2.1.
- (5) "Cattle" means all animals of the bovine species and all animals of the bison species.
- (6) "Cervid" or "cervidae" means all members of the cervidae family, including deer, elk, moose, caribou, reindeer, and related species and hybrids thereof.
- (7) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.
- (8) "Class A", "Class B", or "Class C" state or zone means the state or zone is designated or classified by the United States Department of Agriculture as a Brucellosis "A", Brucellosis "B", or Brucellosis "C" area.
- (9) "CWD certification program" means a state or federal program that monitors animals for CWD.**
- (10) "CWD endemic state" means a state or a Canadian province where CWD has been diagnosed in free ranging cervids or on three (3) or more privately owned cervid premises within the last sixty (60) months.**
- (11) "CWD high risk state" means a state or Canadian province other than a CWD endemic state where CWD has been diagnosed within the last sixty (60) months.**
- (12) "CWD low risk state" means a state or Canadian province that is not a CWD high risk or CWD endemic state.**
- ~~(13)~~ **(13)** "Domestic animal" has the meaning set forth in IC 15-2.1-2-15.
- ~~(14)~~ **(14)** "Duly recognized slaughtering establishment" or "approved slaughtering establishment" means an

establishment where domestic animals are slaughtered and processed for human consumption under the federal Meat Inspection Act (21 U.S.C. 601 et seq.) or the Indiana Meat and Poultry Inspection Act (IC 15-2.1-24).

~~(11)~~ **(15)** “Equine infectious anemia” or “EIA” means the infectious disease equine infectious anemia caused by a lentivirus, equine infectious anemia virus (EIAV).

~~(12)~~ **(16)** “Equine infectious anemia test” means the official test for the detection of EIA as defined in 345 IAC 6-1.1.

~~(13)~~ **(17)** “Farm of origin of cattle and bison” means a farm or other premises where cattle or bison to be shipped interstate were born or have been kept for not less than four (4) months prior to the date of shipment and which premises, within the four (4) months prior to the date of shipment, have not been used to assemble cattle or bison from any other premises.

~~(14)~~ **(18)** “Feeder cattle” means the following cattle, but does not include female dairy type cattle of any kind:

(A) Steers of any age.

(B) Nonpregnant and nonparturient females.

(C) Bulls of beef breeds that are obviously under eighteen (18) months of age and are intended for slaughter after having reached the desired feeding state.

~~(15)~~ **(19)** “Feeder pigs” means:

(A) swine intended for feeding purposes, commonly designated as feeder pigs; and

(B) swine of any breed, weighing not in excess of one hundred eighty (180) pounds.

~~(16)~~ **(20)** “Hatchery” means hatchery equipment on one (1) premises operated or controlled by any person, company, or corporation for the hatching of poultry.

~~(17)~~ **(21)** “Hatching eggs” means eggs of poultry for hatching purposes, including embryonated eggs.

~~(18)~~ **(22)** “Immediate slaughter” means livestock that are designated for slaughter must be slaughtered within seven (7) days of first consignment.

~~(19)~~ **(23)** “Johne’s disease” means an infectious communicable disease that primarily affects cattle, sheep, goats, and other domestic, exotic, and wild ruminants, also known as paratuberculosis, caused by Mycobacterium paratuberculosis.

~~(20)~~ **(24)** “National Poultry Improvement Plan” or “NPIP” means the National Poultry Improvement Plan and Auxiliary Provisions adopted by the board in 345 IAC 4-4-1.

~~(21)~~ **(25)** “Normal trade area” means an area in an adjoining state in which are located buyers and sellers who normally do business at an Indiana auction market, the size and extent of such area to be determined by the board.

~~(22)~~ **(26)** “Official ear tag” is a metal identification ear tag that conforms to the nine (9) character alpha-numeric National Uniform Ear Tagging System and that is the appropriate color.

~~(23)~~ **(27)** “Official health certificate”, “health certificate”, or “certificate of veterinary inspection” means the printed form adopted by a state to record the owner, identification, description, tests, vaccinations, and other data concerning the health status of domestic animals listed thereon. The certificate must be:

(A) issued for feeder pigs within fifteen (15) days prior to importation;

(B) issued for all other domestic animals within thirty (30) days prior to importation;

(C) signed by a licensed and accredited veterinarian; and

(D) in compliance with all board rules for health certificates.

~~(24)~~ **(28)** “Official test” means a disease detection test approved by the state veterinarian conducted in a laboratory approved by the state veterinarian.

~~(25)~~ **(29)** “Permit” means a permit for importation of domestic animals issued by the ~~the~~ state veterinarian.

~~(26)~~ **(30)** “Poultry” means live chickens and turkeys of all ages.

~~(27)~~ **(31)** “Premises identification number” means a unique number assigned by the state veterinarian to a livestock production unit that is, in the judgment of the state veterinarian, epidemiologically distinct from other livestock production units. A premises identification number shall consist of the state’s two-letter postal abbreviation (IN) followed by the premises’ assigned number.

~~(28)~~ **(32)** “Quarantine” means a law or order restricting or prohibiting the movement of animals onto or off of a premises, or into or out of an area.

~~(29)~~ **(33)** “State veterinarian” means the state veterinarian appointed under IC 15-2.1-4 or an authorized agent.

(Indiana State Board of Animal Health; 345 IAC 1-3-1.5; filed Jan 8, 1986, 2:52 p.m.: 9 IR 990; filed Dec 2, 1994, 3:52 p.m.: 18 IR 855; filed Oct 11, 1996, 2:00 p.m.: 20 IR 738; errata filed Jan 2, 1997, 4:00 p.m.: 20 IR 1124; filed Jan 6, 1999, 4:22 p.m.: 22 IR 1477; errata filed Mar 31, 1999, 9:36 a.m.: 22 IR 2534; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1334; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 2. 345 IAC 1-3-30 IS AMENDED TO READ AS FOLLOWS:

345 IAC 1-3-30 Chronic wasting disease

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-21-6

Sec. 30. (a) A person may not transport into Indiana a cervid that originates ~~unless the applicable requirements elsewhere in this rule are satisfied and the following criteria are met:~~

(1) ~~The animal must originate from a herd that is located in a state where chronic wasting disease has been diagnosed within the sixty (60) months immediately prior to the date of transportation into Indiana unless one (1) of the following sets of conditions are met: (1) The animal originates from a herd that meets the following criteria:~~

~~(A) No requires all suspected or confirmed cases of CWD be reported to the state animal health official and has the authority to quarantine CWD positive, CWD suspect, and CWD exposed herds. But, an animal that originates from a CWD low risk state that does not require reporting of CWD or lacks authority to quarantine for CWD may enter before January 1, 2004, if the applicant for a pre-entry permit under this section certifies in a writing provided to the state veterinarian the following:~~

~~(A) The animal has been in the herd and of origin for at least twelve (12) months or is a natural addition to the herd.~~

~~(B) There have been no diagnosis of CWD in the herd of origin in the last sixty (60) months.~~

~~(C) No animal in the herd of origin originated from a herd in a CWD endemic state that originated from was in a CWD certification program for less than sixty (60) months at the time of entry into the herd.~~

(2) ~~The animal may not originate from a herd or a location where an animal in the herd or housed at that location has tested positive for chronic wasting disease. within the sixty (60) months immediately prior to the date of transportation into Indiana.~~

~~(B) (3) If the herd has been from which the animal originates is in a CWD endemic state, the following apply:~~

~~(A) The person must first apply to the state veterinarian for a pre-entry permit to bring the animal into Indiana. The state veterinarian may require from the applicant any information that is relevant to evaluating the disease risk associated with the animal movement. The state veterinarian may require that the application for a permit be in writing and be submitted not less than forty-eight (48) hours prior to the date the animal is to be moved into Indiana.~~

~~(B) The animal may not be moved into the state unless the state veterinarian issues a pre-entry permit to move the animal into the state.~~

~~(C) The certificate of veterinary inspection required under section 4 of this rule shall be obtained.~~

~~(D) The animal's herd of origin must be enrolled in or subject to an official state or federal surveillance CWD certification program whereby the herd has been monitored for chronic wasting disease for not less than sixty (60) consecutive months. and The owner of the herd is must be in compliance with the surveillance certification program requirements.~~

(4) ~~If the herd from which the animal originates is in a CWD high risk state, the following apply:~~

~~(A) The person must first apply to the state veterinarian for a pre-entry permit to bring the animal into Indiana. The state veterinarian may require from the applicant any information that is relevant to evaluating the disease risk associated with the animal movement. The state veterinarian may require that the application for a permit be in writing and be submitted not less than forty-eight (48) hours prior to the date the animal is to be moved into Indiana.~~

~~(B) The animal may not be moved into the state unless the state veterinarian issues a pre-entry permit to move the animal into the state.~~

~~(C) The certificate of veterinary inspection required under section 4 of this rule shall be obtained.~~

(5) ~~If the herd from which the animal originates is in a CWD low risk state, the following apply:~~

~~(A) The person must first apply to the state veterinarian for a pre-entry permit to bring the animal into Indiana. The state veterinarian may require from the applicant any information that is relevant to evaluating the disease risk associated with the animal movement.~~

~~(B) The animal may not be moved into the state unless the state veterinarian issues a pre-entry permit to move the animal into the state.~~

~~(C) The certificate of veterinary inspection required under section 4 of this rule shall be obtained.~~

(6) ~~Information concerning the herd of origin's participation in a CWD certification program and any CWD~~

tests conducted on the animal shall be disclosed to the state veterinarian when applying for a pre-entry permit and shall be included on the certificate of veterinary inspection required under section 4 of this rule.

~~(2)~~ (b) The state veterinarian ~~issues~~ may issue a pre-entry permit to ~~transport the animal~~ move a cervid into Indiana the state if the requirements in this rule are met and the epidemiology as it relates to CWD indicates that the proposed movement is consistent with reasonable animal health precautions. The state veterinarian may issue a permit to transport any animal into the state for the purpose of slaughter or research, or to facilitate the diagnosis, treatment, prevention, or control of disease. The state veterinarian may issue a pre-entry permit for any animal based only on the fact that within the thirty (30) days immediately prior to transportation into the state the animal has been tested for CWD using a test for CWD that has been approved by the United States Department of Agriculture and the state veterinarian and is found to be CWD negative.

(c) The requirements in this section apply to the movement of cervid semen or embryos into Indiana.

(d) The state veterinarian shall ~~maintain a list of~~ classify states where chronic wasting disease has been diagnosed: as CWD endemic, CWD high risk, and CWD low risk under this section.

(e) Submitting false information to the state veterinarian in an application for a pre-entry permit is a violation of this rule. (*Indiana State Board of Animal Health; 345 IAC 1-3-30; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1338; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 3. 345 IAC 2-7-1 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-7-1 Definitions

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-2; IC 15-2.1-3-13; IC 15-2.1-4

Sec. 1. The following definitions and the definitions in IC 15-2.1-2 apply throughout this rule:

(1) "Board" means the Indiana state board of animal health appointed under IC 15-2.1-3.

(2) "Certification program" means the CWD certification program in sections 3 and 4 of this rule.

~~(2)~~ (3) "Cervidae" or "cervid" means all members of the cervidae family and hybrids, including deer, elk, moose, caribou, reindeer, and related species. ~~and hybrids thereof.~~

~~(3)~~ (4) "Chronic wasting disease" or "CWD" means a transmissible spongiform encephalopathy of cervids.

~~(4)~~ (5) "CWD affected" and "affected" exposed animal" means a cervid an animal that is, or has been, diagnosed as having chronic wasting disease based on laboratory test results, clinical signs; in the last five (5) years, part of a CWD positive herd.

(6) "CWD exposed herd" means a herd in which a CWD positive or exposed animal has resided within sixty (60) months prior to the diagnosis of CWD.

(7) "CWD negative animal" means an animal that has been subjected to an official CWD test that resulted in a negative classification.

(8) "CWD positive animal" means an animal that has been diagnosed as having CWD based on official laboratory test results.

(9) "CWD positive herd" means a herd in which a CWD positive animal resided at the time it was diagnosed and epidemiologic investigation: that has not been released from quarantine.

~~(5)~~ (10) "CWD affected herd" suspect" and "affected herd" "suspect" means laboratory evidence or clinical signs suggest a herd from which any animal has been diagnosed with diagnosis of CWD, but laboratory results are not yet available or have been inconclusive.

~~(6)~~ "CWD exposed" and "exposed" (11) "Herd" means an animal or a designation applied to cervids group of animals that have had contact with CWD affected animals are under common ownership or supervision and that are grouped on one (1) or more parts of a single premises, or on two (2) or more separate premises but on which animals have been interchanged or had direct or indirect contact with animals from a CWD affected herd: one another.

(12) "Herd plan" means a written herd management agreement developed by the herd owner, the herd owner's veterinarian, and the state veterinarian, and approved by the state veterinarian, that states the steps

that will be taken to eradicate CWD from a CWD positive, CWD exposed, or CWD suspect herd.

~~(7)~~ **(13)** “High risk animal” means a cervid that may have been exposed to CWD. The state veterinarian shall determine which animals are high risk animals based on an epidemiological investigation that includes evaluation of animal movements, housing, location, and probable contacts with **affected CWD positive, CWD exposed, or CWD suspect** animals.

~~(8)~~ “Monitoring program” means the ~~CWD~~ monitoring program created in sections 3 and 4 of this rule.

~~(9)~~ **(14)** “Official test” means a ~~disease~~ **CWD** detection test approved by the state veterinarian conducted in a laboratory approved by the state veterinarian.

(15) “Owner” means **a person who legally owns an animal. The state veterinarian may include as an owner a person who possesses an animal under a permit issued by the United States government or the Indiana department of natural resources, whether or not the permit holder actually has ownership rights in the animal, if it furthers the purposes of this rule.**

~~(10)~~ **(16)** “Quarantine” means an order restricting the movement of animals onto or off of a premises.

~~(11)~~ **(17)** “State veterinarian” means the state veterinarian appointed under IC 15-2.1-4 or his authorized agent.

(Indiana State Board of Animal Health; 345 IAC 2-7-1; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 4. 345 IAC 2-7-3 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-7-3 Herd registration

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18-11

Sec. 3. (a) The owner of ~~an elk~~ **a cervid** located in Indiana must meet the following requirements:

(1) ~~Each elk herd must be registered~~ **The owner shall register** with the state veterinarian **each location where his or her cervidae are kept.**

(2) Every animal in the herd must be uniquely identified, ~~in a manner prescribed by~~ **but natural additions to the herd need not be identified until they are moved from the premises. The state veterinarian shall prescribe the methods by which cervids shall be identified.**

(3) The owner must keep a **complete, accurate, and current herd inventory. A herd inventory shall include the following:**

(A) A record of each animal that is part of the herd ~~including~~ **and its identification.**

(B) A record of each animal that is added to the herd, **including the date the animal is added and the source of the animal. If the source of the animal is from outside the owner’s herd, the name and address of the source.**

(C) A record of each animal that is removed from the herd, **including the date removed and the name and address of the animal’s destination.**

(4) Upon request of the state veterinarian, the owner or custodian of the animals must do the following:

(A) Provide the state veterinarian **access to or a copy of the** written herd inventory. ~~including each animal’s identification.~~

~~(4) The owner must~~ **(B)** Present each animal in the herd to the state veterinarian for inspection and verification of identification. ~~upon registration and annually thereafter. The herd inventory provided to the state veterinarian shall be updated not less than annually.~~

(C) Provide access to any animal in the herd for testing, identification, or evaluation.

(5) Upon the death of any animal in the herd for any reason the owner shall immediately notify the state veterinarian. The state veterinarian ~~will~~ **may** inspect any dead cervid ~~that is eighteen (18) months of age or older and take tissues or other material necessary or helpful for a laboratory test for chronic wasting disease. detecting CWD.~~ The owner shall dispose of the remaining carcass as directed by the state veterinarian.

(6) The herd must be enclosed in a perimeter fence that is made from materials that will prevent cervids from entering or leaving through the structure, has no openings that will allow ingress or egress, and measures at least eight (8) feet from the ground to the top of the fence at all parts of the structure. The state veterinarian may approve a perimeter fence enclosing smaller cervidae that is lower than eight (8) feet if the fence is likely to contain the animals.

(b) The state veterinarian may ~~grant a waiver from the requirement in subsection (a)(5) if~~ **conduct** an epidemiologic

evaluation of the **any cervid** herd, indicates that **including** testing the deceased **any** animal would not further if it **further**s the goal of chronic wasting animal disease surveillance and control. The state veterinarian ~~shall~~ **may** consider **all relevant factors including** the length of time the herd has been under a CWD surveillance program, the herd's health history, the potential effects of any additions to the herd, and the potential effect of wild cervids on the herd when considering **waivers evaluating herds** under this subsection.

(c) The requirements in this section do not apply to a person possessing a dead wild cervid taken pursuant to a hunting permit issued by the Indiana department of natural resources. (*Indiana State Board of Animal Health; 345 IAC 2-7-3; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1339; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

SECTION 5. 345 IAC 2-7-4 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-7-4 Chronic wasting disease certified herd status

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 4. (a) An owner of a cervid herd located in Indiana ~~may~~ **shall** obtain a ~~chronic wasting disease monitored CWD certified~~ status for the herd from the ~~board~~ **state veterinarian** by complying with the following requirements

- (1) ~~The owner of the herd must submit an application for participation in the monitoring program to the state veterinarian.~~
- (2) ~~Every animal in the applicant's herd must be uniquely identified in a manner prescribed by the state veterinarian.~~
- (3) ~~The owner must keep a record of each animal that is part of the herd, including a record of each animal that is added to the herd and each animal that is removed from the herd. The owner must provide the state veterinarian a written herd inventory including each animal's identification.~~
- (4) ~~The owner must present each animal in the herd to the state veterinarian for inspection and verification of identification upon beginning the monitoring program and annually thereafter. The herd inventory provided to the state veterinarian shall be updated not less than annually.~~
- (5) ~~Upon the death of any animal in the herd for any reason, the owner shall immediately notify the state veterinarian. The state veterinarian will inspect any dead cervid that is eighteen (18) months of age or older and take tissues necessary for a laboratory test for chronic wasting disease. The owner shall dispose of the remaining carcass as directed by the state veterinarian.~~
- (6) ~~The owner shall pay for any fees associated with testing an animal other than elk from his or her herd for chronic wasting disease, including any fees necessary for tissue collection and laboratory diagnostic costs. The state veterinarian may allow the owner to utilize state or federal funds, if available, to pay for the costs of testing for CWD in lieu of the herd owner paying for testing.~~

(b) ~~The state veterinarian may grant a waiver from the requirement in subsection (a)(5) if an epidemiologic evaluation of the herd indicates that testing the deceased animal would not further the goal of chronic wasting disease surveillance and control. When considering waivers under this subsection, the state veterinarian shall consider the following:~~

- (1) ~~The length section and section 3 of time the herd has been in the surveillance program.~~
- (2) ~~The herd's health history.~~
- (3) ~~The potential effects of any additions to the herd.~~
- (4) ~~The potential effect of wild cervids on the herd.~~

this rule.

(e) (b) The state veterinarian may award a cervid owner ~~may receive~~ the following **chronic wasting disease CWD** herd statuses ~~while participating in the chronic wasting disease monitoring CWD certification program: described in this section:~~

- (1) Level One status after one (1) year of ~~participation: compliance.~~
- (2) Level Two status after two (2) years of ~~participation: compliance.~~
- (3) Level Three status after three (3) years of ~~participation: compliance.~~
- (4) Level Four status after four (4) years of ~~participation: compliance.~~
- (5) Level Five **or "certified"** status after five (5) or more years of ~~participation: compliance.~~
- (6) Unknown status prior to the first complete year of ~~participation: compliance or if a herd is not in compliance.~~
- (7) Status pending status if the herd has been identified as a CWD **affected positive, CWD suspect, or CWD exposed** herd.

~~(d)~~ (c) If an animal is added to a herd, the ~~chronic wasting disease monitored~~ **CWD certification** status of a herd will be altered as follows:

- (1) The ~~chronic wasting disease~~ **CWD** status will not change if the animal that is added to the herd originated from a herd that has a ~~chronic wasting disease monitored status equal to or greater than~~ **been in an equivalent CWD certification program for at least as long as** the recipient herd.
- (2) If the animal that is added to the herd originated from a herd that has ~~been in a chronic wasting disease monitored status lower~~ **CWD certification program for less time** than the recipient herd, the recipient herd's **certification** status will be lowered to the status of the lowest status cervid added.
- (3) A new herd that is assembled on a premises where ~~chronic wasting disease~~ **CWD** has never been diagnosed retains the **certification** status of the lowest status animal brought into the new herd.

~~(e)~~ (d) The state veterinarian may suspend, revoke, or lower the ~~monitoring~~ **certification** program status of a herd ~~if:~~ **for the following reasons:**

- (1) **A herd is found to be CWD positive, CWD suspect, or CWD exposed.**
- (2) The herd owner does not meet the requirements under this section. ~~or~~
- (3) **The herd owner violates the requirements for moving cervids into Indiana in 345 IAC 1-3 or any provision of this rule.**

(Indiana State Board of Animal Health; 345 IAC 2-7-4; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1340; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895)

SECTION 6. 345 IAC 2-7-5 IS AMENDED TO READ AS FOLLOWS:

345 IAC 2-7-5 CWD positive, CWD suspect, and CWD exposed animals

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13; IC 15-2.1-18

Sec. 5. (a) Whenever an animal is determined to be ~~CWD affected;~~ **positive**, the state veterinarian shall **do the following:**

- (1) **Quarantine the CWD positive herd.**
- (2) **Condemn the CWD positive animal or its carcass and any feed or other material necessary to contain the disease.**
- (3) **Specify the means of disposal for condemned items.**
- (4) Conduct a complete epidemiologic investigation to determine the specific cause and source of the disease and to determine the population infected with and exposed to the disease.
- (5) **Take steps to prevent, detect, contain, and eradicate CWD.**

(b) Whenever a cervid is determined to be ~~affected with chronic wasting disease~~ **CWD positive a herd plan shall be developed. The herd plan shall include** the following: ~~apply:~~

- (1) The ~~affected animal or its carcass shall be condemned~~ **specific conditions of the quarantine imposed by the state veterinarian under subsection (a).**
- (2) The ~~affected herd shall be quarantined by specific conditions for the state veterinarian disposal of condemned items and death loss from the herd.~~
- (3) ~~The affected~~ **A plan for cleaning and disinfecting the CWD positive herd premises shall be cleaned and disinfecting** according to directions prescribed by the state veterinarian. ~~that are~~ **The plan shall be** designed to minimize the likelihood that ~~chronic wasting disease~~ **CWD** is spread.
- (4) ~~The affected herd owner shall enroll in A plan for assessing the monitoring program in section 4 of this rule.~~ **health of animals in** the affected herd. ~~owner~~ **The plan shall participate in the monitoring program until such time as Level Five status is achieved.**
- (5) The state veterinarian may release the affected herd from quarantine upon the owner completing one ~~(1)~~ **address each of the following: requirements:**
 - (A) **Obtaining Level Five status in the monitoring program.**
 - (B) **Isolating all high risk (A) Testing some or all of the animals from any other animal and testing the high risk animals for CWD. If all animals test negative for CWD, the quarantine may be released upon completion of Level**

Three status in the monitoring program:

(B) Depopulating some or all of the animals in the herd.

(C) Inspections by state or federal officials and other surveillance measures.

(D) Animal identification requirements.

(E) Herd inventory requirements.

(5) If necessary, parameters for separation of animals, captive and wild.

(6) Parameters for restocking or adding to the herd.

(7) Any other measures necessary to prevent, detect, and eradicate CWD.

(c) The following apply to CWD exposed and CWD suspect herds:

(1) The state veterinarian may quarantine a CWD exposed or CWD suspect herd.

(2) The state veterinarian may: order a premises that contains or that contained exposed animals cleaned and disinfected according to directions prescribed by

(A) condemn animals in the state veterinarian that are designed to minimize the likelihood that chronic wasting disease is spread: The owner of a CWD exposed herd; and

(B) order testing of any animal in the herd.

(3) A herd plan shall enter be developed for the herd. in The monitoring program until such time as Level Three status in herd plan shall meet the monitoring program is obtained. The state veterinarian may allow an owner of an exposed herd to leave the monitoring program prior to achieving Level Three status if an epidemiological investigation indicates that the likelihood of CWD transmission to, within, or from the herd is remote: requirements in subsection (b).

(d) A cervid owner shall follow and implement the provisions of a herd plan developed for the owner's herd under this section.

(e) The state veterinarian may release a quarantine imposed on a CWD positive, CWD suspect, or CWD exposed herd after the provisions of the herd plan developed under this section have been completed. (*Indiana State Board of Animal Health; 345 IAC 2-7-5; filed Jan 4, 2001, 1:59 p.m.: 24 IR 1340; readopted filed May 2, 2001, 1:45 p.m.: 24 IR 2895*)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on April 16, 2002 at 10:10 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on proposed amendments to rules concerning restrictions on the movement of cervids into Indiana and regulation of cervids in Indiana to control chronic wasting disease. Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health