

CONTAGIOUS DISEASES IN DOMESTIC ANIMALS

SCRAPIE DISEASE CONTROL [NEW]

- I. Definitions as used in section 1206 of rule 20-022-009 inclusive.
- a. “**Approved laboratory**” has the meaning ascribed to it in 9 C.F.R. § 79.1. A laboratory approved by the APHIS administrator in accordance with §54.11 of 9 C.F.R to conduct one or more scrapie tests, or genotypes tests, on one or more tissues.
 - b. “**APHIS**” is the Animal Plant Health Inspection Service of the United States Department of Agriculture.
 - c. “**Breeding animal**” means any sexually intact goat or sheep that is not moving through slaughter channels to slaughter.
 - d. “**C.F.R**” refers to the code of federal regulations. 9 C.F.R § 79 is titled *Scrapie in Sheep and Goats*.
 - e. “**Consistent State**” is one whose intrastate identification, reporting, and movement restrictions for infected and source flocks and high-risk animals are consistent with the APHIS standards for State scrapie programs.
 - f. “**Exposed animal**” has the meaning ascribed to it in 9 C.F.R. § 79.1. (1) Any animal that has been in the same flock at the same time as a scrapie-positive female animal, excluding limited contacts; or (2) Any animal born in a flock after a scrapie-positive animal was born into that flock or lambed in that flock, if born before that flock completes the requirements of a flock plan; or (3) Any animal that was commingled with a scrapie-positive female animal during or up to 30 days after she lambed, kidded, or aborted, or while a visible vaginal discharge was present, or that was commingled with any other scrapie-positive female animal for 24 hours or more, including during activities such as shows and sales or while in marketing channels; or (4) Any animal in a noncompliant flock.
 - g. “**Exposed flock**” has the meaning ascribed to it in 9 C.F.R. § 79.1. Any flock in which a scrapie-positive animal was born or lambed. Any flock that currently contains a female high-risk, exposed, or suspect animal, or that once contained a female high-risk, exposed, or suspect animal that lambed in the flock and from which tissues were not submitted for official testing and found negative. A flock that has completed a post-exposure management and monitoring plan following the exposure will no longer be an exposed flock.

- h. “**Flock**” has the meaning ascribed to it in 9 C.F.R. § 79.1. All animals that are maintained on a single premise and all animals under common ownership or supervision on two or more premises with animal interchange between the premises. Changes in ownership of part or all of a flock do not change the identity of the flock or the regulatory requirements applicable to the flock. Animals maintained temporarily on a premise for activities such as shows and sales or while in marketing channels are not a flock. More than one flock may be maintained on a single premises if: (1) The flocks are enrolled as separate flocks in the SFCP; or (2) A State or APHIS representative determines, based upon examination of flock records, that: (i) There is not interchange of animals between the flocks; (ii) The flocks never commingle and are kept as least 30 feet apart at all times or are separated by a solid wall through, over, or under which fluids cannot pass and through which contact cannot occur; (iii) The flocks have separate flock records and identification; (iv) The flocks have separate lambing facilities, including buildings and pastures, and a pasture or building used for lambing by one flock is not used by the other flock at any time; and (v) The flocks do not share equipment without cleaning and disinfection in accordance with §54.7(e) of 9 C.F.R. Additional guidance on acceptable means of cleaning and disinfection is also available in the Scrapie Flock Certification Program standards and the Scrapie Eradication Uniform Methods and Rules.

- i. “**High risk animal**” has the meaning ascribed to it in 9 C.F.R. § 79.1. A sexually intact animal, excluding male sheep that have tested RR at codon 171 and AA at codon 136 using an official genotype test, that is: (1) The progeny of a scrapie-positive dam; or (2) Born in the same flock during the same lambing season as progeny of a scrapie-positive dam, unless the progeny of the scrapie-positive dam are from separate contemporary lambing groups; or (3) Born in the same flock during the same lambing season that a scrapie-positive animal was born, or during any subsequent lambing season, if born before the flock completes the requirements of a flock plan; or (4) An exposed female sheep that has not tested QR, HR or RR at codon 171 using an official genotype test.

- j. “**Inconsistent state**” has the meaning ascribed to it in 9 C.F.R. § 79.1. Any State other than a Consistent State.

- k. “**Infected flock**” has the meaning ascribed to it in 9 C.F.R. § 79.1. The flock of origin of a female animal that a State or APHIS representative has determined to be a scrapie-positive animal; or any flock in which a State or APHIS representative has determined that a scrapie-positive female animal has resided unless an epidemiologic investigation conducted by a State or APHIS representative shows that the animal did not lamb or abort in the flock. A flock will no longer be considered an infected flock after it has completed the requirements of a flock plan.

- l. “**Livestock dealer**” means a person going from place to place buying, selling or transporting livestock, or operating a livestock auction or sales ring, either on their own account or on commission except, state breed associations recognized as such by the secretary (6 VSA § 761(2)).

- m. “**Noncompliant flock**” has the meaning ascribed to it in 9 C.F.R. § 79.1.
(1) Any source or infected flock whose owner declines to enter into a flock plan or post-exposure management and monitoring plan agreement within 30 days of being so designated, or whose owner is not in compliance with either agreement; (2) Any exposed flock whose owner fails to make animals available for testing within 60 days of notification, or as mutually agreed, or whose owner fails to submit required postmortem samples; (3) Any flock whose owner has misrepresented, or who employs a person who has misrepresented, the scrapie status of an animal or any other information on a certificate, permit, owner statement, or other official document within the last 5 years; or (4) Any flock whose owner or manager has moved, or who employs a person who has moved, an animal in violation of 9 C.F.R. within the last 5 years.

- n. “**Official scrapie identification**” means a method of identification approved by the United States Department of Agriculture as set forth in 9 C.F.R. § 79.2. Identification mark or device approved by APHIS for use in the Scrapie Eradication Program. Examples are listed in 9 C.F.R. §79.2(a)(2).

- o. “**Secretary**” means the Vermont Secretary of Agriculture, Food, and Markets.

- p. “**Scrapie**” means a non-febrile, transmissible, insidious degenerative disease affecting the central nervous system of goats and sheep.

- q. “**Scrapie-positive animal**” has the meaning ascribed to it in 9 C.F.R. § 79.1. An animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories or another laboratory authorized by the Administrator to conduct scrapie tests in accordance with 9 C.F.R., through:
(1) histopathological examination of central nervous system (CNS) tissues from the animal for characteristic microscopic lesions of scrapie; (2) The use of proteinase-resistant protein analysis methods including but not limited to immunohistochemistry and/or western blotting on CNS and/or peripheral tissue samples from a live or a dead animal for which a given method had been approved by the Administrator for use on that tissue; (3) Bioassay; (4) Scrapie associated fibrils (SAF) detected by electron microscopy ; or (5) Any other test method approved by the Administrator in accordance with §54.10 of 9 C.F.R..

- r. **“Slaughter channels”** has the meaning ascribed to it in 9 C.F.R. § 79.1. Animals in slaughter channels include any animal that is sold, transferred, or moved directly to a slaughter facility, to an individual for custom slaughter, or for feeding for the express purpose of improving the animals’ condition for movement to slaughter. Any sexually intact animal that is commingled with breeding animals or that has been bred is not in slaughter channels. When selling animals for slaughter, owners should note on the bill of sale that the animals are sold only for slaughter.
- s. **“Source flock”** has the meaning ascribed to it in 9 C.F.R. § 79.1. A flock in which a State or APHIS representative has determined that at least one animal was born that was diagnosed as a scrapie-positive animal at an age of 72 months or less. The determination that an animal was born in a flock will be based on such information as the presence of official identification on the animal traceable to the flock, the presence of other identification on the animal that is listed on the bill of sale, or other evidence, such as registry records, to show that a scrapie-positive animal was born in the flock, combined with the absence of records indicating that the animal was purchased from outside and added to the flock. If DNA from the animal was previously collected by an accredited veterinarian and stored at an approved genotyping laboratory, or in DNA collection and storage are required for breed registration and the breed registration has appropriate safeguards in place to ensure the integrity of the banking process, the owner may request verification of the animals identity based on DNA comparison if adequate records and identification have been maintained by the owner and the repository to show that the archived DNA is that of the animal that has been traced to the flock. The owner will be responsible for all costs for the DNA comparison. A flock will no longer be a source flock after it has completed the requirements of a flock plan.
- t. **“Suspect animal”** has the meaning ascribed to it in 9 C.F.R. § 79.1. An animal will be designated a suspect animal in accordance with §79.4 if it is (1) A sheep or goat that exhibits any of the following possible signs of scrapie and that has been determined to be suspicious for scrapie by an accredited veterinarian of a State or APHIS representative: Weight loss despite retention of appetite; behavioral abnormalities; pruritis (itching); wool pulling; biting at legs or side; lip smacking; motor abnormalities such as incoordination, high stepping gait of forelimbs, bunny hop movements of rear legs, or swaying of back end, increased sensitivity to noise and sudden movement; tremor, “star gazing,” head pressing, recumbency, or other signs of neurological disease or chronic wasting. (2) A sheep or goat that has tested positive for scrapie or for the proteinase resistant protein associated with scrapie on a live-animal screening test or any other test, unless the animal is designated a scrapie-positive animal. (3) A sheep or goat that has tested inconclusive or suggestive on an official test for scrapie.

- u. “**Test-positive animal**” means a goat or sheep that tests positive to an official test for scrapie.
- v. “**Uniform Methods and Rules**” means the Scrapie Eradication Uniform Methods and Rules, published by the Animal and Plant Health Inspection Service of the United States Department of Agriculture on June 1, 2005 (with periodic revisions), which is hereby adopted by reference. A copy of this publication may be obtained free of charge at the Internet address <http://aphisweb.aphis.usda.gov/vs/nahps/scrapie/umr.pdf>.

II. Identification Requirements

- a. A person who presents a goat or sheep at an exhibition, show or fair shall provide for the goat or sheep official scrapie identification to its flock of birth.
 - i. Goats and sheep born prior to the adoption of this rule will be required to be identified with official scrapie identification to its current flock, if flock of birth is unknown.
- b. A person who transfers ownership of a goat or sheep within Vermont shall provide for the goat or sheep official scrapie identification to its flock of birth.
- c. Sheep less than 18 months of age in slaughter channels and all goats in slaughter channels are not required to be identified.
 - i. Sheep greater than 18 months of age in slaughter channels are required to be identified with official scrapie identification.
- d. A person shall not remove a goat or sheep from slaughter channels unless the animal:
 - i. Has official scrapie identification to its flock of birth;
 - ii. Is not from an inconsistent state; and
 - iii. Is not an:
 - 1. Exposed animal;
 - 2. Animal from an infected flock; or
 - 3. Animal from a source flock.

III. Record Keeping Requirement

- a. Persons who apply official identification
 - i. A person who applies official identification must maintain the following records:
 - 1. date the identification was applied;
 - 2. number of sheep and goats identified;
 - 3. identification numbers applied; and
 - 4. the name and address of the flock of birth, if different from the current flock.

- ii. Livestock dealers (including markets, auctions, slaughter plants and consignment sales), extension personnel, or accredited veterinarians who apply official identification that is not assigned to the producer must maintain the following records:
 - 1. date the identification was applied;
 - 2. number of sheep and goats identified;
 - 3. serial tag numbers applied; and
 - 4. the name and address of the flock where the animal currently or most recently resided.
- iii. Livestock dealers and slaughter plants shall record the official scrapie identification numbers of the goats and sheep that they handle including the date, name and address from whom acquired and to whom delivered.

B. Record Retention and availability. All business records relating to sheep and goat movements must be maintained for at least five years after the person has sold or otherwise disposed of the sheep or goat and be available for inspection and copying at any reasonable time by any authorized agent of the secretary.

IV. Discovery

- A. Flocks or animals with scrapie disease, or having been exposed to, will be subjected to methods of control set forth in the scrapie uniform methods and rules (UMR).

V. Enforcement

The secretary may take the following action to ensure compliance with this section of these rules:

- a. A person who is required but who fails to comply under these rules shall be sent a written letter of warning which shall include a brief description of the alleged violation of these rules and include a request that the violations to the rule be addressed within 30 days of the date of the letter;
- b. If, after the expiration of the 30 day period described above, a person who is required respond, but who fails to address the violations, may receive a cease and desist order from the secretary requiring the person to comply;
- c. Violations of a cease and desist order issued under this section may be enforced through an proposed administrative penalty not to exceed \$1,000.00 pursuant to 6 V.S.A. §15(a);
- d. Administrative penalties issued under this section shall comply with the provisions regarding notice and an opportunity for a hearing as set forth in 6 V.S.A. §16.