DEPARTMENT OF AGRICULTURE

ANIMAL INDUSTRY DIVISION

ANIMAL INDUSTRY

(By authority conferred on the department of agriculture by section 45 of Act No. 466 of the Public Acts of 1988, as amended, being S287.745 of the Michigan Compiled Laws)

R 287.701 Definitions.

Rule 1. As used in these rules:

(a) "Act" means Act No. 466 of the Public Acts of 1988, as amended, being S287.701 et seq. of the Michigan Compiled Laws.

(b) "Cattle importation lot" means a premises used only to feed, in preparation for slaughter, non-native cattle that are capable of reproduction that do not meet the importation requirements for breeding and dairy purposes. Livestock confined to a cattle importation lot are not eligible to achieve native status.

(c) "Commingle" means concurrently or subsequently sharing or subsequent use by native livestock of the same pen or pens or same section or sections in a facility or same section or sections in a transportation unit or units where there is physical contact with other livestock or contact with bodily excrements or fluids from other livestock.

(d) "Department" means the Michigan department of agriculture.

(e) "EIA" means equine infectious anemia.

(f) "Official (vaccination) ear tag" means an ear tag that conforms to the 9 character alpha-numeric national uniform ear-tagging system.

(g) "USDA" means the United States department of agriculture.

(h) "USDA, APHIS, VS" means the United States department of agriculture, animal and plant health inspection service, veterinary services.

History: 1994 AACS.

R 287.702 Indemnification of livestock.

Rule 2. (1) The director may order the slaughter, destruction, or disposition of livestock to control or eradicate livestock disease or toxicological contamination or to protect public health.

(2) An owner of livestock that are ordered slaughtered, destroyed, or disposed of due to diseases or toxicological contamination may apply for indemnification within the limits described in section 14 of the act. The application shall be made on forms supplied by the department and the application shall be filed with the department. All of the following information shall accompany the application:

(a) An affidavit signed by the owner attesting to the amount of compensation received or to be received from any other source for the livestock ordered slaughtered, destroyed, or disposed of.

(b) All records that indicate other sources of indemnity.

(c) Registration papers.

(d) Names and addresses of all persons to whom or from whom the owner has transferred animals within a time period determined by the director.

(e) Signed permission allowing the breed association or associations to disclose information requested by the director.

(f) An executed and signed subrogation agreement assigning to the state the ownership of a cause of action to recover damages for the loss up to the amount of indemnification paid to the owner pursuant to the act.

History: 1994 AACS.

R 287.703 Importation, distribution, and use of veterinary biologicals.

Rule 3. (1) Any person, agency, or company that desires to import into this state or to distribute intrastate, for experimental or field trial use, any veterinary biological that is not conditionally or unconditionally licensed by the USDA shall request and obtain permission from the director to do so.

(2) All of the following information is required when requesting permission to distribute, in this state, veterinary biologicals which are conditionally or unconditionally licensed by the USDA or which have import permits for distribution and sale issued by the USDA.

(a) A copy of the current USDA license.

(b) Any restrictions set forth by the USDA.

(c) A complete product name--generic and trade.

(d) Product information, including directions for use.

(e) Slaughter withdrawal times, if applicable.

(3) Veterinary biologicals for experimental or field trial purposes shall be shipped only to veterinarians. Veterinary biologicals for experimental or field trial purposes shall be used only by the veterinarians to whom the product is shipped or by individuals who are under the direct supervision of the veterinarians to whom the product is shipped.

(4) A report of each requested shipment shall be made to the department by the person, agency, or company consigning, shipping, or transporting veterinary biologicals for experimental or field trial purposes into or within this state. The report shall be filed with the department within 5 working days of the shipment. The report shall contain all of the following information:

(a) The quantity consigned, shipped, or transported.

(b) The expiration date of the product.

(c) The complete name of the veterinary biological.

(d) The name and address of the recipient veterinarian.

(5) Any person, agency, or company that requests permission to import or distribute intrastate a veterinary biological to be administered for experimental or field trial purposes to animals owned by the public shall submit, to the department, a written statement which shall be given to the owner of the animals before the administration, prescription, or distribution of the veterinary biological and which states both of the following:

(a) That the veterinary biological to be administered, prescribed, or dispensed to an animal or animals is an experimental or field trial veterinary biological.

(b) That the veterinary biological has not been approved by the USDA or the department for unconditional distribution or use.

(6) Any person, agency, or company that requests permission to import or distribute intrastate a veterinary biological for experimental or field trial purposes shall not hold the department responsible for any liability or injury to humans or animals or for loss of any animals.

(7) Any person, agency, or company that requests permission to import or distribute intrastate a veterinary biological for experimental or field trial purposes shall report any adverse reactions to the department within 5 working days.

(8) Determination of distribution of veterinary biologicals for experimental or field trial purposes shall be based upon, but not limited to, the following criteria:

(a) Need for the product by the animal industry.

(b) Safety of the product for the target animal species.

(c) Safety of the product for the person or persons who administer the biological.

(d) Safety of the human food chain when the veterinary biological is used in food-producing animals.

(9) The director may limit the distribution of a veterinary biological for experimental or field trial purposes to certain geographical areas within this state and for specific time periods.

(10) The director may at any time revoke permission to distribute veterinary biologicals for experimental or field trial purposes.

History: 1994 AACS.

R 287.704 Prevention of certain reportable contagious diseases in animals.

Rule 4. To prevent the spread of certain contagious and infectious reportable diseases among animals, the director may require that a vehicle used to transport animals that are confirmed to be affected by a contagious or infectious reportable disease be thoroughly cleaned and disinfected in an

approved manner with a disinfectant approved by the department before the vehicle is again used for any purpose.

History: 1994 AACS.

R 287.705 Public exhibition of livestock.

Rule 5. (1) Livestock that have a known exposure to, or that show clinical signs of, infectious, contagious, or toxicological disease, as determined by a veterinarian, shall not be displayed or housed at an exhibition, exposition, or fair unless permission to do so is granted by the director.

(2) The exhibition, exposition, or fair authority is responsible for ensuring that the livestock are removed from the premises.

History: 1994 AACS.

R 287.706 Tuberculosis and brucellosis testing of livestock.

Rule 6. (1) Tuberculosis and brucellosis testing of livestock shall be conducted only by accredited veterinarians.

(2) Any veterinarian who conducts, within this state, a tuberculin test or a brucellosis test on any livestock, except poultry, shall individually identify each animal tested by an USDA, APHIS, VS official ear tag, an ear tattoo number for registered livestock only, or a method approved by the director. The tag shall be inserted in the right ear, unless some physical problem precludes use of the right ear.

(3) A complete record of the test shall be accurately completed on forms provided by the department and shall be filed with the department within 5 working days after completion of the test.

History: 1994 AACS.

R 287.707 Official brucellosis calfhood vaccinate.

Rule 7. (1) Only an accredited veterinarian may brucellosis vaccinate a calf and tattoo a calf with the United States registered shield.

(2) Only an approved brucella veterinary biological, at a dosage that is approved by the USDA and the department, shall be administered.

(3) Only female cattle that are between the ages of 4 and 8 months (120 to 269 days) may be brucellosis vaccinated.

(4) All calves officially vaccinated in accordance with the provisions of section 42(1), (2), (3), (4), and (5) of the act shall be individually identified at the time of vaccination by an official vaccination ear tag placed in the right ear, unless some physical problem precludes use of the right ear. If the animal is already identified with an official ear tag before vaccination, an additional official ear tag is not required. A legible identification tattoo that is placed in the right ear of a calf may be used in place of an official vaccination ear tag. The calf and tattoo shall be recognized by an organized breed registry. The identification tattoo shall be recorded on the official brucellosis vaccination certificate and the calf shall be designated as a purebred animal.

(5) A calf that is officially vaccinated in accordance with the provisions of section 42(1), (2), (3), (4), and (5) of the act shall be tattooed with the United States registered shield in the right ear at the time of vaccination. The tattoo shall show the quarter of the year and the year in which the calf was vaccinated. The first quarter of the year (January, February, March) shall be designated by the number 1; the second quarter (April, May, June) by the number 2; the third quarter (July, August, September) by the number 3; and the fourth quarter (October, November, December) by the number4. The year shall be designated by the last digit of the year. The letter "V" surrounded by a United States registered shield shall be placed between the numbers or letters designating the quarter of the year and the year in which the calf was vaccinated.

(6) An accredited veterinarian who vaccinates a female calf for brucellosis shall submit the official brucellosis vaccination certificate to the department within 10 working days after the vaccination is administered.

History: 1994 AACS.

R 287.708 Pullorum testing of poultry for exhibition, expositions, or fairs.

Rule 8. (1) Poultry that requires a negative pullorum test status for exhibition, expositions, or fairs, as determined by the national poultry improvement plan, shall be accompanied by proof of current negative pullorum test status or, upon arrival, be immediately tested to be pullorum negative before caging at the exhibition, exposition, or fair.

(2) At poultry exhibitions, expositions, or fairs that conduct the sale of live poultry, the seller is responsible for providing current pullorum test documentation before a purchaser removes the poultry from the exhibition, exposition, or fair.

(3) Any of the following may be used as proof of current pullorum test status:

(a) Hatchery source documents.

(b) Entire flock or bird test reports.

(c) USDA, APHIS, VS form 9-2.

(d) USDA, APHIS, VS form 9-3.

(e) The department's official avian test record, AI-013.

(4) A statement that is signed by the owner shall be provided for each entry and shall state that the poultry presented are the same poultry identified on the pullorum test documents and that, since their most recent negative pullorum test, the poultry have not been in contact with, or exposed to, other poultry that have not tested pullorum negative.

History: 1994 AACS.

R 287.709 Prevention and suppression of tuberculosis in poultry.

Rule 9. (1) If tuberculous infected poultry, confirmed by histopathology or culture, are found in any flock, the entire flock may be considered as infected.

(2) An owner of tuberculous infected poultry shall handle and dispose of his or her flock in a manner approved by the director.

(3) Poultry houses, facilities, and premises that have housed tuberculous poultry shall be thoroughly cleaned and disinfected by the owner or agent, under the supervision of the director, immediately after disposition of the diseased flock.

(4) The director may allow for the use of a USDA-approved tuberculin test for the purpose of freeing the flock from infection.

(5) Poultry from infected flocks shall not be disposed of without permission from the director.

History: 1994 AACS.

R 287.710 Equine infectious anemia.

Rule 10. (1) Equine that test positive to an official EIA test and their herd of immediate origin shall be quarantined by the director.

(2) Equine that test positive to an official EIA test may, with approval from the director, be moved and quarantined to a premises that is a minimum of 1/4 mile away from any other equine.

(3) Equine that test positive to an official EIA test may, with approval from the director, be quarantined and segregated in an insect-free enclosure as determined by the director.

(4) The owner or owners or agent or agents of an EIA source herd or herds shall allow the director to test, in accordance with the following schedule, the complete source herd with an official EIA test after the official EIA-test-positive equine have been removed or segregated from the herd in a manner approved by the director.

(a) Between the dates of November 1 and April 30, a source herd may be tested at any time and qualify for quarantine release if all the tested equine are negative to an official EIA test.

(b) Between the dates of May 1 and October 31, a source herd may be tested after waiting a minimum of 30 days after the official EIA-test-positive equine have been removed or segregated from the herd. If all equine tested are negative to the official EIA test, the quarantine may be released.

(5) The director may conduct epidemiological investigations on all equine that have possible exposure to official EIA-test-positive equine to determine the need for additional quarantining and official EIA testing.

(6) Official EIA-test-positive equine shall not be destroyed or removed from the original test location or premises without prior permission from the director.

(7) If the owner chooses to destroy the official EIA-test-positive equine, permission shall first be obtained from the director. The director shall issue a quarantine release and be present when the equine are destroyed.

(8) Unless immediately destroyed, official EIA-test-positive equine shall be identified by the director with the freeze brand 34A, which shall be in characters not less than 2 inches in height and placed on the left cervical area of the neck, or shall be identified in another manner approved by the director.

History: 1994 AACS.

R 287.711 Public stockyards, auction sale yards, and livestock yards.

Rule 11. (1) Cattle not native to this state may be sold through livestock auctions, as defined and licensed pursuant to the provisions of Act No. 284 of the Public Acts of 1937, as amended, being S287.121 et seq. of the Michigan Compiled Laws, to any premises in the state if the cattle meet all of the following requirements:

(a) The cattle shall be individually uniquely identified.

(b) The cattle shall have a prior entry permit.

(c) The cattle shall be accompanied by an official interstate health certificate or official interstate certificate of veterinary inspection.

(d) The cattle shall originate directly from a state that is declared free of bovine brucellosis for the last 6 years by the USDA.

(e) The cattle shall originate directly from a state that is declared free of bovine tuberculosis by the USDA.

(2) Nonnative cattle which are capable of reproduction and which do not meet all of the requirements specified in subrule (1) of this rule may be sold at a livestock auction in this state as defined and licensed pursuant to the provisions of Act No. 284 of the Public Acts of 1937, as amended, being S287.121 et seq. of the Michigan Compiled Laws, if the cattle meet all of the following requirements:

(a) The cattle shall be individually uniquely identified.

(b) The cattle shall have a prior entry permit.

(c) The cattle shall be accompanied by an official interstate health certificate or an official interstate certificate of veterinary inspection.

(d) The consignor shall receive permission from the director to move the cattle to the livestock auction and shall inform the livestock auction manager that the cattle are nonnative cattle.

(e) The cattle shall be sold only for slaughter or to a cattle importation lot.

(f) While in the livestock auction facility, the cattle shall not be commingled with other livestock.

(3) Upon request by the director, notification of the purchaser's name or names and the destination or destinations of nonnative cattle which are capable of reproduction and which are sold through a livestock auction shall be made available to the department within 6 working days. Notification shall include all of the following information:

(a) The complete name or names of the purchaser or purchasers.

(b) The complete address or addresses of the purchaser or purchasers.

(c) The date of the purchase or purchases.

(d) The breed.

(e) The number of head.

(f) The destination address or addresses if different from the purchaser's address or addresses.

History: 1994 AACS.

R 287.712 Cattle importation lots.

Rule 12. (1) Cattle importation lots shall be registered with the department on an application form provided by the department.

(2) A cattle importation lot may be a designated lot, parcel, pasture, premises, facility, or confined area.

(3) Registration shall not be issued unless the importation lot has been inspected by the director and found to meet all of the following requirements:

(a) A cattle importation lot shall be constructed and operated to prohibit cattle in the importation lot from making contact with, or disseminating a contagious or infectious disease to, livestock other than cattle in the importation lot.

(b) Livestock other than cattle in the importation lot shall not have access to manure or other waste material from the cattle importation lot.

(c) Drainage from a cattle importation lot shall not be permitted to flow into areas accessible to livestock other than cattle in the importation lot.

(d) A cattle importation lot shall be maintained in a condition free from the excessive accumulation of manure or waste material.

(4) Cattle which are capable of reproduction, which originate directly from states that are not declared free of bovine brucellosis for the last 6 years by the USDA or which originate directly from states that are not declared free of bovine tuberculosis by the USDA, and which do not go directly to slaughter shall be placed in an importation lot.

(5) Cattle which are capable of reproduction and which are imported into this state shall be accompanied by both of the following:

(a) An official interstate health certificate or official interstate certificate of veterinary inspection, which shall be given to the consignee at the point of destination.

(b) A prior entry permit.

(6) Nonnative cattle which are capable of reproduction and which enter this state shall be individually uniquely identified on the official interstate health certificate or official interstate certificate of veterinary inspection. The individual unique identification shall be either of the following:

(a) A USDA, APHIS, VS official ear tag.

(b) A USDA, APHIS, VS-approved backtag.

(7) Within 10 working days after importation into this state, cattle which are capable of reproduction and which have been individually uniquely identified with a USDA, APHIS, VS-approved backtag shall be permanently identified with an official ear tag.

(8) The official ear tag shall be recorded by the consignee at the point of destination on the official interstate health certificate or official certificate of veterinary inspection. The recording shall be done in a manner so that cattle which are imported into this state and which are identified by a USDA, APHIS, VS-approved backtag will correspond to the USDA, APHIS, VS official ear tag.

(9) The consignee shall forward to the department, within 10 working days after the importation into this state of cattle that are capable of reproduction, a copy of the official interstate health certificate or official certificate of veterinary inspection indicating that each animal is individually uniquely identified by a USDA, APHIS, VS official ear tag.

(10) A copy of the official interstate health certificate or official certificate of veterinary inspection shall be kept filed in the records of the consignee at the point of destination of the cattle until the cattle have been sent to slaughter or have died.

(11) The consignee of imported cattle that are capable of reproduction shall not remove any existing USDA, APHIS, VS official ear tags that are on the cattle at the time of importation into this state.

(12) The existing USDA, APHIS, VS official ear tags may be used as the required permanent identification, or the consignee at the point of destination shall comply with the requirement for permanent identification by placing a second USDA, APHIS, VS official ear tag in ears of cattle which are capable of reproduction and which are imported into this state.The official ear tags shall be recorded on the official interstate health certificate or official certificate of veterinary inspection as prescribed in these rules.

(13) If a female bovine gives birth while in a cattle importation lot, the calf shall not leave the importation lot and shall go only directly to slaughter, unless permission is granted by the director to move the calf to another premises.

(14) Aborted fetuses in an importation lot shall be disposed of in compliance with the provisions of section 57 of Act No. 328 of the Public Acts of 1931, as amended, being S750.57 of the Michigan Compiled Laws.

(15) Nonnative cattle which are capable of reproduction and which are kept in importation lots may move from an importation lot only as follows:

(a) Directly to another importation lot by direct private sale.

(b) To another importation lot through livestock auction sales if the cattle do not commingle with other livestock in the livestock auction market.

(c) To slaughter by direct shipment.

(d) To slaughter through a livestock auction sale if the cattle do not commingle with other livestock in the livestock auction market.

(16) Records shall be maintained in an orderly and current manner and be available for the director to inspect at any time.

(17) The director has the authority to inspect the records of any cattle importation lot at any time to determine the origin of any cattle handled by the cattle importation lot.

(18) Importation lot records shall include all of the following information:

(a) Individual unique identification of cattle that are capable of reproduction.

(b) The date individual cattle were purchased.

(c) The complete name or names and address or addresses of the individual or individuals from whom the cattle were purchased.

(d) The complete street address or addresses of the premises from which the cattle originated.

(e) The complete name and street address of the slaughterhouse or person to whom the cattle are sold.

History: 1994 AACS.

R 287.713 Identification of swine in livestock auctions or collection points.

Rule 13. All swine presented to a livestock auction or collection point that is licensed pursuant to the provisions of Act No. 284 of the Public Acts of 1937, as amended, being S287.121 et seq. of the Michigan Compiled Laws shall be considered to have entered interstate commerce and shall be identified before sorting in accordance with the provisions specified in 9 C.F.R. part 71 and all amendments adopted as of the effective date of these rules.

History: 1994 AACS.