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To: Legislative Committee on Administrative Rules

The “Rules Governing the Importation of Domestic Animals, Including Livestock and Poultry” (the Rules) for Vermont have not been updated in 25 years. The last two and half decades have seen a radical shift in global animal disease, technological advances, and changes to USDA policies and standards. While the Rules have provided a remarkable framework, they are outdated on disease ranges, diagnostics, and animal traceability standards. A track changes document and public comment response was previously provided. However, additional changes were incorporated from input outside the public comment period. These represent minor modifications, and updated documents will be provided.

On May 9, 2024, the USDA published updates to the Animal Disease Traceability Rule that would have preempted requirements we proposed for official identification. We have removed the proposed language and have returned to defining official identification as per 9 CFR Part 86. Adjustments were made to the direct to slaughter requirements where appropriate to clarify that the Rules do not supersede federal authority for these movements.

Also, a disclaimer was included from partners at the Department of Fish and Wildlife to ensure clarity on protected species. This had no substantive effect on the Rules, but provided comfort that we were maintaining jurisdictional distinction. This addendum was incorporated into the clean copy originally provided to the committee but was not represented in the track changes document. This has now been corrected.

Thank you for your consideration of these changes that will support the future success of the Agency and animal health throughout Vermont.

Sincerely,



Kaitlynn Levine, DVM
Assistant State Veterinarian
Agency of Agriculture, Food & Markets



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Copy

VERMONT

RULE #98074

Effective 2024

RULES GOVERNING THE IMPORTATION LIVESTOCK AND POULTRY

Promulgated under the authority of 6 V.S.A. Chapter 107 § 1475

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Information and assistance in understanding these rules may be obtained by contacting the Animal Health Section of the Agency of Agriculture, Food and Markets, at 802-828-2421 or agr.animalhealth@vermont.gov

SECTION I. DEFINITIONS

1. **Accredited Veterinarian** is a veterinarian who is approved by the United States Department of Agriculture (USDA) and the State Animal Health Official in the state of origin of the imported animal to inspect and test domestic animals and issue Certificates of Veterinary Inspection.
2. **Animal or Domestic Animal** means cattle, sheep, goats, equines, swine, camelids, domestic cervids, American bison, poultry, psittacine birds, ferrets, ratites (ostriches, rheas and emus), and water buffalo.
3. **Approved Laboratory** is a laboratory recognized by USDA Animal and Plant Health Inspection Service (APHIS) to conduct official diagnostic testing.
4. **Approved Livestock Market** is a livestock market that is recognized by USDA and that has a current market agreement with it.
5. **Certificate of Veterinary Inspection** is a document issued by an Accredited Veterinarian in which the Accredited Veterinarian certifies that:
 - a. all statements required by these rules concerning the importation of domestic animals are true,
 - b. all animals referenced on the document have been inspected and officially identified, and
 - c. all tests required by these rules have been performed.
6. **Chronic Wasting Disease (CWD) Affected State** is a state or Canadian province that has had a positive diagnosis of CWD in a captive cervid. A state or province may be considered no longer affected if the Secretary has determined that it has taken appropriate actions to control or eradicate CWD and/or it has instituted a mandatory CWD monitoring/certification program for all captive cervid herds and has not diagnosed a case of CWD for a minimum of 5 years.
7. **CWD Endemic State** is a state or Canadian province that has had a positive diagnosis of CWD in free-ranging cervids. A state or province may be considered no longer endemic if the Secretary has determined appropriate actions were taken to determine disease prevalence and has not diagnosed a case of CWD for a minimum of 5 years.
8. **CWD monitored/certified herd** is a herd which has successfully enrolled and advanced in an officially recognized-state/provincial approved program requiring identification, records, inspection and testing of cervids for CWD.
9. **Contagious Disease** is any disease found in domestic animals which is capable of spreading from one domestic animal to another or to wild animals with or without actual contact, including reportable diseases as defined in 6 V.S.A. Section 1151(13).
10. **Herd of Origin** is a group of animals under common ownership or supervision in which the animal was born or spent the past 90 days prior to importation. Herd of Origin does not include a temporary assembly of animals for sale or shipment.
11. **Immediate Slaughter** means slaughter of livestock within 7 days from time of entry into Vermont and without diversion from slaughter channels or comingling with animals outside of those channels.
12. **Import** is any act of transporting domestic animals into Vermont from any state or country. The term "import" does not apply to domestic animals residing in Vermont that temporarily leave the state for not more than 30 days, return to the premises of origin, and have met the health requirements of the state(s) of destination in the interim.
13. **Importer** is any person transporting their own domestic animals into Vermont or a purchaser or consignee to whose premises or to whose custody domestic animals are first delivered after entry into Vermont.
14. **Import Permit** is a permit issued by the Secretary authorizing a person to import domestic

- animals into Vermont. See section II.C of these rules.
15. **Livestock** are domesticated animals normally considered farm animals which are generally used as a food source, including cattle, equine, goats, sheep, swine, camelids, fallow deer, red deer, elk, reindeer, and American bison.
 16. **Livestock Dealer** is a person who is licensed and bonded in accordance with 6 V.S.A. § 762 and 764 to buy, sell, lease, or transport livestock, or to operate a livestock auction or sales ring.
 17. **National Poultry Improvement Plan (NPIP)** is a national poultry management, sanitation and monitoring program as described in 9 CFR Part 145.
 18. **Official Identification** is a set of unique identifying characters applied to an animal that complies with USDA's Animal Disease Traceability rule, 9 CFR Part 86, including any future amendments to the rule. Species not covered by 9 CFR Part 86 may be identified by EID or visual identification methods approved by the Secretary.
 19. **Official Test or Official Diagnostic Test** is a diagnostic test that is approved and recommended by USDA or Secretary for determining the presence or absence of a disease and that is conducted and reported by an Official Tester.
 20. **Official Tester** is a person who conducts or reports Official Tests within an Approved Laboratory or a person authorized by USDA to conduct and report Official Diagnostic Tests outside of the laboratory environment.
 21. **Person** is an individual, partnership, association, corporation, or organization of persons whether incorporated or not, including any municipality, state, or federal agency, or subdivision of any state.
 22. **Post-entry Test and Examination** means the testing and examining of imported domestic animals deemed necessary by the Secretary.
 23. **Poultry** means domesticated birds of all ages which may be used as human food, and/or which produce eggs that may be used as human food. Poultry includes chickens, turkeys, domestic ducks, geese, pheasants, Chucker partridge and Coturnix quail. Poultry includes these species even when used for exhibition, hobby, or as pets.
 24. **Premises of Destination** is the first premises within the Vermont on which imported domestic animals are confined.
 25. **Premises of Origin** is the place of birth or last housing of the animal for at least 90 days prior to its importation.
 26. **Secretary** means the Secretary of the Vermont Agency of Agriculture, Food & Markets (the Agency) or their designated representative, including the State Veterinarian and Animal Health Specialists.
 27. **Slaughter Channels** means movement of animals only within Approved Livestock Markets and/or to commercial slaughter facility, as defined by 6 V.S.A. §1459, without diversion to or interim stops in established breeding, feeding or commercial production herds.
 28. **Slaughter Livestock** is livestock originating in any state or country specifically designated to a licensed slaughter establishment for immediate slaughter or to an Approved Livestock Market authorized to handle out-of-state livestock.
 29. **Test Eligible** means that the animal has attained the specified age to require testing as set forth in these rules.
 - a. **Brucellosis test eligible cattle/bison** means all unvaccinated cattle/bison over 6 months of age (180 days) and all official vaccinates over 18 months of age (540 days), or as defined by current Uniform Methods and Rules.
 30. **Uniform Methods and Rules** are the procedures published by USDA APHIS for the eradication of specific diseases under federal/state cooperative eradication programs. Uniform Methods and Rules also refers to future updates to these procedures which may be given a different name by USDA APHIS.

SECTION II. GENERAL INFORMATION

A. Requirements

- a. In order to import or cause a domestic animal to be imported into Vermont, a person must ensure that the requirements of these rules are met. All tests and documentation required by 6 V.S.A. Chapter 107 and these rules, including a Certificate of Veterinary Inspection, import permit, or an Owner-Shipper Statement, are the responsibility of the importer.
- b. A Certificate of Veterinary Inspection and import permit are not required for livestock imported into Vermont for immediate slaughter as prescribed by section II.E of these rules.
- c. Before importing or causing to import a domestic animal from a federal quarantine, region of enhanced surveillance, or movement restriction order, a person must first obtain written permission from the Secretary.
- d. A person shall not import or cause to be imported into Vermont a domestic animal that is affected with or has been exposed to any contagious disease.
- e. All tests required for import purposes must be Official Diagnostic Tests completed in the state of origin.
 - i. During periods of heightened disease risk, the Secretary may alter the testing, timing, and restrictions associated with importation of livestock and poultry.
- f. If the Secretary has reason to believe that a domestic animal may have been imported into Vermont in violation of these rules, the Secretary may issue a quarantine for the domestic animal, its products, and conveyances. The quarantine is in place until the Secretary releases the quarantine in writing.

If the Secretary determines that a domestic animal has been imported into Vermont in violation of these rules, the Secretary may require that the domestic animal be:

- i. returned to the state of origin within 48 hours,
- ii. slaughtered or euthanized within 72 hours, or
- iii. tested, identified and/or inspected.

The importer shall pay any expense incurred under this subsection and shall not be entitled to any compensation from the state.

B. Certificate of Veterinary Inspection

- a. A Certificate of Veterinary must include:
 - i. the name and address of the consignor and the consignee;
 - ii. the physical address of the premises of origin and the premises of destination;
 - iii. the Official Identification and a listing of breed, sex, age, and any other information pertinent to each animal's identity;
 - iv. the dates and results of all tests conducted as required by section III of these rules;

- v. the date of examination which must be within 30 days of the import date;
 - vi. unique identifying number for the certificate itself;
 - vii. the import permit number when required by these rules;
 - viii. the signature and accreditation number of the accredited veterinarian;
 - ix. a certification by the accredited veterinarian that all statements made, tests conducted, and identities established for each domestic animal to be imported; and
 - x. when requested by the accredited veterinarian, the signature of the owner certifying that, at the time of issue, the domestic animals readied for import are in fact the animals for which the Certificate of Veterinary Inspection has been issued.
- b. The accredited veterinarian must ensure that an official copy of each Certificate of Veterinary Inspection is submitted to the state animal health official of the state of origin, as prescribed by 9 CFR Part 86.5.
- c. For each animal, the importer is required to:
- i. have a Certificate of Veterinary Inspection completed by an accredited and licensed veterinarian of the state or country of origin within 30 days immediately prior to entry into the state or as otherwise provided by these rules; and
 - ii. ensure an official copy of each Certificate of Veterinary Inspection accompanies the animal during shipment and transportation.
- d. The Secretary may disapprove a Certificate of Veterinary Inspection that does not meet the requirements of these rules.
- e. Animals accompanied by a Certificate of Veterinary Inspection that has been disapproved may be considered illegal imports and may be subject to quarantine or to actions pursuant to section II.A.f of these rules.

C. Import Permit

- a. If an import permit is required by section III of these rules, the importer shall ensure that an import permit is obtained by the accredited veterinarian issuing the Certificate of Veterinary Inspection.
- b. To apply for an import permit, the veterinarian shall provide to the Secretary:
- i. A Certificate of Veterinary Inspection with a unique identifying number completed within 30 days of proposed movement. The Certificate of Veterinary Inspection must contain all information required in section II.B.
 - ii. The expected date of importation.
 - iii. All species testing specifically required in section III of these rules.
- c. An import permit is not required for livestock imported into Vermont from Canada that have passed USDA veterinary inspection and have been properly released for entry into the United States, except that an import permit is required for cervids imported into Vermont from Canada for any reason, including for immediate slaughter.

- d. The Secretary may require an import permit for any domestic animal not otherwise provided for under section III of these rules from any area that the Secretary has determined may represent a threat for the introduction of a contagious animal disease.

D. Owner-Shipper Statement

- a. In order to import or cause to be imported into Vermont any livestock consigned for immediate slaughter, a person must have in their possession an Owner-Shipper Statement certifying that the identified animals are being transported for purposes stipulated in accordance with 9 CFR Part 86.
- b. The Owner-Shipper Statement must include:
 - i. the name and address of the consignor and the consignee,
 - ii. the physical address of the premises of origin and the premises of destination,
 - iii. the date of entry into Vermont and a statement that all livestock are consigned for immediate slaughter,
 - iv. a listing of Official Identification as defined in section I.20, and
 - v. the signature of shipper certifying that the livestock is/are imported for immediate slaughter.

E. Slaughter Livestock

- a. Slaughter livestock imported into Vermont must be accompanied by an Owner-Shipper Statement in accordance with section II.D.
- b. Because slaughter livestock are not required to have a Certificate of Veterinary Inspection, an import permit, or required specific tests as specified in section III, they may not be comingled with animals outside of slaughter channels. Therefore, slaughter livestock must be moved directly without interim stops to an Approved Livestock Market or approved slaughter establishment.
 - i. Slaughter livestock shall not be removed from the slaughter channels except as permitted by the Secretary.
- c. Slaughter livestock moved to an Approved Livestock Market:
 - i. must be individually identified as defined by these rules.
 - ii. may then be sold only to an approved slaughter establishment, and after sale shall be moved immediately and directly without interim stops from the Approved Livestock Market to the slaughtering establishment.

F. Exhibition Animals

- a. An exhibition is a recognized/organized spectator event in which a domestic animal is exhibited or entered in a competition and may receive awards or prizes.
- b. In order to temporarily import livestock, except cervids, for exhibition on an