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ARCHIVE

**IDAPA 02
TITLE 04
CHAPTER 22**

02.04.22 - RULES GOVERNING ANIMAL HEALTH EMERGENCIES

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapter 2, Idaho Code. (5-3-03)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.22, "Rules Governing Animal Health Emergencies." (5-3-03)

02. Scope. These rules govern procedures, requirements, and the declaration of an animal health emergency occurring in the state of Idaho. (5-3-03)

03. Citation. The official citation of this chapter is IDAPA 02.04.22.000 et seq. For example, this Section's citation is IDAPA 02.04.22.001. (5-3-03)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of this rule. (5-3-03)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (5-3-03)

004. INCORPORATION BY REFERENCE.

01. Incorporated Documents. IDAPA 02.04.22 incorporates by reference the Code of Federal Regulations Title 9, Part 53.2, January 1, 2002, which can be viewed online at http://edocket.access.gpo.gov/cfr_2002/janqtr/pdf/9cfr53.2.pdf. (5-3-03)

02. Availability of Documents. Copies of documents incorporated by reference may be obtained from the Idaho State Department of Agriculture Central Office. (5-3-03)

005. ADDRESS, OFFICE HOURS, TELEPHONE, AND FAX NUMBERS.

01. Physical Address. The central office of the Idaho State Department of Agriculture is located at 2270 Old Penitentiary Road, Boise, Idaho 83712-0790. (5-3-03)

02. Office Hours. Office hours are 8 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (5-3-03)

03. Mailing Address. The mailing address for the central office is Idaho State Department Agriculture, P.O. Box 790, Boise, Idaho 83701. (5-3-03)

04. Telephone Number. The telephone number of the Division of Animal Industries at the central office is (208) 332-8540. (5-3-03)

05. Fax Number. The fax number of the Division of Animal Industries at the central office is (208) 334-4062. (5-3-03)

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the central office of the Idaho State Department of Agriculture and the State Law Library. (5-3-03)

007. -- 009. (RESERVED)

010. DEFINITIONS.

- 01. Administrator.** The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (5-3-03)
- 02. Animals.** All vertebrates, except humans. (5-3-03)
- 03. Conveyance.** Any type of vehicle, carrier, kennel, or trailer of any kind used to move or hold animals. (5-3-03)
- 04. Department.** The Idaho State Department of Agriculture. (5-3-03)
- 05. Director.** The Director of the Idaho State Department of Agriculture or his designee. (5-3-03)
- 06. Division of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (5-3-03)
- 07. Domestic Cervidae.** Elk, fallow deer, and reindeer owned by a person. (5-3-03)
- 08. Emergency Disease.** A disease, agent or parasite that could have a devastating impact on people, animals, or the economy as determined by the Director. (5-3-03)
- 09. Epidemiology.** The study of the distribution and determinants of health-related states or events in specified populations, and the application of this study to control of health problems. (5-3-03)
- 10. Exposed.** Animals that have had contact with other animals, herds, or materials that have been determined to be infected with or affected by any infectious, contagious, or communicable disease. (5-3-03)
- 11. Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (5-3-03)
- 12. Foreign Animal Disease.** A transmissible disease of animals, believed to not exist in the United States and its territories, as determined by USDA that has a potential significant health or economic impact. (5-3-03)
- 13. Infected Zone.** The geographic portion of a quarantine area, which contains all animals known to be infected with or exposed to an emergency disease as designated by the Administrator. (5-3-03)
- 14. Livestock.** Cattle, swine, horses, mules, asses, sheep, goats, domestic cervidae, camelids, and ratites. (5-3-03)
- 15. Operator.** The person who has authority to manage or direct an animal premises or conveyance and the animals thereon. (5-3-03)
- 16. Owner.** The person who has legal title or has financial control of animals, premises or conveyances. (5-3-03)
- 17. Person.** Any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, or any legal entity, which is recognized by law as the subject of rights and duties. (5-3-03)
- 18. Premises.** The ground area, buildings, corrals, and equipment utilized to keep, hold or maintain animals. (5-3-03)
- 19. Quarantine.** A written order, executed by the Administrator, to confine or hold animals on a premises or any other location, where found, and prevent movement of animals from a premises or any other location when the Administrator has determined that the animals are infected with or exposed to a disease, or are not in

compliance with the provisions of this chapter. (5-3-03)

20. Quarantine Area. A geographic designation encompassing one (1) or more premises in one (1) or more counties, and consisting of an infected zone and a surveillance zone as determined by the Administrator. (5-3-03)

21. State Animal Health Official. The Administrator, or his designee, who is responsible for disease control and eradication programs. (5-3-03)

22. Surveillance Zone. The geographic portion of the quarantine area surrounding the infected zone as designated by the Administrator. (5-3-03)

011. ABBREVIATIONS.

01. APHIS. Animal and Plant Health Inspection Service. (5-3-03)

02. CFR. Code of Federal Regulations. (5-3-03)

03. USDA. United States Department of Agriculture. (5-3-03)

04. VS. Veterinary Services. (5-3-03)

012. -- 049. (RESERVED)

050. COOPERATION WITH USDA.

Pursuant to Sections 25-208 and 25-209, Idaho Code, and Title 9, Part 53.2, CFR, the Division of Animal Industries may cooperate with the USDA in the prevention, management, control, and eradication of emergency diseases. (5-3-03)

051. CIRCUMSTANCES OF AN ANIMAL HEALTH EMERGENCY.

The discovery of any emergency disease, which could have a devastating impact on the livestock, other animals, or people of this state, may constitute an animal health emergency requiring the implementation of prevention, management, control or eradication measures by state animal health officials. (5-3-03)

052. DECLARATION OF AN ANIMAL HEALTH EMERGENCY.

The Director is authorized to declare an animal health emergency upon: (5-3-03)

01. Foreign Disease. The discovery of any disease, parasite or agent which has been identified by the USDA/APHIS/VS as a "communicable foreign disease not known to exist in the United States"; or (5-3-03)

02. Eradicated Diseases. The discovery of any disease, parasite or agent which is not naturally occurring in or has been eradicated from Idaho, as determined by the Administrator, and which, if introduced into Idaho, would have a devastating impact on the livestock or other animals of the state; or (5-3-03)

03. Specific Diseases. The exposure to or infection of foot and mouth disease, bovine spongiform encephalopathy, chronic wasting disease, other transmissible spongiform encephalopathies, brucellosis, tuberculosis, or any foreign, exotic or emerging disease, as determined by the Administrator. (5-3-03)

04. Disease Presence. The presence of any foreign, eradicated, or specific diseases in any state in the United States, any country contiguous to the United States, or any country from which the state of Idaho receives animals or animal products may constitute an emergency. (5-3-03)

053. QUARANTINE AUTHORITY.

State or federal animal health officials are authorized to quarantine any animal infected with or exposed to an emergency disease, or any premises, county or area of the state to prevent ingress or egress of animals, people, or vehicles in the event of an emergency disease. (5-3-03)

054. UTILIZATION OF VACCINATION IN ANIMAL HEALTH EMERGENCIES.

The Administrator is authorized to order the strategic use of vaccinations, treatments or other remedies to reduce the risk or spread of emergency diseases. (5-3-03)

055. -- 099. (RESERVED)

100. QUARANTINE PROCEDURES FOR AN ANIMAL HEALTH EMERGENCY.

State or federal animal health officials are authorized to place under quarantine any infected animals, exposed animals, and those animals exhibiting signs of an emergency disease. The quarantine may also include susceptible animals not yet exposed. (5-3-03)

01. Written Notice. Written notice of quarantine will be given to the owner of the animals, or the owner or operator of the premises or conveyance where the animals are found. (5-3-03)

02. Validity of Quarantine. The quarantine shall be valid whether or not it is acknowledged by signature of the owner or operator. (5-3-03)

03. Quarantine Release. The quarantine shall remain in place until a state or federal animal health official releases the quarantine in writing. (5-3-03)

101. QUARANTINE AREA.

The Administrator may establish a quarantine area, which includes an infected zone encompassing the infected and exposed animals and premises, and a surveillance zone, based on the locations of said premises and the characteristics and epidemiology of the disease. The quarantine area may include one or more premises, all or part of a county, or all or part of the state. (5-3-03)

102. QUARANTINE AREA SECURITY.

The Administrator may limit access of people and vehicles to the quarantine area. (5-3-03)

103. QUARANTINE AREA BIO-SECURITY.

Bio-security of the quarantine area will be instituted and maintained. (5-3-03)

01. Personnel. People entering or leaving the quarantine area will follow disinfection or decontamination guidelines and procedures established by state or federal animal health officials. (5-3-03)

02. Vehicles and Equipment. Vehicles and equipment moving into or out of the quarantine area will be cleaned and disinfected or decontaminated according to guidelines and procedures established by state or federal animal health officials. (5-3-03)

104. ANIMAL MOVEMENT IN QUARANTINE AREA.

Animals shall not be moved into, out of, through, or within the quarantine area except by permit issued by the Administrator. (5-3-03)

105. SALE OF DISEASED OR EXPOSED ANIMALS NOT ALLOWED.

Animals infected with, or susceptible animals exposed to, an emergency disease shall not be sold, or in anyway transferred to another person without written authorization from the Administrator. Additionally, such animals shall not be set free. (5-3-03)

106. EXPOSURE OF ANOTHER'S ANIMALS NOT ALLOWED.

Animals infected with or exposed to an emergency disease or any disease not known to exist in Idaho shall not be: (5-3-03)

01. Housed. Housed with, or adjacent to, another person's animals that have not been previously exposed or land used for raising such animals; or (5-3-03)

02. Turned Out. Turned out with, or adjacent to, another person's animals that have not been previously exposed or land used for raising such animals. (5-3-03)

107. MOVEMENT OR SALE OF ANIMAL PRODUCTS.

The Administrator may prohibit the movement or sale of products from animals infected with or exposed to an emergency disease. (5-3-03)

108. -- 199. (RESERVED)

200. RESTRICTIONS ON ANIMALS FROM AREAS OR STATES AFFECTED BY EMERGENCY DISEASES.

The Administrator may impose restrictions on animal movement into Idaho from areas or states affected by an emergency disease as provided in IDAPA 02.04.21, "Rules Governing the Importation of Animals." (5-3-03)

201. ANIMALS IN TRANSIT AT TIME OF DECLARED EMERGENCY.

The Administrator shall determine the disposition of animals in transit at the time of the declaration of an animal health emergency. (5-3-03)

202. -- 299. (RESERVED)

300. CONDEMNATION OF INFECTED, EXPOSED, OR SUSCEPTIBLE ANIMALS.

The Administrator is authorized to condemn, and order the slaughter, destruction, or other disposition of animals, infected with, exposed to, or susceptible to an emergency disease. (5-3-03)

301. -- 399. (RESERVED)

400. DEPOPULATION OF ANIMALS.

Animals infected with, exposed to, or susceptible to an emergency disease may be depopulated to control and eradicate the disease. (5-3-03)

01. Preventive Slaughter or Destruction. Animals, located within the quarantine area, that are susceptible to an emergency disease may be depopulated to control or eradicate the emergency disease. (5-3-03)

02. Scope of Depopulation. The Administrator will determine the scope of depopulation. (5-3-03)

401. METHOD OF DEPOPULATION.

The Administrator will determine the method for destruction of animals in quarantine areas. (5-3-03)

402. TIME LIMIT FOR DEPOPULATION.

The Administrator will determine the time limit for depopulation of condemned animals. (5-3-03)

403. -- 499. (RESERVED)

500. COMPENSATION FOR APPRAISED ANIMALS.

Owners of condemned animals will be compensated for animals ordered destroyed by the Administrator if the animals are appraised prior to depopulation, and the owner is in compliance with these rules. Compensation may be paid on animals that die or are depopulated before appraisal at the discretion of the Administrator. (5-3-03)

501. COMPENSATION FOR ANIMALS DESTROYED.

State compensation is limited to appraised value less any federal indemnity and salvage value for animals condemned, and slaughtered or otherwise destroyed. (5-3-03)

502. APPRAISAL PROCEDURE FOR ANIMALS DEPOPULATED.

01. Animal Appraisal. Animals to be depopulated shall be appraised by a team of three (3) persons including: (5-3-03)

a. A representative of the Division of Animal Industries; and (5-3-03)

- b. The owner; and (5-3-03)
- c. A person with experience marketing the species of animal as determined by the Administrator. (5-3-03)

02. Dispute of Appraisal. When the appraisal price is in dispute, the Director may grant a hearing to any person, under such rules as the Department may prescribe which are in compliance with Title 67, Chapter 52, Idaho Code. (5-3-03)

503. TIME LIMIT FOR APPRAISAL.

The Administrator will determine the time limit for completing the appraisal. (5-3-03)

504. -- 599. (RESERVED)

600. COMPENSATION FOR LABOR EMPLOYED.

01. Disposal of Animals. The Department may pay actual costs for labor employed for disposal of animals depopulated at the direction of the Administrator. (5-3-03)

02. Cleaning and Disinfection. The Department may pay actual costs for labor employed in the cleaning and disinfection of premises where infected or exposed animals were kept. (5-3-03)

601. COMPENSATION FOR PROPERTY DESTROYED.

The Department will compensate owners for property ordered destroyed by the Administrator. (5-3-03)

01. Property Destroyed Otherwise. The department may compensate owners for property otherwise destroyed as approved by the Administrator. (5-3-03)

02. Actual Value. The Department will pay actual value of property destroyed, as determined by the Administrator, if compensation is paid. (5-3-03)

602. -- 699. (RESERVED)

700. CLEANING AND DISINFECTION OF PREMISES.

Any premises or area where animals infected with or exposed to an emergency disease were held or kept shall be cleaned, disinfected, or decontaminated under the supervision and at the direction of state or federal animal health officials within the time limit established by the Administrator. (5-3-03)

701. CLEANING AND DISINFECTION OF ANIMAL CONVEYANCE.

Any conveyance used to hold or transport animals infected with or exposed to an emergency disease shall be cleaned, disinfected, or decontaminated under the supervision and at the direction of state or federal animal health officials within the time limit established by the Administrator. (5-3-03)

702. -- 989. (RESERVED)

990. PENALTY FOR VIOLATIONS.

Any person who violates any of the provisions of this chapter may be subject to the criminal penalties provided in Title 25, Chapter 2, Idaho Code. (5-3-03)

991. -- 999. (RESERVED)

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