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ARCHIVE

**IDAPA 02
TITLE 04
CHAPTER 24**

02.04.24 - RULES GOVERNING TUBERCULOSIS

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapters 2, 3, 4 and [37] 35, Idaho Code. (3-20-04)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is “Rules Governing Tuberculosis.” (3-20-04)

02. Scope. This chapter has the following scope: These rules shall govern procedures for the prevention, surveillance, control, management, and eradication of tuberculosis in the state of Idaho. The official citation of this chapter is IDAPA 02.04.24.000 et.seq. For example, this Section’s citation is IDAPA 02.04.24.001. (3-20-04)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (3-20-04)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (3-20-04)

004. INCORPORATION BY REFERENCE.

01. Incorporated Documents. The following documents are incorporated by reference. (3-20-04)

a. The January 1, 2005, Edition of “Bovine Tuberculosis Eradication Uniform Methods and Rules.” (4-11-06)

b. The Code of Federal Regulations, Title 9, Parts 71, 77, and 161, January 1, 2005, which can be viewed online at http://www.access.gpo.gov/nara/cfr/waisidx_05/9cfrv1_05.html. (4-11-06)

02. Availability of Incorporated Documents. Copies of these documents are available from the Idaho State Department of Agriculture Central Office. (3-20-04)

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. (3-20-04)

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. (3-20-04)

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P.O. Box 790, Boise, Idaho 83701. (3-20-04)

04. Telephone Number. The telephone number for the Division of Animal Industries at the central office is (208) 332-8540. (3-20-04)

05. Fax Number. The fax number of the Division of Animal Industries at the central office is (208) 334-4062. (3-20-04)

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. (3-20-04)

007. -- 009. (RESERVED)

010. DEFINITIONS.

As used in these rules the following terms have the following meanings: (3-20-04)

01. **Accredited Herd.** A herd that meets the standards of the UMR for bovine tuberculosis. (3-20-04)
02. **Accredited Veterinarian.** A veterinarian approved by the Administrator and USDA/APHIS/VS, in accordance with the provisions of Title 9, Part 161, Code of Federal Regulations, to perform functions of State-Federal animal disease control programs. (3-20-04)
03. **Administrator.** The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (3-20-04)
04. **Affected Herd.** A herd in which there is strong and substantial evidence that *Mycobacterium bovis* may exist. (3-20-04)
05. **Approved Laboratory.** A state or federal veterinary diagnostic laboratory. The primary laboratory for tuberculosis histopathology and bacteriology culture shall be the National Veterinary Services Laboratories, Ames, Iowa. (3-20-04)
06. **Area-Veterinarian-in-Charge.** The veterinary official of USDA/APHIS/VS, who is assigned by the deputy administrator of APHIS to supervise and perform official APHIS animal health work. (3-20-04)
07. **Bovine Tuberculosis.** A disease caused by *Mycobacterium bovis*. (3-20-04)
08. **Cattle.** All domestic bovidae, including domestic bison. (3-20-04)
09. **Department.** The Idaho State Department of Agriculture. (3-20-04)
10. **Director.** The director of the Idaho State Department of Agriculture or his designee. (3-20-04)
11. **Division of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (3-20-04)
12. **Domestic Bison.** All animals of the genus *Bison*, which are owned by a person. (3-20-04)
13. **Domestic Cervidae.** Elk, fallow deer, and reindeer owned by a person. (3-20-04)
14. **Eradication.** The complete elimination of bovine tuberculosis from cattle, domestic cervidae, bison and goats in a state so that the disease does not appear unless introduced from another species or from outside the state. (3-20-04)
15. **Exposed.** Animals that have had contact with other animals, herds, or materials that have been determined to be infected with or affected by *Mycobacterium bovis*. (3-20-04)
16. **Federal Animal Health Official.** An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (3-20-04)
17. **Free Area.** The counties, areas or districts not quarantined by the Division of Animal Industries for tuberculosis. (3-20-04)
18. **Herd.** Any group of cattle, bison, goats, and domestic cervidae maintained on common ground, or two (2) or more groups of cattle, bison, goats, and domestic cervidae under common ownership or supervision that are geographically separated from other groups but can have an interchange or movement without regard to health status. (3-20-04)

- 19. Herd Depopulation.** The destruction of all cattle, bison, goats, and domestic cervidae exposed to bovine tuberculosis in a herd. (3-20-04)
- 20. Interstate Movement.** Movements of cattle, bison, goats, and domestic cervidae from Idaho into any other state, territory or the District of Columbia or from any other state, territory or the District of Columbia into Idaho. (3-20-04)
- 21. Intrastate Movement.** Movement of cattle, bison, goats, and domestic cervidae within Idaho. (3-20-04)
- 22. Negative.** Any cattle, bison, domestic cervidae, or goats that show no response to the tuberculin test, or are classified by the testing laboratory as negative for tuberculosis. (3-20-04)
- 23. Official Tuberculin Test.** A test for bovine tuberculosis, approved by APHIS, applied and reported by approved personnel in accordance with the UMR. (3-20-04)
- 24. 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. (3-20-04)
- 25. Public Stockyards.** Premises where trading in cattle, bison, goats, and domestic cervidae is carried on, where yarding, feeding and watering places are provided by the stockyards or transportation companies, or where cattle, bison, goats, and domestic cervidae associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals. (3-20-04)
- 26. Quarantined Area.** The counties, areas, or portions thereof, quarantined by the Division of Animal Industries for tuberculosis. (3-20-04)
- 27. Quarantined.** Isolation of all animals diseased or exposed thereto, from contact with healthy animals and exclusion of such healthy animals from enclosures or grounds where said diseased or exposed animals are, or have been kept. (3-20-04)
- 28. Reactor.** Any cattle, domestic cervidae, bison or goat that shows a response to an official tuberculosis test and is classified a reactor by the testing veterinarian or DTE; or any animal that is classified a reactor upon slaughter inspection or necropsy. (3-20-04)
- 29. Restrain.** The confinement of cattle, bison, goats, or domestic cervidae in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (3-20-04)
- 30. State Animal Health Official.** The Administrator, or his designee, responsible for animal disease control and eradication activities. (3-20-04)
- 31. Suspect.** Any cattle, bison, domestic cervidae, or goat that shows a response to a tuberculin test as stated in the UMR for bovine tuberculosis, and is not classified a reactor. (3-20-04)
- 32. Tuberculin.** A product that is approved by, and produced under, USDA license for injection into cattle, bison, goats, and domestic cervidae for the purpose of detecting bovine tuberculosis. (3-20-04)

011. ABBREVIATIONS.

- 01. APHIS.** Animal Plant Health Inspection Service. (3-20-04)
- 02. AVIC.** Area Veterinarian in Charge. (3-20-04)
- 03. CCT.** Comparative Cervical Tuberculin Test. (3-20-04)
- 04. CFR.** Code of Federal Regulations. (3-20-04)

- 05. CFT.** Caudal-Fold Tuberculin Test. (3-20-04)
- 06. DTE.** Designated Tuberculosis Epidemiologist. (3-20-04)
- 07. NGL.** No Gross Lesion(s). (3-20-04)
- 08. NVSL.** National Veterinary Services Laboratories in Ames, Iowa. (3-20-04)
- 09. UMR.** Uniform Methods and Rules. (3-20-04)
- 10. USDA.** United States Department of Agriculture. (3-20-04)
- 11. VS.** Veterinary Services. (3-20-04)

012. -- 019. (RESERVED)

020. APPLICABILITY.

These rules apply to all cattle, bison, domestic cervidae, and goats located within, imported into, or exported from the state of Idaho, and other tuberculosis-susceptible animals. (3-20-04)

021. SUPERVISION.

The official tuberculosis eradication program shall be supervised by full-time state or federal veterinarians. (3-20-04)

022. INSPECTIONS.

In order to ascertain compliance with this chapter, state and federal animal health officials are authorized to inspect animals, records, premises and other areas where cattle, bison, goats, domestic cervidae and other animals are held or kept. (3-20-04)

01. Entering Premises. In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter premises, other areas, or conveyances in the state where cattle, bison, goats, domestic cervidae or other tuberculosis susceptible animals are held or kept. State or federal animal health officials will attempt to notify the owner or operator of the premises or conveyance prior to conducting an inspection. (3-20-04)

02. Emergencies. In the event of an emergency, as determined by the Administrator, the notification requirements of Section 022 may be waived. (3-20-04)

023. TUBERCULOSIS TESTS.

Official tests for tuberculosis shall be conducted only by persons authorized by the Administrator, and USDA/APHIS/VS. (3-20-04)

01. Authorized Person. The Administrator may authorize state or federal animal health officials, or accredited veterinarians to perform official tuberculin tests. (3-20-04)

02. Tuberculin Test Interpretation. The injection site on each animal shall be palpated by the authorized person that administered the tuberculin injection. The Administrator may grant variances from Subsection 023.02 on a case by case basis. (3-20-04)

024. REPORTING.

01. Test Results. Results of all official tuberculin tests shall be submitted to the Division of Animal Industries on a form, approved by the Administrator, within seven (7) days of initiation of the test. (3-20-04)

02. Disease. All owners of animals, and veterinarians, shall report evidence of tuberculosis infection to the Administrator, by telephone or facsimile, within twenty-four (24) hours of the discovery of the disease. (3-20-04)

025. QUARANTINES.

All cattle, bison, goats, and domestic cervidae animals or herds that are exposed to, or infected with tuberculosis shall

be quarantined. (3-20-04)

01. Infected Herds. Infected herds or animals shall remain under quarantine until such time as the herd has been completely depopulated or the provisions for release of quarantine provided in the UMR for bovine tuberculosis have been met. (3-20-04)

02. Exposed Herds. The quarantine for exposed herds or animals may take the form of a Hold-Order, which shall remain in effect until the exposed animals have been tested negative or the provisions for release of quarantine provided in the UMR for bovine tuberculosis are met. (3-20-04)

03. Validity of Quarantine. The quarantine shall be valid whether or not it is acknowledged by signature of the owner. (3-20-04)

026. CLEANING AND DISINFECTING.

The Administrator is authorized to order the owner or operator of stockyards, pens, trucks, trailers, cars, vessels, chutes, and other conveyances and premises to clean and disinfect the same, at the owner's expense, whenever necessary for the eradication of tuberculosis. Cleaning and disinfecting shall be done under the supervision of state or federal animal health officials. (3-20-04)

01. Infected Premises. Premises, conveyances, or other areas where infected animals have been held or kept shall be cleaned and disinfected within fifteen (15) days following the removal of reactors or the entire herd. (3-20-04)

02. Exemptions. The Administrator may authorize an exemption from cleaning and disinfection requirements on a case-by-case basis. (3-20-04)

03. Extension of Time. The Administrator may authorize an extension of time for cleaning and disinfection under extenuating circumstances. (3-20-04)

027. (RESERVED)

028. TUBERCULOSIS TESTING.

The Administrator may require tuberculosis testing of cattle, bison, goats, domestic cervidae, or other animals. (3-20-04)

01. Duty to Restrain. It shall be the duty of each person who owns cattle, bison, goats, domestic cervidae, or other animals to pen the animals in suitable pens and restrain them for the test when directed to do so in writing by the Administrator. (3-20-04)

02. Records of Tests. When any cattle, bison, goats, domestic cervidae, or other animals are tested for tuberculosis a complete test record shall be made and the record shall be shown on an official tuberculosis test form provided by the Administrator. The test form shall be completely filled out and shall include the following information: (3-20-04)

- a.** The name and address of the owner and the location of the animals at the time of the test. (3-20-04)
- b.** The name and signature of the person conducting the test. (3-20-04)
- c.** Individual identification number of each animal and the registration name and number of each purebred animal. (3-20-04)
- d.** Age of each animal. (3-20-04)
- e.** Sex of each animal. (3-20-04)
- f.** Breed of each animal. (3-20-04)

- g.** Species of animals tested. (3-20-04)
- h.** Test results for each animal. (3-20-04)

029. TUBERCULOSIS EMERGENCY.

In order to prevent the re-establishment of tuberculosis infection in cattle, bison, goats or domestic cervidae in the state, the Director may declare an animal health emergency. (3-20-04)

01. Tuberculosis in Idaho. The Director may declare a tuberculosis emergency in the event that tuberculosis is diagnosed in any cattle, bison, goats or domestic cervidae in Idaho. (3-20-04)

02. Tuberculosis in Adjacent Area. The Director may declare a tuberculosis emergency in the event that tuberculosis is discovered in areas outside the state that could result in transmission of tuberculosis to Idaho cattle, bison, goats, or domestic cervidae. (3-20-04)

030. TUBERCULOSIS INDEMNITY.

Owners of animals that are condemned and depopulated because of tuberculosis shall be indemnified for such animals, and for reasonable costs of disposal and cleaning and disinfection in accordance with the provisions of this chapter, except as provided in Section 031. (3-20-04)

01. Indemnity Payments. Payments shall be based upon the appraised value, less federal indemnity and salvage value for the animals. (3-20-04)

02. Time Limit for Slaughter. Payment of indemnity shall be made under Section 030 for animals destroyed because of tuberculosis, only if the animals are shipped to slaughter or die otherwise within fifteen (15) days after the date of individual identification and tagging. The Administrator may extend the period for thirty (30) days. (3-20-04)

03. Verification of Reactors That Die. Indemnity may be paid on tuberculosis reactors that die before being sent to slaughter provided: (3-20-04)

a. The reactors have been appraised and identified and die within fifteen (15) days from the date of appraisal; and (3-20-04)

b. The state or federal animal health officials directing the disease control work are furnished with a signed statement by a veterinarian attesting that he observed the carcass of the dead animal, the reactor tag number found in the left ear of the animal, and date of death. (3-20-04)

04. Other Costs. Reimbursement for disposal costs and cleaning and disinfection costs shall not exceed the actual cost. (3-20-04)

031. TUBERCULOSIS INDEMNITY -- CLAIMS NOT ALLOWED.

Claims for compensation for animals destroyed because of tuberculosis shall not be allowed if any of the following circumstances exist: (3-20-04)

01. Failure to Comply. The owner has failed to comply with any of these rules. (3-20-04)

02. Illegal Imports. The animals were illegally imported into the state. (3-20-04)

03. Animals Sold for Slaughter. At the time of the test or condemnation, the animals belonged to or were upon the premises of any person to whom the animals had been sold, shipped, or delivered for slaughter. (3-20-04)

04. Unapproved Test. The animals were subject to a test not approved by the Administrator. (3-20-04)

05. Untested Animals. All animals in the owner's herd have not been tested for tuberculosis under state or federal supervision. (3-20-04)

06. Premises Not Cleaned. The premises occupied by the tuberculosis infected animals were not cleaned and disinfected as directed, under state or federal supervision. (3-20-04)

07. Attempt to Improperly Obtain Funds. There is substantial evidence that the owner or his agent has in any way been responsible for any attempt unlawfully or improperly to obtain indemnity funds for such animals. (3-20-04)

08. Unidentified Cattle and Bison. Cattle or bison destroyed because of tuberculosis, unless they were marked for identification by branding the letter "T" on the left hip near the tailhead, not less than two (2) inches high, and unless a metal tag bearing a serial number and inscription "US REACTOR" or similar US Reactor tag, was suitably attached to the left ear of each animal. (3-20-04)

09. Calves. If the entire herd is not depopulated and the cattle or bison were calves under one hundred eighty (180) days of age. (3-20-04)

032. -- 099. (RESERVED)

100. OFFICIAL IDENTIFICATION.

All cattle, bison, domestic cervidae, and goats tested for tuberculosis shall be individually identified by official eartag, individual tattoo, or individual brand, as provided in the UMR for bovine tuberculosis, at the time of injection. (3-20-04)

101. CATTLE, BISON, GOATS, AND DOMESTIC CERVIDAE MARKET RELEASE.

The accredited veterinarian authorized to provide veterinary services at a specifically approved livestock market shall perform a clinical inspection of all cattle, bison, goats, and domestic cervidae and accurately complete a "Saleyard Release" form, certificate of veterinary inspection, or other market release mechanism certifying that the animals meet the health requirements for movement to the point of destination prior to any animals being released from the livestock market. (3-20-04)

102. -- 119. (RESERVED)

120. CLASSIFICATION OF CATTLE, BISON, AND DOMESTIC CERVIDAE.

Classification of cattle, bison, and domestic cervidae tested for tuberculosis shall be determined pursuant to the UMR for bovine tuberculosis. (3-20-04)

121. -- 199. (RESERVED)

200. PROCEDURES FOR INFECTED HERDS.

Disclosure of tuberculosis in any herd shall be followed by a complete epidemiological investigation and testing as provided in the UMR for bovine tuberculosis. (3-20-04)

201. -- 209. (RESERVED)

210. PROCEDURES FOR TUBERCULOSIS - INFECTED FEEDLOTS.

A tuberculosis-infected feedlot shall be handled in the same manner as an affected herd in regard to epidemiological investigation and the development of epidemiological tracings for animal movements into and out of the feedlot. (3-20-04)

211. -- 219. (RESERVED)

220. DISPOSITION OF TUBERCULIN-RESPONDING CATTLE, BISON, AND DOMESTIC CERVIDAE.

Cattle, bison, and domestic cervidae that respond to the tuberculin test shall be handled according to the UMR for bovine tuberculosis. (3-20-04)

221. -- 249. (RESERVED)

250. IDENTIFICATION OF REACTOR CATTLE AND BISON.

Reactor cattle and bison shall be identified in the following manner: (3-20-04)

01. “T” Branding and Tagging. Reactor cattle and bison shall be identified by branding the letter “T” on the left hip near the tailhead, not less than two (2) inches and not more than three (3) inches high, and by tagging with an approved metal eartag bearing a serial number and inscription “U.S. Reactor” or a similar State reactor tag suitably attached to the left ear of each animal. (3-20-04)

02. Shipping Without Branding. In lieu of branding, the reactor(s) may be shipped to slaughter in an officially sealed vehicle or accompanied to slaughter by a state or federal animal health official provided such reactor(s) have the letters “TB” sprayed on the left hip with yellow paint. (4-11-06)

251. -- 259. (RESERVED)

260. IDENTIFICATION OF EXPOSED CATTLE AND BISON.

Cattle and bison exposed to bovine tuberculosis shall be identified in the following manner: (3-20-04)

01. “S” Branding and Tagging. To be eligible for federal indemnity, exposed cattle and bison shall be identified by branding the letter “S” on the left hip near the tailhead, not less than two (2) inches nor more than three (3) inches high, and by tagging with an approved metal eartag bearing a serial number attached to either ear of each animal. (3-20-04)

02. Shipping Without Branding. In lieu of branding, such animals may be accompanied to slaughter by a state or federal animal health official or be shipped in vehicles sealed with official seals. (3-20-04)

261. -- 299. (RESERVED)

300. RETESTING OF HIGH-RISK HERDS.

Retesting schedules for high-risk herds of cattle and bison shall be determined pursuant to the UMR for bovine tuberculosis. (3-20-04)

301. -- 399. (RESERVED)

400. ACCREDITED HERD PLAN FOR CATTLE, BISON, GOATS, AND DOMESTIC CERVIDAE.

Testing of herds for accreditation or reaccreditation shall be conducted pursuant to the UMR for bovine tuberculosis. (3-20-04)

401. -- 499. (RESERVED)

500. MOVEMENT OF INFECTED AND EXPOSED CATTLE, DOMESTIC CERVIDAE, OR BISON.

All movement of infected or exposed cattle, domestic cervidae, or bison shall be on a restricted movement permit in accordance with the UMR for bovine tuberculosis. (3-20-04)

501. -- 989. (RESERVED)

990. PENALTY FOR VIOLATIONS.

Any person who violates any of the provisions of this chapter may be subject to the criminal and civil penalties provided in Title 25, Chapters 2, 3, [37] 35, Idaho Code. (3-20-04)

991. -- 998. (RESERVED)

999. MINOR VIOLATIONS.

Nothing in this chapter requires the director to report minor violations for prosecution when he believes that the public interest will be best served by suitable warnings or other administrative action. (3-20-04)

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