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**IDAPA 02
TITLE 04
CHAPTER 26**

02.04.26 - RULES GOVERNING LIVESTOCK MARKETING

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 25, Chapters 2, 3, 6, 17, and 35, Idaho Code. (4-6-05)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is IDAPA 02.04.26, "Rules Governing Livestock Marketing." (4-6-05)

02. Scope. These rules shall govern the facilities, record keeping, identification, quarantine facilities, and movement of livestock through public livestock markets. The official citation of this chapter is IDAPA 02.04.26.000 et seq. For example, this section's citation is IDAPA 02.04.26.001. (4-6-05)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (4-6-05)

003. ADMINISTRATIVE APPEAL.

Persons may be entitled to appeal agency actions authorized under these rules pursuant to Title 67, Chapter 52, Idaho Code. (4-6-05)

004. INCORPORATION BY REFERENCE.

01. Incorporated Documents. The following documents are incorporated by reference: Code of Federal Regulations, Title 9, Parts 71, 75, 77, 78, 85, and 161, CFR, January 1, 2003, which can be viewed online at http://www.access.gpo.gov/nara/cfr/waisidx_03/9cfrv1_03.html. (4-6-05)

02. Availability of Documents. Copies of these documents may be obtained from the Idaho State Department of Agriculture central office. (4-6-05)

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. (4-6-05)

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. (4-6-05)

03. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho 83701. (4-6-05)

04. Telephone Number. The telephone number for the Division of Animal Industries at the central office is (208) 332-8540. (4-6-05)

05. Fax Number. The fax number for the Division of Animal Industries at the central office is (208) 334-4062. (4-6-05)

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. (4-6-05)

007. -- 009. (RESERVED)

010. DEFINITIONS.

The following definitions shall apply in the interpretation and enforcement of this chapter. (4-6-05)

01. Accredited Veterinarian. A veterinarian approved by the Administrator and the 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. (4-6-05)

02. Administrator. The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (4-6-05)

05. Approved Slaughter Establishment. A USDA inspected slaughter establishment where ante-mortem and post-mortem inspections are conducted by USDA inspectors. (4-6-05)

06. Brucellosis. An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (4-6-05)

07. Cattle. All domestic bovidae, including domestic bison. (4-6-05)

08. Department. The Idaho State Department of Agriculture. (4-6-05)

09. Director. The director of the Idaho State Department of Agriculture, or his designee. (4-6-05)

10. Division. Idaho State Department of Agriculture, Division of Animal Industries. (4-6-05)

11. Domestic Bison. All animals in the genus *Bison*, which are owned by a person. (4-6-05)

12. Domestic Cervidae. Elk, fallow deer, and reindeer owned by a person. (4-6-05)

13. Epithelioma of the Eye. Carcinoma of the eye of cattle commonly known as cancer eye. (4-6-05)

14. Federal Animal Health Official. An employee of USDA/APHIS/VS who is authorized to perform animal health activities. (4-6-05)

15. Herd. Any group of livestock maintained on common ground, or two (2) or more groups of livestock under common ownership or supervision that are geographically separated from other groups but can have an interchange or movement without regard to health status. (4-6-05)

16. Interstate Movement. Movements of livestock 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. (4-6-05)

17. Livestock. Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camelids, and ratites. (4-6-05)

19. Lump Jaw. A condition known as actinomycosis or actinobacillosis in cattle. (4-6-05)

20. Official Ear Tag. An APHIS approved identification ear tag conforming to an alphanumeric national uniform ear tagging system, which provides unique identification for each animal. (4-6-05)

21. Official Individual Identification. Official USDA approved ear tag, USDA back tag, registration tattoo, or identification approved by the Administrator. (4-6-05)

22. Official Vaccination Ear Tag. An APHIS approved identification ear tag conforming to the alphanumeric national uniform ear tagging system, which provides unique identification for each animal. (4-6-05)

23. Operator. The person who has authority to manage or direct a public livestock market. (4-6-05)

24. Owner. The person who owns or has financial control of a public livestock market. (4-6-05)

25. 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. (4-6-05)

26. Public Livestock Market. Any place, establishment, or facility owned or operated by a person in which livestock is received, held, sold or kept for sale or shipment, which is conducted or operated for compensation or profit as a public market for livestock. (4-6-05)

27. Restraint. The confinement of livestock in a chute, or other device, for the purpose of efficiently, effectively, and safely inspecting, treating, vaccinating, or testing. (4-6-05)

28. State Animal Health Official. The Administrator, or his designee, responsible for disease control and eradication activities. (4-6-05)

29. Tuberculosis. An infectious disease of humans and animals caused by *Mycobacterium bovis*. (4-6-05)

30. USDA Back Tag. A back tag issued by APHIS that conforms to the eight (8) character alphanumeric National Back Tagging System and that provides unique identification for each animal. (4-6-05)

011. ABBREVIATIONS.

01. APHIS. Animal Plant Health and Inspection Service. (4-6-05)

02. CFR. Code of Federal Regulations. (4-6-05)

03. USDA. United States Department of Agriculture. (4-6-05)

04. VS. Veterinary Services. (4-6-05)

012. -- 019. (RESERVED)

020. APPLICABILITY.

These rules apply to chartered public livestock markets operating in Idaho. (4-6-05)

021. -- 029. (RESERVED)

030. INSPECTIONS.

To prevent the introduction and dissemination, or to control and eradicate diseases, state and federal animal health officials are authorized to inspect livestock records, premises, facilities, and livestock to ensure compliance with the provisions of this chapter and other state or federal laws or rules applicable to public livestock markets. (4-6-05)

01. Entering Premises. In order to conduct activities authorized by this chapter, state or federal animal health officials are authorized to enter public livestock market premises during normal business hours. (4-6-05)

02. Inspecting Records. To ensure compliance with the provisions of this chapter, state or federal animal health officials are authorized, during normal business hours, to have access to, inspect, review, and copy any livestock records deemed necessary. (4-6-05)

031. -- 039. (RESERVED)

040. LIVESTOCK TREATMENT.

Each public livestock market shall humanely treat all livestock. All non-ambulatory livestock shall be: (4-6-05)

01. Returned. Returned to the owner; or (4-6-05)

02. Feed and Water. Provided adequate feed and clean water; or (4-6-05)

03. Euthanized. Humanely euthanized, and disposed of in accordance with IDAPA 02.04.17 “Rules Governing Dead Animal Movement and Disposal.” (4-6-05)

041. -- 049. (RESERVED)

050. DEAD ANIMAL DISPOSAL.

The movement and disposal of all dead animals shall be pursuant to the provisions of IDAPA 02.04.17 “Rules Governing Dead Animal Movement and Disposal.” (4-6-05)

051. -- 059. (RESERVED)

060. ENVIRONMENTAL REQUIREMENTS.

All public livestock markets shall meet the provisions of IDAPA 02.04.15 “Rules Governing Beef Cattle Animal Feeding Operations.” (4-6-05)

061. -- 099. (RESERVED)

100. PUBLIC LIVESTOCK MARKET CHARTER.

No person shall conduct or operate a public livestock market without first securing a charter from the Department. Charters shall expire on April 30 of each year. It shall be the responsibility of the public livestock market operator to apply each year for charter renewal on a form prescribed by the Department. The charter renewal form must be accompanied by an annual market charter fee of one hundred dollars (\$100). The charter renewal form and annual market charter fee must be received by the Department on or before May 1 of each year. (3-21-12)

101. PUBLIC LIVESTOCK MARKET MINIMUM SALE REQUIREMENT.

Each chartered public livestock market shall conduct a minimum of one (1) sale during each calendar year. (4-6-05)

102. -- 109. (RESERVED)

110. MARKET RELEASE.

Prior to any livestock being released from a public livestock market, the following conditions shall be fulfilled: (4-6-05)

01. Veterinary Inspection. A visual inspection, of each animal, shall be made by an accredited veterinarian authorized to provide veterinary services to the market. (4-6-05)

02. Affected Animals. Any animals determined to be affected by any infectious or contagious disease shall be immediately isolated in quarantine pens and are subject to the market’s bio-security protocol. (4-6-05)

03. Removal of Animals. No animals shall be removed from the livestock market until all animals determined to be affected with a contagious or infectious disease have been examined by an accredited veterinarian authorized to provide veterinary services to the market. (4-6-05)

04. Saleyard Release Form. An accurate and legible “Saleyard Release” form, certificate of veterinary inspection, or other market release mechanism, approved by the Administrator, shall be completed certifying that the animals meet the health requirements for movement to the point of destination. (4-6-05)

111. -- 114. (RESERVED)

115. BIO-SECURITY PLAN.

All public livestock markets shall submit a bio-security plan to the Administrator for approval. All approved bio-security plans shall be implemented by the public livestock market. Each bio-security plan shall include, but not be limited to, the following elements: (4-6-05)

01. Identification. Procedures for identifying animals that are affected by any contagious or infectious disease. (4-6-05)

02. Diagnosis. Procedures for examination and diagnosis, by an accredited veterinarian, of any animals affected by any contagious or infectious disease. (4-6-05)

03. Disposition. Procedures for the disposition of any livestock diagnosed as affected by any contagious or infectious disease. (4-6-05)

04. Records. Complete and accurate records shall be kept on site at the livestock market, showing that the market's bio-security plan is being implemented. (4-6-05)

116. -- 119. (RESERVED)

120. IDENTIFICATION.

All livestock entering a public livestock market shall be individually identified to the herd of origin. (4-6-05)

121. APPROVED FORMS OF IDENTIFICATION.

The following are approved methods of identification. (4-6-05)

01. Back Tag. USDA approved back tag; or (4-6-05)

02. Ear Tag. Official USDA ear tag; or (4-6-05)

03. Registration Tattoo; or (4-6-05)

04. Brand Inspection. Statement of ownership such as a brand inspection certificate. (4-6-05)

05. Administrator Approval. The Administrator may approve other forms of identification on a case by case basis. (4-6-05)

06. Removal of Identification. No animal identification shall be intentionally removed, tampered with, or otherwise altered, except as approved by the Administrator. (4-6-05)

122. -- 129. (RESERVED)

130. QUARANTINE PENS.

A quarantine pen or pens shall be provided at all public livestock markets and such pens shall only be used to hold animals that have reacted to the brucellosis or tuberculosis test or animals affected with, or suspected of being affected with a contagious or infectious disease, epithelioma of the eye, or lump jaw. The pens shall comply with the following requirements: (4-6-05)

01. Hard Surface. Hard surfaced with concrete or similar impervious material in good repair; and (4-6-05)

02. Feed and Water. Adequate feed and clean water facilities which are completely separate from all other livestock; and (4-6-05)

03. Signage. Identified with the word "QUARANTINE" in red letters, not less than four (4) inches high, on a white background on the pen gate; and (4-6-05)

04. Cleaning and Disinfection. Cleaned and disinfected no later than the day following date of sale; and (4-6-05)

05. Fence Construction. The fence shall be solid, constructed by boards or other material approved by the Administrator, and shall be a minimum of five and one-half (5 ½) feet high; and (4-6-05)

06. Drainage. Drainage shall not be onto adjoining pens, restraint facilities or alleys. (4-6-05)

131. -- 149. (RESERVED)

150. RESTRAINT FACILITIES.

Each public livestock market shall have a restraint system, approved by the Administrator, for humanely, efficiently, and effectively restraining livestock for the purpose of inspecting, identifying, treating, or testing of animals by state or federal animal health officials. (4-6-05)

151. -- 159. (RESERVED)

160. SANITARY CONDITIONS.

All pens, alleys, troughs, restraint facilities, and runways shall be kept in a sanitary condition. Operators of public livestock markets shall clean and disinfect livestock market facilities, under the supervision of a state or federal animal health official, upon request by the Administrator. (4-6-05)

161. -- 169. (RESERVED)

170. RECORDS.

Each public livestock market shall keep sufficient records of animals presented for sale to enable state or federal animal health officials to trace such animals satisfactorily to their herd of origin, and such records shall be maintained for a minimum of five (5) years. (4-6-05)

171. -- 989. (RESERVED)

990. PENALTIES.

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, 6, 17, and 35, Idaho Code. (4-6-05)

991. -- 998. (RESERVED)

999. MINOR VIOLATIONS.

Nothing in this chapter shall be construed as requiring the Administrator to report minor violations when the Administrator believes that the public interest will be best served by suitable warnings or other administrative action. (4-6-05)

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