

HOUSE SIGN

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SENATE FILE 474
BY COMMITTEE
ON AGRICULTURE

(SUCCESSOR TO LSB 2545SC)

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Vote: Ayes 46 Nays 0 Vote: Ayes 94 Nays 0

Approved June 1, 1989

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48-0

A BILL FOR

1 An Act to establish a pseudorabies control program and providing
2 for penalties and the repeal of a chapter.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 474

1 Section 1. NEW SECTION. 166D.1 PURPOSE -- RULES.

2 This chapter provides for measures to control the
3 transmission and incidence, and for the eventual eradication,
4 of pseudorabies among swine within this state. The department
5 shall adopt rules to carry out the provisions of this chapter.

6 Sec. 2. NEW SECTION. 166D.2 DEFINITIONS.

7 As used in this chapter, unless the context otherwise
8 requires:

9 1. "Pseudorabies eradication plan" means a written herd
10 management program which is based on accepted statistical and
11 epidemiological evaluation and designed to eradicate
12 pseudorabies from the swine herds in a given area.

13 2. "Board of directors" means a county or multicounty pork
14 producer organization designated by the Iowa pork producers
15 association to represent an area proposed as a program area.

16 3. "Breeding swine" means swine over six months of age.

3855 17 4. "Approved premises permit" means a permit issued by the
18 department necessary for a person to own and operate an
19 approved premises.

3855 20 5. "Movement permit" means a document issued by the United
21 States department of agriculture, the department of
22 agriculture and land stewardship, or a licensed veterinarian
23 prior to the interstate or intrastate movement of swine. The
24 permit must state all of the following:

25 a. The number and description of the swine to be moved.

26 b. Whether the swine to be moved are known to be infected
27 with or exposed to pseudorabies.

28 c. The farm of origin.

29 d. The purpose for moving the swine.

30 e. The point of destination of the swine.

31 f. The consignor and each consignee of the swine.

32 g. Additional information as required by state or federal
33 law.

3855 34 6. "Test" means a laboratory serologic procedure approved
35 by the department to diagnose pseudorabies. The procedure

1 must be capable of recognizing and distinguishing between
2 vaccine exposed and field pseudorabies virus exposed animals.

3 7. "Differentiable vaccine" means a vaccine which has a
4 licensed companion differentiable test.

5 8. "Direct movement" means movement of swine to a
6 destination without unloading the swine in route, without
7 contact with swine of lesser pseudorabies vaccinate status,
8 and without contact with infected or exposed livestock.

9 9. "Exposed livestock" means livestock that have been in
10 contact with an animal infected with pseudorabies, including
11 all livestock in a known infected herd. However, livestock
12 other than swine that have not been exposed to a clinical case
13 of the disease for a period of ten consecutive days shall not
14 be considered exposed livestock.

15 10. "Exposed" means an animal that has not been kept
16 separate and apart or isolated from an animal infected with
17 pseudorabies, including all swine in a known infected herd.

18 11. "Farm of origin" means a location where the swine were
19 born, or on which the swine have been located for at least
20 ninety consecutive days immediately prior to movement.

21 12. "Feeder pig coopererator herd" means a swine herd not
22 currently determined to be pseudorabies vaccinate negative,
23 that has not experienced clinical signs of pseudorabies
24 vaccinate in the last six months, that is capable of
25 segregating offspring at weaning into separate and apart
26 production facilities, and has implemented an approved
27 pseudorabies vaccinate eradication plan.

28 13. "Infected" means infected with pseudorabies as
29 determined by an epidemiologist whose diagnosis is supported
30 by test results.

31 14. "Noninfected herd" means a herd which is one of the
32 following:

- 33 a. A qualified pseudorabies negative herd.
- 34 b. A pseudorabies monitored herd.
- 35 c. A pseudorabies controlled vaccinated herd.

355 1 d. A herd which has been individually tested negative
2 within the past thirty days.

3 e. A herd which originates from an area with little or no
4 incidence of pseudorabies as determined by the department
5 based upon epidemiological studies and information relating to
6 the area.

355 7 15. "Herd of unknown status" means a herd which has not
8 been tested and which does not show clinical signs of
9 infection.

10 16. "Isolation" means separation of swine within a
11 physical barrier in a manner to prevent swine from gaining
12 access to swine outside the barrier, including excrement or
13 discharges from swine outside the barrier. Swine in isolation
14 must not share a building with a ventilation system common to
15 other swine. Swine in isolation must not be maintained within
16 ten feet of other swine.

355 17 17. "Monitored herd" means a herd of swine including a
18 monitored feeder pig herd which has been determined within the
19 past twelve months not to be infected, according to a
20 statistical sampling. Test swine are to be selected at random
21 from all ages and groups, including herd boars.

22 18. "Known infected herd" means a herd in which swine have
23 been determined by an epidemiologist to be infected.

24 19. "Licensed pseudorabies vaccine" means a pseudorabies
25 virus vaccine produced under license from the United States
26 secretary of agriculture under the federal Virus, Serum and
27 Toxin Act of March 4, 1913, 21 U.S.C. § 151 et seq.

28 20. "Livestock" means swine, cattle, sheep, goats, and
29 horses.

355 30 21. "Monitored feeder pig herd" means a swine breeding
31 herd which has been determined within the past twelve months
32 not to be infected with pseudorabies according to a
33 statistical sampling. Test swine are to be selected at random
34 from all ages and groups, including herd boars.

35 22. "Move" or "movement" means to ship, transport, or

1 deliver by land, water, or air.

2 23. "Nonvaccinate" means a swine which has not been
3 exposed to a pseudorabies vaccine.

4 24. "Epidemiologist" means a state or federal veterinarian
5 designated to investigate and diagnose suspected pseudorabies
6 in livestock. The epidemiologist must have had special
7 training in the diagnosis and epidemiology of pseudorabies.

8 25. "Herd cleanup plan" means a plan to eliminate
9 pseudorabies from a swine herd. The plan must be developed by
10 an epidemiologist in consultation with the herd owner and the
11 owner's veterinary practitioner. The plan must be approved
12 and signed by the epidemiologist, the owner, and the
13 practitioner. The plan must be approved and filed with the
14 department.

355 15 26. "Approved premise" means a dry lot facility located in
16 an area with confirmed cases of pseudorabies infection, which
17 is authorized by the department to receive, hold, or feed
18 infected animals, exposed animals, or swine of unknown status.
19 The premises and all swine on the premises shall be considered
20 under quarantine. However, swine may be moved to slaughter or
21 may be moved to another pseudorabies approved premise under
22 movement permit.

23 27. "Program area" means an area designated to be given
24 priority for assignment of a program funded eradication
25 activity. "Area eradication activity" means herds are tested
26 and swine are moved within the area for purposes of evaluation
27 and to achieve pseudorabies eradication within the area.

28 28. "Pseudorabies" means a contagious virus, irrespective
29 of the presence or absence of clinical symptoms, which attacks
30 the nervous system of animals, which may eventually progress
31 to encephalitis and death, and whose principal carrier is
32 swine. Pseudorabies is also referred to as Aujeszky's
33 disease, mad itch, or infectious bulbar paralysis.

34 29. "Quarantined herd" means a herd in which pseudorabies
35 infected or exposed swine are bred, reared, or fed under the

1 supervision and control of the department. Swine in a
2 quarantined herd must be moved directly through not more than
3 two slaughter markets to a recognized slaughtering
4 establishment or approved premise.

5 30. "Qualified negative herd" means a herd in which one
6 hundred percent of the herd's breeding swine have reacted
7 negatively to a test and which is retested as provided in this
8 chapter.

9 31. "Reaction" means a result determined by an approved
10 laboratory procedure designed to recognize pseudorabies virus
11 infection or a nondifferentiable vaccinated animal.

12 32. "Slaughtering establishment" means a slaughtering
13 establishment operated under the provision of the federal Meat
14 Inspection Act, 21 U.S.C. § 601 et seq., or a slaughtering
15 establishment which has been inspected by the state.

16 33. "Restricted movement" means swine which are
17 quarantined until directly moved to slaughter.

18 34. "Separate and apart" means to hold swine so that
19 neither the swine nor organic material originating from the
20 swine has physical contact with other animals.

21 35. "Advisory committee" means the state pseudorabies
22 advisory committee composed of swine producers and other
23 representatives of the swine industry, appointed pursuant to
24 section 166D.3.

25 36. "Statistical sampling" means a test based on at least
26 a ninety percent probability of detecting at least a ten
27 percent incidence of positive reaction within a herd.

28 37. "Infected herd" means a herd that is known to contain
29 infected swine, a herd containing swine exhibiting clinical
30 signs of pseudorabies, or a herd that is infected according to
31 an epidemiologist.

32 38. "Concentration point" means a location or facility
33 where swine are assembled for purposes of sale or resale,
34 feeding, breeding, or slaughtering, and where contact may
35 occur between groups of swine from various sources.

1 "Concentration point" includes a public stockyard, auction
2 market, street market, state or federal market, untested
3 consignment sales location, buying station, or a livestock
4 dealer's yard, truck, or facility.

5 39. "Inspection service" means the animal and plant health
6 inspection service, United States department of agriculture.

7 40. "Herd" means a group of swine as established by
8 departmental rule.

3855-9 Sec. 3. NEW SECTION. 166D.3 STATE PSEUDORABIES ADVISORY
10 COMMITTEE.

3855-11 A state pseudorabies advisory committee is established.
12 The committee shall consist of not more than seven members
13 appointed by the Iowa pork producers association. At least
14 four members must be actively engaged in swine production. At
15 least three members must represent industries involved in the
16 processing or marketing of swine. The members shall serve
17 staggered terms of six years, except that the initial board
18 members shall serve unequal terms. A person appointed to fill
19 a vacancy for a member shall serve only for the unexpired
20 portion of the term. A member is eligible for reappointment.
21 A majority of the board constitutes a quorum and an
22 affirmative vote of the majority of members is necessary for
23 substantive action taken by the board. A vacancy in the
24 membership does not impair the right of a quorum to exercise
25 all rights and perform all duties of the board. The advisory
26 committee shall:

27 1. Approve a proposed area as a program area as provided
28 in section 166D.4.

29 2. Inform and educate interested persons in the state,
30 including persons involved in producing, processing, or
31 marketing swine, regarding eradication activities under this
32 chapter.

33 3. Review eradication activities under this chapter
34 including the pseudorabies eradication programs. The
35 committee shall make recommendations to the department and the

1 inspection service and may consult with state officials
2 regarding any matter relating to pseudorabies control and
3 eradication, including departmental rules, other state or
4 federal regulations, program areas, the use of vaccine,
5 testing procedures, the progress of pseudorabies eradication
6 programs, and state and federal program standards. The
7 committee in cooperation with the department shall report to
8 the governor and general assembly not later than January 15
9 the progress of psuedorabies eradication, including
10 recommendations.

11 4. Maintain communication with other states and with the
12 national pork producers council, the livestock conservation
13 institute, and the inspection service.

14 Sec. 4. NEW SECTION. 166D.4 ESTABLISHING PROGRAM AREAS.

15 The department may establish pseudorabies program areas
16 within the state. A program area shall be a county. The
17 department shall declare the following counties to be
18 individual program areas: Cherokee, Buena Vista, Fayette,
19 Grundy, Hardin, Marshall, O'Brien, Story, Tama, and
20 Washington.

21 An area shall be designated a pseudorabies program area
22 when all of the following conditions are met:

23 1. The pork producer board of directors within the area
24 proposed as a program area approved by a two-thirds majority
25 vote to designate the area as a program area.

26 2. Within thirty days from the board's vote designating
27 the area as a program area, the department must conduct a
28 public hearing and referendum within the proposed area
29 according to rules adopted by the department. The department
30 in cooperation with the advisory committee shall certify
31 persons as pork producers eligible to vote in the referendum.
32 The department shall take minutes of the hearing and collect
33 written testimony. The department shall publish at least
34 seven days' advance notice of the hearing and referendum in
35 all newspapers of general circulation within the proposed

1 area. The department shall also notify by first class mail,
2 the county agricultural extension district within the proposed
3 area, the Iowa pork producers association, and the members of
4 the advisory committee. The notice must contain the time,
5 place, and subject of the hearing and referendum. During the
6 hearing, the department shall communicate to attending
7 producers information relating to eradication program
8 requirements by the state, other states and by the federal
9 government, and requirements for designating the proposed area
10 as a program area, including the result of the board's vote to
11 designate the proposed area as a program area, and referendum
12 requirements to designate the proposed area as a program area.

13 At least twenty-five producers in the proposed area must
14 participate in the referendum to designate the proposed area
15 as a program area. At least seventy-five percent of the
16 attending producers must by secret ballot vote in favor of the
17 referendum. Producers may vote by proxy. The votes shall be
18 counted at the hearing and the marked ballots shall be filed
19 with the department.

20 The department shall distribute a sheet with the ballot for
21 a voting producer to indicate interest in participating in an
22 eradication program.

23 3. The advisory committee shall review the minutes of the
24 hearing, and the results of the referendum. The committee
25 must approve the designation of the proposed area as a
26 designated area.

27 The department, within thirty days of approval by the
28 committee, shall send written notice by ordinary first class
29 mail to all known pork producers residing in the area. The
30 area shall be designated a program area after ten days
31 following mailing of the notice to the last known producer.

32 Sec. 5. NEW SECTION. 166D.5 ADMINISTRATION OF PROGRAM
33 AREAS.

34 Once a program area has been designated, owners within the
35 area shall have sixty days to adopt a psuedorabies eradication

1 plan. Swine moving into program areas may be inspected by the
2 department within thirty days of the swine's arrival. A
3 person receiving swine shall notify the department of movement
4 of the swine within ten days of delivery. An owner of an
5 infected herd must, within sixty days, adopt a herd cleanup
6 plan or a feeder pig cooperators cleanup plan, as provided in
7 section 166D.8. An infected herd which is not subject to a
8 cleanup plan or a feeder pig cleanup plan after sixty days is
9 a quarantined herd.

10 When the department determines that a majority of herds
11 within a program area have been tested and the majority of
12 herds reveal a noninfection rate of ninety percent or greater,
13 the following shall apply:

14 1. A vaccine other than a differentiable vaccine shall not
15 be used.

33-20 16 2. A concentration point within the program area may
17 market all classes of swine. However, untested or known
18 infected or exposed swine shall be transferred only to persons
19 moving the swine outside the program area within three days
20 from the date of transfer.

21 3. Six months after determination by the department that a
22 majority of herds within the program area have been tested and
23 the majority of herds reveal a noninfection rate of ninety
24 percent or greater, the following shall apply:

33-25 25 a. Only qualified negative herd swine and swine reacting
26 negatively to a test may move into the program area:

27 b. Swine herds within the area must be a qualified
28 negative herd, a monitored herd, or must be involved in a herd
33-29 29 cleanup plan or feeder pig cleanup plan.

30 c. Swine moving within or into the program area must be
31 reported to the department within ten days of movement and be
33-32 32 identified by farm of origin.

33 d. An approved premise inside the program area shall not
34 be reapproved upon its annual renewal date.

35 4. At the commencement of the program and at intervals

1 during the course of the program, the owner of a feeder pig
2 cooperator herd may, according to rules adopted by the
3 department, receive new swine in the herd if the swine react
4 negatively to a test and the test is administered at program
5 expense.

6 The cost of the program, testing, and vaccination may be
7 paid for by federal or state funds or a combination of both.
8 Federal or state funds shall not be paid to the owner of a
9 vaccinated herd in a program area other than the owner of a
10 herd using a differentiable vaccine. An indemnity shall not
11 be paid for condemned animals. If federal or state funds are
12 not available, producers may continue the program at their own
13 expense under departmental supervision.

14 An additional program area shall not be established if
15 funds sufficient for administration of the program within the
16 area are not available. Program funds shall not be spent
17 outside a program area, unless recommended by the advisory
18 committee and approved by the department. However, this
19 paragraph does not apply to expenditures of funds for
20 statewide surveillance or for enforcement of this chapter.

21 Sec. 6. NEW SECTION. 166D.6 REPORTING OF TEST RESULTS.

22 All tests under this chapter must be taken by a test
23 administered by a licensed veterinarian. Test samples are to
24 be collected by or under the direction of the department and a
25 licensed veterinarian. Swine sampled shall be identified with
26 a numbered metal ear tag. The department shall make the ear
27 tags available. Ear notches or other numbered identification
28 methods approved by the department may be used at the herd
29 owner's expense.

30 Test results shall be reported on forms prescribed by the
31 department signed by the veterinarian and transmitted to the
32 department within fourteen days following completion of the
33 tests. Copies shall be made available to the attending
34 veterinarian. Upon receipt, the attending veterinarian shall
35 provide copies to the herd owner.

1 Sec. 7. NEW SECTION. 166D.7 NONINFECTED HERDS.

2 In administering the pseudorabies eradication program, the
3 department shall regulate noninfected herds as follows:

4 1. A qualified negative herd must be certified,
5 recertified, and maintained as follows:

6 a. The herd shall be certified when all breeding swine
7 have reacted negatively to a test. The herd must have been
8 free from infection for thirty days prior to testing. At
9 least ninety percent of swine in the herd must have been on
10 the premises as a part of the herd for at least sixty days
11 prior to testing, or swine in the herd must have been moved
12 directly from another qualified negative herd. To remain
13 certified, the herd must be retested and recertified as
14 provided by the department. The herd shall be recertified
15 when either of the following occurs:

16 (1) Each eighty to one hundred five days at least twenty-
17 five percent of the herd's breeding swine react negatively to
18 a test.

19 (2) Each month at least ten percent of the herd's breeding
20 swine react negatively to a test.

21 b. Before being added to the herd new swine including
22 swine returning to the herd after contact with nonherd swine,
23 shall be isolated until the new swine react negatively to a
24 test conducted thirty days or more after the swine has been
25 placed in isolation. Swine from a herd of unknown status must
26 react negatively to a test not more than thirty days prior to
27 movement from the herd of unknown status and retested in
28 isolation at least thirty days after movement onto the
29 premises where the qualified negative herd is located.

30 c. Swine from another qualified negative herd may be added
31 without isolation or testing.

32 d. The owner shall make a request to the department for
33 approval or reapproval of a qualified negative herd when the
34 required tests are completed. Upon satisfactory proof that
35 all requirements have been met, the herd shall be recertified

1 by the department.

3855 2 2. A controlled vaccinated herd shall be recognized until
3 July 1, 1991. A controlled vaccinated herd shall be initially
4 certified, recertified, and maintained as follows:

5 a. The herd shall be certified when all breeding swine
6 react negatively to a test and are vaccinated with a licensed
7 pseudorabies vaccine within fifteen days after the test. At
8 least ninety percent of the swine in the herd must have been
9 on the premises as part of the herd for at least sixty days
10 prior to testing, or swine in the controlled vaccinated herd
11 must have been directly moved from a qualified negative herd.

3855 12 b. To remain certified the herd must be retested and
13 recertified as provided by the department each three months.
14 The herd shall be recertified after the number of the herd's
15 progeny over four months of age reacting negatively to a test
16 equal at least twenty-five percent of the breeding herd
17 reacting negatively to the test every eighty to one hundred
18 five days.

19 c. Before being added to the herd new swine must react
20 negatively within thirty days prior to movement, and be
21 vaccinated with a licensed pseudorabies vaccine within fifteen
22 days after the test. The new swine must be added to the herd
23 within thirty days after the test.

24 3. A monitored herd shall be initially certified,
25 recertified, and maintained as follows:

3855 26 a. The herd shall be certified when a statistical sampling
27 of the breeding swine from the herd reacts negatively to a
28 test.

3855 29 b. To remain certified the herd must be retested and
30 recertified as provided by the department. The herd must be
31 recertified annually. The herd shall be recertified when a
32 statistical sampling of the breeding herd reacts negatively to
33 a test within twelve months from initial certification or the
34 most recent recertification.

3855 35 c. Before being added to the herd new swine, including

1 swine returning to the herd, after contact with nonherd swine,
2 if the owner agrees, shall be isolated until the swine react
3 negatively to a test thirty or more days after the swine has
4 been placed in isolation. Swine from a herd of unknown
5 status, if the owner agrees, shall be tested not more than
6 thirty days prior to movement from the herd of unknown status
7 and retested in isolation at least thirty days after movement
8 onto the premises where the feeder pig monitored herd is
9 located. However, swine from a qualified negative herd or a
10 monitored feeder pig herd may be added without isolation or
11 testing.

12 Sec. 8. NEW SECTION. 166D.8 INFECTED HERDS.

33 13 An infected herd in a program area shall either adopt a
14 herd cleanup plan, a feeder pig cooperator herd plan, or shall
15 be quarantined.

16 1. A herd cleanup plan may include any or a combination of
17 the following:

- 18 a. The segregation of progeny with restricted movement.
- 19 b. The test and removal of the herd.
- 20 c. Depopulation.

21 2. A feeder pig cooperative herd plan may be adopted if
22 all of the following conditions are satisfied:

- 23 a. There must have been no clinical signs of pseudorabies
24 during the past six months.
- 25 b. The production operation must be capable of segregating
26 offspring at weaning into facilities separate and apart from
27 the remainder of the herd.
- 28 c. An approved pseudorabies eradication plan must be
29 implemented. However, swine from a feeder pig cooperator herd
30 may be moved within Iowa without individual tests as feeder
31 pigs of unknown origin.

33 32 3. Infected herds in a program area which has not adopted
33 an official herd cleanup plan or feeder pig cooperator herd
34 plan shall be quarantined.

35 4. Costs of program testing and vaccination shall be paid

1 as provided in section 166D.5.

3355-2 An infected herd outside a program area shall either adopt
3 a herd cleanup plan or a feeder pig cooperator herd plan with
4 restricted movement. Testing and vaccinations shall be done
5 at the owner's expense. An infected herd not subject to such
6 a plan within fourteen days of becoming a known infected herd
7 shall be quarantined.

8 Sec. 9. NEW SECTION. 166D.9 QUARANTINED HERDS.

9 1. Swine from a quarantined herd shall not be removed from
10 the herd except as follows:

11 a. The swine may be moved directly to slaughter through a
12 slaughtering establishment, slaughter market, public
13 stockyard, packer buying station, or directly to a slaughter
3855 14 plant if the swine are accompanied by a movement permit.

15 b. Feeder pigs may be removed for further feeding to an
3355 16 approved premise when accompanied by a permit. Feeder pigs
17 may move through a concentration point no more than one time.

18 2. Swine from a quarantined herd shall not be moved to
19 show at public exhibitions.

3855 20 3. A herd shall be released from quarantine when, after
21 removal of swine reacting positively to a test, no animal,
22 including livestock on the premises shows clinical symptoms of
23 pseudorabies. In addition one of the following must occur:

24 a. The swine have been removed from the premises, the
25 premises have been cleaned and disinfected under supervision
26 of the department or the inspection service. The disinfectant
27 shall be approved by the department or inspection service.

28 The premises must have been maintained free of swine for
29 thirty days. However, the epidemiologist for good cause may
30 determine that premises be maintained free of swine for a
31 period greater or less than thirty days.

32 b. Swine reacting positively to a test have been removed
33 from the premises. Remaining swine, except suckling pigs,
34 must be tested and react negatively to the test thirty days or
35 more after removal of the herd's swine reacting positively to

1 the test.

2 c. The swine reacting positively to a test have been
3 removed from the premises. At least thirty days after removal
4 of the positive swine breeding swine remaining plus a random
5 sample equaling twenty-eight of grower-finishing swine more
6 than two months of age must react negatively to the test.

7 While the state is in stage III or IV of the national
8 pseudorabies program pursuant to 7 C.F.R. pt. 4, the grower-
9 finisher swine must react negatively to a test at least thirty
10 days after reacting negatively to the last test.

11 4. While the state is classified in either stage I or II
12 of the national pseudorabies program pursuant to 7 C.F.R. pt.
13 4, the following requirements must be satisfied:

14 a. On the date of quarantine swine reacting negatively to
15 a test have been removed.

16 b. There must have been no clinical signs of pseudorabies
17 in the herd for at least six months.

18 c. The epidemiologist must conduct two successive
19 statistical samplings at least ninety days apart which reveal
20 no infection within the new breeding swine.

21 d. The epidemiologist must conduct two successive
22 statistical samplings of the herd's progeny at least four
23 months of age which reveal no infection.

24 Herds removed from quarantine under this subsection shall
25 be tested by statistical sampling one year later.

26 5. A person shall not accept swine from a quarantined herd
27 for the purpose of feeding without receiving an approved
28 premises permit by the department. The approved premises
29 permit shall allow the owner of the approved premises to

30 receive feeder pigs from a quarantined herd for purposes of
31 feeding the swine at the approved premises. The approved
32 premises permit shall require all of the following:

33 a. The permittee must provide to the department during
34 normal business hours access to the approved premises and
35 records required by this section. Records of swine transfers

1 must be kept for at least one year. The records shall include
2 information about purchases, the names of buyers and sellers,
3 the dates of transactions, and the number of swine involved in
4 each transaction.

5 b. Swine on the premises must be maintained in isolation.

6 c. Breeding swine must not be maintained on the premises.

7 d. Feeder pigs must be vaccinated for pseudorabies at the
8 owner's expense on or before arrival at the approved premise.

9 Vaccination records must be maintained by the owner and the
10 approved premises for at least one year after vaccination.

11 e. Dead swine must be buried, burned, or rendered within
12 twenty-four hours of death. The swine must be held so as to
13 prevent animals, including wild animals and livestock, from
14 reaching the dead swine.

15 f. Swine must be directly moved to slaughter, accompanied
16 by a movement permit.

17 An approved premise shall not be permitted to be
18 established within a program area or in the vicinity of a
19 qualified negative herd.

20 An approved premise permit shall be renewed annually by the
21 department. The approved premises permit shall be renewed if
22 the district veterinarian finds that the approved premises is
23 and has been in compliance with this chapter and federal law.
24 The department may suspend or cancel the permit for
25 noncompliance. When a permit is suspended, canceled, or not
26 renewed, the premise remains under quarantine until released
27 pursuant to the provisions of this section.

28 Sec. 10. NEW SECTION. 166D.10 MOVEMENT OF SWINE.

29 1. A person shall not sell, lease, exhibit, or loan swine
30 within the state, except to slaughter, unless the swine is
31 accompanied by a movement permit provided by the owner
32 transferring possession. However, a native Iowa feeder pig
33 moved from farm to farm within the state is exempt from the
34 permit's identification requirements if the owner transferring
35 possession and the person taking possession state on the

385-1 permit that the feeder pig will not be commingled with other
2 swine for a period of thirty days.

385-3 Swine moved into Iowa for purposes of reproduction must
4 originate from one of the following:

5 a. A herd classified as a qualified pseudorabies negative
6 herd, or a herd which has reacted negatively to testing within
7 the past thirty days.

8 b. A herd which has been vaccinated. The herd's breeding
9 swine may be moved if each eighty to one hundred five days a
10 sampling of the herd's progeny over four months old react
11 negatively to a test. The breeding swine may also be moved if
12 each thirty days, ten percent of the herd's progeny over four
13 months old react negatively to a test. As used in this
14 paragraph a "sampling" means a number of the herd's progeny
15 over four months old equal to at least twenty-five percent of
16 the breeding herd of fourteen swine, whichever is greater.

17 2. A person shall not transfer possession of swine within
18 the state, except to slaughter, unless the swine are
19 accompanied by a movement permit provided by the person
20 transferring possession of the swine. However, native Iowa
21 feeder pigs moved from farm to farm within the state are
22 exempt from the permit requirements if the persons involved in
23 the transfer of the swine include on the permit a statement
24 that feeder pigs will not be commingled for a period of thirty
25 days.

26 3. Imported feeder pigs shall originate from noninfected
27 herds. An imported feeder pig shall be subject to restricted
28 movement, unless the pig reacted negatively to a test within
29 the past thirty days.

30 4. A feeder pig moved intrastate shall be moved according
31 to the following:

32 a. A feeder pig in a noninfected herd shall not be subject
33 to restricted movement.

34 b. A feeder pig in a herd of unknown pseudorabies status
35 as provided shall be subject to restricted movement.

3855-1 c. A feeder pig in a known infected herd shall be subject
2 to restricted movement.

3 Sec. 11. NEW SECTION. 166D.11 DIFFERENTIABLE VACCINE
4 REQUIRED.

5 Beginning on December 1, 1989, swine other than
6 unvaccinated or differentiable vaccinated swine shall not be
7 sold, marketed, or moved within this state, except to

3855-8 slaughter.

9 Sec. 12. NEW SECTION. 166D.12 CONCENTRATION POINTS.

3855-10 If swine are not isolated from swine subject to different
11 restrictions, as coming from noninfected herds, herds of
12 unknown status, and infected herds before or during stay at a
13 concentration point, the swine shall be restricted to the same
14 extent as the swine which are subject to the most
15 restrictions. After movement of infected swine or swine of an
16 unknown origin, the concentration point must be thoroughly
17 cleaned, disinfected, and inspected by a veterinarian, or at
18 least twenty-four hours must lapse between movement of swine
19 coming from noninfected herds, and swine coming from
20 noninfected herds or herds of unknown status.

21 1. Swine from noninfected herds may be moved through a
22 concentration point, provided all of the following apply:

23 a. Breeding swine must be kept separate and apart from
24 feeder pigs.

25 b. Breeding swine must be sold first.

26 c. Only swine from noninfected herds may be moved through
27 a concentration point.

28 d. Slaughter swine shall not be moved through a
29 concentration point.

3855-30 e. A feeder pig from a herd of unknown origin may move
31 through a concentration point after thirty days' isolation
32 unless the pig reacts positively to a test.

33 2. A feeder pig from a noninfected herd and a feeder pig
34 from a herd of unknown status may be moved through the same
35 concentration point, provided all of the following apply:

1 a. The entire offering for a transaction, including a
2 sale, must represent the swine as coming from herds of unknown
3 status, regardless of the swine's farm of origin.

4 b. Feeder pigs shall be moved through the concentration
5 point first. The concentration point shall maintain separate
6 chutes and pens for the pigs, or at least twenty-four hours
7 must lapse between movement of swine from noninfected herds
8 and any other herds.

9 c. Slaughter or breeding swine must not be moved through
10 the concentration point.

11 d. Swine shall not be moved through a concentration point
12 unless subject to restricted movement or reacting negatively
13 to a test.

14 3. Feeder pigs from herds of unknown status and slaughter
15 swine may be moved through a concentration point if all of the
16 following apply:

17 a. The feeder pigs must be kept separate and apart from
18 the slaughter swine.

19 b. A feeder pig must be moved through prior to the
20 movement of any slaughter swine.

21 c. Breeding swine must not be moved through the
22 concentration point.

23 d. The swine shall not be moved through unless quarantined
24 to slaughter or reacting negatively to a test.

25 4. Swine from known infected herds may be moved through a
26 concentration point provided all of the following apply:

27 a. Other species of livestock must not be held at the
28 concentration point.

29 b. Owners with approved premises permits are not eligible
30 to take possession of swine for movement to the approved
31 premises.

32 c. The swine must be moved to slaughter.

33 d. The swine after movement through the concentration
34 point must be quarantined to slaughter.

35 Sec. 13. NEW SECTION. 166D.13 EXHIBITION OF SWINE.

1 1. Swine from a quarantined herd shall not be displayed or
2 shown at any exhibition.

3 2. Swine returning from an exhibition to its home herd or
4 moved to a purchaser's herd following an exhibition or
5 consignment sale must be isolated and retested negative for
6 pseudorabies not less than thirty and not more than sixty days
7 after reaching the swine's destination.

8 3. Animals infected shall not be shown or displayed at an
9 exhibition.

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10 Sec. 14. NEW SECTION. 166D.14 PSEUDORABIES IMMUNIZATION
11 PRODUCTS.

12 A person shall not use, sell, or distribute or offer to
13 sell or distribute a pseudorabies immunization product within
14 the state unless the products are approved by the secretary.
15 However, the secretary shall approve a pseudorabies
16 immunization product for purposes of product research or
17 testing by a biological laboratory, government authority, or
18 manufacturer of biological products if the secretary concludes
19 that the use will not be detrimental to the state pseudorabies
20 disease program.

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21 Only a licensed veterinarian may buy and dispense a
22 department-approved immunization product. The veterinarian
23 must report information relating to the use of the product to
24 the department, including the name and address of the owner
25 and the number of doses used. The report shall be signed by
26 the owner. The swine shall be identified as pseudorabies
27 vaccinated animals. The report shall be mailed to the
28 department immediately after the use of the product.

29 A differentiable vaccine to be classified as a
30 noninfected animal must react negatively to field strains of
31 pseudorabies virus as determined by a companion differentiable
32 serologic test.

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33 Sec. 15. NEW SECTION. 166D.15 TRACING PSEUDORABIES TO
34 SOURCE OR DESTINATION HERDS.

35 1. The owner of a known infected herd shall furnish to the

1 department all of the following information:

2 a. A list of sources of feeder pigs or breeding swine
3 during the preceding twelve months.

4 b. A list of sales of feeder pigs or breeding swine during
5 the preceding twelve months.

6 2. If pseudorabies is diagnosed in breeding swine or
7 feeder pigs which have been purchased from or sold to another
8 swine producer within ninety days from the sale, the
9 department may require a statistical sample of the breeding
10 herd of the seller or buyer and a statistical sample of the
11 herd progeny over four months. If the owner of the herd
12 refuses to allow the test, the herd shall be classified as a
13 known infected herd.

14 3. Tests conducted pursuant to this section shall be
15 completed at the owner's expense unless state funds are
16 available for this purpose.

17 Sec. 16. NEW SECTION. 166D.16 ENFORCEMENT.

18 The provisions of this chapter including departmental rules
19 adopted pursuant to this chapter shall be administered and
20 enforced by the department. A person violating a provision of
21 this chapter or any rule adopted pursuant to this chapter
22 shall be subject to a civil penalty of at least one hundred
23 dollars but not more than one thousand dollars.

24 In addition to any other remedies provided, the department
25 may file a petition in the district court seeking an
26 injunction restraining any person from violating provisions of
27 this chapter including a rule adopted pursuant to this
28 chapter.

29 Sec. 17. Chapter 166C, Code 1989, is repealed.

30 EXPLANATION

31 This bill provides for a program to eradicate pseudorabies.
32 A state pseudorabies advisory committee is established. The
33 department is authorized to establish program areas upon
34 approval by pork producers. The department is charged to
35 regulate swine herds within the state, through testing,

1 administering herd cleanup plans, by quarantine of herds, and
2 by restricting the movement and marketing of swine within the
3 state. The bill establishes civil penalties and repeals
4 chapter 166C also relating to pseudorabies eradication.

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SENATE FILE 474

H-3855

- 1 Amend Senate File 474, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 17, by striking the word
4 "premises" and inserting the following: "premise".
5 2. Page 1, line 20, by striking the words
6 "Movement permit" and inserting the following:
7 "Certificate of inspection".
8 3. Page 1, line 20 by striking the word "issued"
9 and inserting the following: "approved".
10 4. Page 1, line 21, by striking the word
11 "agriculture," and inserting the following:
12 "agriculture or".
13 5. Page 1, line 22 by striking the words "or a"
14 and inserting the following: "and issued by a".
15 6. Page 1, line 24, by striking the word "permit"
16 and inserting the following: "certificate of
17 inspection".
18 7. Page 1, line 25, by striking the words "The
19 number and description" and inserting the following:
20 "The number, description, and identification".
21 8. By striking page 1, line 34 through page 2,
22 line 2 and inserting the following:
23 "_____. "Differentiable test" means a laboratory
24 procedure approved by the department to diagnose
25 pseudorabies. The procedure must be capable of
26 recognizing and distinguishing between vaccine-exposed
27 and field-pseudorabies-virus-exposed swine.
28 _____. "Test" means a serum neutralization (SN)
29 test, virus isolation test, ELISA test, or other test
30 approved by the department and performed by a
31 laboratory approved by the department."
32 9. Page 2, by inserting after line 4 the
33 following:
34 "_____. "Differentiable vaccinate" means a swine
35 which has only been exposed to a differentiable
36 vaccine."
37 10. Page 2, line 10 by striking the words "an
38 animal" and inserting the word "livestock".
39 11. Page 2, line 14 by inserting after the word
40 "livestock." the following: "Swine released from
41 quarantine are no longer considered exposed."
42 12. Page 2, line 16 by striking the words "an
43 animal" and inserting the following: "livestock".
44 13. Page 2, line 22 by striking the word
45 "vaccinate".
46 14. Page 2, line 24 by striking the word
47 "vaccinate".
48 15. Page 2, line 27 by striking the word
49 "vaccinate".
50 16. Page 3, line 1 by striking the words "which

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Page 2

1 has" and inserting the following: "in which the
2 animals have".

3 17. Page 3, by striking lines 7 through 9 and
4 inserting the following:
5 "____. "Herd of unknown status" means all swine
6 except swine which are part of a known infected herd,
7 swine known to have been exposed to pseudorabies, or
8 swine which are part of a noninfected herd."

9 18. Page 3, by striking lines 17 through 21 and
10 inserting the following:
11 "____. "Monitored herd" means a herd of swine,
12 including a feeder swine herd, which has been
13 determined within the past twelve months not to be
14 infected, according to a statistical sampling."

15 19. Page 3, by striking lines 30 through 34.

16 20. Page 4, line 18, by striking the words
17 "infected animals" and inserting the following:
18 "infected swine".

19 21. Page 4, line 20, by inserting after the word
20 "slaughter" the following: "under a transportation
21 certificate".

22 22. Page 4, by striking line 22 and inserting the
23 following: "a certificate of inspection."

24 23. Page 4, by striking lines 25 through 33 and
25 inserting the following: "activity."
26 _____. "Area eradication activity" means activities
27 related to testing herds for purposes of evaluation
28 and control of swine within a program area to achieve
29 pseudorabies eradication within the area.

30 _____. "Pseudorabies" means the contagious,
31 infectious, and communicable disease of livestock and
32 other animals known as Aujeszky's disease, mad itch,
33 or infectious bulbar paralysis."

34 24. Page 5, by striking lines 1 through 4 and
35 inserting the following: "supervision and control of
36 the department. Swine in a quarantined herd may be
37 moved only to an approved premise for feeding or to a
38 recognized slaughtering establishment for slaughter.
39 Either movement may be completed through a
40 concentration point in compliance with section
41 166D.12."

42 25. Page 5, line 7 by inserting after the word
43 "test" the following: "or differentiable test".

44 26. Page 5, line 33 by striking the word
45 "resale," and inserting the following: "resale for".

46 27. Page 6, by inserting after line 8, the
47 following:
48 "____. "Feeder swine" means a porcine animal fed
49 for purposes of direct slaughter, including feeder
50 pigs, cull sows, and boars. However, "feeder swine"

1 does not include animals kept for purposes of breeding
2 or reproduction.

3 _____. "Feeder pig" means an immature swine fed for
4 purposes of direct slaughter which is less than
5 slaughter weight.

6 _____. "Transportation certificate" means the same
7 as provided in chapter 172B."

8 28. Page 6, by striking lines 14 through 16 and
9 inserting the following: "four members must be
10 actively engaged in swine production. The members
11 shall serve".

12 29. Page 6, line 17 by striking the word "six"
13 and inserting the following: "two".

14 30. Page 6, line 20 by inserting after the word
15 "reappointment" the following: "for three successive
16 terms".

17 31. Page 8, line 2 by striking the word
18 "district" and inserting the following: "director".

19 32. Page 8, line 17 by inserting before the word
20 "proxy" the following: "written".

21 33. Page 8, line 31 by striking the word
22 "producer" and inserting the following: "producer's
23 address".

24 34. By striking page 8, line 34 through page 9,
25 line 4 and inserting the following:

26 "Once a program has been designated, an owner of
27 an".

28 35. Page 9, line 5, by striking the word "sixty"
29 and inserting the following: "thirty".

30 36. Page 9, line 6, by inserting after the word
31 "cooperator" the following: "herd".

32 37. Page 9, line 8, by striking the words
33 "cleanup plan after sixty days" and inserting the
34 following: "cooperator herd cleanup plan".

35 38. Page 9, by striking lines 16 through 20 and
36 inserting the following:

37 "2. A concentration point within the program area
38 may market all classes of swine. Swine taken to a
39 concentration point must be held there until transfer.
40 However, untested, known infected, or exposed swine
41 shall be transferred from the concentration point
42 within three days only to persons moving the swine
43 outside the program area."

44 39. Page 9, by striking lines 25 and 26 and
45 inserting the following:

46 "a. Only noninfected herd swine may move into the
47 program area."

48 40. Page 9, line 29 by striking the words "pig
49 cleanup" and inserting the following: "pig cooperator
50 herd".

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Page 4

- 1 41. Page 9, line 32 by inserting after the word
2 "origin." the following: "Swine moving into a program
3 area may be inspected by the department within thirty
4 days from the swine's arrival."
5 42. Page 10, by striking lines 3 through 5 and
6 inserting the following: "department, receive new
7 swine from noninfected herds."
8 43. Page 10, line 6 by inserting after the word
9 "cost" the following: ", or any segment of the
10 cost,".
11 44. Page 10, lines 10 and 11, by striking the
12 words "An indemnity shall not be paid for condemned
13 animals."
14 45. Page 10, line 25 by inserting after the word
15 "veterinarian." the following: "If the test is
16 determined by a laboratory located outside the state
17 of Iowa, the person whose animal has been tested shall
18 be responsible for assuring that the result is
19 reported to the department within fourteen days
20 following completion of the test."
21 46. Page 12, line 2 by inserting after the word
22 "recognized" the following: "as a noninfected herd".
23 47. Page 12, line 15 by striking the words
24 "reacting negatively to a test".
25 48. Page 12, line 16, by inserting after the word
26 "equal" the following: "to".
27 49. Page 12, line 17, by striking the word
28 "reacting" and inserting the following: "react."
29 50. Page 12, by striking lines 27 and 28 and
30 inserting the following: "of the herd is determined
31 to be noninfected."
32 51. Page 12, lines 32 and 33, by striking the
33 words "breeding herd reacts negatively to a test" and
34 inserting the following: "herd is determined to be
35 noninfected".
36 52. By striking page 12, line 35 through page 13,
37 line 11 and inserting the following:
38 "c. A monitored herd may receive new swine into
39 the herd from a noninfected herd."
40 53. Page 13, line 19 by inserting after the word
41 "of" the following: "infected swine from".
42 54. Page 13, line 21 by striking the word
43 "cooperative" and inserting the following:
44 "cooperator".
45 55. Page 13, line 32 by striking the word "has"
46 and inserting the following: "have".
47 56. Page 14, lines 4 and 5 by striking the words
48 "Testing and vaccination shall be done at the owner's
49 expense."
50 57. Page 14, line 6 by striking the word

- 1 "fourteen" and inserting the following: "thirty".
- 2 58. Page 14, line 7, by inserting after the word
- 3 "quarantined." the following: "An infected herd which
- 4 is not subject to a herd cleanup plan or a feeder pig
- 5 cooperater herd plan is a quarantined herd."
- 6 59. Page 14, line 14, by striking the words
- 7 "movement permit" and inserting the following:
- 8 "transportation certificate".
- 9 60. Page 14, line 16, by striking the word
- 10 "permit" and inserting the following: "certificate of
- 11 inspection".
- 12 61. Page 14, by striking lines 20 and 21 and
- 13 inserting the following:
- 14 "____. A herd shall be released from quarantine
- 15 when no animal,".
- 16 62. Page 14, line 22, by striking the word
- 17 "livestock" and inserting the following:
- 18 "livestock,".
- 19 63. Page 15, line 8 by striking the words and
- 20 figures "7 C.F.R. pt. 4" and inserting the following:
- 21 "federal regulations".
- 22 64. Page 15, lines 12 and 13 by striking the
- 23 words "7 C.F.R. pt. 4" and inserting the following:
- 24 "federal regulations".
- 25 65. Page 15, by striking lines 14 and 15 and
- 26 inserting the following:
- 27 "a. All swine present on the date the quarantine
- 28 was imposed have been removed."
- 29 66. Page 15, line 22 by inserting after the word
- 30 "samplings" the following: "ninety days apart".
- 31 67. Page 15, line 30, by striking the word "pigs"
- 32 and inserting the following: "swine".
- 33 68. Page 16, line 2 by inserting after the word
- 34 "purchases" the following: "and sales".
- 35 69. Page 16, line 6 by inserting after the word
- 36 "premises." the following: "However, cull sows and
- 37 boars may be maintained, if fed out to slaughter."
- 38 70. Page 16, line 7, by striking the word "pigs"
- 39 and inserting the following: "swine".
- 40 71. Page 16, line 8 by striking the words "or
- 41 before".
- 42 72. Page 16, line 9 by striking the word "and"
- 43 and inserting the following: "of".
- 44 73. Page 16, by striking lines 11 and 12 and
- 45 inserting the following:
- 46 "e. Dead swine must be disposed of in accordance
- 47 with chapter 167. The dead swine must be held so as
- 48 to".
- 49 74. Page 16, by striking line 16 and inserting
- 50 the following: "by a transportation certificate or to

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Page 6

1 another approved premise with a certificate of
2 inspection."

3 75. Page 16, lines 17 and 18 by striking the
4 words "to be established with a program area or".

5 76. Page 16, line 31 by striking the words
6 "movement permit" and inserting the following:
7 "certificate of inspection".

8 77. Page 16, line 34, by striking the word
9 "permit's" and inserting the following; "certificate
10 of inspection's".

11 78. Page 17, line 1 by striking the words "permit
12 that the feeder pig" and inserting the following:
13 "certificate of inspection that the feeder swine".

14 79. Page 17, by striking lines 3 through 25 and
15 inserting the following:

16 "Swine moved into or within Iowa for breeding
17 purposes must originate from a herd not under
18 quarantine which is one of the following:

19 a. A herd classified as a qualified negative herd.

20 b. A controlled vaccinated herd which complies
21 with the provisions of section 166D.7, subsection 2.

22 c. Swine which have individually reacted
23 negatively to testing within the past thirty days."

24 80. Page 18, by striking lines 1 and 2 and
25 inserting the following:

26 "c. A feeder pig in a known infected herd shall be
27 subject to restricted movement by certificate of
28 inspection and only to an approved premise."

29 81. Page 18, line 8 by inserting after the word
30 "slaughter" the following: "or to an approved premise
31 by certificate of inspection".

32 82. Page 18, by striking lines 11 through 20 and
33 inserting the following: "movement restrictions, the
34 swine shall be restricted to the same extent as the
35 swine which are subject to the most movement

36 restrictions. After movement of infected swine or
37 swine of unknown origin through the concentration
38 point, the concentration point must be thoroughly
39 cleaned and disinfected. The cleaned and disinfected
40 concentration point must be inspected by a
41 veterinarian."

42 83. Page 18, by striking lines 30 through 32, and
43 inserting the following:

44 "e. A feeder pig moving through a concentration
45 point in this manner may move through a concentration
46 point after thirty days as a pig of unknown origin,
47 unless the pig reacts negatively to a test."

48 84. Page 19, line 2, by striking the word "the"
49 and inserting the word "all".

50 85. Page 19, by striking lines 4 through 8.

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Page 7

- words "or reacting negatively to a test".
- 3 87. Page 19, line 19, by striking the words "A
4 feeder pig" and inserting the following: "The feeder
5 pigs".
- 6 88. Page 19, line 24, by striking the words "or
7 reacting negatively to a test".
- 8 89. Page 19, by striking line 29 and inserting
9 the following:
10 "b. Only owners with approved premise permits are
11 eligible".
- 12 90. Page 19, by striking lines 32 through 34 and
13 inserting the following:
14 "c. The swine after movement through the
15 concentration point must be quarantined to slaughter
16 or moved to slaughter."
- 17 91. Page 20, by inserting after line 9 the fol-
18 lowing:
19 "4. Rules controlling exhibition movement require-
20 ments may be adopted by the department in addition to
21 the requirements of this section."
- 22 92. Page 20, by striking lines 26 and 27 and in-
23 serting the following: "the owner or the owner's
24 agent. The report shall be mailed to the".
- 25 93. Page 20, line 32, by inserting after the word
26 "test." the following: "The swine must be identified
27 as differentiable vaccinated animals."
- 28 94. By renumbering as necessary.

By COMMITTEE ON AGRICULTURE
OSTERBERG of Linn, Chairperson

H-3855 FILED APRIL 5, 1989

Adopted 4-14-89 (p. 116)

HOUSE AMENDMENT TO
SENATE FILE 474

S-3748

- 1 Amend Senate File 474, as passed by the Senate, as
2 follows:
- 3 1. Page 1, line 17, by striking the word
4 "premises" and inserting the following: "premise".
5 2. Page 1, line 20, by striking the words
6 "Movement permit" and inserting the following:
7 "Certificate of inspection".
8 3. Page 1, line 20 by striking the word "issued"
9 and inserting the following: "approved".
10 4. Page 1, line 21, by striking the word
11 "agriculture," and inserting the following:
12 "agriculture or".
13 5. Page 1, line 22 by striking the words "or a"
14 and inserting the following: "and issued by a".
15 6. Page 1, line 24, by striking the word "permit"
16 and inserting the following: "certificate of
17 inspection".
18 7. Page 1, line 25, by striking the words "The
19 number and description" and inserting the following:
20 "The number, description, and identification".
21 8. By striking page 1, line 34 through page 2,
22 line 2 and inserting the following:
23 "_____. "Differentiable test" means a laboratory
24 procedure approved by the department to diagnose
25 pseudorabies. The procedure must be capable of
26 recognizing and distinguishing between vaccine-exposed
27 and field-pseudorabies-virus-exposed swine.
28 "_____." "Test" means a serum neutralization (SN)
29 test, virus isolation test, ELISA test, or other test
30 approved by the department and performed by a
31 laboratory approved by the department."
32 9. Page 2, by inserting after line 4 the
33 following:
34 "_____. "Differentiable vaccinate" means a swine
35 which has only been exposed to a differentiable
36 vaccine."
37 10. Page 2, line 10 by striking the words "an
38 animal" and inserting the word "livestock".
39 11. Page 2, line 14 by inserting after the word
40 "livestock." the following: "Swine released from
41 quarantine are no longer considered exposed."
42 12. Page 2, line 16 by striking the words "an
43 animal" and inserting the following: "livestock".
44 13. Page 2, line 22 by striking the word
45 "vaccinate".
46 14. Page 2, line 24 by striking the word
47 "vaccinate".
48 15. Page 2, line 27 by striking the word
49 "vaccinate".
50 16. Page 3, line 1 by striking the words "which

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Page 2

1 has" and inserting the following: "in which the
2 animals have".

3 17. Page 3, by striking lines 7 through 9 and
4 inserting the following:

5 "____. "Herd of unknown status" means all swine
6 except swine which are part of a known infected herd,
7 swine known to have been exposed to pseudorabies, or
8 swine which are part of a noninfected herd."

9 18. Page 3, by striking lines 17 through 21 and
10 inserting the following:

11 "____. "Monitored herd" means a herd of swine,
12 including a feeder swine herd, which has been
13 determined within the past twelve months not to be
14 infected, according to a statistical sampling."

15 19. Page 3, by striking lines 30 through 34.

16 20. Page 4, line 18, by striking the words
17 "infected animals" and inserting the following:
18 "infected swine".

19 21. Page 4, line 20, by inserting after the word
20 "slaughter" the following: "under a transportation
21 certificate".

22 22. Page 4, by striking line 22 and inserting the
23 following: "a certificate of inspection."

24 23. Page 4, by striking lines 25 through 33 and
25 inserting the following: "activity."

26 _____. "Area eradication activity" means activities
27 related to testing herds for purposes of evaluation
28 and control of swine within a program area to achieve
29 pseudorabies eradication within the area.

30 _____. "Pseudorabies" means the contagious,
31 infectious, and communicable disease of livestock and
32 other animals known as Aujeszky's disease, mad itch,
33 or infectious bulbar paralysis."

34 24. Page 5, by striking lines 1 through 4 and
35 inserting the following: "supervision and control of
36 the department. Swine in a quarantined herd may be
37 moved only to an approved premise for feeding or to a
38 recognized slaughtering establishment for slaughter.
39 Either movement may be completed through a
40 concentration point in compliance with section
41 166D.12."

42 25. Page 5, line 7 by inserting after the word
43 "test" the following: "or differentiable test".

44 26. Page 5, line 33 by striking the word
45 "resale," and inserting the following: "resale for".

46 27. Page 6, by inserting after line 8, the
47 following:

48 "____. "Feeder swine" means a porcine animal fed
49 for purposes of direct slaughter, including feeder
50 pigs, cull sows, and boars. However, "feeder swine"

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Page 3

1 does not include animals kept for purposes of breeding
2 or reproduction.

3 _____. "Feeder pig" means an immature swine fed for
4 purposes of direct slaughter which is less than
5 slaughter weight.

6 _____. "Transportation certificate" means the same
7 as provided in chapter 172B."

8 28. Page 6, by striking lines 14 through 16 and
9 inserting the following: "four members must be
10 actively engaged in swine production. The members
11 shall serve".

12 29. Page 6, line 17 by striking the word "six"
13 and inserting the following: "two".

14 30. Page 6, line 20 by inserting after the word
15 "reappointment" the following: "for three successive
16 terms".

17 31. Page 8, line 2 by striking the word
18 "district" and inserting the following: "director".

19 32. Page 8, line 17 by inserting before the word
20 "proxy" the following: "written".

21 33. Page 8, line 31 by striking the word
22 "producer" and inserting the following: "producer's
23 address".

24 34. By striking page 8, line 34 through page 9,
25 line 4 and inserting the following:

26 "Once a program has been designated, an owner of
27 an".

28 35. Page 9, line 5, by striking the word "sixty"
29 and inserting the following: "thirty".

30 36. Page 9, line 6, by inserting after the word
31 "cooperator" the following: "herd".

32 37. Page 9, line 8, by striking the words
33 "cleanup plan after sixty days" and inserting the
34 following: "cooperator herd cleanup plan".

35 38. Page 9, by striking lines 16 through 20 and
36 inserting the following:

37 "2. A concentration point within the program area
38 may market all classes of swine. Swine taken to a
39 concentration point must be held there until transfer.
40 However, untested, known infected, or exposed swine
41 shall be transferred from the concentration point
42 within three days only to persons moving the swine
43 outside the program area."

44 39. Page 9, by striking lines 25 and 26 and
45 inserting the following:

46 "a. Only noninfected herd swine may move into the
47 program area."

48 40. Page 9, line 29 by striking the words "pig
49 cleanup" and inserting the following: "pig cooperator
50 herd".

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1 41. Page 9, line 32 by inserting after the word
2 "origin." the following: "Swine moving into a program
3 area may be inspected by the department within thirty
4 days from the swine's arrival."

5 42. Page 10, by striking lines 3 through 5 and
6 inserting the following: "department, receive new
7 swine from noninfected herds."

8 43. Page 10, line 6 by inserting after the word
9 "cost" the following: ", or any segment of the
10 cost,".

11 44. Page 10, lines 10 and 11, by striking the
12 words "An indemnity shall not be paid for condemned
13 animals."

14 45. Page 10, line 25 by inserting after the word
15 "veterinarian." the following: "If the test is
16 determined by a laboratory located outside the state
17 of Iowa, the person whose animal has been tested shall
18 be responsible for assuring that the result is
19 reported to the department within fourteen days
20 following completion of the test."

21 46. Page 12, line 2 by inserting after the word
22 "recognized" the following: "as a noninfected herd".

23 47. Page 12, line 15 by striking the words
24 "reacting negatively to a test".

25 48. Page 12, line 16, by inserting after the word
26 "equal" the following: "to".

27 49. Page 12, line 17, by striking the word
28 "reacting" and inserting the following: "react."

29 50. Page 12, by striking lines 27 and 28 and
30 inserting the following: "of the herd is determined
31 to be noninfected."

32 51. Page 12, lines 32 and 33, by striking the
33 words "breeding herd reacts negatively to a test" and
34 inserting the following: "herd is determined to be
35 noninfected".

36 52. By striking page 12, line 35 through page 13,
37 line 11 and inserting the following:

38 "c. A monitored herd may receive new swine into
39 the herd from a noninfected herd."

40 53. Page 13, line 19 by inserting after the word
41 "of" the following: "infected swine from".

42 54. Page 13, line 21 by striking the word
43 "cooperative" and inserting the following:
44 "cooperator".

45 55. Page 13, line 32 by striking the word "has"
46 and inserting the following: "have".

47 56. Page 14, lines 4 and 5 by striking the words
48 "Testing and vaccination shall be done at the owner's
49 expense."

50 57. Page 14, line 6 by striking the word

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Page 5

- 1 "fourteen" and inserting the following: "thirty".
2 58. Page 14, line 7, by inserting after the word
3 "quarantined." the following: "An infected herd which
4 is not subject to a herd cleanup plan or a feeder pig
5 cooperator herd plan is a quarantined herd."
6 59. Page 14, line 14, by striking the words
7 "movement permit" and inserting the following:
8 "transportation certificate".
9 60. Page 14, line 16, by striking the word
10 "permit" and inserting the following: "certificate of
11 inspection".
12 61. Page 14, by striking lines 20 and 21 and
13 inserting the following:
14 "____. A herd shall be released from quarantine
15 when no animal,".
16 62. Page 14, line 22, by striking the word
17 "livestock" and inserting the following:
18 "livestock,".
19 63. Page 15, line 8 by striking the words and
20 figures "7 C.F.R. pt. 4" and inserting the following:
21 "federal regulations".
22 64. Page 15, lines 12 and 13 by striking the
23 words "7 C.F.R. pt. 4" and inserting the following:
24 "federal regulations".
25 65. Page 15, by striking lines 14 and 15 and
26 inserting the following:
27 "a. All swine present on the date the quarantine
28 was imposed have been removed."
29 66. Page 15, line 22 by inserting after the word
30 "samplings" the following: "ninety days apart".
31 67. Page 15, line 30, by striking the word "pigs"
32 and inserting the following: "swine".
33 68. Page 16, line 2 by inserting after the word
34 "purchases" the following: "and sales".
35 69. Page 16, line 6 by inserting after the word
36 "premises." the following: "However, cull sows and
37 boars may be maintained, if fed out to slaughter."
38 70. Page 16, line 7, by striking the word "pigs"
39 and inserting the following: "swine".
40 71. Page 16, line 8 by striking the words "or
41 before".
42 72. Page 16, line 9 by striking the word "and"
43 and inserting the following: "of".
44 73. Page 16, by striking lines 11 and 12 and
45 inserting the following:
46 "e. Dead swine must be disposed of in accordance
47 with chapter 167. The dead swine must be held so as
48 to".
49 74. Page 16, by striking line 16 and inserting
50 the following: "by a transportation certificate or to

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Page 6

- 1 another approved premise with a certificate of
2 inspection."
- 3 75. Page 16, lines 17 and 18 by striking the
4 words "to be established with a program area or".
- 5 76. Page 16, line 31 by striking the words
6 "movement permit" and inserting the following:
7 "certificate of inspection".
- 8 77. Page 16, line 34, by striking the word
9 "permit's" and inserting the following: "certificate
10 of inspection's".
- 11 78. Page 17, line 1 by striking the words "permit
12 that the feeder pig" and inserting the following:
13 "certificate of inspection that the feeder swine".
- 14 79. Page 17, by striking lines 3 through 25 and
15 inserting the following:
16 "Swine moved into or within Iowa for breeding
17 purposes must originate from a herd not under
18 quarantine which is one of the following:
19 a. A herd classified as a qualified negative herd.
20 b. A controlled vaccinated herd which complies
21 with the provisions of section 166D.7, subsection 2.
22 c. Swine which have individually reacted
23 negatively to testing within the past thirty days."
- 24 80. Page 18, by striking lines 1 and 2 and
25 inserting the following:
26 "c. A feeder pig in a known infected herd shall be
27 subject to restricted movement by certificate of
28 inspection and only to an approved premise."
- 29 81. Page 18, line 8 by inserting after the word
30 "slaughter" the following: "or to an approved premise
31 by certificate of inspection".
- 32 82. Page 18, by striking lines 11 through 20 and
33 inserting the following: "movement restrictions, the
34 swine shall be restricted to the same extent as the
35 swine which are subject to the most movement
36 restrictions. After movement of infected swine or
37 swine of unknown origin through the concentration
38 point, the concentration point must be thoroughly
39 cleaned and disinfected. The cleaned and disinfected
40 concentration point must be inspected by a
41 veterinarian."
- 42 83. Page 18, by striking lines 30 through 32, and
43 inserting the following:
44 "e. A feeder pig moving through a concentration
45 point in this manner may move through a concentration
46 point after thirty days as a pig of unknown origin,
47 unless the pig reacts negatively to a test."
- 48 84. Page 19, line 2, by striking the word "the"
49 and inserting the word "all".
- 50 85. Page 19, by striking lines 4 through 8.

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- 1 86. Page 19, lines 12 and 13, by striking the
2 words "or reacting negatively to a test".
3 87. Page 19, line 19, by striking the words "A
4 feeder pig" and inserting the following: "The feeder
5 pigs".
6 88. Page 19, line 24, by striking the words "or
7 reacting negatively to a test".
8 89. Page 19, by striking line 29 and inserting
9 the following:
10 "b. Only owners with approved premise permits are
11 eligible".
12 90. Page 19, by striking lines 32 through 34 and
13 inserting the following:
14 "c. The swine after movement through the
15 concentration point must be quarantined to slaughter
16 or moved to slaughter."
17 91. Page 20, by inserting after line 9 the fol-
18 lowing:
19 "4. Rules controlling exhibition movement require-
20 ments may be adopted by the department in addition to
21 the requirements of this section."
22 92. Page 20, by striking lines 26 and 27 and in-
23 serting the following: "the owner or the owner's
24 agent. The report shall be mailed to the".
25 93. Page 20, line 32, by inserting after the word
26 "test." the following: "The swine must be identified
27 as differentiable vaccinated animals."
28 94. By renumbering as necessary.

RECEIVED FROM THE HOUSE

S-3748 FILED APRIL 18, 1989

Senate concurred 5/6/89 (p. 2026)

SENATE FILE 474

AN ACT

TO ESTABLISH A PSEUDORABIES CONTROL PROGRAM AND PROVIDING FOR PENALTIES AND THE REPEAL OF A CHAPTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 166D.1 PURPOSE -- RULES.

This chapter provides for measures to control the transmission and incidence, and for the eventual eradication, of pseudorabies among swine within this state. The department shall adopt rules to carry out the provisions of this chapter.

Sec. 2. NEW SECTION. 166D.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Pseudorabies eradication plan" means a written herd management program which is based on accepted statistical and epidemiological evaluation and designed to eradicate pseudorabies from the swine herds in a given area.
2. "Board of directors" means a county or multicounty pork producer organization designated by the Iowa pork producers association to represent an area proposed as a program area.
3. "Breeding swine" means swine over six months of age.
4. "Approved premise permit" means a permit issued by the department necessary for a person to own and operate an approved premises.
5. "Certificate of inspection" means a document approved by the United States department of agriculture or the department of agriculture and land stewardship, and issued by a licensed veterinarian prior to the interstate or intrastate movement of swine. The certificate of inspection must state all of the following:
 - a. The number, description, and identification of the swine to be moved.

b. Whether the swine to be moved are known to be infected with or exposed to pseudorabies.

c. The farm of origin.

d. The purpose for moving the swine.

e. The point of destination of the swine.

f. The consignor and each consignee of the swine.

g. Additional information as required by state or federal law.

6. "Differentiable test" means a laboratory procedure approved by the department to diagnose pseudorabies. The procedure must be capable of recognizing and distinguishing between vaccine-exposed and field-pseudorabies-virus-exposed swine.

7. "Test" means a serum neutralization (SN) test, virus isolation test, ELISA test, or other test approved by the department and performed by a laboratory approved by the department.

8. "Differentiable vaccine" means a vaccine which has a licensed companion differentiable test.

9. "Differentiable vaccinate" means a swine which has only been exposed to a differentiable vaccine.

10. "Direct movement" means movement of swine to a destination without unloading the swine in route, without contact with swine of lesser pseudorabies vaccinate status, and without contact with infected or exposed livestock.

11. "Exposed livestock" means livestock that have been in contact with livestock infected with pseudorabies, including all livestock in a known infected herd. However, livestock other than swine that have not been exposed to a clinical case of the disease for a period of ten consecutive days shall not be considered exposed livestock. Swine released from quarantine are no longer considered exposed.

12. "Exposed" means an animal that has not been kept separate and apart or isolated from livestock infected with pseudorabies, including all swine in a known infected herd.

13. "Farm of origin" means a location where the swine were born, or on which the swine have been located for at least ninety consecutive days immediately prior to movement.

14. "Feeder pig cooperator herd" means a swine herd not currently determined to be pseudorabies negative, that has not experienced clinical signs of pseudorabies in the last six months, that is capable of segregating offspring at weaning into separate and apart production facilities, and has implemented an approved pseudorabies eradication plan.

15. "Infected" means infected with pseudorabies as determined by an epidemiologist whose diagnosis is supported by test results.

16. "Noninfected herd" means a herd which is one of the following:

- a. A qualified pseudorabies negative herd.
- b. A pseudorabies monitored herd.
- c. A pseudorabies controlled vaccinated herd.
- d. A herd in which the animals have been individually tested negative within the past thirty days.
- e. A herd which originates from an area with little or no incidence of pseudorabies as determined by the department based upon epidemiological studies and information relating to the area.

17. "Herd of unknown status" means all swine except swine which are part of a known infected herd, swine known to have been exposed to pseudorabies, or swine which are part of a noninfected herd.

18. "Isolation" means separation of swine within a physical barrier in a manner to prevent swine from gaining access to swine outside the barrier, including excrement or discharges from swine outside the barrier. Swine in isolation must not share a building with a ventilation system common to other swine. Swine in isolation must not be maintained within ten feet of other swine.

19. "Monitored herd" means a herd of swine, including a feeder swine herd, which has been determined within the past

twelve months not to be infected, according to a statistical sampling.

20. "Known infected herd" means a herd in which swine have been determined by an epidemiologist to be infected.

21. "Licensed pseudorabies vaccine" means a pseudorabies virus vaccine produced under license from the United States secretary of agriculture under the federal Virus, Serum and Toxin Act of March 4, 1913, 21 U.S.C. § 151 et seq.

22. "Livestock" means swine, cattle, sheep, goats, and horses.

23. "Move" or "movement" means to ship, transport, or deliver by land, water, or air.

24. "Nonvaccinate" means a swine which has not been exposed to a pseudorabies vaccine.

25. "Epidemiologist" means a state or federal veterinarian designated to investigate and diagnose suspected pseudorabies in livestock. The epidemiologist must have had special training in the diagnosis and epidemiology of pseudorabies.

26. "Herd cleanup plan" means a plan to eliminate pseudorabies from a swine herd. The plan must be developed by an epidemiologist in consultation with the herd owner and the owner's veterinary practitioner. The plan must be approved and signed by the epidemiologist, the owner, and the practitioner. The plan must be approved and filed with the department.

27. "Approved premise" means a dry lot facility located in an area with confirmed cases of pseudorabies infection, which is authorized by the department to receive, hold, or feed infected swine, exposed animals, or swine of unknown status. The premises and all swine on the premises shall be considered under quarantine. However, swine may be moved to slaughter under a transportation certificate or may be moved to another pseudorabies approved premise under a certificate of inspection.

28. "Program area" means an area designated to be given priority for assignment of a program funded eradication activity.

29. "Area eradication activity" means activities related to testing herds for purposes of evaluation and control of swine within a program area to achieve pseudorabies eradication within the area.

30. "Pseudorabies" means the contagious, infectious, and communicable disease of livestock and other animals known as Aujeszky's disease, mad itch, or infectious bulbar paralysis.

31. "Quarantined herd" means a herd in which pseudorabies infected or exposed swine are bred, reared, or fed under the supervision and control of the department. Swine in a quarantined herd may be moved only to an approved premise for feeding or to a recognized slaughtering establishment for slaughter. Either movement may be completed through a concentration point in compliance with section 166D.12.

32. "Qualified negative herd" means a herd in which one hundred percent of the herd's breeding swine have reacted negatively to a test or differentiable test and which is retested as provided in this chapter.

33. "Reaction" means a result determined by an approved laboratory procedure designed to recognize pseudorabies virus infection or a nondifferentiable vaccinated animal.

34. "Slaughtering establishment" means a slaughtering establishment operated under the provision of the federal Meat Inspection Act, 21 U.S.C. § 601 et seq., or a slaughtering establishment which has been inspected by the state.

35. "Restricted movement" means swine which are quarantined until directly moved to slaughter.

36. "Separate and apart" means to hold swine so that neither the swine nor organic material originating from the swine has physical contact with other animals.

37. "Advisory committee" means the state pseudorabies advisory committee composed of swine producers and other representatives of the swine industry, appointed pursuant to section 166D.1.

38. "Statistical sampling" means a test based on at least a ninety percent probability of detecting at least a ten percent incidence of positive reaction within a herd.

39. "Infected herd" means a herd that is known to contain infected swine, a herd containing swine exhibiting clinical signs of pseudorabies, or a herd that is infected according to an epidemiologist.

40. "Concentration point" means a location or facility where swine are assembled for purposes of sale or resale for feeding, breeding, or slaughtering, and where contact may occur between groups of swine from various sources. "Concentration point" includes a public stockyard, auction market, street market, state or federal market, untested consignment sales location, buying station, or a livestock dealer's yard, truck, or facility.

41. "Inspection service" means the animal and plant health inspection service, United States department of agriculture.

42. "Herd" means a group of swine as established by departmental rule.

43. "Feeder swine" means a porcine animal fed for purposes of direct slaughter, including feeder pigs, cull sows, and boars. However, "feeder swine" does not include animals kept for purposes of breeding or reproduction.

44. "Feeder pig" means an immature swine fed for purposes of direct slaughter which is less than slaughter weight.

45. "Transportation certificate" means the same as provided in chapter 172B.

Sec. 3. NEW SECTION. 166D.3 STATE PSEUDORABIES ADVISORY COMMITTEE.

A state pseudorabies advisory committee is established. The committee shall consist of not more than seven members appointed by the Iowa pork producers association. At least four members must be actively engaged in swine production. The members shall serve staggered terms of two years, except that the initial board members shall serve unequal terms. A person appointed to fill a vacancy for a member shall serve only for the unexpired portion of the term. A member is eligible for reappointment for three successive terms. A majority of the board constitutes a quorum and an affirmative

vote of the majority of members is necessary for substantive action taken by the board. A vacancy in the membership does not impair the right of a quorum to exercise all rights and perform all duties of the board. The advisory committee shall:

1. Approve a proposed area as a program area as provided in section 166D.4.
2. Inform and educate interested persons in the state, including persons involved in producing, processing, or marketing swine, regarding eradication activities under this chapter.
3. Review eradication activities under this chapter including the pseudorabies eradication programs. The committee shall make recommendations to the department and the inspection service and may consult with state officials regarding any matter relating to pseudorabies control and eradication, including departmental rules, other state or federal regulations, program areas, the use of vaccine, testing procedures, the progress of pseudorabies eradication programs, and state and federal program standards. The committee in cooperation with the department shall report to the governor and general assembly not later than January 15 the progress of pseudorabies eradication, including recommendations.
4. Maintain communication with other states and with the national pork producers council, the livestock conservation institute, and the inspection service.

Sec. 4. NEW SECTION. 166D.4 ESTABLISHING PROGRAM AREAS.

The department may establish pseudorabies program areas within the state. A program area shall be a county. The department shall declare the following counties to be individual program areas: Cherokee, Buena Vista, Payette, Grundy, Hardin, Marshall, O'Brien, Story, Tama, and Washington.

An area shall be designated a pseudorabies program area when all of the following conditions are met:

1. The pork producer board of directors within the area proposed as a program area approved by a two-thirds majority vote to designate the area as a program area.
2. Within thirty days from the board's vote designating the area as a program area, the department must conduct a public hearing and referendum within the proposed area according to rules adopted by the department. The department in cooperation with the advisory committee shall certify persons as pork producers eligible to vote in the referendum. The department shall take minutes of the hearing and collect written testimony. The department shall publish at least seven days' advance notice of the hearing and referendum in all newspapers of general circulation within the proposed area. The department shall also notify by first class mail, the county agricultural extension director within the proposed area, the Iowa pork producers association, and the members of the advisory committee. The notice must contain the time, place, and subject of the hearing and referendum. During the hearing, the department shall communicate to attending producers information relating to eradication program requirements by the state, other states and by the federal government, and requirements for designating the proposed area as a program area, including the result of the board's vote to designate the proposed area as a program area, and referendum requirements to designate the proposed area as a program area.

At least twenty-five producers in the proposed area must participate in the referendum to designate the proposed area as a program area. At least seventy-five percent of the attending producers must by secret ballot vote in favor of the referendum. Producers may vote by written proxy. The votes shall be counted at the hearing and the marked ballots shall be filed with the department.

The department shall distribute a sheet with the ballot for a voting producer to indicate interest in participating in an eradication program.

3. The advisory committee shall review the minutes of the hearing, and the results of the referendum. The committee must approve the designation of the proposed area as a designated area.

The department, within thirty days of approval by the committee, shall send written notice by ordinary first class mail to all known pork producers residing in the area. The area shall be designated a program area after ten days following mailing of the notice to the last known producer's address.

Sec. 5. NEW SECTION. 166D.5 ADMINISTRATION OF PROGRAM AREAS.

Once a program has been designated, an owner of an infected herd must, within thirty days, adopt a herd cleanup plan or a feeder pig cooperator herd cleanup plan, as provided in section 166D.8. An infected herd which is not subject to a cleanup plan or a feeder pig cooperator herd cleanup plan is a quarantined herd.

When the department determines that a majority of herds within a program area have been tested and the majority of herds reveal a noninfection rate of ninety percent or greater, the following shall apply:

1. A vaccine other than a differentiable vaccine shall not be used.

2. A concentration point within the program area may market all classes of swine. Swine taken to a concentration point must be held there until transfer. However, untested, known infected, or exposed swine shall be transferred from the concentration point within three days only to persons moving the swine outside the program area.

3. Six months after determination by the department that a majority of herds within the program area have been tested and the majority of herds reveal a noninfection rate of ninety percent or greater, the following shall apply:

a. Only noninfected herd swine may move into the program area.

b. Swine herds within the area must be a qualified negative herd, a monitored herd, or must be involved in a herd cleanup plan or feeder pig cooperator herd plan.

c. Swine moving within or into the program area must be reported to the department within ten days of movement and be identified by farm of origin. Swine moving into a program area may be inspected by the department within thirty days from the swine's arrival.

d. An approved premise inside the program area shall not be reapproved upon its annual renewal date.

4. At the commencement of the program and at intervals during the course of the program, the owner of a feeder pig cooperator herd may, according to rules adopted by the department, receive new swine from noninfected herds.

The cost, or any segment of the cost, of the program, testing, and vaccination may be paid for by federal or state funds or a combination of both. Federal or state funds shall not be paid to the owner of a vaccinated herd in a program area other than the owner of a herd using a differentiable vaccine. If federal or state funds are not available, producers may continue the program at their own expense under departmental supervision.

An additional program area shall not be established if funds sufficient for administration of the program within the area are not available. Program funds shall not be spent outside a program area, unless recommended by the advisory committee and approved by the department. However, this paragraph does not apply to expenditures of funds for statewide surveillance or for enforcement of this chapter.

Sec. 6. NEW SECTION. 166D.6 REPORTING OF TEST RESULTS.

All tests under this chapter must be taken by a test administered by a licensed veterinarian. Test samples are to be collected by or under the direction of the department and a licensed veterinarian. If the test is determined by a laboratory located outside the state of Iowa, the person whose animal has been tested shall be responsible for assuring that

the result is reported to the department within fourteen days following completion of the test. Swine sampled shall be identified with a numbered metal ear tag. The department shall make the ear tags available. Ear notches or other numbered identification methods approved by the department may be used at the herd owner's expense.

Test results shall be reported on forms prescribed by the department signed by the veterinarian and transmitted to the department within fourteen days following completion of the tests. Copies shall be made available to the attending veterinarian. Upon receipt, the attending veterinarian shall provide copies to the herd owner.

Sec. 7. NEW SECTION. 166D.7 NONINFECTED HERDS.

In administering the pseudorabies eradication program, the department shall regulate noninfected herds as follows:

1. A qualified negative herd must be certified, recertified, and maintained as follows:

a. The herd shall be certified when all breeding swine have reacted negatively to a test. The herd must have been free from infection for thirty days prior to testing. At least ninety percent of swine in the herd must have been on the premises as a part of the herd for at least sixty days prior to testing, or swine in the herd must have been moved directly from another qualified negative herd. To remain certified, the herd must be retested and recertified as provided by the department. The herd shall be recertified when either of the following occurs:

(1) Each eighty to one hundred five days at least twenty-five percent of the herd's breeding swine react negatively to a test.

(2) Each month at least ten percent of the herd's breeding swine react negatively to a test.

b. Before being added to the herd new swine including swine returning to the herd after contact with nonherd swine, shall be isolated until the new swine react negatively to a test conducted thirty days or more after the swine has been

placed in isolation. Swine from a herd of unknown status must react negatively to a test not more than thirty days prior to movement from the herd of unknown status and retested in isolation at least thirty days after movement onto the premises where the qualified negative herd is located.

c. Swine from another qualified negative herd may be added without isolation or testing.

d. The owner shall make a request to the department for approval or reapproval of a qualified negative herd when the required tests are completed. Upon satisfactory proof that all requirements have been met, the herd shall be recertified by the department.

2. A controlled vaccinated herd shall be recognized as a noninfected herd until July 1, 1991. A controlled vaccinated herd shall be initially certified, recertified, and maintained as follows:

a. The herd shall be certified when all breeding swine react negatively to a test and are vaccinated with a licensed pseudorabies vaccine within fifteen days after the test. At least ninety percent of the swine in the herd must have been on the premises as part of the herd for at least sixty days prior to testing, or swine in the controlled vaccinated herd must have been directly moved from a qualified negative herd.

b. To remain certified the herd must be retested and recertified as provided by the department each three months. The herd shall be recertified after the number of the herd's progeny over four months of age equal to at least twenty-five percent of the breeding herd react negatively to the test every eighty to one hundred five days.

c. Before being added to the herd new swine must react negatively within thirty days prior to movement, and be vaccinated with a licensed pseudorabies vaccine within fifteen days after the test. The new swine must be added to the herd within thirty days after the test.

3. A monitored herd shall be initially certified, recertified, and maintained as follows:

a. The herd shall be certified when a statistical sampling of the herd is determined to be noninfected.

b. To remain certified the herd must be retested and recertified as provided by the department. The herd must be recertified annually. The herd shall be recertified when a statistical sampling of the herd is determined to be noninfected within twelve months from initial certification or the most recent recertification.

c. A monitored herd may receive new swine into the herd from a noninfected herd.

Sec. 8. NEW SECTION. 166D.8 INFECTED HERDS.

An infected herd in a program area shall either adopt a herd cleanup plan, a feeder pig cooperator herd plan, or shall be quarantined.

1. A herd cleanup plan may include any or a combination of the following:

- a. The segregation of progeny with restricted movement.
- b. The test and removal of infected swine from the herd.
- c. Depopulation.

2. A feeder pig cooperator herd plan may be adopted if all of the following conditions are satisfied:

- a. There must have been no clinical signs of pseudorabies during the past six months.
- b. The production operation must be capable of segregating offspring at weaning into facilities separate and apart from the remainder of the herd.
- c. An approved pseudorabies eradication plan must be implemented. However, swine from a feeder pig cooperator herd may be moved within Iowa without individual tests as feeder pigs of unknown origin.

3. Infected herds in a program area which have not adopted an official herd cleanup plan or feeder pig cooperator herd plan shall be quarantined.

4. Costs of program testing and vaccination shall be paid as provided in section 166D.5.

An infected herd outside a program area shall either adopt a herd cleanup plan or a feeder pig cooperator herd plan with restricted movement. An infected herd not subject to such a plan within thirty days of becoming a known infected herd shall be quarantined. An infected herd which is not subject to a herd cleanup plan or a feeder pig cooperator herd plan is a quarantined herd.

Sec. 9. NEW SECTION. 166D.9 QUARANTINED HERDS.

1. Swine from a quarantined herd shall not be removed from the herd except as follows:

a. The swine may be moved directly to slaughter through a slaughtering establishment, slaughter market, public stockyard, packer buying station, or directly to a slaughter plant if the swine are accompanied by a transportation certificate.

b. Feeder pigs may be removed for further feeding to an approved premise when accompanied by a certificate of inspection. Feeder pigs may move through a concentration point no more than one time.

2. Swine from a quarantined herd shall not be moved to show at public exhibitions.

3. A herd shall be released from quarantine when no animal, including livestock, on the premises shows clinical symptoms of pseudorabies. In addition one of the following must occur:

a. The swine have been removed from the premises, the premises have been cleaned and disinfected under supervision of the department or the inspection service. The disinfectant shall be approved by the department or inspection service. The premises must have been maintained free of swine for thirty days. However, the epidemiologist for good cause may determine that premises be maintained free of swine for a period greater or less than thirty days.

b. Swine reacting positively to a test have been removed from the premises. Remaining swine, except suckling pigs, must be tested and react negatively to the test thirty days or

more after removal of the herd's swine reacting positively to the test.

c. The swine reacting positively to a test have been removed from the premises. At least thirty days after removal of the positive swine breeding swine remaining plus a random sample equaling twenty-eight of grower-finishing swine more than two months of age must react negatively to the test. While the state is in stage III or IV of the national pseudorabies program pursuant to federal regulations, the grower-finisher swine must react negatively to a test at least thirty days after reacting negatively to the last test.

4. While the state is classified in either stage I or II of the national pseudorabies program pursuant to federal regulations, the following requirements must be satisfied:

- a. All swine present on the date the quarantine was imposed have been removed.
- b. There must have been no clinical signs of pseudorabies in the herd for at least six months.
- c. The epidemiologist must conduct two successive statistical samplings at least ninety days apart which reveal no infection within the new breeding swine.
- d. The epidemiologist must conduct two successive statistical samplings ninety days apart of the herd's progeny at least four months of age which reveal no infection.

Herds removed from quarantine under this subsection shall be tested by statistical sampling one year later.

5. A person shall not accept swine from a quarantined herd for the purpose of feeding without receiving an approved premises permit by the department. The approved premises permit shall allow the owner of the approved premises to receive feeder swine from a quarantined herd for purposes of feeding the swine at the approved premises. The approved premises permit shall require all of the following:

- a. The permittee must provide to the department during normal business hours access to the approved premises and records required by this section. Records of swine transfers

must be kept for at least one year. The records shall include information about purchases and sales, the names of buyers and sellers, the dates of transactions, and the number of swine involved in each transaction.

- b. Swine on the premises must be maintained in isolation.
- c. Breeding swine must not be maintained on the premises. However, cull sows and boars may be maintained, if fed out to slaughter.
- d. Feeder swine must be vaccinated for pseudorabies at the owner's expense on arrival at the approved premise. Vaccination records must be maintained by the owner of the approved premises for at least one year after vaccination.
- e. Dead swine must be disposed of in accordance with chapter 167. The dead swine must be held so as to prevent animals, including wild animals and livestock, from reaching the dead swine.
- f. Swine must be directly moved to slaughter, accompanied by a transportation certificate or to another approved premise with a certificate of inspection.

An approved premise shall not be permitted in the vicinity of a qualified negative herd.

An approved premise permit shall be renewed annually by the department. The approved premises permit shall be renewed if the district veterinarian finds that the approved premises is and has been in compliance with this chapter and federal law. The department may suspend or cancel the permit for noncompliance. When a permit is suspended, canceled, or not renewed, the premise remains under quarantine until released pursuant to the provisions of this section.

Sec. 10. NEW SECTION. 166D.10 MOVEMENT OF SWINE.

1. A person shall not sell, lease, exhibit, or loan swine within the state, except to slaughter, unless the swine is accompanied by a certificate of inspection provided by the owner transferring possession. However, a native Iowa feeder pig moved from farm to farm within the state is exempt from the certificate of inspection's identification requirements if

the owner transferring possession and the person taking possession state on the certificate of inspection that the feeder swine will not be commingled with other swine for a period of thirty days.

Swine moved into or within Iowa for breeding purposes must originate from a herd not under quarantine which is one of the following:

- a. A herd classified as a qualified negative herd.
 - b. A controlled vaccinated herd which complies with the provisions of section 166D.7, subsection 2.
 - c. Swine which have individually reacted negatively to testing within the past thirty days.
2. Imported feeder pigs shall originate from noninfected herds. An imported feeder pig shall be subject to restricted movement, unless the pig reacted negatively to a test within the past thirty days.
3. A feeder pig moved intrastate shall be moved according to the following:
- a. A feeder pig in a noninfected herd shall not be subject to restricted movement.
 - b. A feeder pig in a herd of unknown pseudorabies status as provided shall be subject to restricted movement.
 - c. A feeder pig in a known infected herd shall be subject to restricted movement by certificate of inspection and only to an approved premise.

Sec. 11. NEW SECTION. 166D.11 DIFFERENTIABLE VACCINE REQUIRED.

Beginning on December 1, 1989, swine other than unvaccinated or differentiable vaccinated swine shall not be sold, marketed, or moved within this state, except to slaughter or to an approved premise by certificate of inspection.

Sec. 12. NEW SECTION. 166D.12 CONCENTRATION POINTS.

If swine are not isolated from swine subject to different movement restrictions, the swine shall be restricted to the same extent as the swine which are subject to the most

movement restrictions. After movement of infected swine or swine of unknown origin through the concentration point, the concentration point must be thoroughly cleaned and disinfected. The cleaned and disinfected concentration point must be inspected by a veterinarian.

1. Swine from noninfected herds may be moved through a concentration point, provided all of the following apply:

- a. Breeding swine must be kept separate and apart from feeder pigs.
- b. Breeding swine must be sold first.
- c. Only swine from noninfected herds may be moved through a concentration point.
- d. Slaughter swine shall not be moved through a concentration point.
- e. A feeder pig moving through a concentration point in this manner may move through a concentration point after thirty days as a pig of unknown origin, unless the pig reacts negatively to a test.

2. A feeder pig from a noninfected herd and a feeder pig from a herd of unknown status may be moved through the same concentration point, provided all of the following apply:

- a. The entire offering for a transaction, including a sale, must represent all swine as coming from herds of unknown status, regardless of the swine's farm of origin.
- b. Slaughter or breeding swine must not be moved through the concentration point.
- c. Swine shall not be moved through a concentration point unless subject to restricted movement.

3. Feeder pigs from herds of unknown status and slaughter swine may be moved through a concentration point if all of the following apply:

- a. The feeder pigs must be kept separate and apart from the slaughter swine.
- b. The feeder pigs must be moved through prior to the movement of any slaughter swine.

- c. Breeding swine must not be moved through the concentration point.
 - d. The swine shall not be moved through unless quarantined to slaughter.
4. Swine from known infected herds may be moved through a concentration point provided all of the following apply:
- a. Other species of livestock must not be held at the concentration point.
 - b. Only owners with approved premise permits are eligible to take possession of swine for movement to the approved premises.
 - c. The swine after movement through the concentration point must be quarantined to slaughter or moved to slaughter.
- Sec. 13. NEW SECTION. 166D.13 EXHIBITION OF SWINE.
- 1. Swine from a quarantined herd shall not be displayed or shown at any exhibition.
 - 2. Swine returning from an exhibition to its home herd or moved to a purchaser's herd following an exhibition or consignment sale must be isolated and retested negative for pseudorabies not less than thirty and not more than sixty days after reaching the swine's destination.
 - 3. Animals infected shall not be shown or displayed at an exhibition.
 - 4. Rules controlling exhibition movement requirements may be adopted by the department in addition to the requirements of this section.

Sec. 14. NEW SECTION. 166D.14 PSEUDORABIES IMMUNIZATION PRODUCTS.

A person shall not use, sell, or distribute or offer to sell or distribute a pseudorabies immunization product within the state unless the products are approved by the secretary. However, the secretary shall approve a pseudorabies immunization product for purposes of product research or testing by a biological laboratory, government authority, or manufacturer of biological products if the secretary concludes that the use will not be detrimental to the state pseudorabies disease program.

Only a licensed veterinarian may buy and dispense a department-approved immunization product. The veterinarian must report information relating to the use of the product to the department, including the name and address of the owner and the number of doses used. The report shall be signed by the owner or the owner's agent. The report shall be mailed to the department immediately after the use of the product.

A differentiable vaccine to be classified as a noninfected animal must react negatively to field strains of pseudorabies virus as determined by a companion differentiable serologic test. The swine must be identified as differentiable vaccinated animals.

Sec. 15. NEW SECTION. 166D.15 TRACING PSEUDORABIES TO SOURCE OR DESTINATION HERDS.

- 1. The owner of a known infected herd shall furnish to the department all of the following information:
 - a. A list of sources of feeder pigs or breeding swine during the preceding twelve months.
 - b. A list of sales of feeder pigs or breeding swine during the preceding twelve months.
- 2. If pseudorabies is diagnosed in breeding swine or feeder pigs which have been purchased from or sold to another swine producer within ninety days from the sale, the department may require a statistical sample of the breeding herd of the seller or buyer and a statistical sample of the herd progeny over four months. If the owner of the herd refuses to allow the test, the herd shall be classified as a known infected herd.

3. Tests conducted pursuant to this section shall be completed at the owner's expense unless state funds are available for this purpose.

Sec. 16. NEW SECTION. 166D.16 ENFORCEMENT.

The provisions of this chapter including departmental rules adopted pursuant to this chapter shall be administered and enforced by the department. A person violating a provision of this chapter or any rule adopted pursuant to this chapter

shall be subject to a civil penalty of at least one hundred dollars but not more than one thousand dollars.

In addition to any other remedies provided, the department may file a petition in the district court seeking an injunction restraining any person from violating provisions of this chapter including a rule adopted pursuant to this chapter.

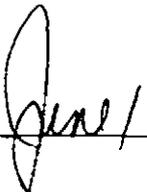
Sec. 17. Chapter 166C, Code 1989, is repealed.

JO ANN ZIMMERMAN
President of the Senate

DONALD D. AVENSON
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 474, Seventy-third General Assembly.

JOHN F. DWYER
Secretary of the Senate

Approved  _____, 1989

TERRY E. BRANSTAD
Governor