

FINAL REPORT  
PSUEDORABIES CONTROL TASK FORCE

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F I N A L R E P O R T  
PSEUDORABIES CONTROL TASK FORCE

January 1989

COMMITTEE BACKGROUND

The Pseudorabies Control Task Force was created by the Legislative Council to conduct four days of hearings. The charge of the Committee reads as follows:

Conduct hearings on proposed Department of Agriculture and Land Stewardship administrative rules to expand the pseudorabies test and control program and the effect of the proposed rules on the pork industry. A report of the findings should be presented to the Legislative Council at the earliest possible date.

The members of the Task Force include the following:

Senator Berl E. Priebe (Co-chairperson), Algona  
Representative Josephine Gruhn (Co-chairperson), Spirit Lake  
Senator Hurley Hall, Marion  
Senator Emil Husak, Toledo  
Senator John Peterson, Albia  
Senator John Soorholtz, Melbourne  
Representative Russell Eddie, Storm Lake  
Representative Dan Fogarty, Cylinder  
Representative Louis Muhlbauer, Manilla  
Representative Dan Petersen, Muscatine

The Task Force conducted seven public hearings in Manilla, Spencer, Forest City, West Union, Durant, Oskaloosa, and Marshalltown. The Task Force met in Des Moines on July 11 in a decision-making session.

ISSUE BACKGROUND

The Task Force was presented with information regarding the disease of pseudorabies and the rules adopted and filed by the Department of Agriculture and Land Stewardship designed to eradicate the disease. The Task Force and public members listened to several experts working in the area of pseudorabies control, including the State Veterinarian, Dr. Felker; Dr. George Barron from Iowa State University; and many local veterinarians and producers working in and around the communities visited by the Task Force.

Pseudorabies is a virus that invades an animal's body and travels along its nervous tissue, eventually causing death. Swine are considered the primary host for pseudorabies because swine infected from the disease may live and transmit the disease to other animals. An estimated thirteen million dollars is lost annually by the pork producing industry due to the disease. Losses in swine are due to death of very young swine, injury to reproductive breeding swine, or sickness in growing-finishing swine. The infection weakens resistance in swine and results in poorer performance in growing-finishing phases of production.

Pseudorabies is spread by infected swine which transmit the disease by shedding virus particles to other swine, especially when the infected swine is stressed. The stress resulting from farrowing or transporting may cause an infected swine to spread the disease. Rodent, wild animal, or pet carcasses, contaminated feed, damp bedding or improperly disposed swine carcasses are also sources of the virus.

The new rules are designed to complement a federal pseudorabies eradication program. Federal moneys which may amount to \$750,000 could be available to support Iowa's eradication program. The Department's proposed rules would have the following effects:

1. On July 20, 1988: All feeder swine imported into Iowa, except for slaughter, must originate from either a qualified pseudorabies negative herd; a controlled vaccinated herd; a state recognized monitored herd, tested by statistical sampling; or individually tested negative within 30 days of movement. All breeding swine imported into Iowa, except for slaughter, must originate from:

- (a) a qualified negative herd;
- (b) a recognized controlled vaccinated herd; or
- (c) negative animals tested within thirty days, from a monitored herd tested by statistical sampling within the last ninety days.

2. On October 1, 1988: The Department is authorized to request a monitor test from any herds located within one mile of a herd qualified to sell breeding swine, or within one mile of any infected herd.

3. On July 1, 1989: All swine sold as breeding swine, except for slaughter, must originate from a qualified negative herd; a recognized controlled vaccinated herd; or negative animals tested within thirty days, from a monitored herd tested by statistical sampling within the last ninety days.

4. On July 1, 1990: All feeder pig producer herds within Iowa must originate from a qualified pseudorabies negative herd; a controlled vaccinated herd; a recognized monitored herd, tested by

statistical sampling; or be individually tested negative within thirty days of movement. The feeder pig producer herds may also be part of an approved plan for "clean up." Swine which are not in compliance with these rules may be sold to slaughter, slaughter markets, or a pseudorabies approved premise.

A copy of the proposed rules is attached as Exhibit A.

#### SUMMARY OF HEARINGS

**Manilla: July 5, 1988.** The first hearing of the Pseudorabies Task Force occurred in Manilla at the Manilla Fireman's Hall, on July 5, 1988. Approximately one hundred persons attended the hearing. Speakers recognized in support of the rules included Mr. Harlan Meyers, President-Elect of the Iowa Pork Producers. In response to a survey conducted by members of the Task Force, an apparent majority of the audience expressed a desire to see the proposed rules postponed. Several persons who were engaged in producing swine and several persons engaged in marketing swine through auction houses, expressed strong reservations about the proposed rules, based on the apparent costs to the industry, the fear that eradication would be unsuccessful, and the view that eradication was a drastic measure, that other alternatives like vaccination proved a more practical solution. Many people spoke about the lack of understanding about how the proposed rules would affect pork producers and pork markets. Negative comments about the proposed rules were generally followed by loud applause from the audience. The Committee was presented with a petition objecting to the proposed rules, except for rules relating to monitoring hogs coming into the state. A copy of the petition is attached as Exhibit B.

**Spencer: July 5, 1988.** The second hearing occurred in Spencer at the Farm Bureau Meeting Room, Farm Bureau Building. The Task Force heard comments from Dr. Felker, State Veterinarian, and Dr. D. E. Weaver, a veterinarian with the Iowa Department of Agriculture and Land Stewardship. Task Force members asked questions of the two veterinarians. Discussion of the cost of administering the program was addressed. Officials from the Department commented that no guarantee could be made that federal funding would support the project. Concerns were expressed that the eradication program not be the cause of farmers going out of business. Concerns were also raised that veterinarians and producers were not consulted about the proposed rules.

**Forest City: July 6, 1988.** The third meeting was held in Forest City at the Manufacturers Bank and Trust Company, Community Room 245, East J Street. Over forty people attended the hearing. Dr. Walter Felker, State Veterinarian, and Mr. John Caspers representing the Iowa Pork Producers Association spoke in support of the proposed rules. Persons from the public expressed a view that the rules were being imposed upon the industry too soon and they favored slowing down the process. Many hog producers in the

audience expressed the opinion that in their operations pseudorabies was not a serious problem, that if the disease became a serious problem assistance would be requested, and that producers were willing to live with the disease and protect swine through vaccination. An informal vote taken of the audience showed an almost unanimous consensus to delay the rules. The Committee was presented with a petition signed by fifty-two members objecting to the proposed rules. A copy of the petition is attached as Exhibit C.

**West Union: July 6, 1988.** The fourth hearing was held in West Union at the Farmers Savings Bank Board Room. Over fifty persons attended the hearing. Dr. Walter Felker, State Veterinarian, and Mr. Jim Koch, President of the Fayette County Pork Producers, spoke on behalf of the rules. Persons expressed concern about funding for the program and about policing the movement of infected swine. There was concern expressed from members of the public that the eradication program would place small producers out of business. An informal poll revealed that sixteen persons favored the current rules and six persons favored the proposed rules.

**Durant: July 7, 1988.** The fifth hearing was held in Durant at the Durant Community Center. Approximately fifty people attended the hearing. Dr. Walter Felker, State Veterinarian, and Mr. Randy Tooker, representing the Iowa Pork Producers Association, spoke in favor of the proposed rules. Members of the audience stated that vaccination has provided a cost-effective means of protection against the disease and that producers did not have enough information about the eradication program to favor its adoption. Several persons who operate sales barns expressed concern about the proposed rules.

**Oskaloosa: July 7, 1988.** The sixth hearing was held in Oskaloosa, at the William Penn College Atkins Memorial Union. Dr. Walter Felker, State Veterinarian, and Mr. Randy Tooker, representing the Iowa Pork Producers Association, spoke in favor of the proposed rules. Members of the audience expressed a concern about the costs of the program. Several members of the audience expressed a concern about the mandatory testing requirements. Other members expressed concerns that small producers could be driven out of business by an aggressive eradication campaign. Persons were not confident that reinfection could not occur.

**Marshalltown: July 7, 1988.** The seventh hearing was held in Marshalltown, at the Marshall County Agricultural Extension Service. Approximately fifty people attended the hearing. Dr. Walter Felker, State Veterinarian, Mr. Craig Olson, President of the Iowa Pork Producers, and Dr. Jim Keith, representing state veterinarians spoke on behalf of the proposed rules. One member of the audience commented that control of pseudorabies is virtually impossible when swine are marketed. A producer from Marshall County expressed a concern that a great deal of public money has gone to support a program in the county and that there is nothing to prevent herds in the county from becoming reinfected due to the

free movement of hogs. Dr. Bada Nagy, a veterinarian from Hungary, stated that eradication programs are costing his country two million dollars.

**Availability of Minutes of Public Hearings.** The minutes of the public hearings of the Task Force are available from the Legislative Service Bureau.

#### FINDINGS AND RECOMMENDATIONS

After holding the public hearings, the Task Force held a decision-making session in Des Moines on July 11. The minutes of that meeting are attached in the appendix of this report.

The Pseudorabies Control Task Force, in conducting hearings in locations around the state, have found that the rules promulgated by the Department of Agriculture and Land Stewardship to implement a pseudorabies eradication program should not become effective as proposed. The Task Force recommends that the effective date of the rules should be delayed and that the rules should be referred to the appropriate committees in the Senate and House for further action.

The Task Force realizes the possibility that if neighboring states adopt programs to eradicate pseudorabies, Iowa may become a "dumping ground" for infected swine. The Task Force has no objection to the adoption of emergency rules designed to monitor swine and to quarantine infected animals coming into the state. The Task Force takes no position regarding the method of eradication by area, proposed under the rules.

The Task Force acknowledges that much time and energy has been spent by the Department of Agriculture and Land Stewardship, and especially Dr. Felker, and by the Iowa Farm Bureau Federation, and by the Iowa Pork Producers. The Farm Bureau and the Pork Producers support the rules. However, it is evident that pork producers and persons involved in marketing pork are not supportive of the eradication program as proposed by the Department.

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APPENDIX

- A. Exhibit A -- Proposed Rules
- B. Exhibit B -- Petition Received at Manilla
- C. Exhibit C -- Petition Received at Forest City
- D. Minutes of the Meeting of July 11, 1988

## ARC 8852

AGRICULTURE AND LAND  
STEWARDSHIP DEPARTMENT[21]

## Adopted and Filed

Pursuant to the authority of Iowa Code sections 159.5(11), 163.1 and 166C.6, the Iowa Department of Agriculture and Land Stewardship adopts amendments to 30—Chapter 16, "Infectious and Contagious Diseases," (Aujeszky's Disease segment), Iowa Administrative Code.

These amendments define the requirements for the sale or importation of swine pertinent to enforcement of Iowa Code chapter 166C. These rules will expedite current eradication efforts.

Notice of Intended Action was published in the Iowa Administrative Bulletin April 20, 1988, as ARC 8648. Public comments were solicited until May 13, 1988. Comments were received, and taken into consideration.

The following changes were made to the amendments due to the public hearing:

Subrule 16.147(9), last sentence: These premises and all swine therein shall be considered under quarantine except for movement to slaughter or, by permit from the Iowa department of agriculture and land stewardship, to another pseudorabies-approved premises.

Subrule 16.150(1), second paragraph: All imported feeder pigs must originate from a qualified pseudorabies negative herd, from a monitored herd tested by statistical sampling or, at the discretion of the Iowa department of agriculture and land stewardship, from low-incidence or pseudorabies-free areas.

First date of compliance with swine movement into the state of Iowa was changed from July 1, 1988, to July 20, 1988.

Subrule 16.150(1)"b," second unlettered paragraph: October 1, 1988. The Iowa department of agriculture and land stewardship may, upon epidemiological investigation, request a monitor test of any herds located within one mile of a herd qualified to sell breeding swine or within one mile of any infected herd.

Subrule 16.150(2), paragraph 1: Intrastate and interstate shipment of breeding swine. Animals from a qualified pseudorabies negative herd, or negative animals tested within 30 days from a monitored herd tested by statistical sampling within the last 90 days or, at the discretion of the Iowa department of agriculture and land stewardship, negative animals tested within 30 days from low-incidence or pseudorabies-free areas may be sold as breeding swine.

These rules will become effective July 20, 1988.

These rules are intended to implement Iowa Code chapter 166C.

The following amendments are adopted:

ITEM 1. Amend rule 30—16.147(163.166C) as follows:

~~AUJESZKY'S~~ PSEUDORABIES DISEASE

Amend subrules 16.147(2) and 16.147(3) to read as follows:

16.147(2) "Aujeszky's Pseudorabies disease test" means either a Serum Neutralization (SN) or Virus Isolation Test or other tests as approved by the department, performed by a laboratory approved by the department.

16.147(3) "Reactor" means an animal that has given a positive reaction to an Aujeszky's Pseudorabies disease test.

Amend subrule 16.147(5) to read as follows:

16.147(5) "Aujeszky's approved established herd" "Qualified pseudorabies negative herd" means a herd in which 100 percent of all breeding swine seven six months of age or over had an initial negative Aujeszky's pseudorabies disease test; and in which every three months thereafter, on alternating quarter 25 percent or 14 head, whichever is greater, of the herd, or 10 percent every month, upon retesting, had a negative Aujeszky's pseudorabies disease test. All breeding swine shall be tested in herds of fewer than 14 breeding swine.

Amend subrule 16.147(9) to read as follows:

16.147(9) "Approved Pseudorabies-approved premises" means a dry lot facility located in an area with confirmed cases of Aujeszky's pseudorabies disease infection; and which is authorized by the department to receive, hold or lead out reactors, exposed animals or swine of unknown status. These premises and all swine thereon shall be considered under quarantine, except for movement to slaughter or, by permit from the Iowa department of agriculture and land stewardship, to another pseudorabies-approved premises.

Rescind subrule 16.147(12) in its entirety and insert the following:

"Pseudorabies controlled vaccinated herd" means a herd which has met the requirements for a qualified pseudorabies negative herd and then has been vaccinated with an approved immunization product within 15 days.

Further amend rule 30—16.147(163.166C) by removing all subrule numbers, arranging the definitions in alphabetical sequence, and adding the following new definitions:

"Monitored herd" means a herd which has been tested and found to be noninfected on a "statistical sampling" test within the last 12 months.

"Positive reaction" means a reaction to an approved test, at a level considered diagnostic of pseudorabies infection.

"Statistical sampling" means a test based on at least a 98 percent probability of detecting at least a 10 percent herd sero positive level.

ITEM 2. Rescind rule 30—16.148(163.166C) and insert the following:

30—16.148(163.166C) Pseudorabies tests and reports.

16.148(1) Samples are collected by or under the direction of a licensed veterinarian. Breeding swine sampled shall be identified with numbered metal ear tags available through the department; ear notches, or other numbered identification approved by the department, may be used at the herd owner's expense.

16.148(2) Test forms must be filled out and results reported to the department within 14 days after completion of the tests. Copies will be made available to the veterinarian and, through the veterinarian, to the herd owner.

ITEM 3. Rescind rule 30—16.149(163.166C) and insert the following:

30—16.149(163.166C) Approval of qualified pseudorabies negative herd. The owner or veterinarian shall make a request to the department for approval or reapproval of a qualified pseudorabies negative herd

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT(21) (cont'd)

when the required tests are completed. Upon satisfactory proof that all requirements have been met, a certificate of approval shall be issued to the herd owner.

16.149(1) Initial approval. To qualify for initial approval, all the breeding swine six months of age or over must have a negative pseudorabies disease test. If the herd has had a reactor, in order to approve or reapprove, the reactors must be disposed of, and the breeding herd have one negative test at least 30 days after removal of any infected animals, followed by a negative test of 25 percent or 14 head, whichever is greater, of the breeding herd at least 30 days later.

16.149(2) Reapproval. Initial approval shall expire 90 days from date of issue and reapproval will be based on a test conducted from 30 to 106 days after the last approval date and receipt by the department of proof that 25 percent or 14 head, whichever is greater, of the breeding swine herd, or 10 percent every month, on retesting, had a negative pseudorabies disease test. All breeding swine shall be tested in herds of fewer than 14 breeding swine.

16.149(3) Additions to qualified pseudorabies negative herds. Additions may be made to qualified pseudorabies negative herds if the animals to be added are from another qualified pseudorabies herd, or are negative animals tested within 30 days from a monitored herd tested by statistical sampling within the last 90 days. All additions to the herd, unless from a qualified pseudorabies negative herd, shall be kept in isolation and retested on the farm of destination after 30 days.

ITEM 4. Rescind rule 30—16.150(163.166C) and insert the following:

30—16.150(163.166C) Shipment of breeding swine and feeder pigs.

16.150(1) Interstate and intrastate shipment of feeder pigs. All Iowa feeder pigs moved from herd of origin, except those going to slaughter, or to "pseudorabies-approved premises," must originate from a qualified pseudorabies negative herd or from a monitored herd tested by statistical sampling.

All imported feeder pigs must originate from a qualified pseudorabies negative herd, from a monitored herd tested by statistical sampling or, at the discretion of the Iowa department of agriculture and land stewardship, from low-incidence or pseudorabies-free areas.

Commingled feeder pigs of unknown status or feeder pigs passing through concentration points, unless all feeder pigs are from qualified pseudorabies negative herds, or monitored herds tested by statistical sampling, will be considered exposed and must go to slaughter or to pseudorabies-approved premises.

a. Feeder pigs moving from farm to farm within Iowa are exempt from tagging requirements; otherwise, they must comply with rule 30—18.11(163.172B), "Movement of livestock within the state."

b. Swine moved within and into the state of Iowa must comply with these rules according to the following dates:

July 20, 1988. All swine moved into the state of Iowa, except to slaughter, must comply with these rules.

October 1, 1988. The Iowa department of agriculture and land stewardship may, upon epidemiological investigation, request a monitor test of any herds located within one mile of a herd qualified to sell breeding swine or within one mile of any infected herd.

July 1, 1989. All swine sold as breeding swine must comply with these rules.

July 1, 1990. All feeder pig producer herds must comply with these rules or initiate an approved herd plan for "cleanup."

Pseudorabies program areas as designated by the Iowa department of agriculture and land stewardship: counties of O'Brien, Fayette, Washington, Marshall, Tama, Grundy, Hardin, and Story.

Swine moved within and into these areas must comply with these rules whenever a majority of herds within these areas have been tested and reveal a noninfection rate of 90 percent or greater; six months later, all swine herds within these areas must comply with these rules or initiate an approved herd plan for "cleanup."

Swine qualified to sell as breeding animals and feeder pigs from monitored herds must be kept separate and apart from other classes of swine, whenever they are in concentration points, and they must be handled in a manner to preserve identity and prevent exposure.

Program testing, pending availability of funds, will be provided to all feeder pig producers for one monitor test.

16.150(2) Intrastate and interstate shipment of breeding swine. Animals from a qualified pseudorabies negative herd, or negative animals tested within 30 days from a monitored herd tested by statistical sampling within the last 90 days or, at the discretion of the Iowa department of agriculture and land stewardship, negative animals tested within 30 days from low-incidence or pseudorabies-free areas may be sold as breeding swine.

Commingled breeding swine of unknown status or breeding swine passing through concentration points, unless all breeding swine are from a qualified pseudorabies negative herd or negative animals tested within 30 days from a monitored herd tested by statistical sampling within the last 90 days, will be considered exposed and must go to slaughter or to pseudorabies-approved premises.

ITEM 5. Rescind rule 30—16.151(163.166C) and insert the following:

30—16.151(163.166C) Quarantines.

16.151(1) Owners of animals tested for pseudorabies shall hold the entire herd on the premises until results are determined, except for sales to slaughter or to pseudorabies-approved premises. Herds determined to be infected after adoption of these rules will be quarantined; however, movement to slaughter or to approved premises will not be considered a violation of quarantine.

16.151(2) The quarantine may be released under the following circumstances:

a. All infected and exposed swine have gone to slaughter.

b. The herd has passed one negative test of the complete breeding herd at least 30 days after removal of infected animals, followed by a negative test of 25 percent or 14 head, whichever is greater, of the breeding swine, at least 30 days later; or a negative test on the herd tested by statistical sampling at least 30 days later.

c. Quarantined pseudorabies-controlled vaccinated, or vaccinated, herds may be released if:

(1) Results of statistical sampling of progeny, at least four months of age, representing the entire herd are

## AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21] (cont'd)

negative on two successive tests at least 30 days apart; and

(2) Statistical sampling of breeding herd reveals titers not considered to be infected on two successive tests at least 30 days apart.

d. Quarantine release procedures, as may be proposed in Program Standards for Pseudorabies Eradication, may be adopted in Iowa whenever program standards are approved and adopted at the National Pseudorabies Committee level.

ITEM 6. Rescind rule 30—16.152(163.166C) and insert the following:

30—16.152(163.166C) Pseudorabies immunization products.

16.152(1) The use, sale, distribution, or offer to sell or distribute any pseudorabies immunization product within the state is prohibited, subject to the following exceptions:

a. For research and testing, the secretary will issue a special permit.

b. Only licensed accredited veterinarians may buy and use or dispense any department-approved immunization product. All use must be reported to the department, and be validated by the herd owner's signature.

16.152(2) The vaccinated breeding swine will be identified by a distinctive colored ear tag available from the department, or other identification approved by the department.

The status of a pseudorabies-controlled vaccinated herd is maintained by an official pseudorabies test of a number of progeny over four months of age equal to at least 25 percent or 14 head, whichever is greater, of the breeding herd every 80 to 105 days, or 10 percent every 30 days. All additions to the herd must either be tested negative within 30 days to an official pseudorabies test, and originate from a noninfected herd monitored by statistical sampling within the 90 days, or originate from a qualified pseudorabies negative herd, and be officially vaccinated for pseudorabies within 15 days after the test and added to the herd not more than 30 days after the test.

ITEM 7. Amend rule 30—16.153(166C), introductory paragraph, to read as follows:

30—16.153(166C) *Arjepossy's Pseudorabies disease pilot control program areas.* The department may establish a pseudorabies disease pilot control program area *arjepossy* within Iowa.

Further amend rule 16.153(166C) by striking subrules 16.153(1) and 16.153(2) and renumbering and amending the remaining subrules as follows:

16.153(3)(1) All cooperators will permit sufficient swine in their herds to be tested at program expense to determine the health status of the herd prior to the start of the program and at intervals during the course of the program as deemed necessary by the department.

16.153(4)(2) The results of all tests performed for the benefit of the program shall be confidential and Tests may not result in quarantine action if the owner agrees to implement an approved herd plan for cleanup, unless the test results are being utilized for regulatory or certification purposes, or there is evidence of clinical pseudorabies disease on the premise/farm.

16.153(6)(3) The cost of the program, testing and vaccination, shall may be provided for by federal or state,

or a combination of both, funds. No indemnities will be paid for condemned animals.

16.153(6)(4) In the event federal or state funds are not available, producers within a pilot control area may continue the program at their own expense under state supervision.

These rules are intended to implement Iowa Code section 166C.3.

[Filed 5/24/88, effective 7/20/88]  
[Published 6/15/88]

EDITORS NOTE: For replacement pages for IAC, see IAC Supplement, 6/15/88.

ARC 8889

## CORRECTIONS DEPARTMENT[291]

Adopted and Filed

Pursuant to the authority of Iowa Code section 356.36, the Department of Corrections hereby adopts amendments to 291—Chapter 50, "Jail Inspection Standards," Iowa Administrative Code.

These rules establish standards for the operation of Iowa's jail facilities. Per Iowa Sheriff's Association and Department of Corrections officials, this chapter has been revised in an effort to update standards to meet current acceptable jail management and operating practices.

The Corrections Board adopted these rules on May 20, 1988. Notice of Intended Action regarding these rules was published in the Iowa Administrative Bulletin on January 27, 1988, as ARC 8343.

These amendments reflect the following changes in these rules since the published Notice on January 27, 1988:

1. In 50.7(3) and 50.7(4) number of hours in a cell pertaining to required square footage was changed from 16 to 17.

2. In 15.13(2)"a" rescind subparagraph (4) and renumber remaining subparagraphs accordingly.

3. In 50.14(3) sharing of nonelectric razors of inmates is prohibited.

4. In 50.15(6) inmates arrested for intoxication will be screened for potential suicide or self-injury risk. The age limit of 25 years is deleted, and these inmates must be checked every half hour for three hours instead of every 15 minutes.

5. In 50.15(9) provision that medication by unit dose may be returned to the dispensing pharmacy has been added.

These rules shall become effective July 20, 1988.

These rules are intended to implement Iowa Code sections 356.36 and 356.43.

ITEM 1. Amend 50.1(356.356A) Definitions as follows: "Capacity" means the number of inmate or detainee occupants for which any cell, room, unit, building, facility or combination thereof has been approved by the jail inspection unit; may accommodate according to the square footage requirements of the standards.

"Day room." A common space shared by inmates or detainees residing in a group of cells or multiple occupancy cells, to which inmates or detainees are admitted for activities such as dining, bathing, or passive recreation, or exercise.

EXHIBIT 3

SENATORS AND REPRESENTATIVES, MEMBERS OF THE TASK FORCE AND RULES REVIEW COMMITTEE

RE: THE PROPOSED PSEUDORABIES RULE.

We would like to thank you for conducting the informational meetings across the state pertaining to the proposed Pseudorabies ruling. It gave us, at the producer level, the opportunity to voice our opinions and concerns as to the results if this rule goes into effect as proposed. Taking into consideration these views, we would like to recommend the following proposals.

OPTION #1:

To adopt the proposed border rules as of July 20, 1988, not to accept any interstate hogs under any less stringent rules than Iowa exported hogs must meet to move across state lines.

OPTION #2:

To move into a vaccination program through Dec. 31, 1990, during this period monitoring the success, if any, of the present pilot programs in several counties. Hopefully, during this period, new technology in vaccines and testing will be developed to give us more time to adjust to the proposed ruling. Should this new technology become available in the near future, tests could be conducted on individual herds to monitor the success in the reduction of instances of positive Pseudorabies blood samples.

OPTION #3:

To send the proposed Pseudorabies bill to the next legislative session for debate.

We believe the producers and markets in our area are not ready for this ruling in its proposed form. Also, as indicated from the meetings held, the endorsements of several organizations are not true representation of grass root producers. For these reasons we ask you for a period of time to adjust our operations and monitor present programs for success and workability. Your consideration is very much appreciated.

Gary Rupiper  
Producer and Market Operator  
Ervin J. Behrens, Carroll County Pork Producers

John Scharfenkamp  
Producer and Market Operator

Producers:

Dave Remburg  
Dennis Conner  
Thomas Buetell  
Lrry Meyer  
Mar L. Himman  
Russ Schelle, V.P.

Lenus Borkowski  
Curt J. Scholler  
Bob Behrens  
Steve Aress  
Dale Schlichte

Exhibit B  
da/dg/20

## EXHIBIT C

We, the undersigned, oppose the proposed pseudorabies rule changes. If member of Farm Bureau or IPPA, please indicate next to your name (FB or IPPA).

NAME	ADDRESS	DATE
1. Betty J Miller	Riceville Rt #2	6/23/88
2. Clayton Marcin	R #4 Charles City	6/22/88
3. Kenneth H. Furgerson	R.R. 1 Box 60, Riceville, IA	7/6/88
4. Douglas Nath	R.R.2 Box 185, Riceville	7/6/88
5. G. Hermann	R.R.1 Box 130, Riceville	7/6/88
6. Ron Hermann	R.R.1 Box 130, Riceville	7/6/88
7. Jim Brown	R.R.1 Box 574, Riceville	7/6/88
8. Terry McGovern	R.R.1 Box 82, Riceville	7/6/88
9. Charles Saltou	Box 23, Riceville, Iowa	7/6/88
10. Howard L. Madsen	Box 202, St. Ansgar, IA R.R. 1	7/6/88
11. Lester H. Madsen	Box 202 R.R. 1, St. Ansgar, IA	7/6/88
12. Melissa Saltou	R.R.2 Box 23, Riceville, IA	7/6/88
13. Jim Marr	R.R.1 Box 91, Riceville, IA	7/6/88
14. Dennis Conrad	Box 62, Little Cedar, IA	7/6/88
15. Arlene Felper	R.R.2, Box 119, Riceville, IA	7/6/88
16. Tom Felper	R.R.2, Riceville, IA	7/6/88
17. John Kirchhoff	Elma, Iowa	7/6/88
18. Morton Kirchhoff	Riceville, Iowa	7/6/88
19. Aileen Kirchhoff	Elma, IA	7/6/88
20. Gerald Francis	Osage, Iowa	7/6/88
21. Ralph P. Smith	McIntire, IA	7/6/88
22. Don Heddington	Hanlontown, IA	7/6/88
23. Francis Oувerson	Hanlontown, IA	7/6/88
24. Alfred Kahler	Elma, IA	7/6/88
25. Lavern S. Mueller	Stacyville, IA	7/6/88
26. Levi M. Borntreger	McIntire, IA	7/6/88
27. Jan McGovern	Riceville, IA	7/6/88
28. Gary S. Sunner	LeRoy, Minn	7/6/88
29. Eli J. Shrock	Riceville, R. R. 1	7/6/88
30. Ray Red Bailey	Jones, Iowa R. #2	7/6/88
31. Dan C. Borntreger	Riceville, Iowa R #2	7/6/88
32. Bruce Gerde FB	St. Ansgar, IA	7/6/88
33. Francis Faris	St. Ansgar, IA	7/6/88
34. Don Sovern	Rice	7/6/88
35. Steve Hadley	Osage	7/6/88
36. Charles H. Kinney	Charles City R. R. 2	7/6/88
37. Jim Larson	R. R. 1 Rudd	7/6/88
38. Elden Duenow	R. R. 1 Osage	7/6/88
39. Robert Mauer	R. R. 1, Stacyville, IA	7/6/88
40. Jim Franke	New Hampton	7/6/88
41. Curt Wallace	Riceville, IA	7/6/88
42. Melvin Duenow	R. R. 1, Osage	7/6/88
43. Tret L. Flug	R. R. 1 Riceville	7/6/88
44. Monica Jensen	Rt 1 Box 76, LeRoy, MN	7/6/88
45. Darston N. Huntington	Riceville	7/6/88
46. Amil Felper	Riceville	7/6/88

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47. Leota Felper	Riceville	7/6/88
48. Lawrence Schmill	Riceville	7/6/88
49. Gary Moore	Riceville	7/5/88
50. Oliver Gunderson	New Hampton, IA	7/6/88

Exhibit C  
da/dg/20

# PSEUDORABIES TASK FORCE MEETING

July 11, 1988

Des Moines, Iowa

## Attendance List

<u>NAME</u>	<u>TOWN</u>	<u>OCCUPATION</u>
Ron Wood	West Des Moines	Iowa Farm Bureau
Rick Robinson	West Des Moines	Iowa Farm Bureau
John Hawley	Des Moines	Legislative Fiscal Bureau
Don Minzern	Des Moines	Des Moines Register
John P. Kluge	Ames	Veterinarian - ISU
Thomas Neuzil	Des Moines	Veterinarian
Paul J. Armbrecht	Lake City	Veterinarian
Don Gingerich	Parnell	Pork Producer
Craig Olsen	Newhall	Pork Producer
George W. Beran	Ames	Veterinarian
James D. McKean	Ames	Veterinarian - ISU
Bill Mitchell	Winterset	Breeding Stock Producer
John Schafenkamp	Carroll	Operator of Carroll Livestock
Gary Ruginger	Templeton	Producer and Market Owner
Jeff Schnell	Des Moines	IPRA Staff
Patrick Gannon	Colfax	Pork Producer
Diane Gannon	Colfax	Pork Producer
Walter Felker	Des Moines	State Veterinarian
Bernard Zecha	Des Moines	USDA Veterinarian
Tami Lindley	Altoona	USDA Animal Health Technician
Dale McGraw	Pleasantville	Seed Stock Producer
JoAnn Alumbaugh	Linden	Producer & Wallaces Farmer
Verle McGraw	Pleasantville	Hog Producer
George Crawford	Clarinda	Auction Barn Owner
Marsha Griffith	Des Moines	USDA Animal Health Tech.
Joe Rupiper	Rossville	Producer
Joe Lenaghan	Carroll	Feed Dealer
Jerry Rupiper	Carroll	Feed & Producer
Neal Rupiper	Carroll	Producer
Kurt Hamilton	Kansas City, MO.	Iowa Livestock Auction Markets
Steven Lees	Carroll	Producer & County Director
Thomas Buelal	Arcadia	Producer & County Director

M I N U T E S

PSEUDORABLES CONTROL TASK FORCE

July 11, 1988

PRELIMINARY BUSINESS

The Pseudorables Task Force met for the eighth and final time to conduct a meeting on July 11, 1988, in Room 22 of the State Capitol. Co-chairperson Senator Berl Priebe called the meeting to order at 2:30 p.m. Other members of the Task Force present included the following:

Representative Josephine Gruhn, Co-chairperson  
Senator Hurley Hall  
Senator Emil Husak  
Senator John Peterson  
Senator John Soorholtz  
Representative Russell Eddie  
Representative Dan Fogarty  
Representative Louis Muhlbauer  
Representative Dan Petersen

Other persons included Mr. Joe Royce, Administrative Code Division, and Mr. John Fatino and Mr. Doug Adkisson from the Legislative Service Bureau. A list of members from the public attending the meeting is attached.

Co-chairperson Priebe noted that he had received a request for an additional presentation, and asked the Committee to determine whether additional presentations should be made during the final meeting. Senator Husak stated that this meeting was intended to be a working session. Senator Husak stated that if one person was allowed to make a presentation others would have the same right, delaying the business of the Committee. Representative Muhlbauer commented that interested persons had many prior opportunities to speak before the Committee. The Committee reaffirmed its decision that the meeting would be devoted to Committee discussion.

### EXPLANATION OF THE PROPOSED RULES

Co-chairperson Priebe requested that Mr. Royce describe the proposed rules. Mr. Royce explained to members of the Task Force proposed amendments under the rules.

A copy of the proposed rules is attached. A brief description of the proposed rules is stated as follows:

Item 1 provides that the name of the disease "Aujeszky's disease" is changed to "pseudorabies disease".

Item 1 also amended a number of definitions. The term "Aujeszky's approved established herd" is changed to "qualified pseudorabies negative herd". To be classified as a qualified pseudorabies negative herd, all of the breeding swine six or more months old must have an initial negative test and every three months after the test, twenty-five percent of the herd or fourteen head from the herd must be tested negative or ten percent of the herd must be tested negative each month. Breeding swine tested must be tested in herds of fewer than fourteen breeding swine.

The term "pseudorabies approved premises" replaces the term "approved premises". A pseudorabies approved premises is defined as a dry lot facility located in an area of confirmed infection. The proposed rule will require all swine be kept in an approved premises subject to quarantine. Movement of such swine will be permitted for slaughter purposes or location to another pseudorabies approved premises.

Several terms were created under the rules, including "pseudorabies controlled vaccinated herd" defined as a herd which has met the requirements for a qualified pseudorabies negative herd and then has become vaccinated according to prescribed methods; "monitored herd" means a herd which has been tested and found to be noninfected according to a statistical sampling test within the last 12 months; "positive reaction" means a reaction to an approved test; and "statistical sampling" means a test based on at least a 95% probability of detecting a least a 10% herd positive level.

Item 2 relates to pseudorabies tests and reports. The proposed rules require that samples be collected by a licensed veterinarian. Sampled, breeding swine must be identified with numbered metal ear tags, ear notches, or other identification approved by the department. The rules also provide for the completion of test forms to be reported to the department within 14 days after test completion.

Item 3 relates to approval of a qualified pseudorabies negative herd. Under the rules, a qualified pseudorabies negative herd

*\* Attachment omitted since rules are in Exhibit A of  
Final Report.*

must be approved by the department as free from pseudorabies upon completion of required tests. The department, according to Mr. Royce, issues a certificate of approval when the tests have been satisfied. To qualify for initial approval, breeding swine six months of age or older must have a negative pseudorabies disease test. If a hog in the herd tests positive (is a "reactor") the hog must be disposed of, and the breeding herd must have a negative test within thirty days after removal followed by a negative test of twenty-five percent of the herd or fourteen head, whichever is greater, at least thirty days later.

Item 4 relates to shipment of breeding swine and feeder pigs. The rules provide that all Iowa feeder pigs moved from herd of origin, except those going to slaughter, must be from a qualified pseudorabies negative herd or from a monitored herd tested by statistical sampling. Imported feeder pigs must originate from a qualified pseudorabies negative herd, from a monitored herd, or at the discretion of the department. Commingled feeder pigs of unknown status or feeder pigs passing through concentration points must go to slaughter or to pseudorabies-approved premises (unless pigs are from qualified pseudorabies negative herds or monitored herds). On or after July 20, 1988, swine moved into the state, except for slaughter, must comply with these rules. On or after October 20, 1988, the department may request a monitor test of any herd located within one mile of a herd qualified to sell breeding swine or within one mile of an infected herd. On or after July 1, 1989, swine sold as breeding swine must comply with these rules. On or after July 1, 1990, all feeder pig producer herds must comply with the rules.

Pseudorabies program areas designated by the department (O'Brien, Fayette, Washington, Marshall, Tama, Grundy, Hardin, and Story counties) are subject to the rules as amended. Swine moved within these areas must comply with the proposed rules when a majority of the herds in the areas have been tested with a noninfection rate of 90% or greater. Six months following the test, all swine herds within the area must comply with the rules or cleanup must be initiated.

Swine qualified to sell as breeding animals and feeder pigs from monitored herds must be kept separate from other classes of swine whenever the swine are in concentration points, and they must be handled in a manner to preserve identity and prevent exposure to the disease.

Animals from a qualified pseudorabies negative herd, or negative animals tested within 30 days from a monitored herd tested within the last 90 days, may be sold and shipped as breeding swine. Negative animals tested within 30 days from low-incidence or pseudorabies-free areas may be sold as breeding swine.

Commingled breeding swine of unknown status or breeding swine passing through concentration points will be considered exposed and must go to slaughter or must go to pseudorabies approved premises. However, this requirement does not apply to swine passing through concentration points, if all swine are from a qualified pseudorabies negative herd or negative animals tested within 30 days from a monitored herd which has been tested by statistical sampling within the last 90 days.

Item 5 relates to quarantines. Swine from infected or exposed herds may not be released except under the following circumstances: the swine are going to slaughter; the herd has passed one negative test of the complete herd at least 30 days after removal of infected animals, followed by a negative test at least 30 days later of 25% of the breeding swine or 14 head of the breeding swine, whichever is greater; and the herd is vaccinated and the results of statistical sampling of the herd's progeny show negative results and statistical sampling of the breeding herd reveals litters not considered to be infected on two successive tests at least 30 days apart.

Item 6 relates to pseudorabies immunization products. The proposed rules prohibit the sale or distribution of pseudorabies immunization products within the state with the following exceptions: for research and testing under permit by the Department of Agriculture and Land Stewardship or by prescription from a licensed accredited veterinarian dispensing department-approved products.

The rules require that breeding swine vaccinated must be identified by a colored ear tag. The status of a pseudorabies controlled vaccinated herd is maintained by testing a number of progeny every 80 to 105 days. The test shall include at least 25% of the breeding herd or 14 head from the herd. The test may include 10% of the herd every 30 days. All additions to the herd must either be tested negative within 30 days or originate from a noninfected herd monitored by statistical sampling within the 90 days. Additions may also originate from a qualified pseudorabies negative herd, and be vaccinated for pseudorabies within 15 days after the test, if added to the herd not more than 30 days after the test.

Item 7 relates to established pseudorabies disease program areas. The proposed rules provide that tests in such areas will no longer be confidential. Tests may still not result in quarantine. Under the proposed rules, quarantine will result if the owner agrees to implement an approved herd plan for cleanup. Costs for the program are no longer required to be provided by the federal or state governments.

A copy of the proposed rules is attached as Exhibit A.

DISCUSSION OF ITEMS UNDER THE PROPOSED RULES

Representative Fogarty inquired about the effect of pilot projects within the proposed rules. Committee members discussed Item 7 of the rules relating to a pseudorabies disease program. Members also discussed the name change from Aujeszky's disease to pseudorabies.

Members of the Committee discussed Item 2 of the proposed rules. Members stated that although the provisions appeared technical, the changes were of consequence. Co-chairperson Priebe discussed with Senator Husak how the rules were amended, and specifically how much of the current law under section 16 of the rules would be rescinded by adoption of the proposed rules.

Members of the Task Force discussed Item 3 of the proposed rules, and the requirement that specific numbers of swine (25% or 14 head, whichever is greater) must renew within 105 days and must retest. In response to a question, Mr. Royce commented that this requirement includes more detail.

Members of the Task Force discussed Item 4. The members discussed that the proposed rules place more restrictions upon shipment of breeding swine. Members commented that by July 20, 1988, all swine coming into the state must comply with the rules.

Senator Husak asked about the status of designated project areas. Co-chairperson Priebe stated that the proposed rules designate project areas, but that old rules did not. Mr. Royce commented that project areas are specifically designated by counties, rather than by numbers of persons volunteering to participate in the program. Representative Fogarty asked about the future of pilot projects. Co-chairperson Priebe stated that current rules still provide for the projects.

The Task Force considered Item 5 of the proposed rules. Mr. Royce explained that there are three exceptions to the quarantine of animals infected or exposed to pseudorabies: 1) depopulation, 2) multiple negative retests of the herd after removal of infected animals, and 3) multiple negative retests of vaccinated piglets representing the entire herd.

The Task Force discussed Item 6 of the proposed rules. The rules, according to Mr. Royce, provide that anti-pseudorabies tests cannot be generally used.

The Task Force discussed with Mr. Royce Item 7 of the proposed rules. Mr. Royce commented that the rules consist of technical amendments.

### RECOMMENDATIONS

Co-chairperson Priebe asked if Task Force members had comments or questions. Senator Husak expressed concern relating to Item 4 of the rules. Senator Husak stated that the rules address both interstate and intrastate movement. Mr. Royce stated that the item contains two rules in section 16.150. Senator Husak stated that during the hearings many persons expressed concern about Item 4. Senator Husak also expressed concern that Iowa not become a dumping ground for swine infected with pseudorabies. Co-chairperson Priebe stated that if a threat of Iowa becoming a dumping ground existed, the department may, through emergency rulemaking, require all hogs coming into the state to be monitored.

Senator Peterson expressed reservations about the rules. He noted that public sentiment opposes adoption of the rules. He expressed doubt about the feasibility of administration of the proposed rules. Senator Peterson stated that he favors legislation regarding eradication of the disease. He stated that all interested persons would be able to consider eradication methods and that enforcement would be made easier.

Senator Soorholtz stated that pseudorabies is a herpes disease, that swine in Europe had been infected since the early part of this century, that all eradication programs there had failed, and that an eradication program depends upon participation of producers. Senator Soorholtz raised concerns dealing with the state's legal liability from adoption of the rules.

Senator Peterson expressed concerns that by certifying hogs as free of pseudorabies, the state is warranting hogs fit for a particular purpose. Several members discussed this point. Members also discussed the lack of support among producers for the proposed rules. Co-chairperson Priebe stated his concern that to be successful, the program must have support from persons in the production and sale of swine. Co-chairperson Gruhn echoed this view.

A motion was made that the Task Force recommend that the Rules Review Committee delay the effective date of the rules and that the rules be referred to the appropriate committee of the General Assembly during the next session. The motion was seconded and passed by voice vote unanimously.

CLOSING BUSINESS

Co-chairperson Priebe thanked the members of the Task Force for attending the hearings and for their participation in the process. He noted that minutes from the hearings were available from Mr. Doug Adkisson of the Legislative Service Bureau. The meeting was adjourned at 3:45 p.m.

Respectfully submitted,

Douglas Adkisson  
Legal Counsel

pseudo, july11  
DA/jj/15