

CHAPTER 280**PSEUDORABIES CONTROL***S.F. 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.3.

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, Fayette, 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 vaccinate 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.

Approved June 1, 1989

CHAPTER 281

SOLID WASTE DISPOSAL PENALTY

S.F. 488

AN ACT relating to solid waste disposal and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 455B.307, subsection 3, Code 1989, is amended to read as follows:

3. Any person who violates any provision of part 1 of this division or any rule or any order adopted or the conditions of any permit or order issued pursuant to part 1 of this division shall be subject to a civil penalty. ~~The amount of the civil penalty shall be based upon the toxicity and severity of the solid waste as determined by rule, but not to exceed five hundred thousand~~ sand dollars for each day of such violation.

Approved June 1, 1989