

NEBRASKA ADMINISTRATIVE CODE

TITLE 23, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 15

NEBRASKA DEPARTMENT OF AGRICULTURE

PSEUDORABIES REGULATIONS

January, 2005 Amendment

NEBRASKA ADMINISTRATIVE CODE

TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL INDUSTRY

Chapter 15 - PSEUDORABIES REGULATIONS

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001 Statement of Purpose. The purpose of these regulations is to aid in administering the Pseudorabies Control and Eradication Act, Neb. Rev. Stat. §§54-2235 to 54-22,100.

002 Administration and Reporting.

002.01 These regulations are administered by the Bureau of Animal Industry of the Department of Agriculture, fourth floor, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509. The telephone number is (402) 471-2351, FAX: (402) 471-6893.

002.02 As prescribed in the provisions of Neb. Rev. Stat. §54-742, facts, belief, or suspicions regarding presence of pseudorabies in livestock in Nebraska shall be immediately reported to the Department of Agriculture.

002.03 Any person maintaining a pseudorabies monitored herd, a qualified pseudorabies negative herd, a Stage II, III, IV, or V herd, or a herd under quarantine shall keep all written documents and a complete and accurate record of all sales, purchases, or other movement of swine for a period of two years from the date of transaction. Such

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records shall include: (1) the names and addresses of the consignor and consignee; (2) identification of breeding swine and number and description of feeder pigs; (3) the date and destination of the shipment; (4) the name of the pseudorabies vaccine and the number of doses purchased; and (5) any additional information required by the Bureau. These records shall be made available to the Bureau for inspection at reasonable times upon request.

003 General. Whenever required by the provisions of these regulations, or whenever a person desires approval to engage in an activity restricted by these regulations, or whenever any required action under these regulations has a designated time limit for completion and an extension of the time is desired, the person responsible for such action or activity shall request permission from the Bureau. Application for permission shall specifically, completely, and accurately describe the need and may either be made by telephone, in person, or in writing. Permission, if granted, shall be in writing and signed by the Bureau. However, applicants may be advised in advance by telephone or in person by the Bureau that written permission shall be granted. Permission may be issued only when it is in the best interest of the livestock industry and the State of Nebraska to do so and when it is consistent with sound animal health practice. Permission may be withheld or revoked for violation by the holder thereof of stated conditions. Notice of withdrawal or revocation of such permission shall be given to the holder thereof in writing by the Bureau.

004 Definitions. The definition of terms found in the Pseudorabies Control and Eradication Act shall apply to such terms when found in these regulations. The terms and their definitions set out in this section shall have the same meaning throughout these regulations.

004.01 ACCREDITED VETERINARIAN means a veterinarian approved by the Deputy Administrator of the United States Department of Agriculture in accordance with 9 C.F.R. part 161, in effect on January 1, 2002, Neb. Rev. Stat. §54-2238. A copy of 9 C.F.R. part 161 is attached to these regulations as Appendix A and incorporated herein by reference.

004.02 ADMINISTRATOR means the administrator of APHIS or any person authorized to act for the administrator.

004.03 AFFECTED HERD means a herd in which livestock are infected, Neb. Rev. Stat. §54-2239.

004.04 AFFECTED SWINE HERD means a swine herd in which swine have been determined by the results of an official test to be

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infected with or diagnosed by a veterinarian as having pseudorabies, Neb. Rev. Stat. §54-2241.

004.05 APHIS means the Animal and Plant Health Inspection Service of the USDA.

004.06 AREA TESTING means testing of a random sample of each swine herd in a program area, Neb. Rev. Stat. §54-2242.

004.07 BREEDING HERD means a swine herd containing breeding swine.

004.08 BREEDING SWINE means boars, sows, and gilts being used or intended for use for reproductive purposes, Neb. Rev. Stat. §54-2243.

004.09 BUREAU means the Bureau of Animal Industry of the department and shall include: (1) state veterinarian, deputy state veterinarian, animal epidemiologist, and any other veterinarians, livestock inspectors, investigators, and other employees all whom are employed by the Bureau; and (2) veterinarians, animal health technicians, and investigators employed by APHIS while performing duties delegated to them by the Bureau.

004.10 CIRCLE TESTING means testing of a random sample of each swine herd located within two miles of the affected premises if in a Stage II, III, or IV status area and within five miles if in a Stage V status area. Stage II, III, IV, and V status areas are established pursuant to the Part III Program Stages and Requirements of the State-Federal-Industry Program Standards for Pseudorabies Eradication as approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, in effect on January 1, 2002, Neb. Rev. Stat. §54-2244. A copy of Part III of Pseudorabies Eradication State-Federal-Industry Program Standards, in effect on January 1, 2002, is attached to these regulations as Appendix J and incorporated herein by reference.

004.11 CLASSIFICATION means determination made by the Bureau of the pseudorabies status of a swine as either positive, negative, or suspect based on the results of an official test.

004.12 CLEAN AND DISINFECT means the removal of litter, feed, and manure in such a manner so as not to expose livestock to such litter, feed, and manure and the cleaning of buildings, outside lots, associated equipment, and vehicles with a

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general disinfectant which has been shown to be virucidal against the pseudorabies virus.

004.13 CLEANUP TESTING means testing done in an affected swine herd as part of a swine herd cleanup plan, Neb. Rev. Stat. §54-2245.

004.14 CONCENTRATION POINT means any facility where livestock from two or more herds are assembled and subsequently dispersed to one or more locations, Neb. Rev. Stat. §54-2246.

004.15 CONTACT means direct access to other swine or the litter, feed, excrement, or discharges of such swine.

004.16 DEPARTMENT means the Department of Agriculture or its authorized agent, Neb. Rev. Stat. §54-2247.

004.17 EXPOSED means being part of an affected herd or having had a reasonable opportunity to come in contact with infected livestock or a pseudorabies virus, Neb. Rev. Stat. §54-2248.

004.18 FEE BASIS means the payment schedule set forth in section 014 used to pay veterinarians from state funds for authorized work conducted in accordance with the Pseudorabies Control and Eradication Act and regulations adopted and promulgated thereunder.

004.19 FEEDER SWINE means swine being fed or intended to be fed for weight-gaining purposes and eventual slaughter, Neb. Rev. Stat. §54-2249.

004.20 FERAL SWINE means swine that have lived any part of their lives as free-roaming.

004.21 HEALTH CERTIFICATE or CERTIFICATE OF VETERINARY INSPECTION means a legible record issued by an accredited veterinarian covering the requirements of the state or country of destination, recorded on an official form of the state of origin or an approved form from the USDA. A copy of a Certificate of Veterinary Inspection, Form A 237 is attached to these regulations as Appendix B and incorporated herein by reference.

004.22 HERD means (1) any group of livestock maintained on common ground for any purpose or (2) two or more groups of livestock under common ownership or supervision geographically separated but which have an interchange of livestock without regard to whether the livestock are infected or exposed, Neb. Rev. Stat. §54-2250.

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004.23 HERD ADDITION means the addition of livestock to an existing herd, and in the case of swine shall include swine added by farrowing.

004.24 IDENTIFICATION means eartag, swine backtag, tattoo, ear notching, or other identification which is approved by USDA and applied to swine and which individually identifies such swine in or to the swine herd.

004.25 INFECTED means determined by the results of an official test or diagnosed by a veterinarian as having pseudorabies, Neb. Rev. Stat. §54-2251.

004.26 ISOLATION means separation of livestock by a physical barrier in such a manner that other livestock do not have access to the isolated livestock's body, excrement, or discharges; also, not allowing the isolated livestock to share a building with a common ventilation system with other livestock; and, also, not allowing the isolated livestock to be within ten feet of other livestock if not sharing a building with a common ventilation system.

004.27 LIVESTOCK means cattle, swine, sheep, or goats, Neb. Rev. Stat. §54-2252.

004.28 MOVE FOR SLAUGHTER means the transportation of swine from the swine herd to: (1) a recognized slaughtering establishment for slaughter; or (2) a concentration point, and then to a recognized slaughtering establishment for slaughter; or (3) a concentration point, to a slaughter market, and then to a recognized slaughtering establishment for slaughter; or (4) a slaughter market, and then to a recognized slaughtering establishment for slaughter.

004.29 NEGATIVE means not infected as determined by the department based on the results of an official test, Neb. Rev. Stat. §54-2253.

004.30 OFFICIAL GENE-ALTERED PSEUDORABIES VACCINATE means swine vaccinated with an official gene-altered pseudorabies vaccine licensed by USDA, and used in accordance with directions on the label of such vaccine.

004.31 OFFICIAL GENE-ALTERED PSEUDORABIES VACCINE means any official pseudorabies vaccine which is licensed by USDA and for which there is an approved differential pseudorabies test.

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004.32 OFFICIAL PSEUDORABIES VACCINATE means a swine vaccinated with an official pseudorabies vaccine licensed by USDA, and used in accordance with the directions on the label of such vaccine.

004.33 OFFICIAL PSEUDORABIES VACCINE means any pseudorabies virus vaccine produced under license by USDA.

004.34 OFFICIAL TEST means any testing procedure recognized for use in the diagnosis of pseudorabies by (1) the United States Department of Agriculture in 9 C.F.R. part 85, in effect on January 1, 2002, or (2) the department in rules and regulations adopted and promulgated pursuant to the Pseudorabies Control and Eradication Act, Neb. Rev. Stat. §54-2254. A copy of 9 C.F.R. part 85 is attached to these regulations as Appendix C and incorporated herein by reference.

004.35 OWNER means any owner or authorized representative of the swine herd.

004.36 PERSON means any individual, corporation, company, association, firm, partnership, society, joint stock company, or other legal entity.

004.37 PORTION means a number of swine according to the total number of swine in the herd. The number of swine constituting a portion of a swine herd is as follows: (1) in swine herds of less than 11 swine, the portion is all the swine; (2) in swine herds of 11 to and including 35 swine, the portion is 10 swine; and (3) in swine herds of 36 or more, the portion is 30 swine or 30% of the swine, whichever is less.

004.38 POSITIVE means infected as determined by the department based upon results of an official test, Neb. Rev. Stat. §54-2255.

004.39 PREVALENCE means a determination by dividing the number of quarantined premises in the state or area of the state by the number of swine herds in the state or in the respective area.

004.40 PROGENY means offspring of a swine herd that are over 12 weeks and under 6 months of age.

004.41 PROGRAM AREA means a portion of a county, an entire county, a group of adjacent counties, or part of or the entire state designated by the department to be given priority

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assignment of a program activity and state funds, Neb. Rev. Stat. §54-2258.

004.42 PSEUDORABIES means the contagious, infectious, and communicable disease of livestock, variously known as Aujeszky's Disease, mad itch, PRV, or infectious bulbar paralysis, Neb. Rev. Stat. §54-2259.

004.43 PSEUDORABIES SWINE HERD CLEANUP PLAN means a written agreement (1) which is designed to eradicate pseudorabies from the swine herd pursuant to section 54-2277, (2) which is developed by the swine herd owner or the authorized representative of the swine herd owner and the development of which may include the veterinarian for such swine herd, and (3) which is approved by the department, Neb. Rev. Stat. §54-2267. A copy of such agreement is attached to these regulations as Appendix I and incorporated herein by reference.

004.44 PSEUDORABIES HERD STATUS APPLICATION means a form, attached to these regulations as Appendix F and incorporated herein by reference, which is signed by the owner of the swine herd and which states: (1) the status swine herd classification applied for; (2) the number of swine in the swine herd; and (3) any additional information required by the Bureau.

004.45 QUALIFIED HERD means a swine herd which has a status of qualified pseudorabies negative herd, qualified pseudorabies negative growout herd, or a swine herd located in a USDA/APHIS designated Stage IV or V Area.

004.46 QUALIFIED PSEUDORABIES NEGATIVE GROWOUT HERD means a swine herd which fulfills the qualifications of subsection 005.02.

004.47 QUALIFIED PSEUDORABIES NEGATIVE HERD means a swine herd which fulfills the qualifications of subsection 005.01.

004.48 QUARANTINE means restriction of: (1) Movement imposed by the department on (a) livestock, including one or more livestock classified suspect, positive, or exposed, (b) a herd which is reasonably suspected of being infected or exposed, (c) a swine herd when the swine herd owner refuses testing of his or her swine herd as required by the Pseudorabies Control and Eradication Act, (d) swine imported into the state in violation of the Animal Importation Act, or (e) swine imported into the state when a retest is required according to subdivision (4) of section 54-2290; and (2) Use imposed by the

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department of the premises, vehicles, and equipment used for such livestock or herd, Neb. Rev. Stat. §54-2260.

004.49 RANDOM-SAMPLE TEST (95/2) means a sampling procedure utilizing official pseudorabies serologic tests which provides a 95 percent probability of detecting infection in a herd in which at least 2 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head	- test 78
100-200 head	- test 105
201-999 head	- test 138
1,000 and over	- test 149.

004.50 RANDOM-SAMPLE TEST (95/5) means a sampling procedure utilizing official pseudorabies serologic tests which provides a 95 percent probability of detecting infection in a herd in which at least 5 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head	- test 45
100-200 head	- test 51
201-999 head	- test 57
1,000 and over	- test 59.

004.51 RANDOM-SAMPLE TEST (95/10) means a sampling procedure utilizing official pseudorabies serologic tests which provides a 95 percent probability of detecting infection in a herd in which at least 10 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

Less than 100 head	- test 25
100-200 head	- test 27
201-999 head	- test 28
1,000 and over	- test 29.

004.52 RANDOM-SAMPLE TEST (95/20) means a sampling procedure utilizing official pseudorabies serologic tests which provides a 95 percent probability of detecting infection in a herd in which at least 20 percent of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

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Test all up to 14 head.

004.53 RECOGNIZED SLAUGHTERING ESTABLISHMENT means a slaughtering establishment operating under the provisions of the Federal Meat Inspection Act, 21 U.S.C. §§601 et. seq., or a state inspected slaughtering establishment. A copy of 21 U.S.C. §§601 et. seq. is attached to these regulations as Appendix E and incorporated herein by reference.

004.54 SEGREGATED GROUP means swine which are part of a swine herd which are maintained separately, and which have a minimal interchange of swine, equipment, and personnel.

004.55 SLAUGHTER MARKET means concentration points where all swine consigned are sold to go to a recognized slaughtering establishment.

004.56 SALE means a sale, lease, loan, trade, or gift
Neb. Rev. Stat. §54-2262.

004.57 STAGE means a designation II, III, IV, or V assigned to a state or area of a state by the United States Department of Agriculture with respect to the prevalence of pseudorabies contained therein, Neb. Rev. Stat. §54-2262.01.

004.58 STAGE II STATUS SWINE HERD means a swine herd that is not quarantined, suspended, monitored, or qualified, and is located in an area of a state which has been designated as a Stage II area by the USDA.

004.59 STAGE III STATUS SWINE HERD means a swine herd that is not quarantined, suspended, monitored, or qualified, and is located in an area of a state which has been designated as a Stage III area by the USDA.

004.60 STAGE IV STATUS SWINE HERD means a swine herd that is not quarantined or suspended, and is located in an area of a state which has been designated as a Stage IV area by the USDA.

004.61 STAGE V STATUS SWINE HERD means a swine herd that is not quarantined or suspended, and is located in an area of a state which has been designated as a Stage V area by the USDA.

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004.62 STATUS SWINE HERD means a swine herd which has been given a title approved and assigned by the department according to the pseudorabies disease condition of the swine herd. Neb. Rev. Stat. §54-2263.

004.63 SURVEILLANCE means testing done to determine the presence of pseudorabies in the state or a program area, Neb. Rev. Stat. §54-2264.

004.64 SUSPECT means unable to be classified as positive or negative, as determined by the department, based on the results of an official test, Neb. Rev. Stat. §54-2265.

004.65 SWINE HERD means (1) any group of swine maintained on common ground for any purpose or (2) two or more groups of swine under common ownership or supervision geographically separated but which have an interchange of swine without regard to whether the swine are infected or exposed, Neb. Rev. Stat. §54-2266.

004.66 TEST means the action of examining a specimen from a donor swine to determine the presence or absence of evidence that pseudorabies virus is or has been present in such a swine.

004.67 TESTED means the completion of the testing.

004.68 TESTING means (1) the collection of a blood sample from a swine by or under the supervision of an accredited veterinarian, (2) submitting such blood sample to a laboratory which is approved by the administrator of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, and which is set out in the Veterinary Service Notice listing such laboratories, and (3) subjecting such blood sample to an official test, Neb. Rev. Stat. §54-2268.

004.69 USDA means the United States Department of Agriculture.

004.70 VETERINARIAN means an individual who is a graduate of a college of veterinary medicine, Neb. Rev. Stat. §54-2269.

004.71 VS means Veterinary Services of APHIS.

004.72 VS FORM 1-27 means an official document, attached to these regulations as Appendix G and incorporated herein by reference, issued for and prior to the interstate or intrastate movement of infected or exposed swine. Such

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document shall be issued by a VS representative of the USDA, the Bureau, or an accredited veterinarian and shall state: (1) the number of swine to be moved; (2) the purpose for which the swine are to be moved; (3) the points of origin and destination; (4) the name and address of the consignor and consignee; and (5) any additional information required to complete the form. Required distribution of this form is shown thereon.

005 Procedures for Status Swine Herds.

005.01 Qualified Pseudorabies Negative Herd Procedures.

005.01A Requirements. The requirements for a swine herd to obtain a qualified pseudorabies negative herd status are as follows:

005.01A(1) The swine herd shall not have shown clinical signs of pseudorabies, have contained a positive swine, or have been under quarantine for pseudorabies in the previous 30 days;

005.01A(2) All breeding swine over six months of age and a portion of the progeny shall have been tested and classified negative within the previous 30 days. All swine tested shall have been part of the swine herd for at least 30 days or shall have had contact with the breeding swine herd for at least 30 days, or have entered such a swine herd directly from another qualified herd;

005.01A(3) When all swine are shipped directly from an existing qualified herd, a new qualified pseudorabies negative herd may be established if all swine in the initial shipment or 50 swine, whichever is less, are tested, provided such testing is done not less than thirty (30) nor more than sixty (60) days after arrival of the initial shipment. The identity of the qualified herd and the herd identification numbers from which the swine originated shall be submitted with the status swine herd application and agreement;

005.01A(3)(a) Herds established by this method shall test 10% of the herd monthly for requalification according to 005.01C(1) until the herd size is

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established, at which time it is optional to requalify according to 005.01C(2);

005.01A(4) The swine herd owner shall sign and submit to the Bureau a status swine herd application and agreement;

005.01A(5) If the breeding swine are maintained on more than one premises with an interchange of breeding swine, the breeding swine on each premises shall be tested and classified negative;

005.01A(6) If the progeny of a qualified pseudorabies negative herd are maintained on more than one premises with no interchange of swine, a portion of each segregated group of progeny shall be tested and classified negative.

005.01A(7) All swine herds located in the Stage IV or Stage V area which are not quarantined, or suspended, shall have a status equivalent to a qualified herd.

005.01B Qualified Pseudorabies Negative Herd Status Certificate. Following the receipt of the signed status swine herd application and agreement, and official test results indicating all swine tested were classified negative, the Bureau shall issue a qualified pseudorabies negative herd status certificate. The qualified pseudorabies negative herd status is valid either monthly or quarterly according to the requalification schedule requested on the status swine herd application and agreement (for exception see 005.01A(3)(a)), unless suspended, cancelled, or the herd is quarantined.

005.01B(1) The certification date of all qualified pseudorabies negative herds shall be the 25th of the month.

005.01B(2) A request for change in requalification testing schedule shall be made on a status swine herd application and agreement submitted to the Bureau by the owner.

005.01C Requirements to Maintain a Qualified Pseudorabies Negative Herd. The qualified pseudorabies negative herd status is maintained by subjecting breeding swine over six months of age and the required progeny in

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the herd to testing. This shall be accomplished as follows:

005.01C(1) When a monthly testing schedule is selected, the number of swine to be tested shall equal 10% of the breeding herd. Of this 10% sample, the swine to be tested shall consist of 80% breeding swine over six months of age and the remaining 20% of the 10% sample shall be progeny; or

005.01C(2) When a quarterly testing schedule is selected, the number of swine to be tested shall equal 25% of the breeding herd. Of this 25% sample, the swine to be tested shall consist of 80% breeding swine over six months of age and the remaining 20% of the 25% sample shall be progeny; and

005.01C(3) When there are no progeny in the herd, the swine to be tested shall consist of 100% breeding swine; and

005.01C(4) If the breeding swine are maintained on more than one premises with an interchange of breeding swine, a representative sample of the breeding swine on each premises shall be tested and classified negative; and

005.01C(5) If the progeny of a qualified pseudorabies negative herd are maintained on more than one premises with no interchange of swine, a portion of each segregated group of progeny shall be tested and classified negative; and

005.01C(6) On approval of the State Veterinarian, herds in Stage III, IV, or V areas may maintain status by performing a random-sample test (95/5) in each segregated group of the breeding swine and performing a monthly test of 50 progeny. Sampling in the population must be random, and the testing protocol must be part of the approval.

005.01D Qualified Pseudorabies Negative Herd Status Suspended; Regained.

005.01D(1) The Bureau may suspend the qualified pseudorabies negative herd status if: (1) any

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swine tested are classified suspect; or (2) herd additions are made contrary to part 005.01G; or (3) swine are diagnosed by a veterinarian as having pseudorabies based on the observance of clinical signs of pseudorabies.

005.01D(2) A swine herd which has had its qualified pseudorabies negative herd status suspended, may regain such status by:

005.01D(2)(a) Testing all swine classified suspect and all other swine as required by the Bureau, and finding all such swine classified negative; or

005.01D(2)(b) Removing all swine which were tested and classified suspect, and testing all swine as required by the Bureau not less than 15 days after removal of the swine classified suspect and finding such swine classified negative.

005.01D(3) Movement of Swine While Under Suspension. Swine from a qualified pseudorabies negative herd during the time such a herd's status is suspended may: (1) move for slaughter pursuant to 010.01 herein; or (2) move feeder swine intrastate if such swine are isolated as required by the Bureau, and a random-sample test (95/10) or more is performed, as required by the Bureau, with results classified negative and swine have not been added to or removed from the group during the previous 30 days; or (3) move breeding swine intrastate if each breeding swine to be moved is isolated and tested, as required by the Bureau, with results classified negative.

005.01E Qualified Pseudorabies Negative Herd Status Cancelled; Regained.

005.01E(1) The qualified pseudorabies negative herd status shall be cancelled if the herd owner fails to comply with the requirements to maintain a qualified pseudorabies negative herd status in 005.01C; or

005.01E(2) The herd additions are not in compliance with 005.01G.

005.01E(3) Reinstatement of cancelled herds shall require testing the number of swine that would have been required to be tested to keep the herd qualified to the current date.

005.01F Qualified Pseudorabies Negative Herd Status Quarantined. The Bureau shall quarantine the qualified pseudorabies negative herd if: (1) any swine tested are classified positive; or (2) the herd owner fails to comply with the procedures for release from suspension of the herd status after the herd status has been suspended.

005.01G Herd Additions. Breeding swine to be added to a qualified pseudorabies negative herd shall be moved directly or through no more than one concentration point without exposure to swine which have not been individually tested and classified negative, or are from a Stage II or III status herd, a herd with a suspended status or quarantined herd and: (1) originate from a qualified herd; or (2) have been tested and classified negative within the 30 days prior to movement.

005.02 Qualified Pseudorabies Negative Growout Herd Procedures.

005.02A Requirements. The requirements for a swine herd to obtain a qualified pseudorabies negative growout herd status are as follows:

005.02A(1) All the swine in the herd shall have originated and moved directly from qualified herds;

005.02A(2) The swine herd shall not have shown clinical signs of pseudorabies, have contained a positive swine, or have been under quarantine for pseudorabies in the previous 30 days;

005.02A(3) A random-sample test (95/5) shall be performed or test all the initial shipment, whichever is less. All swine tested shall be over 12 weeks of age and have been part of the herd for at least 30 days;

005.02A(4) The swine herd owner shall sign and submit to the Bureau a status swine herd application and agreement; and

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005.02A(5) There shall be no farrowing conducted on the premises of a qualified pseudorabies negative growout herd.

005.02B Qualified Pseudorabies Negative Growout Herd Status Certificate. Following the receipt of the signed status swine herd application and agreement, and official test results indicating all swine tested were classified negative, the Bureau shall issue a qualified pseudorabies negative growout herd status certificate. The qualified pseudorabies negative growout herd status is valid for 30 days from the date bled unless suspended, cancelled, or the herd is quarantined.

005.02C Requirements to Maintain a Qualified Pseudorabies Negative Growout Herd. The qualified pseudorabies negative growout herd status is maintained as follows:

005.02C(1) Swine herd owner shall perform a random-sample test (95/5) monthly in units that do not operate all-in/all-out. The certification date shall be the 25th of the month; or

005.02C(2) Swine herd owner shall perform a random-sample test (95/5) within 30 days prior to the removal of any swine from a unit that operates all-in/all-out. The certification date shall be 30 days from the date bled; and

005.02C(3) Swine moved from the qualified pseudorabies negative growout unit under 12 weeks of age will retain the status of the breeding herd from which they were farrowed.

005.02D Qualified Pseudorabies Negative Growout Herd Status Suspended; Regained.

005.02D(1) The Bureau may suspend the qualified pseudorabies negative growout herd status if: (1) any swine tested are classified suspect; or (2) herd additions are made contrary to part 005.02G; or (3) swine are diagnosed by a veterinarian as having pseudorabies based on the observance of clinical signs of pseudorabies; or (4) any of the source herds are suspended or quarantined.

005.02D(2) A swine herd which has had its qualified pseudorabies negative growout herd status suspended may regain such status by:

005.02D(2)(a) Testing all swine classified suspect and all other swine as required by the Bureau, and finding all such swine classified negative; or

005.02D(2)(b) Removing all swine which were tested and classified suspect, and testing all swine as required by the Bureau not less than 15 days after removal of the swine classified suspect and finding such swine classified negative; and

005.02D(2)(c) Completing an epidemiological investigation conducted by the Bureau with negative findings on the source herd or herds.

005.02D(3) Movement of Swine While Under Suspension. Swine from a qualified pseudorabies negative growout herd during the time such a herd's status is suspended may: (1) move for slaughter pursuant to 010.01 herein; or (2) move feeder swine intrastate if such swine are isolated as required by the Bureau, and a random-sample test (95/10) or more is performed, as required by the Bureau, with results classified negative and swine have not been added to or removed from the group during the previous 30 days; or (3) move breeding swine intrastate if each breeding swine to be moved is isolated and tested, as required by the Bureau, with results classified negative.

005.02E Qualified Pseudorabies Negative Growout Herd Status Cancelled. The qualified pseudorabies negative growout herd status shall be cancelled if: (1) the herd owner fails to comply with the requirements to maintain a qualified pseudorabies negative growout herd status in 005.02C; or (2) the herd additions are not in compliance with 005.02G.

005.02F Qualified Pseudorabies Negative Growout Herd Status Quarantined. The Bureau shall quarantine a qualified pseudorabies negative growout herd if: (1) any swine tested are classified positive; or (2) the herd owner fails to comply with the procedures for release

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from suspension of the herd status after the herd status has been suspended.

005.02G Herd Additions.

005.02G(1) Swine to be added to a qualified pseudorabies negative growout herd shall originate and move directly from qualified herds.

005.02G(2) In addition to the provisions of section 016, all swine added to a pseudorabies negative growout herd shall originate and move directly from qualified herds.

006 Pseudorabies Testing Procedures. Swine tested shall be individually identified and such identification shall be recorded on the test chart.

007 Official Test. The official tests recognized for the diagnosis of pseudorabies, pursuant to Neb. Rev. Stat. §54-2254, shall include but not be limited to:

007.01 Microtitration Serum-Virus Neutralization Test;

007.02 Virus Isolation and Identification Test;

007.03 Fluorescent Antibody Tissues Section Test;

007.04 Enzyme Link Immunosorbent Assay (ELISA) Test, including the approved differential pseudorabies tests;

007.05 Latex Agglutination Test;

007.06 Polymerase Chain Reaction (PCR); and

007.07 Particle Concentration Fluorescent Immuno Assay (PCFIA) test, including approved differential pseudorabies tests.

008 Issuance of Quarantine. The Bureau shall place under quarantine the following: (a) livestock, including one or more livestock classified suspect, positive, or exposed, (b) a herd which is reasonably suspected of being infected or exposed, (c) a swine herd when the swine herd owner refuses testing of his or her swine herd as required by the Pseudorabies Control and Eradication Act, or (d) swine imported into the state in violation of the Animal Importation Act and regulations. A copy of the Pseudorabies Quarantine, NDA Form 21, is attached to these regulations as Appendix D and incorporated herein by reference.

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009 Requirements of Quarantine.

009.01 The owner of all livestock under quarantine shall be responsible to control livestock in such a way as to prevent contact with other livestock.

009.02 Swine under quarantine may be vaccinated, tested, or both according to the requirements of these regulations.

009.03 The owner of any vehicle which has transported livestock under quarantine or livestock known to be infected or exposed shall be responsible to clean and disinfect such vehicle prior to hauling feed stuff or swine other than to slaughter. Such cleaning and disinfection shall be verified by an accredited veterinarian. Provisions shall be made by the owner of such vehicle for the disposal of all manure, litter, and feed removed from the vehicle into an area where it may not come in contact with other livestock.

009.04 When livestock other than swine have been diagnosed as having pseudorabies, the exposed livestock shall be quarantined and the Bureau shall conduct an epidemiological investigation of any swine on the premises. The investigation may include performing a random-sample test (95/5) of the swine herd. If the herd owner refuses to cooperate in carrying out the testing, the swine herd shall be suspected of being exposed and placed under quarantine.

009.05 The owner of a swine herd under quarantine shall, upon request, furnish a list to the Bureau of all sales, purchases, and other movements of breeding and feeder swine made to or from such herd up to two years prior to being placed under quarantine.

010 Movement of Swine Under Quarantine or Suspension.

010.01 Swine under quarantine or suspension may move only to a recognized slaughtering establishment for slaughter.

010.02 A VS FORM 1-27 shall accompany swine under quarantine or suspension during any movement.

010.03 All swine shall be individually identified by a USDA approved eartag, and recorded on a VS FORM 1-27 by an accredited veterinarian, or if not individually identified, moved in a vehicle sealed by an accredited veterinarian with the seal number recorded on the VS FORM 1-27; and

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010.04 Trucks and trailers used to move quarantined swine shall be cleaned and disinfected immediately after unloading and before being used to haul any other animals. Such cleaning and disinfection shall be verified by an accredited veterinarian and recorded on the VS FORM 1-27.

011 Release of Quarantine. Quarantines shall be released by the Bureau in the following instances:

011.01 When the entire swine herd under quarantine has moved for slaughter and the following conditions have been met:

011.01A Premises have been cleaned and disinfected with a virucidal disinfectant following removal of all swine under quarantine and have remained empty for 30 days or a period of time determined adequate by the Bureau, and the premises have been inspected by the Bureau to verify cleaning and disinfection; or

011.01B Premises which are not able to be cleaned and disinfected shall be eligible for quarantine release at the end of 90 days following removal of all swine, or a period of time determined adequate by the Bureau. Such premises shall be inspected and verified by the Bureau that the premises have been without swine for the prescribed period of time; or

011.02 When the quarantined herd has met the requirements of the herd plan as set forth in section 012 and the following conditions have been met:

011.02A No positive swine remain in a breeding herd or all swine present at the time the quarantine was issued in a finishing herd have been removed and the premises have remained empty for 30 days or a period of time determined adequate by the Bureau and the premises have been inspected by the Bureau to verify cleaning and disinfection; or

011.02B Premises which are not able to be cleaned and disinfected shall be eligible for quarantine release at the end of 90 days following removal of all swine, or a period of time determined adequate by the Bureau. Such premises shall be inspected and verified by the Bureau that the premises have been without swine for the prescribed period of time; or

011.03 When the quarantine is on livestock other than swine, the quarantine shall be released ten days after the diagnosis

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or exposure if there are no clinical signs of pseudorabies in the livestock herd. During this quarantine period, asymptomatic animals may be shipped directly to slaughter. A VS FORM 1-27 shall be issued and accompany each movement; or

011.04 When swine suspected of being exposed have been tested as required by the Bureau and classified negative; or

011.05 When determined by the Bureau that a quarantine was incorrectly issued, or when the reason for quarantine has been satisfied.

012 Swine Herd Cleanup Plan. The owner, or authorized representative of the owner, of a swine herd under quarantine shall develop a swine herd cleanup plan which shall be filed by the owner of the swine herd within seven (7) days after the issuance of the quarantine. When a newly affected herd is diagnosed, the cleanup plan shall be in effect if the herd is not depopulated within 15 days from the time they are notified they are infected:

012.01 Testing requirements.

012.01A Breeding herds. All newly affected breeding herds shall be required to:

012.01A(1) Test one hundred percent (100%) of the breeding swine and may be required to test up to one hundred percent of all other swine on the same premises within 15 days from the time they are notified they are infected; and

012.01A(2) Remove all swine which test positive from the herd within 15 days after the results of the whole herd test are known; and

012.01A(3) Retest the entire breeding herd 30 days following removal of the swine which tested positive; and

012.01A(4) Continue testing and removal as listed above until the whole herd tests negative.

012.01B Herds without breeding swine may be required to test up to one hundred percent of all swine on the same premises.

012.02 Movement requirements. All swine being moved from the quarantined facility to slaughter shall meet the requirements of section 010.

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012.03 Herd Additions. Affected swine herds not depopulated within 15 days from the time they are notified they are affected shall not be allowed to make additions to the quarantined herd.

012.04 Post-quarantine testing. Testing of premises which contained an affected swine herd and which has been depopulated and the quarantine released shall be accomplished by performing a random-sample test (95/5) of the swine used to repopulate the premises. Such swine to be tested shall have been on the premises for at least 30 days prior to the testing and testing shall be done within 60 days of the date repopulation was begun.

012.05 Refusal to test. If a swine herd owner refuses to have the quarantined herd tested, the department may arrange for testing of required swine and the owner shall be assessed costs for services provided and expenses incurred, not to exceed actual costs. Such fees shall be paid to the Nebraska Department of Agriculture which shall remit them to the State Treasurer to be credited to the Pseudorabies Control Cash Fund. The total amount is due at the time the services are provided and expenses are incurred and will become delinquent 30 days thereafter.

013 Pseudorabies Surveillance. The Bureau shall implement surveillance procedures. Surveillance procedures shall be representative of all swine herds in the state or area of state. Such procedures may include, but shall not be limited to, testing of swine at slaughter establishments and at concentration points, area testing, circle testing, randomly selected herd testing, post-quarantine testing, and epidemiologically traced testing. If a swine herd owner refuses testing, the herd shall be suspected of being exposed to or infected with the pseudorabies virus and placed under quarantine.

013.01 Concentration point testing and slaughter surveillance testing procedures shall consist of testing of cull sows, boars, and butchers as required by the Bureau. All cull sows and boars shall be identified and subjected to testing as required by the Bureau either at the concentration point or at slaughter. Any blood sample which indicates the possibility of pseudorabies infection shall be classified by the Bureau. Further investigations by the Bureau may include an epidemiological investigation, and testing in the herd of origin if determined necessary by the epidemiological evaluation.

013.02 Trace-in/trace-out/testing.

013.02A Herd owner shall perform a random-sample test (95/5) of swine as required by the Bureau, in swine herds that have sold swine to a swine herd that is later found to be an affected swine herd; or

013.02B Herd owner shall perform a random-sample test (95/5) of swine as required by the Bureau in swine herds that have purchased swine from a herd which is later found to be an affected swine herd.

013.03 Circle Testing.

013.03A Perform a random-sample test (95/5) of each swine herd within a two-mile radius in a Stage II, III, or IV area or within five miles in a Stage V area of a premises which contains livestock under pseudorabies quarantine.

013.04 An area testing program may be implemented by the Bureau when there is need for additional surveillance.

014 Statewide Priorities for the Expenditure of State Funds. The first use of state funds shall be for the personnel, overhead, and expenses of the Bureau in carrying out the Pseudorabies Control and Eradication Act. The second use of state funds shall be for the surveillance testing to find affected swine herds. The third use of state funds shall be to clean up the known affected swine herds. State funds may be used simultaneously for finding affected swine herds, clean up of known affected swine herds, and vaccination of affected swine herds, if funds are available.

014.01 State funds may be used for all methods of surveillance.

014.02 State funds may be used for cleanup testing in an affected swine herd if a swine herd cleanup plan has been developed and approved by the Bureau (for exception see 014.03F).

014.03 Limitations. State funding for testing shall be limited in each swine herd according to the reason for test.

014.03A State funds, when appropriated and available, shall be allocated to clean up each affected swine herd. The accumulated use of state funds for cleanup testing in an affected swine herd shall not exceed two thousand dollars (\$2,000) per segregated group during a state

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fiscal year which is from July 1 through June 30 of each year, except;

014.03A(1) This limit does not apply to funds used for retesting swine classified suspect or testing additional swine as required by the epidemiologist and are not applied to other surveillance testing (trace-in/trace-out/testing, circle testing, or randomly selected herd testing).

014.03B State funds may be used to perform a random-sample test (95/5) of swine from a premises released from quarantine by depopulation when such premises are restocked. Such swine to be tested shall have been on the premises for at least 30 days prior to the testing and testing shall be done within 60 days of the date repopulation was begun.

014.03C State funds may be used to pay accredited veterinarians according to the fee basis schedule for the collection of a blood sample from a swine which has been classified as suspect or other swine as requested by the epidemiologist when such blood sample collection has been authorized by the Bureau.

014.03D State funds may be used to pay accredited veterinarians for the collection of blood samples collected at concentration points. Such funds may be limited to payments according to the fee basis schedule and only as authorized by the Bureau.

014.03E State funds may be used to pay an approved laboratory for the labor and material to conduct official tests on specimens submitted from a swine herd which is required by the Bureau to perform surveillance testing or herd cleanup testing.

014.03F When circumstances occur requiring immediate action or attention, the epidemiologist may authorize fee basis testing prior to the development of an approved swine herd cleanup plan by the field staff. Such authorization shall not preclude the requirement to develop a swine herd cleanup plan according to section 012.

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014.04 The fee basis payment schedule is as follows:

014.04A On-the-farm bleeding and submission of the blood samples:

Service fee = \$20
Bleeding swine = \$5.00 each

014.04B Concentration point bleeding and submission of blood samples:

Service fee = none
Bleeding swine = \$5 each

015 Intrastate Movement of Non-Quarantined Breeding and Feeder Swine.

015.01 No person shall buy or sell swine to be used for breeding swine within a Stage II or Stage III area unless the swine are accompanied by a document provided by the seller which provides proof of one of the following:

015.01A The swine originate directly from a qualified herd; or

015.01B The swine were tested and classified negative within 30 days prior to the movement.

015.02 No person shall buy or sell feeder swine within a Stage II or Stage III area unless the swine are accompanied by a document provided by the seller which provides proof of one of the following:

015.02A The swine originate directly from a herd that has had a random-sample (95/10) of the breeding herd tested negative within 30 days of movement of the feeder swine; or

015.02B When there are no breeding swine in the herd, a random-sample (95/10) of the group of swine to be moved must be tested negative within 30 days of movement.

015.03 Breeding and feeder swine moving within Stage IV or V areas of the state may move without pseudorabies testing.

015.04 All swine changing ownership and moving to a destination in Nebraska shall move directly or through no more than one concentration point, and shall be confined to the premises of destination for not less than 30 days, unless

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moving for slaughter, or permission has been granted for other movement by the Bureau.

016 Interstate Movements. In addition to these regulations, all livestock moving into Nebraska shall meet the animal importation requirements under Neb. Rev. Stat. §§54-784.01 to 54-796 and regulations found in 23 NAC 2.

016.01 All swine changing ownership and moving to a destination in Nebraska shall move directly or through no more than one concentration point, and shall be confined to the premises of destination for not less than 30 days, unless moving for slaughter, or permission has been granted for other movement by the Bureau.

017 Pseudorabies Vaccine Use.

017.01 The sale and use of pseudorabies vaccine shall be in accordance with the following procedures:

017.01A The Department may restrict the sale and use of vaccine and when deemed appropriate by the Department may require the use of vaccine.

017.01B The vaccine shall be approved and licensed by the USDA and approved by the Bureau, and shall be administered by a veterinarian or by another person as prescribed by a veterinarian and reported to the Bureau on a pseudorabies vaccination approval form. A copy of the Pseudorabies Vaccination Record, form prv30, is attached to these regulations as Appendix H and incorporated herein by reference.

017.01C Only g1 deletion gene-altered pseudorabies vaccines which have an approved differential test will be allowed for use in swine.

018 Exhibition of Swine.

018.01 Only swine from a herd not quarantined or suspended and not showing signs of pseudorabies will be allowed into exhibition.

018.02 Swine entering the state for exhibit in Nebraska shall meet the animal import requirements under Neb. Rev. Stat. §§54-784.01 to 54-796 and the rules and regulations adopted and promulgated under it and the exhibition requirements of this section.

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019 Feral Swine. Feral swine are prohibited from entering Nebraska.

020 Stage IV or V Status Lost; Regained. If the state or area of the state has a Stage IV or V status and a confirmed case of pseudorabies is diagnosed, the department shall follow the recommendations of USDA/APHIS as far as reasonably practical to initiate procedures to regain status.

021 Swine Semen or Swine Embryos. Swine semen or swine embryos for insemination of swine or implantation into swine shall originate from swine with a qualified status or swine from a Stage IV or V state or area of a state. If originating from a Stage II or III area, such originating qualified herd shall be required to test monthly.

022 Publications Adopted. See Appendix A through J.

023 Annotation. Neb. Rev. Stat. §§54-701 to 54-753 (Reissue 2004) and §§54-2235 to 54-22,100 (Reissue 2004).

APPENDIX

- A. Code of Federal Regulations 9 C.F.R., Part 161 (2002) - Requirements and Standards for Accredited Veterinarians and Suspension or Revocation of Such Accreditation
- B. Certificate of Veterinary Inspection, Form A 237, 7/86
- C. Code of Federal Regulations 9 C.F.R., Part 85 (2002) - Pseudorabies
- D. Pseudorabies Quarantine, NDA Form 21, 8/91
- E. Federal Meat Inspection Act, 21 U.S.C. §§601 et. seq.
- F. Pseudorabies Herd Status Application, NDA Form 23, 9/91
- G. Permit For Movement of Restricted Animals, VS FORM 1-27
- H. Pseudorabies Vaccination Record, prv30
- I. Pseudorabies Herd Cleanup Agreement, NDA Form 49, 6/92
- J. Part III of Pseudorabies Eradication State-Federal-Industry Program Standards, in effect on January 1, 2002

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