Express Terms

Section 51.1 of 1 NYCRR is amended to read as follows:

[Rectal] Internal examinations of beef and dairy cattle at livestock markets are prohibited unless conducted by a veterinarian licensed to practice in the State of New York or otherwise specifically approved by agreement with the New York State Department of Agriculture and Markets.

Section 61.1 of 1 NYCRR is amended to read as follows:

[Each person] Any individual, firm or corporation holding a domestic animal health permit issued by the New York State Department of Agriculture and Markets shall keep a record of all cattle [(except veal calves)], swine, cervidae, camelidae, sheep, goats, [and]horses, or other equidae purchased, sold or otherwise handled by such permit holder. A permit holder will be deemed to have handled the cattle, swine, cervidae, camelidae, sheep, goats, [and]horses, or other equidae involved in any transaction if [he is] they are connected with or play[s] any part in such transaction, whether as broker, auctioneer, auction market operator, or other intermediary or agent, even if [though] the permit holder does not take possession of the cattle, swine, cervidae, camelidae, sheep, goats, [or] horses, or other equidae or receive compensation for [his] their services.

Subdivision (b) of Section 61.2 of 1 NYCRR is amended to read as follows:

(b) [all brand and tattoo numbers carried by the animal except vaccination tattoos;] any and all brand, tattoo numbers (except vaccination tattoos), and known electronic identification (EID) carried by the animal;

Subdivision (c) of Section 61.2 of 1 NYCRR is amended to read as follows:

(c) the name and address of the person who consigned the animal for sale by the permit holder, or from whom the animal was purchased, or if purchased by the permit holder at auction, the name and address of the auction market,[;also] the date of consignment or purchase, and the

physical location of the animal at the time of purchase by, or consignment to permit holder, and if consignment occurs at a livestock market or auction, the location prior to consignment , if different from address of owner;

Subdivision (e) of Section 61.2 of 1 NYCRR is amended to read as follows:

(e) the breed, sex, color, markings, and approximate age of each animal;

Subdivision (f) of Section 61.2 of 1 NYCRR is amended to read as follows:

(f) the dates, laboratory name, results, and laboratory accession numbers of any tests required for sale or movement of each animal, including all tag or other identifying numbers of each animal recorded on any tests; and

Subdivision (g) of Section 61.2 of 1 NYCRR is amended to read as follows:

(g) the identifying number and date of issuance of any exemption permit [for slaughter or any other purpose] issued for any horse or other equid pursuant to section 95-c of the Agriculture and Markets Law or Federal law.

Section 61.3 of 1 NYCRR is amended to read as follows:

When a permit holder acquires any cattle, swine, cervidae, camelidae, sheep, goats, [or] horses, or other equidae [are purchased,] by consignment, sale, adoption, lease, rescue placement, or gift, the permit holder shall record the required information relating to the acquisition [purchase shall be recorded] immediately upon completion of the [purchase] acquisition. When the permit holder consigns, sells, or otherwise places such an animal[s] including through adoption, lease, rescue, or gift, the permit holder shall record [are consigned, or sold] the required information relating thereto [shall be recorded] immediately upon completion of the consignment, [or] sale[.], adoption, lease, gifting, or placement.

Subdivision (a) of section 61.6 of 1 NYCRR is amended to read as follows:

(a) The records of cattle, swine, cervidae, camelidae, sheep, goats, [and/or] horses, or other equidae sales, purchases, and transactions required by this Part shall be kept and retained in the possession of the permit holder for a period of at least [four] five years after each purchase or sale of any cattle, swine, cervidae, camelidae, sheep, goats, [or] horses, or other equidae. Record books, together with the entries therein, shall be available for examination by the commissioner or any agent of the United States Department of Agriculture at all reasonable times.

Paragraph (2) of subdivision (a) of section 64.1 of 1 NYCRR is amended to read as follows:

(2) accompanied by a certificate of veterinary inspection signed by a Category II United States Department of Agriculture (USDA) accredited veterinarian licensed and accredited by the state or country in which a physical examination of the animal was made and, further provided, that no such animal shall enter the State until the original of said certificate has been placed in the mail for delivery first class or is electronically submitted to the chief veterinarian of the state or country where the examination was made within seven days of issuance.[; or]

Subparagraph (3) of subdivision (a) of 64.1 of 1 NYCRR is repealed.

Subdivision (b) of section 64.1 of 1 NYCRR is added to read as follows:

(b) No horse or other equid shall be exported from the State of New York except when accompanied by a certificate of veterinary inspection signed by a USDA accredited veterinarian licensed and accredited by the State.

Subdivisions (a) though (c) of section 64.2 of 1 NYCRR are amended to read as follows:

(a) The information on the aforesaid certificate of veterinary inspection, or Equine Interstate Passport or the equivalent issued prior to the effective date of the rule, shall include: [the name of the owner or trainer of the animal or animals, together with the complete address, date of inspection examination, and name, breed or association registration number if any, breed, brand, tattoo, if any,

sex, age, color, and markings of each animal listed on the certificate. In addition, a certificate of veterinary inspection shall include the consignee or destination in New York with the address, the number of animals examined, and the establishment or premises where the animals were examined]

(1) the name of the consignor or present owner of the animal or animals;

(2) the physical address of the animal or animals at origin;

(3) date of inspection;

(4) name, breed or association registration number, if any;

(5) brand, tattoo, and/or electronic identification, if any;

(6) sex, age, colors, and markings of each animal listed on the certificate; and

(7) the number of animals examined.

(b) Said certificate of veterinary inspection, or Equine Interstate Passport or the equivalent issued prior to the effective date of the rule, shall also include [or have attached thereto] a report of a United States Department of Agriculture (USDA) [USDA] approved negative agar gel immunodiffusion test, enzyme-linked immunosorbent assay (ELISA) [ELISA] test or other USDA-[U.S.D.A.]approved test for equine infectious anemia which complies with the provisions of section 64.4 of this Part.

(c) The [Commissioner]commissioner[,] may require that the certificate of veterinarian inspection include additional certifications concerning the health status of the herd or state of origin when [he or she deems] they deem it appropriate, such as in the case of an outbreak of an infectious or contagious disease[, may require that the certificate of veterinarian inspection, Equine Interstate Passport or the equivalent include additional certifications concerning the health status of the herd or state of origin].

Subdivision (a) of section 64.3 of 1 NYCRR is repealed.

Subdivision (b) of section 64.3 is amended to remove the subdivision letter and to read as follows:

[b] The aforesaid certificate of veterinary inspection shall be valid for the purposes of this Part, until and including the 30th day following the date of inspection appearing on the certificate.

Subdivision (a) of section 64.4 of 1 NYCRR is amended to read as follows:

(a) No horse or other equid either six months or more of age or under six months of age imported without its equine infectious anemia (EIA) test-negative dam, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be imported or brought into the State unless the custodian of such animal has in their [his] possession at the time of entry a report of a negative agar gel immunodiffusion test, a competitive ELISA test, or other USDA [U.S.D.A.] approved test for equine infectious anemia for such animal.

Subdivision (c) of section 64.4 of 1 NYCRR is amended to read as follows:

(c) Said test shall have been conducted by a laboratory approved for the purpose by the [United States Department of Agriculture] USDA and by the New York State Department of Agriculture and Markets.

Paragraphs (1), (3) and (4) of subdivision (d) of section 64.4 of 1 NYCRR are amended to read as follows:

(1) a complete description of the animal including name, registration number, if any, electronic identification number, if any, breed, brand, if any, tattoo, if any, sex, age, color, and markings;

(3) name, address, phone number, National Accreditation Number of veterinarian, and the date the test was conducted; [and]

(4) the laboratory accession number, test result, and name and address of the laboratory that conducted the test[.]; and

Paragraph (5) of subdivision (d) of section 64.4 of 1 NYCRR is added to read as follows:

(5) if the EIA test was drawn in the State of New York, either a three-panel illustration for a paper submission or three unobscured digital photographs for electronic test records, both consisting of the animal's head, left side of the body, and right side of the body.

Paragraph 1 of subdivision (e) of section 64.4 of 1 NYCRR is amended to read as follows:

(1) a Category II USDA accredited [dually licensed] veterinarian;

Subdivision (f) of section 64.4 of 1 NYCRR is amended to read as follows:

(f) Said test report shall be retained by the custodian of such animal for a period of 12 months [90 days after the date of importation], or until the animal changes ownership in accord with the provisions of section 64.8 of this Part, and during such period said report shall be made available for examination by the Commissioner of the New York Department of Agriculture and Markets or his authorized agent on request at all reasonable times.

Title of Section 64.5 of 1 NYCRR is amended to read as follows:

Section 64.5. Importation for [immediate slaughter] sale at an approved auction.

Section 64.5 of 1 NYCRR is amended to read as follows:

The provisions of the foregoing sections of this Part notwithstanding, any horse or other equid may be imported for immediate [slaughter] sale at an approved auction, and only for such purpose, without a [health certificate] certificate of veterinary inspection or negative test for equine infectious anemia, by making application to the Commissioner of the New York Department of Agriculture and Markets and by complying with the provisions set forth in an application agreement required by the commissioner prior to importation.

Subdivision (a) of section 64.6 of 1 NYCRR is amended to read as follows:

[a] Any horse or other equid originating in a state or country in which the disease Venezuelan equine encephalomyelitis is known to exist, or which has been in a state or country adjoining or

contiguous to a state or country in which the disease is known to exist, shall not be transported into the State of New York, or harbored, or kept in this State for any purpose, unless such animal has been vaccinated to prevent said disease at least 14 days prior to entry into this State and such vaccination is recorded on the certificate of veterinary inspection.

Subdivision (b) of section 64.6 of 1 NYCRR is repealed.

Subdivision (a) of section 64.7 of 1 NYCRR is amended to read as follows:

(a) No horse or other equid six months or more of age or under six months old traveling without its equine infectious anemia test-negative dam, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be on any public highway within the State unless the custodian of such animal has in [his] their possession during the period of such movement a report of a negative agar gel immunodiffusion test, a competitive ELISA test or other [U.S.D.A.] USDA approved test for equine infectious anemia for such animal.

Subdivision (b) of section 64.7 of 1 NYCRR is amended to read as follows:

(b) Said test shall have been conducted during [the calendar year in which the movement takes place or in the preceding calendar year] the previous 12 months.

Paragraphs (1) through (4) of Subdivision (d) of section 64.7 of 1 NYCRR are amended to read as follows:

(1) a complete description of the animal, including name, registration number if any, electronic identification number, if any, breed, brand, if any, tattoo, if any, sex, age, color, and markings;

(2) the name and address of the owner, and current address of animal at time of testing;

(3) the date the test was conducted; [and]

(4) the name and address of the laboratory that conducted the test[.]; and

Paragraph (5) of Subdivision (d) of section 64.7 of 1 NYCRR is added to read as follows:

(5) if the equine infectious anemia test was drawn in the State, either a three-panel illustration for a paper submission or three unobscured digital photographs for electronic test records, both consisting of the animal's head, left side of the body, and right side of the body.

Paragraph (1) of subdivision (e) of section 64.7 of 1 NYCRR is amended to read as follows:

(1) a [dually licensed] Category II USDA accredited veterinarian;

Subdivision (a) of section 64.8 of 1 NYCRR is amended to read as follows:

(a) No horse or other equid six months or more of age or under six months old moving without its equine infectious anemia test-negative dam, unless exempted by the provisions of section 64.5 or 64.9 of this Part, shall be sold, exchanged, bartered or given away, unless such equid has been subjected to an agar gel immunodiffusion test, a competitive ELISA test or other [U.S.D.A.] USDA approved test for equine infectious anemia and reacted negatively within 12 months prior to such transfer of ownership.

Subdivision (c) of section 64.8 of 1 NYCRR is amended to read as follows:

(c) At the time of such transfer of ownership, the transferor shall deliver, personally or by certified mail, to the transferee [a copy of the] an official laboratory report of such negative test, which shall include:

(1) a complete description of the animal, including name, registration number if any, electronic identification number, if any, breed, brand, if any, tattoo, if any, sex, age, color, and markings;

(2) the name and address of the owner, and current address of animal at time of testing;

(3) the date the test was conducted; [and]

(4) the name and address of the laboratory that conducted the test[.];

(5) laboratory accession number; and

(6) if the equine infectious anemia test was drawn in the State, either a three-panel illustration for a

paper submission or three unobscured digital photographs for electronic test records, both consisting of the animal's head, left side of the body, and right side of the body.

Paragraph (1) of subdivision (d) of section 64.8 is amended to read as follows:

(1) a [dually licensed] Category II USDA accredited veterinarian;

Subdivision (e) of section 64.8 is added to read as follows:

(e) A new equine infectious anemia test must be drawn in the name of the new owner within 12 months of the sample date of the negative equine infectious anemia test received from previous owner, regardless of the date of transfer of ownership.

Subdivision (a) of section 64.9 of 1 NYCRR is amended to read as follows:

(a) The provisions of sections 64.1, 64.4, 64.7 and 64.8 of this Part shall not apply to any horse or other equid which is imported, sold, exchanged, bartered, given away or transported for purposes of immediate [slaughter] sale at an approved livestock auction if an owner/shipper statement accompanies the horse or other equid from the premise of origin to the approved livestock auction. Such statement shall include the name of the consignor, physical address of animals prior to consignment, the name of the market, individual identification of the horses or other equidae present, and the number of horses or other equidae in the shipment. [Upon arrival at the livestock market, such horses will be identified with a green equine waybill backtag applied to the left hip which will serve as a permit for their movement to slaughter within 14 days of the date of purchase. Buyers wishing to purchase animals identified with the equine waybill backtag may do so at their own risk provided that an equine infectious anemia test sample is drawn by a veterinarian prior to movement from the market and the equine waybill backtag remains affixed to the animal until the negative results are received.]

Subdivision (b) of section 64.9 of 1 NYCRR is added to read as follows:

(b) Any horse or other equid moved from out-of-state to an approved auction with a current

equine infectious anemia test result but no certificate of veterinary inspection may be moved without restriction, provided that the following conditions are met:

(1) the stockyard has been approved by the commissioner to receive horses or other equidae pursuant to this section and has agreed to comply with all the requirements of this section, including, but not limited to, the maintenance of appropriate handling and restraint equipment, the reading of electronic identification devices (EID), and the conducting of physical examinations of any horse or other equid which arrive from out-of-state without a current certificate of veterinary inspection by a USDA Category II accredited veterinarian;

(2) the federally assigned premises identification numbers of all premises of origin of the animals must be included on the owner-shipper statement, with the premises of origin being the farm or ranch where the animals originated and not a livestock market or dealer;

(3) if animals enter the State with individual, uniquely numbered EIDs, the EID numbers must be included on the owner-shipper statement;

(4) prior to the required veterinary inspection and the preparation of an interstate certificate of veterinary inspection, any animal that enters under this section must always be segregated from animals that originated in the State and from animals that entered the State with an interstate certificate of veterinary inspection; and

(5) prior to the release from segregation pens, a USDA Category II accredited veterinarian shall physically examine all animals in the pen and must prepare an interstate certificate of veterinary inspection for those animals. If any animal shows signs of infectious, contagious or communicable disease that animal, then all animals exposed to that animal, must be quarantined and, at the

discretion of the commissioner, may be returned to the place of origin or be quarantined in isolation from all other animals at the owner's expense until the commissioner determines that the animals are not a threat to the State’s livestock.Subdivision (c) of section 64.9 of 1 NYCRR is added to read as follows:

(c) Upon arrival at an approved auction or livestock market, horses, or equidae that do not meet the provisions of sections 64.4, 64.7, or 64.8 of this Part, whether arriving from within the State or from another state, must meet the following requirements:

(1) each animal is identified with a green equine waybill backtag applied to the left hip of the animal;

(2) if upon scanning the muzzle and both sides of the neck from the poll to withers with an International Organization for Standardization-compliant implanted EID reader, are found not to have EID, an official USDA approved Animal Identification Number implantable EID must be placed in the left side of the neck in the nuchal ligament, halfway between the withers and the poll;

(3) the green equine waybill backtag will serve as a permit for a horse or other equid’s movement to a single quarantine location to be held in isolation away from other horses or equidae until negative equine infectious anemia test results are received. If an equine infectious anemia test is drawn by a USDA Category II accredited veterinarian pursuant to section 64.8 of this Part prior to movement from the market, buyers may purchase such equids identified with the equine waybill backtag and EID before equine infectious anemia test results are received. This equine infectious anemia test must list the purchaser as the owner at time of sale;

(4) the EID and green backtag number must be typed or handwritten on the equine

infectious anemia test sample submission; and

(5) the equine waybill backtag must remain affixed to the animal until the negative equine infectious anemia test results are received by the new owner.

Subdivision (d) of section 64.9 of 1 NYCRR is added to read as follows:

(d) Any horse or other equid seized by appropriate authorities may be exempt from the provisions of sections 64.7 or 64.8 of this Part provided that express permission to move was received by the commissioner, and:

(1) each animal is identified with a green equine waybill backtag applied to the left hip of the animal;

(2) if upon scanning the muzzle and both sides of the neck from the poll to withers with an International Organization for Standardization-compliant implanted EID reader, are found not to have EID, an official USDA-approved Animal Identification Number implantable EID must be placed in the left side of the neck in the nuchal ligament, halfway between the withers and the poll, and a blood sample will be collected for equine infectious anemia testing;

(3) the green equine waybill backtag will serve as a permit for a horse or other equid's movement to a single quarantine location to be held in isolation away from other horses and equidae until equine infectious anemia test results are received by the custodial agent of the seized horse or equid;

(4) the EID and green backtag number must be typed or handwritten on the equine infectious anemia test sample submission; and

(5) the equine waybill backtag must remain affixed to the animal until the negative results are received by the custodian of the horse or other equid.

Subdivision (e) of 64.9 of 1 NYCRR is added to read as follows:

(e) Regulated entities shall comply with subdivisions (b), (c), and (d) of this section within one year of the adoption of this rulemaking.

Section 64.12 of 1 NYCRR is repealed.

Section 67.1 of 1 NYCRR is amended to read as follows:

No person shall transport or bring into this State any horse or other equid, bovine, porcine, caprine, ovine, cervid[ae], or llama from a point of origin [located within 10 miles of any place in which the disease vesicular stomatitis has been found to exist during the 30-day period] located within a county in which the disease vesicular stomatitis has been found to exist during the 14 days prior to the entry of said animal into this State.

Section 67.2 of 1 NYCRR is amended to read as follows:

No person shall transport or bring into this State any equine, bovine, porcine, caprine, ovine, cervidae, or llama originating in a state in which the disease vesicular stomatitis has been found to exist during the previous [30 days] 14 days unless said animal has been examined and found to be free from vesicular stomatitis and is accompanied by a Certificate of Veterinary Inspection, a copy of which has been mailed or electronically submitted to the department within seven days of issuance, bearing the following statement attested to by the accredited veterinarian issuing said certificate:

> "All animals identified on this health certificate have been examined and found to be free from vesicular stomatitis and, to the best of my knowledge and belief, during the past [30] 14 days these animals have not been exposed to said disease nor held [at a location within ten miles of any place] in a county in which said disease has been found to exist."