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901:1-11-01 Pseudorabies.

- (A) For the purpose of rules 901:1-11-01 to 901:1-11-09 of the Administrative Code "pseudorabies" means that disease of animals designated as dangerously contagious or infectious by paragraph (A) of rule 901:1-21-02 of the Administrative Code.
- (B) Any test for pseudorabies performed on any animal within the state of Ohio shall be reported to the department of agriculture within seven days after the date the test was performed. The report shall be on a form approved by the department and shall provide the information required on the form. Each animal tested shall be listed individually on the form by its official identification.

901:1-11-02 Definitions.

As used in Chapter 901:1-11 of the Administrative Code:

- (A) "Eradication plan" means a cooperative plan developed by state/federal representatives, the accredited veterinarian and the herd owner for controlling and eradicating pseudorabies.
- (B) "Feedlot" means a premises where swine are fed, physically separated from swine kept for breeding or other purposes, and from which the swine are moved for immediate slaughter as defined in paragraph (D) of rule 901:1-23-01 of the Administrative Code.
- (C) "Feral swine" means any swine that has lived any part of its life free roaming.
- (D) "Herd agreement" means a written agreement between the owner or bailee of an animal or animals quarantined for pseudorabies and the Ohio department of agriculture. The agreement shall be signed by both parties. The herd agreement shall include a herd plan to eradicate pseudorabies from the herd. The agreement shall list the responsibilities of the owner and bailee and the department.
- (E) "Herd test" shall consist of the following:
 - (1) For herds not known to be infected with pseudorabies, an official test of all swine in the breeding herd six months of age or older.
 - (2) For infected herds and infected feedlots, an official test of:
 - (a) All swine in the herd except suckling pigs; or
 - (b) All breeding swine over six months of age and all other swine, except suckling pigs, on the following schedule:
 - (i) For herds of less than one hundred other swine, test all, up to thirty-five head.
 - (ii) For herds of one hundred to two hundred other swine, test thirty-nine head.
 - (iii) For herds of over two hundred other swine, test forty-four head.
 - (iv) Under paragraphs (E)(2)(b)(i) to (E)(2)(b)(iii) of this rule, swine tested are to be selected at random and are to include all recent additions. The tested swine shall be proportionately representative of the herd and at least one pig per pen shall be tested.
- (F) "Infected feedlot" means a premises where swine are fed, physically separated from swine kept for breeding

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or other purposes, and in which a diagnosis of pseudorabies has been confirmed by laboratory procedures or by official test or which feeds swine originating from an infected herd.

- (G) "Infected herd" means a herd containing one or more animals in which a diagnosis of pseudorabies has been confirmed by laboratory procedures or by an official test.
- (H) "Isolation" means a separation of swine by a physical barrier in such a manner that one pig does not have access to the isolated pig's body, excrement, or discharges of another pig; does not share a building with a common ventilation system; and is not within ten feet of another pig.
- (I) "Negative animal" means an animal classed negative to an official test for pseudorabies.
- (J) "Official identification" means:
- (1) Official eartag bearing the U.S. shield and be sufficiently tamper resistant;
 - (2) Animal identification number (fifteen digit number);
 - (3) Group or lot number;
 - (4) Premises number that either contains a unique animal identification number or is used in conjunction with the producer's livestock production numbering system to provide a unique identification number;
 - (5) Official identification device or method; or
 - (6) Ear notch or tattoo if the animal is registered with a breed association.
- (K) "Official test" means a test for pseudorabies approved by the department. Laboratory tests shall be conducted by a laboratory operated by or approved by the department. Any sample or material submitted for said test must have been obtained by a licensed accredited veterinarian; an employee of the Ohio department of agriculture; an employee of veterinary services, united states department of agriculture; or a person authorized to collect blood at a packing plant.
- (L) "Other purpose" means any use of swine including by way of example, but is not limited to, swine used for research, teaching, as pets and swine intended for exhibition when the swine are not subject to regulation under the provisions of rule 901:1-18-10 of the Administrative Code.
- (M) "Permit" means a permit as defined in paragraph (P) of rule 901:1-17-02 of the Administrative Code.
- (N) "Person" means a person as defined in division (C) of section 1.59 of the Revised Code.
- (O) "Positive animal" means an animal classified as positive to an official test for pseudorabies, except that the department may reclassify a "positive animal" to "suspect animal" pending further tests and examinations.
- (P) "Pseudorabies qualified negative herd" means a swine herd in which all swine over six months of age have tested negative for pseudorabies using an official pseudorabies test. Ninety percent of the herd tested must be composed of swine that have either been on the premises and been part of the herd tested for not less than ninety days prior to the date the herd was tested; or, have been introduced into the herd tested from another pseudorabies qualified negative herd not less than ninety days prior to the date the herd was tested.
- (Q) "Pseudorabies vaccine" means a biological product used to provide immunity to pseudorabies.

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(R) "Representative sample" means:

- (1) In herds of ten sows or less, a number of swine equal to the number of sows;
- (2) In herds of eleven to thirty-five sows, ten swine;
- (3) In herds of thirty-six or more sows, a number of swine equal to thirty per cent of the sows, or thirty sows, whichever is less; and
- (4) All animals must be selected at random.

(S) "Sporting swine" means any domestic or feral swine intended for hunting purposes and includes the progeny of these swine whether or not the progeny are intended for hunting purposes.

(T) "Stage II feedlot" means a feedlot that receives feeder swine from a state with no status, stage I status or stage II status and has greater than one per cent of the swine herds in the state either quarantined for or infected with pseudorabies.

(U) "Suspect animal" means an animal not classed positive or negative to an official test for pseudorabies.

(V) "Suspect herd" means a herd containing animals classified suspicious for pseudorabies.

(W) "Swine" means all animals of the genus suidae including but not limited to Vietnamese potbellied pigs.

901:1-11-03 Removal of identification.

Unless authorized by the department no person shall remove, alter, or deface any identification, either permanent or temporary, applied to any animal being tested or examined for pseudorabies.

901:1-11-04 Vaccination.

(A) No person shall import into Ohio, have in his possession, or keep, buy, sell, offer for sale, barter, exchange, give away, dispense or otherwise dispose of, any pseudorabies vaccine or pseudorabies test unless production of the vaccine or test was authorized by a U.S. biologics product license and the person has been issued a permit, attached to and incorporated into this rule as appendix A, by the Ohio department of agriculture.

(B) No person shall manufacture in Ohio any pseudorabies vaccine or pseudorabies test unless production of the vaccine or test was authorized by a U.S. biologics product license and the person has been issued a permit, attached to and incorporated into this rule as appendix A, by from the Ohio department of agriculture.

(C) No person shall dispense a pseudorabies vaccine in this state unless the person is a licensed and accredited veterinarian and no person shall administer any pseudorabies vaccine in this state unless the person is either a licensed accredited veterinarian or an individual to whom a licensed accredited veterinarian has dispensed pseudorabies vaccine.

(D) "Pseudorabies vaccine" as used in this rule means the G1 type vaccine unless the permit, appendix A of this rule, issued by the Ohio department of agriculture specifies another vaccine.

(E) A licensed accredited veterinarian shall:

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- (1) Administer pseudorabies vaccine only when a permit has been issued by the department; and
 - (2) Use pseudorabies vaccine only in a herd whose owner has signed a protocol, as provided for in rule 901:1-11-06 of the Administrative Code, for achieving a pseudorabies qualified negative herd and is complying with the provisions of the protocol; and
 - (3) Submit the form furnished by the Ohio department of agriculture to the Ohio department of agriculture within seven days after the date the last animal in the herd is vaccinated, listing the date vaccinated, owner or bailee's name and address, number of swine vaccinated, and the identification of each swine vaccinated; and
 - (4) Dispense pseudorabies vaccine only if the person to whom it is dispensed has signed a protocol, as provided for in rule 901:1-11-06 of the Administrative Code, for achieving a pseudorabies qualified negative herd and is complying with the provisions of the protocol, has been issued a permit, appendix A of this rule, by the Ohio department of agriculture to administer pseudorabies vaccine, and agrees to submit to the Ohio department of agriculture the form furnished by the department listing the date of vaccination, number of swine vaccinated, and the identification of each swine vaccinated.
 - (5) No later than seven days after dispensing pseudorabies vaccine, submit to the department of agriculture the form furnished by the department and list on the form the name and address of the person to whom the vaccine was dispensed, the number of doses dispensed, date dispensed, and the name of the vaccine.
- (F) A person to whom a permit to administer pseudorabies vaccine is issued shall:
- (1) Only use the pseudorabies vaccine on swine owned by the person, and may not sell, trade, give away or otherwise dispose of the pseudorabies vaccine to another person;
 - (2) Either vaccinate the swine himself, or shall have the swine vaccinated by a veterinarian licensed and accredited in Ohio;
 - (3) Use only the type of pseudorabies vaccine listed in the permit.
- (G) Swine identification under paragraphs (E) and (F) of this rule shall be done in the following manner:
- (1) Feeder pig progeny in a farrow to finish operation that do not change ownership shall be identified by date vaccinated, approximate weight and number vaccinated; or
 - (2) Feeder pigs entering a feedlot from other than an infected herd shall be identified by date vaccinated, approximate weight and number vaccinated; or
 - (3) Feeder pigs that originate in a quarantined herd must be individually eartagged prior to movement after changing ownership; or
 - (4) Breeding swine shall be officially identified at the time of initial vaccination.
- (H) No person, firm, corporation, or association shall import into Ohio any swine which have been vaccinated for pseudorabies, by any method, without a special permit issued by the Ohio department of agriculture.
- (I) Swine vaccinated as permitted in paragraphs (E) and (F) of this rule shall:
- (1) Be quarantined to the herd where vaccinated;

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(2) Move for purposes other than immediate slaughter with written permission from the Ohio department of agriculture.

901:1-11-05 Quarantine.

- (A) Swine and other animals found to be infected with or exposed to pseudorabies, shall be quarantined. Any premises and herd where such diseased animals are found or have been recently kept shall also be quarantined.
- (B) No susceptible animal shall be brought to or removed from a quarantined premises or quarantined herd except with a permit from the Ohio department of agriculture; and
- (1) No person may move swine into an infected feedlot unless:
- (a) They are vaccinated for pseudorabies with a vaccine specified by the department; or
 - (b) They enter with a permit from the department waiving the vaccination requirement.
- (2) Slaughter sows moving from a quarantined premises must be identified as prescribed by the department.
- (C) Release of quarantine.
- (1) The department shall release a swine herd and a premises from quarantine under the following conditions:
- (a) One negative herd test as defined under paragraph (E)(2)(a) of rule 901:1-11-02 of the Administrative Code not less than thirty days after removal of all positive swine; or
 - (b) One negative herd test as defined under paragraph (E)(2)(b) of rule 901:1-11-02 of the Administrative Code not less than thirty days following removal of all positive swine when the herd owner or bailee signs an agreement committing to the following conditions.
 - (i) The herd shall be retested five to seven months after quarantine release as follows:
 - (a) For herds of less than one hundred swine, test all, up to thirty-five head.
 - (b) For herd of one hundred to two hundred swine, test thirty-nine head.
 - (c) For herd of over two hundred swine, test forty-four head.
 - (d) The swine tested are to be selected at random and are to include all recent additions. The tested swine shall be proportionately representative of the herd and at least one pig per pen shall be tested.
 - (ii) Swine from herds released from quarantine under paragraph (C)(1)(b) of this rule shall not be sold, moved or disposed of for breeding purposes until completion of the herd retest, five to seven months after quarantine release.
 - (c) Following complete swine herd depopulation; or
 - (d) An owner or bailee that has introduced positive swine from an infected herd may test all swine that have been in contact with the positive swine thirty days after removal of all positive swine. If all contact swine are negative, the quarantine shall be released.

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- (2) All buildings, pens, equipment, and vehicles used by animals in the infected herds shall be cleaned and disinfected under supervision of the Ohio department of agriculture within fifteen days following removal of infected animals or depopulation of the herd
- (D) The department may release other species of animals from quarantine when there have been no clinical symptoms of pseudorabies in these animals for a period of ten days and these animals have been isolated from the swine herd.

901:1-11-06 Pseudorabies qualified negative herd.

- (A) The owner of a herd of swine who wishes to have the herd certified by the department of agriculture as achieving and maintaining status as a pseudorabies qualified negative herd shall comply with the terms and conditions of one of the protocols attached to this rule as appendix "A" and appendix "B" and made a part of this rule.
- (B) The cost of collecting samples and testing shall be borne by the herd owner. All tests shall be done by an approved laboratory and copies of the results sent to the state animal health official.

901:1-11-07 Requirement for intrastate movement.

- (A) Swine under pseudorabies quarantine shall move in compliance with rules 901:1-11-04 and 901:1-11-05 of the Administrative Code.
- (B) Swine originating in a stage IV or higher area shall not require a negative test for pseudorabies as a requirement for change of ownership.
- (C) Swine originating in a stage III area shall not be sold, moved or be disposed of for nonslaughter purposes within this state unless they meet the following requirements.

(1) Swine for breeding purposes shall:

- (a) Have an official negative test for pseudorabies not more than thirty days prior to such sale or movement, unless there is no movement; or
- (b) Have originated immediately and directly from a qualified pseudorabies-negative herd; or
- (c) Be suckling pigs accompanying a negative dam; or
- (d) Have a permit from the Ohio department of agriculture.

(2) Swine for feeding purposes:

- (a) Originating from a nonpseudorabies-vaccinated herd or a herd with vaccinated sows and boars located in a county of less than ten pseudorabies-infected herds are not required to have a representative sample of animals tested in the herd of origin.
- (b) Originating in a nonpseudorabies-vaccinated herd or a herd with vaccinated sows and boars located in a county with ten or more pseudorabies infected herds, the herd of origin is required to have a representative sample of swine tested negative to an official test for pseudorabies within the previous twelve months.

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- (c) Swine shall be quarantined to the farm or feedlot of destination until swine move to immediate slaughter, except:
- (i) When swine reach a weight of over two hundred pounds they may be released from quarantine no less than thirty days following arrival if they are tested and classed negative to an official test for pseudorabies; or
 - (ii) When swine are moved from the quarantined premises directly to a "terminal show" as defined in paragraph (A)(1) of rule 901:1-18-10 of the Administrative Code; or
 - (iii) Swine not moved in accordance with paragraph (C) (2) of this rule may move from quarantine with a permit from the Ohio department of agriculture.
- (d) In addition to all other requirements in this rule, no person shall move feeder swine within Ohio into a stage II feedlot unless the swine are vaccinated with a G1 pseudorabies vaccine; and
- (i) Any future swine additions to this stage II feedlot from another state or an Ohio livestock market shall be eartagged. Additions from an Ohio farm shall be identified on a vaccination form which also documents the approximate weight and the number of swine vaccinated. Vaccination shall be with a G1 pseudorabies vaccine prior to the time of their arrival at the stage II feedlot; and
 - (ii) The feedlot will remain a stage II feedlot until:
 - (a) It is depopulated of all swine; or
 - (b) A thirty day interval occurs between any additions to the vaccinated feedlot population. The feedlot population may then be subjected to "representative sample" pseudorabies test at the owner's expense and must be found negative.
 - (iii) Upon request the department may issue a permit to vaccinate the feeder pigs on arrival at the feedlot if the vaccination requirement in paragraph (C)(2)(d)(i) of this rule cannot reasonably be complied with.
- An owner of quarantined swine not eligible to move in accordance with paragraph (C)(1) of this rule may request to move from a quarantined herd or premises under a permit.

(D) No person shall move sporting swine within Ohio unless:

- (1) Each swine is officially identified; and
- (2) The swine have not been fed garbage within their lifetime; and
- (3) The swine have not been members of a herd of swine known to be infected with pseudorabies within the previous twelve months; and
- (4) The swine have not originated from a feral swine population within the previous twelve months; and
- (5) The swine are accompanied by a certificate of veterinary inspection identifying each animal by official identification, breed, age, sex, the farm or market of origin and certification that the swine meet the requirements of this paragraph.
- (6) The sporting swine meet the following pseudorabies requirements:

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- (a) Swine moved within Ohio for sporting purposes must originate from a qualified pseudorabies-negative herd and be subject to quarantine on the premises of destination until harvested, or
 - (b) Be negative to an official test for pseudorabies conducted within thirty days preceding movement and be subject to quarantine on the premises of destination until harvested.
- (7) The sporting swine meet the following brucellosis requirements:
- (a) Originate from validated brucellosis-free herd and be subject to quarantine on the premises of destination until harvested, or
 - (b) Be negative to a brucellosis test within thirty days preceding movement, if the animal was six months of age or over and be quarantined on the premises of destination until harvested.
- (E) No person shall move from a sale swine which are purchased for exhibition or other purposes when the swine have been commingled at the sale with swine originating from a stage IV or lower status state or area unless:
- (1) The swine are officially identified; and
 - (2) The swine are accompanied by a certificate of veterinary inspection identifying each animal by a registration number, official ear notch, tattoo or eartag, breed, age, sex, and the sale of origin where the commingling with imported swine occurred.
 - (3) All imported swine at a sale shall have moved into Ohio in compliance with paragraph (C) of rule 901:1-17-09 of the Administrative Code.
 - (4) If swine remain in Ohio after a sale they shall be quarantined and isolated from all other swine at their point of final destination until they are tested at the owner's expense and found to be negative to an official test for pseudorabies. The test for pseudorabies shall be conducted twenty-one to thirty days after arrival.

901:1-11-08 Quarantine of exposed herds.

- (A) The department of agriculture shall place under quarantine any premises on which pseudorabies is known to exist. Where the department has reason to suspect the presence of pseudorabies, it shall require the owner or bailee to sign a written acknowledgement of possible existence of a dangerously contagious or infectious disease on his premises or the premises shall be placed under quarantine.
- (B) Whenever a new premises is found to have a pseudorabies infected herd, all other porcine herds within one and three-quarters miles shall be tested.
- (C) Whenever a herd is released from quarantine all porcine herd owners within one and three-quarter miles shall submit their herd to a pseudorabies test.
- (D) No owner or bailee shall refuse to test a herd when ordered to do so by the director.
- (E) The director may waive a pseudorabies test for any herd under paragraph (B) or (C) of this rule when presented documentation of evidence to justify waiver of test.

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901:1-11-09 Mandatory pseudorabies eradication.

(A) If pseudorabies is detected in a swine herd in the state of Ohio while Ohio is classified by United States department of agriculture as a stage five state:

- (1) The infected swine herd shall be isolated and depopulated within fifteen days after the test results confirming pseudorabies are reported to the state veterinarian; and
- (2) All exposed swine herds and swine herds within two miles of the infected swine herd shall be tested for pseudorabies. All testing shall be completed no earlier than thirty days and no later than sixty days after an infected swine herd is depopulated. Any swine herd which tests positive for pseudorabies shall be isolated and depopulated in accordance with paragraph (A)(1) of this rule and any exposed swine herd or herds within two miles shall be tested in accordance with this paragraph.

The foregoing sequence shall continue until either all of the infected swine herds are depopulated and any exposed swine herd and swine herds within two miles of an infected herd test negative, or the state of Ohio loses its classification as a stage five state.

(B) If the United States department of agriculture lowers the state status of Ohio from stage five owners of swine breeding herds and swine feedlots quarantined for pseudorabies shall submit eradication plans in accordance with the provisions of this paragraph.

(1) Breeding herd eradication plans.

- (a) The owner of swine kept for breeding purposes which are quarantined for pseudorabies shall, within thirty days of the date of the quarantine, submit to the director of agriculture for his approval a written plan for the eradication of pseudorabies virus from the quarantined swine herd.
- (b) The plan submitted shall be designed to eliminate pseudorabies virus from the quarantined swine within twelve months of the date the plan is submitted.

The director shall require as part of a herd eradication plan vaccination with a gene altered vaccine for which there is a companion differential test capable of differentiating field strain pseudorabies virus antibodies from pseudorabies vaccine antibodies.

(2) Feedlot eradication plans.

- (a) The owner of feedlot swine kept for finish feeding purposes which are quarantined for pseudorabies shall within thirty days of the date of the quarantine, submit to the director of agriculture for his approval a written plan for the eradication of pseudorabies virus from the quarantined swine.
- (b) The plan submitted shall be designed to eliminate pseudorabies virus from the quarantined swine within six months from the date the plan is submitted provided;

(i) Feedlots receiving feeder swine from a breeding herd which has an approved herd eradication plan shall have twelve months from the date the last feeder swine enter the feedlot from the quarantined breeding herd to eliminate pseudorabies virus.

(ii) The director shall require vaccination with a pseudorabies vaccine as part of a herd eradication plan and specify the type of pseudorabies vaccine.

(3) Plan approval and implementation.

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- (a) Any eradication plan submitted for approval which, in the judgment of the director of agriculture, will not eradicate pseudorabies virus from a herd or will not eradicate it within the time prescribed in this rule shall within thirty days of the date approval is denied be modified to meet the objections of the director.
- (b) Once approved an eradication plan shall be implemented within thirty days of the date of approval.
- (4) Following approval of an eradication plan, the department and the herd owner or bailee shall review the owner or bailee's performance under the herd plan at least once every one hundred twenty days, subject to availability of department personnel. Performance and progress shall be documented by the department.
 - (a) All approved changes in the eradication plans shall be implemented within thirty days of the approval date.
 - (b) The time period for eradication of pseudorabies virus may be extended by the director of agriculture for good cause shown.
- (5) The director of agriculture may order the destruction of any swine quarantined for pseudorabies when:
 - (a) The owner of the quarantined swine has failed to submit an eradication plan for the eradication of pseudorabies virus from the quarantined animals within the time prescribed in the rule;
 - (b) Upon denial of approval the owner of the quarantined swine fails to resubmit within the time limits prescribed an eradication plan which meets the director of agriculture's objection to the eradication plan;
 - (c) The owner fails to implement the eradication plan within the time prescribed in this rule or fails to comply with the plan.
 - (d) The pseudorabies virus has not been eradicated from the quarantined swine in the time allotted by this rule.
 - (e) The owner of the quarantined swine has been found guilty in a court of law of violating any provision of the Revised Code or Ohio Administrative Code, other than paragraph (B)(5) of this rule, which pertains to pseudorabies control and eradication.
- (6) When swine are ordered destroyed under paragraph (B)(5) of this rule:
 - (a) Sows, bred gilts and boars shall be sold for immediate slaughter as defined in paragraph (D) of rule 901:1-23-01 of the Administrative Code within forty-five days of the order of destruction;
 - (b) All other swine on the farm shall be sold for immediate slaughter as defined in paragraph (D) of rule 901:1-23-01 of the Administrative Code within two hundred ten days;
 - (c) A permit may be issued by the director of agriculture to move feeding swine to a quarantined feedlot when in his judgment removal would accelerate pseudorabies eradication;
 - (d) No swine shall be added to the premises following the date an order of destruction is issued until the quarantine is released.
- (7) The director may in his discretion, by order, indemnify the owner of breeding boars and sows destroyed

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either under an approved herd cleanup plan or under paragraph (B)(5) of this rule if, before issuing the order:

- (a) There are funds in the department's current biennium appropriation designated expressly for the payment of indemnification of animals destroyed under authority of this rule; and
- (b) The director has obtained certification from the director of budget and management that there is an unencumbered balance in the appropriation for the current biennium sufficient to pay the indemnity and the director designates funds for that purpose.

No indemnification shall be ordered and paid except during the biennium for which money has been appropriated and encumbered.

(8) Indemnity paid under this rule shall be limited:

- (a) To an amount equal to forty dollars times the number of breeding boars and sows over one year of age present on a quarantined premise on the date the quarantine was issued for animals which are culled under an approved breeding herd eradication plan;
- (b) To an amount equal to forty dollars for any other breeding boar or sow over eight months of age and under one year of age present on a quarantined premise either on the date the quarantine was issued or culled under an approved breeding herd eradication plan when, the director, in his discretion, determines payment of indemnity will facilitate eradication from the herd and prevent the spread of pseudorabies virus;

Any breeding sow or boar over one year of age destroyed under paragraph (B)(5) of this rule shall receive no indemnity.

(9) In order to ensure that indemnity payments serve the purpose of providing an economic incentive to the producer to eradicate pseudorabies from a herd; the director, when ordering payment may specify the time at which indemnity payments will be made and specify those animals for which payment will be made.

(10) One-half of any indemnity paid an owner under paragraphs (B)(6)(a) and (B)(6)(b) of this rule shall be repaid to the department of agriculture upon demand when, prior to expiration of the eradication plan there has been an outbreak of pseudorabies virus in the quarantined herd caused by the failure of the owner to adhere to the measures called for in the approved herd eradication plan.