

NOTICES

DEPARTMENT OF AGRICULTURE

General Quarantine Order; Swine Exhibition Requirements

[50 Pa.B. 548]

[Saturday, January 25, 2020]

Recitals

A. African Swine Fever is a highly contagious hemorrhagic viral disease affecting domestic and wild swine.

B. There is no vaccine to protect swine against African Swine Fever, nor is there a known cure or treatment for this dangerous transmissible disease.

C. African Swine Fever has a high environmental resistance and can be spread by domestic or wild swine, whether alive or dead, and through raw and processed pork products. African Swine Fever does not cause disease in humans and is not a public health threat.

D. African Swine Fever is known to be transmissible from infected to uninfected swine through contact and via contaminated feed and fomites (non-living objects) such as shoes, clothes, vehicles, equipment and any other goods, products, facilities, specific insect vectors (soft ticks), containers and other objects with which infected swine—alive or dead—may come into contact.

E. Section 2321 of the Domestic Animal Law (Law) establishes a list of "dangerous transmissible diseases" and provides for the designation of additional dangerous transmissible diseases through regulation or temporary order (3 Pa.C.S.A. § 2321).

F. African Swine Fever (ASF) is specifically designated as a dangerous transmissible disease at section 2321(a)(3) of the Law (3 Pa.C.S.A. § 2321(a)(3)).

G. The Domestic Animal Law (Law) (3 Pa.C.S.A. §§ 2301—2389) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), provides the Pennsylvania Department of Agriculture (PDA) broad authority to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases, such as ASF.

H. This includes authority, set forth at section 2329 of the Law, to establish and enforce quarantine orders "Whenever a dangerous transmissible disease. . .exists anywhere within or outside of this Commonwealth. . .the department shall have the power to establish and enforce quarantines of any such infected, exposed, contaminated, suspected or susceptible domestic animal. In addition. . .a quarantine may apply to any

goods, products, facilities, containers, vehicles or materials that may carry dangerous transmissible disease. . .and may be applied on or in or against any premises, area or locality. . ." (3 Pa.C.S.A. § 2329(a)).

I. Section 2329(d) of the Law provides specific authority to establish and enforce a general quarantine order against ". . .any area or locality within this Commonwealth for any of the reasons set forth in subsection (a) to prevent a dangerous transmissible disease. . .from being carried into, within, from or out of the area or locality that is subject to the quarantine. A general quarantine order may include any domestic animals, conveyances, containers, goods, products or materials that may carry dangerous transmissible disease. . .and may include any area or locality, including all buildings, structures, premises and equipment located therein." (3 Pa.C.S.A. § 2329(d))

J. ASF is found in countries around the world, particularly in sub-Saharan Africa. To date, 11 Asian countries have reported outbreaks since August 2018, including Indonesia, Mongolia, North Korea, South Korea, China, the Philippines, Vietnam, Laos, Cambodia, Myanmar and Timor-Leste. China has confirmed more than 163 cases of ASF and has lost an estimated 200 million swine which amounts to thirty-three percent of all the pigs in the world. The disease is also spreading within the European Union (EU), and the virus has reached 10 member states of the EU.

K. Although ASF has not been detected in North America, Central America or South America, it is important to note ASF is rapidly spreading and has reached South Korea and the Philippines. Currently, there are only 6,000 miles separating the continental United States from this devastating disease.

L. Pennsylvania is ranked 12th nationally for pork production and 5th nationally for number of swine processed. ASF presents serious threats to animal health and the economic vitality of the Commonwealth's swine production industry. Introduction of ASF into the commercial swine herds of this Commonwealth would result in severe economic losses to the infected herd owners as well as loss of valuable National and International trade opportunities for all Pennsylvania's pork producers.

M. The PDA through this Quarantine Order establishes reasonable requirements to allow for movement of swine and products within this Commonwealth for exhibition purposes, while protecting against the introduction of ASF into this Commonwealth's commercial production swine population.

Order of Quarantine:

With the foregoing recitals incorporated into this Order of Quarantine by reference, the Pennsylvania Department of Agriculture (PDA) under authority of the Domestic Animal Law, at 3 Pa.C.S.A. § 2329(d) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), hereby establishes a General Order of Quarantine related to the dangerous transmissible disease African Swine Fever (ASF) and the shipment and holding of swine, alive or dead, and any conveyances, containers, goods, products or materials capable of

harboring ASF, within and through the Commonwealth of Pennsylvania. The following are the conditions, restrictions and requirements of this Order:

1. *Quarantine Area.* The area covered by this General Quarantine Order is the entire Commonwealth of Pennsylvania.

2. *Applicability and Time Period of Order.* The terms, provisions and requirements of this Order are applicable to all live and dead swine, swine manure, swine offal and swine germplasm, and any conveyances, containers, goods, products or materials capable of harboring ASF located within or to be shipped through or in the Commonwealth of Pennsylvania (Quarantine Area), from the effective date of this Order until the time this Order is rescinded in writing by the PDA.

3. *Definitions.* The following terms when used in this Order have the following meanings:

Accredited veterinarian. A licensed veterinarian jointly accredited by APHIS-USDA and the Department in the state the veterinarian is licensed to perform official duties on behalf of APHIS-USDA or the Department in the state the veterinarian is licensed to practice veterinary medicine. See accreditation standards established by 9 CFR Parts 160 and 161 (relating to definition of terms; and requirements and standards for accredited veterinarians and suspension or revocation of such accreditation).

Animal Exhibition. Any temporary spectacle, display, event, exhibition or act featuring performing animals including, but not limited to, circuses, pony rides, animal exhibits, weight pull events, and petting zoos. This definition shall exclude zoologic exhibits and Pennsylvania Game Commission menagerie permit holders.

Breeding swine. A sexually intact swine 6 months of age or older or a sexually intact swine 5 months of age or younger selected for producing offspring.

Certificate of Veterinary Inspection (ICVI). An official document issued by a federal, state, tribal, or accredited veterinarian certifying that the animals identified on the document have been inspected and were found to satisfy the regulations pertaining to their intended movement—within the same state, between states, or internationally.

Direct movement to slaughter. Transported to a facility for slaughter, without stops or unloading except for feeding and watering, during which the animals are not commingled with any other animals unless all are destined for slaughter.

Market swine. A swine that is registered and entered in a PDA-sponsored market swine class, weighing at least 210 pounds and approximately 6 months old.

Pennsylvania health certificate. A legible official document, made on a form (AAI-13) provided by the Department, prepared by an accredited Pennsylvania veterinarian or a representative of the Department certifying the health of animals described therein according to the health requirements established by this chapter.

Recognized slaughter establishment. A slaughter establishment operated under the Federal Meat Inspection Act (21 U.S.C.A. §§ 601—623, 641—645, 661, 671—680 and 691) or a State inspected slaughter establishment.

Slaughter market. An animal market approved by the Department for the sale of slaughter animals in accordance with Chapter 5 (relating to animal markets) and the act of June 22, 1931 (P.L. 650, No. 225) (3 P.S. §§ 431—439), known as the Farm Animal Dealer or Broker License Law.

Swine Health Monitor. A Swine Health Monitor (SHM) is a person appointed by a fair board or livestock show committee who is familiar with swine and can recognize when swine are sick. This individual shall be trained by an accredited veterinarian to recognize animal health parameters or clinical signs suggestive of Foot and Mouth Disease (FMD), Classical Swine Fever (CSF), and African Swine Fever (ASF). This individual shall immediately report any clinical signs suggestive of FMD, CSF, and ASF to the veterinarian holding the veterinarian client patient relationship with the fair or show board. The veterinarian will then follow up by examining animal and notify the State Animal Health Official (SAHO) when appropriate.

Veterinarian-Client-Patient Relationship. A veterinarian-client-patient-relationship (VCPR) is defined by the American Veterinary Medical Association as the basis for interaction among veterinarians, their clients, and their patients and is critical to the health of an animal. A VCPR means that all of the following are required:

- a. The veterinarian has assumed the responsibility for making clinical judgments regarding the health of the patient and the client has agreed to follow the veterinarians' instructions.
- b. The veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. This means that the veterinarian is personally acquainted with the keeping and care of the patient by virtue of a timely examination of the patient by the veterinarian, or medically appropriate and timely visits by the veterinarian to the operation where the patient is managed.
- c. The veterinarian is readily available for follow-up evaluation or has arranged for the following: veterinary emergency coverage, and continuing care and treatment.
- d. The veterinarian provides oversight of treatment, compliance, and outcome.
- e. Patient records are maintained.

4. *Exhibition Requirements.* Beginning January 1, 2020, fair boards and livestock show committees must establish a VCPR and appoint a SHM for all animal exhibitions. No swine species shall be exhibited in this Commonwealth unless each animal meets all of the following criteria:

a. Is accompanied by a Pennsylvania health certificate or ICVI that was issued by a licensed and accredited veterinarian not more than 14 days before the date of the animal exhibition.

b. Shall be permanently identified by an official 840 series radio frequency identification (RFID) ear tag and the ear tag number recorded on the Pennsylvania health certificate or ICVI.

i. If the swine does not have an 840 RFID tag at the time of purchase by an exhibitor, a tag may be acquired by one of the following methods:

a. Apply for premises ID through PDA and purchase RFID tags through a distributor.

b. Request an accredited veterinarian to apply an 840 RFID at the time of issuance of certificate of veterinary inspection.

c. Has been visually inspected for signs of disease prior to unloading at the exhibition by an accredited veterinarian or a Swine Health Monitor appointed by the fair board or livestock show committee.

d. The Swine Health Monitor shall immediately report any clinical signs of disease to the veterinarian holding the veterinarian client patient relationship with the fair board or livestock show committee. The veterinarian shall immediately follow up by examining the animal and notify the SAHO when appropriate.

e. Any swine showing signs of illness upon arrival shall not be permitted to unload and must be reported to the accredited veterinarian holding the veterinarian-client-patient-relationship with the show or fair board.

5. *Exhibition Timing and Order.* All breeding swine animal exhibitions are to occur prior to the arrival of any market swine. Breeding swine must be removed from the animal exhibition premises prior to any market swine arriving. Breeding swine animal exhibitions, excluding birthing or educational displays which are not competing, shall arrive, exhibit, and depart in a period no greater than 72 hours.

6. *Birthing Exhibitions.* Swine birthing exhibitions and educational displays which are not competing may occur concurrently with market swine animal exhibition as long as reasonable precaution is made to ensure the biosecurity of the swine birthing exhibition or educational display.

7. All market swine exhibited in PDA sponsored market shows shall move directly to a PDA or USDA licensed slaughter facility following the animal exhibition and may not be diverted to premises other than a recognized slaughter establishment or a slaughter market in which the sales are designated slaughter only sales.

8. Non-PDA Sponsored shows including jackpot shows and 4-H roundups not occurring during a PDA sponsored fair or show, where arrival, exhibition and departure of the swine occur within a 72 hour window and there is no public access to the animals

other than observation during competitions, shall be exempt from the terminal slaughter requirement listed in paragraph 6.

9. All conveyances, containers, goods, products or materials in contact with swine being shipped within or through the Commonwealth of Pennsylvania for animal exhibition shall be cleaned and disinfected in accordance with the following:

a. A conveyance used for the transportation of swine to fairs and shows shall be cleaned and disinfected by an exhibitor prior to each use and shall be free of visible accumulations of manure.

b. At the conclusion of swine animal exhibitions, and after all swine have left premises, the fair board or livestock show committee shall ensure all holding pens and animal exhibition areas have had all organic material removed and gone through the fair board or livestock show committee's cleaning and disinfection process.

10. *Violations/Penalties.* Any person violating the requirements of this Order shall be subject to enforcement and penalties as are allowed under the provisions of the Domestic Animal Law (3 Pa.C.S.A. § 2301 et seq.), which include, revocation of license, criminal prosecution, civil penalties of up to \$10,000 per violation, injunctive relief or any combination of these penalties.

11. *No Restriction on Further Action by PDA.* This Order shall not be construed as limiting PDA's authority to establish additional quarantine or testing requirements or take any actions otherwise permitted under applicable statute or regulation.

12. *Contact information.* Questions regarding this General Quarantine Order is to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Animal Health, 2301 North Cameron Street, Harrisburg, PA 17110 or by telephone at 717-772-2852, or email at RA-ahds@pa.gov.

13. *Effective Date.* This Order is immediately effective as of January 1, 2020 or upon the date of publication in the *Pennsylvania Bulletin*, whichever date is sooner, and shall remain in effect unless rescinded or modified by subsequent order.

RUSSELL C. REDDING,
Secretary

[Pa.B. Doc. No. 20-104. Filed for public inspection January 24, 2020, 9:00 a.m.]