

NOTICES

DEPARTMENT OF AGRICULTURE

Interstate and International Quarantine Order; Swine Exhibition Requirements

[54 Pa.B. 737]

[Saturday, February 17, 2024]

Recitals

A. This Interstate and International Quarantine Order; Swine Exhibition Requirements amends, rescinds and replaces the previous "Interstate and International Quarantine Order; Swine Exhibition Requirements" 51 Pa.B. 3864 (July 17, 2021).

B. African Swine Fever (ASF) is a highly contagious hemorrhagic viral disease affecting domestic and wild swine.

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

D. 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.

E. 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.

F. 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).

G. 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)).

H. 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.

I. 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 apply on or in or against any premises, area or locality. . ." (3 Pa.C.S.A. § 2329(a)).

J. Section 2329(c) of the Law provides specific authority to establish and enforce an interstate and international quarantine order, stating, "An interstate or international quarantine may be established and enforced by order of the department against any place or places outside this Commonwealth for any of the reasons set forth in subsection (a) or where dangerous transmissible diseases. . . are reported to exist. An interstate or international quarantine may prohibit the bringing of any domestic animals, conveyances, containers, goods, products or materials into this Commonwealth except in accordance with the requirements set forth in the quarantine order. . ." (3 Pa.C.S.A. § 2329(c)).

K. ASF is found in countries around the world, including sub-Saharan Africa and European and Asian countries. In 2021, the United State Department of Agriculture (USDA) announced that ASF was identified in swine in the Dominican Republic and Haiti.

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 of Pennsylvania's pork producers.

M. The PDA through this Quarantine Order establishes reasonable requirements to allow for movement of swine and products into and within this Commonwealth for exhibition purposes, while reducing the risk of introduction of ASF into this Commonwealth's commercial 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(c) and section 1702 of the Administrative Code of 1929 (71 P.S. § 442), hereby establishes an Interstate and International Order of Quarantine related to the dangerous transmissible disease African Swine Fever (ASF) and the importation or shipment of swine, alive or dead, and any conveyances, containers, goods, products or materials capable of harboring ASF, into and through the Commonwealth of Pennsylvania. The following are the conditions, restrictions and requirements of this Order:

1. *Quarantine Area.* This Interstate and International Quarantine Order is applicable to all states and territories of the United States and foreign countries and territories and 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 to be shipped through, in or into the Commonwealth of Pennsylvania, 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. Castrated swine shall not be classified as breeding swine.

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.

Exhibition Swine. Swine being exhibited shall meet the definition of "Transitional Swine" as per the Interstate/International and General Quarantine Order; Importation and Intrastate Movement of Swine 39 Pa.B. 5442 (September 19, 2009), which includes swine that have reasonable opportunities to be exposed to feral or wild swine. The term includes swine that are maintained as pets.

Interstate 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.

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.

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 who is familiar with swine and can recognize when swine are sick, has met the training and standards set forth in this quarantine order, and has been appointed by a fair board or livestock show committee to assess swine health.

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 veterinarian's 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. *Swine health monitor requirements.* A Swine Health Monitor (SHM) shall meet the following standards, demonstrate the following skills and perform the following duties.

a. A SHM shall undergo annual web-based training provided by the Pennsylvania Department of Agriculture.

b. At the conclusion of such training, the SHM applicant shall be required to pass an examination, meaning the applicant shall obtain a score of 75% or better, and upon successful completion, will be granted a certificate of completion allowing them to seek appointment, as set forth in this Order, to perform swine health monitoring duties for one year.

c. A SHM shall maintain a current working knowledge base, to be able to recognize animal health parameters, and identify clinical signs suggestive of foot and mouth disease (FMD), Classical Swine Fever (CSF), and African Swine Fever (ASF), and other diseases that may become of consequence.

d. As part of their duties, a SHM shall monitor and assess the health of exhibition animals prior to unloading upon arrival, and on a daily basis during the totality of the animal exhibition.

e. Upon arrival of any swine at an animal exhibition, a SHM shall assess the health of each animal prior to the swine being allowed to unload from the conveyance.

f. A SHM shall not permit any animal showing any form of sickness or illness or any clinical signs suggestive of ASF, CSF or FMD, or any other animal on the same conveyance, to unload from the conveyance and shall notify the Veterinarian holding the VCPR with the fair board or livestock show committee (VCPR veterinarian) for examination and final health assessment of all animals on the conveyance prior to unloading.

g. Where the SHM finds it necessary to notify the VCPR veterinarian, no swine or animal on the conveyance shall be unloaded until the VCPR veterinarian has completed a final examination and health assessment of all animals on the conveyance and provided written documentation to the SHM that each animal is free from ASF, CSF, FMD, and any other suspected or identified disease of consequence.

h. During the exhibition, the SHM shall daily observe all swine at the exhibition and keep daily records of those observations to be reviewed with the VCPR veterinarian.

i. The SHM shall immediately report, and document such report in writing, providing the identification of the animal, date of report and suspicious disease signs, any clinical signs suggestive of FMD, CSF, ASF, or any other suspected or identified disease of consequence, to the VCPR veterinarian.

j. The VCPR veterinarian shall follow up on the SHM report by examining the animal and notify the State Animal Health Official (SAHO) when appropriate. All such examinations shall be documented by the VCPR veterinarian in writing and provide the identification of the animal examined, the date of the examination, what disease assessment or testing was done and the final health assessment of the VCPR veterinarian.

5. *Exhibition Requirements.* Fair boards and livestock show committees shall establish a VCPR veterinarian and appoint a SHM for all animal exhibitions. No swine species shall be unloaded at an animal exhibition or exhibited in this Commonwealth unless each animal meets all the following criteria:

a. Is accompanied by a ICVI that was issued by a licensed and accredited veterinarian not more than thirty (30) 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 ICVI.

c. Any swine that does not have an 840 RFID tag at the time of arrival at a Commonwealth animal exhibition, shall not be unloaded at the exhibition or any place within the Commonwealth and shall be returned to the premises from which it originated.

d. Has been visually inspected for signs of disease prior to unloading at the exhibition by an accredited veterinarian, VCPR veterinarian or a SHM appointed by the fair board or livestock show committee or both, as required by Section 4. of this Order.

e. The SHM shall immediately report, in the manner required by Section 4 of this Order, any clinical signs of disease to the VCPR veterinarian holding the veterinarian-client-patient-relationship with the fair board or livestock show committee.

f. The VCPR veterinarian shall immediately follow up by examining the animal and notify the SAHO when appropriate and shall issue such written reports as are required in Section 4 of this Order.

g. Any swine showing signs of illness upon arrival at the animal exhibition shall not be permitted to unload and shall be reported to the VCPR accredited veterinarian holding the veterinarian-client-patient relationship with the fair board or livestock show committee.

6. *Exhibition Timing and Order.* All breeding swine animal exhibitions are to occur prior to the arrival of any market swine. Breeding swine shall 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.

7. *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 taken to ensure separation of the birthing swine and market swine, no cross-contamination between the two separate exhibition areas and the biosecurity of the swine birthing exhibition or educational display.

8. *PDA sponsored animal exhibitions.* All market swine exhibited in PDA sponsored animal exhibitions, fairs and market shows, along with meeting all other requirements of this Order, 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.

9. *Non-PDA sponsored animal exhibitions.* Non-PDA sponsored animal exhibitions and shows including jackpot shows and 4-H roundups not occurring during a PDA sponsored animal exhibition, 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, while being required to meet all other requirements of this Order, shall be exempt from the terminal slaughter requirement listed in paragraph 8.

10. All swine imported into the Commonwealth for animal exhibition shall meet interstate health requirements established at section 3.131 of PDA's regulations (7 Pa. Code § 3.131).

11. *Conveyance, goods and other materials.* 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 animal exhibitions, fairs and shows shall be cleaned and disinfected by an exhibitor prior to each use and shall be free of visible accumulations of manure, bedding and other organic materials.

b. At the conclusion of swine animal exhibitions, fairs and shows and after all swine have left the premises, the fair board or livestock show committee shall ensure all holding pens and animal exhibition areas have had all bedding and other organic material removed and all areas, including fences, gates, stalls, holding pens, containers, housing, coming in contact with or through which swine were moved shall be put through the fair board or livestock show committee's cleaning and disinfection process.

12. *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.

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

14. *Contact information.* Questions regarding this Interstate and International 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.

15. *Effective Date.* This Order replaces any previous order related to swine exhibition requirements and is immediately effective upon the date of publication in the *Pennsylvania Bulletin*, and shall remain in effect unless rescinded or modified by subsequent order.

RUSSELL REDDING,
Secretary

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