

APPROVED

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NEBRASKA ADMINISTRATIVE CODE

TITLE 23 - DEPARTMENT OF AGRICULTURE
CHAPTER 21 - ANIMAL REGULATIONS

APPROVED
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001 Administration. These regulations are administered by the Nebraska Department of Agriculture pursuant to the Animal Health and Disease Control Act (Animal Health Act), Neb. Rev. Stat. §§54-2901 to 2957 the Exotic Animal Auction or Exchange Venue Act (Exotic Auction Act), Neb. Rev. Stat. §§54-7,105 to 7,109 and the Domesticated Cervine Animal Act (DCA Act), Neb. Rev. Stat. §§54-2302 to 2324.

002 Definitions. In addition to the terms listed below, the definition of terms found in the Animal Health Act, Exotic Auction Act and the DCA Act apply to such terms when found in these regulations.

002.01 CVI means a certificate of veterinary inspection.

002.02 CWD means Chronic Wasting Disease.

002.03 CWD Program Standards means the United States Department of Agriculture Animal and Plant Health Inspection Service's Chronic Wasting Disease Program Standards.

002.04 DCA means domesticated cervine animal or animals.

002.05 Equivalent means equal to or exceeds requirements and has been approved by the Department.

002.06 Feral swine means the species, *Sus scrofa*, which are descendants of escaped or released swine.

002.07 Poultry disease program standards means the United States Department of Agriculture Animal and Plant Health Inspection Service's National Poultry Improvement Plan.

002.08 Scrapie program standards means the United States Department of Agriculture Animal and Plant Health Inspection Service's National Scrapie Eradication Program Standards.

002.09 Swine Brucellosis program standards means the Swine Brucellosis Control/Eradication State-Federal-Industry Uniform Methods and Rules.



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003 Federal Standards. 9 C.F.R. Part 93, CWD, poultry disease, scrapie and swine brucellosis program standards as they existed on January 1, 2020 are adopted and incorporated herein by reference so long as they do not conflict with the Animal Health or DCA Acts. If there is an inconsistency, the acts control. Copies are attached to these regulations on the department's website at <https://nda.nebraska.gov/regulations/>.

004 Importation of Animals.

004.01 Animals must comply with all applicable requirements to enter the state. Animals entering the state which are not in compliance are subject to enforcement actions and may be quarantined at the expense of the owner until released by the Department or immediately returned to the state of origin. Any post-entry testing required to release a quarantine is at the expense of the person in possession of the animals.

004.02 Prior to entry, all calves less than two months of age, unless accompanied by their dam, need official identification, to be in compliance with these regulations, and originate from the farm or ranch where they were born and move directly to an approved livestock facility in Nebraska or obtain a permit and move directly to the destination named on the permit to be held for a minimum of sixty days.

004.03 All importers of cattle, camelids, cervidae, equidae, sheep, goats, and swine from any state which has a herd or area quarantined for vesicular stomatitis are required to obtain a permit prior to import into Nebraska, with the permit number recorded on the CVI unless such animal is covered by an exemption allowing an electronic CVI. Additionally, animals imported into the state for exhibition purposes without a permit must be examined for vesicular stomatitis by an accredited veterinarian within forty-eight (48) hours of importation into Nebraska and this is noted on the CVI.

004.04 In addition to general requirements, cattle or cervidae brought into the state are required to comply with federal tuberculosis provisions and these regulations.

004.04A All sexually intact dairy and dairy cross cattle additionally need a permit prior to entry into Nebraska. If less than two months of age, the cattle must originate from an accredited herd or be quarantined to their Nebraska destination, and test negative to an official tuberculosis test within sixty days after reaching two months of age or be neutered within sixty (60) days after reaching two months of age. If two months of age or older, the cattle must originate from an accredited herd, with the accredited herd number recorded on the CVI or be tested and found negative on an official tuberculosis test after reaching two months of age and within sixty days prior to entry into Nebraska.

004.04B Cattle originating in Mexico need to have been tested for tuberculosis and found to be negative within sixty days prior to entry into Nebraska. Such cattle will remain at the Nebraska destination under quarantine until they have been subjected to an official tuberculin tuberculosis test conducted at least sixty days after the date of the importation tuberculin tuberculosis test, but not more than one hundred twenty days after entry into Nebraska except neutered cattle may move to a feedlot in Nebraska for feeding purposes where adequate separation is maintained to prevent contact with animals being fed for purposes other than slaughter. Such cattle will be placed under a quarantine until moved direct to slaughter.

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004.04C All rodeo cattle imported into Nebraska are required to have a permit prior to entry into Nebraska in addition to tuberculosis testing meeting the Department's guidelines. Rodeo cattle being used for breeding must also comply with all other applicable requirements.

004.04D Any animal imported into Nebraska from another state or area of another state where tuberculosis exists is subject to the requirements set out in an importation order issued by the Department.

004.05 Due to trichomoniasis concerns, beef and dairy cattle imported for breeding must meet the following:

004.05A Unless an exception applies, bulls that are sexually intact and over eighteen months of age or non-virgin and less than eighteen months of age are required to have tested negative for trichomoniasis by an approved test, within sixty days prior to importation and must not been used for breeding purposes for at least two weeks prior to commencing trichomoniasis testing. Test samples are to be collected only by an accredited veterinarian trained to collect such samples and be conducted by an approved laboratory. The CVI is required to note compliance with this section.

004.05B Virgin bulls less than eighteen months of age accompanied by a CVI containing a statement that the bulls have had no contact with breeding females and Nebraska origin breeding bulls exported for grazing purposes returning to Nebraska may enter without testing if accompanied by a CVI stating the bulls have not commingled with any other herd. Any such CVI needs to have been issued within thirty days prior to import into Nebraska.

004.05C Unless an exception set by the Department that is indicated by a valid CVI exists, female cattle for breeding purposes are not allowed to be imported into Nebraska.

004.06 Feral swine are prohibited from entering the state. All swine changing ownership and moving to a destination in Nebraska should move directly or through no more than one concentration point, and be confined to the premises of destination for not less than thirty days or permission has been granted for movement by the Department. Breeding swine imported into the state need to: originate directly from an area classified as Stage IV or V or recognized by USDA/APHIS/VS as being free of pseudorabies; and, meet the requirements of the swine brucellosis program standards.

004.07 Equids are required to be tested and negative for Equine Infectious Anemia within one year of entry into the state except the foals under six months of age accompanying their dam are exempt from this requirement.

004.08 Only DCA species allowed by the Commission may enter the state and such DCA may only enter if they meet general requirements, have a permit to move to a premises with a valid DCA Permit, and have been identified by both official identification and visible individual identification.

004.08A DCA less than six months of age that accompany their dam entering the state will be subject to the same retest requirements as their dam but will not require any tuberculosis testing prior to entry. Such DCA that do not accompany their dam will

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need to be tested for tuberculosis in not less than one hundred twenty days, but not more than three hundred sixty-five days after entry. DCA imported into Nebraska cannot have moved through more than one concentration point within the previous ninety days.

004.08B DCA six months of age and older entering the state are required to originate directly from an accredited tuberculosis free herd or be segregated from other animals and subjected to two official tuberculosis tests and found to be negative. Such tests will be at least ninety days, but not more than three hundred sixty-five days apart with the last test being within ninety days prior to entry.

004.08C DCA entering the state are required to meet the requirements of the CWD Program Standards or originate from a herd with documentation that the herd is equivalent to those standards.

004.09 Exotic animal importers are required to meet all general and specific species requirements and obtain a permit which will only be issued after the importer can show compliance with Neb. Rev. Stat. §§37-477 to 37-479.

004.09A Camelids and Bovids over six months of age are required to be tested and negative for brucellosis and tuberculosis within sixty days prior to entry into the state. A brucellosis test is not required for neutered camelids or bovids.

004.09B Psittacine birds are required to be free of signs of psittacosis for sixty days prior to entry into the state.

004.09C Elephants are required to be tested and negative to tuberculosis within one year prior to entry into the state.

004.10 In addition to general requirements, cattle which have lived any part of their lives in Mexico may enter the state if they meet federal regulations and obtain a permit from the Department.

005 Poultry. Poultry flocks in or entering the state must comply with the Poultry Disease Program Standards.

006 Sheep and Goats. Sheep and goats in or entering the state must comply with all applicable provisions of the Scrapie Program Standards.

007 Composting. Composting of livestock carcasses must control disease vectors, dust, litter, leachate and runoff, ensure that livestock carcasses are not visible from public roads or habitable structures, protect the facility from scavenging by animals, keep livestock carcasses in the composting facility until completely composted before spreading on land; and remove all finished compost within twelve months of the process.

008 Disease Reporting.

008.01 Foreign animal diseases are: African Horse Sickness; African Swine Fever; Akabane disease; Babesiosis (bovine species); Bovine ephemeral fever; Bovine Spongiform Encephalopathy; Classical Swine Fever; Contagious Agalactia; Contagious Bovine Pleuropneumonia; Contagious Caprine Pleuropneumonia (caprine/ovine species);

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Contagious Equine Metritis; Crimean Congo Hemorrhagic Fever; Dourine; Duck viral hepatitis; Epizootic lymphangitis; Foot and Mouth Disease; Glanders; Goat Pox; Heartwater; Hemorrhagic Septicemia; Hendra virus; Highly Pathogenic Avian Influenza; Japanese Encephalitis; Lumpy Skin Disease; Malignant Catarrhal Fever; Melioidosis; Menangle virus infection; Nairobi Sheep Disease; Newcastle Disease Virulent; Nipah Virus Encephalitis; Peste des Petits Ruminants; Rift Valley Fever; Rinderpest; Screwworm (Old World and New World); Sheep Pox; Sheep Scabies; Surra; Swine vesicular disease; Teschovirus encephalomyelitis; Theileriasis; Trypanosomiasis; and, Venezuelan Equine Encephalomyelitis.

008.02 Program diseases are: Anthrax; Brucellosis (*B. abortus*, *B. melitensis*, *B. suis*); Chronic Wasting Disease; H5/H7 Low Pathogenic Avian Influenza; Pseudorabies; Pullorum; Scrapie; Trichomoniasis; Tuberculosis; and, Typhoid.

008.03 Tier 1 diseases are: Equine Herpes Virus Myeloencephalopathy; Equine Infectious Anemia; Equine Piroplasmosis; and, Vesicular Stomatitis.

008.04 Tier II diseases are: Anaplasmosis; Avian Chlamydiosis; Avian Infectious Bronchitis; Avian Infectious Laryngotracheitis; Bluetongue; Bovine Genital Campylobacteriosis; Bovine Viral Diarrhea; Brucella Ovis; Caprine Arthritis/Encephalitis; Cysticercosis; Eastern Equine Encephalomyelitis; Echinococcosis/Hydatidosis; Enzootic Abortion of Ewes (Ovine Psittacosis, *Chlamydia psittaci*); Enzootic Bovine Leukosis; Epizootic Hemorrhagic Disease; Equine Influenza (Virus Type A); Equine Rhinopneumonitis Equine Herpesvirus types 1 and 4; Equine Viral Arteritis; Fowl Cholera; Infectious Bovine Rhinotracheitis/Infectious Pustular Vulvovaginitis; Infectious Bursal Disease; Johne's (paratuberculosis); Leptospirosis; Maedi-Visna/Ovine Progressive Pneumonia; Marek's Disease; Mycoplasmosis (*M. gallisepticum*); Mycoplasmosis (*M. synoviae*); Ovine Epididymitis; Ovine Progressive Pneumonia; Porcine Circovirus associated diseases; Porcine Enterovirus Type I; Porcine Reproductive and Respiratory Syndrome; Q Fever; Rabies; Salmonellosis; Scabies; Transmissible Gastroenteritis; Trichinellosis; Tularemia; Turkey Rhinotracheitis (pneumovirus); West Nile Fever; Western Equine Encephalomyelitis.

008.05 Emerging diseases include Novel Swine Enteric Coronavirus Disease; Seneca Valley Virus, (Seneca Virus A) and other diseases identified by the state veterinarian as having the potential for serious economic impact or serious threat to Nebraska's livestock health or livestock industry and are monitored on a case-by-case basis in order to assess the progress of the disease transmissibility and its economic impact on the state.

008.06 Reporting to the Department.

008.06A A veterinarian, laboratory, or other person diagnosing, confirming, or suspecting a foreign animal disease, emergency condition, program disease except Trichomoniasis, or Tier 1 disease must report immediately the name or nature of the disease, including clinical history, death losses, species, and approximate number of animals exposed or suspected to be diseased, name, address, animal location and telephone number of both the reporting party and the animal's owner.

008.05B Confirmed Tier II and Emerging disease diagnoses must be submitted on a monthly basis. A laboratory or veterinarian reports the disease, including clinical history, death losses, county of animal location, species, and approximate number of

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animals exposed or suspected to be diseased, name, address, and telephone number of the reporting party.

009 Fines.

009.01 When it is determined that an administrative fine is an appropriate penalty, the actual amount of such fine is calculated by taking the base fine of five thousand dollars per violation and adjusting as set forth in this section.

009.02 Gravity adjustment criteria. The base fine may be reduced by considering the gravity of harm of the violation and the gravity of misconduct.

009.02A Gravity of harm.

Violation	Circumstances	Value
Department's Ability to Enforce the Act	Violation significantly interfered with Department's ability to enforce the Act	5
	Violation moderately interfered with Department's ability to enforce the Act	3
	Violation slightly interfered with Department's ability to enforce the Act	1
	Violation did not interfere with Department's ability to enforce the Act	0
Harm to Industry	Actual harm which is both serious and widespread to animal industry.	5
	Actual harm which is either serious or widespread to animal industry.	4
	Potential serious harm to animal industry.	3
	Minor actual harm to animal industry.	2
	Minor potential harm to animal industry.	1
	No potential harm to animal industry.	0
Extent of Violations	Violations so widespread and pervasive disease control was made impossible	5
	Numerous or widespread violations greatly affecting disease control	4
	Moderately widespread effect disease control	3
	Less widespread effect on disease control	2
	Only a minor violations affecting disease control	1
	No violations affecting disease control	0

009.02B Gravity of misconduct. For the purposes of this subsection prior violation means a violation which was committed within the last three years.

Violation	Circumstances	Value
Compliance History	Two or more prior violations	3
	One prior similar to violation	2
	One prior unrelated violation	1
	No prior violations	0
Culpability	Knowing or willful violation.	5
	Violation resulting from faulty, careless, or negligent action	3
	Violation was neither knowing or willful and did not result from faulty, careless, nor negligent action	0
Failure to Take Remedial Efforts	Violator failed to cooperate with Department's investigation	3
	Violator failed to notify the Department of the violation and failed to correct the violation	2
	Violator either failed to notify the Department of the violation or failed to correct the violation	1
Financial Gain	Violation has or could have resulted in financial gain for violator.	3
	No financial gain to violator as a result of violation	0

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009.02C To determine the adjusted fine, the base fine is adjusted based on the total number of points calculated from 23 NAC 21-009.02A and 009.02B and multiplying the base fine by the gravity adjustment percentage of base value.

Total Gravity Value	Adjustment
3 or below	25% of base value
4-6	50% of base value
7-10	75% of base value
11 or above	100% of base value

009.03 To determine the actual administrative fine, the adjusted fine is multiplied by the appropriate value corresponding with the size of size of business.

Gross Revenue	Multiplier Value
\$0-25,000	0.2
\$25,001-100,000	0.4
\$100,001-250,000	0.6
\$250,001-500,000	0.8
over \$500,001	1.0

009.04 Nothing in these regulations prevents the Department from entering into a settlement agreement which specifies a different fine.

010 DCA.

010.01 Facility Permit. A permit is required for each premise, or two or more premises under common ownership or supervision geographically separated but with an interchange of DCA, as long as the premises are located within a county or adjacent county

010.01A Applications will include: the DCA facility telephone number; whether the business is an individual, partnership, association, or corporation; legal description for location of a DCA facility including county, section, township, range; and a listing of how many DCA at the facility are over or under twelve months of age on the date of the application.

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010.01B The fee for a DCA facility permit is two dollars and fifty cents per animal twelve months of age or older. The minimum fee is twenty-five dollars; the maximum fee is two hundred dollars.

010.01C A DCA facility permit will not be issued until all permit and inspection fees due are paid.

010.01D The Department may impose a penalty for delinquency of twenty-five dollars per month or a portion of a month, in addition to the permit fees.

010.02 Each DCA facility will be inspected at least once every three-years. The Department may perform additional inspections as needed. The inspection fee for a DCA facility permit is three dollars per animal twelve months of age. The minimum fee is thirty dollars; the maximum fee is three hundred dollars and is due at the time of the inspection.

010.03 Minimum Construction Requirements.

010.03A Facilities constructed prior to January 1, 2000, must be structurally sound, maintained in good repair and of sufficient height and construction to contain the DCA. Modifications to such facilities need to meet the standards set in these regulations:

010.03B Facilities constructed after January 1, 2000, must have perimeter fencing at least eight feet above ground level made of mesh fencing material or equivalent of sufficient size to contain adult DCA; minimum wire gauges are twelve and one-half gauge for conventional fencing or fourteen and one half gauge for woven high-tensile wire; posts made of wood or equivalent at least as tall as the fence, four inches diameter at the top, and spaced no more than fifty feet apart except that sixty feet spacing is allowed if there are at least two steel posts between the wood posts with corners of braced wood or equivalent material; and gates entering animal holding facilities constructed to maintain the same or greater holding capacity as the perimeter fence.

010.03C Handling facilities must allow for gathering, sorting, and restraining for applying or reading any identification or performing required diagnostic tests. Hunt pastures need enclosures of sufficient strength and height capable of holding DCA. Owners are responsible for the cost of gathering, confining, restraining, testing and providing facilities for performing required diagnostic tests ordered by the Department and otherwise providing conditions which allow the Department to perform its duties at the facility.

010.04 Identification.

010.04A Indigenous DCA (elk, mule deer, white-tailed deer and other DCA native to Nebraska) need both an official identification number and visible individual identification which is a plastic eartag at least one and three fourth inches by one and three fourth inches in size of a color clearly distinguishable from the animal.

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Indigenous DCA born into a herd need such identification before they reach twelve months of age or before being moved from the premises.

010.04B Non-indigenous DCA (DCA not native to Nebraska including, but not limited to, sika deer, fallow deer, reindeer and Père David's deer) need an official identification number prior to movement.

010.04C DCA parts, hide, antler, meat, or other part, offered for sale, is appropriately marked for proof of ownership by affixing a label with the name and address of the DCA herd owner, DCA facility permit number, description of the part, and the date harvested. The approved size for such label is at least one-and-one half by three inches, up to a maximum of three by five inches.

010.05 Records.

010.05A Records for all indigenous DCA over twelve months of age must include all forms of identification, sex, date of birth, date of entry into the DCA herd, place of origin, species, date of exit from herd, reason for exit from herd, destination information for all DCA leaving the herd and date of death.

010.05B Records for all non-indigenous DCA, when moved in commerce, must include species, date of exit from the herd, reason for exit from the herd, destination information for all DCA leaving the herd and date of death.

010.06 A metal seal obtained from the Department must be affixed to taken (hunted) DCA and a Department multi-part ownership tag completed for each animal with copies to accompany the animal carcass; to be sent with the hunter; and to be kept as a record by the permitholder.

010.07 Intrastate Change of Ownership Requirements.

010.07A All DCA moving intrastate, even directly to a slaughter, need a pre-movement permit issued by the Department. DCA moving for other purposes need a CVI listing the pre-movement permit number, which will only be issued if both the DCA herd of origin facility and the DCA herd of destination facility have a DCA facility permit, and permanent individual identification. Such movement may affect the destination herd status and the movement must be reviewed with the Department to establish the risk of transmitting CWD.

010.07B Unless moving direct to slaughter, DCA must be tested for tuberculosis within ninety days prior to movement if not coming directly from a herd accredited tuberculosis-free.

010.08 It is the responsibility of the permitholder to immediately arrange for submission to an approved laboratory for testing at the expense of the permitholder of the required CWD samples of all indigenous DCA twelve months of age or older, which are harvested for possible human consumption

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010.09 It is the responsibility of the permitholder to furnish the Department with the individual animal identification, test results, death loss, and animal movement information necessary to meet disease program standards if a permitholder requests to voluntarily participate in a disease herd certification program for brucellosis, tuberculosis, CWD.

011 Annotation. Neb. Rev. Stat §§54-2901 to 54-2957, Neb. Rev. Stat. §§54-7,105 to 7,109 and Neb. Rev. Stat. §§54-2302 to 2324.