

## SUBCHAPTER 52E - MARKETING OF LIVESTOCK

### SECTION .0100 - DEFINITIONS AND GENERAL RULES

#### 02 NCAC 52E .0101 DEFINITIONS

These definitions are applicable throughout Chapter 52:

- (1) "Farm of Origin" means a farm or other premise where an animal was born or on which it has been maintained for at least 90 consecutive days immediately prior to movement.
- (2) "Recognized Slaughtering Establishment" means any slaughter establishment operating under provisions of the federal or state meat inspection acts and where ante-mortem and post-mortem inspections are routinely performed.
- (3) "Breeding Swine" means any swine which are maintained for breeding purposes, including sows which are parturient or which have given birth to one or more litters of pigs and boars which are uncastrated and which have reached a stage of maturity rendering the animal capable of being used as a breeding animal, including those boars which through age or infirmity are no longer suitable for such use.
- (4) "Feeder Swine" means any swine showing no visible signs of infectious or communicable disease and weighing less than 150 pounds and which are moved from the farm of origin to an approved feeder pig market to be assembled for resale as feeder swine or moved directly to another premise for further feeding prior to slaughter.
- (5) "Slaughter Swine" means swine which are consigned to a slaughter market or consigned directly to slaughter irregardless of age, breed or sex.
- (6) "Immediate Slaughter" means slaughter within seven days.

*History Note:* Authority G.S. 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

#### 02 NCAC 52E .0102 RESOLD CATTLE

*History Note:* Authority G.S. 106-14; 106-22(3); 106-348; 106-396; 106-416;  
Eff. April 1, 1984;  
Repealed Eff. April 1, 1985.

#### 02 NCAC 52E .0103 RESOLD CATTLE

(a) When cattle for feeding or breeding purposes are delivered to a public livestock market, the seller shall designate as "resold" or "second-handed" any cattle which have been sold through any livestock market within the previous 21 days. The seller shall make this designation to the livestock market operator, his agent, or the North Carolina Department of Agriculture livestock inspector in charge.

(b) All resold or second-handed cattle shall be penned together and separate from farm fresh cattle. The market operator shall announce to the buyers that these are resold or second-handed cattle when they are offered for sale.

Note: Violation of this Rule is a misdemeanor under G.S. 106-417, and violators may be fined or imprisoned, or both, in the discretion of the court. In addition, a public livestock market license may be revoked for violations of this Rule, pursuant to G.S. 106-407.2.

*History Note:* Authority G.S. 106-416;  
Eff. May 1, 1992;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

### SECTION .0200 - PUBLIC LIVESTOCK MARKET REGULATIONS

#### 02 NCAC 52E .0201 DAY AND TIME OF SALE

The regularly scheduled auction sales at public livestock auction markets shall be held on a designated day or days, Monday through Friday. The State Veterinarian may, on a minimum of two weeks written notice from a market operator,

issue a permit for a breeding cattle consignment sale to be held on a Saturday. Cattle consigned to sales held under this exemption must be entered at the sales barn no later than 6:00 P.M. on the day preceding the sale with each individual consignment confined to separate pens until the required testing for brucellosis has been completed. Cattle officially tested as negative for brucellosis within 30 days prior to the sale may be entered at the sales barn anytime prior to the sale.

*History Note: Authority G.S. 106-408; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52E .0202 NOTIFICATION OF UNSATISFACTORY PAYMENT**

Public livestock market operators shall notify the Commissioner of Agriculture of unsatisfactory payment for livestock within 24 hours after having knowledge of such unsatisfactory payment. The notification will include the following:

- (1) the person on which the account is drawn and address;
- (2) amount of unsatisfactory payment;
- (3) nature of unsatisfactory payment including payee, bank; and address if applicable;
- (4) nature of collection action taken by the public livestock market.

*History Note: Authority G.S. 106-418.6;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **02 NCAC 52E .0203 FACILITIES FOR HANDLING LIVESTOCK**

Proper facilities for handling, segregating, holding and sale of livestock shall meet the following minimum requirements:

- (1) Facilities for Handling Breeder and/or Feeder Swine. Alleys and pens shall have properly drained floors of concrete or other impervious material approved by the State Veterinarian or his authorized representative. The alleys shall lead directly from unloading docks to such pens and shall be used by all feeder and/or breeder swine offered for sale.
- (2) Facilities for Handling Slaughter Swine. When slaughter swine are sold on the same day that feeder and/or breeder swine are sold, separate facilities shall be provided for slaughter swine including unloading docks, alleys and pens. Alleys shall lead directly from unloading docks to pens so that slaughter swine shall not come in contact with facilities used by feeder and/or breeder swine.
- (3) Maintenance of Floors Required by this Rule. All floors of concrete or other impervious material referred to or required in these Regulations shall be free of holes, cracks or depressions and shall be properly drained and reasonably smooth so that they can be easily cleaned and disinfected. All other floors shall be properly drained, free of holes and depressions and maintained in such a manner that they can be readily cleaned and kept in a sanitary manner.
- (4) Facilities for Handling Livestock Other Than Swine. Sufficient unloading and loading docks, alleys and pens shall be provided for yarding livestock in a safe and humane manner. Docks, alleys and pens shall be constructed in such manner so that they drain properly and may be cleaned and/or disinfected as deemed necessary by the State Veterinarian or his authorized representative.
- (5) Holding Pens and Restraining Chutes. Sufficient holding pens and restraining chutes suitable for restraining animals for testing, tagging, branding and other procedures required in providing livestock inspection service at stockyards shall be provided and maintained in a manner acceptable to the State Veterinarian at each public livestock market selling cattle.
- (6) Laboratory Facility. All public livestock markets selling cattle shall provide laboratory space for conducting brucellosis tests acceptable to the State Veterinarian or his authorized representative. The laboratory shall be constructed so as to provide privacy for the person or persons conducting the brucellosis tests. It shall be constructed and equipped so as to provide adequate ventilation, lighting, heating, and cooling. Refrigeration for brucellosis testing supplies and water with facilities for washing testing equipment shall be readily available. Unauthorized persons shall not have access to this facility.

*History Note: Authority G.S. 106-408; 106-416;*

*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52E .0204      MARKETS KEPT CLEAN AND SANITARY: DISINFECTION**

(a) Livestock market facilities including yards, loading and unloading docks, alleys, pens, chutes, scales, and sales ring shall be maintained in a clean and sanitary manner. All loading docks, alleys, pens, scales and sales rings used for feeding and/or breeding swine shall be thoroughly cleaned and disinfected in an approved manner prior to receiving such swine for each sale. All trucks, trailers and other conveyances owned and/or operated by livestock market operators shall be maintained in a clean and sanitary manner. Those trucks, trailers, and other conveyances transporting animals affected with an infectious or contagious disease shall be thoroughly cleaned and disinfected before further use. All livestock market operators shall provide equipment and facilities deemed suitable by the State Veterinarian or his authorized representative for cleaning and disinfection of market facilities, trucks, trailers, and other conveyances operated by them in handling and transporting livestock.

(b) Approved disinfectants to be used in disinfection of livestock market facilities, trucks, trailers and conveyances, etc., are those listed in 2 NCAC 52B .0503. Equipment and facilities for cleaning and disinfecting livestock market facilities, trucks, trailers and other conveyances shall consist of, but not be limited to, high pressure hoses and connections, power sprayers or other pressure sprayers approved by the State Veterinarian for applying disinfectant solutions.

*History Note:      Authority G.S. 106-408; 106-416;*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52E .0205      VETERINARIANS ACCEPTABLE FOR WORK AT LIVESTOCK MARKETS**

*History Note:      Authority G.S. 106-408.1;*  
*Eff. April 1, 1984;*  
*Expired Eff. April 1, 2017 pursuant to G.S. 150B-21.3A.*

**02 NCAC 52E .0206      CATTLE AND SWINE FOR IMMEDIATE SLAUGHTER: IDENTIFICATION**

(a) Cattle. Cattle sold in a public livestock market shall be identified with an official back tag applied at a point just back of the shoulder, or by any other method approved by the State Veterinarian.

(b) Swine. All swine sold for immediate slaughter in a public livestock market or buying station shall be identified as follows:

- (1) Bred gilts, sows and boars will be individually identified with an official backtag, eartag or tattoo approved by the State Veterinarian.
- (2) Other swine weighing 150 pounds or less shall be identified with a green paint mark on the back not less than three inches in diameter.
- (3) Swine weighing in excess of 150 pounds that can be graded and/or classed as top hogs need not be paint marked or tagged.

*History Note:      Authority G.S. 106-409; 106-410;*  
*Eff. April 1, 1984;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

**02 NCAC 52E .0207      CATTLE: SWINE SOLD OTHER THAN SLAUGHTER: IDENTIFICATION**

(a) Cattle. All cattle sold for purposes other than for immediate slaughter in public livestock markets shall be identified with an official ear tag or a legible permanent ear tattoo or other methods approved by the State Veterinarian.

(b) Swine. All swine sold for purposes other than for immediate slaughter at public livestock markets, including feeder and/or breeder swine shall be identified with an official ear tag or other methods approved by the State Veterinarian. All feeder swine sold through public livestock markets and/or approved feeder pig sales shall be identified at the time of entry into a public livestock market and/or other approved feeder pig sale facility, with an official feeder pig tag approved by the State Veterinarian. A permanent record will be made of the tag numbers used for each consignor of feeder swine,

along with the name and address of the consignor. One copy of the record will be mailed to the State Veterinarian at the completion of each sale.

*History Note:* Authority G.S. 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 52E .0208 REMOVAL OF IDENTIFICATION MARKS: TAGS: ETC.**

No person or persons shall remove any paint mark, tag, etc., required for identification of cattle and swine unless previously authorized by the State Veterinarian or his authorized representative. The State Veterinarian authorizes the removal of paint marks, tags, etc., used for identification of slaughter cattle and swine at the time of slaughter.

*History Note:* Authority G.S. 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 52E .0209 CERTIFICATES: CATTLE AND SWINE REMOVED FOR NON-SLAUGHTER**

(a) No cattle except those for immediate slaughter shall be removed from a public livestock market unless they are accompanied by a certificate issued by a veterinarian accredited pursuant to Title 9, Part 161 of the Code of Federal Regulations or an employee of the veterinary division of the North Carolina Department of Agriculture or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture. The certificate shall show that such animals are apparently healthy and come directly from a certified brucellosis-free herd or state or that eligible cattle listed have passed an approved test for brucellosis within 30 days prior to sale. (Steers, spayed heifers, and native cattle under 18 months of age are exempt from this requirement.) Every animal shall be identified by a numbered ear tag or tattoo in accordance with Title 9, Part 78.1 of the Code of Federal Regulations. No brucellosis test shall be required on official brucellosis vaccinates less than 20 months of age of the dairy breeds and less than 24 months of age of the beef breeds, provided that all parturient or post parturient cattle regardless of age shall be tested for brucellosis. Official calfhood vaccinates must be identified by ear tag, tattoo or official vaccination certificate.

(b) Swine. No swine except those for immediate slaughter shall be removed from any public livestock market unless they are accompanied by a certificate issued by a veterinarian accredited pursuant to Title 9, Part 161 of the Code of Federal Regulations or employee of the veterinary division, North Carolina Department of Agriculture or Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture. The certificate shall show that swine covered by the certificate are apparently healthy and come directly from a validated brucellosis-free herd. Each animal shall be identified with an official ear tag, tattoo or other methods approved by the State Veterinarian.

(c) Record Kept. A copy of all health certificates issued on cattle and swine sold in a public livestock market shall be kept on file as a part of the livestock market records for at least one year.

(d) Exemptions. The Commissioner of Agriculture exempts from the requirement for official health certificates all breed sponsored sales, quality feeder pig sales where animals are not sold for movement to other states, and those sponsored wholly or in part by an agency of state government.

*History Note:* Authority G.S. 106-416;  
Eff. April 1, 1984;  
Amended Eff. July 1, 2000; December 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.

**02 NCAC 52E .0210 REMOVAL OF SLAUGHTER SWINE FROM A PUBLIC LIVESTOCK MARKET**

(a) No swine consigned to and sold in a swine slaughter sale at a public livestock market shall be removed from the market for any purpose other than for immediate slaughter unless a permit is obtained from the State Veterinarian or his authorized representative.

(b) Conditions under which a permit may be authorized by the State Veterinarian:

- (1) When there is sufficient evidence to prove swine have been stolen and sold for slaughter;

- (2) When swine are found to be affected with a treatable disease which at that time would render them unfit for slaughter;
- (3) No sale animals;
- (4) Animals sold for home consumption.

(c) All swine released by permit from the State Veterinarian or his authorized representative, in (b)(1), (2), (3), and (4) of this Rule, shall be quarantined in isolation on the swine owner's premise until it has been determined that they will not expose other swine to a contagious and/or infectious disease.

*History Note: Authority G.S. 106-410; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52E .0211 SALE OF SLAUGHTER SWINE IN FEEDER SWINE FACILITIES**

Public livestock markets not having separate facilities for receiving, handling and selling feeder and slaughter swine may use their feeder pig facilities for the sale of slaughter swine provided:

- (1) All feeder swine sales and slaughter swine sales are held on alternate days;
- (2) Following each slaughter swine sale, all slaughter swine shall be removed and the facilities used for slaughter swine shall be thoroughly cleaned and disinfected prior to receiving any feeder swine for sale.

*History Note: Authority G.S. 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52E .0212 PERMITS/DISEASED LIVESTOCK ENTER PUBLIC LIVESTOCK MARKETS**

- (a) Permits shall not be issued for known diseased animals to enter a public livestock market except when it can be determined by the State Veterinarian or his authorized representative that other animals will not be exposed.
- (b) Diseased animals entering public livestock markets under permit shall be placed under quarantine until they are disposed of in accordance with instructions issued by the State Veterinarian or his authorized representative.

*History Note: Authority G.S. 106-412; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **SECTION .0300 - LIVESTOCK MARKET REGULATIONS**

#### **02 NCAC 52E .0301 REMOVAL OF LIVESTOCK FROM SLAUGHTER BUYING STATIONS**

The operator or operators of a buying station not operating under a public livestock market permit shall not allow the removal of livestock from such facility for any purpose other than for immediate slaughter unless a permit has been obtained from the State Veterinarian or his authorized representative.

*History Note: Authority G.S. 106-409; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

#### **02 NCAC 52E .0302 SANITATION**

All slaughter buying stations shall be maintained in a clean and sanitary manner.

*History Note: Authority G.S. 106-409; 106-416;  
Eff. April 1, 1984;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52E .0303 PERMITS TO REMOVE ANIMALS**

The issuance of a written permit by the State Veterinarian or his authorized representative to remove animals for any purpose other than immediate slaughter from a "buying station" of a slaughterhouse or similar business, not operating under a public livestock market permit, is contingent upon the animals in question being moved to an isolated location and maintained under quarantine until it can be determined that they will not serve as a source of disease capable of being spread to other animals.

*History Note: Authority G.S. 106-409; 106-410; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52E .0304 PERMITS FOR OTHER PURPOSES**

(a) At an owner's request, permits to use animals sold for slaughter for another purpose will be issued in the following cases:

- (1) when there is evidence that the animals have been stolen and sold for slaughter;
- (2) when the animals are affected with a treatable disease or condition, including advanced pregnancy, which would render them unfit for slaughter at that time;
- (3) in other instances where slaughter would cause a demonstrated preventable loss to the owner.

(b) In all cases, animals temporarily or permanently released from slaughter under this provision shall be quarantined and isolated as a condition of the permit until it can be determined they are not infected with a contagious disease.

*History Note: Authority G.S. 106-409; 106-410; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52E .0305 DENIAL OF PERMIT**

(a) No permit shall be issued for an animal known to be affected with or having visible signs of a contagious or infectious disease to enter a public livestock market except when it can be determined that other animals will not be exposed.

(b) Animals quarantined under this provision will be held in isolation for a sufficient time to prevent the exposure of healthy animals to contagious diseases. Movement of quarantined animals to slaughter will be authorized by the State Veterinarian or his authorized representative when it is determined that the movement can be accomplished without exposure of other animals or humans to disease.

(c) All facilities used for holding such animals and conveyances used in transporting them shall be thoroughly cleaned and disinfected at the discretion and to the satisfaction of the State Veterinarian or his authorized representative.

*History Note: Authority G.S. 106-412; 106-416;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52E .0306 PERMISSION TO SELL DISEASED ANIMALS**

Written permission may be given by the Commissioner of Agriculture or his authorized representative to sell, trade or dispose of animals affected with or exposed to a contagious or infectious disease for slaughter at a plant with state or federal meat inspection provided in the opinion of the official issuing the permit it can be done without exposing humans or animals to a contagious disease. Permission should be requested in writing directed to: State Veterinarian, Department of Agriculture, Post Office Box 26026, Raleigh, North Carolina 27611.

*History Note: Authority G.S. 106-413; 106-414;  
Eff. April 1, 1984;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

## **SECTION .0400 - LIVESTOCK BRANDING**

### **02 NCAC 52E .0401 APPLICATION FOR BRAND REGISTRATION**

- (a) An application for a brand shall be accompanied by an exact likeness of the brand desired for registration. This likeness shall be a minimum of three inches in its smallest dimension either horizontal or vertical.
- (b) An application for a brand shall specify the exact location on the animal where the brand will be located.

*History Note: Authority G.S. 80-61;  
Eff. April 1, 1984;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 26, 2017.*

### **02 NCAC 52E .0402 STYLE AND LOCATION OF BRAND**

- (a) No brand shall be accepted for registration that:
  - (1) contains any numbers;
  - (2) because of shape would be difficult to read when affixed to the animal; or
  - (3) is a close likeness to another registered brand, in accordance with G.S. 80-60.
- (b) If practical, a brand shall be located on either the right or left hip to the rear of the hip bone. In any event, the brand shall be readable from a side or top view of the animal.

*History Note: Authority G.S. 80-61;  
Eff. April 1, 1984;  
Readopted Eff. July 1, 2019.*