

## SECTION .0400 – HERD CERTIFICATION PROGRAMS

### 02 NCAC 52L .0401 NORTH CAROLINA FARMED CERVID HERD CERTIFICATION PROGRAM

- (a) Scope. This Rule shall only apply to susceptible species of farmed cervids.
- (b) Enrollment Qualifications.
- (1) Only applicants that have a valid farmed cervid license or have applied for one shall be eligible to have herds enrolled in the Herd Certification Program.
  - (2) Applicants shall comply with all farmed cervid license requirements and rules in this Subchapter in order to have herds enrolled and remain in the Herd Certification Program.
- (c) Enrollment Application.
- (1) Persons who possess any susceptible species of farmed cervid in the State shall apply with the Veterinary Division to have herds enrolled in the Herd Certification Program, if not already enrolled.
  - (2) The Veterinary Division shall determine the herd's enrollment eligibility and compliance with all farmed cervid license rules, and may request additional information regarding the herd animals and operations, such as laboratory reports, movement permits, animal species, and slaughter records to verify the origination of the animals and their status.
  - (3) The Veterinary Division shall deny enrollment if:
    - (A) the applicant submits an incomplete farmed cervid license application;
    - (B) the applicant has provided false information;
    - (C) the applicant fails to provide additional information requested by the Veterinary Division;
    - (D) the applicant previously violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, based on his or her experience, that the nature of the violation indicates that the applicant may not comply with the requirements of the Herd Certification Program;
    - (E) the herd to be enrolled has been designated as CWD-positive, exposed, or suspect by the Veterinary Division or by an APHIS employee, and has not yet entered into a valid herd plan;
    - (F) any pending or outstanding citation exists against the applicant;
    - (G) the applicant has failed to comply with any farmed cervid license requirement; or
    - (H) the applicant refuses inspection by the Veterinary Division in accordance with Paragraph (i) of this Rule.
  - (4) Upon determining that a herd is eligible to participate in the Herd Certification Program in accordance with Paragraphs (b) and (c) of this Rule, the Veterinary Division shall send the applicant a notice of enrollment of the herd's enrollment date.
- (d) Enrollment Dates. The enrollment date for a herd that joins the North Carolina Herd Certification Program after August 13, 2012, shall be the date the herd is approved for participation upon inspection except:
- (1) for new herds that were formed from and contain only animals from herds enrolled in an Approved State CWD Herd Certification Program, the enrollment date shall be the latest enrollment date for any source herd for the animals;
  - (2) the first day that the herd participated in any state program that APHIS at a later date determines qualifies as an Approved State CWD Herd Certification Program; or
  - (3) any other exception provided under 9 C.F.R. 55.22(b).
- (e) Initial and Subsequent Herd Status.
- (1) When a herd is first enrolled in the Herd Certification Program, it shall be placed in the First Year status, unless the herd is composed only of animals obtained from herds already enrolled in the Herd Certification Program, or another USDA approved state CWD herd certification program, the newly enrolled herd shall have the same status as the lowest status of any herd that provided animals for the new herd.
  - (2) If the herd continues to meet the requirements of this Subchapter, each year, on the anniversary of the enrollment date, the herd status shall be upgraded by one year as follows:
    - (A) First Year – starts on enrollment date of the herd in the CWD Herd Certification Program.
    - (B) Second Year – starts on the anniversary date of the First Year.
    - (C) Third Year – starts on the anniversary date of the Second Year.
    - (D) Fourth Year – starts on the anniversary date of the Third Year.

- (E) Fifth Year – starts on the anniversary date of the Fourth Year.
  - (3) One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the program, provided its status is not lost or suspended.
- (f) Loss or Suspension of Herd Status.
- (1) If the Veterinary Division determines that animals from a herd enrolled in the Herd Certification Program have commingled with animals from a herd with a lower program status, the herd with the higher program status shall be reduced to the status of the herd with which its animals commingled.
  - (2) If a herd is designated a CWD-positive herd or a CWD-exposed herd by the Veterinary Division, it shall upon designation lose its program status and may only reenroll after entering into a herd plan.
  - (3) If a herd is designated a CWD-suspect herd, a trace back herd, or a trace forward herd by the Veterinary Division, it shall upon designation be placed in Suspended status pending an epidemiologic investigation by the Veterinary Division in accordance with the USDA Standards. If the epidemiologic investigation:
    - (A) determines that the herd was not commingled with a CWD-positive animal, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level;
    - (B) determines that the herd was commingled with a CWD-positive animal, the herd shall lose its program status and shall be designated a CWD-exposed herd;
    - (C) is unable to make a determination regarding the exposure of the herd, because the necessary animal or animals are no longer available for testing (i.e., a trace animal from a known positive herd died and was not tested) or for other reasons, the herd status shall continue as Suspended until a herd plan is developed for the herd in accordance with its definition under 9 C.F.R. 55.1 and the USDA Standards, Part B. Guidance on Responding to CWD Affected Herds. If a herd plan is developed and implemented, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level. If the epidemiological investigation finds that the licensee of the herd has not complied with the rules of this Subchapter for animal identification, animal testing, and recordkeeping, the herd shall be reinstated into the Herd Certification Program at the First Year status level, with a new enrollment date set at the date the herd entered into Suspended status. Any herd reinstated after being placed in Suspended status shall then comply with the requirements of the herd plan as well as the requirements of the Herd Certification Program. The herd plan shall require testing of all animals that die in the herd for any reason, regardless of the age of the animal; whenever it is required by federal law, may require movement restrictions for animals in the herd based on epidemiologic evidence regarding the risk posed by the animals in question; and whenever it is required by federal law, may include other requirements found necessary to control the risk of spreading CWD.
- (g) Cancellation of Enrollment and Reduction of Herd Status.
- (1) A licensee may cancel participation of any herd in the Herd Certification Program by surrendering the licensee's farmed cervid license in accordance with 02 NCAC 52L .0108 and by decommissioning the facility in accordance with 02 NCAC 52L .0301(e)(1).
  - (2) The Veterinary Division may cancel the enrollment or reduce the herd status of an enrolled herd after determining that the licensee failed to comply with any rule of this Subchapter, by giving written notice to the licensee of the reasons for the cancellation or reduction in status.
  - (3) To appeal the designation of an animal as CWD-positive, cancellation of enrollment of a herd, or loss or suspension of herd status, the procedures set forth under 9 CFR 55.24(c) shall govern.
- (h) Adding Animals to Existing Herd.
- (1) A herd may add animals from herds with the same or a higher herd status with no negative impact on the certification status of the receiving herd.
  - (2) If animals are acquired from a herd with a lower herd status, the receiving herd shall revert to the program status of the sending herd.

- (3) If a herd participating in the Herd Certification Program acquires animals from a nonparticipating herd, the receiving herd shall revert to First Year status with a new enrollment date as the date of acquisition of the animal.
- (i) Inspection. If an inspection of any farmed cervid is needed as a part of enrollment, including reinstating a suspended status, the licensee shall be responsible for assembling, handling, and restraining the farmed cervids. The licensee shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests with the licensee in accordance with the USDA Standards, (2.1) Participating Herd: Requirements for Enrollment.
- (j) A licensee may commingle non-susceptible species of farmed cervid with susceptible species of farmed cervid without affecting the herd status of the susceptible species. This exception shall not apply to non-farmed cervids or to non-susceptible species that are later determined by the Department to be CWD susceptible.

*History Note: Authority G.S. 106-549.97(a2);  
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