

LIVESTOCK CERTIFICATION PROGRAM STATUTES

- Administration: These statutes are administered by the Nebraska Department of Agriculture, Bureau of Animal Industry, State Office Building, 301 Centennial Mall South, Lincoln, Nebraska 68509. Telephone: (402) 471-2351.
- Revisions: These statutes were last revised during the 2007 session of the Nebraska Legislature.
- Rules: No regulations have been promulgated under these statutes.

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54-701.02 Animal disease control; legislative findings; department; duties. The Legislature finds and declares that animal disease control is essential to the livestock industry and the health of the economy of this state. In carrying out its powers and duties, the department shall evaluate activities resulting from the following subdivisions to determine their relevance to protecting the health of livestock and review its available resources. When department funds and personnel are available and such activities are determined by the department to be relevant, feasible, and consistent with the purpose of Chapter 54, article 7, the department:

- (1) Shall develop a statewide livestock emergency response system capable of coordinating and executing a rapid response to the incursion, or potential incursion, of a dangerous livestock disease episode which poses a threat to the health of the state's livestock and could cause a serious economic impact on the state;
- (2) Shall conduct surveillance to monitor program disease control and eradication programs;
- (3) Shall conduct surveillance to detect and monitor nonprogram diseases which are, or have the potential of, causing a serious health threat to livestock. The department shall determine and employ the most efficient and practical means to conduct surveillance for livestock diseases at such places as in livestock herds, at slaughter establishments, at livestock

concentration points, and at other places where livestock are assembled. When the diseases are nonprogram diseases, surveillance shall be done when in concurrence with the owner of the premises where the surveillance is to be conducted, except that if the State Veterinarian determines, in consultation and agreement with the respective livestock health committee described in subdivision (4) of this section, that the diseases may pose a serious threat to the livestock industry, the State Veterinarian may order surveillance to be conducted at any place where livestock are assembled. If an agreement between the State Veterinarian and the respective livestock health committee cannot be reached, the final decision shall be made by the director;

(4) Shall encourage involvement from livestock producers by forming livestock health committees to provide ways for producers to assist the department in developing policy regarding livestock disease issues. Membership of such committees shall be selected by the respective livestock groups. Additional appointments may be made by the director. The purpose of the committees is to advise and recommend, to the department, when a disease or diseases should be monitored by surveillance and what diseases should be considered for proposed legislation for a disease control eradication program;

(5) Shall provide voluntary livestock certification programs as provided in sections 54-797 to 54-7,103;

(6) Shall assist public health agencies, diagnostic laboratories, and researchers in conducting epidemiological studies of diseases known to be, or suspected of being, transmitted from livestock to humans;

(7) Shall cooperate and contract with persons or local, state, and national organizations, public or private, and enter into agreements with other state or federal agencies to allow such agencies' personnel to work in Nebraska and to allow the department's personnel to work in other states or with federal agencies under a cooperative work program; and

(8) Shall encourage the use of private accredited veterinarians whenever feasible in carrying out the provisions of sections 54-701 to 54-753.05 and 54-797 to 54-7,103.

54-701.03 Terms, defined. For purposes of sections 54-701 to 54-753.05 and 54-797 to 54-7,103, and 54-7,105 to 54-7,108:

(1) Accredited veterinarian means a veterinarian approved by the deputy administrator of the United States Department of Agriculture in accordance with 9 C.F.R. part 161, as such regulation existed on January 1, 2006;

(2) Animal means all vertebrate members of the animal kingdom except humans or wild animals at large;

(3) Bureau of Animal Industry means the Bureau of Animal Industry of the Department of Agriculture of the State of Nebraska and includes the State Veterinarian, deputy state veterinarian, veterinary field officers, livestock inspectors, investigators, and other employees of the bureau;

(4) Dangerous disease means a disease transmissible to and among livestock which has the potential for rapid spread, serious economic impact or serious threat to livestock health, and is of major importance in the trade of livestock and livestock products;

(5) Department means the Department of Agriculture of the State of Nebraska;

(6) Director means the Director of Agriculture of the State of Nebraska or his or her designee;

(7) Domesticated cervine animal means any elk, deer, or other member of the family cervidae legally obtained from a facility which has a license, permit, or registration authorizing domesticated cervine animals which has been issued by the state where the facility is located and such animal is raised in a confined area;

(8) Exotic animal means any animal which is not commonly sold through licensed livestock auction markets pursuant to the Livestock Auction Market Act. Such animals shall

include, but not be limited to, miniature cattle, miniature horses, miniature donkeys, Barbary sheep, Dall's sheep, alpacas, llamas, pot-bellied pigs, and small mammals, with the exception of cats of the *Felis domesticus* species and dogs of the *Canis familiaris* species. The term also includes birds and poultry. The term does not include beef and dairy cattle, calves, swine, bison, sheep sold for wool or food, goats sold for dairy, food, or fiber, and domesticated cervine animals;

(9) Exotic animal auction or swap meet means any event or location as defined in rules and regulations of the department, other than a livestock auction market as defined in section 54-1158, where (a) an exotic animal is purchased, sold, traded, bartered, given away, or otherwise transferred, (b) an offer to purchase an exotic animal is made, or (c) an exotic animal is offered to be sold, traded, bartered, given away, or otherwise transferred;

(10) Exotic animal auction or swap meet organizer means a person in charge, as identified by rule and regulation of the department, of organizing an exotic animal auction or swap meet event, and may include any person who: (a) Arranges events for third parties to have private sales or trades of exotic animals; (b) organizes or coordinates exotic animal auctions or swap meets; (c) leases out areas for exotic animal auctions or swap meets; or (d) provides or coordinates other similar arrangements involving exotic animals;

(11) Exposed means being part of a herd which contains or has contained an animal infected with a disease agent which affects livestock or having had a reasonable opportunity to come in contact with an infective disease agent which affects livestock;

(12) Herd means any group of livestock maintained on common ground for any purpose or two or more groups of livestock under common ownership or supervision geographically separated but which have an interchange of livestock without regard to health status;

(13) Livestock means cattle, swine, sheep, horses, mules, goats, domesticated cervine animals, ratite birds, and poultry;

(14) Poultry means domesticated birds that serve as a source of eggs or meat and includes, but is not limited to, chickens, turkeys, ducks, and geese;

(15) Program disease means a livestock disease for which specific legislation exists for disease control or eradication;

(16) Quarantine means restriction of (a) movement imposed by the department on an animal, group of animals, or herd of animals because of infection with, or exposure to, a disease agent which affects livestock and (b) use of equipment, facilities, land, buildings, and enclosures which are used or have been used by animals infected with, or suspected of being infected with, a disease agent which affects livestock;

(17) Ratite bird means any ostrich, emu, rhea, kiwi, or cassowary;

(18) Sale means a sale, lease, loan, trade, barter, or gift;

(19) Surveillance means the collection and testing of livestock blood, tissue, hair, body fluids, discharges, excrements, or other samples done in a herd or randomly selected livestock to determine the presence or incidence of disease in the state or area of the state; and

(20) Veterinarian means an individual who is a graduate of an accredited college of veterinary medicine.

54-703. Prevention of diseases; enforcement of sections; inspections; rules and regulations.

(1) The Department of Agriculture and all inspectors and persons appointed and authorized to assist in the work of the department shall enforce sections 54-701 to 54-753.05, 54-797 to 54-7,103, and 54-7,105 to 54-7,108 as designated.

(2) The department and any officer, agent, employee, or appointee of the department shall have the right to enter upon the premises of any person who has, or is suspected of having, any animal thereon, including any premises where the carcass or carcasses of dead livestock may be found or where a facility for the disposal or storage of dead livestock is located, for the purpose of making any and all inspections, examinations, tests, and treatments

of such animal, to inspect livestock carcass disposal practices, and to declare, carry out, and enforce any and all quarantines.

(3) The department, in consultation with the Department of Environmental Quality and the Department of Health and Human Services, may adopt and promulgate rules and regulations reflecting best management practices for the burial of carcasses of dead livestock.

(4) The Department of Agriculture shall further adopt and promulgate such rules and regulations as are necessary to promptly and efficiently enforce and effectuate the general purpose and provisions of such sections.

54-704. Prevention of diseases; federal agents; powers. Any veterinary inspector or agent of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services, who has been officially assigned by the United States Department of Agriculture for service in Nebraska may be officially authorized by the Department of Agriculture to perform and exercise such powers and duties as may be prescribed by the department and when so authorized shall have and exercise all rights and powers vested by sections 54-701 to 54-753.05, 54-797 to 54-7,103, and 54-7,105 to 54-7,108 in agents and representatives in the regular employ of the department.

54-797. Livestock certification program; department; duties; registry. The Department of Agriculture shall provide voluntary livestock certification programs when requested by a livestock health committee and others when deemed by the department to be beneficial and appropriate for the livestock industry. The department shall work together with the appropriate livestock producers or groups and the Department of Veterinary and Biomedical Sciences of the University of Nebraska to establish procedures for the certification of participating herds. The Department of Agriculture may maintain, through the Bureau of Animal Industry, a livestock certification registry for each livestock certification program that provides information regarding the voluntary certification program and may include the names of participating livestock producers who have a herd or flock enrolled in the voluntary livestock certification program.

54-798. Livestock certification program; application; costs. A livestock producer may request certification by completing an application for herd certification on a form provided by the department. The livestock producers who choose to participate in a voluntary livestock certification program shall pay the primary costs of the program, including all on-farm testing costs. The department may use funds appropriated by the Legislature, when available, to offset the costs of disease research and laboratory testing when done in conjunction with a voluntary livestock certification program.

54-799. Livestock certification program; livestock producers; powers. A livestock producer who is listed in a livestock certification registry may provide registry and certification information regarding the livestock herd when selling livestock from the herd.

54-7,100. Livestock certification program; removal from registry; procedure. (1) The department shall remove the name of a livestock producer from a livestock certification registry if the livestock producer has issued false records or statements or has made misleading claims to the department with regard to livestock certification when such records, statements, or claims cause, or could cause, the department to incorrectly include the name of a livestock producer in the certification registry.

(2) Before removal, the department shall notify the livestock producer in writing of the department's intention and the reasons for the intended removal from the registry. The notice shall inform the applicant of his or her right to request an administrative hearing before the director regarding his or her removal from the registry. A request for hearing shall be in writing

and shall be filed with the department within thirty days after the service of the notice is made. If a request for hearing is filed within the thirty-day period, at least twenty days before the hearing the director shall notify the livestock producer of the time, date, and place of the hearing. Such proceeding may be appealed as a contested case under the Administrative Procedure Act.

(3) A livestock producer whose name is removed from a livestock certification registry for the first time shall not be eligible to reapply for twelve months from the date of removal. A livestock producer whose name is removed from a registry a subsequent time shall not be eligible to reapply for thirty-six months from the date of removal.

54-7,101. Livestock certification program; department; immunity. The department and its representatives shall not be held liable for unintentional loss or damage which occurs during certification testing, surveillance and monitoring, disease reporting, or disease research and laboratory testing, or because of certification or lack thereof in a voluntary livestock certification program.

54-7,102. Livestock certification program; information; disclosure; when. Information collected or published by the department pursuant to sections 54-797 to 54-7,103 shall not disclose the identity of individual livestock producers, except for:

- (1) Information published in a livestock certification registry; and
- (2) Information collected for the purpose of a voluntary livestock certification program that may be disclosed by the State Veterinarian when, in his or her judgment, failure to disclose the name of a livestock producer or producers could result in the spread of a dangerous, contagious, infectious, or otherwise transmissible disease to and among livestock.

54-7,103. Livestock certification program; department; powers. The department may establish procedures to implement sections 54-797 to 54-7,103.

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