

**RHODE ISLAND GOVERNMENT REGISTER
PUBLIC NOTICE OF PROPOSED RULEMAKING**

AGENCY: Department of Environmental Management
DIVISION: Agriculture
RULE IDENTIFIER: 250-RICR-40-05-6; ERLID #: 8629
REGULATION TITLE: Rules and Regulations Relating to the Importation of Equines from Contagious Equine Metritis Affected Countries
RULEMAKING ACTION: Direct Final

Direct Final: If no formal objection is received on or before Wednesday, February 7, 2018 Department of Environmental Management will file the amendment without opportunity for public comment.

TYPE OF FILING: Amendment

TIMETABLE FOR ACTION ON THE PROPOSED RULE:

Public Notice: Monday, January 8, 2018.

End of Comment Period Date: Wednesday, February 7, 2018.

SUMMARY OF PROPOSED RULE: These rules and regulations are being amended to be consistent with the current Code of Federal Regulations and USDA policy documents related to the importation of horses from countries that are affected with the disease known as Contagious Equine Metritis.

COMMENTS INVITED:

All interested parties are invited to submit written or oral comments concerning the proposed regulations by **Wednesday, February 7, 2018**, to the addresses listed below.

ADDRESSES FOR PUBLIC COMMENT SUBMISSIONS:

Mailing Address: Scott Marshall
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WHERE COMMENTS AND PROPOSED REGULATION MAY BE INSPECTED:

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SUPPLEMENTARY INFORMATION:

Regulatory Analysis Summary and Supporting Documentation: N/A

Authority for This Rulemaking: R.I. Gen. Laws Chapters 42-17.1, 42-17.6, and 4-4.1

Regulatory Findings:

In the development of the proposed amendment consideration was given to: (1) alternative approaches; (2) overlap or duplication with other statutory and regulatory provisions; and (3) significant economic impact on small business. No alternative approach, duplication, or overlap was identified based upon available information.

The Proposed Amendment: The purpose of this amendment is to amend the regulation to be consistent with the current Code of Federal Regulations and USDA policy documents related to the importation of horses from countries that are affected with the disease known as Contagious Equine Metritis.

Department of Environmental Management proposes to amend 250-RICR-40-05-6. Electronic copies of the proposed rulemaking are available at the Secretary of State and DEM's website at the following web addresses:

<http://sos.ri.gov/ProposedRules/>

<http://www.dem.ri.gov/documents/regulations/index.php>

250-RICR-40-05-6

TITLE 250- DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 40 - DIVISION OF AGRICULTURE AND RESOURCE MARKETING

SUBCHAPTER 05 - ANIMAL HEALTH

PART 6- Rules and Regulations Relating to the Importation of Equines from Contagious Equine Metritis Affected Countries

6.1 Purpose

The purpose of these [Rules](#) and [Regulations](#) is to safeguard the reproductive health of Rhode Island equines while at the same time [providing economic encouragement to](#) the Rhode Island horse industry. The controlled importation and quarantine of any suspect infected equines will prevent the spread of Contagious Metritis throughout the State. The regulations as herein set forth include, but are not limited to, providing for the construction and maintenance of the quarantine facility; the import application procedure; the [manner in which](#) handling of equine wastes [will be required to disposed of, training procedures for](#) facility personnel and equipment [operation](#), as well as the testing and treatment protocols for the animals in quarantine.

6.2 Authority

These [Rules](#) and [Regulations](#) are adopted pursuant to the requirements and provisions of [R.I. Gen. Laws § 42-17.1-1 et. seq.](#), "Department of Environmental Management", [§ 42-17.6-1 et. seq.](#), "Administrative Penalties for Environmental Violations", and [§ 4-4.1-1 et. seq.](#) in accordance with the provisions of [R.I. Gen. Laws § 42-35-1 et. seq.](#), "Administrative Procedures Act."

6.3 Application

The terms and provisions of these [Rules](#) and [Regulations](#) shall be liberally construed to permit the Department to effectuate the purpose of state [laws](#), goals, and policies. These rules shall apply to any person(s) who import(s) or intend(s) to import any equines from those countries affected by Contagious Metritis as listed in [Title 9, Chapters §§ 93.300-301 of](#) the Code of Federal Regulations, *Animals and Animal Products*.

6.4 Incorporated Materials

[These regulations hereby adopt and incorporate 9 C.F.R. §§ 93.300301 \(2017\), for Animals and Animal Products, by reference not including any further editions](#)

or amendments thereof and only to the extent that the provisions therein are not inconsistent with these regulations.

6.5 Definitions

- A. For the purposes of these regulations, the following terms shall have the following meanings:
1. “Accredited veterinarian” or “federally accredited veterinarian” means a veterinarian approved by the Administrator of the Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA), to perform functions required by State and Federal animal disease control and eradication programs.
 2. “Approved veterinarian” means a Federally Accredited Veterinarian who is currently licensed in Rhode Island and who has undergone training as provided by the State Veterinarian or Federal Veterinarian in proper CEM sampling and biosecurity procedures.
 3. “Biosecurity” means any procedure or practice that when properly executed will reduce the risk of introduction of disease to an uninfected population.
 4. “Code of federal regulations” or “CFR” means the codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government, as such Title is in effect on the effective date of these regulations.
 5. “Complement fixation” or “CF” testing means a serological diagnostic test for the presence of CEM.
 6. “Contagious equine metritis” or “CEM” means an infectious disease of the equine reproductive tract caused by the bacteria *Taylorella equigenitalis*.
 7. “Contagious equine metritis affected country” or “CEM affected country” means a country known or suspected of having horses or other equines affected with CEM as listed in the 9 C.F.R. §§ 93.300301 for Animals and Animal Products.
 8. “Department” means the Rhode Island Department of Environmental Management.
 9. “Equine” or “equid” means those animals belonging to the family *Equidae*, including but not limited to: horses, mules, and donkeys.
 10. “Federal or state animal health technician” means an animal health technician that is employed by the United States Department of

Agriculture or employed by the Rhode Island Department of Environmental Management.

11. “Federal or state animal health personnel” means animal health personnel that are employed by the United States Department of Agriculture or employed by the Rhode Island Department of Environmental Management.
12. “Federal veterinarian” means a veterinarian employed by the United States Department of Agriculture Animal Plant Health Inspection Service (APHIS).
13. “NAHLN” or “national animal health laboratory network” means a laboratory that has been approved by the United States Department of Agriculture (USDA) to perform official regulatory tests.
14. “NVSL” or “national veterinary services laboratory” means the official reference laboratory of the NAHLN and USDA.
15. “Person” or “owner” means any person, firm, association, organization, partnership, business trust, corporation, or company.
16. “Personal protective equipment” means any article of clothing or any other device or apparatus that has the purpose of preventing the wearer/user from becoming contaminated with the agent that causes CEM.
17. “Quarantine” means the act of isolating an animal in a manner that is sufficient to prevent the spread of CEM from that animal. Quarantine shall include, but not be limited to, the animal(s), potentially contaminated feed, bedding, equipment, tack, supplies, garbage, manure, urine, or any other potentially infectious substance or material.
18. “Quarantine facility” means that facility which has been inspected and approved for the holding in isolation of equines by State and Federal veterinary personnel.
19. “State animal health official” means the state veterinarian or veterinary technician that is duly authorized by the Rhode Island Department of Environmental Management to administer and oversee the provisions of these Rules and Regulations including but not limited to observation of proper quarantine procedures, review of testing results, approval of animals to enter quarantine, and release of quarantine.
20. “State veterinarian” means a veterinarian licensed in the State of Rhode Island and employed by the Department of Environmental Management.
21. “USDA” means the United States Department of Agriculture.

22. [“Veterinary services” or “VS” means the United States Department of Agriculture/Animal and Plant Health Inspection Services/Veterinary Services agency.](#)

6.6 Import Application Procedure

A. [Any person wishing to import any stallion or mare for CEM quarantine must first be in possession of a CEM Quarantine Facility License as issued by the Department. Licenses will be issued to those facilities that have received a favorable inspection and have properly trained personnel as determined by the State Veterinarian. All licenses will expire on December 31st annually. Renewal of licenses is entirely the responsibility of the facility. License application forms will be provided by the Department.](#)

B. Any person wishing to import any stallion or mare for CEM quarantine must submit an import application to the State Veterinarian no less than seven (7) days prior to the anticipated [date of](#) importation. Such import application shall contain the following information:

1. The name, telephone number, and address of the person [seeking to import](#) the animal.
2. The country of origin of the shipment.
3. The name and location of the [USDA](#) quarantine station where the animals were received into the United States.
4. The name, breed, age, sex, markings, and any and all individual identification of the equine to be imported.
5. The name, telephone number, and address, of the [Federally Accredited Veterinarian](#) who is employed to perform the laboratory [testing](#) and animal treatments, as directed by the CFR.
6. The anticipated date and time of arrival in Rhode Island of the animal undergoing quarantine.
7. A signed statement certifying that the owner and agent have read those portions of the CFR which regulate the importation/quarantine/testing and treatment of horses from CEM affected countries; that the owner/agent understands and shall comply with all provisions listed in [those](#) sections of the CFR.

6.7 Importation

A. No [stallion or mare](#) shall be allowed into Rhode Island from a CEM affected country unless transported/transferred into a State approved quarantine facility, as per the CFR.

- B. No stallion or mare shall be allowed into Rhode Island whose importation application has not received prior written approval from/by the State Veterinarian or authorized designee.
- C. No stallion or mare imported under these regulations is to be unloaded in Rhode Island unless a Federal or State Veterinarian, or a state or federal animal health technician is in attendance.
- D. Upon arrival at an approved quarantine facility all equines that are imported under these regulations must be immediately placed into quarantine at the approved quarantine facility.
- E. Any geldings or foals shipped on a conveyance with a stallion or mare from a CEM affected country must be placed into the approved quarantine facility immediately upon removal from the conveyance. Such geldings or foals will remain at the approved quarantine facility until the stallion or mare they were shipped with is released. If the stallion or mare is determined to be affected with CEM, the gelding or foal may be subjected to diagnostics or treatment as ordered by the State Veterinarian.
- F. Unless previously arranged with State/Federal Veterinary personnel, all importation and testing activities shall occur between the hours of 8:30 AM and 4:00 PM Monday through Friday except State holidays.
- G. The cleaning and disinfection of the transport vehicle shall be completed before the vehicle is moved from the place where the equine is unloaded. The cleaning and disinfection must be done in the presence of state or federal personnel. Such cleaning and disinfection shall follow the procedures specified in Title 9 of the Code of Federal Regulations. The accredited veterinarian is responsible for appropriately completing VS form 1-27 after trailer cleaning and disinfection is finished.

6.8 Standards for CEM Quarantine Facility

- A. A proposed quarantine facility must be inspected and approved by State and/or Federal personnel prior to horses being placed in CEM quarantine. Any approved facility must be inspected and re-approved at least annually. Any approved facility that has not housed an equine subject to quarantine for the previous six months must be inspected by State and/or Federal personnel before the facility can be used to quarantine an equine.
- B. The facility must be an enclosed building of sound permanent construction, capable of being effectively cleaned and disinfected. Any adjacent pastures, pens, rings, paddocks, or other outdoor facilities that are utilized by horses in quarantine are considered part of the facility, and as such, subject to the same standards regarding visitors, pets, contact with non-quarantined horses, inspection, access by personnel, waste disposal, etc.

- C. The quarantine facility must be clearly identified as such by posted signs.
- D. The facility must be large enough to accommodate all animals involved in the quarantine.
- E. The facility must contain a sufficient number of stalls for all horses in quarantine where in order that individual horses can shall be kept in a separate stall with each stall divided from each other by an empty stall, an empty area where horses cannot touch each other, or by a solid wall that is at least 8 feet high. The facility must provide isolation from other horses and common traffic. Nose-to-nose contact by the horses must not occur.
- F. The facility must be secure so that horses may not escape or be removed from the facility without authorization and to prevent other animals or unauthorized personnel from entering.
- G. Drainage from the facility shall not flow into areas where non-quarantined horses are being maintained on the premises.
- H. During the quarantine period, all equipment that has contact with a quarantined equine, including but not limited to, equipment used for exercising, feeding, watering, grooming, and cleaning must remain in the quarantine area and their use must be limited only to the animals in quarantine.
- I. After each culture or treatment, all gloves, sleeves, specula, and other disposable materials will be placed in plastic garbage bags and disposed of as regulated medical waste. Alternatively, this material will be stored until quarantine is released (and providing that all cultures and other tests are negative), when they may be disposed of as non-regulated waste.
- J. The facility shall be available to accredited attending veterinarians and State or Federal animal health personnel at any time necessary to conduct the required testing or quarantine observation procedures.
- K. Visitors and pets will not be permitted into the quarantine area unless authorized by State or APHIS personnel.
- L. All horses under CEM quarantine must remain in the facility until released by a State Animal Health Official.

6.9 Quarantine and Biosecurity for Imported Equines

- A. All horses in quarantine must be separated at all times. Horses may be ridden, exercised, or turned out during CEM quarantine provided horses undergoing CEM testing do not have physical contact with any other horses (unless contact is required, such as breeding of stallions to test mares). Grooming and cleaning supplies and tack must not be shared. All materials that have contact with a

- quarantined equine must remain at the quarantine facility until the quarantine is released.
- B. Horses under quarantine must not be bred; have semen, ova, or embryos collected; or be subjected to genital examination or cleaning beyond what is required for CEM testing as detailed below.
- C. *Taylorella equigenitalis* may be transmitted by fomites, especially contaminated reproductive equipment. Separate buckets, brushes, sponges, tack, etc., must be used for each horse under quarantine. All reusable equipment must be cleaned and disinfected between quarantines.
- D. If an imported mare foals or aborts prior to completing CEM testing, the aborted fetus, placental tissue, fetal membranes, and amniotic fluid is considered a potential source of CEM transmission. These materials, along with soiled bedding and any other potentially contaminated materials from foaling, must be properly disposed of to minimize any risk of *Taylorella equigenitalis* transmission. If an imported mare aborts prior to completing CEM testing, the attending accredited veterinarian must immediately notify the State Veterinarian upon the confirmation by the accredited veterinarian that the mare has aborted. Such notification shall be made by telephone at 401-222-3070 (DEM Division of Law Enforcement, Emergency Dispatch).
- E. Any horse that is found to be positive, or non-negative, on any testing performed (serology or culture) must remain in quarantine for additional treatment and testing until the horse is determined to not be infected with *Taylorella equigenitalis*.
- F. If, in the opinion of the State Veterinarian, further testing or quarantine is necessary above and beyond that required by the CFR, such conditions shall be fulfilled before the equine shall be released from quarantine.
- G. All paddocks, pastures, and other exercise areas shall be fenced off so as to prevent escape and any possible contact with other equines that are not undergoing quarantine.
- H. The facility shall be constructed only with materials that can withstand repeated cleaning and disinfection. All walls, floors and ceilings shall be constructed of solid impervious material.
- I. Following the release of any equine from quarantine, the facility shall be fully cleaned and disinfected with an anti-bacterial agent before any other equine is placed therein.
- J. All equipment used in the stalls or on the animals shall be used on only one animal and shall be fully disinfected with an anti-bacterial agent after that animal's release from quarantine.

- K. Access to the facility shall be granted only to persons working at the quarantine facility or to persons specifically granted such [prior written approval for such access](#) by the supervising APHIS or State Veterinarian. An owner or his or her agent or veterinarian may be admitted to the quarantine facility containing his or her quarantined horse(s) at such intervals as may be imposed by the State Veterinarian.

6.10 Procedure for Testing Imported Stallions

- A. [All procedures are to be performed by an approved federally accredited veterinarian.](#)
- B. [Culture the imported stallion:](#)
1. [Ensure that the stallion has not received systemic antibiotics for at least seven \(7\) days prior to collecting cultures; and, ensure that the stallion has not had topical antimicrobials applied to his external genitalia for at least 21 days prior to collecting cultures. Do not collect cultures if systemic antibiotics were administered within 7 days of collection of cultures. Do not collect cultures if topical antimicrobials were applied within 21 days of collection of cultures.](#)
 2. [Collect one set of culture specimens from each stallion.](#)
 3. [Culture the shaft of penis and prepuce, urethral sinus, fossa glandis, and the distal urethra using a separate swab for each of these four sites. Swab sites may be cleaned with cotton and plain water if necessary to remove excess organic debris. Do not scrub or use disinfectants or detergent cleaners prior to swabbing.](#)
 4. [If a stallion is determined to be positive at any time during the process, suspend further testing and initiate treatment as described in § 6.10\(F\) of this Part. For example, if a stallion's cultures are positive, begin treatment without test breeding mares.](#)
- C. [Test breed the imported stallion:](#)
1. [Cleaning of the external genitalia must not take place prior to or during testing since cleaning may lead to false negative culture results.](#)
 2. [Do not begin test breeding until negative culture results have been obtained.](#)
 3. [Do not scrub or use disinfectant or detergent cleaners on the test mare or the stallion prior to breeding.](#)
 4. [Test breeding consists of live cover of two qualified mares. The procedure for qualifying mares is described in § 6.11\(B\) of this Part. The goal is to](#)

maximize contact time between the external genitalia of the stallion and test mare. At a minimum, each test mare must experience at least two complete penetrations from the stallion, at least one of which must result in ejaculation. Complete penetration means full insertion of the shaft of the penis into the vaginal vault of the mare.

D. Treat the imported stallion:

1. Do not begin treating the stallion until negative results from pre-breeding cultures are returned and the stallion has successfully completed test breeding two qualified mares.
2. After both test breedings are completed, the stallion's prepuce, penis, fossa glandis, and urethral sinus must be cleaned with no less than 2 percent Chlorhexidine scrub while the stallion is in full erection once a day for 5 consecutive days. After each cleaning, coat the penis prepuce, and sheath with an antibiotic ointment with activity against *Taylorella equigenitalis*, such as Silver Sulfadiazine or 0.2 percent Nitrofurazone, once a day for 5 consecutive days.
3. Systemic antibiotics may be used in conjunction with topical treatment at the discretion of the attending accredited veterinarian or regulatory veterinarian.

E. Quarantine release of CEM-negative imported stallions: If the stallion is negative on the pre-breeding culture set, if post-breeding diagnostic tests are negative on the two qualified mares (CF test and all post-breeding cultures; as described in § 6.11(C) of this Part, and if the stallion has completed treatment, then the stallion may be released from quarantine. All releases will be made in writing by the State Veterinarian or his/her authorized designee.

F. Procedures for Stallions Positive for *Taylorella equigenitalis*:

1. A stallion is positive for *Taylorella equigenitalis* if positive or non-negative results are returned on any of the assays performed: culturing of stallion, post-breeding culture of test mares, or post-breeding CF of test mares. An infected stallion must remain in quarantine until the stallion is treated, retested, and determined to no longer be infected with *Taylorella equigenitalis*.
2. If a stallion is determined to be positive for *Taylorella equigenitalis*, then the stallion's prepuce, penis, fossa glandis, and urethral sinus must be thoroughly cleaned with 2 percent or stronger chlorhexidine scrub while the stallion is in full erection. After cleaning, coat the entire penis and prepuce with an antibiotic ointment with activity against *Taylorella equigenitalis*, such as Silver Sulfadiazine or 0.2 percent Nitrofurazone. This procedure must be repeated once a day for 5 consecutive days.

3. If the stallion is found to be positive based on test mare results and has already been scrubbed and treated immediately following breeding, then the procedures set forth in § 6.10(D)(2) of this Part may be completed if started. However, repeat CEM culturing of the stallion may not be resumed until 21 days have elapsed since the final scrubbing and treatment.
4. The attending accredited veterinarian, stallion owner, and state animal health official may also elect to treat the infected stallion with systemic antibiotics, but it is not required.
5. Following topical treatment, and optional systemic treatment if used, the stallion will then be retested by culture (using a separate swab for each site) the prepuce, urethral sinus, fossa glandis, and the distal urethra, beginning no fewer than 21 days after the last day of topical antibiotic treatment, and no fewer than 7 days after systemic antibiotic treatment. If cultures are negative, the stallion must then be test bred to two qualified mares, as per § 6.11(B) of this Part.
6. Repeat the culture, test mare breeding, and treatment for any positive stallions until negative on all pre-breeding and test mare breeding cultures and CF tests.

6.11 Procedures for Test Mares

- A. All procedures are to be performed by an approved federally accredited veterinarian.
- B. Qualify the test mares:
 1. Test mares must be permanently identified by hot branding, freeze branding, or tattooing with a capital letter "T," as applied by APHIS personnel, State authorities, or accredited veterinarians. Brands must be applied on the left shoulder or left neck area and be at least two inches high (lip tattoos must be applied to the insides surface of the upper lip and be at least 1 inch high and 0.75 inches wide).
 2. Test mares must be tested and determined to be negative for CEM on culture prior to use.
 3. Ensure that each mare has not received systemic antibiotics for at least 7 days prior to collecting cultures; and, ensure that each mare has not had topical antimicrobials applied to his external genitalia for at least 21 days prior to collecting cultures. Do not collect cultures if systemic antibiotics were administered within 7 days of collection of cultures. Do not collect cultures if topical antimicrobials were applied within 21 days of collection of cultures.

4. Culture the clitoral sinuses and clitoral fossa three separate times during a 12 day period, with at least 72 hours between sets of cultures. The third set of cultures must include a distal cervix or endometrial swab. Use one swab for the two sinuses and separate swabs for the clitoral fossa and the distal cervix or endometrium. Use dry clean-up or minimal water if necessary to remove excess organic debris. Do not scrub or use disinfectant or detergent prior to clitoral sinus or fossa swabs being taken. If the distal cervix or endometrial swab is taken with the final set of swabs, it is acceptable to clean the external genitalia after swabbing the clitoral sinuses and clitoral fossa and before swabbing the distal cervix of endometrium.
5. Test mares must be negative for CEM by Complement Fixation (CF) testing prior to test breeding.

C. Post-breeding testing of qualified mares:

1. Counting the test breeding as day zero, culture the qualified test mares three separate times during a 12 day period beginning on day 3 post-breeding, with at least 72 hours between culture sets.
2. Culture the clitoral sinuses, clitoral fossa, and with the third set of swabs, the distal cervix or endometrium of each test mare. Use one swab for the two sinuses, and separate swabs for the clitoral fossa and the cervix or endometrium.
3. Use dry clean-up or minimal water if necessary to remove excess organic debris. Do not scrub or use disinfectant or detergent prior to clitoral sinus or fossa swabs being taken.
4. After collecting the third set of swabs from the clitoral sinuses or fossa, the external genitalia can be scrubbed before swabbing the distal cervix or endometrium.
5. Between day 21 and 28 post-breeding of the test mare, submit a serum sample to NVSL for CF testing.

D. Quarantine release of test mares:

1. Test mares must remain in quarantine until negative tests are known for all tests for both mares.
2. If a test mare is positive or non-negative on a CF test or culture, then that test mare shall not be used as a test mare ever again.
3. If a test mare is positive or non-negative on a CF test or culture as a result of post-breeding testing, then both test mares associated with the test

breeding shall be treated in accordance with § 6.12(E) of this Part and re-cultured in accordance with § 6.12(C) of this Part below.

4. Negative post-breeding cultures and CF tests on a test mare can serve as the qualifying tests for the test mare to be used again on a subsequent stallion provided that the mare remains in the CEM testing facility.

6.12 Procedure for Imported Mares

- A. All procedures are to be performed by an approved federally accredited veterinarian.
- B. Collect a blood sample and submit to NVSL for CF testing.
- C. Culture the mare.
 1. Ensure that the mare has not received systemic antibiotics for at least 7 days prior to collecting cultures; and, ensure that the mare has not had topical antimicrobials applied to her external genitalia for at least 21 days prior to collecting cultures. Do not collect cultures if systemic antibiotics were administered within 7 days of collection of cultures. Do not collect cultures if topical antimicrobials were applied within 21 days of collection of cultures.
 2. Culture the clitoral sinuses and clitoral fossa three separate times during a 12 day period, with at least 72 hours between culture sets.
 3. For non-pregnant mares, include a swab of the distal cervix or endometrium with the third set. Use one swab for the two sinuses and separate swabs for the clitoral fossa and the cervix or endometrium. Pregnant mares are not required to have the distal cervix or endometrium cultured.
 4. Use dry clean-up or minimal water if necessary to remove excess organic debris. Do not scrub or use disinfectant or detergent prior to clitoral sinus or fossa swabs being taken. After collecting the third set of swabs from the clitoral sinuses and fossa, the external genitalia can be scrubbed before swabbing the distal cervix or endometrium.
 5. Do not begin treatment until culture results are returned. If a laboratory reports that a culture cannot be used, for example if there is overgrowth on the plate or the sample does not arrive at the lab within 48 hours, then the mare will need to be re-cultured. If treatment has already begun, then 21 days must elapse from the end of treatment until the mare can be re-cultured.
- D. Treat the mare for 5 consecutive days.

1. On day 1 of treatment:

- a. Infuse the clitoral sinuses with a small volume of a ceruminolytic agent (e.g., 5.0-10 ml of Cerumene [Squalene 2.5 percent]) using either a curved tip 12-cc syringe or a syringe attached to a disposable 1-1/3" plastic teat infusion cannula, or bathe the clitoral area with a ceruminolytic agent and infuse the sinuses using digital manipulation. The amount of ceruminolytic agent required will be determined by the difficulty encountered in softening any smegma or other debris sufficiently so that it can be removed as described below.
- b. Manually express the smegma ("bean") from the central sinus of the clitoris by grasping the clitoris between the thumb and forefinger and gently squeezing, while simultaneously pulling down and out. This method should displace the frenulum sufficiently to allow access to the central sinus. The bean, if present, will be dislodged and removed.
- c. Flush the sinuses with a small volume (e.g., 5.0-10.0 ml) of 2 percent or greater chlorhexidine scrub to remove all residual smegma and ceruminolytic agent.
- d. Following flushing, clean and scrub the clitoral sinuses and clitoral fossa area using 2 percent or greater Chlorhexidine scrub. Rinse the areas that were scrubbed.
- e. After cleaning and rinsing, infuse the sinuses with an antibiotic ointment effective against *Tylorella equigenitalis*, such as Silver Sulfadiazine or 0.2 percent Nitrofurazone. Infusion can be accomplished by digital manipulation, working the ointment into the sinuses by hand.
- f. After infusing the sinuses, coat the entire clitoral area, sinuses, and fossa with the antibiotic ointment.

2. On days 2 through 5 of treatment:

- a. Clean and scrub the clitoral sinuses and clitoral fossa area using not less than 2 percent Chlorhexidine scrub. Rinse the areas that were scrubbed.
- b. After cleaning and rinsing, infuse the sinuses with an antibiotic ointment effective against *Tylorella equigenitalis*, such as Silver Sulfadiazine or 0.2 percent Nitrofurazone. Infusion can be accomplished by digital manipulation, working the ointment into the sinuses by hand.

- c. After infusing the sinuses, coat the entire clitoral area, sinuses, and fossa with the antibiotic ointment.
- d. Systemic and/or intrauterine antibiotics are not required, but may be used in conjunction with topical treatment at the discretion of the attending accredited veterinarian in consultation with regulatory officials.
- e. If all cultures are negative, the mare may be released from quarantine and no further treatment is required. If any culture results are positive or non-negative, the mare must be treated and re-cultured according to § 6.12(E) of this Part before release. All releases will be made in writing by the State Veterinarian or his/her authorized designee.

E. Procedure for Imported Mares Positive for *Taylorella equigenitalis*.

- 1. A mare is considered positive when CF test or culture results are positive or non-negative.
- 2. Treat the mare as described above in § 6.12(D) of this Part.
- 3. No sooner than 21 days after the last topical treatment or intrauterine treatment and 7 days after the last systemic treatment (if used), repeat culture sets on the mare as described in § 6.12(C) of this Part.
- 4. If all culture sets are negative, repeat the treatment steps in § 6.12(D) of this Part. The mare may be released following the last treatment.

6.13 Sample Collection and Submission

- A. All samples are to be collected and submitted by an approved federally accredited veterinarian.
- B. All initial samples are to be sent to a National Animal Health Laboratory Network (NAHLN) laboratory approved to conduct CEM testing, or to NVSL. All positive or non-negative samples must be confirmed at NVSL.
- C. After obtaining sample, swabs must be immediately placed in Amies transport medium with charcoal (each swab in a single tube) and refrigerated.
- D. Approved CEM laboratories shall send a swab of any suspect colonies to NVSL in Amies media with charcoal. If suspect colonies are noted on multiple anatomical locations from the same set of swabs, the approved CEM laboratory shall send a suspect colony from each location in individual Amies media. The original swabs do not need to be sent to NVSL.

- E. The swabs that are provided with Amies media are adequate for collection of stallion samples and clitoral fossa samples from mares. Guarded culture swabs must be used for collection of samples from the distal cervix or endometrium of mares. Clitoral sinus samples must be collected with a swab that is small enough to enter the openings of the sinuses.
- F. Specimens must be submitted with the name, address, phone number, and fax number of the submitting veterinarian, location of horse, complete animal identification, anatomical location sampled, and date and time of collection.
- G. Swabs must be shipped with ice packs by an overnight service provider as identified by the VS Area or Regional Office (or State CEM Coordinator, as applicable) to the APHIS approved CEM diagnostic laboratory.
- H. All samples must reach the lab and be plated within 48 hours after collection. If arrival of swabs is delayed beyond 48 hours after collection, the cultures must be repeated.

6.14 Communications

- A. The Department will identify a State CEM Coordinator. The coordinator may be a State or USDA/APHIS employee. A National CEM Coordinator will be designated by USDA/APHIS. Updates and other communications concerning CEM import testing will be relayed by the National CEM Coordinator, through the VS Regional Import-Export Coordinators (RIECs), to State CEM Coordinators and State Veterinarian.
- B. Identification and treatment records at CEM quarantine facilities are to be retained by the State Veterinarian and State CEM Coordinator. Copies are to be provided by the CEM quarantine facility, to the State Veterinarian and State CEM Coordinator by mail, fax, or electronically. The State CEM Coordinator will provide copies to USDA/APHIS. All original records and copies must be retained for a minimum of 7 years.
- C. If a horse has any positive or non-negative CEM test while in quarantine, the State CEM Coordinator shall notify the appropriate VS RIEC and the State Veterinarian. The RIEC will inform the National CEM Coordinator.

6.15 Personnel

- A. Only approved federally accredited veterinarians may collect diagnostic samples or perform any veterinary procedure on equines that are subject to quarantine. The State Veterinarian will approve federally accredited veterinarians who satisfactorily demonstrate sufficient knowledge about biosecurity and quarantine procedures by performing those procedures in the presence of the State Veterinarian on both mares and stallions.

- B. The owner/agent shall train quarantine personnel to care for the animals in quarantine and he/she shall be responsible for their knowledge of and compliance with quarantine requirements. A list of trained personnel will be provided by the quarantine facility on the facility license application and the facility shall amend the list whenever personnel changes are made. Only listed personnel are allowed in the quarantine facility.
- C. All personnel entering the quarantine facility shall wear boots that shall be disinfected with a bactericidal/virucidal agent prior to entry and on leaving the quarantine facility.
- D. All personnel entering the quarantine facility shall wear protective clothing which shall be available at the entrance of the quarantine facility and which shall be used in the facility, and in the facility only.

6.16 Waste

- A. The attending Accredited Veterinarian shall be responsible for the sterilization of his/her equipment and supplies used in the quarantine facility.
- B. All gloves, sleeves, specula and disposable materials used for examination or treatment in the quarantine facility shall be placed in impermeable bags and stored in the quarantine facility until autoclaved or the quarantine is released.
- C. No manure or used bedding shall be removed from the quarantine facility until the release of the horses producing same.

6.17 Fees

- A. All costs and charges associated with the importation and quarantine of any equine imported under these regulations will be borne by the animal's owner or importer.
- B. Services provided during regular business hours (8:30 AM to 4:00 PM, Monday through Friday, except State holidays), the average salary, per hour, for the State Veterinarian or USDA Administrator or their designee, as specified in the 9 C.F.R. § 93.130.30, incorporated above at § 6.4(A) of this Part.
- C. Services provided outside regular business hours, the applicable rate for overtime, or holiday pay based on the average salary, per hour, for the State Veterinarian or USDA Director or their designee, as specified in the 9 C.F.R. § 93.130.30, incorporated above at § 6.4(A) of this Part.
- D. The government rate per mile for all regulatory related automobile travel between the quarantine premise and the State or Federal office that is monitoring the importation and quarantine.
- E. The cost of related administrative support services.

- F. Reimbursement shall be completed before the equine shall be released from quarantine.

6.18 Quarantine Break

- A. Should any exigent circumstance occur which necessitates the off premise movement of an equine under quarantine, the State Veterinarian shall be notified immediately. In the event that the State Veterinarian cannot be reached, the owner/agent/importer shall notify the equine hospital, or other equine facility that receives the equine, that the equine in question is under quarantine for CEM. The equine shall not be transported off premise to any hospital for treatment, or other facility, unless the quarantine conditions are maintained during transport and housing at the facility that receives the equine.
- B. The State Veterinarian shall be notified immediately if any quarantined equine escapes, is removed from the quarantine facility, or dies while under quarantine.
- C. The State Veterinarian shall be notified immediately of any unauthorized entry into the quarantine facility.
- D. The State Veterinarian shall be notified immediately of any unauthorized contact between a quarantined horse and any other equine not undergoing quarantine.
- E. The equine under quarantine shall not be removed from the State of Rhode Island without the prior written approval by both the Rhode Island State Veterinarian and the State Veterinarian in the state of destination.
- F. In any instance in which a party is unable to contact the Rhode Island State Veterinarian, the party shall contact the Department of Environmental Management, Division of Law Enforcement Emergency Dispatch Office at 401-222-3070.

6.19 Liability

_____ The importer/owner shall waive all claim against the United States, the State of Rhode Island and APHIS and any employee of APHIS or of the Department of Environmental Management for damages which may arise from services relating to quarantine procedures. All expenses resulting there from or incident thereto shall be the responsibility of the importer/owner.

6.20 Violations and Penalties

_____ Any person found guilty of violating any provision of R.I. Gen. Laws § 4-4.1-1 et. seq. or any regulation adopted thereunder shall be guilty of a misdemeanor and may be fined not more than one thousand (\$1,000.00) dollars for each violation. In addition, any person found guilty of operating a CEM quarantine facility in violation of any regulation adopted hereunder may have their license suspended

or revoked. Persons denied the issuance or renewal of a license or that have had their license revoked may request an appeal as provided by R.I. Gen. Laws § 42-17.7-1 et. seq. and pursuant to DEM's "Administrative Rules of Practice and Procedure for the Administrative Adjudication Division for Environmental Matters" Part 10-00-1 of this Part by presenting a written request for a hearing within thirty (30) days of the applicant party's receipt of the denial of the issuance or renewal of a license or within twenty (20) days of the party's receipt of notice of suspension or revocation of license to import. The written request must be presented received in a timely manner by the clerk of the Administrative Adjudication Division, One Capitol Hill, Fourth Floor, Providence, RI 02908.

6.21 Enforcement

Any agent of the Department of Environmental Management, Division of Agriculture or the Department of Environmental Management, Division of Law Enforcement, acting in their professional capacity, is duly authorized to enforce these Rules and Regulations.

6.22 Severability

If any provision of these Rules and Regulations, or the application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

6.23 Superseded Rules and Regulations

On the effective date of these Rules and Regulations, [the](#) all previous Rules and Regulations, and any policies regarding the administration and enforcement of [R.I. Gen. Laws § 4-4.1-1 et. seq.](#) known as "Importation of Equines, [Rules and Regulations Relating to the Importation of Equines from Contagious Equine Metritis Affected Countries](#)" which were adopted 12/30/1999 shall be superseded. However, any enforcement action taken by, or application submitted to, the Department prior to the effective date of these Rules and Regulations shall be governed by the Rules and Regulations in effect at the time the enforcement action was taken, or application filed.