

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS OF RULES AND REGULATIONS GOVERNING THE
IMPORTATION OF ANIMALS & PUBLIC HEARING

The Director of the Department of Environmental Management (DEM) is proposing amendments to the “***Rules and Regulations Governing the Importation of Animals***” and gives notice of intent to hold a public hearing to afford interested parties an opportunity to submit data, views or arguments orally and/or in writing on the regulations.

The public hearing will be held on October 31st at 1:30 PM in Room 300 of DEM’s Main Office at 235 Promenade Street in Providence. The Department of Environmental Management building is accessible to those with disabilities. A recording of the hearing will be made and the DEM will provide interpreter services for the hearing impaired, provided such a request is made at least 48 hours prior to the hearing date. A request for this service can be made in writing or by calling (401) 222-4700 or by dialing 711 (RI Relay).

The proposed regulations are intended to replace emergency regulations that were promulgated in April, 2012 to address the importation of dogs and cats for the purpose of adoption, foster care, rescue, brokering, or remote sales. Dogs and cats that have been imported for these purposes have been determined by the Department to be a significant risk to public health, animal health, and animal welfare. Prior to the enactment of the emergency regulations there had been virtually no regulatory oversight of entities that were engaged in this activity. These regulations will provide minimum standards of animal care and record keeping to better protect the people and animals within the state as well as those animals being imported for these purposes. The proposed regulations will also address rules that have been in force since 2008 for matters of making language consistent between rules that should have consistent language but currently do not.

An electronic copy of the proposed regulations is available on the DEM website at www.dem.ri.gov under “Regulations”.

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations:

DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has conducted stakeholder meetings and accepted written comments pertaining to development of these proposed regulations. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM has determined that the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town.

DEM encourages the submission of written comments on the proposed regulations and above determinations prior to the date of the public hearing. All written comments should be sent to the Office of the State Veterinarian, Scott Marshall, DVM, c/o the Rhode Island Division of Agriculture , 235 Promenade Street, Providence, RI, 02908 or by email to scott.marshall@dem.ri.gov no later than 4:00 PM on November 7, 2012. Written comments received later than this time and date may not be considered.

Signed this day of twenty-sixth day of September, 2012.

Ken Ayars , Chief
RIDEM/Division of Agriculture

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
Division of Agriculture**

**RULES AND REGULATIONS GOVERNING THE IMPORTATION OF
ANIMALS**



November 21, 2012

AUTHORITY: These regulations are adopted pursuant to Chapter 42-35, 42-17, and 4-4-23 of the Rhode Island General Laws of 1956, as amended.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
DIVISION OF AGRICULTURE

RULES AND REGULATIONS GOVERNING THE IMPORTATION OF ANIMALS

EFFECTIVE: November 21, 2012

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RULE 1.00 PURPOSE

The purpose of these rules and regulations is to permit the importation into Rhode Island of only those animals which are disease free or which originate from sources that have qualified as disease free according to State or Federal Standards.

RULE 2.00 AUTHORITY

These rules and regulations are promulgated pursuant to Chapter 42-17.1, Environmental Management, and Chapter 4-4-23 in accordance with 42-35, Administrative Procedures, of the Rhode Island General Laws of 1956, as amended.

RULE 3.00 ADMINISTRATIVE FINDINGS

Animals harboring infectious diseases present a health threat to the domestic animals, native wildlife and human populations of Rhode Island. Many infectious, contagious diseases of animals are not readily detected through physical examination and anamnesis, but require the application of approved laboratory diagnostic procedures by professionally trained and supervised personnel. Therefore, only animals that have been tested negative or originate from qualified negative sources may be allowed entry into Rhode Island. It is necessary that any animal testing positive to such procedures may be denied entrance into Rhode Island.

RULE 4.00 APPLICATION

The terms and provisions of these rules and regulations shall be liberally construed to permit the Department to effectuate the purpose of state law, goals, and policies. These Regulations shall apply to any person importing animals into the State of Rhode Island.

RULE 5.00 DEFINITIONS

For the purpose of these regulations, the following terms shall have the following meanings:

- 1) “Accredited Veterinarian” shall mean a veterinarian approved by the Administrator of the Animal Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA), to perform functions required by animal disease control and eradication programs.
- 2) “Animal Broker” shall mean any third party who arranges, delivers, or otherwise facilitates transfer of ownership of animal(s), through adoption or fostering, from one party to another, whether or not the party receives a fee for providing that service and whether or not the party takes physical possession of the animal(s) at any point.

- 3) "Approved Feeder Pig Market" shall mean as defined in the most current USDA APHIS State-Federal-Industry Program Standards for Pseudorabies.
- 4) "Approved Slaughter Market" shall mean as defined in the most current USDA APHIS State-Federal-Industry Program Standards for Pseudorabies.
- 5) "Breeding Swine" shall mean any sexually mature swine.
- 6) "Camelids" shall mean those ruminant animals used as beasts of burden or source of wool, milk, or meat, including, but not limited to camels, llamas, and alpacas.
- 7) "Carrier" shall mean the operator of any airline, railroad, motor carrier, shipping line, or other enterprise, which is engaged in the business of transporting any animals for hire.
- 8) "Cervidae" shall mean those members of the family of animals including but not limited to deer, elk, moose, caribou, reindeer, and the sub-family of musk deer.
- 9) "Class A, B, C" shall mean as delineated in the most current USDA APHIS Brucellosis Eradication Uniform Methods and Rules.
- 10) "Equidae" shall mean those members of the family of animals including but not limited to horses, mules, and burros.
- 11) "Feeder Pigs" shall mean any pig weighing twenty (20) pounds to one-hundred (100) pounds inclusive.
- 12) "Feeder Pig Monitored Herd" shall mean as defined in the most current USDA APHIS State-Federal-Industry Program Standards for Pseudorabies.
- 13) "Finish Swine" shall mean any pig weighing one-hundred (100) to two-hundred (200) pounds inclusive.
- 14) "Game Birds" shall mean any bird hunted for food or sport, including but not limited to pheasant, grouse, quail, and chukars.
- 15) "Identification" shall mean any state or federally required unique and permanent method of identification that specifically identifies individual animals, in compliance with all applicable state and federal animal identification laws and regulations. Forms of identification include but are not limited to ear tags, brands, bands, tattoos, microchips, and physical description of natural and or acquired markings unique to an individual animal. Physical description is only an acceptable means of identification for dogs, cats, and equines.
- 16) "NPIP" shall mean the National Poultry Improvement Plan.
- 17) "Qualified Pseudorabies Negative Herd" shall mean as defined in the most current USDA APHIS State-Federal-Industry Program Standards for Pseudorabies.
- 18) "Ratites" shall mean those fowl with a flat breast bone and small or non-existent wings, including but not limited to ostriches, emu, rheas, and kiwi.
- 19) "Remote Sale" shall mean the retail purchase of any animal without first having the opportunity to physically observe or handle the animal, as commonly occurs in internet sales or phone order sales of animals.
- 20) "Person/Importer" shall mean any person, firm, association, organization, partnership, business trust, corporation, or company, including but not limited to educational and research institutions, zoological gardens, schools, pet stores, and laboratories.
- 21) "Poultry" shall mean any fowl raised for eggs, meat, or ornamental purposes including, but not limited to, chickens, ducks, geese, and turkeys.
- 22) "Recognized Slaughter Establishment" shall mean as defined in the most current USDA APHIS State-Federal-Industry Program Standards for Pseudorabies.

- 23) "Slaughter Swine" shall mean any pig over two-hundred (200) pounds not being used for breeding.
- 24) "Stage I, II, III, IV, V" shall mean as delineated in the most current USDA APHIS State-Federal-Industry Program Standards for Pseudorabies.

RULE 6.00 GENERAL REQUIREMENTS

- 6.01 No person shall import, or cause to be imported into the state, any domestic animal, including but not limited to goats, cattle, swine, sheep, equines, camelids, dogs, cats, farmed cervids, poultry, or ratites unless such animal(s) is accompanied by a Certificate of Veterinary Inspection and Import Permit, or a waybill as these regulations require.
- 6.02 No person shall import, or cause to be imported into the state, any animal(s) or bird(s) which originates from any state or region that is under any state or federal quarantine that has been issued due to the presence or suspected presence of a contagious disease unless approved, in writing, by the Rhode Island State Veterinarian.
- 6.03 No person shall import, or cause to be imported into the state, any animal(s) or bird(s) that is affected with, or has been exposed to any contagious disease unless approved, in writing, by the Rhode Island State Veterinarian.
- 6.04 Import permits are required for each shipment of animals unless otherwise noted. Import Permits are valid for ten (10) days from the date of issuance. The completed, signed Import Permit must be submitted to the Rhode Island State Veterinarian along with a copy of all required testing results and a valid Certificate of Veterinary Inspection within forty-eight (48) hours of the arrival of the animal(s) into the state.
- 6.05 Failure to comply with the Import Permit and submission requirements may result in refusal of future Import Permits and may result in assessment of penalties as described in RULE 17.00 VIOLATIONS, of these regulations.
- 6.06 Identification of each animal as required by state and federal animal identification laws and regulations to include, but not be limited to, any required permanent and unique identification such as ear tags, brands, bands, tattoos, microchips or other accepted forms of identification.
- 6.07 Exemptions from Permits and specific requirements for individual species will be provided for the purpose of Fair, Show, and Exhibition as deemed appropriate by the Rhode Island State Veterinarian. The Rhode Island State Veterinarian will make a compilation of the Rules and Regulations Governing the Importation of Animals, as they pertain to Fair, Show, and Exhibition, available annually.

- 6.08 Exemptions from individual animal identification and the requirement for a Certificate of Veterinary Inspection will be made for hatching eggs and day old chicks shipped from NPIP enrolled flocks that are certified pullorum free. An Import Permit is required.
- 6.09 Exemption from individual animal identification will be made for feeder pigs that are identified with a unique means of identification that is traceable to the farm where the pigs originated and all pigs identified on the Import Permit and Certificate of Veterinary Inspection originated from that same farm.

RULE 7.00 CERTIFICATE OF VETERINARY INSPECTION

7.01 No person shall import, or cause to be imported, any domestic animal, camelid, cervid, ratite, poultry, or waterfowl as specified in Section 7.00 unless each animal is accompanied by an official Certificate of Veterinary Inspection issued no greater than thirty (30) days prior to the importation of said animal. The Certificate of Veterinary inspection must be signed by a veterinarian who is licensed and accredited in the state of origin. The animals for which the Certificate of Veterinary Inspection is issued must bear a form of identification that is compliant with all applicable state and federal laws and regulations. One copy of the Certificate of Veterinary Inspection must be reviewed by the State Animal Health Official in the state of origin.

7.02 The Certificate of Veterinary Inspection shall:

- a. Be on official forms of the state of origin or on suitable forms available through USDA/APHIS
- b. State that all animals listed on the form have been inspected and found free of signs of contagious, infectious, or communicable disease.
- c. Contain the date of the veterinary inspection as well as the dates of all required tests and the results of those tests
- d. Describe the animal(s) by species, breed, age, and sex, and record all official identification as required by ear tag, registration tattoo, leg band, microchip, physical description (for dogs, cats, and equines only) or other form of identification that may be approved by the Rhode Island State Veterinarian.
- e. Contain the data for all required tests and vaccinations, including the date, result(s) of test(s), and the name and address of the laboratory that performed the test(s). All tests reported for import purposes must be USDA officially recognized tests approved by the Rhode Island State Veterinarian and the tests must be conducted at a State or Federally approved laboratory.
- f. Have complete name and address, both mailing and physical address, of the consignor and consignee. PO Boxes without a physical address are not acceptable.
- g. Contain the signature of the inspecting federally accredited veterinarian.

- h. Contain an Import Permit number for all shipments of animals that require an Import Permit.
- 7.03 Certificates of Veterinary Inspection may be disapproved by the Rhode Island State Veterinarian if they are incomplete or otherwise do not satisfy the requirements delineated in RULE 7.02. Importation of such animals may result in a violation as delineated under RULE 17.00.
- 7.04 Certificate of Veterinary Inspection is not required for animals that are shipped for immediate slaughter (slaughter within seventy-two (72) hours of importation) as long as the animals are not commingled with any animals not being slaughtered within seventy-two (72) hours of commingling, and the animals are slaughtered at a State or Federally inspected slaughter plant.
- 7.05 Livestock entering the State that are consigned to a State or Federally inspected slaughter plant shall be accompanied by a waybill or similar document delivered to the consignee at the destination and listing the following:
 - a. Name and address, both mailing address and physical address if different, of the consignor or agent.
 - b. Purpose of the movement.
 - c. Number and Species of animals in the consignment.
 - d. Point of origin or assembly of the consignment.
 - e. Name and address, both mailing address and physical address if different, of the consignee or shipper.
 - f. Name and address, both mailing address and physical address if different, of the shipper.
 - g. Date of preparation of the waybill.
 - h. A statement that the animals on the waybill are being brought into the state for immediate slaughter.
 - i. Record of all identification in compliance with all State and Federal identification requirements.
- 7.06 Waybills or similar documents as described in RULE 7.05 shall be void eight (8) days after the preparation thereof.

RULE 8.00 IMPORTATION OF DOGS AND CATS FOR THE PURPOSE OF RESCUE, SHELTER, FOSTER, ADOPTION, BROKERING, OR REMOTE SALE.

- 8.01 All entities that import dogs or cats for rescue, adoption, foster care, brokering, and/or remote sales must register with the Department on an application form provided by the Department. The application can be found at the RI DEM Division of Agriculture / Animal Health website.
- 8.02 No entity that imports dogs or cats for rescue, adoption, foster care, brokering, and remote sales may import any animal for that purpose until the entity is in possession of a valid registration certificate issued by the Department.

- 8.03 No entity that transports dogs or cats for rescue, adoption, foster care, brokering, and remote sales may transport animals into the state for that purpose until they have registered with the Department as a carrier and are in possession of a valid registration certificate issued by the Department. The application can be found at the RI DEM Division of Agriculture / Animal Health website.
- 8.04 General Requirements of all entities and carriers:
- a. Must register with the Department and hold a valid certificate of registration issued by the Department.
 - b. Must keep complete records on forms issued by the Department.
 - c. Must make records available to inspectors from the Department.
 - d. Must identify a Point of Contact who resides within the State of Rhode Island who will be responsible for producing all records that the Department may lawfully request. A copy of all records must be kept by the designated Point of Contact.
 - e. Must notify the Department of all expected shipments of dogs or cats being imported into the state as to the time and location of the arrival of the shipments. Notification must be received by the Department no less than 24 hours prior to arrival of the shipment. Notification may be in the form of email, phone call, voice mail, or written letter. The Department reserves the right to inspect any or all shipments to verify compliance with importation regulations and to verify the health of the animals being imported. It is the responsibility of the entity to notify the Department of the shipment.
 - f. All animals being imported must be accompanied by a valid Certificate of Veterinary Inspection (CVI) and be currently vaccinated against rabies if age eligible.
- 8.05 Requirements of Category A entities: Those entities that import dogs or cats for rescue, adoption, foster care, brokering, and remote sales will be classified as Category A entities if they meet all of the General Requirements enumerated in Rule 8.04, in addition to the following:
- a. The entity has a detailed pre-import animal processing plan that has been reviewed and approved by the Department.
 - i. The pre-import processing plan must reference, in detail, the housing conditions, any isolation procedures, any vaccination procedures, any health screenings, and any disease testing/treatment/or preventative measures that are taken prior to the animal(s) being transported into Rhode Island.
 - ii. The Department will review the plan and will approve it if the plan is determined to be acceptable.
 - b. All dogs or cats being imported are accompanied by a CVI that was issued within 10 days of the importation
 - c. The animals are brought into the state via a USDA licensed carrier. The USDA licensed carrier may be classified as a “carrier,” “contract carrier,” or “intermediate handler” as defined under the Animal Welfare Act and the USDA licensed transporter must be registered with the Department.

- d. Entities that are seeking a Category A registration, but that are not intending on using a USDA licensed transporter as in 8.05 (c) are required to submit the following:
 - i. A detailed transportation plan to include make and model of the vehicle being used for conveyance,
 - ii. Features of the vehicle that will ensure adequate climate control in the animal compartment, and
 - iii. Sanitation protocols for the conveyance.
 - iv. The Department will review the plan defined in 8.05 (d) i-iii, and if approved will issue a Category A registration.
 - v. Entities that are seeking a Category A registration but that are not intending on using a USDA licensed transporter as in 8.05 (c) are required to keep all records as defined in 8.08 (b) i, ii.
 - e. Animals imported by a Category A entity are not required to undergo any further isolation or health verification before being offered for adoption, placed into foster care, or otherwise transferred.
8. 06 Requirements of Category B entities: Those entities that import animals for rescue, adoption, foster care, brokering, and remote sales will be classified as a Category B entity if they meet the General Requirements enumerated in Rule 8.04 but fail to meet all of the requirements of Rule 8.05.
- a. All animals imported by Category B entities must be held at an isolation facility approved by the Department for five consecutive days commencing immediately upon entry into the state. All animals imported by Category B entities must be brought directly to the isolation facility without commingling with any animals that are not destined for isolation.
 - b. Upon completion of the five day isolation, all animals imported by Category B entities must be examined by a licensed veterinarian for the presence of infectious diseases or other conditions that may render the animal unsuitable for adoption, foster, or sale. A copy of the results of all examinations must be kept as part of the animal's adoption records and must be available for inspection under Rule 8.09.
 - c. Any animal that is determined to be suitable for adoption, foster, or sale may be transferred upon completion of this examination.
 - d. Any animal that is determined to be unsuitable for adoption, foster, or sale must be held in isolation until a veterinarian is able to determine that the animal is suitable.
8. 07 Changes in classification:
- a. Category A entities may be downgraded to Category B if after an investigation it is demonstrated that procedures approved by the Department or any of the provisions of Rules 8.04 and 8.05 are not being adhered to or that in spite of adherence to procedures thought to be protective, animals are being imported by the entity that are found to be afflicted with infectious diseases.
 - b. Category B entities may be upgraded to Category A if, after a certificate of registration was granted, that entity is now able to meet the requirements of Rule 8.05 thus allowing classification as a Category A entity.

- c. Certificates of registration for Category A and/or Category B entities may be revoked pursuant to the provisions of RIGL 4-19-8.

8.08 Record Keeping:

- a. Access to records: All entities, carriers, and sub-registrants are required to maintain and provide any records requested by the Department at the request of the Department.
- b. Transport/Carrier
 - i. The carrier must have a valid CVI for every animal in transport and if transporting animals for a Category A entity, all CVIs must be issued no greater than 10 days prior to arrival into RI.
 - ii. The carrier must keep a complete manifest to include the following: Name of all entities supplying animals on this shipment, name of all entities that received animals on the shipment, the physical and mailing addresses of all entities supplying and receiving animals, the telephone numbers of all entities supplying and receiving animals on the transport, the identification of all animals on the shipment, all locations where animals are put onto the conveyance and the ID of those animals, all locations where animals are removed from the conveyance and the ID of those animals. The Department will supply all forms for carrier record keeping and the carrier must complete all forms in full and present those forms to the Department upon request.
- c. Category A and B entities must provide and maintain records of:
 - i. The name, mailing address, physical address, and phone number of the registered entity and all sub-registrants acting as foster homes.
 - ii. Animal ID to include clear digital photos of the animal taken from the left and right sides and from the front in a manner that will demonstrate all unique markings and identifying features, or, microchip number, and the animal's name, approximate age, gender, predominate color, and predominate breed.
 - iii. The source of the animal and the contact information of the source, where known, including the name, physical address, mailing address, and phone number.
 - iv. The disposition of the animal by adoption to include the adopter's name, mailing address, physical address, and phone number.
 - v. The disposition of the animal by foster care, the name, physical address, mailing address, and phone number of the foster home.
 - vi. For Category A entities, the name, address, phone number and state registration number of the carrier (unless exempt under conditions of Rule 8.05 (d)).
 - vii. The Department will supply forms to be fully completed by the entity. The entity must make all forms available for review at the request of the Department.
 - viii. All records are required to be maintained for a period of three years after the importation of the animal.

- 8.09 Inspections:
- a. All entities, carriers, and sub-registrants are subject to inspection by the Department, at reasonable times, for enforcement and verification of the provisions of these regulations.

RULE 9.00 DOGS AND CATS

9.01 Identification and Certificate of Veterinary Inspection is required for the importation of all dogs and cats that are imported into the State of Rhode Island.

9.02 Rabies:

All dogs and cats three (3) months of age or older imported into Rhode Island must be accompanied by proof of rabies vaccination. Pursuant to *Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies Within the State of Rhode Island*, the only acceptable proof of rabies vaccination is a valid rabies vaccination certificate. The rabies vaccination must have been administered by a licensed veterinarian. Adult animals six (6) months of age or older that have received only an initial or first time documented vaccination must have been vaccinated at least thirty (30) days prior to entry into the state. Puppies and kittens three (3) to six (6) months of age that have received initial rabies vaccination are eligible for immediate entry into the State without waiting thirty (30) days.

RULE 10.00 CATTLE/GOATS/BISON/CAMELIDS

10.01 Identification and Certificate of Veterinary Inspection required except where noted under General Requirements RULE 6.00. **NOTE: for goats, Certificates of Veterinary Inspection must contain a “Scrapie Statement” by the accredited veterinarian stating that to the best of his/her knowledge the goats listed on the certificate do not have symptoms of Scrapie, have no known exposure to Scrapie infected animals, and, are not the progeny of Scrapie infected animals.**

10.02 Rabies:

All cattle three months of age or older imported into Rhode Island for exhibition, show, competition, or public display purposes must be accompanied by proof of rabies vaccination not more than one (1) year, nor less than thirty (30) days prior to entry into Rhode Island. Calves that are between three (3) and six (6) months of age may enter Rhode Island immediately after receiving primary immunization without being required to wait thirty (30) days after vaccine administration. The rabies vaccination must be administered by a licensed veterinarian and pursuant to *Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies Within the State of Rhode Island*, the only acceptable proof of rabies vaccination is a valid rabies vaccination certificate.

10.03 Tuberculosis:

All cattle/bison/goats/and camelids must test negative to a USDA officially recognized tuberculosis test within sixty (60) days immediately prior to entry into Rhode Island. Negative tuberculosis tests are not required for all cattle/bison/or goats that are identified as a member of a herd that has been Certified Tuberculosis Free and that herd originating in a Tuberculosis Accredited Free state. Such Tuberculosis Free Certification must have been performed within 12 months prior to entry into Rhode Island by a veterinarian licensed and accredited in the state of origin of the animals and the certification test must include all test eligible animals within the herd. The animals to be imported must have been included in the herd test.

10.04 Brucellosis:

All cattle/bison/goats/camelids over four (4) months of age imported into Rhode Island from Class A, Class B, or Class C States must individually test negative to a USDA officially recognized Brucellosis test no more than thirty (30) days immediately prior to entry into the state. The following cattle and bison are exempt from the requirement for Brucellosis testing: spayed heifers; steers; any cattle or bison under eighteen (18) months of age (540 days of age) that is identified as an animal that has been officially vaccinated against brucellosis.

Brucellosis testing is not required if cattle/bison/goats/camelids move into Rhode Island directly from a Certified Free Herd in a Class A State. Such certification must have been performed within 12 months prior to importation into Rhode Island and must include all test eligible animals. The animals to be imported must have been included in the certification.

10.05 Anaplasmosis:

All cattle/bison/goats/and camelids that are imported from any area in which Anaplasmosis is endemic must test negative to a USDA officially recognized test for Anaplasmosis that was performed no more than thirty (30) days prior to entry into Rhode Island.

10.06 Bluetongue:

All cattle/bison/goats/and camelids that are imported from any area in which Bluetongue is endemic must test negative to a USDA officially recognized test for Bluetongue that was performed no more than thirty (30) days prior to entry into Rhode Island.

RULE 11.00 CERVIDAE: Persons wishing to import native species of cervidae must first obtain a permit from the Rhode Island Division of Fish and Wildlife and comply with Title 20 of Rhode Island General Laws requirements prior to importation. Any person wishing to import exotic/non-native species of cervidae, as defined in *Rules and Regulations Governing the Importation and Possession of Exotic Wild Animals*, must first obtain a permit from the Rhode Island Division of Agriculture and must comply with Title 4 of Rhode Island General Laws requirements prior to importation. Any person

wishing to import any cervidae must also comply with *Rules and Regulations Governing the Importation, Baiting, and Feeding of Cervids in Rhode Island*.

11. 01 Identification and Certificate of Veterinary Inspection required except where noted under General Requirements Rule 6.00.

11. 02 Tuberculosis:

All cervidae imported into Rhode Island must either:

- a. Test negative to two official tuberculosis tests which were conducted no less than ninety (90) days apart; the second tuberculosis test being conducted no more than ninety (90) days prior to the date of entry, or;
- b. Originate from a Federally Accredited Tuberculosis Free herd in which all captive cervids in the herd that are eligible for testing must have tested negative to at least three (3) consecutive official tuberculosis tests conducted at 10-14 month intervals. Any cervid added to this herd must:
 - i. Move directly from another accredited herd, or;
 - ii. Move directly from a Federally qualified cervid herd which has undergone a negative official tuberculosis test within the previous twelve (12) months and test negative to an official tuberculosis test within ninety (90) days prior to movement to the premises of the accredited herd, or;
 - iii. Test negative to two (2) official tuberculosis tests conducted at least ninety (90) days apart and the second test must be conducted no more than ninety (90) days prior to the date of movement to premises of the accredited herd, or;
- c. Originate from a Federally qualified cervid herd in which all eligible cervids have tested negative to an official tuberculosis test within the previous twelve (12) months and the cervid to be imported has tested negative to an official tuberculosis test conducted no more than ninety (90) days prior to importation.
- d. All imported cervidae are subject to quarantine and retest, at the owner's expense, upon importation.

11. 03 Brucellosis:

All cervidae over six (6) months of age must individually test negative to a USDA officially recognized Brucellosis test no more than thirty (30) days immediately prior to entry into Rhode Island.

11. 04 Anaplasmosis and Bluetongue:

All cervidae must test negative to a USDA officially recognized test for Anaplasmosis and Bluetongue no more than thirty (30) days prior to entry into Rhode Island.

11. 05 Chronic Wasting Disease:

All cervidae must be imported in compliance with current state and federal importation and control regulations concerning Chronic Wasting Disease control and eradication, including, but not limited to, all rules and regulations promulgated under authority of Title 4 and Title 20 of Rhode Island General Laws. All cervids must be imported from Chronic Wasting Disease monitored herds and from states and regions as approved by the Rhode Island State Veterinarian.

RULE 12:00 SWINE

12. 01 Identification and Certificate of Veterinary Inspection required except where noted under General Requirements Rule 6.00.

12. 02 Brucellosis:

Swine to be eligible for importation into Rhode Island must either:

- a. Originate from a brucellosis validated free herd, or;
- b. Originate from a non-quarantined herd in a validated swine brucellosis free state, or;
- c. If over four (4) months of age, test negative to a USDA officially recognized brucellosis test no more than thirty (30) days immediately prior to entry into Rhode Island.

12. 03 Pseudorabies:

a. Slaughter Swine:

- i. Infected or exposed slaughter swine may only be shipped into Rhode Island under a permit issued by the Rhode Island State Veterinarian. The permit will allow entry directly to a recognized slaughter establishment or an approved slaughter market.
- ii. Slaughter Swine being imported from a state or area that is classified with a program status up to and including Stage III are allowed entry without prior permit as long as they are shipped immediately to a recognized slaughter establishment or approved slaughter market.

b. Breeding Swine:

- i. Direct shipment from a Stage IV or Stage V state or area, or;
- ii. Direct shipment from a qualified pseudorabies negative herd in any state or area, or;
- iii. Negative official pseudorabies serological test no more than thirty (30) days prior to shipment with quarantine, isolation, and re-testing, at owner's expense, at destination. Testing to be conducted between thirty (30) and sixty (60) days following importation. Quarantine and isolation to be maintained until the result of this testing is reported to the Rhode Island State Veterinarian and the Rhode Island State Veterinarian authorizes release of the quarantine.

- c. Feeder Pigs:
 - i. Direct shipment from a farm of origin or a market in a Stage IV or Stage V state or area, or;
 - ii. Direct shipment from a qualified pseudorabies negative herd, or;
 - iii. Entry is allowed into Rhode Island from feeder pig monitored herds originating in Stage II or Stage III states or areas only if the swine originate from an approved feeder pig market or direct from a qualified negative (QN) herd or a feeder pig monitored herd;
 - iv. Vaccination is not permitted except by permit from the Rhode Island State Veterinarian.

RULE 13.00 SHEEP

13. 01 Identification and Certificate of Veterinary Inspection required except where noted under General Requirements Rule 6.00. Certificates of Veterinary Inspection must contain a “Scrapie Statement” by the accredited veterinarian stating that to the best of his/her knowledge the sheep listed on the certificate do not have symptoms of Scrapie, have no known exposure to Scrapie infected animals, and, are not the progeny of Scrapie infected animals.

13. 02 Bluetongue:

All sheep imported into the state from a Bluetongue endemic area must test negative to a USDA officially recognized test for Bluetongue no more than thirty (30) days prior to entry into Rhode Island.

13. 03 Scrapie:

No sheep affected with Scrapie or originating from a flock quarantined or epidemiologically linked to a flock quarantined for Scrapie shall be imported into Rhode Island.

13. 04 Psoroptic Scabies:

No sheep affected or exposed to psoroptic scabies shall be imported into Rhode Island.

13. 05 Rabies:

All sheep three (3) months of age or older imported into Rhode Island for exhibition, show, competition, or public display purposes must be accompanied by proof of rabies vaccination not more than one (1) year, nor less than thirty (30) days prior to entry into Rhode Island. Lambs that are between three (3) and six (6) months of age may enter Rhode Island immediately after receiving primary immunization without being required to wait thirty (30) days after vaccine administration. The rabies vaccination must be administered by a licensed veterinarian and pursuant to *Rules and Regulations Governing the Prevention,*

Control, and Suppression of Rabies Within the State of Rhode Island, the only acceptable proof of rabies vaccination is a valid rabies vaccination certificate.

RULE 14.00 RATITES

14. 01 Identification and Certificate of Veterinary Inspection required except where noted under General Requirements Rule 6.00.

14. 02 Salmonella Pullorum:

Any ratite five (5) months of age or more, imported into the state for the purpose of breeding or egg production, must test negative to an agglutination test for Salmonella Pullorum disease no more than thirty (30) days prior to entry into the state. All ratities less than five (5) months of age and all hatching eggs imported into the state must originate from a hatchery or other premises where the breeding stock has been officially tested negative to Salmonella Pullorum within the previous year.

14. 03 Avian Influenza:

All ratites, of any age, and hatching eggs must be tested negative for avian influenza, or originate from an avian influenza tested negative flock, if the ratites originate from any state or region in which avian influenza has been reported. Testing for Avian Influenza must be performed no more than ten (10) days prior to entry into the state. The method of testing must be consistent with current approved serological and/or viral screening methods as approved by the Rhode Island State Veterinarian. Avian Influenza may be required at any time as prescribed by Rhode Island General Law, Title 4, Chapter 4-4, under authority of the Director of the Department of Environmental Management.

RULE 15.00 POULTRY (INCLUDING HATCHING EGGS AND GAME BIRDS)

15. 01 Identification and Certificate of Veterinary Inspection, or other federally recognized certification of disease free status required, except where noted under General Requirements Rule 6.00

15. 02 Salmonella Pullorum:

All poultry five (5) months of age or more, and hatching eggs imported for the purposes of breeding or egg production, must originate from a flock designated "Pullorum Free" under the supervision of the poultry disease control officials of the state of origin, or, individually test negative to an agglutination test, or other recognized test, for Salmonella Pullorum no more than thirty (30) days prior to entry into the state. All poultry less than five (5) months of age and all hatching eggs imported into the state must originate from a flock designated as "Pullorum Free" under the supervision of the poultry disease control officials in the state of origin.

EXCEPTIONS: No tests are required for game birds used strictly for hunting purposes and which are consigned directly to a licensed hunting preserve or State Management Area, or for racing pigeons entering the state for release for return to the state of origin.

15. 03 Avian Influenza:

All poultry, of any age, and hatching eggs must be tested negative for avian influenza, or originate from an avian influenza tested negative flock, if the poultry originates from any state or region in which avian influenza has been reported. Testing for Avian Influenza must be performed no more than ten (10) days prior to entry into the state. The method of testing must be consistent with current approved serological and/or viral screening methods as approved by the Rhode Island State Veterinarian. Avian Influenza may be required at any time as prescribed by Rhode Island General Law, Title 4, Chapter 4-4, under authority of the Director of the Department of Environmental Management.

RULE 16.00 EQUIDAE

16. 01 Identification and Certificate of Veterinary Inspection required except where noted under General Requirements Rule 6.00.

16. 02 Equine Infectious Anemia:

All equidae imported must be accompanied by proof on an official negative serological test for Equine Infectious Anemia (EIA) conducted no more than twelve (12) months prior to entry into the state. All Certificates of Veterinary Inspection must include the following: the date and result of EIA testing; the name of the testing laboratory, and; the laboratory accession number.

EXCEPTION: No test is required for foals under six (6) months of age when the foal is accompanied by its dam and the dam is accompanied by proof of a negative official EIA test conducted no more than twelve (12) months prior to entry into the state.

EXCEPTION: The Rhode Island State Veterinarian may, at his/her discretion, allow into Rhode Island an equid of unknown EIA status. The individual identification of any animal so admitted, and the location of the quarantine facility approved in advance by the State Veterinarian must be recorded. The equid of unknown EIA status must remain at the approved quarantine facility under the conditions set forth by the State Veterinarian until such time as the animal moves directly to slaughter or tests negative to an official test for EIA.

16. 03 Rabies:

All equidae three (3) months of age or older imported into Rhode Island for exhibition, show, competition, or public display purposes must be accompanied by proof of rabies vaccination not more than one (1) year, nor less than thirty (30) days prior to entry into Rhode Island. Foals that are between three (3) and six (6) months

of age may enter Rhode Island immediately after receiving primary immunization without being required to wait thirty (30) days after vaccine administration. The rabies vaccination must be administered by a licensed veterinarian and pursuant to ***Rules and Regulations Governing the Prevention, Control, and Suppression of Rabies Within the State of Rhode Island***, the only acceptable proof of rabies vaccination is a valid rabies vaccination certificate.

RULE 17.00 VIOLATIONS

The Director of the Department of Environmental Management may make all necessary regulations for the prevention, treatment, cure and extirpation of such disease; and every person who shall fail to comply with any regulation so made shall be fined not exceeding three hundred dollars (\$300) or be imprisoned not exceeding one (1) year. Each and every occurrence and/or day during which the violation or failure to comply is repeated shall constitute a separate and distinct violation. Every person who shall fail to comply with any regulation so made shall be responsible for all costs and fee associated with any quarantine, examination and testing required by the State Veterinarians Office, and subject to forfeiture of the imported animals.

RULE 18.00 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.

RULE 19.00 EFFECTIVE DATE

The foregoing "Rules and Regulations Governing the Importation of Animals", after due notice, are hereby adopted and filed with the Secretary of State this day of _____, to become effective twenty (20) days thereafter, in accordance with the provisions of Chapters 4-4-12, 4-4-23, 42-35, 42-17.1 and 42-17.6 of the General Laws of Rhode Island of 1956, as amended.

Janet Coit, Director
Department of Environmental Management

Notice Given on:

Public Hearing held:

Filing Date:

Effective Date:



Concise Summary of Amendments to
“Rules and Regulations Governing the Importation of Animals”

The proposed regulations provide updates and clarification to existing regulations as described below. Most significantly Rule 8 of these regulations allow for the regulation of entities that import dogs and cats into Rhode Island for the purpose of adoption, rescue, foster care, sheltering, remote sales, and brokering. These proposed regulations will create minimum standards of animal care and record keeping by which any entity engaged in the importation of dogs and cats for the aforementioned purposes must abide. There is no associated registration fee. These regulations are necessary to ensure the health and welfare of animals imported for those purposes and to facilitate tracing of animals that are determined to be a public health or animal health risk. The proposed regulations also provide consistent language and formatting for the previous version which will be replaced and superseded by this version. An electronic copy of the proposed regulations is available on the DEM website at <http://www.dem.ri.gov/programs/bnatres/agricult/pdf/animimp3.pdf>.

Pursuant to the requirements of Section 42-35-3 of the Rhode Island General Laws, DEM has made the following determinations:

DEM has considered alternative approaches to the proposed regulations and has determined that there is no alternative approach among the alternatives considered that would be as effective and less burdensome. DEM has conducted stakeholder meetings and accepted written comments pertaining to development of these proposed regulations. DEM has determined that the proposed regulations do not overlap/duplicate any other State regulations. DEM has determined that the proposed regulations will not result in a significant adverse economic impact on small businesses or any city or town.

| Section | Description of Change |
|--|--|
| Amendment of Rules and Regulations Governing the Importation of Animals | |
| Entire document | The entire document has been reviewed with the intention of making the formatting consistent and easier to read. |
| Entire document | The entire document has been reviewed to make language consistent across rules where there should be consistent language. |
| Rule 8 | Requires registration of all entities that import dogs and cats for the purpose of rescue, sheltering, foster care, brokering, adoption, or remote sales as well as commercial carriers that convey dogs and cats into the state for those purposes. |
| Rule 8 | Establishes 2 distinct categories of entities that import dogs and cats for the aforementioned purposes and defines the requirements placed on each of those categories to maintain public health and animal health and welfare. |
| Rule 5.0 | Establishes definitions for the following: “Animal Broker;” “Carrier;” and “Remote Sale.” |



August 28, 2012

Economic Impact & Regulatory Flexibility Memo:

“Rules and Regulations Governing Importation of Animals”

To: Peter Dennehy, RI Department of Administration
Sherri Lynn Carrera, RI Economic Development Corporation
Kerry King, Officer of the Governor

Pursuant to: These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and Chapter 4-18 as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

These regulations are necessary to ensure public health, animal health, and animal welfare by regulating the importation of animals and restricting the importation of animals that are known or suspected to be harboring infectious disease. Rule 8 of these proposed regulations are an amendment to existing regulations that were promulgated as emergency regulations and that have been in force since April, 2012. This rule will address the relatively recent emergence of large scale importation of dogs and cats for the purpose of adoption, foster, rescue, and remote sales. These animals represent a significant health risk to the animals and people of the state since there are currently no rules that address the health of these animals and their importation for these activities occur without any regulatory oversight. The proposed regulations will create two categories of entities that import dogs and cats for the purpose of adoption, rescue, fostering, or remote sales. One category (Category A) will consist of entities that have demonstrated that they can meet minimally adequate pre-importation and transportation standards that will result in the imported animals representing a negligible risk to the people and animals already in the state. The second category (Category B) will consist of entities that cannot meet minimally adequate pre-importation and transportation standards designed to minimize disease risk. This category of entities will be required to isolate any such animal post importation in order to verify the health status of the animal before it is offered for adoption, foster care, or remote sale. This rule does not mirror the existing emergency regulations that are currently in force and in fact are considered less burdensome on the regulated entities than the existing regulations are. The proposed regulations were crafted in large part due to both written and oral comments that were submitted at a stakeholder workshop that was held.

Additionally, some aspects of the existing regulations that have been in effect since June, 2008 are in need of an update and some clarification. These regulations will clarify existing language regarding importation of all types of domestic animals without making any substantive changes.

Economic Impact:

Per RIGL 42-35.1-4:

1. It is predicted that any entity that will be classified as Category A under the proposed regulations will not have any negative economic impact. The only impact that these entities may experience is that they will now be required to keep detailed records of the animals that they import so that these records will be subject to review by animal health officials in the event of a disease outbreak that is related to that entity. Category B entities may experience an economic impact related to the cost of isolation of the animals that they import after they are imported. This cost could be alleviated by their commitment to achieve the standards of a Category A entity. Category B entities are a high risk for disease introduction and there is considerable cost associated with dealing with introduction of disease related to these entities. The cost is borne by the private sector in the form of veterinary care for diseased animals, and the public sector in the form of DEM employees (Division of Agriculture and Division of Law Enforcement) attempting to trace the importation of these animals.
2. These regulations will result in a negligible negative effect on small businesses. Few of the regulated entities consider themselves businesses.
3. There is no less burdensome means of achieving the goal of these regulations.

Regulatory Flexibility:

Per RIGL 42-35.1-4:

1. Less stringent compliance and reporting requirements for small businesses have been considered but would not be effective in achieving the goal of these regulations. Specifically, public education was considered. Though the value of public education regarding the importation of animals for the purposes of rescue, adoption, foster and remote sales cannot be dismissed, it is not going to result in an appreciable change in behavior for those individuals who wish to adopt a pet animal. There is considerable support for the activity of adoption of out-of-state animals, especially those animals that are perceived to be in peril. The Department recognizes that the public supports this activity while at the same time recognizes that one of the main roles of the Department is preservation of public health, animal health, and animal welfare. Therefore, the only way to support the public's desire and to maintain public health, animal health, and animal welfare is to provide a regulatory framework that will allow the activity in a manner that is as minimally restrictive as possible, but that will be effective in carrying out the Department's mandated role. The only practical means of controlling the importation of animals is to have clear and enforceable regulations.
2. All entities will be required to become in compliance upon the effective date of these regulations. Many of the entities that will be required to be registered have sought compliance under emergency regulations that are currently in effect.

3. There is no consolidation necessary. All registrations and reporting will be on documents that will be made available electronically by the Department.
4. There is no need to establish performance standards since these regulations will not result in modification of design standards, and potentially will have only minimal influence on operational standards of small businesses.
5. Very few small businesses will be affected by these regulations and those that are affected are the entities that represent the greatest risk. There is no need for exemption for small businesses from the regulations since the majority of the entities engaged in the importation of animals for rescue, adoption, foster, or remote sales are not actual businesses. Most are volunteer based humane groups. The cost of mitigation, response, and investigation of disease outbreaks will far outweigh any slight negative impact that these regulations will impose on the regulated entity.

Any questions regarding these proposed regulations should be directed to the RI State Veterinarian, Scott Marshall, DVM. Dr Marshall can be reached via telephone at (401) 222-2781 ext. 4503, or via email at scott.marshall@dem.ri.gov.

Ken Ayars
Chief, Division of Agriculture
RI Department of Environmental Management

*State of Rhode Island and Providence Plantations
Department of Administration
Budget Office*

Fiscal Note for Proposed Administrative Rules (R.I.G.L. 22-12-1.1)

Name of Administrative Rule: Rules and Regulations Governing the Importation of Animals

Date of Notice: September 24th, 2012 (expected)

Date of Hearing: October 31st, 2012

RIGL: These regulations are authorized pursuant to R.I. Gen. Laws § 42-17.1-2(19) and Chapter 4-18 as amended, and have been promulgated pursuant to the procedures set forth in the R.I. Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35.

FISCAL IMPACT

| <i>Revenues</i> | | <i>State Expenditures</i> | | <i>City/Town Expenditures</i> | |
|-----------------|------|---------------------------|------|-------------------------------|------|
| FY 2013 | \$ 0 | FY 2013 | \$ 0 | FY 2013 | \$ 0 |
| FY 2014 | \$ 0 | FY 2014 | \$ 0 | FY 2014 | \$ 0 |
| FY 2015 | \$ 0 | FY 2015 | \$ 0 | FY 2015 | \$ 0 |

Summary of Policy Change: These regulations are an amendment to and permanent replacement for current regulations that were promulgated on an emergency basis in April 2012, and as such, are scheduled to expire on November 21, 2012. These proposed regulations will provide oversight of the entities that import dogs and cats into the state for the purpose of rescue, adoption, foster care, brokering, and remote sales. The Department has determined that the importation of these dogs and cats for these purposes represents a significant public health, animal health, and animal welfare risk. These proposed regulations will provide minimum care standards and record keeping standards for the regulated entities so that the risk of disease introduction can be mitigated, and if disease is introduced, those diseased animals can be more easily traced and their owners notified. These proposed regulations also represent a review of the *Rules and Regulations Governing the Importation of Animals* that have been in force since 2008. Minor inconsistencies in language were corrected. These inconsistencies were an attempt to clarify the language, but did not materially change the effect of the rules.

Summary of Fiscal Impact: There will be negligible negative fiscal impact on the state level. There will be predictably a positive impact, if any, since there is considerable expenditure of resources of the Department of Environmental Management related to investigations of disease outbreaks related to unregulated importation of animals for rescue, adoption, fostering or remote sales.

City or Town Impact: There should be no impact on the municipal level since enforcement of these regulations is on the state level, and any revenue generated by enforcement actions in the form of fines are also on the state level.

Approved:

Rosemary Booth Gallogly
Executive Director/State Budget Officer

Date