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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 economically encouraging 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 handling of equine wastes, facility personnel and equipment, as well as the testing and treatment protocols for the animals in quarantine.

6.2 Statutory 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 Applicability

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 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 §§ 93.300-3001 of the Code of Federal Regulations, "Animals and Animal Products".

6.4 Definitions

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

- A. "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.

- B. "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.
- C. "Contagious equine metritis" or "CEM" means an infectious disease of the equine reproductive tract.
- D. "Equine/equid" means those animals belonging to the family *Equidae*, including but not limited to: horses, mules, donkeys.
- E. "Federal veterinarian" means a veterinarian employed by the United States Department of Agriculture Animal Plant Health Inspection Service (APHIS).
- F. "Person" or "Owner" means any person, firm, association, organization, partnership, business trust, corporation, or company.
- G. "Quarantine facility" means that facility which has been inspected and approved for the holding in isolation of equines by State and Federal veterinary personnel.
- H. "State veterinarian" means a veterinarian licensed in the State of Rhode Island and employed by the Department of Environmental Management.

6.5 Import Application Procedure

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 importation. Such import application shall contain the following information:

- A. The name, telephone number, and address of the person importing the animal.
- B. The country of origin of the shipment.
- C. The name and location of the USDA quarantine station where the animals were received into the United States.
- D. The name, breed, age, sex, markings, and any and all individual identification of the equine to be imported.
- E. The name, telephone number, and address, of the Accredited Veterinarian who is employed to perform the laboratory testing and animal treatments, as directed by the CFR.
- F. The anticipated date and time of arrival in Rhode Island of the animal undergoing quarantine.

- G. 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 these sections of the CFR.

6.6 Importation

- A. No equine 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 equines shall be allowed into Rhode Island whose importation application has not received prior approval from/by the State Veterinarian.
- C. No equine imported under these regulations is to be unloaded in Rhode Island unless a Federal or State Veterinarian is in attendance.
- D. Unless previously arranged with State/Federal Veterinary personnel, all importation and testing activities shall occur between the hours of 9:00 AM and 4:00 PM Monday through Friday.
- E. The cleaning and disinfection of the transport vehicle shall be completed before the vehicle is moved from the place where the equine is unloaded. Such cleaning and disinfection shall follow the procedures specified in Title 9 of the Code of Federal Regulations.

6.7 Laboratory Testing and CEM Treatment

- A. All specimen collection, handling, and submission, surgery, and treatments pertaining to the quarantine for CEM shall follow the protocols delineated in the CFR.
- B. 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.
- C. All laboratory testing shall be shipped to and conducted at diagnostic laboratories approved by Veterinary Services, USDA APHIS, as provided for in the CFR.
- D. All mares used to test stallions for CEM shall be permanently identified and handled and treated for testing in accordance with the CFR.
- E. All mares used to test stallions for CEM shall be held under quarantine until released in accordance with the CFR.
- F. If, in the opinion of the State Veterinarian, additional quarantine and testing of test mares is necessary, above and beyond that required by the CFR, such conditions shall be fulfilled before the equine shall be released from quarantine.

6.8 Quarantine Facilities

- A. No equines may be imported from CEM affected countries unless transported directly to a State approved quarantine facility, as per the CFR.
- B. No equines may be imported from CEM affected countries unless the quarantining facility has been inspected and received approval from the USDA APHIS Administrator or his/her designee, as well as the State Veterinarian.
- C. All quarantine facilities shall be separated from other buildings, fields, pastures, exercise areas where other equid are housed.
 - 1. All doors and gates shall be secured or padlocked, except for access.
 - 2. All paddocks, pastures, and other exercise areas shall be fenced off so as to prevent escape and contact with other equines.
 - 3. 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.
 - 4. Stalls shall be constructed so as to disallow any type of horse to horse contact within the quarantine facility.
- D. Following the release of any equine from quarantine, the facility shall be fully cleaned and disinfected with a bactericidal agent before any other equine is placed therein.
- E. All equipment used in the stalls or on the animals shall be used on only one animal and shall be fully disinfected with a bactericidal agent after that animal's release from quarantine.
- F. Access to the facility shall be granted only to persons working at the quarantine facility or to persons specifically granted 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.

6.9 Personnel

- A. The owner/agent shall train quarantine personnel to care for the animals in quarantine and s/he shall be responsible for their knowledge of and compliance with quarantine requirements.
- B. 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.

- C. 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.

6.10 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, speculum 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.

6.11 Fees and Costs

- 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; including payment for:
 - 1. Services provided during regular business hours (8:30 AM to 4:00 PM, Monday through Friday, except holidays), the average salary, per hour, for the State Veterinarian or USDA Administrator or their designee, as specified in the 9 C.F.R. §.
 - 2. 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. §.
 - 3. 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.
 - 4. The cost of related administrative support services.
- B. Reimbursement shall be completed before the equine shall be released from quarantine.

6.12 Quarantine Break

- A. Should a medical emergency 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 that the equine in question is under quarantine for CEM. The equine shall not be transported off premise to

any hospital for treatment unless the quarantine conditions can be maintained during transport and medical/surgical treatment.

- B. The State Veterinarian shall be notified immediately if any quarantined equine escapes from the quarantine facility.

6.13 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 therefrom or incident thereto shall be the responsibility of the importer/owner.

6.14 Violations - Penalties

Any person found guilty of violating any provision of R.I. Gen. Laws § 4-4.1-1 *et. seq.* or any regulation adopted hereunder shall be guilty of a misdemeanor and may be fined not more than one thousand (\$1,000.00) dollars for each violation.

6.15 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.

6.16 Superseded Rules and Regulations

On the effective date of these Rules and Regulations, all previous Rules and Regulations, and any policies regarding the administration and enforcement of R.I. Gen. Laws Chapter 4-4.1, known as the "Rules and Regulations Relating to the Importation of Equines from Contagious Equine Metritis Affected Countries," 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.