

TITLE 23 - DEPARTMENT OF AGRICULTURE, BUREAU OF ANIMAL
INDUSTRY

Chapter 11 - LIVESTOCK DEALER REGULATIONS

001 Statement of Purpose. These regulations are adopted to aid in carrying out the legislative intent and general purposes of the Nebraska Livestock Dealer Licensing Act (Neb. Rev. Stat. §54-1701, et. seq.) the "Act."

002 Definitions.

002.01 ACCOUNT OF SALE shall mean a receipt given to the consignor or seller of livestock.

002.02 VS FORM 1-27 is a permit authorizing the movement of diseased or exposed animals, which form shall be issued only by an approved veterinarian or authorized regulatory personnel.

002.03 ANIMAL shall mean any animal, including poultry, other than man but shall exclude fish and reptiles.

002.04 APPROVED EARTAG shall mean a metal identification tag approved by the U.S. Department of Agriculture or the State of Nebraska which shall be placed in the ear to identify officially tested animals.

002.05 APPROVED VETERINARIAN shall mean any accredited veterinarian approved, designated, or certified by the State Veterinarian or Director of Agriculture to perform all required inspections and duties under the disease control laws and regulations.

002.06 BUREAU shall mean the Bureau of Animal Industry of the Department of Agriculture.

002.07 BRUCELLOSIS EXPOSED ANIMALS shall mean animals that are part of a known infected herd or have been in

TITLE 23
Chapter 11

contact with a brucellosis reactor in marketing channels for periods of not less than twenty-four (24) hours, or periods of less than twenty-four (24) hours if the reactor has recently aborted, calved, or had a vaginal or uterine discharge.

002.08 QUALIFIED PSEUDORABIES NEGATIVE HERD shall mean a herd meeting the following criteria:

Qualified pseudorabies negative herd status is attained by subjecting all swine over 6 months of age to an official pseudorabies test and finding all swine so tested negative. If any of the swine so tested are positive, qualified pseudorabies negative herd status is attained by: (1) removing all official pseudorabies test positive swine and cleaning and disinfecting the herd premises; (2) retesting all swine over 6 months of age 30 days after removal of the official pseudorabies test positive swine and finding all swine so tested negative, and (3) retesting all swine over 6 months of age 60 days after removal of the official pseudorabies test positive swine and finding all swine so tested negative. The status of the herd is maintained by an official pseudorabies test of 25 percent of the swine over 6 months of age every 80-105 days and finding all swine so tested negative. All swine over 6 months of age in the herd shall be subjected to the official pseudorabies test each year. However, no swine over 6 months of age in the herd are to be tested twice in 1 year to comply with the 25 percent requirement. A minimum of 90 percent of the swine must have been on the premises and part of the herd for at least 90 days prior to the qualifying test or have entered directly from another qualified pseudorabies negative herd. All additions to the herd must test negative on two official pseudorabies tests not less than 30 days or more than 60 days apart before being added to the herd or be from another qualified pseudorabies negative herd.

002.09 PSEUDORABIES CONTROLLED VACCINATED HERD shall mean a herd meeting the following criteria:

A herd of swine in which all of the swine over 6 months of age are negative to an official pseudorabies test and are vaccinated for pseudorabies within 15 days after such test. The status of the herd is maintained by an official pseudorabies test of 25 percent of the offspring

TITLE 23
Chapter 11

between 16 and 20 weeks of age and finding all swine so tested negative. All additions to the herd must test negative to an official pseudorabies test, be vaccinated for pseudorabies within 15 days after such test, and be added to the herd not more than 30 days after such test.

Pseudorabies controlled vaccinated herds that become positive can be reclassified as a pseudorabies controlled vaccinated herd by (1) testing of all swine over 6 months of age; (2) removal of all swine which are positive to an official pseudorabies test; (3) cleaning and disinfecting the herd premises; (4) retesting all swine over 6 months of age 30 days after removal of the swine which are positive to an official pseudorabies test and finding all swine so tested negative; (5) retesting all swine over 6 months of age 60 days after removal of the swine which are positive to an official pseudorabies test and finding all swine so tested negative; and (6) vaccinating all swine over 6 months of age for pseudorabies within 15 days of the second negative test.

002.010 CHANGE OF OWNERSHIP TEST shall mean an official brucellosis test performed on all market test cattle.

002.11 HERD TEST for cattle shall mean an official brucellosis test of all eligible cattle in the herd. Eligible cattle shall include those over six (6) months of age except steers, spayed heifers, official vaccinates under eighteen (18) months of age.

002.012 EXPOSED ANIMALS shall mean those that have been in contact with any diseased animals. Such term shall also mean those animals that have been in contact with other exposed animals as defined in this subdivision. Brucellosis exposed animals are as defined in 23 NAC 11-002.07, above.

002.013 FORM A-237 is a health certificate or examination form of the Bureau, which form shall be issued only by an approved veterinarian, after establishing the health status and performing the required tests on the involved animals.

002.014 FORM NBAI-16 is a health certificate or examination form of the Bureau, which form shall be issued only by an approved veterinarian, after establishing the health status and performing the required tests on the involved animals.

TITLE 23
Chapter 11

002.015 FORM A-276A is the "Quarantine of Animals" form which prohibits or restricts the movement of animals.

002.016 FORM A-276B is a "Brucellosis Quarantine of Cattle" form which prohibits or restricts the movement of cattle affected with, exposed to, or suspected of having, brucellosis.

002.017 FORM A-277 is a "Quarantine of Premises, Vehicles, and Equipment" form which shall be issued to prohibit the use or occupation of such premises, vehicles, and equipment when provided by the animal disease control laws and the regulations thereunder.

002.018 FORM NB-52 is a form for reporting backtags applied.

002.019 FORM NSD-12 is a Shipper's Declaration form furnished by the Bureau which authorizes the release of livestock of unknown brucellosis status to immediate slaughter or to a licensed market for resale to immediate slaughter. The form shall be issued by market personnel and signed by the buyer or his agent. One copy of the form shall accompany the animals to slaughter or to the market.

002.020 FORM B-4 is a form for recording official brucellosis testing.

002.021 HERD shall mean a group of animals of like species maintained on common ground for any purpose, or two or more groups of animals under common ownership or supervision on separate premises which have an interchange of animals.

002.022 IMMEDIATE SLAUGHTER shall mean delivered to an officially inspected slaughter establishment or to a licensed market within seven (7) days of removal from farm of origin or following the date of sale through any market.

002.023 QUARANTINE FACILITY shall mean any enclosure sufficient to prevent animals so enclosed from coming into physical contact with any other animals.

002.024 MCI TAG shall mean an official backtag

TITLE 23
Chapter 11

prescribed by the U.S. Department of Agriculture for identifying livestock moving in commerce. After an animal has been tested for brucellosis, the MCI tag shall be painted yellow with spray paint or a paint stick in such a manner that the tag number is still readable.

002.025 MARKET shall include both Livestock Auction Market as defined in the Nebraska Auction Market Development Act and Livestock Market as defined in the Nebraska Livestock Market Act.

002.026 MARKET CATTLE TEST shall mean an official brucellosis test of market test cattle moving in trade through markets, through livestock dealer concentration points, at slaughtering establishments, or on the farm of origin within 30 days prior to sale or movement.

002.027 MARKET TEST CATTLE shall mean:

002.027A Females, unless spayed, and bulls over twenty-four months of age, and

002.027B Bred heifers over eighteen months of age unless they are official calfhood vaccinates and not parturient or post parturient.

002.028 OFFICIAL VACCINATE shall mean an animal conforming to the following provisions:

002.028A A calfhood vaccinated animal shall mean an animal between 2 and 4 months of age that has been vaccinated with a standard dosage of Brucella Strain 19 Vaccine, or an animal between 4 and 12 months of age that has been vaccinated with a diluted dosage of said vaccine in accordance with the procedure set out below:

002.028A1 Store unreconstituted vaccine at 4°C (38°F-40°F).

002.028A2 Non-pyrogenic sterile water may be used if regular diluent is not available.

002.028A3 Dilute the vaccine by the following manner:

002.028A3a Reconstitute a dose of standard

TITLE 23
Chapter 11

vaccine as recommended by manufacturer.

002.028A3b Mix the standard vaccine with the diluent according to the following table:

<u>Standard</u>				<u>Diluted</u>	
<u>Diluted</u>					
Vaccine		Diluent		Vaccine	
	Doses				
1.25 cc	+	23.75 cc	=	25 cc	or 12.5
2.50 cc	+	47.50 cc	=	50 cc	or 25
5.00 cc	+	95.00 cc	=	100 cc	or 50

002.028A3c Mix thoroughly and administer a 2 cc dose subcutaneously.

002.028A4 Reconstituted vaccine should be used within 1 hour. Surplus prepared vaccine should be inactivated by mixing disinfectant with vaccine or by autoclaving.

002.028B Calfhood vaccinated animals shall be permanently identified as vaccinates by tattoo and by official vaccination eartag, or by any other form of identification approved by the Bureau. Vaccination tattoos must be applied to the right ear. The tattoo will include the U.S. Registered Shield and V, which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year in which the vaccination was done. Official vaccination eartags shall be applied to the right ear. The eartag will include the State prefix and a V, followed by 2 letters and 4 numbers which will individually identify such vaccinated animal. Individual animal registration tattoos may be substituted for official eartags.

002.29 Class Free State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the

TITLE 23
Chapter 11

two classes.

002.30 Class A State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.31 Class B State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.32 Class C State shall mean a state so classified by the United States Department of Agriculture, Animal and Plant Health Inspection Service, based upon the incidence of brucellosis infection existing in said state. A state classified partially as one class and partially as a lower class shall, for the purposes of this rule, be deemed to be of the lower of the two classes.

002.33 Test-eligible cattle shall mean all cattle over 18 months of age (as evidenced by the loss of the middle pair of temporary incisor teeth) except steers, spayed heifers, official vaccinates of the dairy breeds under 20 months of age, and official vaccinates of the beef breeds under 24 months of age (as evidenced by the presence of the middle pair of permanent incisor teeth) which are not parturient (springers) or postparturient.

003 State Veterinarian's Office. The office of the State Veterinarian is located on the fourth floor of State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. The mailing address is P.O. Box 94787, Lincoln, Nebraska 68509-4787. The telephone number is (402) 471-2351.

004 Licensing. Persons wishing to make application for a livestock dealer license may do so on forms furnished by the State Veterinarian's office. Application for the annual renewal of an existing license may also be made on forms furnished by said office.

TITLE 23
Chapter 11

005 Agents. The identification of each agent for a licensed dealer shall be set out on the dealer's license application. The failure to disclose an agent's identification on the application shall be just cause for suspension of the license.

Persons identified as agents will be issued identification cards to be carried when the agent is engaged in business as a dealer's agent.

006 Bonding.

006.01 Dealers registered and bonded under the Packers and Stockyards Act shall annually file a statement with the office of the State Veterinarian verifying the maintenance of a valid and effective bond. The statement shall accompany the initial license application or annual renewal thereof, and shall be on a form furnished by the State Veterinarian's office.

006.02 Dealers not registered and bonded under the Packers and Stockyards Act shall annually furnish a fully executed duplicate of a valid and effective bond in an amount equal to that which would be required if the person were registered and bonded under said act. Said amount is determined based upon the volume of business done during the preceding fiscal year, but shall not be less than \$5,000.00. Said duplicate shall accompany the initial license application or the annual renewal thereof.

007 Recordkeeping.

007.01 Each livestock dealer shall keep complete records of all business transactions concerning livestock handled by him. Such records shall contain the following information:

007.01A The names and addresses of all persons who have purchased, sold, consigned, or taken consignment of livestock;

007.01B The dates of all purchases, sales and deliveries of livestock; and

007.01C A description of the livestock.

007.02 All records shall be kept for a period of at least two years.

TITLE 23
Chapter 11

008 Facilities. Livestock dealers utilizing concentration points in the course of their business shall specifically describe such facility on their license applications, and shall see that such facilities continually meet the following requirements:

008.01 Concentration points shall be maintained in a continual state of good repair;

008.02 All areas of the concentration point used for holding, sorting, testing or otherwise handling livestock shall be cleaned and disinfected under the supervision of the approved veterinarian, when necessary. Such activities shall be reported to the office of the State Veterinarian on forms provided by said office;

008.03 All concentration points shall be equipped with quarantine pens to be used for handling diseased livestock and livestock suspected of being diseased. After being used as a quarantine pen, such a pen shall be used for no other purpose until it has been cleaned and disinfected under the supervision of the certified veterinarian.

008.04 All concentration points shall be equipped with paved areas for assembling, sorting, testing or other handling of feeding and breeding swine, if such swine are handled by the market. Such areas are to be cleaned after each use for feeding or breeding swine; and

008.05 All concentration points shall be equipped with suitable and sufficient paved areas for restraining and confining livestock for regulatory purposes.

009 Inspection and Handling of Livestock.

009.01 Approved Veterinarian. The release of livestock from a concentration point shall be handled by the approved veterinarian who shall insure all such livestock conform to the requirements of the animal disease control laws and regulations of this state. The approved veterinarian shall inspect all such livestock prior to sale, and shall reject or detain at the owner's expense, all such livestock found or suspected by him to be diseased or exposed to disease. In addition, he shall:

009.01A Perform the collection of blood samples

TITLE 23
Chapter 11

from all market test animals;

009.01B Perform the official market test on all blood samples prior to the release of any animal;

009.01C Complete the application and recording of all eartag numbers, backtag numbers, and test results on the official test chart;

009.01D Promptly mail all blood samples and test charts to the State-Federal Brucellosis Laboratory;

009.01E Issue the following release forms and distribute copies as required thereon:

009.01E1 VS Form 1-27;

009.01E2 Form A-237;

009.01E3 Form A-276B; and

009.01E4 Form A-276A; and

009.01F Furnish the purchaser upon request with documentation of completed official tests.

009.02 Release of Cattle.

009.02A All market test cattle offered for sale, bartered, or sold through a market or dealer concentration point shall at the time received be identified by a backtag affixed a few inches from midline and just behind either shoulder, and shall be tested as provided below, except for the following situations:

009.02A1 Cattle consigned or sold directly from certified brucellosis free herds and accompanied by written proof of such herd status; Provided, such cattle may be yarded separately to maintain their identity and status; and Provided further, that the identity and status shall be maintained until release;

009.02A2 Cattle found to be negative by an official brucellosis test conducted within thirty (30) days prior to sale; Provided, that

TITLE 23
Chapter 11

such animals shall have been individually identified by approved eartag or tattoo and accompanied by an official test record or health certificate showing the identification and test results of each animal, or shall have been identified by an approved eartag and backtag within thirty (30) days prior to sale; and provided further that the identity and negative status of such animals shall be maintained until release; and

009.02B All untested market test cattle, except as excluded above, shall move from the dealer concentration point to immediate slaughter. Backtagged market test cattle sold for shipment to immediate slaughter shall be released on a Shipper's Declaration (Form NSD-12).

009.02C Backtagged market test cattle sold for other than immediate slaughter shall be tested negative for brucellosis by the approved veterinarian prior to release.

009.02D Official Market Testing release requirements are as follows:

009.02D1a Animals tested at the concentration point at private expense prior to sale;

009.02D1b All tests prior to sale shall be made in the name of the seller or consignor. Each tested animal shall be identified by official eartag and backtag. Negative animals from tested consignments wherein reactors are disclosed shall be either sent to immediate slaughter with VS Form 1-27 or returned to the farm of origin with quarantine for official program testing. If reactors are disclosed in consignments from other states, the entire consignment shall be sold for immediate slaughter provided, the negative animals may be returned to state of origin with permission 9, Code of Federal Regulations, Part 78.

009.02D2a Tests conducted after sale at private expense on backtagged cattle not sold for immediate slaughter:

TITLE 23
Chapter 11

009.02D2b The lot of each purchaser shall be tested in his name, and tested animals shall be individually identified by official eartag and backtag. Reactors shall be tagged, branded, and shipped to immediate slaughter. Exposed animals tested negative from the lot of a seller where any reactor has been disclosed by test shall be sent to immediate slaughter with VS Form 1-27, and be either "S" branded or moved in sealed trucks.

009.02E Reactors, suspects or exposed animals consigned for sale shall move in commerce accompanied by a VS Form 1-27. Such animals shall be released only for immediate slaughter.

009.02F All market test cattle from Class Band C states shall be brucellosis tested prior to sale. A negative test within the previous thirty (30) days is acceptable if the test information is on the health certificate or test chart accompanying the animals. Cattle released to a farm or ranch shall be quarantined by the market veterinarian to the farm or ranch. The quarantine shall be released following a negative test conducted within 45 to 120 days following issuance of the quarantine. Cattle released to a dealer or another market shall be accompanied by a health certificate. The health certificate shall state that the cattle will be quarantined for a retest upon being resold by the market or dealer. Cattle released to slaughter shall be released on a NSD-12 (Shippers Declaration).

009.03 Release of Swine.

009.03A Feeding and breeding swine may move through a dealer concentration point, subject to the following requirements:

009.03A1 Such swine, originating in Nebraska, shall have been confined on the premises of origin for not less than thirty (30) continuous days preceding the movement through the concentration point.

009.03A2 Swine infected with, exposed to, or

TITLE 23
Chapter 11

suspected of having been exposed to any dangerous, infectious, contagious, communicable or otherwise transmissible disease shall be returned to the premises of the owner or moved to immediate slaughter. Swine affected with atrophic rhinitis or chronic arthritis and all swine originating in the same consignment, shall be identified by a yellow water resistant marking over or along the back.

009.03A3 Swine released from a concentration point shall be confined on the premises of the purchaser for thirty (30) days separate from all other swine, except when moved directly out of Nebraska pursuant to the import requirements of the state of destination.

009.03B Slaughter swine, except garbage-fed swine, may move through a concentration point, subject to the following requirements:

009.03B1 Native swine shall be moved directly to slaughter establishment, market, or dealer concentration point providing for state or federal inspection.

009.03B2 Swine originating in other states shall follow the import laws and regulations of this state.

009.03C Garbage-fed slaughter swine shall move to immediate slaughter.

009.04 Requirements for Release of Sheep.

009.04A Scabies. Sheep may move from a market or dealer concentration point, Provided:

009.04A1 They are consigned for immediate slaughter; or

009.04A2 They originate from a scabies free area, show no evidence of scabies, and have not been exposed thereto; or

009.04A3 They are from a non-quarantined flock or band in a federally designated scabies

TITLE 23
Chapter 11

infected or eradication area, and treated within ten (10) days of movement with an approved pesticide under supervision of an approved veterinarian.

009.04B Ram Epididymitis. Breeding bucks shall be individually examined prior to sale, and shall be free of gross lesions of ram epididymitis.

009.04C Contagious Ecthyma (Sore Mouth). All sheep affected with, or exposed to, contagious ecthyma shall be immediately removed from the concentration point and returned under quarantine to the premises of the seller or consignor.

010 Official Testing - Cattle Brucellosis

010.01 Except as provided in 23 NAC 11-010.01A and B, below, all market test cattle are sold or bartered through a dealer concentration point shall be brucellosis tested in the manner prescribed below. The exceptions are as follows:

010.01A Cattle sold to immediate slaughter need not be tested and;

010.01B Cattle purchased by the dealer from farms, ranches and feedlots may be purchased without a negative test if they are properly identified as prescribed in these regulations, and if, within seven (7) days, they are either given an official brucellosis test, or delivered to a market, or sold to immediate slaughter.

010.02 The official brucellosis testing procedure shall be the standard plate test.

Results of the standard plate test shall be confirmed in the State-Federal Laboratory by the same testing procedure. Standard plate test classifications are as follows:

<u>Official Vaccinates</u>				<u>All Others</u>			
1:50	1:100	1:200		1:50	1:100	1:200	
-	-	-	NEGATIVE	-	-	-	NEGATIVE
1	-	-	NEGATIVE	1	-	-	SUSPECT
+	-	-	NEGATIVE	+	-	-	SUSPECT
+	1	-	SUSPECT	+	1	-	SUSPECT

TITLE 23
Chapter 11

+	+	-	SUSPECT	+	+	-	REACTOR
+	+	1	SUSPECT	+	+	1	REACTOR
+	+	+	REACTOR	+	+	+	REACTOR

011 Swine Brucellosis.

011.01 Identification.

011.01A All slaughter sows and boars received at first point of sale by livestock dealers shall be uniformly identified by the farm of origin, sufficient to distinguish such swine from other swine. The identification shall be recorded on a waybill. Such swine shall then be identified, by the dealer, to the farm of origin by tattoo or other methods acceptable to the State Veterinarian. The identification by the dealer shall be specified on the account of sale.

011.01B Swine reacting to the brucellosis test shall be permanently identified by an official reactor eartag placed in the left ear within fifteen (15) days following the disclosure of infection.

011.02 Identification Reports. All dealers responsible for identifying swine in accordance with the provisions of Neb. Rev. Stat. §54-1358 shall maintain adequate records of such identification, as prescribed in the recordkeeping provisions of these regulations.

011.03 Official Testing.

011.03A The official tests for swine brucellosis shall be as follows:

011.03A1 Card Test;

011.03A2 Rapid screening test;

011.03A3 Rivanol test; and

011.03A4 Any other testing procedure recognized for use in the diagnosis of swine brucellosis by USDA.

011.03B Testing shall be performed by the approved veterinarian, whenever required or authorized by the

TITLE 23
Chapter 11

Nebraska Swine Brucellosis Act or the regulations
adopted thereunder.

012 General. As set out in Neb. Rev. Stat. §54-1705, a
dealer's license may be suspended or revoked for violation of
any of the animal disease control laws or regulations of the
State of Nebraska.

013 Annotation. Neb. Rev. Stat. §§54-1701 to 54-1711, and
§§54-701 to 54-705.

TITLE 23
Chapter 11