

1 **Explanation For Proposed Rule(s):** The General Assembly by way of Session Law 2015-263 moved  
2 regulatory and rulemaking authority over farmed cervids from the Wildlife Resources Commission to the  
3 Department of Agriculture and Consumer Services. The Department, under G.S. 106-549.97, has the  
4 duty to regulate the production, sale, possession, and transportation, including importation and  
5 exportation, of farmed cervids. One key goal is to limit the possibility of the spread of Chronic Wasting  
6 Disease to North Carolina’s farmed cervid industry. 02 NCAC 52L .0101-.0402 creates the necessary  
7 framework and enforcement mechanism for the Department to be able to carry out this mission. These  
8 rules also follow the USDA Standards and 9 C.F.R. Part 55 and 9 C.F.R. Part 81. Amendments to 02 NCAC  
9 52B .0213 are also necessary for implementing an effective farmed cervid regulatory program. The  
10 Department is recommending the repeal of 02 NCAC 52C .0701 because the tuberculosis provisions are  
11 no longer necessary as North Carolina is currently a tuberculosis free state. Moreover, provisions  
12 governing testing and record requirements are covered under proposed rules 02 NCAC 52L .0101-.0402.

13 **Written Comments may be submitted to Tien Cheng, Attorney, 1001 Mail Service Center, Raleigh, NC**  
14 **27699-1001, or email at [tien.cheng@ncagr.gov](mailto:tien.cheng@ncagr.gov).**

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16 02 NCAC 52L .0101 is proposed for adoption as follows:

17  
18 **SUBCHAPTER 52L – FARMED CERVIDS**

19  
20 **SECTION .0100 –FARMED CERVID LICENSE AND PERMIT**

21  
22 **02 NCAC 52L .0101 INCORPORATION BY REFERENCE**

23 (a) For the purpose of the rules in this Subchapter, the following rules and standards are hereby incorporated by  
24 reference including any subsequent amendments and editions:

25 (1) 9 C.F.R. Part 55;

26 (2) 9 C.F.R. Part 81;

27 (3) 9 C.F.R. Part 86; and

28 (4) The United States Department of Agriculture’s Chronic Wasting Disease Program Standards (May  
29 2014).

30 (b) The rules and standards incorporated by reference in Paragraph (a) of this Rule are available free of cost at  
31 <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR> and  
32 [https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-](https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/sa_alternate_livestock/sa_cervid_health/sa_cwd/ct_cervid_health_program)  
33 [information/sa\\_alternate\\_livestock/sa\\_cervid\\_health/sa\\_cwd/ct\\_cervid\\_health\\_program](https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/sa_alternate_livestock/sa_cervid_health/sa_cwd/ct_cervid_health_program).

34  
35 Authority G.S. 106-317; 106-400; 106-549.97(a2).

1 02 NCAC 52L .0102 is proposed for adoption as follows:

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3 **02 NCAC 52L .0102 DEFINITIONS**

4 (a) The definitions of the incorporated rules and standards under 02 NCAC 52L .0101 apply to such terms when used  
5 in this Subchapter, to the extent that they do not conflict with G.S. 106-549.97(a)(1) or Paragraph (b) of this Rule.

6 (b) The following definitions apply to this Subchapter:

7 (1) “APHIS” means the United States Department of Agriculture Animal and Plant Health Inspection  
8 Service.

9 (2) “Carcass” means the head, the whole animal, or tissue sample extracted in accordance with the  
10 USDA Standards, 9 C.F.R. § 55.23(b)(3), and 9 C.F.R. § 55.8.

11 (3) “Certified Herd” means any herd that has reached Certified status under an Approved State Chronic  
12 Wasting Disease Herd Certification Program as determined by the USDA in accordance with 9  
13 C.F.R. § 55.23(a) and 9 C.F.R. § 55.24(a).

14 (4) “CWD Testing” means official Chronic Wasting Disease (“CWD”) testing in accordance with the  
15 USDA Standards, (6.2) Official CWD Test, and 9 C.F.R. § 55.8.

16 (5) “Diagnostic Laboratory” means the North Carolina Department of Agriculture & Consumer  
17 Services Veterinary Diagnostic Laboratory System.

18 (6) “Facility” means a facility for farmed cervids.

19 (7) “Fawns” or “Calves” means cervids under one year of age.

20 (8) “Herd Certification Program” means the North Carolina Farmed Cervid Herd Certification Program.

21 (9) “ICVI” means interstate certificate of veterinary inspection.

22 (10) “Licensed Facility” means any facility issued a farmed cervid license.

23 (11) “Licensee” means a person issued a farmed cervid license in accordance with the Rules of this  
24 Subchapter and include designees made by the licensee.

25 (12) “Monitored Herd” means any herd that has reached Certified status under the North Carolina  
26 Monitored Herd Certification Program for CWD non-susceptible species in accordance with 02  
27 NCAC 52L .0402.

28 (13) “Officially Identified” means the proper attachment of a tamper-resistant ear tag approved for use  
29 by the Veterinary Division, on a farmed cervid.

30 (14) “State” means the State of North Carolina.

31 (15) “Veterinary Division” means the Veterinary Division of the North Carolina Department of  
32 Agriculture and Consumer Services.

33  
34 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0103 is proposed for adoption as follows:

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3 **02 NCAC 52L .0103 FARMED CERVID LICENSE OR TEMPORARY EXHIBIT PERMIT**

4

**REQUIRED**

5 No person shall possess, exhibit, buy or sell, or partake in the production of any farmed cervid within the State unless  
6 that person first obtains a farmed cervid license or a temporary exhibit permit from the Veterinary Division in  
7 accordance with the Rules in this Subchapter.

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9 Authority 106-549.97(a2).

1 02 NCAC 52L .0104 is proposed for adoption as follows:

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3 **02 NCAC 52L .0104 FARMED CERVID LICENSE**

4 (a) Farmed Cervid License.

5 (1) Persons interested in obtaining a farmed cervid license shall apply with the Veterinary Division.

6 (2) Both licensees and persons interested in obtaining a farmed cervid license shall comply with 02  
7 NCAC 52L .0401(c)(1) and 02 NCAC 52L .0402(d)(1) by enrolling herds in either the Herd  
8 Certification Program or the Monitored Herd Certification Program, or both.

9 (b) Terms of License and Inventory Report.

10 (1) A farmed cervid license is valid from July 1 through June 30 for the year in which it was issued,  
11 unless a new license is approved after July 1, then any license approved shall take effect the date of  
12 issue.

13 (2) Licensees may apply for renewal each year during the renewal period of January 1 through March  
14 31.

15 (3) Licensees shall submit an inventory report in writing with their license renewal. The inventory report  
16 shall include the:

17 (A) licensee's name, mailing address, telephone number, and email address;

18 (B) licensed facility name, address, and national premises identification number;

19 (C) farmed cervid license number;

20 (D) species, sex, and birth year of each farmed cervid;

21 (E) animal identification numbers for each farmed cervid;

22 (F) date of disposition or death of any farmed cervid.

23 (4) The inventory report shall be accompanied by a statement from the licensee verifying the  
24 information provided is accurate.

25 (c) Renewal of Farmed Cervid License.

26 (1) Existing farmed cervid licenses at existing facilities shall be renewed as long as the applicant for  
27 renewal continues to meet the licensing requirements of this Subchapter.

28 (2) A person whose license has lapsed shall not be eligible for renewal, but may apply for a new license.

29  
30 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0105 is proposed for adoption as follows:

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3 **02 NCAC 52L .0105 DENIAL OF FARMED CERVID LICENSE**

4 (a) Circumstances or purposes for which a farmed cervid license shall not be issued or renewed include the following:

5 (1) failing to submit a complete application or renewal;

6 (2) submitting a falsified application or renewal;

7 (3) for the purpose of holding non-farmed cervids or farmed cervids that were transported without a  
8 valid transportation permit;

9 (4) for the purpose of rehabilitating non-farmed cervids;

10 (5) for the purpose of comingling farmed and non-farmed cervids;

11 (6) keeping any farmed cervid not for agricultural or commercial purposes, such as buying, selling, and  
12 production of farmed cervids, or for scientific, exhibition, and educational purposes;

13 (7) to an individual under the age of 18 years of age;

14 (8) failing to submit the proper application to have herds enrolled in either or both the Herd Certification  
15 Program or the Monitored Herd Certification Program; or

16 (9) the applicant has violated State or Federal laws or regulations for livestock, and that the nature of  
17 the violation indicates that the applicant may not comply with the requirements of the farmed cervid  
18 license.

19 (b) Any person whose farmed cervid license or permit has been revoked or suspended shall not be licensed within the  
20 period during which the order of revocation or suspension remains in effect.

21 (c) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has  
22 been revoked or suspended and who was responsible for, participated in, or worked for that person during the violation  
23 upon which the order of revocation or suspension was based, shall not be licensed for that facility within the period  
24 during which the order of revocation or suspension remains in effect.

25 (d) No farmed cervid license shall be issued until the applicant has constructed or acquired a facility for keeping  
26 farmed cervids that complies with 02 NCAC 52L .0201 and has been verified by the Veterinary Division upon  
27 inspection.

28  
29 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0106 is proposed for adoption as follows:

2  
3 **02 NCAC 52L .0106 TEMPORARY EXHIBIT PERMIT**

4 (a) Temporary exhibit permits shall not be issued for the buying, selling, or production of farmed cervids.

5 (b) A temporary exhibit permit shall only be issued for Reindeer or Caribou.

6 (c) Persons interested in obtaining a temporary exhibit permit shall apply with the Veterinary Division.

7 (d) Temporary exhibit permits are only valid for the dates and locations specified. Interested persons shall apply to  
8 the Veterinary Division:

9 (1) five business days prior to the date of exhibit if the exhibitor previously submitted a detailed exhibit  
10 facility plan, with pictures, that have been pre-approved by the Veterinary Division; or

11 (2) 60 days prior to the date of exhibit.

12 (e) The Veterinary Division shall only issue temporary exhibit permits when the temporary exhibit area is inspected  
13 by the Veterinary Division and meets the following criteria:

14 (1) all farmed cervids to be exhibited are from a certified herd and officially identified in accordance  
15 with 02 NCAC 52L .0112 and 9 C.F.R. 55.25;

16 (2) the temporary exhibit facility meets 02 NCAC 52L .0201(a)(4)-(7) regarding fencing to prevent  
17 farmed cervid escapes; except for farmed cervids exhibited during parades, which shall be secured  
18 so that no farmed cervids may escape; and

19 (3) the temporary exhibit complies with Aedin's Law, N.C. Gen. Stat. § 106-520.3A, and rules  
20 promulgated thereunder when those laws and rules apply.

21 (f) All permit holders shall report any cervid escape, entry, or death within 24 hours of discovery to the Veterinary  
22 Division in accordance with 02 NCAC 52L .0110.

23 (g) Circumstances or purposes for which a temporary exhibit permit shall not be issued include:

24 (1) failing to submit a complete application;

25 (2) submitting a falsified application;

26 (3) for the purpose of holding non-farmed cervids or farmed cervids that have been transported without  
27 a transportation permit;

28 (4) for the purpose of rehabilitating non-farmed cervids;

29 (5) for the purpose of comingling farmed and non-farmed cervids; and

30 (6) to an individual under the age of 18 years of age.

31 (h) Any person whose farmed cervid license or temporary exhibit permit has been revoked or suspended, shall not be  
32 issued a temporary exhibit permit within the period during which the order of revocation or suspension remains in  
33 effect.

34 (i) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has  
35 been revoked or suspended and who is responsible for, participated in, or worked for that person during the violation  
36 upon which the order of revocation or suspension was based, shall not be issued a permit for that exhibit within the  
37 period during which the order of revocation or suspension remains in effect.

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2 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0107 is proposed for adoption as follows:

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3 **02 NCAC 52L .0107 TRANSFER OF FARMED CERVID LICENSE OR TEMPORARY EXHIBIT**

4

**PERMIT**

5 (a) No farmed cervid license, permit, or animal identification issued or assigned by the Veterinary Division is  
6 transferable, except as provided by in this Rule.

7 (b) If a farmed cervid licensee or temporary exhibit permit holder becomes incapacitated, mentally incompetent, dies,  
8 or if the business is sold or otherwise acquired, a person who is at least 18 years of age and has obtained lawful  
9 possession of any farmed cervid and the licensed facility from the previous licensee, or that licensee's estate, may  
10 request the Veterinary Division in writing, prior to the transfer, that the existing farmed cervid license, permit, and  
11 animal identification be transferred to the new owner.

12 (c) Any license, permit, or animal identification transferred under this provision shall be subject to the same terms  
13 and conditions imposed on the original licensee.

14 (d) Any actions pending from complaint, investigation, or other cause may be continued notwithstanding any transfer  
15 under this Rule.

16 (e) No farmed cervid license, permit, or animal identification shall be transferred to a person who had a farmed cervid  
17 license or permit revoked or suspended by the Veterinary Division within the period during which the order of  
18 revocation or suspension remains in effect.

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20 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0108 is proposed for adoption as follows:

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3 **02 NCAC 52L .0108 VOLUNTARY SURRENDER OF FARMED CERVID LICENSE OR**

4 **TEMPORARY EXHIBIT PERMIT**

5 Farm cervid licensees or temporary exhibit permit holders may voluntarily surrender any license or permit issued  
6 under this Subchapter by notifying the Veterinary Division in writing.

7

8 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0109 is proposed for adoption as follows:

2  
3 **02 NCAC 52L .0109 RECORDS AND INSPECTION**

4 (a) Maintenance of Records.

5 (1) Each licensee shall maintain herd records for all farmed cervids, regardless of whether tagged with  
6 animal identification or not, as required by the USDA Standards and 9 C.F.R. § 55.23(b), and also  
7 maintain a copy of any CWD Diagnostic Laboratory submission form.

8 (2) All records required by this Subchapter and any ICVI as defined and required by 9 C.F.R. Part 86  
9 shall be maintained by the licensee for a period of five years.

10 (b) Inspection of Records. The licensee shall make all records required under this Subchapter available for inspection  
11 and copying by the Veterinary Division.

12 (c) Inspection and Inventory of Licensed Facility and Exhibit. The licensee shall make all enclosures, exhibits, and  
13 any farmed cervid available for inspection by the Veterinary Division under conditions where all identification on the  
14 animals may be safely read. The licensee shall be responsible for all costs incurred to present the animals for inspection  
15 and agree that any liability or injury to the animals during handling rests with the licensee.

16 (d) Fence Monitoring Requirement. The fence surrounding the enclosure shall be monitored weekly for structural  
17 soundness and stability by the licensee to prevent ingress and egress of any cervid.

18 (e) Maintenance.

19 (1) Any opening or passage resulting from damage or deterioration to the perimeter fence shall be sealed  
20 by the licensee within 24 hours upon detection or the animals secured until the fence is repaired to  
21 prevent any farmed cervid escape.

22 (2) Any damage to the enclosure fence that threatens its stability shall be repaired by the licensee within  
23 seven calendar days of detection, or within 24 hours if there is an imminent threat of farmed cervid  
24 escape.

25  
26 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0110 is proposed for adoption as follows:

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3 **02 NCAC 52L .0110 ESCAPE, DISAPPEARANCE, OR BREACH OF FACILITY**

4 (a) When a licensee discovers the escape or disappearance of any farmed cervid, the licensee shall report the escape  
5 or disappearance within 24 hours by contacting the Veterinary Division by telephone or email. The telephone number  
6 and email address is available at <http://www.ncagr.gov/vet/FarmedCervid/>.

7 (1) The report shall include the identification numbers of the animals involved and the estimated time  
8 and date of escape or disappearance, and if deceased, the estimated time and date of death.

9 (2) A recaptured live farmed cervid shall be held in quarantine by itself or with other escapees by the  
10 licensee until the Veterinary Division determines the disposition of the farmed cervid. Failure to  
11 quarantine the escaped farmed cervid to prevent commingling with the herd shall result in the  
12 quarantine of the entire herd.

13 (3) The licensee shall be responsible for all costs associated with CWD testing and disposal of any  
14 escaped animal.

15 (4) If live recapture is not possible, the licensee shall harvest the escaped cervid and submit the deceased  
16 cervid to the Diagnostic Laboratory for CWD testing.

17 (b) When a licensee discovers the entry of any non-farmed cervid into the licensed facility, the licensee shall report  
18 the entry within 24 hours by contacting the Veterinary Division by telephone or email, available at  
19 <http://www.ncagr.gov/vet/FarmedCervid/>, for further action or disposition of the non-farmed cervid.

20

21 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0111 is proposed for adoption as follows:

2  
3 **02 NCAC 52L .0111 REPORTING CWD SYMPTOMS AND FARMED CERVID DEATH**

4 (a) Each licensee shall notify the Veterinary Division by telephone upon discovery if any farmed cervid exhibits  
5 clinical symptoms of CWD, including loss of body condition, behavioral changes, excessive salivation, increased  
6 drinking and urination, depression, and eventual death. The Veterinary Division's telephone number is available at  
7 <http://www.ncagr.gov/vet/FarmedCervid/>.

8 (b) Farmed cervids that exhibit clinical symptoms of CWD shall not be transported unless directed by the Veterinary  
9 Division.

10 (c) Licensees shall report to the Veterinary Division using a form provided by the Veterinary Division within 24 hours  
11 upon knowledge of the death of any farmed cervid, including any slaughtered farmed cervid, whether sent to a  
12 slaughterhouse or slaughtered at the farm cervid facility for personal use. The report shall include the following  
13 information:

14 (1) licensee's name, mailing address, telephone number, and email address;

15 (2) licensed facility name, address, and national premises identification number;

16 (3) farmed cervid license number;

17 (4) year of date of death;

18 (5) species and sex of each farmed cervid;

19 (6) animal identification for each farmed cervid;

20 (7) name and location of the Diagnostic Laboratory where the carcass of the farmed cervid is to be  
21 submitted for CWD testing; and

22 (8) a statement from the licensee verifying the information provided is accurate.

23 (d) The carcass of any farmed cervid that was 12 months of age or older that died of any cause shall be submitted by  
24 the licensee to the Diagnostic Laboratory for CWD testing unless instructed otherwise by the Veterinary Division due  
25 to the condition of the carcass.

26 (e) Regardless of age, after death, the carcass of farmed cervids that exhibited clinical symptoms of CWD shall be  
27 submitted to the Diagnostic Laboratory for CWD testing unless instructed otherwise by the Veterinary Division due  
28 to the condition of the carcass.

29 (f) In cases where animals escape or disappear and are not available for tissue sampling and testing, or when the  
30 samples are of such poor quality, as determined in accordance with the USDA Standards, including (5.6) Sample  
31 Collection: Owner Responsibility, (5.7) Sample Collection and Submission Procedures, (5.9) Quality Control, (5.10)  
32 Consequences of Poor Quality and Missing Samples, (6.4) Test Results, and (6.5) Autolyzed Samples, that they cannot  
33 be tested for CWD, the Veterinary Division may investigate whether the unavailability of animals or usable samples  
34 for testing constitutes a failure to comply with program requirements and may affect the herd's status in the Herd  
35 Certification Program and the Monitored Herd Certification Program.

36 (g) The Veterinary Division may require CWD testing or quarantine, or both, at any facility should the following  
37 circumstances or conditions occur:

- 1           (1) any herd or animal that has tested positive for CWD within the facility;
- 2           (2) a facility that has received farmed cervid from a facility that tested positive for CWD within five
- 3           years;
- 4           (3) a facility that may have been exposed to any CWD positive or suspect farmed cervid; or
- 5           (4) a facility that has transferred any farmed cervid that later tests positive for CWD within five years
- 6           of transfer.

7

8 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0112 is proposed for adoption as follows:

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3 **02 NCAC 52L .0112 ANIMAL IDENTIFICATION**

4 **(a) Animal Identification Required.**

5 (1) Licensees shall identify all farmed cervids with two forms of animal identification in accordance  
6 with the USDA Standards and 9 C.F.R. § 55.25.

7 (2) Licensees shall use USDA official tamper-resistant ear tags, approved for use by the Veterinary  
8 Division, to satisfy Subparagraph (a)(1) of this Rule.

9 (3) Farmed cervids born within a licensed facility shall be officially identified on or before 12 months  
10 of age. Fawns and calves shall be deemed a year old for purposes of the Rules in this Subchapter  
11 and shall be officially identified by the first coming July 1 following their birth unless the farmed  
12 cervid licensee can prove the age of the fawn or calf by way of record keeping the exact month and  
13 year a fawn or calf was born.

14 (4) All farmed cervids, regardless of age, shall be officially identified before being transported.

15 (5) All farmed cervids shall be identified and included in the inventory report and records as required  
16 by 02 NCAC 52L .0104(b) and 02 NCAC 52L .0109(a).

17 **(b) Application for Animal Identification Tags.**

18 (1) Applicants may request animal identification tags from the Veterinary Division using a form  
19 provided by the Veterinary Division by providing following information:

20 (A) applicant's name, mailing address, telephone number, and email address;

21 (B) licensed facility name, address, and national premises identification number; and

22 (C) farmed cervid license number.

23 (2) The application shall be accompanied by a statement from the licensee verifying that the information  
24 provided is accurate.

25 (3) The Veterinary Division may provide animal identification tags upon receipt of the completed  
26 application.

27 **(c) Replacement of Animal Identification Tags.**

28 (1) Lost Tags. The loss of a tag shall be reported to the Veterinary Division by the licensee.

29 (2) Unusable Tags. Tags that cannot be affixed to the ear of a farmed cervid or unreadable because of  
30 malformation or damage to the tags shall be reported to the Veterinary Division by the licensee.

31 (3) Licensees may request replacement tags using the same form as provided pursuant to Paragraph (b)  
32 of this Rule and shall include the information required by Paragraph (b) of this Rule. The  
33 Department may provide replacement tags upon receipt of the application.

34 (4) Licensees shall update their records to reflect any replacement of tags and notify the Veterinary  
35 Division of the update when submitting records during the license renewal period.

36  
37 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0113 is proposed for adoption as follows:

2  
3 **02 NCAC 52L .0113 TRANSPORTATION PERMIT**

4 (a) No person shall transport any farmed cervid within the State unless that person first obtains a transportation permit  
5 from the Veterinary Division.

6 (b) A transportation permit shall only be issued by the Veterinary Division to an applicant to transport farmed cervids:

7 (1) from a Certified Herd;

8 (2) from a herd enrolled in the Monitored Herd Certification Program;

9 (3) to and from a veterinary medical facility for medical diagnosis or treatment;

10 (4) to a slaughterhouse for slaughter;

11 (5) for export out of North Carolina, subject to 9 C.F.R. § 81.3; and

12 (6) for import into North Carolina, subject to 02 NCAC 52B .0213.

13 (c) All transportation permit applications shall be submitted to the Veterinary Division using a form provided by the  
14 Veterinary Division except for transportation for emergency veterinary treatment purposes in accordance with  
15 Paragraph (g) of this Rule, and shall include the following information:

16 (1) applicant's name, mailing address, telephone number, and email address;

17 (2) licensed facility or out-of-state facility name, address, and national premises identification number;

18 (3) farmed cervid license number or out-of-state CWD Herd Certification Program identification  
19 number;

20 (4) species and sex of each farmed cervid;

21 (5) animal identification for each farmed cervid;

22 (6) destination name, address, telephone number, and email address; and

23 (7) reason for the movement.

24 (d) Transportation permit applications shall include the following information when applicable:

25 (1) any farmed cervid to be moved for slaughter, the name and location of the Diagnostic Laboratory  
26 where the carcass of the farmed cervid is to be submitted for CWD testing;

27 (2) transporting farmed cervids to an exhibit, the exhibit permit number;

28 (3) importing farmed cervid into the State, a copy of the ICVI as defined and required by 9 C.F.R. Part  
29 86; and

30 (4) importing into the State any CWD susceptible farmed cervid, as identified by the Veterinary  
31 Division or the USDA, a copy of the negative ante mortem CWD test result using a method approved  
32 by the USDA.

33 (e) The transportation permit application shall be accompanied by a statement from the applicant verifying that the  
34 information provided is accurate.

35 (f) No CWD susceptible farmed cervids shall be exported out of State unless the animals have reached Certified  
36 status.

- 1 (g) Emergency Veterinary Treatment. An applicant seeking to transport any farmed cervid for veterinary treatment  
2 shall first contact the Veterinary Division by telephone or email to seek authorization. The telephone number and  
3 email address is available at <http://www.ncagr.gov/vet/FarmedCervid/>. The applicant shall provide to the Veterinary  
4 Division, at the time of the request, information listed under Paragraph (c) of this Rule.
- 5 (h) No approval shall be issued for transportation of a farmed cervid to a veterinary medical facility out-of-state.
- 6 (i) Any verbal authorization from the Veterinary Division shall only allow transportation of the farmed cervid to the  
7 specified veterinary medical facility and directly back to the licensed facility, and shall not be construed to permit  
8 intervening destinations.
- 9 (j) Transportation permits shall be valid for 30 calendar days unless otherwise stated.
- 10 (k) Licensees shall notify the Veterinary Division in writing, including the identification numbers of any farmed  
11 cervid not transported in accordance with the transportation permit, within seven calendar days after the expiration of  
12 the permit.
- 13 (l) Any person transporting any farmed cervid shall present the transportation permit to any law enforcement officer  
14 or any representative of the Department upon request, except that a person transporting a farmed cervid by verbal  
15 authorization for emergency veterinary treatment shall provide the Veterinary Division's telephone number that the  
16 person contacted.

17

18 Authority G.S. 106-307.5; 106-549.97(a2).

1 02 NCAC 52L .0201 is proposed for adoption as follows:

2  
3 **SECTION .0200 – ENCLOSURE REQUIREMENTS**

4  
5 **02 NCAC 52L .0201 ENCLOSURE REQUIREMENTS**

6 (a) The enclosure size for any farmed cervid, including any fawn or calf, shall be at least half acre.

7 (b) Pen density requirements shall be as follows:

8 (1) Three or less animals, excluding fawns or calves, for the first half acre;

9 (2) each additional animal, excluding fawns or calves, requires an additional one fourth acre until the  
10 enclosure reaches two acres; and

11 (3) a facility larger than two acres may have more than nine animals, provided animal husbandry  
12 practices are utilized to prevent dietary, environmental, behavioral, or other stresses.

13 (c) Bodies of water and impassible areas shall not be counted towards the minimum enclosure size or the area for pen  
14 density.

15 (d) The enclosure shall be surrounded by a fence of sufficient strength and design to prevent ingress or egress of both  
16 farmed and non-farmed cervids under any circumstances, be at least eight feet high, and have a ground clearance of  
17 no greater than three inches.

18 (e) Farmed cervids shall not be contained within or be allowed to enter a place of residence.

19 (f) No exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within  
20 the enclosure.

21 (g) If a person wishes to maintain two or more separate herds, that person shall maintain separate herd inventories,  
22 records, working facilities, water sources, equipment, and land use. There shall be a buffer zone of at least 30 feet  
23 between the perimeter fencing around separate herds, and no commingling of animals shall occur. Movement of  
24 animals between herds shall be recorded as if they were separately owned herds.

25  
26 Authority; G.S. 106-549.97(a2).

1 02 NCAC 52L .301 is proposed for adoption as follows:  
2

3 **SECTION .0300 – ENFORCEMENT**  
4

5 **02 NCAC 52L .0301 LICENSE OR PERMIT REVOCATION, FORFEITURE, AND DEPOPULATION**

6 (a) The Veterinary Division may take one or more of the following actions against any person for failure to comply  
7 with the requirements of G.S. 106-549.97, 9 C.F.R. Part 55, 9 C.F.R. Part 81, the USDA Standards, or this Subchapter.:

8 (1) issue warnings;

9 (2) assess civil penalties up to five thousand dollars (\$5,000.00) per animal;

10 (3) revoke any license or permit issued under this Subchapter;

11 (4) cancel the enrollment in the Herd Certification Program or the Monitored Herd Certification  
12 Program; or

13 (5) reduce the status of a herd in accordance with 02 NCAC 52L .0401(h).

14 (b) In addition to Paragraph (a) of this Rule, the Veterinary Division may direct the disposition of any farmed cervid  
15 in possession by a person without a valid farmed cervid license or permit in accordance with Paragraph (e) of this  
16 Rule and may order any farmed cervid brought into this state illegally to be quarantined, tested for CWD, or  
17 terminated, or any combination thereof.

18 (c) Violations of this subchapter include but are not limited to the following circumstances or conditions:

19 (1) providing inaccurate or false information to the Veterinary Division;

20 (2) failing to comply with animal identification requirements;

21 (3) failing to comply with facility enclosure and maintenance requirements;

22 (4) failing to comply with monitoring or record-keeping requirements;

23 (5) failing to allow the Veterinary Division to inspect any facility, farmed cervid, or record;

24 (6) failing to report the death, escape, or disappearance, of any farmed cervid; or

25 (7) failing to submit deceased farmed cervid for CWD testing.

26 (d) The Veterinary Division may revoke a farmed cervid license or temporary exhibit permit, or both, under any of  
27 the following circumstances or conditions:

28 (1) The farmed cervid licensee or temporary exhibit permit holder fails to report symptoms of chronic  
29 wasting disease in a farmed cervid to the Veterinary Division as required by 02 NCAC 52L .0102(n);

30 (2) The farmed cervid licensee or temporary exhibit permit holder fails to transport and submit a farmed  
31 cervid carcass to a Diagnostic Laboratory for CWD testing as required by 02 NCAC 52L .0102(m)-  
32 (n); or

33 (3) The farmed cervid licensee or temporary exhibit permit holder has transported any farmed cervid  
34 without a permit in accordance with 02 NCAC 52L .0113.

35 (e) Disposition of Farmed Cervid.

36 (1) In the event of decommissioning a facility, all farmed cervids shall be disposed of by the owner in  
37 one or more of the following manners:

1                   (A) sell or otherwise transfer ownership and possession of any farmed cervid;

2                   (B) export out of state any farmed cervid; or

3                   (C) terminate any remaining farmed cervid.

4                   (2) In the event the Veterinary Division has directed the disposition of any farmed cervid and when the  
5                   owner refuses to comply, the Veterinary Division may terminate the farmed cervid, with costs to be  
6                   paid by the owner.

7                   (3) The release of any farmed cervid to the wild by any person without authorization by the Veterinary  
8                   Division shall be prohibited.

9 (f) Disposal of Dead Farmed Cervids.

10                   (1) Licensees shall be responsible for the proper disposal of any dead farmed cervid carcass and the  
11                   costs associated with disposal.

12                   (2) The carcass of farmed cervids that have been designated by the Department as CWD-positive,  
13                   exposed, or suspect shall be disposed in accordance with the USDA Standards, (4.1) Suitable  
14                   Disposal Methods, and using one of options provided under USDA Standards, Appendix V: Carcass  
15                   Disposal of CWD-Positive Animals or Animals of Unknown Status.

16                   (3) The carcass of farmed cervids that have not been designated by the Department as CWD-positive,  
17                   exposed, or suspect may be disposed of in accordance with 02 NCAC 52C .0102.

18  
19 Authority G.S. 106-549.97(a2); 106-549.97(j).

1 02 NCAC 52L .0401 is proposed for adoption as follows:  
2

3 **SECTION .0400 – HERD CERTIFICATION PROGRAMS**  
4

5 **02 NCAC 52L .0401 NORTH CAROLINA FARMED CERVID HERD CERTIFICATION PROGRAM**

6 (a) Scope. This section shall only apply to CWD susceptible farmed cervids.

7 (b) Enrollment Qualifications.

8 (1) Only applicants that have a valid farmed cervid license or have applied for one shall be eligible to  
9 have herds enrolled in the Herd Certification Program.

10 (2) Applicants shall comply with all farmed cervid license requirements Rules in this Subchapter in  
11 order to have herds enrolled and remain in the Herd Certification Program.

12 (c) Enrollment.

13 (1) Persons who possess any CWD susceptible farmed cervid in the State shall apply with the Veterinary  
14 Division to have herds enrolled in the Herd Certification Program, if not already enrolled.

15 (2) The Veterinary Division shall determine the herd's enrollment eligibility and compliance with all  
16 farmed cervid license rules, and may request additional information regarding the herd animals and  
17 operations.

18 (3) The Veterinary Division shall deny enrollment if:

19 (A) the applicant submits an incomplete application;

20 (B) the applicant has provided false information;

21 (C) the applicant fails to provide additional information requested by the Veterinary Division;

22 (D) the applicant has previously violated State or Federal laws or regulations for livestock, and  
23 that the nature of the violation indicates that the applicant may not comply with the  
24 requirements of the Herd Certification Program;

25 (E) the herd to be enrolled has been designated as CWD-positive, exposed, or suspect by the  
26 Veterinary Division or by an APHIS employee, and has not yet entered into a valid herd  
27 plan;

28 (F) any pending or outstanding citation exists against the applicant;

29 (G) the applicant has failed to comply with any farmed cervid license requirement; or

30 (H) the applicant refuses inspection by the Veterinary Division in accordance with Paragraph  
31 (i) of this Rule.

32 (4) Upon determining that a herd is eligible to participate in the Herd Certification Program in  
33 accordance with Paragraphs (b) and (c) of this Rule, the Veterinary Division shall send the applicant  
34 a notice of enrollment that includes the herd's enrollment date.

35 (d) Enrollment Dates. The enrollment date for a herd that joins the North Carolina Herd Certification Program after  
36 August 13, 2012, shall be the date the herd is approved for participation upon inspection except:

- 1       (1) For new herds that were formed from and contain only animals from herds enrolled in an Approved  
2       State CWD Herd Certification Program, the enrollment date shall be the latest enrollment date for  
3       any source herd for the animals;
- 4       (2) The first day that the herd participated in any state program that APHIS at a later date determines  
5       qualifies as an Approved State CWD Herd Certification Program;
- 6       (3) If the herd was enrolled in the Monitored Herd Certification Program, then the enrollment date shall  
7       be the same as the Monitored Herd Certification Program enrollment date, subject to 9 C.F.R. §  
8       55.22(b)(1)(i); or
- 9       (4) Any other exception provided under 9 C.F.R. § 55.22(b).

10 (e) Initial and Subsequent Herd Status.

- 11       (1) When a herd is first enrolled in the Herd Certification Program, it shall be placed in the First Year  
12       status; except that if the herd is composed only of animals:
  - 13       (A) obtained from herds already enrolled in the Herd Certification Program, the newly enrolled  
14       herd shall have the same status as the lowest status of any herd that provided animals for  
15       the new herd; or
  - 16       (B) enrolled in the Monitored Herd Certification Program, the newly enrolled herd shall have  
17       its status transferred, subject to 9 C.F.R. § 55.22(b)(1)(i).
- 18       (2) If the herd continues to meet the requirements of the Herd Certification Program, each year, on the  
19       anniversary of the enrollment date, the herd status shall be upgraded by one year as follows:
  - 20       (A) First Year – starts on enrollment date of the herd in the CWD Herd Certification Program.
  - 21       (B) Second Year – starts on the anniversary date of the First Year.
  - 22       (C) Third Year – starts on the anniversary date of the Second Year.
  - 23       (D) Fourth Year – starts on the anniversary date of the Third Year.
  - 24       (E) Fifth Year – starts on the anniversary date of the Fourth Year.
- 25       (3) One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to  
26       Certified, and the herd shall remain in Certified status as long as it is enrolled in the program,  
27       provided its status is not lost or suspended.

28 (f) Loss or Suspension of Herd Status.

- 29       (1) If the Veterinary Division determines that animals from a herd enrolled in the Herd Certification  
30       Program have commingled with animals from a herd with a lower program status, including CWD  
31       non-susceptible farmed cervids, the herd with the higher program status shall be reduced to the  
32       status of the herd with which its animals commingled.
- 33       (2) If a herd is designated a CWD-positive herd or a CWD-exposed herd by the Veterinary Division, it  
34       shall upon designation lose its program status and may only reenroll after entering into a herd plan.
- 35       (3) If a herd is designated a CWD-suspect herd, a trace back herd, or a trace forward herd by the  
36       Veterinary Division, it shall upon designation be placed in Suspended status pending an

1 epidemiologic investigation by the Veterinary Division in accordance with the USDA Standards. If  
2 the epidemiologic investigation:

3 (A) determines that the herd was not commingled with a CWD-positive animal, the herd shall  
4 be reinstated to its former program status, and the time spent in Suspended status shall  
5 count toward its promotion to the next herd status level;

6 (B) determines that the herd was commingled with a CWD-positive animal, the herd shall lose  
7 its program status and shall be designated a CWD-exposed herd;

8 (C) is unable to make a determination regarding the exposure of the herd, because the necessary  
9 animal or animals are no longer available for testing (i.e., a trace animal from a known  
10 positive herd died and was not tested) or for other reasons, the herd status shall continue as  
11 Suspended until a herd plan is developed for the herd in accordance with its definition  
12 under 9 C.F.R. 55.1 and the USDA Standards, Part B. Guidance on Responding to CWD  
13 Affected Herds. If a herd plan is developed and implemented, the herd shall be reinstated  
14 to its former program status, and the time spent in Suspended status shall count toward its  
15 promotion to the next herd status level. If the epidemiological investigation finds that the  
16 owner of the herd has not complied with the Rules of this Subchapter for animal  
17 identification, animal testing, and recordkeeping, the herd shall be reinstated into the Herd  
18 Certification Program at the First Year status level, with a new enrollment date set at the  
19 date the herd entered into Suspended status. Any herd reinstated after being placed in  
20 Suspended status shall then comply with the requirements of the herd plan as well as the  
21 requirements of the Herd Certification Program. The herd plan shall require testing of all  
22 animals that die in the herd for any reason, regardless of the age of the animal; may require  
23 movement restrictions for animals in the herd based on epidemiologic evidence regarding  
24 the risk posed by the animals in question; and may include other requirements found  
25 necessary to control the risk of spreading CWD.

26 (g) Cancellation of Enrollment and Reduction of Herd Status.

27 (1) An owner may cancel participation of any herd in the Herd Certification Program by surrendering  
28 the owner's farmed cervid license in accordance with 02 NCAC 52L .0108 and by decommissioning  
29 the facility in accordance with 02 NCAC 52L .301(e)(1).

30 (2) The Veterinary Division may cancel the enrollment or reduce the herd status of an enrolled herd  
31 after determining that the herd owner failed to comply with any Rule of this Subchapter, by giving  
32 written notice to the herd owner of the reasons for the proposed cancellation or reduction in status.

33 (3) Herd owners may appeal the designation of an animal as CWD-positive, cancellation of enrollment  
34 of a herd, or loss or suspension of herd status by writing to the Veterinary Division within ten  
35 business days of receiving the written decision. The appeal shall include all of the facts and reasons  
36 that the herd owner relies upon to show that the reasons for the proposed action are incorrect or do  
37 not support the action.

1           (4) To appeal designation of an animal as CWD-positive, the owner may present as evidence the results  
2           of a DNA test requested and paid for by the owner to determine whether previous official CWD test  
3           results were correctly associated with an animal that belonged to the owner. If the owner intends to  
4           present such test results as evidence, the owner shall request the tests and state this in the written  
5           notice sent to the Veterinary Division. In such cases the Veterinary Division may postpone a  
6           decision on the appeal for a reasonable period pending receipt of the test results. Laboratories  
7           approved under 9 C.F.R. § 55.8 are authorized to conduct DNA tests to compare tissue samples  
8           tested for CWD to samples from tissues that were collected at the same time from the same animal  
9           and are attached to an official animal identification device. The DNA tests are available only if the  
10           animal owner arranged to submit animal tissue attached to an official animal identification device  
11           along with the other tissues that were collected for the official CWD test.

12           (5) The Veterinary Division shall grant or deny the appeal in writing stating the reason for the  
13           Veterinary Division's decision.

14           (6) If the Veterinary Division grants an appeal of the status of a CWD-positive animal, the animal shall  
15           be re-designated as CWD-suspect pending further investigation to establish the final status of the  
16           animal and its herd.

17           (7) If there is a conflict as to a material fact determined by the Veterinary Division at the time of the  
18           appeal, a hearing shall be held to resolve the conflict.

19           (8) In the event of cancellation of enrollment by the Veterinary Division, any herd enrolled in the Herd  
20           Certification Program by that herd owner shall not reach Certified status until five years after the  
21           herd owner's new application for enrollment is approved by the Veterinary Division, regardless of  
22           the status of the animals of which the herd is composed.

23 (h) Adding Animals to Existing Herd.

24           (1) A herd may add animals from herds with the same or a higher herd status with no negative impact  
25           on the certification status of the receiving herd.

26           (2) If animals are acquired from a herd with a lower herd status, including CWD non-susceptible  
27           species, the receiving herd shall revert to the program status of the sending herd.

28           (3) If a herd participating in the Herd Certification Program acquires animals from a nonparticipating  
29           herd, the receiving herd shall revert to First Year status with a new enrollment date as the date of  
30           acquisition of the animal.

31 (i) Inspection. If an inspection of any farmed cervid is needed as a part of enrollment, including reinstating a suspended  
32 status, the herd owner shall be responsible for assembling, handling, and restraining the farmed cervids. The owners  
33 shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to  
34 the animals during handling rests with the owner in accordance with the USDA Standards, (2.4) Participating Herd:  
35 Requirements for Enrollment.

36  
37 Authority G.S. 106-549.97(a2).

1 02 NCAC 52L .0402 is proposed for adoption as follows:

2  
3 **02 NCAC 52L .0402 NORTH CAROLINA MONITORED HERD CERTIFICATION PROGRAM**

4 (a) Scope. This section shall only apply to CWD non-susceptible farmed cervids.

5 (b) The Monitored Herd Certification Program shall provide an equivalent standard to the North Carolina Farmed  
6 Cervid Herd Certification Program for CWD non-susceptible farmed cervids.

7 (c) Enrollment Qualifications.

8 (1) Only applicants that have a valid farmed cervid license or have applied for one shall be eligible to  
9 have herds enrolled in the Monitored Herd Certification Program.

10 (2) Applicants shall comply with all farmed cervid license requirements under the Rules in this  
11 Subchapter in order to have herds enrolled and remain in the Monitored Herd Certification Program.

12 (d) Enrollment Application.

13 (1) Persons who possess any CWD non-susceptible farmed cervid in the State shall apply with the  
14 Veterinary Division to have herds enrolled in the Monitored Herd Certification Program, if not  
15 already enrolled.

16 (2) The Veterinary Division shall determine the herd's enrollment eligibility and compliance with all  
17 farmed cervid license rules, and may request additional information regarding the herd animals and  
18 operations.

19 (3) The Veterinary Division shall deny an application if:

20 (A) the applicant submits an incomplete application;

21 (B) the applicant has provided false information;

22 (C) the applicant fails to provide additional information requested by the Veterinary Division;

23 (D) the applicant has previously violated State or Federal laws or regulations for livestock, and  
24 that the nature of the violation indicates that the applicant may not comply with the  
25 requirements of the Monitored Herd Certification Program;

26 (E) the herd to be enrolled has been commingled with any CWD-positive or CWD-exposed  
27 herd and has not yet entered into a valid herd plan.

28 (F) any pending or outstanding citation exists against the applicant;

29 (G) the applicant has failed to comply with any farmed cervid license requirement; or

30 (H) the applicant refuses inspection by the Veterinary Division in accordance with Paragraph  
31 (j) of this Rule.

32 (4) Upon determining that a herd is eligible to participate in the Monitored Herd Certification Program  
33 in accordance with Paragraphs (c) and (d) of this Rule, the Veterinary Division shall send the  
34 applicant a notice of enrollment that includes the herd's enrollment date.

35 (e) Enrollment Dates. The enrollment date for a herd that joins the North Carolina Monitored Herd Certification  
36 Program shall be the date the herd is approved for participation upon inspection except for new herds that were formed

1 from and contain only animals from herds enrolled in the Monitored Herd Certification Program, the enrollment date  
2 shall be the latest enrollment date for any source herd for the animals.

3 (f) Initial and Subsequent Herd Status.

4 (1) When a herd is first enrolled in the Monitored Herd Certification Program, it shall be placed in the  
5 First Year status; except that if the herd is composed only of animals obtained from herds already  
6 enrolled in the Monitored Herd Certification Program, the newly enrolled herd shall have the same  
7 status as the lowest status of any herd that provided animals for the new herd.

8 (2) If the herd continues to meet the requirements of the Monitored Herd Certification Program, each  
9 year, on the anniversary of the enrollment date, the herd status shall be upgraded by one year as  
10 follows:

11 (A) First Year – starts on enrollment date of the herd in the Monitored Herd Certification  
12 Program.

13 (B) Second Year – starts on the anniversary date of the First Year.

14 (C) Third Year – starts on the anniversary date of the Second Year.

15 (D) Fourth Year – starts on the anniversary date of the Third Year.

16 (E) Fifth Year – starts on the anniversary date of the Fourth Year.

17 (3) One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to  
18 Certified, and the herd shall remain in Certified status as long as it is enrolled in the program,  
19 provided its status is not lost.

20 (g) Loss of Herd Status.

21 (1) If the Veterinary Division determines that animals from a herd enrolled in the Monitored Herd  
22 Certification Program have commingled with animals from a herd with a lower program status,  
23 including CWD susceptible farmed cervids, the herd with the higher program status shall be reduced  
24 to the status of the herd with which its animals commingled.

25 (2) If a herd has been commingled with any CWD-positive herd or CWD-exposed herd, it shall lose its  
26 program status and may only reenroll after entering into a herd plan.

27 (3) If a herd has been commingled with any CWD-suspect herd, a trace back herd, or a trace forward  
28 herd by the Veterinary Division, it shall be placed in Suspended status pending an epidemiologic  
29 investigation by the Veterinary Division in accordance with the USDA Standards. If the  
30 epidemiologic investigation:

31 (A) determines that the herd was not commingled with a CWD-positive animal, the herd shall  
32 be reinstated to its former program status, and the time spent in Suspended status shall  
33 count toward its promotion to the next herd status level;

34 (B) determines that the herd was commingled with a CWD-positive animal, the herd shall lose  
35 its program status and may only reenroll after entering into a herd plan;

36 (C) is unable to make a determination regarding the exposure of the herd, because the necessary  
37 animal or animals are no longer available for testing (i.e., a trace animal from a known

1 positive herd died and was not tested) or for other reasons, the herd status shall continue as  
2 Suspended until a herd plan is developed for the herd in accordance with its definition  
3 under 9 C.F.R. 55.1 and the USDA Standards, Part B. Guidance on Responding to CWD  
4 Affected Herds. If a herd plan is developed and implemented, the herd shall be reinstated  
5 to its former program status, and the time spent in Suspended status shall count toward its  
6 promotion to the next herd status level. If the epidemiological investigation finds that the  
7 owner of the herd has not complied with the Rules of this Subchapter for animal  
8 identification, animal testing, and recordkeeping, the herd shall be reinstated into the  
9 Monitored Herd Certification Program at the First Year status level, with a new enrollment  
10 date set at the date the herd entered into Suspended status. Any herd reinstated after being  
11 placed in Suspended status shall then comply with the requirements of the herd plan as well  
12 as the requirements of the Monitored Herd Certification Program. The herd plan shall  
13 require testing of all animals that die in the herd for any reason, regardless of the age of the  
14 animal; may require movement restrictions for animals in the herd based on epidemiologic  
15 evidence regarding the risk posed by the animals in question; and may include other  
16 requirements found necessary to control the risk of spreading CWD.

17 (h) Cancellation of Enrollment and Reduction of Herd Status.

- 18 (1) An owner may cancel participation of any herd in the Monitored Herd Certification Program by  
19 surrendering the owner's farmed cervid license in accordance with 02 NCAC 52L .0108 and by  
20 decommissioning the facility in accordance with 02 NCAC 52L .301(e)(1).
- 21 (2) The Veterinary Division may cancel the enrollment or reduce the herd status of an enrolled herd,  
22 after determining that the herd owner failed to comply with any Rule of this Subchapter, by giving  
23 written notice to the herd owner of the reasons for the proposed cancellation or reduction in status.
- 24 (3) Herd owners may appeal the cancellation of enrollment of a herd or loss of herd status by writing to  
25 the Veterinary Division within 10 business days after being informed of the reasons for the action.  
26 The appeal shall include all the facts and reasons that the herd owner relies upon to show that the  
27 reasons for the proposed action are incorrect or do not support the action.
- 28 (4) The Veterinary Division shall grant or deny the appeal in writing stating the reason for the  
29 Veterinary Division's decision.
- 30 (5) If there is a conflict as to a material fact as determined by the Veterinarian Division at the time of  
31 the appeal, a hearing shall be held to resolve the conflict.
- 32 (6) In the event of cancellation of enrollment by the Veterinary Division, any herd enrolled in the  
33 Monitored Herd Certification Program by that herd owner shall not reach Certified status until 5  
34 years after the herd owner's new application for enrollment is approved by the Veterinary Division,  
35 regardless of the status of the animals of which the herd is composed.

36 (i) Adding Animals to Existing Herd.

1           (1) A herd may add animals from herds with the same or a higher herd status with no negative impact  
2           on the certification status of the receiving herd.

3           (2) If animals are acquired from a herd with a lower herd status, including CWD susceptible species,  
4           the receiving herd shall revert to the program status of the sending herd.

5           (3) If a herd participating in the Monitored Herd Certification Program acquires animals from a  
6           nonparticipating herd, the receiving herd shall revert to First Year status with a new enrollment date  
7           as the date of acquisition of the animal.

8 (j) Inspection. If an inspection of any farmed cervid is needed as a part of enrollment, the herd owner shall be  
9 responsible for assembling, handling, and restraining the farmed cervids. The owners shall be responsible for all costs  
10 incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests  
11 with the owner.

12 (k) If any CWD non-susceptible farmed cervid is determined by the Veterinary Division or the USDA as CWD  
13 susceptible, then the farmed cervid shall be transferred under the North Carolina Farmed Cervid Herd Certification  
14 Program.

15  
16 Authority G.S. 106-549.97(a2).