

SUBCHAPTER 52L – FARMED CERVIDS

SECTION .0100 – FARMED CERVID LICENSE AND PERMIT

02 NCAC 52L .0101 INCORPORATION BY REFERENCE

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

- (1) 9 C.F.R. Part 55;
- (2) 9 C.F.R. Part 81;
- (3) 9 C.F.R. Part 86; and
- (4) The United States Department of Agriculture's Chronic Wasting Disease Program Standards (May 2014).

(b) The regulations and standards incorporated by reference in Paragraph (a) of this Rule are available free of cost at <https://www.gpo.gov/fdsys/browse/collectionCfr.action?collectionCode=CFR> and https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/animal-disease-information/sa_alternate_livestock/sa_cervid_health/sa_cwd/ct_cervid_health_program.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

02 NCAC 52L .0102 DEFINITIONS

(a) The definitions in the regulations and standards set forth in 02 NCAC 52L .0101 shall apply to such terms when used 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.

(b) The following definitions apply to this Subchapter:

- (1) "APHIS" means the United States Department of Agriculture Animal and Plant Health Inspection Service.
- (2) "Carcass" means the head, the whole animal, or tissue sample extracted in accordance with the USDA Standards, 9 C.F.R. 55.8 and 9 C.F.R. 55.23(b).
- (3) "Certified Herd" means any herd that has reached Certified status under an Approved State Chronic Wasting Disease Herd Certification Program as determined by the USDA in accordance with 9 C.F.R. 55.23(a) and 9 C.F.R. 55.24(a).
- (4) "CWD Testing" means official Chronic Wasting Disease ("CWD") testing in accordance with the USDA Standards, (6.2) Official CWD Test, and 9 C.F.R. 55.8.
- (5) "Diagnostic Laboratory" means the North Carolina Department of Agriculture and Consumer Services Veterinary Diagnostic Laboratory System.
- (6) "Facility" means a facility for farmed cervids.
- (7) "Fawns" or "Calves" means cervids under one year of age.
- (8) "Herd Certification Program" means the North Carolina Farmed Cervid Herd Certification Program.
- (9) "ICVI" means interstate certificate of veterinary inspection.
- (10) "Licensed Facility" means any facility associated with a farmed cervid license.
- (11) "Licensee" means a person issued a farmed cervid license in accordance with the rules of this Subchapter and includes designees named by the licensee.
- (12) "Monitored Herd" means any herd that has reached Certified status under the North Carolina Monitored Herd Certification Program for CWD non-susceptible species in accordance with 02 NCAC 52L .0402.
- (13) "Officially Identified" means the attachment of a tamper-resistant ear tag approved for use by the Veterinary Division on a farmed cervid.
- (14) "State" means the State of North Carolina.
- (15) "Temporary Exhibit" means a public display of farmed cervids including animal acts, educational displays, carnivals, circuses, parades, shopping center displays, and zoos, whether operated for profit or not.
- (16) "Veterinary Division" means the Veterinary Division of the North Carolina Department of Agriculture and Consumer Services.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

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

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

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

02 NCAC 52L .0104 FARMED CERVID LICENSE

(a) Farmed Cervid License.

- (1) Persons interested in obtaining a farmed cervid license shall apply with the Veterinary Division. The application may be obtained from the Veterinary Division by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov. The contents of the application shall include the following:
 - (A) The applicant's name;
 - (B) The applicant's address;
 - (C) The applicant's contact information, including telephone numbers and email addresses;
 - (D) The farm's name;
 - (E) The farm's address;
 - (F) The farm's contact information, including telephone numbers and email addresses;
 - (G) A statement of whether the farm is commercial, defined as a farmed cervid facility that is or will be selling deer or deer products as a for-profit business, or private, defined as non-commercial;
 - (H) a statement from the applicant verifying the information provided is accurate;
 - (I) The national premises identification number; and
 - (J) The applicant's signature.
- (2) Both licensees and persons interested in obtaining a farmed cervid license shall comply with 02 NCAC 52L .0401(c)(1) and 02 NCAC 52L .0402(d)(1) by enrolling herds in either the Herd Certification Program or the Monitored Herd Certification Program or both.

(b) Terms of License and Inventory Report.

- (1) A farmed cervid license shall be valid from July 1 through June 30 for the year in which it was issued. If the new license is approved after July 1, it shall take effect on the date of issue.
- (2) Licensees may apply for renewal each year during the renewal period of January 1 through March 31. If March 31 falls on a weekend or holiday, then the renewals must be received by the Veterinary Division or postmarked by the next business day. The contents of the renewal application shall include:
 - (A) The licensee's name, address, and contact information, including telephone numbers and email addresses;
 - (B) The farm name, address, and contact information, including telephone numbers and email addresses;
 - (C) a statement from the licensee verifying the information provided is accurate; and
 - (D) The licensee's signature.
- (3) Licensees shall submit a written inventory report in spreadsheet form with their license renewal. The inventory report shall include the:
 - (A) licensee's name, mailing address, telephone number, and email address;
 - (B) licensed facility name, address, and national premises identification number;
 - (C) farmed cervid license number;
 - (D) species, sex, and birth year of each farmed cervid;
 - (E) animal identification numbers for each farmed cervid; and
 - (F) date of disposition or death of any farmed cervid.
- (4) The inventory report shall be accompanied by a statement from the licensee verifying the information provided is accurate.

(c) Renewal of Farmed Cervid License.

- (1) Existing farmed cervid licenses shall be renewed as long as the applicant for renewal continues to meet the licensing requirements of this Subchapter.
- (2) A person whose license has lapsed shall not be eligible for renewal, but may apply for a new license.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

02 NCAC 52L .0105 DENIAL OF FARMED CERVID LICENSE

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

- (1) failing to submit a complete application or renewal;
- (2) submitting falsified information;
- (3) for the purpose of holding non-farmed cervids or farmed cervids that were transported without a valid transportation permit;
- (4) for the purpose of rehabilitating non-farmed cervids;
- (5) for the purpose of commingling farmed and non-farmed cervids;
- (6) keeping any farmed cervid for reasons other than agricultural or commercial purposes, such as buying, selling, and production of farmed cervids, or for scientific, exhibition, and educational purposes;
- (7) to an individual under the age of 18 years of age;
- (8) failing to have herds enrolled in either or both the Herd Certification Program or the Monitored Herd Certification Program with the Veterinary Division; or
- (9) the applicant has violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, in his or her experience, based upon the nature of the violation, the applicant may not comply with the requirements of the farmed cervid license.

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

(c) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has been revoked or suspended and who was responsible for, participated in, or worked for that person during the violation upon which the order of revocation or suspension was based, shall not be licensed for facilities owned by his or her employer or facilities in which he or she worked for at the time of the revocation or suspension within the period during which the order of revocation or suspension remains in effect.

(d) The Department shall not issue a farmed cervid license until a person has:

- (1) constructed or acquired a facility for keeping farmed cervids that complies with 02 NCAC 52L .0201; and
- (2) had the facility inspected and verified by the Veterinary Division.

(e) No farmed cervid license shall be issued to any person in possession of rehabilitative or non-farmed cervid.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

02 NCAC 52L .0106 TEMPORARY EXHIBIT PERMIT

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

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

(c) Temporary exhibit permit applications shall be submitted to the Veterinary Division. The application may be obtained from the Veterinary Division by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov. The contents of the application shall include the following:

- (1) The applicant's name;
- (2) The applicant's address;
- (3) The applicant's contact information, including telephone numbers and email addresses;
- (4) The farm's name;
- (5) The farm's address;
- (6) The farm's contact information, including telephone numbers;
- (7) The date(s) of the exhibit;

- (8) The date of exhibit inspection by the Veterinary Division, unless an exhibit facility plan was previously approved and includes the date of facility plan approval and approval number;
 - (9) The purpose of the exhibit;
 - (10) The location of the exhibit, including the county;
 - (11) The species to be exhibited;
 - (12) The sex, date of birth, species, and identification number(s) for each cervid to be exhibited;
 - (13) A statement from the applicant verifying the information provided is accurate; and
 - (14) The applicant's signature.
- (d) Temporary exhibit permits are only valid for the dates and locations specified. Applicants shall apply to the Veterinary Division:
- (1) five business days prior to the date of exhibit if the exhibitor previously submitted a detailed exhibit facility plan that has been pre-approved by the Veterinary Division. The detailed exhibit facility plan shall include descriptions of how the animals will be contained, the type of fencing or containment utilized, whether the public will be able to touch the animals, whether the animals will move from a containment area to a parade, and whether if any physical restraints will be utilized, and includes photographs or sketches of the display and the display area; or
 - (2) 60 days prior to the date of exhibit.
- (e) The Veterinary Division shall only issue temporary exhibit permits when the temporary exhibit area is inspected by the Veterinary Division and meets the following criteria:
- (1) all farmed cervids to be exhibited are from a certified herd and officially identified in accordance with 02 NCAC 52L .0112 and 9 C.F.R. 55.25;
 - (2) the temporary exhibit enclosure, with the exception for farmed cervids exhibited during parades, shall:
 - (A) be an area of at least 10 feet by 10 feet;
 - (B) have fencing at least eight feet in height with a ground clearance of no greater than three inches and sufficient in strength and stability to prevent escape, unless the animals are restrained to prevent escape;
 - (C) have an enclosure large enough to ensure each animal has sufficient room, based on the size and species of the animal, to stand erect and lie naturally; and
 - (D) have no exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within the enclosure;
 - (3) farmed cervids exhibited shall be secured so that no farmed cervids may escape; and
 - (4) the temporary exhibit complies with Aedin's Law, G.S. 106-520.3A, and 02 NCAC 52K when those laws and rules apply.
- (f) All permit holders shall report any cervid escape, entry, or death within 24 hours of discovery to the Veterinary Division in accordance with 02 NCAC 52L .0110.
- (g) Circumstances or purposes for which a temporary exhibit permit shall not be issued include:
- (1) failing to submit a complete application;
 - (2) submitting a falsified application;
 - (3) for the purpose of holding non-farmed cervids or farmed cervids that have been transported without a transportation permit;
 - (4) for the purpose of rehabilitating non-farmed cervids;
 - (5) for the purpose of commingling farmed and non-farmed cervids; and
 - (6) to an individual under the age of 18 years of age.
- (h) Any person whose farmed cervid license or temporary exhibit permit has been revoked or suspended shall not be issued a temporary exhibit permit within the period during which the order of revocation or suspension remains in effect.
- (i) Any person who has been an officer, agent, or employee of a person whose farmed cervid license or permit has been revoked or suspended and who is responsible for, participated in, or worked for that person during the violation upon which the order of revocation or suspension was based, shall not be issued a permit for exhibits owned by his or her employer or exhibits in which he or she worked for at the time of the revocation or suspension within the period during which the order of revocation or suspension remains in effect.
- (j) No temporary exhibit permit shall be issued to any person in possession of rehabilitative or non-farmed cervid.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

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

- (a) No farmed cervid license, permit, or animal identification issued or assigned by the Veterinary Division shall be transferable, except as provided by this Rule.
- (b) If a farmed cervid licensee or temporary exhibit permit holder becomes incapacitated, mentally incompetent, dies, or if the business is sold or otherwise acquired, a person who is at least 18 years of age and has obtained legal possession of any farmed cervid and the licensed facility from the previous licensee, or that licensee's estate, may request the Veterinary Division in writing, prior to the transfer, that the existing farmed cervid license, permit, and animal identification be transferred to the new owner.
- (c) Any license, permit, or animal identification transferred under this Rule shall be subject to the same terms and conditions imposed on the original licensee or permit holder.
- (d) Any actions pending from a complaint, investigation, or other cause may be continued notwithstanding any transfer under this Rule.
- (e) No farmed cervid license, permit, or animal identification shall be transferred to a person who had a farmed cervid license or permit revoked or suspended by the Veterinary Division within the period during which the order of revocation or suspension remains in effect.

*History Note: Authority G.S. 106-549.97(a2);
 Eff. June 1, 2018.*

02 NCAC 52L .0108 VOLUNTARY SURRENDER OF FARMED CERVID LICENSE OR TEMPORARY EXHIBIT PERMIT

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

*History Note: Authority G.S. 106-549.97(a2);
 Eff. June 1, 2018.*

02 NCAC 52L .0109 RECORDS AND INSPECTION

- (a) Maintenance of Records.
 - (1) Each licensee shall maintain herd records for all farmed cervids, regardless of whether tagged with animal identification or not, as required by the USDA Standards and 9 C.F.R. 55.23(b), and maintain a copy of any documents related to farmed cervids submitted to the CWD Diagnostic Laboratory.
 - (2) All records required by this Subchapter and any ICVI as defined and required by 9 C.F.R. Part 86 shall be maintained by the licensee for a period of five years.
- (b) Inspection of Records. The licensee shall make all records required under this Subchapter available for inspection and copying by the Veterinary Division.
- (c) Inspection and Inventory of Licensed Facility and Exhibit. The licensee shall make all enclosures, exhibits, and any farmed cervid available for inspection by the Veterinary Division under conditions where all identification on the animals may be safely read by the inspector. The licensee shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests with the licensee.
- (d) Fence Monitoring Requirement. The fence surrounding the enclosure shall be monitored weekly for structural soundness and stability by the licensee to prevent ingress and egress of any cervid.
- (e) Maintenance.
 - (1) Any opening or passage resulting from damage or deterioration to the perimeter fence shall be sealed by the licensee within 24 hours upon detection or the animals secured until the fence is repaired to prevent any farmed cervid escape.
 - (2) Any damage to the enclosure fence that threatens its stability shall be repaired by the licensee within seven calendar days of detection, or within 24 hours if there is an imminent threat of farmed cervid escape.

*History Note: Authority G.S. 106-549.97(a2);
 Eff. June 1, 2018.*

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

(a) When a licensee discovers the escape or disappearance of any farmed cervid, the licensee shall report the escape or disappearance within 24 hours by contacting the Veterinary Division by telephone at (919) 707-3250 or email at farmedcervid@ncagr.gov.

- (1) The report shall include the identification numbers, species, sex, and age of the animals involved and the estimated time and date of escape or disappearance, and if deceased, the estimated time and date of death.
- (2) A recaptured live farmed cervid shall be held in quarantine by itself or with other escapees by the licensee until the Veterinary Division determines the disposition of the farmed cervid, based on the risk of CWD transmission as a result of this escape. Failure to quarantine the escaped farmed cervid to prevent commingling with the herd shall result in the quarantine of the entire herd.
- (3) The licensee shall be responsible for all costs associated with CWD testing and disposal of any escaped animal.
- (4) If live recapture is not possible, the licensee shall harvest the escaped cervid and submit the deceased cervid to the Diagnostic Laboratory for CWD testing.

(b) When a licensee discovers the entry of any non-farmed cervid into the licensed facility, the licensee shall:

- (1) Report the entry within 24 hours by contacting the Veterinary Division by telephone or email for further action or disposition of the non-farmed cervid;
- (2) Obtain a wildlife depredation permit from the North Carolina Wildlife Resources Commission. Contact information can be found at <http://www.ncwildlife.org/Licensing/Regulations/Nongame-and-Other-Regulations/Wildlife-Depredation#5836327-wildlife-taken-with-a-depredation-permit>;
- (3) Take the non-farmed cervid in accordance with the wildlife depredation permit; and
- (4) Submit the non-farmed cervid for CWD testing.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

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

(a) Each licensee shall notify the Veterinary Division by telephone upon discovery if any farmed cervid exhibits clinical symptoms of CWD, including loss of body condition, behavioral changes, excessive salivation, increased drinking and urination, depression, and eventual death. The Veterinary Division's telephone number is (919) 707-3250.

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

(c) Licensees shall report to the Veterinary Division using a form provided by the Veterinary Division within 24 hours upon knowledge of the death of any farmed cervid, including any slaughtered farmed cervid, whether sent to a slaughterhouse or slaughtered at the farm cervid facility for personal use. The report form can be obtained by contacting the Veterinary Division by telephone or email at farmedcervid@ncagr.gov. The report shall include the following information:

- (1) the licensee's name, mailing address, telephone number, and email address;
- (2) the licensee's facility name, address, and national premises identification number;
- (3) the farmed cervid license number;
- (4) the date of death;
- (5) the species and sex of each farmed cervid;
- (6) the animal identification for each farmed cervid;
- (7) the name and location of the Diagnostic Laboratory where the carcass of the farmed cervid is to be submitted for CWD testing; and
- (8) a statement from the licensee verifying the information provided is accurate.

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

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

(f) In cases where animals escape or disappear and are not available for tissue sampling and testing, or when the samples are of such poor quality, as determined in accordance with the USDA Standards, including (5.6) Sample

Collection: Owner Responsibility, (5.7) Sample Collection and Submission Procedures, (5.9) Quality Control, (5.10) Consequences of Poor Quality and Missing Samples, (6.4) Test Results, and (6.5) Autolyzed Samples, that they cannot be tested for CWD, the Veterinary Division may investigate, in cases of repeated unavailability of tissue sampling and testing, whether the unavailability of animals or usable samples for testing constitutes a failure to comply with program requirements and may affect the herd's status in the Herd Certification Program and the Monitored Herd Certification Program.

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

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

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

02 NCAC 52L .0112 ANIMAL IDENTIFICATION

(a) Animal Identification Required.

- (1) Licensees shall identify all farmed cervids with two forms of animal identification in accordance with the USDA Standards and 9 C.F.R. 55.25.
- (2) As one form of animal identification, licensees shall use USDA official tamper-resistant ear tags approved for use by the Veterinary Division. The ear tags shall be affixed upon one ear of the farmed cervid by itself. Licensees shall inform the Veterinary Division the type of the second form of animal identification before affixing upon the farmed cervid.
- (3) Farmed cervids born within a licensed facility shall be officially identified on or before 12 months of age. Fawns and calves shall be deemed a year old for purposes of the rules in this Subchapter and shall be officially identified by the first July 1 following their birth, unless the farmed cervid licensee maintains a record of the month and year the calf or fawn was born.
- (4) All farmed cervids, regardless of age, shall be officially identified before being transported.
- (5) All farmed cervids shall be identified and included in the inventory report and records as required by 02 NCAC 52L .0104(b) and 02 NCAC 52L .0109(a).

(b) Application for Animal Identification Tags.

- (1) Applicants may request animal identification tags from the Veterinary Division using a form provided by the Veterinary Division, which can be obtained by calling (919) 707-3250 or by emailing farmedcervid@ncagr.gov, by providing the following information:
 - (A) the applicant's name, mailing address, telephone number, and email address;
 - (B) the licensed facility name, address, and national premises identification number;
 - (C) the farmed cervid license number; and
 - (D) the species, sex, and birth year of the farmed cervids.
- (2) The application shall be accompanied by a statement from the licensee verifying that the information provided is accurate.
- (3) The Veterinary Division may provide animal identification tags, based on availability of supplies, upon receipt of the completed application.

(c) Replacement of Animal Identification Tags.

- (1) **Lost Tags.** The loss of a tag shall be reported to the Veterinary Division by the licensee.
- (2) **Unusable Tags.** Tags that cannot be affixed to the ear of a farmed cervid or unreadable because of malformation or damage to the tags shall be reported to the Veterinary Division by the licensee.
- (3) Licensees may request replacement tags using the same form as provided pursuant to Paragraph (b) of this Rule and shall include the information required by Paragraph (b) of this Rule. The Department may provide replacement tags, based on availability of supplies, upon receipt of the application.
- (4) Licensees shall update their records to reflect any replacement of tags and notify the Veterinary Division of the update when submitting records during the license renewal period.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

02 NCAC 52L .0113 TRANSPORTATION PERMIT

- (a) No person shall transport any farmed cervid within the State unless that person first obtains a transportation permit from the Veterinary Division.
- (b) A transportation permit shall only be issued by the Veterinary Division to an applicant to transport farmed cervids:
- (1) from a Certified Herd;
 - (2) from a herd enrolled in the Monitored Herd Certification Program;
 - (3) to and from a veterinary medical facility for medical diagnosis or treatment;
 - (4) to a slaughterhouse for slaughter;
 - (5) for export out of North Carolina, subject to 9 C.F.R. 81.3; and
 - (6) for import into North Carolina, subject to 02 NCAC 52B .0213.
- (c) All transportation permit applications shall be submitted to the Veterinary Division using a form provided by the Veterinary Division, which can be obtained by calling (919) 707-3250 or emailing farmedcervid@ncagr.gov, except for transportation for emergency veterinary treatment purposes in accordance with Paragraph (h) of this Rule, and shall include the following information:
- (1) the applicant's name, mailing address, telephone number, and email address;
 - (2) the licensed facility or out-of-state facility name, address, and national premises identification number;
 - (3) the farmed cervid license number or out-of-state CWD Herd Certification Program identification number;
 - (4) the species and sex of each farmed cervid;
 - (5) the animal identification for each farmed cervid;
 - (6) the destination name, address, telephone number, and email address; and
 - (7) the reason for the movement.
- (d) Transportation permit applications shall include the following information when applicable:
- (1) for any farmed cervid to be moved for slaughter, the name and location of the Diagnostic Laboratory where the carcass of the farmed cervid is to be submitted for CWD testing;
 - (2) for transporting farmed cervids to an exhibit, the exhibit permit number;
 - (3) for importing farmed cervid into the State, a copy of the ICVI as required by 9 C.F.R. Part 86; and
 - (4) for importing into the State any CWD susceptible farmed cervid, as identified by the Veterinary Division or the USDA, a copy of the negative antemortem CWD test result using a method approved by the USDA.
- (e) The transportation permit application shall be accompanied by a statement from the applicant verifying that the information provided is accurate.
- (f) No CWD susceptible farmed cervids shall be exported out of State unless the animals have reached Certified status.
- (g) Transportation permits shall be valid for 30 calendar days unless otherwise stated on the permit.
- (h) Emergency Veterinary Treatment. An applicant seeking to transport any farmed cervid for veterinary treatment shall first contact the Veterinary Division by telephone or email to seek authorization. The telephone number is (919) 707-3250 and email address is farmedcervid@ncagr.gov. At the time of the request, the applicant shall provide to the Veterinary Division information listed under Paragraph (c) of this Rule.
- (i) No approval shall be issued for transportation of a farmed cervid to a veterinary medical facility out-of-state.
- (j) Any verbal authorization from the Veterinary Division shall only allow transportation of the farmed cervid to the specified veterinary medical facility and directly back to the licensed facility, and shall not be construed to permit intervening destinations.
- (k) Licensees shall notify the Veterinary Division in writing, including the identification numbers of any farmed cervid not transported in accordance with the transportation permit, within seven calendar days after the expiration of the permit.
- (l) Any person transporting any farmed cervid shall present the transportation permit to any law enforcement officer or any representative of the Department upon request, except that a person transporting a farmed cervid by verbal authorization for emergency veterinary treatment shall provide the Veterinary Division's telephone number that the person contacted.
- (m) The licensee shall be responsible for securing all farmed cervids during transport so as to prevent escape.

History Note: Authority G.S. 106-307.5; 106-549.97(a2);

Eff. June 1, 2018.

SECTION .0200 – ENCLOSURE REQUIREMENTS

02 NCAC 52L .0201 ENCLOSURE REQUIREMENTS

- (a) The enclosure size for any farmed cervid, including any fawn or calf, shall be at least half of one acre.
- (b) Pen density requirements shall be as follows:
 - (1) three or less animals, excluding fawns or calves, for the first half of one acre;
 - (2) each additional animal, excluding fawns or calves, requires an additional one fourth acre until the enclosure reaches two acres; and
 - (3) a facility larger than two acres may have more than nine animals, provided animal husbandry practices are utilized to prevent dietary, environmental, behavioral, or other stresses.
- (c) Bodies of water and impassible areas shall not be counted towards the minimum enclosure size or the area for pen density.
- (d) The enclosure shall be surrounded by a fence:
 - (1) of sufficient strength and design to prevent ingress or egress of both farmed and non-farmed cervids under any circumstances;
 - (2) be at least eight feet high; and
 - (3) have a ground clearance of no greater than three inches.
- (e) Farmed cervids shall not be contained within or be allowed to enter a place of residence, except for fawns or calves on a temporary basis in the course of emergency veterinary treatment in accordance with guidance from a licensed veterinarian. Licensees shall be responsible for securing all farmed cervids so as to prevent escape during transport or at the residence.
- (f) No exposed barbed wire, nails, or other protrusions that may cause injury to the animals shall be permitted within the enclosure.
- (g) If a person intends to maintain two or more separate herds, that person shall maintain separate herd inventories, records, working facilities, water sources, equipment, and land use. There shall be a buffer zone of at least 30 feet between the perimeter fencing around separate herds, and no commingling of animals shall occur. Movement of animals between herds shall be recorded as if they were separately owned herds.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

SECTION .0300 – ENFORCEMENT

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

- (a) The Veterinary Division may take one or more of the following actions based on the nature of the violation against any person for failure to comply 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:
 - (1) issue warnings;
 - (2) revoke any license or permit issued under this Subchapter;
 - (3) cancel the enrollment in the Herd Certification Program or the Monitored Herd Certification Program; or
 - (4) reduce the status of a herd in accordance with 02 NCAC 52L .0401(g).
- (b) In addition to Paragraph (a) of this Rule, the Veterinary Division may direct the disposition of any farmed cervid in possession by a person without a valid farmed cervid license or permit in accordance with Paragraph (e) of this Rule and may order any farmed cervid brought into this State illegally be quarantined, tested for CWD, or terminated, or any combination thereof.
- (c) Violations of this Subchapter include the following circumstances or conditions:
 - (1) providing inaccurate or false information to the Veterinary Division;
 - (2) failing to comply with animal identification requirements;
 - (3) failing to comply with facility enclosure and maintenance requirements;
 - (4) failing to comply with monitoring or record-keeping requirements;
 - (5) failing to allow the Veterinary Division to inspect any facility, farmed cervid, or record;
 - (6) failing to report the death, escape, or disappearance, of any farmed cervid; or
 - (7) failing to submit deceased farmed cervid for CWD testing.

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

- (1) The farmed cervid licensee or temporary exhibit permit holder fails to report symptoms of chronic wasting disease in a farmed cervid to the Veterinary Division as required by 02 NCAC 52L .0111;
- (2) The farmed cervid licensee or temporary exhibit permit holder fails to transport and submit a farmed cervid carcass to a Diagnostic Laboratory for CWD testing as required by 02 NCAC 52L .0111; or
- (3) The farmed cervid licensee or temporary exhibit permit holder has transported any farmed cervid without a permit in accordance with 02 NCAC 52L .0113.

(e) Disposition of Farmed Cervid.

- (1) In the event of decommissioning a facility, all farmed cervids shall be disposed of by the owner in one or more of the following manners:
 - (A) sell or otherwise transfer ownership and possession of any farmed cervid;
 - (B) export out of state any farmed cervid; or
 - (C) terminate any remaining farmed cervid.
- (2) In the event the Veterinary Division directed the disposition of any farmed cervid and the owner refuses to comply, the Veterinary Division may terminate the farmed cervid, with costs to be paid by the owner.
- (3) The release of any farmed cervid to the wild by any person without authorization by the Veterinary Division shall be prohibited.

(f) Disposal of Dead Farmed Cervids.

- (1) Licensees shall be responsible for the disposal of any dead farmed cervid carcass in accordance with applicable laws and regulations and the costs associated with disposal.
- (2) The carcass of farmed cervids that have been designated by the Department as CWD-positive, exposed, or suspect shall be disposed of in accordance with the USDA Standards, (4.1) Suitable Disposal Methods, and using one of options provided under USDA Standards, Appendix V: Carcass Disposal of CWD-Positive Animals or Animals of Unknown Status.
- (3) The carcass of farmed cervids that have not been designated by the Department as CWD-positive, exposed, or suspect may be disposed of in accordance with 02 NCAC 52C .0102.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

SECTION .0400 – HERD CERTIFICATION PROGRAMS

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

(a) Scope. This Rule shall only apply to CWD-susceptible farmed cervids.

(b) Enrollment Qualifications.

- (1) Only applicants that have a valid farmed cervid license or have applied for one shall be eligible to have herds enrolled in the Herd Certification Program.
- (2) Applicants shall comply with all farmed cervid license requirements and rules in this Subchapter in order to have herds enrolled and remain in the Herd Certification Program.

(c) Enrollment Application.

- (1) Persons who possess any CWD-susceptible farmed cervid in the State shall apply with the Veterinary Division to have herds enrolled in the Herd Certification Program, if not already enrolled.
- (2) The Veterinary Division shall determine the herd's enrollment eligibility and compliance with all farmed cervid license rules, and may request additional information regarding the herd animals and operations, such as laboratory reports, movement permits, animal species, and slaughter records to verify the origination of the animals and their status.
- (3) The Veterinary Division shall deny enrollment if:
 - (A) the applicant submits an incomplete farmed cervid license application;
 - (B) the applicant has provided false information;
 - (C) the applicant fails to provide additional information requested by the Veterinary Division;
 - (D) the applicant previously violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, based on his or her experience,

that the nature of the violation indicates that the applicant may not comply with the requirements of the Herd Certification Program;

- (E) the herd to be enrolled has been designated as CWD-positive, exposed, or suspect by the Veterinary Division or by an APHIS employee, and has not yet entered into a valid herd plan;
- (F) any pending or outstanding citation exists against the applicant;
- (G) the applicant has failed to comply with any farmed cervid license requirement; or
- (H) the applicant refuses inspection by the Veterinary Division in accordance with Paragraph (i) of this Rule.

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

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

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

(e) Initial and Subsequent Herd Status.

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

(f) Loss or Suspension of Herd Status.

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

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

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

- (1) A licensee may cancel participation of any herd in the Herd Certification Program by surrendering the licensee's farmed cervid license in accordance with 02 NCAC 52L .0108 and by decommissioning the facility in accordance with 02 NCAC 52L .0301(e)(1).
- (2) The Veterinary Division may cancel the enrollment or reduce the herd status of an enrolled herd after determining that the licensee failed to comply with any rule of this Subchapter, by giving written notice to the licensee of the reasons for the cancellation or reduction in status.
- (3) To appeal the designation of an animal as CWD-positive, cancellation of enrollment of a herd, or loss or suspension of herd status, the procedures set forth under 9 CFR 55.24(c) shall govern.

(h) Adding Animals to Existing Herd.

- (1) A herd may add animals from herds with the same or a higher herd status with no negative impact on the certification status of the receiving herd.
- (2) If animals are acquired from a herd with a lower herd status, including CWD non-susceptible species, the receiving herd shall revert to the program status of the sending herd.
- (3) If a herd participating in the Herd Certification Program acquires animals from a nonparticipating herd, the receiving herd shall revert to First Year status with a new enrollment date as the date of acquisition of the animal.

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

History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.

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

- (a) Scope. This Rule shall only apply to CWD non-susceptible farmed cervids.
- (b) The Monitored Herd Certification Program shall provide an equivalent standard to the North Carolina Farmed Cervid Herd Certification Program for CWD non-susceptible farmed cervids.
- (c) Enrollment Qualifications.

- (1) Only applicants that have a valid farmed cervid license or have applied for one shall be eligible to have herds enrolled in the Monitored Herd Certification Program.
 - (2) Applicants shall comply with all farmed cervid license requirements under the rules in this Subchapter in order to have herds enrolled and remain in the Monitored Herd Certification Program.
- (d) Enrollment Application.
- (1) Persons who possess any CWD non-susceptible farmed cervid in the State shall apply with the Veterinary Division to have herds enrolled in the Monitored Herd Certification Program.
 - (2) The Veterinary Division shall determine the herd's enrollment eligibility and compliance with all farmed cervid license rules, and may request additional information regarding the herd animals and operations, such as laboratory reports, movement permits, animal species, and slaughter records to verify the origination of the animals and their status.
 - (3) The Veterinary Division shall deny an application if:
 - (A) the applicant submits an incomplete farmed cervid license application;
 - (B) the applicant has provided false information;
 - (C) the applicant fails to provide additional information requested by the Veterinary Division;
 - (D) the applicant previously violated State or Federal laws or regulations for livestock or non-farmed cervids, and the State Veterinarian determines, based on his or her experience, that the nature of the violation indicates that the applicant may not comply with the requirements of the Monitored Herd Certification Program;
 - (E) the herd to be enrolled has been commingled with any CWD-positive or CWD-exposed herd and has not yet entered into a valid herd plan.
 - (F) any pending or outstanding citation exists against the applicant;
 - (G) the applicant has failed to comply with any farmed cervid license requirement; or
 - (H) the applicant refuses inspection by the Veterinary Division in accordance with Paragraph (j) of this Rule.
 - (4) Upon determining that a herd is eligible to participate in the Monitored Herd Certification Program in accordance with Paragraphs (c) and (d) of this Rule, the Veterinary Division shall send the applicant a notice of enrollment of the herd's enrollment date.
- (e) Enrollment Dates. The enrollment date for a herd that joins the North Carolina Monitored Herd Certification Program shall be the date the herd is approved for participation upon inspection, except for new herds that were formed from and contain only animals from herds enrolled in the Monitored Herd Certification Program, the enrollment date shall be the latest enrollment date for any source herd for the animals.
- (f) Initial and Subsequent Herd Status.
- (1) When a herd is first enrolled in the Monitored Herd Certification Program, it shall be placed in the First Year status, except that if the herd is composed only of animals obtained from herds already enrolled in the Monitored Herd Certification Program, the newly enrolled herd shall have the same status as the lowest status of any herd that provided animals for the new herd.
 - (2) If the herd continues to meet the requirements of this Subchapter, each year, on the anniversary of the enrollment date, the herd status shall be upgraded by one year as follows:
 - (A) First Year – starts on enrollment date of the herd in the Monitored Herd Certification Program.
 - (B) Second Year – starts on the anniversary date of the First Year.
 - (C) Third Year – starts on the anniversary date of the Second Year.
 - (D) Fourth Year – starts on the anniversary date of the Third Year.
 - (E) Fifth Year – starts on the anniversary date of the Fourth Year.
 - (3) One year from the date a herd is placed in Fifth Year status, the herd status shall be changed to Certified, and the herd shall remain in Certified status as long as it is enrolled in the program, provided its status is not lost or suspended.
- (g) Loss or Suspension of Herd Status.
- (1) If the Veterinary Division determines that animals from a herd enrolled in the Monitored Herd Certification Program have commingled with animals from a herd with a lower program status, including CWD-susceptible farmed cervids, the herd with the higher program status shall be reduced to the status of the herd with which its animals commingled.
 - (2) If a herd has been commingled with any CWD-positive or CWD-exposed herd, it shall lose its program status and may only reenroll after entering into a herd plan.

- (3) If a herd has been commingled with any CWD-suspect herd, a trace back herd, or a trace forward herd by the Veterinary Division, it shall be placed in Suspended status pending an epidemiologic investigation by the Veterinary Division in accordance with the USDA Standards. If the epidemiologic investigation:
 - (A) determines that the herd was not commingled with a CWD-positive animal, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level;
 - (B) determines that the herd was commingled with a CWD-positive animal, the herd shall lose its program status and may only reenroll after entering into a herd plan;
 - (C) is unable to make a determination regarding the exposure of the herd, because the necessary animal or animals are no longer available for testing (i.e., a trace animal from a known positive herd died and was not tested) or for other reasons, the herd status shall continue as Suspended until a herd plan is developed for the herd in accordance with its definition under 9 C.F.R. 55.1 and the USDA Standards, Part B. Guidance on Responding to CWD Affected Herds. If a herd plan is developed and implemented, the herd shall be reinstated to its former program status, and the time spent in Suspended status shall count toward its promotion to the next herd status level. If the epidemiological investigation finds that the licensee of the herd has not complied with the rules of this Subchapter for animal identification, animal testing, and recordkeeping, the herd shall be reinstated into the Monitored Herd Certification Program at the First Year status level, with a new enrollment date set at the date the herd entered into Suspended status. Any herd reinstated after being placed in Suspended status shall then comply with the requirements of the herd plan as well as the requirements of the Monitored Herd Certification Program. The herd plan shall require testing of all animals that die in the herd for any reason, regardless of the age of the animal; whenever it is required by federal law, may require movement restrictions for animals in the herd based on epidemiologic evidence regarding the risk posed by the animals in question; and whenever it is required by federal law, may include other requirements found necessary to control the risk of spreading CWD.
- (h) Cancellation of Enrollment and Reduction of Herd Status.
 - (1) A licensee may cancel participation of any herd in the Monitored Herd Certification Program by surrendering the licensee's farmed cervid license in accordance with 02 NCAC 52L .0108 and by decommissioning the facility in accordance with 02 NCAC 52L .0301(e)(1).
 - (2) The Veterinary Division may cancel the enrollment or reduce the herd status of an enrolled herd, after determining that the licensee failed to comply with any rule of this Subchapter, by giving written notice to the licensee of the reasons for the cancellation or reduction in status.
 - (3) To appeal the cancellation of enrollment of a herd or loss or suspension of herd status, the procedures set forth under 9 CFR 55.24(c) shall govern.
- (i) Adding Animals to Existing Herd.
 - (1) A herd may add animals from herds with the same or a higher herd status with no negative impact on the certification status of the receiving herd.
 - (2) If animals are acquired from a herd with a lower herd status, including CWD-susceptible species, the receiving herd shall revert to the program status of the sending herd.
 - (3) If a herd participating in the Monitored Herd Certification Program acquires animals from a nonparticipating herd, the receiving herd shall revert to First Year status with a new enrollment date as the date of acquisition of the animal.
- (j) Inspection. If an inspection of any farmed cervid is needed as a part of enrollment, the licensee shall be responsible for assembling, handling, and restraining the farmed cervids. The licensees shall be responsible for all costs incurred to present the animals for inspection and agree that any liability or injury to the animals during handling rests with the licensee.
- (k) If any CWD non-susceptible farmed cervid is determined by the Veterinary Division or the USDA as CWD-susceptible, then the farmed cervid shall be transferred under the North Carolina Farmed Cervid Herd Certification Program.

*History Note: Authority G.S. 106-549.97(a2);
Eff. June 1, 2018.*

