

TITLE 4 DEPARTMENT OF AGRICULTURE
SUBTITLE 3 DIVISION OF ANIMAL INDUSTRY

CHAPTER 16

CATTLE, SHEEP, AND GOATS

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Historical Note: This chapter is based substantially upon Regulation 1 entitled "Definition of Terms, Etc."
[Eff. 9/26/49; am 9/29/55; am 7/25/57; am 6/26/58; am

8/15/68; am 5/19/72; am 10/31/74; am 8/16/77; am 8/21/80; R 10/5/81]; Regulation 2 entitled "Permits for Importation" [Eff. 9/26/49; am 9/29/55; am 7/24/70; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 3 entitled "Inspection and Quarantine" [Eff. 9/26/49; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 4 entitled "Landings and Entry into Territory" [Eff. 9/26/49; am 4/29/54; am 8/15/68; am 6/26/70; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 6 entitled "Importation of Cattle" [Eff. 9/26/49; am 8/26/54; am 10/28/54; am 9/29/55; am 8/15/68; am 7/30/73; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 105 entitled "Relating to Use of Facilities at the Animal Quarantine Station, Honolulu" [Eff. 9/26/49; am 6/26/70; am 2/18/72; am 7/30/73; am 2/26/76; am 8/16/77; 7/17/80; am 8/21/80; R 10/5/81]; Regulation 106 entitled "Quarantine of Premises, Animals and Effects" [Eff. 9/26/49; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 107 entitled "Official Vaccination of Calves with Brucella Vaccine, Identification of Vaccinates and Record of Vaccination" [Eff. 11/10/55; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 108 entitled "Anaplasmosis Control and Eradication" [Eff. 10/24/55; am 9/29/55; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 109 entitled "Brucellosis Control and Eradication" [Eff. 8/31/57; am 6/26/58; am 10/31/74; am 8/21/80; R 10/5/81]; Regulation 110 entitled "Tuberculosis Control and Eradication" [Eff. 7/31/58; am 10/31/74; am 8/21/80; R 10/5/81] Regulation 107 entitled "Penalty" [Eff. 9/26/49; am and ren Regulation 200 9/29/55; am 7/25/57; am 6/26/58; am 10/31/74; am 8/21/80; R 10/5/81]

SUBCHAPTER 1

GENERAL PROVISIONS

§4-16-1 Objective. This chapter shall govern the procedures of the department of agriculture pertaining to the prevention, control, and eradication of cattle, sheep, and goat diseases in the State. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-2 Construction of rules. This chapter shall be construed to effectuate the purposes of chapter 142, Hawaii Revised Statutes. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-3 Subchapters. (a) Each subchapter sets forth special rules applicable to the type of proceeding described in the caption.

(b) This subchapter sets forth general rules applicable to proceedings governing cattle, sheep, and goats.
 [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-4 Definitions. As used in this chapter, unless context otherwise requires:

"Accredited veterinarian" means a veterinarian certified by federal and state animal health authorities to participate in cooperative disease control activities, including execution of health certificates for the interstate and international movement of animals;

"Animals" includes wild animals, domestic animals, poultry, birds, and hatching eggs;

"Approved disinfectant" means a germicidal agent approved for use in a specific state-federal animal disease control and eradication program;

"Approved pesticide" means a chemical agent approved for use against external parasites;

"Board" means the board of agriculture, State of Hawaii;

"Carrier" means any ship, vessel, airplane, or other conveyance used to transport animals; or its master, commanding officer, owner, local manager, or agent;

"Chairperson" means the chairperson of the board of agriculture, department of agriculture, State of Hawaii;

"Department" means department of agriculture, State of Hawaii;

"Health certificate" means an official document issued by an accredited veterinarian certifying that the animals being shipped are free from external parasites and symptoms of transmissible disease and providing all other information and test results required for acceptance by the State;

"Division" means the division of animal industry, department of agriculture;

"Division head" means the chief or senior officer of the division of animal industry;

"Domestic animals" includes horses, mules, asses, cattle, sheep, goats, swine, dogs, cats, poultry, and other animals maintained in the domestic state; includes poultry and hatching eggs;

"Effects" includes ropes, halters, harnesses, buckets, stalls, crates, pens, stables, feed, feed bags, and other equipment used to handle, confine, maintain, or transport animals;

"Inspector" means a veterinarian or livestock inspector in the division of animal industry or United States Department of Agriculture;

"Official vaccinate" means a female bovine animal that has been vaccinated with an approved brucellosis vaccine and identified with the required tattoo or "V" brand;

"Premises" means a piece of real property, including any structure on it;

"Provisional quarantine" means temporary or conditional quarantine;

"Quarantine" means the isolation of an animal or animals on premises or areas specified by the division; the designation given such premises or areas;

"Shipmaster's declaration" means an official state form which shall be completed and submitted by a carrier providing information on animals and birds transported;

"State veterinarian" means a qualified veterinarian in the division of animal industry, department of agriculture, designated by the board of agriculture;

"Transmissible disease" means any contagious, infectious, or communicable disease of animals; and

"Vaccine" means a suspension of live, attenuated, or killed microorganisms such as bacteria and viruses used for the prevention or treatment of infectious diseases. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-5 Quarantine-general. (a) The department is authorized to place a quarantine on any animal, herd, premises, district, or island whenever in its opinion such action is necessary to prevent the spread of a transmissible disease.

(b) No animals shall be removed from or be added to such herds, premises, or areas except by permit from the department.

(c) This quarantine shall remain in effect until rescinded by the chairperson or his authorized representative. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-6 and 142-9)

§4-16-6 Quarantine area-feedlot. (a) All commercial feed yards which receive and feed animals from more than one herd are hereby declared quarantine zones.

(b) No animals shall be moved from these quarantine areas except to a licensed slaughterhouse or another commercial feedlot.

(c) Newborn animals are exempt and may be moved to other premises under permit from the division. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-7 Quarantine area-slaughterhouse. (a) All pens on slaughterhouse premises are hereby declared quarantine zones.

(b) Animals taken to these pens shall remain there until slaughtered, except that they may be removed for slaughter at another slaughterhouse under permit issued by the division. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-8 Regulatory jurisdiction on importations.

(a) Importations of cattle, sheep, and goats from areas under the jurisdiction and control of the United States are subject to the rules of the department.

(b) Importations of cattle, sheep, and goats from foreign countries, besides complying with department requirements, shall

not violate any federal regulations. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-4, 142-5, and 142-8)

§4-16-9 Entry status on imports. No cattle, sheep, or goats shall be allowed entry into the State unless accompanied by a health certificate and all entry requirements have been met. Landing or removal of animals from a carrier for purposes of inspection or quarantine shall not constitute entry into the State for any purpose whatsoever. No effects of animals, likewise, shall be brought into the State unless so authorized by an inspector of the division of animal industry or USDA. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-4 and 142-5)

§4-16-10 Ports of entry. (a) Cattle shall be entered through a port or airport in Hilo or Honolulu where permanent livestock quarantine facilities are provided. They may, however, be entered through other ports in the State if adequate temporary quarantine facilities are made available by the importer and approved in writing by the department.

(b) Sheep and goats may be entered through any official port or airport in the State. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-4, and 142-5)

§4-16-11 Carrier responsibility on importations.

(a) Carriers transporting cattle, sheep, or goats through any port in the State or landing these animals at any port within the State shall, on arrival, submit a shipmaster's declaration to the department providing the following information:

- (1) Name and address of owner, importer, consignor, consignee, and port of origin of the animals;
- (2) Number of animals on board, including those born en route; and
- (3) Number of animals which have died or have been injured en route, with the circumstances of the deaths or injuries.

(b) Carriers shall be responsible for securely confining cattle, sheep, or goats for entry at the pier or airport until movement is authorized by an inspector. Cattle, sheep, or goats in transit to ports beyond Hawaii shall not be off-loaded for any purpose unless authorized by the state veterinarian or an agent.

(c) Carriers shall not off-load and dispose of manure except under the supervision of an inspector. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-4, 142-5 and 142-8)

§4-16-12 Use of quarantine station facilities. (a) Owners of cattle, sheep, or goats held at an official or authorized quarantine station for any reason shall:

- (1) Provide feed and care for stock;
- (2) Clean pens after removal of the animals; and

(3) Promptly remove any dead animals from the quarantine station grounds when directed to do so by the state veterinarian.

(b) If, for any reason, the owners fail to fulfill the requirements in subsection (a), the quarantine station shall assume these responsibilities, and all costs involved shall be charged to the owner. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-3 and 142-6)

§4-16-13 Regulatory jurisdiction on exports.

(a) Shipments to other U.S. areas shall comply with entry requirements of the state of destination.

(b) Shipments outside the U.S. come under federal jurisdiction. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3)

SUBCHAPTER 2

CATTLE

§4-16-14 Scope. (a) This subchapter governs special rules pertaining to importation of cattle into the State.

(b) Applicable general provision rules in subchapter 1 should be read in conjunction with this chapter.

(c) In any conflict between a special rule in this subchapter and a general provision rule in subchapter 1, the special rule shall govern. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-15 Preshipment entry requirements. (a) Cattle for entry shall be accompanied by a health certificate issued by an accredited veterinarian, or a state or federal veterinary officer, within seven days before shipment. The health certificate shall give a description of each animal, including age, sex, breed, and either a national uniform eartag number, individual tattoo, or brand number, and shall certify that the animals described:

- (1) Are free from external parasites and symptoms of transmissible diseases and have not had recent exposure to these diseases;
- (2) Have originated in a herd that is not under quarantine for tuberculosis and have been found negative to an intradermal tuberculin test conducted by a state, federal, or accredited veterinarian within thirty days before shipment;
- (3) Have originated in a herd that is not under quarantine for brucellosis and have been tested by a state, federal, or accredited veterinarian and found to be negative to an official test for brucellosis performed in a USDA-approved laboratory within thirty days before shipment;

- (4) Have been tested by a state, federal, or accredited veterinarian and found to be free of anaplasmosis by a complement-fixation test performed in a state or federal laboratory within thirty days before shipment; and
- (5) Have been dipped or completely sprayed under the supervision of a state, federal, or accredited veterinarian with a one-half of one percent water solution of malathion within seven days before shipment, or one-half of one percent emulsion concentrate of Ciodrin within forty-eight hours before shipment, or any other USDA-approved pesticide. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: §§142-3 and 142-4)

§4-16-16 Post-shipment entry requirements. (a) Cattle for entry shall be held in the quarantine station to be tested for tuberculosis, brucellosis, anaplasmosis, and any other transmissible disease that the state veterinarian may require. While in quarantine, they shall be sprayed or dipped with a USDA-approved pesticide. The cattle may be quarantined for any deficiency in the health certificate covering the shipment.

(b) Cattle found to be negative to the testing procedures, are free of external parasites, and show no symptoms of transmissible diseases may be released from the quarantine station under provisional quarantine at premises approved by the state veterinarian, during which time they shall be retested for anaplasmosis. The owner, importer, or consignee shall furnish the inspector with information on where each animal in the shipment will be held.

(c) All expenses in connection with the examination, testing, treating, or destruction and disposal of cattle while in quarantine, shall be borne by the owner, importer, or consignee.

(d) No indemnity shall be paid for reactors found on entry testing. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-4)

§4-16-17 Anaplasmosis surveillance, control and eradication. (a) Blood samples shall be collected at slaughter from all cattle three years of age and older and shall be forwarded to the veterinary laboratory of the division for anaplasmosis testing.

(b) When reactors are found in tests conducted under subsection (a), the entire herd shall be quarantined and retested for anaplasmosis. The herd shall remain under quarantine and be retested at sixty-to ninety-day intervals until two consecutive negative tests have been obtained.

(c) All testing of cattle in compliance with requirements shall be done in a safe manner. Cattle shall be stanchioned or otherwise securely restrained to the satisfaction of the veterinarian conducting the test.

(d) All positive reactors to the anaplasmosis test shall be branded on the left jaw with the letter "A" and identified with a reactor tag affixed to the left ear by the state veterinarian or his deputy. All reactors shall be slaughtered within thirty days

after official notification in writing of the reaction. The owner shall give advance notice to the state veterinarian of the time and place of slaughter of the reactors.

(e) All cattle slaughtered as identified positive reactors to the anaplasmosis test shall be appraised prior to slaughter and the owner shall be indemnified in accordance with the provisions of section 142-22, Hawaii Revised Statutes.

(f) No indemnity shall be paid unless the owner has complied with all rules and instructions issued by the division pertaining to the control and eradication of anaplasmosis. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-6, 142-9 and 142-22)

§4-16-18 Brucellosis surveillance, control, and eradication. (a) Blood samples shall be collected at slaughter from all cattle three years of age and older and forwarded to the veterinary laboratory of the department for brucellosis testing.

(b) Samples of milk produced in licensed dairies shall be collected and forwarded to the veterinary laboratory for brucellosis testing as often as deemed necessary by the state or federal veterinarian to maintain surveillance of brucella infection within the herd.

(c) Whenever laboratory test results indicate infection, the herd of origin shall be tested within thirty days following official notification of the infection.

(d) When reactors are found in tests conducted under subsection (a), the entire herd shall be quarantined and be tested for brucellosis. The herd shall remain under quarantine and be retested, as required in the current Uniform Methods and Rules for the Eradication of Brucellosis, until eligible for release from quarantine.

(e) All testing of cattle in compliance with requirements of this section shall be done in a safe manner. Cattle shall be stanchioned or otherwise securely restrained to the satisfaction of the veterinarian conducting the test.

(f) All reactors to the brucellosis test shall be branded on the left jaw with the letter "B" and identified with a reactor tag affixed to the left ear by the state veterinarian or his deputy. All reactors shall be slaughtered within fifteen days after official notification in writing of the reaction. The owner shall give advance notice to the state veterinarian of the time and place of slaughter of the reactors.

(g) All cattle slaughtered as branded, identified reactors to the brucellosis test shall be appraised prior to slaughter and the owner shall be indemnified in accordance with the provisions of section 142-23, Hawaii Revised Statutes.

(h) No indemnity shall be paid unless the owner has complied with all rules and instructions issued by the division pertaining to the control and eradication of brucellosis.

(i) Following removal of reactor animals, the premises shall be disinfected with an approved disinfectant under the supervision of the state veterinarian or his agent. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-6, 142-9, and 142-23)

§4-16-19 Control of Vaccination for Brucellosis. (a) A permit from the division is required for vaccinating cattle with any live brucellosis vaccine.

(b) Each animal vaccinated under permit issued by the division shall be permanently identified as a vaccinate by one of the two following methods:

- (1) A tattoo, which shall be applied in the right ear, shall include the "U.S. Registered Shield and V." The Shield and V shall be preceded by a number indicating the quarter of the year in which the vaccination is made and followed by the last number of the year of vaccination; or
- (2) A "V" brand shall be applied to the right jaw with the open end facing either up, forward, down, or toward the back, depending on the year in which the vaccination is conducted. In 1979, the "V" should be placed with the open end facing up and, in succeeding years, should proceed clockwise. The fifth year repeats the first year.

(c) It shall be unlawful for any person other than the permittee to so tattoo or brand cattle.

(d) Herds in which vaccination for brucellosis is permitted under subsection (a) shall be quarantined, and no animals shall be moved from the premises, except on permit issued by the division.

(e) The division is authorized to rescind permits issued under subsection (a) whenever in its judgment such action is warranted. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-3 and 142-6)

§4-16-20 Tuberculosis control and eradication. (a) All herds of cattle in which reactors to the tuberculin test have been found and all herds from which tuberculous animals have been found at slaughter shall be designated as infected herds and shall be quarantined.

(b) All herds of cattle that have been in contact with herds in which tuberculin test reactors or tuberculous animals have been found shall be designated as exposed herds and shall be quarantined.

(c) Owners of herds quarantined under subsection (a) and (b) shall, within thirty days after official notification in writing, implement a program to lift the quarantine through either complete herd depopulation via slaughter or through testing procedures, as prescribed by the state veterinarian.

(d) All testing of cattle for tuberculosis shall be done in a safe manner. Cattle shall be stanchioned or otherwise securely restrained to the satisfaction of the veterinarian conducting the test. The owner of the cattle shall provide all facilities necessary for the safe restraint of the cattle for testing.

(e) All positive reactors to the tuberculosis test shall be branded on the left jaw with the letter "T" and identified with a state reactor tag affixed to the left ear by the state veterinarian or his agent. All reactors shall be slaughtered within fifteen days after official notification in writing of the

reaction. The owner shall give advance notice to the state veterinarian of the time and place of slaughter of the reactors.

(f) All cattle identified as positive reactors to the tuberculosis test shall be appraised prior to slaughter and the owner shall be indemnified in accordance with the provisions of section 142-19, Hawaii Revised Statutes.

(g) No indemnity shall be paid unless the owner has complied with all rules and instructions issued by the division pertaining to the control and eradication of tuberculosis.

(h) Following removal of reactors or depopulation of the herd, the premises shall be cleaned and disinfected within fifteen days, as prescribed in the Uniform Methods and Rules. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-3, 142-6, 142-9, 142-17, 142-18, 142-19, 142-20 and 142-21)

SUBCHAPTER 3

SHEEP

§4-16-21 Scope. (a) This subchapter governs special rules pertaining to importation of sheep into the State.

(b) Applicable general provision rules in sections 4-16-1 through 13 should be read in conjunction with this subchapter.

(c) In any conflict between a special rule in this subchapter and a general provision rule in sections 4-16-1 through 13, the special rule shall govern. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-22 Preshipment entry requirements. Sheep for entry shall be accompanied by a health certificate issued by an accredited veterinarian or a state or federal veterinary officer in the state of origin, within seven days before shipment. The health certificate shall give a description of each animal, including age, sex, breed, and eartag number, and shall certify that the animals described:

- (1) Are free from external parasites and symptoms of transmissible diseases and have not had recent exposure to these diseases;
- (2) Have originated in a state or area officially declared to be free of scabies for the twelve-month period preceding date of shipment; and
- (3) Have been dipped or completely sprayed under the supervision of a state, federal, or accredited veterinarian with a one-half of one percent water solution of malathion, or other USDA-approved pesticide, within seven days before shipment. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-3 and 142-4)

§4-16-23 Post-shipment entry requirements. (a) Imported sheep shall be inspected by a state veterinarian or an agent before being granted entry into the State. Any indication of transmissible disease at the time of inspection shall be sufficient reason to quarantine any or all of the sheep in the shipment at premises approved by the state veterinarian. They shall not be released and be permitted entry into the State until the state veterinarian is satisfied that they are free of symptoms of transmissible diseases and external parasites.

(b) All expenses in connection with the segregation and treatment or destruction and disposal of the quarantined animals shall be borne by the owner, importer, or consignee. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-4)

SUBCHAPTER 4

GOATS

§4-16-24 Scope. (a) This subchapter governs special rules pertaining to importation of goats into the State.

(b) Applicable general provision rules in sections 4-16-1 through 13 should be read in conjunction with this subchapter.

(c) In any conflict between a special rule in this subchapter and a general provision rule in sections 4-16-1 through 13, the special rule shall govern. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-3)

§4-16-25 Preshipment entry requirements. Goats for entry shall be accompanied by a health certificate issued by an accredited veterinarian or a state or federal veterinary officer within seven days before shipment. The health certificate shall give a description of each animal, including age, sex, breed, and eartag number, and shall certify that the animals described:

- (1) Are free from external parasites and symptoms of transmissible diseases and have not had recent exposure to these diseases;
- (2) Have originated in a herd that is not under quarantine for tuberculosis and have been found negative to an intradermal tuberculin test by a state, federal, or accredited veterinarian within thirty days before shipment;
- (3) Have originated in a herd that is not under quarantine for brucellosis and have been tested by a state, federal, or accredited veterinarian and found to be negative to a USDA-approved test for brucellosis performed in an official laboratory within thirty days before shipment; and
- (4) Have been dipped or completely sprayed under the supervision of a state, federal, or accredited veterinarian with a one-half of one percent water solution of malathion, or other APHIS-approved

pesticide, within seven days before shipment.
[Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §§142-3 and 142-4)

§4-16-26 Post-shipment entry requirements. (a) Imported goats shall be inspected by the state veterinarian before being granted entry into the State. Any indication of transmissible disease at the time of inspection shall be sufficient reason to quarantine any or all of the goats in the shipment at premises approved by the state veterinarian. They shall not be released and be permitted entry into the State until the state veterinarian is satisfied that they are free from symptoms of transmissible diseases and external parasites.

(b) All expenses in connection with the segregation and treatment or destruction and disposal of the quarantined goats shall be borne by the owner, importer, or consignee. [Eff. 10/5/81] (Auth: HRS §142-2) (Imp: HRS §142-4)