

CONSOLIDATED NEWFOUNDLAND AND LABRADOR REGULATION 1081/96

Livestock Health Regulations Livestock Health Regulations

under the

Livestock Health Act

(O.C. 96-451)

Amended by:

2004 c36 s50

12/05

29/05

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Under the authority of section 4 of the *Livestock Health Act* and the *Subordinate Legislation Revision and Consolidation Act* , the Lieutenant-Governor in Council makes the following regulations.

REGULATIONS

Short title

1. These regulations may be cited as the *Livestock Health Regulations*.

280/78 s1

Definitions

2. In these regulations

(a) "accredited veterinarian" means a veterinarian authorized to perform tests and inspections under the *Health of Animals Act* (Canada);

- (b) "Act" means the *Livestock Health Act* ;

- (c) "accredited veterinarian" means the Animal Health Division of the Agrifoods Branch of the Department of Forest Resources and Agrifoods;
- (d) "department" means the department presided over by the minister;
- (e) "Director of Animal Health" means the veterinarian appointed as Director of Animal Health Division for the department;
- (f) "equidae" includes all horse-like animals such as horses, donkeys and zebras;
- (g) "Health of Animals Branch" means the Health of Animals Branch of Agriculture and Agri-Food Canada;
- (h) "immediate slaughter" means a slaughter within 10 days after arrival at a stockyard, slaughter house, farm or other premises;
- (i) "inspection" includes examination, test and investigation;
- (j) "inspector" means a veterinary inspector or other inspector appointed under the Act;
- (k) "licensed rendering plant" means an establishment licensed under the *Meat Inspection Act* (Canada) and regulations made under that Act;
- (l) "licensed veterinarian" means a registered veterinarian licensed to practise in the province, another province of Canada or in Canada ;
- (m) "live-poultry-crate owner" means the person or his or her agent who last used the crate for the purpose of buying, selling, conveying or transporting live poultry;
- (n) "official veterinarian" means a veterinarian employed by a provincial government;
- (o) "person" includes a partnership, firm or association of persons;
- (p) "poultry" includes chickens, turkeys, guinea fowl, ducks, geese, pigeons, other barnyard fowl and other domesticated or captive birds;
- (q) "premises" includes yard, field, corral, farm and garden whether or not they are enclosed with fences or walls and an abattoir, shed, barn, cabin, shack or other building or erection;

(r) "vehicle" includes railway, car, truck, cart, wagon, automobile and carriage; and

(s) "vessel" includes ship, boat, raft, barge and scow.

280/78 s2; 245/86 s1

Director of Animal Health power of inspector

3. The Director of Animal Health has all the powers of an inspector under the Act and these regulations.

280/78 s3

Entry onto premises, vehicles, inspection, etc.

4. (1) An inspector may enter upon premises, a vehicle, vessel or aircraft upon or in which he or she reasonably believes livestock may be found.

(2) An inspector may inspect livestock in the province for the purposes of determining whether or not that livestock has an infectious or contagious disease and to ascertain the nature of that infectious or contagious disease.

(3) An inspector may, for the purpose of identification, mark livestock inspected by him or her.

280/78 ss4-6

Detention of livestock

5. An inspector or an officer of the Royal Newfoundland Constabulary or the Royal Canadian Mounted Police may detain livestock or order the owner or a person having possession, custody or control of the livestock to detain the livestock in a place and for an amount of time which the inspector or officer considers necessary or desirable to allow for appropriate inspection of the livestock and to prescribe treatment where necessary to control disease or for another purpose under the Act and regulations.

111/90 s1

Seizure to treat or inoculate livestock

6. An inspector may

- (a) seize livestock or a class of livestock for the purpose of inoculation against disease;
- (b) implement inoculations that may be considered necessary to prevent the spread of infectious or contagious disease; and
- (c) treat livestock suffering from or suspected of suffering from that disease.

280/78 s7A

Prohibition

7. (1) A person shall not without the permission of an inspector remove livestock from premises where livestock is being detained by an inspector for the purpose of the Act or these regulations.

(2) A person shall not prevent, obstruct, hinder or impede the entry of an inspector upon a premises, vessel, vehicle or aircraft for the purpose of inspecting livestock or for another purpose of the Act or these regulations.

280/78 ss8&10

Seizure of infected livestock

8. Livestock having or suspected of having an infectious or contagious disease or having a debilitating or incapacitating disease which is sold, disposed of or turned loose, or exposed or offered for sale or brought or being brought into a market, exhibition, fair or other public place where other livestock is commonly exposed or offered for sale, may be seized by an inspector, or another person authorized by a Provincial Court judge.

280/78 s9; 2004 c36 s50

Reporting of disease

9. (1) Where livestock entering or in the province has or appears to have an infectious or contagious disease, the person owning or having possession, custody or control of that livestock or a veterinarian registered under the *Veterinary Medical Act* who has examined that

livestock shall, upon becoming aware of that infectious or contagious disease, immediately report that presence of disease to the Director of Animal Health or an inspector.

(2) The minister may order the destruction or disposal of livestock having or suspected of having an infectious or contagious disease and a material, substance or thing known or suspected of being infected or contaminated with that disease by a method the minister or an inspector considers appropriate.

(3) The minister may award compensation to owners of livestock ordered to be destroyed or disposed of under this section at a rate fixed by the Lieutenant-Governor in Council.

280/78 s14

Detention on entry

10. An inspector who has reasonable cause to believe that an infectious or contagious disease exists in livestock brought or being brought into the province may order the livestock to be detained at the port of entry or another place designated by the inspector at the cost or expense of the person owning or having possession, custody or control of the livestock.

128/91 s2

Return to origin

11. The minister may order livestock found to have an infectious or contagious disease to be returned from the port of entry or another place where it is detained to the place of origin of the livestock or may order that livestock to be destroyed.

128/91 s2

Maintenance of sanitary conditions

12. (1) Livestock and poultry shall be transported, detained, maintained and kept in a vessel, vehicle, aircraft, premises or yard in a safe, clean and sanitary manner which ensures the healthy condition of livestock and poultry and which prevents the

- (a) infection of that livestock or poultry with disease; and
- (b) spread of contagious diseases and infection to other livestock or poultry.

(2) The Director of Animal Health may determine the manner in which a vessel, vehicle, aircraft, premises or yard are to be cleaned or disinfected in order to prevent the spread of contagious diseases among livestock or poultry.

Prohibition re disease and diseased livestock

13. (1) A person shall not turn out, keep or graze in or upon a forest, wood, beach, marsh, common, wasteland, field, roadside or other undivided or open land livestock known to have an infectious or contagious disease, or to have been exposed to that disease.

(2) A person shall not bring or attempt to bring into a market, exhibition, fair, community sales yard or other public place where livestock is sold or auctioned, livestock known to have an infectious or contagious disease.

(3) A person shall not bring into the province micro or macroscopic organisms, including a virus, bacterium, fungus, Rickettsia, blood parasite, endo and ecto parasite, known to be pathogenic for animals and poultry, except under permit from the minister or Director of Animal Health.

(4) A person shall not sell or offer or expose for sale or attempt to sell livestock having an infectious or contagious disease, nor the carcass or a part of the carcass of livestock having a disease at the time of death, except to a licensed rendering plant.

(5) A person shall not put off, abandon or turn out livestock having an infectious or contagious disease nor throw away or discard the carcass or a part of the carcass of livestock having a disease at the time of death on a community pasture, public road or way or land not fenced or otherwise secured against the escape of the livestock.

(6) A person shall not throw or place the carcass of livestock that died of an infectious or contagious disease or that was slaughtered while diseased or a part or portion of a carcass in a river, stream, pond, lake or other water, or in the sea within 8 kilometres of the shore or permit or allow the same to be done with the carcass of the livestock or a part or portion of that carcass owned or in his or her possession, custody or control.

280/78 ss38&39; 280/78 ss41&42; 50/85 s1

Prohibition re buried carcasses

14. A person shall not uncover or dig up or cause or permit or allow to be uncovered or dug up the buried carcass of livestock that died or is suspected of having died from an infectious or contagious disease.

280/78 s43

Bringing livestock into the province

15. A person shall not bring honeybees, honeybee hives, mink or swine into the province unless that person has first obtained a permit to do so from the Director of Animal Health or an inspector designated by him or her for this purpose.

12/05 s1

Quarantine

16. (1) The minister may order livestock suspected of having an infectious or contagious disease to be quarantined in or on the premises of the person owning or having possession, custody or control of those premises or in a place and for a period of time that the minister considers appropriate and if no infectious or contagious disease is found in the livestock then the livestock shall be released from quarantine and delivered to the person owning or claiming possession, custody or control of that livestock.

(2) A place designated for the quarantine of livestock shall be considered to be an infected place.

128/91 s2

Director may deny entry

17. Livestock brought or being brought into the province and in the opinion of the Director of Animal Health taken as having undesirable qualities or breed characteristics or being unfit or unsuitable for the purpose for which livestock was intended may be denied entry and returned to the place of origin of the livestock at the cost or expense of the person owning or having possession, custody or control of the livestock.

128/91 s2

Prohibition re interference and removal

18. (1) A person shall not interfere with the movement of livestock to a quarantine site, nor impede or obstruct the execution of an order, direction or instruction made or given by an inspector with respect to the inspection of livestock, or custody of livestock during inspection or conveyance to a quarantine site under these regulations.

(2) A person shall not remove or release livestock from quarantine without prior authority from an inspector.

128/91 s2

Cost

19. A person who transports livestock into the province in contravention of these regulations shall bear the cost of transportation or disposition of the livestock from the point of entry into the province to the place of origin of the livestock.

128/91 s2

Rabies

20. Where, in the opinion of the minister or the Director of Animal Health, an animal that is being brought into the province has the potential to introduce rabies, the minister or the Director of Animal Health may order that the animal be subjected to a rabies vaccination before entry or if there is no rabies vaccine or vaccination schedule registered for that animal it may be denied entry to the province.

128/91 s2

Entry of mink

20.1 (1) A person shall not bring mink into the province unless accompanied by a certificate signed by an official veterinarian or licensed veterinarian in the place of origin of the mink or by an accredited veterinarian certifying that:

(a) the farm from which the mink originated routinely tests each year at least 10% of its breeding stock of mink for Aleutian Disease and there have been no confirmed cases of Aleutian Disease in the 12 months prior to the importation of the mink; and

(b) the mink were sampled for Aleutian Disease with negative test results within 7 to 45 days, or such other time as the Director of Animal Health may in his or her discretion prescribe in a particular case, preceding entry to the province.

(2) A person who imports mink shall ensure that the mink chosen for import are kept separate from other mink once they have been tested for the purposes of paragraph (1)(b) and are not exposed to other mink, or animals that could spread Aleutian Disease, during shipment.

(3) Upon entry into the province all mink, regardless of compliance with subsection (1), shall be quarantined for at least 30 days at a site approved by an inspector and only released with the permission of an inspector after further testing of the mink indicates they are still free from Aleutian Disease.

(4) Mink shall not be killed or pelted or moved from the quarantine site without permission from an inspector.

(5) All cases of illness or death of imported mink on the importing farm that occur within 12 months of importation shall be reported to an inspector.

(6) Where mink are brought into the province without the certificate referred to in subsection (1) or in contravention of subsection (2) or (3), the Director of Animal Health may order that the animals be seized and returned to their place of origin at the cost or expense of the person owning or having possession, custody or control of the animals.

12/05 s2; 29/05 s1

Entry of honeybees

20.2 (1) A person shall not bring honeybees or honeybee hives into the province unless accompanied by a certificate signed by an official veterinarian or licensed veterinarian in the place of origin of the honeybees or hives or by an accredited veterinarian or other person approved by the Director of Animal Health certifying that:

(a) the honeybees and hives are free from the Honeybee Tracheal Mite (*Acarapis woodi*), Varroa Mite (*Varroa destructor*), Greater Wax Moth (*Galleria mellonella*) and Small Hive Beetle (*Aethina tumida*);

(b) the apiary from which the honeybees or hives originated were completely free from the pests described in paragraph (a) when the honeybees or hives were taken from the apiary and in the 12 months immediately preceding their departure; and

(c) the honeybees or hives were tested for the pests described in paragraph (a) with negative test results within the 30 days, or such other time as the Director of Animal Health may in his or her discretion prescribe in a particular case, preceding entry to the province.

(2) A person who imports honeybees or honeybee hives shall ensure that the honeybees and hives are not exposed to other honeybees or honeybee hives during shipment.

(3) Upon entry into the province all honeybees and honeybee hives, regardless of compliance with subsection (1), shall be quarantined on the premises of the importer for a period of 12 months from the date of entry.

(4) Honeybees and honeybee hives shall not be moved from the premises of the importer during the period of quarantine set out in subsection (2).

(5) Where honeybees or honeybee hives are brought into the province without the certificate referred to in subsection (1) or in contravention of subsection (2) or (3), the Director of Animal Health may order that the honeybees and hives be seized and returned to their place of origin at the cost or expense of the person owning or having possession, custody or control of the honeybees or hives.

12/05 s2; 29/05 s2

Swine

21. (1) Swine brought or being brought into the province shall be accompanied by a certificate signed by an official veterinarian or licensed veterinarian of the place of origin of the swine or an accredited veterinarian to the effect that

(a) the swine are free from infectious or contagious disease;

(b) the herds of origin of the swine originated from specific pathogen free stock and were established and maintained as minimal disease herds completely free from swine Erysipelas, Atrophic Rhinitis, Enzootic Pneumonia and Porcine Pleuro-pneumonia;

(c) the progeny offered for entry were tested for Leptospirosis, Tuberculosis, Brucellosis, Transmissible Gastroenteritis (TGE) and Pseudorabies (Aujeszky's Disease) with negative results within the preceding 30 days; and

(d) they have not been

(i) assembled or held in a stockyard or salesyard before shipment, and

(ii) exposed to other swine during shipment.

(2) Notwithstanding subsection (1), upon entry into the province all swine shall be quarantined on the premises of the importer for a period of 3 months from the date of entry.

(3) Swine shall not be moved from the premises of the importer during the period of quarantine as set out in subsection (2) except under the authority of an inspector who may permit the removal of the swine directly to an abattoir under veterinary inspection for immediate slaughter.

(4) In the case of swine imported into the province directly from a quarantine station maintained by the Health of Animals Branch, the Director of Animal Health may in his or her discretion waive the period of quarantine under this section.

128/91 s2

Ministerial order re swine health standards

22. In order to establish a minimal disease swine industry in the province, the minister may order the elimination of all swine that do not meet the health standards of the provincial swine productions policy other than swine originating from

(a) a government breeding station;

(b) multiplier and production herds operating under the provincial swine production policy; or

(c) importation under section 21.

128/91 s2

Repeal

23. The Livestock Health Regulations, 1973, Newfoundland Regulation 280/78, are repealed.