

**CHAPTER 9. CONTROL AND ERADICATION OF
TUBERCULOSIS OF LIVESTOCK**

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Authority

The provisions of this Chapter 9 issued under act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. §§ 331—430); section 1702 of The Administrative Code of 1929 (71 P. S. § 442); and section 9 of the act of April 17, 1929 (P. L. 533, No. 236) (3 P. S. § 349), unless otherwise noted.

Cross References

This chapter cited in 7 Pa. Code § 3.151 (relating to general provisions); and 7 Pa. Code § 59.302 (relating to raw milk).

Subchapter A. GENERAL PROVISIONS

Sec.	
9.1.	Definitions.
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§ 9.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Bureau—The Bureau of Animal Industry of the Department.

Department—The Department of Agriculture of the Commonwealth.

Director—The Director of the Bureau of Animal Industry.

Official tests—The term includes the following:

(i) The intradermic test which shall consist of an intradermal injection of 0.1cc of tuberculin into the caudal fold.

(ii) *Cervical test*. This test shall be used and applied only by full-time employed State or Federal regulatory veterinarians and consists of an intradermal injection of .2cc of tuberculin in the cervical area. This test is used as a retest of known mycobacterium bovis infected herds.

(iii) *Comparative cervical test.* This test shall only be applied by approved regulatory veterinarians and consists of an intradermal injection of .1cc of standardized mammalian and avian tuberculin at separate cervical sites.

(iv) Tests shall be read 72 hours after injection date.

Reactor—An animal that is positive to the tuberculin test, indicating infection with the organism myobacterium tuberculosis. A retest may be granted at any time on any animal that has been designated a reactor.

Tuberculosis—An infectious, communicable disease, characterized by the formation of small nodules or tubercles, caused by the bacteria mycobacterium tuberculosis.

USDA-APHIS—United States Department of Agriculture, Animal and Plant Health Inspection Service.

Source

The provisions of this § 9.1 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1420).

§ 9.2. Authorization and application of official test.

A person may not apply the official test to a complete herd without prior authorization from the Bureau. Authorization may not be required for a partial herd test. Officials of the Bureau reserve the right to supervise the tests conducted.

Source

The provisions of this § 9.2 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1420).

§ 9.3. Reports of tests conducted.

(a) Reports of tests shall be signed by the accredited veterinarian who actually engaged in the physical application of the official test. The herd number shall be included on reports. Reports shall be submitted not later than 15 days following the date of application of the test. The veterinarian conducting the test shall furnish the herd owner with a copy of the test report, unless the test is combined with a brucellosis test.

(b) Animals may not be removed from the owner's premise from the time they are injected with tuberculin until the test has been read in 72 hours and the animals have been declared negative.

Source

The provisions of this § 9.3 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1421).

§ 9.4. Identification of animals.

(a) Purebred and registered animals tested shall be identified on the test report by ear tag number, age or date of birth, sex, breed, name and registry number.

(b) Grade animals tested shall be identified on the test report by ear tag number, age, sex, breed and description.

(c) Chain tags may not be acceptable for identification. Ear notches, tattoos or other permanent identification will be accepted for species other than cattle.

Source

The provisions of this § 9.4 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1421).

§ 9.5. Animals to be tested (cattle, goats and bison).

- (a) Individual plan for accreditation—test all animals over 24 months of age.
- (b) Other tests—test animals regardless of age.

Authority

The provisions of this § 9.5 amended under the Domestic Animal Law, 3 Pa.C.S. §§ 2321(a)(12) and (38), 2327, 2329 and 2382.

Source

The provisions of this § 9.5 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099; amended April 11, 1997, effective April 12, 1997, 27 Pa.B. 1791. Immediately preceding text appears at serial page (144249).

Cross References

This section cited in 7 Pa. Code § 9.41 (relating to requirements for participation).

§ 9.6. Animals not to be tested.

Retests of tuberculin response cattle, goats and bison may not be conducted for 60 days following the last test because of desensitization. The exception is the retest of response animals by the comparative cervical test which can be done within 10 days of the previous caudal test by approved regulatory veterinarians only and if over 10 days then the comparative cervical test shall be conducted after 60 days.

Authority

The provisions of this § 9.6 amended under the Domestic Animal Law, 3 Pa.C.S. §§ 2321(a)(12) and (38), 2327, 2329 and 2382.

Source

The provisions of this § 9.6 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099; amended April 11, 1997, effective April 12, 1997, 27 Pa.B. 1791. Immediately preceding text appears at serial page (144249).

§ 9.7. Injury disclaimer.

The Department, or any cooperating Federal agency, their agents or representatives, may not be responsible for unfavorable results or injuries to animals that might be caused by handling or testing.

Source

The provisions of this § 9.7 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1421).

§ 9.8. Livestock auction or stockyard quarantine.

(a) Animals that fail to pass a satisfactory physical examination and tuberculin test, whether applied within this Commonwealth or elsewhere, while at a livestock auction or stockyard, shall be confined in separate enclosures set aside for the purpose, designated as quarantine pens and under supervision of the Bureau.

(b) Quarantined animals confined in quarantine pens shall be fed and watered by, or at the expense of the owner.

Source

The provisions of this § 9.8 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1421).

§ 9.9. Right of the Commonwealth to test.

The Commonwealth reserves the right to test an animal for tuberculosis at any time. It shall be unlawful for a person to interfere or refuse to confine so as to allow testing without undue burden on the person testing, or to present his domestic animals or poultry for testing by officers or agents of the Department in the performance of duties imposed by this chapter after reasonable notice of the proposed testing has been given.

Source

The provisions of this § 9.9 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1422).

Subchapter B. REQUIREMENTS FOR AN INFECTED HERD

- Sec. 9.21. Quarantine required on herd.
- 9.22. Quarantine tagging and branding.
- 9.23. Appraisal and slaughter.
- 9.24. Permits for movement from quarantined herds.
- 9.25. Reactors sold for salvage and indemnity.
- 9.26. Cleaning and disinfecting.

§ 9.21. Quarantine required on herd.

When a tuberculosis reactor or suspect is disclosed, the veterinarian applying the test shall establish a quarantine on the entire herd. The number of animals in each age group should be described on the quarantine.

Source

The provisions of this § 9.21 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1423).

§ 9.22. Quarantine tagging and branding.

When reactors are disclosed the veterinarian applying the test shall quarantine tag (red metal reactor tag) and brand the animal. The brand shall be applied with a hot iron and shall be the letter “T” on the left jaw. The branding may not be construed as cruelty to animals.

Source

The provisions of this § 9.22 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1423).

§ 9.23. Appraisal and slaughter.

(a) Reactors shall be appraised for indemnity purposes. The appraised value shall be the current replacement value at the time of appraisal and depend on a number of conditions as cited in this subchapter and Chapter 8 (relating to appraisal and indemnity for diseased animals) and described in the act of October 10, 1974 (P. L. 680, No. 227) (3 P. S. §§ 398—399.2).

(b) Reactor animals shall be disposed of within 15 days after appraisal. Reactors shall be subjected to a post mortem examination by State or Federal officials. There is no salvage for tuberculosis reactors unless animals can be slaughtered and cooked to meet Federal meat inspection regulations.

Source

The provisions of this § 9.23 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1423).

§ 9.24. Permits for movement from quarantined herds.

(a) Reactors shall be kept in quarantine and may not be removed from the premise except on a written permit from an agent of the Bureau or a cooperating Federal agency.

(b) Negative animals in quarantined herds may not be removed from the premise except on a written permit issued by the Bureau or cooperating Federal agency.

(c) Animals exposed to *Mycobacterium bovis* shall be “S” branded before being sent to slaughter.

Source

The provisions of this § 9.24 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099; amended January 27, 1978, effective January 28, 1978, 8 Pa.B. 246. Immediately preceding text appears at serial page (24334).

§ 9.25. Reactors sold for salvage and indemnity.

(a) If reactors are slaughtered and cooked to meet Federal meat inspection requirements, then the salvage is determined by a competitive bid from the buyer in a manner to yield the highest possible salvage.

(b) When bids have been obtained, the movement of the reactors shall be permitted with the understanding that they will be purchased and that the payment will be made directly to the owner on a dressed weight and price per pound basis or a live weight lump sum purchase.

(c) Reactors shall be sold subject to inspection at the risk of the owner.

(d) Indemnity payments are dependent on requirements as described in Chapter 8 (relating to appraisal and indemnity for diseased animals) and the act of October 10, 1974 (P. L. 680, No. 227) (3 P. S. § 398—399.2).

Source

The provisions of this § 9.25 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1424).

§ 9.26. Cleaning and disinfecting.

The herd owner shall complete the cleaning of his premise within 15 days after the removal of the reactors and the premise shall be disinfected under the supervision of the Bureau using an approved disinfectant.

Source

The provisions of this § 9.26 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1424).

Subchapter C. RETESTING OF HERDS DISCLOSING REACTORS

- Sec.
9.31. Conditions required for retesting.
9.32. Reactors on retests.
9.33. Quarantine period.
9.34. Raw milk for human or animal consumption.
9.35. Milk for human or animal consumption from herds of cattle or goats quarantined because of tuberculosis.

§ 9.31. Conditions required for retesting.

(a) Retests for tuberculosis may not be conducted until 60 days have elapsed following the previous test due to desensitization. The only exception would be

the use of the comparative cervical or cervical test by approved regulatory veterinarians within 10 days of previous injection date.

(b) Retests will not be authorized until reactors are disposed of under State or Federal supervision and the premises have been properly cleaned and disinfected.

(c) The length of time between retests will be determined by the Bureau and will be dependent upon the amount of infection disclosed on each test.

Source

The provisions of this § 9.31 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1425).

§ 9.32. Reactors on retests.

Reactors on retests shall be identified as being in a previous test of the herd; or as the offspring of dams previously tested in the herd; or as animals that have been purchased and added to the herd. These purchased additions will not be eligible for indemnity as stated in § 8.25 (relating to herd additions to quarantined herds).

Source

The provisions of this § 9.32 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099. Immediately preceding text appears at serial page (1425).

§ 9.33. Quarantine period.

(a) If "No Gross Lesions" are disclosed or post mortem shows "Skin Lesions Only," the herd will be released after one negative test of the animals over 2 years of age, conducted not less than 60 days from the date of the last test.

(b) If lesions are found on post mortem, then the herd will be kept under quarantine until it passes three negative tests. The first test will be conducted at least 60 days following removal of the reactors and cleaning and disinfecting of premises; the next two tests shall be done at 6-month intervals. The entire herd shall be tested, regardless of age, to revoke the quarantine.

(c) When suspects to tests are disclosed in herds with no reactors the herd containing the suspicious animals shall be quarantined, the accredited herd status suspended and no animals moved except by permit from the Bureau. This quarantine, suspension and movement ban shall remain in effect until the status of the herd is determined by a retest of the suspects 60 days after the original test or a comparative cervical test within 10 days, conducted by an approved veterinarian. If the suspects are negative to the retest, the quarantine shall be revoked and accreditation reinstated. If tuberculosis suspects are slaughtered and show no gross lesions of tuberculosis on post mortem examination, the quarantine shall remain in effect until the herd is retested and negative at least 60 days following the previous herd test.

Source

The provisions of this § 9.33 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099; amended August 25, 1978, effective August 26, 1978, 8 Pa.B. 2337. Immediately preceding text appears at serial page (24336).

Cross References

This section cited in 7 Pa. Code § 9.35 (relating to milk for human or animal consumption from herds of cattle or goats quarantined because of tuberculosis).

§ 9.34. Raw milk for human or animal consumption.

The sale of raw milk for human or animal consumption is prohibited unless the herd—that is, all animals that have freshened or are over 24 months of age—has been tuberculin-tested within 1 year.

Authority

The provisions of this § 9.34 issued under section 1 of the act of March 28, 1929 (P. L. 110, No. 117) (3 P. S. § 371); section 2 of the act of April 17, 1929 (P. L. 533, No. 236) (3 P. S. § 342); and section 1 of the act of June 22, 1931 (P. L. 650, No. 225) (3 P. S. § 431); amended under section 1702 of The Administrative Code of 1929 (71 P. S. § 442); and the Domestic Animal Law, 3 Pa.C.S. §§ 2321(a)(12) and (38), 2327, 2329 and 2382.

Source

The provisions of this § 9.34 amended November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099; amended August 25, 1978, effective August 26, 1978, 8 Pa.B. 2337; amended July 10, 1981, effective July 11, 1981, 11 Pa.B. 2478; amended April 11, 1997, effective April 12, 1997, 27 Pa.B. 1791. Immediately preceding text appears at serial pages (144254) to (144255).

§ 9.35. Milk for human or animal consumption from herds of cattle or goats quarantined because of tuberculosis.

(a) Milk may not be sold unless the herd has been retested under § 9.33 (relating to quarantined period).

(b) Milk from tuberculosis reactors cannot be sold or used for human or animal consumption.

(c) Milk from negative or suspicious animals in quarantined herds with known tuberculosis infection shall be pasteurized prior to use for human or animal consumption.

Source

The provisions of this § 9.35 adopted August 25, 1978, effective August 26, 1978, 8 Pa.B. 2337.

**Subchapter E. INDIVIDUAL ACCREDITED TUBERCULOSIS
HERD PLAN**

Sec.	
9.41.	Requirements for participation.
9.42.	Maintenance of accredited herd.
9.43.	Reactors on annual tuberculin test.
9.44.	Suspects on annual tuberculin test.
9.45.	Deviators on annual tuberculin test.
9.46.	Annual retests.
9.47.	Herd additions.

Authority

The provisions of this Subchapter E issued under section 40 of the act of July 22, 1913 (P. L. 928) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442), unless otherwise noted.

§ 9.41. Requirements for participation.

To participate in the individual accredited herd plan, the owner shall sign an agreement to have the herd retested annually at his own expense by an accredited veterinarian and the herd shall be negative for two consecutive herd tests at an interval of not less than 10 months nor more than 14 months to qualify for accreditation. Refer to § 9.5 (relating to animals to be tested (cattle, goats and buffalo)) for definition of animals to be tested for accreditation.

Source

The provisions of this § 9.41 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099.

§ 9.42. Maintenance of accredited herd.

(a) Accredited status shall be maintained if the herd passes an annual negative tuberculin test conducted within 10 to 14 months as stated on the authorization and herd additions qualify as stated in § 9.46 (relating to annual retests).

(b) The anniversary date for the annual test will remain the same each year and the authorization to conduct the test will be issued by the Bureau based on this date.

Source

The provisions of this § 9.42 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099.

§ 9.43. Reactors on annual tuberculin test.

The herd accreditation status will be lost if reactors are disclosed in the herd and will not be renewed until the next annual negative test after quarantine revocation.

Source

The provisions of this § 9.43 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099.

§ 9.44. Suspects on annual tuberculin test.

If suspicious animals are revealed on the annual tuberculin test the accreditation shall be void until the suspects are retested and found negative. If all suspects are not available for retest, then the animals over 24 months of age shall be retested with negative results.

Source

The provisions of this § 9.44 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099.

§ 9.45. Deviators on annual tuberculin test.

If deviators are revealed on the annual tuberculin test, the accreditation shall be void until the response animals are retested and found negative. The herd will not be quarantined. If deviators are not available for retest, then the animals over 24 months of age shall be retested with negative results.

Source

The provisions of this § 9.45 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099.

§ 9.46. Annual retests.

Annual retests shall be complete. Animals not tested shall be tuberculin tested and found negative before the herd can receive proper credit for reaccreditation.

Source

The provisions of this § 9.46 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099.

Cross References

This section cited in 7 Pa. Code § 9.42 (relating to maintenance of accredited herd).

§ 9.47. Herd additions.

- (a) Herd additions shall originate directly from one of the following:
- (1) Accredited herd.
 - (2) Herd in an accredited free state.
 - (3) Herd in a modified accredited area that has passed a herd test of animals over 24 months of age within 12 months, and the individual animals for addition were negative to the tuberculin test conducted within 60 days.
- (b) Herd in modified accredited area not meeting requirements of subsection (a):

(1) Individual animals for addition shall pass a negative test within 60 days prior to entering the premises of the accredited herd and shall be taken in isolation from members of the accredited herd until negative to a test conducted after 60 days of date of entry.

(2) Animals added under subsection (a)(2) and (3) and under this subsection may not receive accreditation herd status for sales purposes until they have been members of the herd at least 60 days and are included in a herd retest.

Source

The provisions of this § 9.47 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099.

**Subchapter F. MODIFIED ACCREDITED TUBERCULOSIS AREA
AND ACCREDITED FREE STATE**

Sec.

- 9.51. Definition and designation of modified accredited area.
9.52. Definition and maintenance of accredited free state.
9.53. Herd additions in other than accredited free herds.

Authority

The provisions of this Subchapter F issued under section 40 of the act of July 22, 1913 (P. L. 928, No. 441) (3 P. S. § 430); and section 1702 of The Administrative Code of 1929 (71 P. S. § 442), unless otherwise noted.

§ 9.51. Definition and designation of modified accredited area.

A state or county that maintains and reports an adequate testing and surveillance program for detection of tuberculosis according to the Federal Uniform Methods and Rules.

- (1) The state shall take progressive steps to seek out and eliminate tuberculosis.
- (2) Cattle in herds of origin or cattle associated with those showing evidence of tuberculosis at time of slaughter shall be quarantined and tested.
- (3) The testing schedule of all reactor and suspect herds shall be current.

Source

The provisions of this § 9.51 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099.

§ 9.52. Definition and maintenance of accredited free state.

(a) A state may be declared Accredited Free if the state complies with the procedures in the Federal Uniform Methods and Rules and no evidence of tuberculosis has been found for 5 or more years.

(b) Disclosure of tuberculosis in an accredited free state will be sufficient justification for revocation or suspension of the free status. After the epidemiological studies have been completed and the exposed herds tested and no spread is evident, there will be reinstatement of the free status.

Source

The provisions of this § 9.52 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099.

§ 9.53. Herd additions in other than accredited free herds.

Additions shall meet the requirements in Chapter 3, Subchapters B and I (relating to importation of cattle, goats and buffalo; and intrastate transportation of cattle, goats and buffalo).

Source

The provisions of this § 9.53 adopted November 28, 1975, effective November 29, 1975, 5 Pa.B. 3099.

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