



Ohio Administrative Code

Rule 901:1-11-09 Mandatory pseudorabies eradication.

Effective: April 11, 2005

(A) If pseudorabies is detected in a swine herd in the state of Ohio while Ohio is classified by United States department of agriculture as a stage five state:

(1) The infected swine herd shall be isolated and depopulated within fifteen days after the test results confirming pseudorabies are reported to the state veterinarian; and

(2) All exposed swine herds and swine herds within two miles of the infected swine herd shall be tested for pseudorabies. All testing shall be completed no earlier than thirty days and no later than sixty days after an infected swine herd is depopulated. Any swine herd which tests positive for pseudorabies shall be isolated and depopulated in accordance with paragraph (A)(1) of this rule and any exposed swine herd or herds within two miles shall be tested in accordance with this paragraph.

The foregoing sequence shall continue until either all of the infected swine herds are depopulated and any exposed swine herd and swine herds within two miles of an infected herd test negative, or the state of Ohio loses its classification as a stage five state.

(B) If the United States department of agriculture lowers the state status of Ohio from stage five owners of swine breeding herds and swine feedlots quarantined for pseudorabies shall submit eradication plans in accordance with the provisions of this paragraph.

(1) Breeding herd eradication plans.

(a) The owner of swine kept for breeding purposes which are quarantined for pseudorabies shall, within thirty days of the date of the quarantine, submit to the director of agriculture for his approval a written plan for the eradication of pseudorabies virus from the quarantined swine herd.

(b) The plan submitted shall be designed to eliminate pseudorabies virus from the quarantined swine within twelve months of the date the plan is submitted.



The director shall require as part of a herd eradication plan vaccination with a gene altered vaccine for which there is a companion differential test capable of differentiating field strain pseudorabies virus antibodies from pseudorabies vaccine antibodies.

(2) Feedlot eradication plans.

(a) The owner of feedlot swine kept for finish feeding purposes which are quarantined for pseudorabies shall within thirty days of the date of the quarantine, submit to the director of agriculture for his approval a written plan for the eradication of pseudorabies virus from the quarantined swine.

(b) The plan submitted shall be designed to eliminate pseudorabies virus from the quarantined swine within six months from the date the plan is submitted provided;

(i) Feedlots receiving feeder swine from a breeding herd which has an approved herd eradication plan shall have twelve months from the date the last feeder swine enter the feedlot from the quarantined breeding herd to eliminate pseudorabies virus.

(ii) The director shall require vaccination with a pseudorabies vaccine as part of a herd eradication plan and specify the type of pseudorabies vaccine.

(3) Plan approval and implementation.

(a) Any eradication plan submitted for approval which, in the judgment of the director of agriculture, will not eradicate pseudorabies virus from a herd or will not eradicate it within the time prescribed in this rule shall within thirty days of the date approval is denied be modified to meet the objections of the director.

(b) Once approved an eradication plan shall be implemented within thirty days of the date of approval.

(4) Following approval of an eradication plan, the department and the herd owner or bailee shall



review the owner or bailee's performance under the herd plan at least once every one hundred twenty days, subject to availability of department personnel. Performance and progress shall be documented by the department.

(a) All approved changes in the eradication plans shall be implemented within thirty days of the approval date.

(b) The time period for eradication of pseudorabies virus may be extended by the director of agriculture for good cause shown.

(5) The director of agriculture may order the destruction of any swine quarantined for pseudorabies when:

(a) The owner of the quarantined swine has failed to submit an eradication plan for the eradication of pseudorabies virus from the quarantined animals within the time prescribed in the rule;

(b) Upon denial of approval the owner of the quarantined swine fails to resubmit within the time limits prescribed an eradication plan which meets the director of agriculture's objection to the eradication plan;

(c) The owner fails to implement the eradication plan within the time prescribed in this rule or fails to comply with the plan.

(d) The pseudorabies virus has not been eradicated from the quarantined swine in the time allotted by this rule.

(e) The owner of the quarantined swine has been found guilty in a court of law of violating any provision of the Revised Code or Ohio Administrative Code, other than paragraph (B)(5) of this rule, which pertains to pseudorabies control and eradication.

(6) When swine are ordered destroyed under paragraph (B)(5) of this rule:

(a) Sows, bred gilts and boars shall be sold for immediate slaughter as defined in paragraph (D) of



rule 901:1-23-01 of the Administrative Code within forty-five days of the order of destruction;

(b) All other swine on the farm shall be sold for immediate slaughter as defined in paragraph (D) of rule 901:1-23-01 of the Administrative Code within two hundred ten days;

(c) A permit may be issued by the director of agriculture to move feeding swine to a quarantined feedlot when in his judgment removal would accelerate pseudorabies eradication;

(d) No swine shall be added to the premises following the date an order of destruction is issued until the quarantine is released.

(7) The director may in his discretion, by order, indemnify the owner of breeding boars and sows destroyed either under an approved herd cleanup plan or under paragraph (B)(5) of this rule if, before issuing the order:

(a) There are funds in the department's current biennium appropriation designated expressly for the payment of indemnification of animals destroyed under authority of this rule; and

(b) The director has obtained certification from the director of budget and management that there is an unencumbered balance in the appropriation for the current biennium sufficient to pay the indemnity and the director designates funds for that purpose.

No indemnification shall be ordered and paid except during the biennium for which money has been appropriated and encumbered.

(8) Indemnity paid under this rule shall be limited:

(a) To an amount equal to forty dollars times the number of breeding boars and sows over one year of age present on a quarantined premise on the date the quarantine was issued for animals which are culled under an approved breeding herd eradication plan;

(b) To an amount equal to forty dollars for any other breeding boar or sow over eight months of age and under one year of age present on a quarantined premise either on the date the quarantine was



issued culled under an approved breeding herd eradication plan when, the director, in his discretion, determines payment of indemnity will facilitate eradication from the herd and prevent the spread of pseudorabies virus;

Any breeding sow or boar over one year of age destroyed under paragraph (B)(5) of this rule shall receive no indemnity.

(9) In order to ensure that indemnity payments serve the purpose of providing an economic incentive to the producer to eradicate pseudorabies from a herd; the director, when ordering payment may specify the time at which indemnity payments will be made and specify those animals for which payment will be made.

(10) One-half of any indemnity paid an owner under paragraphs (B)(6)(a) and (B)(6)(b) of this rule shall be repaid to the department of agriculture upon demand when, prior to expiration of the eradication plan there has been an outbreak of pseudorabies virus in the quarantined herd caused by the failure of the owner to adhere to the measures called for in the approved herd eradication plan.