

New York State Comprehensive Emergency Management Plan

Emergency Support Function #11

Emerging Infectious Diseases in Non-Human Populations Appendix



**Disaster Preparedness
Commission**

**Prepared by the New York State Disaster
Preparedness Commission**

March 2021

List of Plan Revisions

Date of Revision	Subject Matter	Page(s)	Completed by
1999	Plan Created	All	DPC
2003	All	All	OEM Planning
August, 2007	Substantive; Administrative	Global edits	OEM Planning
October, 2011	Overall review	Entire Plan	OEM Planning
January, 2012	Administrative Change	Entire Plan	OEM Planning
March, 2012	EOC Activation Levels	Entire Plan	OEM Planning
March, 2013	Overall review	Entire Plan	OEM Planning
March, 2014	Overall review	Entire Plan	OEM Planning
March, 2016	Overall review	Entire Plan	OEM Planning
April, 2017	Overall review	Entire Plan	OEM Planning
March, 2019	DAM Review	Entire Plan	OEM Planning
January 2020	Overall Review, EMAP Update.	Entire Plan	NYSDAM, OEM Planning
March 2021	Overall Review, ESF missions.	Entire Plan	NYSDAM, OEM Planning

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Appendix for Emerging Infectious Diseases in Non-Human Populations

Section I: General Consideration and Guidelines

A. Introduction

The agriculture industry in New York is a major contributor to the economy of New York State, the nation, and to the world. An outbreak of a disease that impacts the agricultural community could result in the disruption of social, public health, animal health, animal welfare, and economic systems of unprecedented national scale, if it were not readily and effectively controlled.

Effective eradication may require extraordinary resources and cooperation of all local, State, and Federal agencies in order to minimize the impact on the agriculture industry and commerce.

This Appendix outlines New York State's strategy for responding to emerging infectious diseases in non-human populations (EIDNHP).

B. Purpose

The Emergency Support Function (ESF) #11 Annex to the State Comprehensive Emergency Management Plan (CEMP) provides general guidance for the coordination of resources to provide protection to human and animal populations from animal disease outbreaks, natural disasters, and other emergencies.

The purpose of this Appendix is to ensure that the State has a plan to respond to an actual or threatened outbreak of disease in non-human populations. This Appendix will serve as a hazard-specific supplement to the ESF #11 Annex and identifies the arrangements to protect lives and the agricultural community by providing an efficient, coordinated response to such emergencies.

C. Scope

This Appendix applies to diseases that may impact non-human populations, specifically the agricultural community, or portions thereof, where local and State capabilities may be exceeded, necessitating the use of Federal agencies and resources. In addition, this Appendix recognizes the potential for an animal-borne disease to impact public health. Further, this Appendix applies to all State agencies and authorities that may be directed to respond to such an event and builds upon the process and structure of the Animal Protection Functional Annex and the State CEMP by addressing unique policies, situations, operating concepts, and responsibilities. This appendix does not apply to the sheltering of animals during a disaster, which is addressed in Appendix #2 to ESF #11 - Temporary Emergency Animal Sheltering or TEAS.

D. Situation

People, animals, or materials that bring pathogens into contact with a susceptible host can spread disease. An outbreak may occur if the pathogen is not quickly and effectively controlled, or when further prevention measures are not addressed.

A disease impacting the agricultural community may result in grave social, economic, public health, animal health, and animal welfare consequences. The impact would directly affect farmers and could affect the consumer. Such diseases may require extraordinary measures to effectively respond to, and could result in quarantine, and/or euthanasia of animals. An example of an infectious disease happened in 2001 an outbreak of foot-and-mouth disease in the United Kingdom. Over 6 million cows and sheep were culled in an attempt to halt the disease.

E. Assumptions

1. If a disease that impacts agriculture is recognized anywhere in the United States, the entire agricultural community in the country may be at risk. Positive detection of such a disease elsewhere will prompt the State to employ additional preparedness measures to prevent or mitigate the possibility of occurrence in the State.
2. The disclosure of an exotic or emerging disease in the State may have a significant impact on international trade in animals and animal products.
3. Numerous local, State, and Federal agencies will play a role in eradicating the disease.
4. Response efforts could encompass culling of livestock and non-domesticated populations, such as wildlife, that are potentially infected.
5. Comprehensive control may also include the discarding of any organic matter that has, in any form, been located at the site of positive detection.
6. Eradication will require proper sanitary and disposal procedures for carcasses.
7. Vector control may involve the reduction or elimination of vertebrate or invertebrate populations involved in the dissemination of the agent.
8. Suspected infected locations and transport vehicles may need to be cleaned and disinfected.
9. Preparations may be made to establish quarantine zones around the location of suspect or confirmed cases and may require special operational procedures both within the designated area and Statewide. The extent of the quarantine zone will depend on epidemiological parameters defining zones of risk.
10. Outbreaks of foreign disease agents will involve an immediate Federal response.
11. It is likely that response procedures will extend across State lines and may require a coordinated national and international response.

F. Concept of Operations

1. Initial notification of an emerging disease or its potential may come from the local farm communities themselves, the local Cooperative Extension, or from a veterinary professional.
2. The initial notification will be relayed to the State Department of Agriculture and Markets through existing lines of communication. Depending on the nature of the suspected disease, the State Department of Agriculture and Markets (DAM) may relay this information to the State Office of Emergency Management (State OEM).
3. Upon receipt of a request, State OEM may initiate a Multi-Agency Coordination (MAC) Group meeting or conference call to consider the demographics and implications of the potential event. Consideration will be given to activate a multi-agency situation unit to explore the anticipated response issues and consequences specific to the disease.
4. Specimens obtained by a veterinary professional shall be sent to the appropriate laboratory for analysis.
5. Certain circumstances may require the assistance of other Disaster Preparedness Commission (DPC) Agencies in expediting the transport and testing of samples at the appropriate laboratory. The MAC Group will serve as the coordinative body to facilitate the transport of samples as needed. In addition, State OEM Regional Staff may be deployed to the location where the specimen is being taken from to facilitate communications and coordination with veterinary professionals and the appropriate state/local agencies.
6. Depending on the nature of the suspected disease, specimens may be sent to a Foreign Animal Disease Diagnostic Laboratory, New York State Veterinary Diagnostic Laboratory at Cornell University, the New York State Institute for Basic Research (NYIBR), the National Geologic Services Laboratory in Wisconsin, and the National Veterinary Services Laboratory in Ames, Iowa. Various Centers for Disease Control (CDC) public health laboratories may also provide testing and diagnostic support. Times for preliminary and confirmatory testing will vary according to the disease.
7. When a positive test is confirmed, laboratory officials and/or veterinary professionals shall immediately notify the NYS DAM, and the United States Department of Agriculture (USDA).
8. NYS DAM will notify State OEM if they receive notification directly from farms or laboratories. State OEM in turn will notify the MAC and other appropriate DPC agencies, the county emergency manager, and others as deemed necessary.
9. State OEM will coordinate response activities in support of the State Department of Agriculture and Markets and will be cognizant of response operations at the local level.
10. State OEM will coordinate with the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), USDA, and other Federal agencies as needed, and may utilize local/regional Emergency Operation Centers (EOCs) to facilitate response activities.

11. The Governor could exercise his authority in declaring a State Disaster Emergency. Upon the declaration of a State Disaster Emergency, the Governor may direct any and all agencies of State government to provide assistance under the coordination of the DPC.

G. Legal Authorities

- **New York State**

Legal authority for eradicating disease, such as emerging infectious diseases in non-human populations, is compiled in New York Agriculture and Markets Law (AML) § 16(1), (Article 2), Article 3 and Article 5, and the New York State Environmental Conservation Law § 11-0325.

- **Federal Government**

Legal authority for the United States Dept. of Agriculture for response procedures identified in this annex may be found in 21 U.S.C. § 134a.

H. Appendix Maintenance, Distribution, and Revision Process

The NYS OEM Planning Section has the responsibility for the development, review, and maintenance of all multi-agency response plans under the New York State CEMP. As required under New York State Executive Law Article 2-B, each ESF appendix shall undergo an annual review and update on or before February 15th of each year and be posted online (if applicable) no later than March 31st of each year.

During the annual review by the Planning Section for its material, this plan is examined for both content and format. For updates that do not impact operational mechanisms or processes, the appropriate edits are initiated within the Planning Section and do not warrant external involvement. Plan updates will also be conducted based upon experiences and lessons learned from exercises or real-world events, or through administrative changes in government. Planning Section updates and/or edits affecting operational capabilities, responsibilities, or otherwise impacting operations will engage stakeholders in a variety of ways, such as verbally, by document review, meetings, webinars, or any combination thereof. Final drafts will be socialized to all appropriate agencies/personnel upon completion.

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Section II: Preparedness

A. Mitigation Overview

1. Planning and Risk Assessment

To some extent, risk reduction measures are taken on an on-going, routine basis. However, national, and worldwide events have resulted in the establishment of additional preparedness measures.

- Producers are implementing on-farm biosecurity measures, and in many cases, are restricting access to their premises and animal populations.
- DAM is conducting a public information campaign to advise the public and the agricultural community of protective actions that can be taken to limit the possibility of spreading a disease both here and abroad. Additional DPC agencies may be called on to support this activity.
- Domestic Animal Health Permits for livestock dealers and Interstate Certificates of Veterinary Inspection ensure that most livestock movements can be rapidly traced.
- Premises and animal identification systems assist in monitoring livestock movements and the definition of at-risk populations.

2. Surveillance

- DAM has a program to encourage farmers to adopt a biosecurity plan to limit the possibility of introducing a disease to their farm. This preventive approach includes disease testing and surveillance and is becoming commonplace among farmers.
- DAM and USDA have programs to routinely inspect animals assembled at live poultry markets, other livestock markets, county fairs and the New York State Fair.

3. Testing, Training and Exercise

- A series of captive bolt training was held in 2019 on Animal Depopulation. The overall function of this training is the knowledge in euthanasia of animals, and experience in depopulating companion, livestock, wildlife, and laboratory animals.
- A full-scale functional exercise was conducted in June 2019 with DAM, Department of Environmental Conservation (DEC), USDA, Cornell Waste Management, and Cornell

Animal Health Diagnostic Laboratory (AHDL) to depopulate, dispose, and decontaminate an infected pheasant flock.

4. Planning

- DAM will assist managers of fairgrounds, livestock markets, and other animal assembly points in developing biosecurity plans to prevent the introduction and spread of diseases in their facilities.
- Public-private partnerships may be utilized to ensure rapid and effective response to outbreaks in population dense or agriculturally rich areas of the State.

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Section III: Response

A. Alert, Notification, and Plan Activation

The State Emergency Operations Center (State EOC) maintains a readiness posture, while conducting normal day-to-day operations, and conducts surveillance and monitoring of any potential emergency.

1. Emergency Response Levels

Activation of the State EOC will be as follows:

Level 3: This level is initiated when an outbreak is suspected in the State. It begins when notification of an adverse animal health event is detected through the DAM and/or USDA surveillance efforts. A Level 3 Activation may be initiated prior to receiving lab results based on clinical symptoms observed by on-scene veterinary professionals.

For Level 3 activation: An incident requiring a partial State EOC activation with ESF activation and MAC Group coordination call(s). State OEM will request the following agencies to send a representative to the State EOC and the following actions may be taken:

- DAM is activated and will assume the role of the ESF #11 Coordinator.
- At the request of DAM, State OEM will activate the American Red Cross (ARC), DEC, Division of Military and Naval Affairs (DMNA), Department of Health (DOH), Division of State Police (DSP), Office of Parks, Recreation, and Historical Preservation (OPRHP), State Education Department (SED), American Society for the Prevention of Cruelty to Animals (ASPCA), and the New York State Animal Health Diagnostic Center (NYSAHDC) at Cornell, and USDA/Animal and Plant Health Inspection Service.
- Incident Reporting
 - DAM will provide reporting of their activities specific to this ESF under the ESF #11 report.
 - All Member Agencies will provide their reporting of activities specific to this ESF under the ESF #11 report.
- Resource Management
 - DAM will provide the needed capabilities.
 - Member agencies will coordinate their capability through the DAM.

Level 2: Additional agencies would be added to the Level 3 activation list above:

Office of Mental Health (OMH), Department of Transportation (DOT) (ESF #1 Coordinating Agency), USDA/Farm Services Agency/State Emergency Board. At this level, the following actions may be taken:

- The initiation of Level 2 is based on information received from DAM and/or DHS/USDA.
- Mission Ready Packages may be developed and deployed to local/regional operations centers to assess the situation. One such component may be the State's Incident Management Team (IMT).
- Preparations may be made for preliminary isolation of infected places and mobilization of eradication operations, should the disease be confirmed.
- Suspected infected livestock may be evaluated, destroyed, and disposed of by Task Force team members.
- Suspected infected non-domesticated populations, such as wildlife, may be evaluated, destroyed, and disposed of by Task Force team members.
- Suspected infected places and animal transports must be satisfactorily decontaminated to prevent further amplification or dissemination of the agent.

Level 1: This level commences with the confirmation that a disease has been confirmed in New York State by laboratory tests.

Level 1 Full State/Federal Response: An incident requiring full State EOC activation with ESF activation, as well as Federal ESF integration and coordination. The remaining members of the ESF #11, including:

- DAM is activated and will assume the role of the ESF #11 Coordinator.
 - At the request of DAM, State OEM will activate ARC, DEC, DMNA, DOH, DSP, OPRHP, SED, ASPCA, and the NYSAHDC at Cornell support member agency Coordinators.
 - DAM will integrate into Federal ESF #11.
 - DAM will coordinate ESF #11 briefings and interface with the ESF #11 Federal Coordinator.
 - DAM will attend command and general staff meetings and coordinate with the Federal ESF #11 lead.
- Incident Reporting
 - DAM will provide reporting of their activities specific to this ESF under the ESF #11 report.
 - All Member Agencies will provide reporting of their activities specific to this ESF under the ESF #11 report.
- Resource Management
 - DAM will provide reporting of their activities specific to this ESF under the ESF #11 report.
 - All Member Agencies will provide reporting of their activities specific to this ESF under the ESF #11 report.

Additional agencies:

Full ESF #1 Activation	Cornell Cooperative Extension
DHS/FEMA	Department of Labor (DOL)
NYS Farm Bureau	Farm Services Agency
New York State Humane Association	State Animal Response Team
Tribal Relations Representative	

At this level, the following actions may be taken:

- The restriction zones and compartments are legally defined.
- Movement into, from, and within the zones in the control area may be restricted.
- Infected livestock are evaluated, destroyed, and disposed of by Task Force members.
- Infected places and animal transports are cleaned and disinfected.
- Information on health-related matters, movement controls, and eradication is provided to the public, industry, and local government.
- The origin of the disease is traced, and potential spread monitored and controlled.

B. Response Agency Roles/Responsibilities

This Appendix endorses the development of one response organizational structure that will include all responding agencies. State agencies will be organized under the framework of the National Incident Management System (NIMS) Incident Command System as required by Executive Order 26.1 of 1996 and Homeland Security Presidential Directive (HSPD)-5. A MAC Group may be established to define response policy, and will be the oversight for the incident priorities, goals, and objectives of the State response.

Based on incident specifics, the State may utilize and deploy the State's IMT to the area of impact. The IMT will serve to support on-scene and State EOC interagency coordination between responding disciplines, local governments, the MAC, the State Veterinarian, and the Principal Federal Official (PFO).

1. ICS Command and General Staff

- **State Commissioner of Agriculture and Markets**
The DAM shall be the Lead State agency for emerging infectious diseases in non-human populations. As such, the State Veterinarian or designee will act in support of the command element.
- **State Coordinating Officer (SCO)**
The State Coordinating Officer (SCO) will be the Director of State OEM and will have overall responsibility for coordination of State resources and Federal assistance in support of the State and local response to the incident.
- **Joint Information Center (JIC)/Public Information**
The Joint Information Center (JIC) will serve as the sole source of official information regarding all incident activities (local, State, federal). The JIC will provide a forum for the

coordinated release of all information. The DAM will serve as the lead spokesperson. JIC operations will be coordinated as stated in the Public Information Annex to the State CEMP.

- **Safety**

A Safety Officer will be appointed to assess hazardous and unsafe conditions relative to eradication procedures and develop measures for assuring personnel safety. The Safety Officer will coordinate with the DAM/State Department of Health personnel to assess exposure risks to State response personnel.

- **Liaison**

A Liaison Officer may be appointed to serve as a point of contact for agency representatives assisting with quarantine, eradication, and decontamination of facilities and equipment.

- **Legal**

A Legal Officer, supported by appropriate State agency legal staff, will advise the Commissioner of Agriculture and Market, and the SCO relative to legal questions and issues involving response operations.

2. Operations

State response activities will be directed from the State EOC in Albany. State Operations may be organized using geographical divisions and utilize State OEM Regional Offices or State Regional Operations Center (ROCs) as coordinating locations. The State EOC will support field operations through the Incident Command System, as appropriate.

3. Planning

The State EOC Planning Section will be appropriately staffed to collect, evaluate, and disseminate information regarding the incident. The State EOC Planning Section will assist with the following:

- Prepare the Incident Action Plan.
- Identify and track resources.
- Determine the status of eradication efforts, and the effectiveness of the operation.
- Identify all incident related sites, including eradication sites, cleaning and disinfecting stations, and isolation zones.
- Prepare the situation report for the Governor's Office.
- Utilize technical specialists, including weather, to determine the impact on response operations.
- Coordinate with State and federal agencies in developing Geographic Information System (GIS) data to support the incident response.
- A Demobilization Unit may be established within the State EOC Planning Section to coordinate the release of incident resources to their home base or next assignment. Demobilization will be based on incident priorities, objectives, and the tactical needs of the incident. The Demobilization Unit is responsible for the preparation of the

demobilization plan and assisting sections/units in ensuring that an orderly, safe, and cost-effective movement of personnel and equipment is accomplished. The Demobilization Unit will coordinate activities with the Command Staff and Section Coordinators. The approved and implemented demobilization plan will be distributed to on-site and State EOC staff.

4. Logistics and Finance

The Logistics and Finance Section will assist with the following:

- State agency communications resources will be deployed to support response efforts.
- State assets will support, as required, transportation operations.
- Disaster mental health support will be made available for incident personnel. The State Office of Mental Health will assist in the coordination of mental health counseling if capabilities are exceeded. Follow-up physical and mental health issues will be addressed, as necessary.
- Coordinate logistical facilities; identify any regular or specialized equipment and supplies in support of the operation.
- Coordinate the authorization of emergency purchases.
- Establish contracts and agreements with supply vendors.
- Coordinate with compensation/claims unit for processing claims.
- Coordinate with the USDA to determine compensation to owners of destroyed animals.

C. Assignment of Responsibilities

This section reviews identifies agency roles, responsibilities, and capabilities during an EIDNHP event.

1. Local Government

Local emergency management officials will be actively involved in the response and should be utilized where capable. Each county, and many local governments, has a CEMP which provides the framework for the jurisdiction's response to emergencies and disasters. Further, some counties have developed a hazard-specific annex to their CEMP that addresses planning and response issues for Emerging Infectious Diseases in Non-Human Populations. County and local governments may utilize their resources, including County Emergency Boards, and provide an additional line of communication with local farmers, and the local Cooperative Extension.

2. Tribal Relations

A representative from Tribal Relations may assist in the coordination of response activities in areas that may potentially impact Tribal lands.

3. State Emergency Support Functions and Federal Integration

The State response includes many components and capabilities, both State EOC-based and field level. Under the State CEMP, the State possesses 14 ESFs that provide the utility for a host of

capabilities, and full integration with each of the Federal ESFs. State ESF #11 missions and capability-based assignments are as follows.

Disaster Preparedness Commission (DPC)

The DPC is comprised of multiple State agencies, the American Red Cross, and local representatives. Following a declaration of a State Disaster Emergency, State OEM will coordinate with the DPC for assistance including:

- Utilizing, lending, or giving to political subdivisions, with or without compensation, equipment, supplies, facilities, services of State personnel, and other resources, other than the extension of credit;
- Distributing of medicine, medical supplies, food, and other consumable supplies through any public or private agency authorized to distribute the same;
- Performance of temporary emergency work on public or private lands that is essential for the protection of public health and safety, clearing debris and wreckage, making emergency repairs to and temporary replacements of public facilities of political subdivisions damaged or destroyed as a result of such disaster; and
- Preparation of State agency facilities, equipment, supplies and personnel as may be necessary to assist in coping with the resulting disaster or emergency.

ESF #11 Agencies

State Office of Emergency Management (State OEM)

State OEM activates and operates the State EOC in Albany, provides liaisons to affected jurisdictions, prepares situation reports for the Governor and receives and acts on requests for assistance from county emergency managers. State OEM coordinates State response activities with local governments, coordinates with the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA) via the National Response Framework (NRF) and may assist in the coordination of disaster-related public information.

Department of Agriculture and Markets (DAM)

The DAM may assist with the following:

- Quarantining, eradicating, and promulgating emergency regulations.
- Distribution of scientific, procedural, and diagnostic information to veterinarians practicing in the State.
- Providing diagnostic and laboratory support.
- Providing information on local agricultural conditions, producers, and resources.
- Defining the size and boundaries of restricted zones or compartments to limit the dissemination of the disease.
- Coordinating efforts of local veterinarians as well as any veterinary medical assistance teams.

Department of Health (DOH)

NYS DOH may assist with the following:

- Providing advice regarding public health aspects of eradication operations.
- Providing public health technical assistance to DEC in approving disposal sites within local jurisdictions.
- Provides guidance/education, support in, and coordination with local or Federal partners regarding of food related safety concerns or outbreaks, including laboratory testing services and epidemiological activities such as surveillance, case investigation, and contact tracing.
- Ensuring that special medications, if required, are available to the local medical facilities.

Department of Labor (DOL)

The DOL may assist with the following:

- Monitoring eradication operations, to ensure that the health and safety of workers are being protected.
- Providing information on safe practices for handling toxic substances.
- Ensuring that the public is advised regarding potential health effects of the outbreak.

Department of Environmental Conservation (DEC)

The DEC may assist with the following:

- Providing technical advice on disposal impact on ground water and air, vector control, and locations of cleaning and disinfecting stations.
- Providing emergency access to appropriate landfills and other disposal sites to avoid dissemination of the agent and expansion of the outbreak.
- Providing technical advice to disposal teams regarding regulations on environmental impact.
- Providing the resources to assist in the diagnosis of an animal disease.
- Conducting surveillance within susceptible wild animal populations as required.
- Reducing infected or potentially exposed wildlife populations as required.
- Assisting with communications and public information by utilizing the DEC Website, publications, video, and radio public service announcements (PSA's), as requested.
- Establishing prohibitions on game, bird, and fish products in controlled areas.
- Assisting in providing temporary accommodation and emergency feeding for field operation teams.
- Conducting security patrols of forestry areas.
- Identify/approve regulated disposal and treatment activities.

Division of State Police (DSP)

The DSP may assist with the following:

- Providing security, law enforcement, and traffic control, as required.
- Supporting response operations and controlling access and movement.
- Supporting eradication activities under the supervision of the New York State Department of Agriculture and Markets.

- Assisting local police services, if required.
- Support rapid and secure transport of specimens.
- Serve as the primary State agency for any criminal investigation into an intentionally caused food tampering/or disease outbreak.

Division of Military and Naval Affairs (DMNA)

The DMNA may assist with the following:

- Providing traffic control and controlling access and movement.
- Supporting response operations with specialized, heavy equipment.
- Supporting eradication activities under the supervision of the New York State Department of Agriculture and Markets.
- Providing equipment to haul cargo or personnel.
- Providing air transportation support.

Office of Parks, Recreation, and Historic Preservation (OPRHP)

The OPRHP may assist with the following:

- Aiding with vector control and may assist in identifying locations of cleaning and disinfecting stations.
- Conducting surveillance on susceptible wild animal species as required.
- Providing limited support in reducing infected wildlife populations.
- Assisting in providing temporary accommodations for field operation teams.
- Provide technical assistance in creating maps of the impacted areas.

ESF #1 Agencies

Department of Transportation (DOT)

The DOT may assist with the following:

- Providing guidance for re-routing of traffic in and around the affected area.
- Traffic control issues and/or needs.
- The transport of soil, carcasses, or debris.

In the event of a State disaster declaration, DOT may be able to identify potential sources of outside assistance, i.e., contractors, equipment sources, etc.

Thruway Authority (TA)

The TA may assist with the following:

- Providing guidance for re-routing of traffic in and around the affected area.
- Traffic control issues and/or needs.

ESF #8 Agencies

Office of Mental Health (OMH)

The OMH will assist in coordinating the appropriate personnel to assist with the emerging psychological and mental health needs of all those impacted by the emergency within New York State. OMH should be included in the response at the incipient phase, rather than being engaged at a later point in the response.

4. Integration with Federal ESFs

Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA)

The FEMA may implement the NRF, which provides a mechanism for organizing, coordinating, and mobilizing federal resources to augment State and local resources.

Under the NRF, FEMA may employ ESF 11 (Agriculture and Natural Resources) for coordinating Agriculture and Natural Resources response and recovery activities. The lead agency for ESF #11 is the U.S. Department of Agriculture, with other agencies as support agencies based on their resources to support a functional area.

Department of Homeland Security (DHS)/United States Department of Agriculture (USDA)

The USDA may assist with the following:

- Direct all eradication activities including quarantine, evaluation, slaughter, disposal, cleaning and disinfecting, epidemiology, trace-back, vector control, and transportation permit systems.
- Collect, collate, analyze, and disseminate technical and logistical information.
- Define training requirements for casual employees or support agencies involved in eradication operations.
- Issue the declaration of the disease and define the infected area and control zones.
- Prepare information for dissemination to the public, media, producers, processors, and transportation industry.
- Allocate funding for compensation to the owner of destroyed animals.
- Restrict payment of compensation in cases of violation.
- Consult with State and local authorities regarding eradication operations.
- Post restrictions on interstate commerce.

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Section IV: Recovery/Demobilization

A. Recovery Overview

The response to an outbreak of a disease that impacts the agricultural community may be short-lived or could extend for some period of time. Emergency response activities may include control measures that have been rapidly employed and may result in a slow demobilization of response agencies and activities.

A variety of forces may influence the direction of the recovery process. The State will endeavor to assist local governments, businesses, and citizens in recovering from the impacts of any emergency, including an infectious disease that impacts the State's animal population. The DAM and other agencies will demonstrate, through surveillance and monitoring systems that the disease outbreak has resolved. Where possible, hazard mitigation measures will be incorporated into recovery activities in order to reduce the impact of recurrence or eliminate it entirely.

1. Assessment of Eradication Activities

To assess the effectiveness of response activities, sentinel animals may be placed and closely monitored at contaminated or suspected areas. These animals should have contact with all parts of the premises and objects that might have been contaminated with a pathogen. In some cases, sentinel animals may be maintained on the suspected contaminated areas for 60 days, and then collected for evidence of a disease.

The timing of sentinel placement may be governed by local disease status and would normally not commence until all identified contaminated and suspected areas have been decontaminated. The removal of a quarantine restriction and restocking of a clean premise should only be permitted after a thorough examination has deemed the area safe to inhabit.

2. Social and Economic Effects

The economic effects of an outbreak of a disease, even on a small scale, may be enormous to individuals, the farming industry as a whole, and to subsidiary and support industries. Employment may be affected over a wide range of industries, from the farming and subsidiary industries, to rural townships and governments. The impact on local and State economy may have a cascading effect. The potential exists for all businesses that rely upon the agriculture industry to be severely impacted, including local businesses, distributors, processors, and any reliant business, market, or industry. All exports of susceptible animals and their products would cease for an undetermined period of time. The export of grain and other foodstuffs would also be affected by an occurrence of some diseases, such as Foot and Mouth Disease (FMD). The prices of animal products may be erratic, depending on the extent of an outbreak, and the supply and demand. The producers most affected will be those that have no alternative industry activities

other than livestock. Further, consumer confidence may fall if consumers feel that the safety of their food has been jeopardized.

- **Funding and Compensation**

Some diseases, such as FMD are included in the list of diseases for which compensation for losses may be available. Where an epidemic is spreading, the rapid approval of funds may be required to support operations and compensation.

In addition to disaster relief funding and programs that are outlined in the State CEMP, there are provisions under State and federal law for compensation to response agencies and farmers. Appraisal teams composed of Federal and State officials and industry representatives will assemble and coordinate with the USDA/APHIS Appraisal and Marketing Officers. Provisions for compensation are as follows:

1. The State Agriculture and Markets Law (AML) section 88(5) authorizes the payment of indemnity of up to \$200 per animal to owners of animals killed pursuant to Article 5 of that law.
2. The United States Code and subsequent regulations promulgated pursuant thereto authorize payment of federal indemnity as set forth in 21 U.S.C. § 114, 114a, 134a, and 9CFR53.
3. A Memorandum of Understanding (MOU) with the National Animal Rescue and Sheltering Coalition (NARSC) will need to be executed for reimbursement. The NARSC can also work at the State level but will engage only with State agencies having authority over animal issues. The NARSC only deploys when officially activated by a State authority and a current MOU.

Federal statutes allow for fair market value compensation for animals and carcasses, as well as products and articles that were destroyed in an effort to effectively control or eradicate a disease. In addition, federal law also allows for compensation of milk and milk products, feedstuffs, board fences, feed racks, and contaminated buildings.

In 2002, Federal officials revisited the provisions in 9CFR53 and have identified amendments to the regulations pertaining to the control and eradication of FMD and other serious diseases, including for both cooperative programs and extraordinary emergencies. The changes also include specific indemnity provisions related to FMD. The proposed changes are prompted, in part, by a review of the regulations in light of the series of outbreaks of FMD disease in the United Kingdom and elsewhere around the world. Federal officials contend that these changes are necessary to ensure the success of a control and eradication program in the event of an occurrence of foot-and mouth disease in the United States.

The State will track the indemnity and operational costs incurred for this incident as it would for any other disaster. The State can request federal reimbursement once the Secretary's Declaration of Emergency is declared or a Presidential emergency is declared. Once the Secretary's Declaration of Emergency is signed, all indemnities paid for animals or animal products are paid for by the USDA. This Declaration of Emergency could be effective before

the commencement of the State's activities. USDA will pay all operational costs incurred after the Declaration of Emergency is signed. If no emergency is declared, the USDA may enter into cooperative agreements to pay 50 percent (and in the case of some diseases, 100 percent) of the expenses of purchase, destruction, and disposition of animals and materials required to be destroyed because of being contaminated by or exposure to disease (9CFR53.2).

At this time, there is no mechanism to pay recovery costs for lost business opportunity to producers or affiliated industries, such as downtime after depopulation or inability to move animals to markets, but these situations are being explored. However, liability could be incurred by governments in situations involving the "taking" of valuable private property for a public purpose.

- **Zone Designation**

Zone designation is a measure that may help reduce the adverse economic effects as a result of an endemic disease. If a disease is only established in a portion of a State, it may be possible to establish infected and disease-free zones in order to retain some economic benefit.

Disease-free zones may be identified as a 'free zone' which must be effectively sealed off from disease-affected zones by extremely tight movement and quarantine controls. In the long term, it may be possible to eradicate a disease from an impacted zone.

While zone designation could lessen the impact on the economy, it would still impose ongoing movement restrictions on livestock industries. State and local boundaries may provide the most acceptable limits to establish zones because the case can be argued that these are distinct geographical boundaries.

3. Risk Reduction in Recovery

- **Tracing**

Tracing may play an important role in identifying infected and in-contact animals to determine if the disease is still present. Trace-back and trace-forward procedures that have been employed in the response may identify possible future or potential threats, but this is only possible if a premises and animal identification system has been deployed prior to the animal health emergency. Tracing may include:

- Livestock and other animals.
- Animal products: Meat, offal, milk, wool, skins, hides, semen, or embryos.
- Vehicles: Milk tankers, livestock transport vehicles, feed trucks, or visitors' cars.
- Materials: Hay, straw, crops, or grains;
- People: Veterinarians, task force members, sales and feed representatives, technicians, farmers, or visitors.

This activity may also include inspection and sampling of animals, investigation of reports of suspect disease, and a serological survey. The level and direction of surveillance will be driven by the epidemiological information being collected.

- **Surveillance**

Surveillance after an outbreak should be carefully coordinated to optimize the available resources. Many factors, such as potential spread by wind or wildlife, could warrant increased surveillance in some areas. The intervals between inspections and surveys may depend on the observed incubation period, the resources available, and the level of exposure risk. In addition, efforts must be made to educate producers about the clinical signs of a disease and to report such information to veterinary officials. Surveillance within an area will be primarily by inspection and sampling of animals. Surveillance may involve abattoir surveillance, serological surveys, and investigation of reports of suspected disease.

- **Vaccination**

In some cases, vaccination may be an effective risk reduction measure. Consideration should be given to strategic vaccination around outbreaks (ring vaccination) to help contain a disease, or a general vaccination over a wide area (blanket vaccination) where other disease control methods may be infeasible. However, vaccination is not always practical. With some diseases, such as FMD, vaccination is not a preferred option due to the nature of the pathogen, and its potential to disrupt the economy.

- **Public Awareness**

A media campaign may be conducted to reemphasize the importance of farmers inspecting susceptible animals regularly and of reporting suspicious lesions and unusual deaths promptly. Further, information and education materials may be disseminated to sportsmen's groups to reinforce the goals of the media campaign. The importance of movement controls and what this means to individuals needs to be strongly emphasized. In addition, coordinated media releases should address issues regarding the safety of food, and attempt to reassure the general public that the food is safe to consume.

Attachments:

Attachment 1: Applicable Authorities

Attachment 2: Guidelines for Personal Protective Equipment

Attachment 1

Applicable Authorities

Authority and Duties of the Commissioner and Agriculture and Markets Relative to the Control, Suppression and Eradication of Infectious or Communicable Animal Diseases, Including Foot and Mouth Disease

Article 2 – Department of Agriculture and Markets; Jurisdiction; General Powers and Duties

§16.1, 16.20, 16.41(a), 16.50: General powers and duties of department the department through the commissioner shall have power to:

1. Execute and carry into effect the laws of the State and the rules of the department, relative to agriculture, horticulture, farm, fruit, and dairy products, aquaculture, and the production, processing, transportation, storage, marketing and distributing of food; enforce and carry into effect the provisions of the laws of the State relative to weights and measures.

20. Act as mediator or arbitrator in any controversy or issue that may arise between producers and distributors of food.

41(a). Establish and maintain New York State domestic animal health assurance programs, voluntary, on-farm, integrated disease prevention programs, directed at improving animal health and promoting a safe and wholesome food supply. Such programs may include but are not limited to the New York State cattle and horse health assurance programs. To carry out such programs, the department may contract with public, private, and academic entities and shall encourage such entities to seek federal and private sources of funds for such programs.

50. Develop, in consultation with the commissioner of the department of health and the New York State land grant university, best-practice recommendations for treatment, prevention and management of livestock and farm property to protect against Asian long horned ticks. Such recommendations shall be based upon scientific data and shall include, but not be limited to, the use of landscape techniques demonstrated to be safe for livestock, people, pets and the environment, methods to discourage rodent activity, and, the effective use of pesticides, as defined in subdivision thirty-five of section 33-0101 of the environmental conservation law, including usage information and any label warnings or caution statements. The commissioner, in consultation with the department of environmental conservation and the New York State land grant university, shall develop and distribute to farmers information on Asian long horned tick treatment, management, and prevention. Such information and recommendations shall also be made available on the department's website.

§17(b). Delegation of powers

(b) The commissioner, except when it is otherwise provided in this chapter or the context otherwise requires, may also delegate to an officer or employee of the United States department of agriculture, engaged within this State in joint or cooperative state-federal programs, any of the powers invested in him by article five of this chapter for the control, suppression or eradication of communicable diseases in domestic animals or domestic fowls, any of the powers invested in him by article five-B of this chapter relative to ante-mortem and post-mortem inspection of animals slaughtered for food purposes and processing inspection of meat, meat by-products and meat food products, any of the powers invested in him by article five-D of this chapter relative to ante-mortem inspection of poultry slaughtered for human food, post-mortem inspection of poultry

carcasses and inspection of poultry and poultry products, any of the powers invested in him by article fourteen of this chapter in the control or eradication of injurious insects or plant diseases, and any of the powers invested in him by subdivisions four and five of section sixteen of this chapter relative to the collection, analysis and publication of primary statistical data relating to agricultural products of this state. Such delegation shall be in writing and shall state the specific limits of the powers so delegated.

Article 3 – Investigation, Practice and Procedure; Violations; Penalties

§32.1-32.4: Investigations and proceedings

- 1.** The commissioner, or any officer of the department when authorized by the commissioner, may investigate and report as to all matters within or pertaining to the powers and jurisdiction of the department, and for the purposes of carrying into effect the provisions of this chapter or of any other law relative to matters within its jurisdiction and the rules of the department.
- 2.** Proceedings may be instituted before the commissioner against a corporation, association or person upon the written complaint of any person or corporation aggrieved complaining of practices in the production, sale, transportation, purchase, storage, marketing and distribution of foods, in violation of any provision of law or the rules of the department or of the terms of an order issued pursuant to law by the commissioner, under the provisions of this chapter or of any other law the enforcement of which is within the jurisdiction of the department, or the rules of the department, made in conformity therewith.
- 3.** Upon the presentation of such complaint the commissioner may cause inquiries to be made as to the matters alleged therein and if such complaint appears to present a sufficient cause for investigation a copy of such complaint shall be forwarded to the person, association or corporation complained of and answer may be made thereto in accordance with the rules of the department.
- 4.** The commissioner shall thereupon cause the charges presented by such complaint to be investigated as herein provided, and such action shall be taken as the facts justify and as may be authorized by law.

§36.1: Orders and service thereof

- 1.** If it be ascertained after an investigation or hearing conducted as herein provided, that any person, association or corporation has failed to comply with or is guilty of a violation of the provisions of this chapter or of a rule of the department, or of any other general or special law relative to any matter within the jurisdiction of the department, an order may be made by the commissioner, under the seal of the department, compelling a compliance with such law or rule.

§38: When injunction may be obtained

In an action in the supreme court or county court for the recovery of a penalty or forfeiture incurred for the violation of any of the provisions of this chapter, or of any other law the enforcement of which is within the jurisdiction of the department, or of the rules of the department, an application may be made on the part of the people to the court or any justice thereof or to the county judge if the defendant be a resident of such county for an injunction to restrain the defendant, his agents and employees from the further violation of such provisions. The court or justice to whom such application is made, shall grant such injunction on proof, by affidavit, that the defendant has been guilty of the violations alleged in the complaint, or of a violation of any such provision subsequent to the commencement of the action. No security on the part of the plaintiff shall be required, and costs of the application may be granted or refused

in the discretion of the court or justice. If the plaintiff shall recover judgment in the action for any penalty or forfeiture demanded in the complaint, the judgment shall contain a permanent injunction, restraining the defendant, his agents and employees from any further violation of such provision of this chapter or of any other law the enforcement of which is within the jurisdiction of the department or of the rules of the department. Any injunction, order or judgment obtained under this section may be served on the defendant by posting the same upon the outer door of the defendant's usual place of business, or where such violation was or is committed, or in the manner required by the civil practice act, and the rules and practice of the court. Personal service of the injunction shall not be necessary when such service cannot be secured with reasonable diligence, but the service herein provided shall be deemed enough in any proceeding for the violation of such injunction.

§39. Penalties for violation of chapter or other laws

Every person violating any of the provisions of this chapter, or of any other law the enforcement of which is within the jurisdiction of the department shall, except where other penalties are hereinafter prescribed, be subject to a penalty in the sum of not more than six hundred dollars for the first violation, nor more than one thousand two hundred dollars for the second and each subsequent violation and provided further, however, that for a violation of subdivision thirteen or fifteen of section two hundred of this chapter, the minimum penalty shall be five hundred dollars and the maximum penalty shall be one thousand dollars and that for the second and subsequent offenses such person may also be subject to an administrative order suspending the manufacture and/or sale of such confectionery for a period of time up to three months for each such violation. When such violation consists of the manufacture or production of any prohibited article, each day during which or any part of which such manufacture or production is carried on or continued, shall be deemed a separate violation. When the violation consists of the sale, or the offering or exposing for sale or exchange of any prohibited article or substance, the sale of each one of several packages shall constitute a separate violation, and each day on which any such article or substance is offered or exposed for sale or exchange shall constitute a separate violation. If the sale be of milk and it be in cans, bottles or containers of any kind and if the milk in any one of such containers be adulterated, it shall be deemed a violation whether such vendor be selling all the milk in all of his containers to one person or not. When the use of any such article or substance is prohibited, each day during which or any part of which such article or substance is so used or furnished for use, shall constitute a separate violation, and the furnishing of the same for use to each person to whom the same may be furnished shall constitute a separate violation. When the storage of any article is prohibited beyond a certain period, each day during which or any part of which any article is so stored beyond the period provided for by this chapter, shall constitute a separate violation. A right of action for the recovery of, or a liability for, penalties incurred as provided in this chapter, or in any other law the enforcement of which is within the jurisdiction of the department, may be released, settled or compromised before the matter is referred to the attorney general as provided in section forty-four of this article, and thereafter may be released, settled or compromised by the attorney general, either before or after an action is brought to recover such penalties.

§40. Penalty for violation of rule or order

Every person, association or corporation, and all agents, officers, and employees thereof, shall obey every order made as provided in this chapter, so long as such order shall be in force. A person, association or corporation who shall fail by himself, itself or through his or its agents, officers and employees, to obey any order of the commissioner, or who shall violate any rule of

the department shall be subject to a penalty not exceeding the sum of four hundred dollars for each and every first offense, and a penalty not exceeding the sum of eight hundred dollars for a second and each subsequent offense. Every violation of such order, or of the rules of the department, shall be a separate and distinct offense, and in case of a continuing violation, every day's continuance thereof shall be a separate and distinct offense.

§41. Violation of chapter a misdemeanor

Except as otherwise provided by the penal law, a person who by himself or another violates any of the provisions of this chapter or of any other law the enforcement of which is within the jurisdiction of the department, is guilty of a misdemeanor, and upon conviction shall, except as otherwise provided in this chapter, be punished by a fine of not less than twenty-five dollars, nor more than two hundred dollars, or by imprisonment for not less than one month, nor more than six months, or by both such fine and imprisonment, for the first offense; and by not more than one year's imprisonment for the second offense.

Article 5 – Diseases of Domestic Animals; Calves and Veal; Pure Bred Stock; Certificates Registry

§72.1 – 72.4: Control and suppression of disease.

1. The commissioner may cause investigations to be made as to the best method for the control, suppression, or eradication of infectious or communicable disease affecting domestic animals or carried by domestic animals and affecting humans. Whenever any infectious or communicable disease affecting domestic animals or carried by domestic animals and affecting humans shall exist or shall have recently existed outside this State, the commissioner shall take measures to prevent such disease from being brought into the State. Whenever any such disease shall exist or be brought into or break out in this State, the commissioner shall take measures promptly to suppress the same and to prevent such disease from spreading.

2. He may issue and publish a notice stating that a specified infectious or communicable disease exists, may exist or has recently existed in the State, or in any designated county or other geographical district thereof, and warning all persons to seclude, in the premises where they maybe at the time, all animals within this State, or within such county or district, or an adjoining county or district, that are of a kind susceptible to contract such disease; and ordering all persons to take such precautions against the spreading of the disease as the nature thereof may, in his judgment, render necessary or expedient and which he may specify in such notice. Such notice shall be published in such manner as the commissioner may designate. The commissioner may cause such notice to be posted on buildings where animals are harbored which are believed to be diseased or exposed to disease, or on poles, gates, or fences within an area in which diseased or exposed animals are harbored or kept. No person shall tear down, mutilate, deface, or destroy any such notice or order issued by the commissioner and posted, as provided herein, during the pendency of such notice or order. The commissioner may alter or modify, from time to time, as he may deem expedient, the terms of any notice or order issued or made pursuant to this article and may at any time cancel or withdraw the same.

3. The commissioner may adopt and enforce rules and regulations for the control, suppression or eradication of communicable diseases in domestic animals or for the purpose of preventing the spread of infection and contagion among such animals, or from such animals to humans, and may, in behalf of the State, accept, in whole or in part, rules and regulations adopted by the secretary of agriculture of the United States under any act of congress providing for the control, suppression or eradication of communicable diseases in domestic animals. The commissioner

may cooperate with the authorities of the United States government within this State in the carrying out of such rules and regulations and the enforcement of the provisions of any such act so passed which are not in conflict with the statutes of this State. Whenever the commissioner finds that an emergency exists in relation to the prevention or control of communicable disease among domestic animals, or from such animals to humans, the commissioner may by regulation require that all domestic animals of any designated species be immunized against any designated disease. Such regulations may specify the immunizing agent to be used and the method of immunization. The regulations may prescribe that such immunization shall be performed by the agents of the department or require that all owners or harbors of the designated species shall cause such immunization to be performed by a licensed veterinarian.

4. Whenever a program for the control, suppression or eradication of a disease of domestic animals has been adopted and instituted by the commissioner pursuant to this article, the owner or harbored of each domestic animal of the species involved shall, on or at the premises where such animal is kept, present and restrain such animal for tests, examination, immunization, or identification at such times as the commissioner on not less than forty-eight hours' notice shall direct.

§72-a: Feeding of garbage

1. Feeding of garbage, offal or carcasses to cattle, swine or poultry prohibited. Garbage fed to cattle, swine, or poultry contributes to the spread of vesicular exanthema, cholera, erysipelas, foot and mouth disease, trichinosis, and other infectious animal diseases. Meat from animals so afflicted, when consumed by human beings, is a primary source of trichinosis and other human sickness. It is therefore declared to be the public policy of this State to prohibit the feeding of garbage, offal, or carcasses to cattle, swine, or poultry to assist in the eradication of animal diseases and for the protection of the public health and public welfare.

§73: Report of disease

Every person shall immediately report to the commissioner the existence among animals of any infectious or communicable disease coming to his knowledge. Every report shall be in writing and shall include a description of the diseased animal or animals, the location thereof, the name of the disease suspected, and, if known, the name and address of the owner or person in charge of such animal or animals.

§73-a Unlawful sale of tuberculous cattle

A person who knowingly sells, except under the supervision of the commissioner of agriculture and markets, any bovine animal in which tuberculosis shall have been indicated as a result of the tuberculin test, is guilty of a misdemeanor.

§74.1, 74.2, 74.5, 74.6, 74.7, 74.9: Regulations Relating importation

1. No person shall knowingly bring into this State any domestic or feral animal which has an infectious or communicable disease, except in the case of pure bred registered bovine animals which have been removed from this State and have reacted to the tuberculin or other recognized test subsequent to such removal, may be returned to this State upon written permission from the commissioner subject to such rules as he may prescribe in relation thereto.

2. Any person bringing into this State domestic or feral animals for any purpose other than immediate slaughter without taking precaution to ascertain whether such animals have an infectious or communicable disease shall be presumed to have brought them in knowingly in violation of this section, if they are found to have such disease.

5. Persons bringing into this State or receiving domestic or feral animals from without the State shall give such other information to the department as it may from time to time request relating to such animals.

6. The commissioner may order all or any animals coming into the State to be detained at any place or places for inspection and examination, and if any of them after due examination be found affected with any infectious or communicable disease, such animals shall be condemned and slaughtered or held in strict quarantine.

7. Each animal brought into the State in violation of any of the provisions of this article shall constitute a separate and distinct violation.

9. The commissioner is hereby authorized, after public hearing, to adopt and promulgate rules and regulations to implement and give full effect to the provisions of this section, including rules and regulations requiring a permit for the importation of domestic or feral animals into the State.

§75: Sanitary regulations

The commissioner may adopt and enforce rules regulating the sanitation and physical requirements of tables, livestock auction buildings or other buildings used for the housing of domestic animals for the purpose of preventing the spread of infection and contagion among such animals and may provide for the inspection and examination of such stables and buildings. The commissioner may adopt and enforce rules concerning the equipment for and the method of the sanitary production of milk and may provide for the examination and scoring of dairies in accordance with such rules. He may also prescribe such rules as may be necessary for disinfecting and cleaning premises, buildings, railway cars, boats, and their objects, from or by means of which infection or contagion of animals may be spread or conveyed. Vehicles used for the transportation of livestock shall be cleaned and disinfected at least weekly, or as otherwise directed by the commissioner, with a disinfectant approved by the commissioner. Vehicles used by a farmer in transporting his own livestock need not be cleaned and disinfected as prescribed by the preceding sentence unless directed by the commissioner.

§76.1, 76.2, 76.3: Quarantine on Animals or Premises

1. The commissioner, any department employed veterinarian authorized by the commissioner, any veterinarian in the employ of the United States department of agriculture who is working in this State in connection with disease control programs cooperatively conducted by the United States department of agriculture and the department, or, when acting under the direction of any department employed veterinarian authorized by the commissioner to provide such direction, any accredited veterinarian and any licensed veterinary technician in the employ of the department may order any animal to be put in quarantine if such animal (a) is affected with communicable disease, (b) has been exposed to a communicable disease, (c) is believed to be suffering from or exposed to a communicable disease, or (d) is suspected of having biological or chemical residues in its tissues which would cause the carcass or carcasses of such animal, if slaughtered, to be adulterated within the meaning of this chapter, and may order any premises or farm where such disease or condition exists or shall have recently existed to be put in quarantine so that no domestic animal shall be removed from or brought to the premises quarantined during the time of quarantine. The commissioner shall prescribe such regulations affecting animals, persons, or property as he may deem necessary or expedient to prevent the dissemination of the disease or condition from the premises so quarantined.

2. Any employee of the department so authorized by the commissioner may impose pursuant to subdivision one hereof a quarantine (a) upon cattle, swine or poultry whenever there is a reasonable cause to believe that such animals have been fed garbage, offal or carcasses in

violation of section seventy-two-a of this chapter and (b) upon any horse required to have been tested in accordance with section ninety-five-c of this chapter if the custodian of such animal does not produce for examination a negative test certificates.

3. Whenever the owner of any bovine animal refuses or neglects to have any such animal tuberculin tested or whenever the owner of any domestic animal of a species for which a disease control program has been adopted and instituted by the commissioner pursuant to this article refuses or neglects to subject such animal to such tests or examinations as may have been established under such disease control program, the commissioner may order the premises or farm on which such animal is harbored to be put in quarantine so that no animal of the same species shall be removed from or brought to the premises quarantined, and so that no product of such animals on the premises so quarantined shall be removed from the said premises. Nothing provided in this section shall prevent the addition of new animals to a herd under quarantine or the removal for immediate slaughter of any animals from the premises or herd quarantined if such addition or removal is by written permission of the commissioner and pursuant to rules and regulations adopted by him.

§77: Examination by veterinarian prerequisite to destruction of animal

No animal shall be destroyed by the commissioner or by his order unless first examined by a veterinarian in the employ of the department, or whose work is approved by the commissioner, nor until such veterinarian renders a certificate to the commissioner, to the effect that he has made such examination, that, in his judgment, such animal is infected with a specified infectious or communicable disease, or that its destruction is necessary in order to prevent or suppress, or to aid in preventing or suppressing such disease.

§78.1 & 78.2: Examination of domestic animals

1. The commissioner shall cause a physical examination and a tuberculin test to be made by competent and authorized veterinarians of all bovine animals, irrespective of age or sex, and cause all such bovine animals to be subjected to periodic retests when deemed necessary by the commissioner. The commissioner may also cause a physical examination and a tuberculin test to be made by competent and authorized veterinarians of any domestic animal or herds of domestic animals, irrespective of age or sex, when deemed necessary in his or her judgment to prevent or suppress disease. If, from such examination or test, any animal be deemed by the commissioner to be infected with tuberculosis or any other communicable disease or its condition be such as to render it undesirable for the production of milk or meat, or a menace to the health of other animals or persons, such animal shall be immediately removed from the herd, slaughtered or otherwise disposed of as the commissioner may prescribe.

2. No person shall possess, maintain, transport, or otherwise handle farmed deer except under conditions by which such animals are biologically segregated from bovine animals in a manner prescribed by the commissioner, provided however that such separation shall not be required with respect to any farmed deer maintained under circumstances where contact with bovine animals would not pose a threat to the State's cattle population as determined by the commissioner pursuant to regulation For purposes of this subdivision: (a) "farmed deer" shall mean members of family Cervidae which are raised or bred in confinement; and (b) "bovine animals" shall mean cattle and bison. This subdivision shall take effect on the one hundred eightieth day after it shall have become a law.

§79.1-79.6: Examination at request of owner; segregation; grading of herds

The owner of a herd of cattle kept for dairy or breeding purposes within the State may apply to the commissioner for examination of his herd by the tuberculin, or other approved tests, subject to the following regulations:

- 1.** The application therefor shall be upon a blank form provided by the commissioner and shall include an agreement on the part of the owner of the herd to improve faulty sanitary conditions, to disinfect his premises if diseased cattle be found, and to follow directions of the commissioner designed to prevent the reinfection of the herd and to suppress the disease and prevent the spread thereof.
- 2.** The commissioner shall cause such cattle to be examined accordingly, subject to the provisions of this article, and if any animal responds to such test, he may cause it to be slaughtered or held in strict quarantine.
- 3.** If after examination an animal be found to be suffering from tuberculosis such animal shall be slaughtered under the provisions of this article, or the commissioner may enter into a written agreement with the owner for keeping such animal in segregation or the commissioner may, if the condition of such animal warrants it, consign such animal to any one of the experiment stations or farms owned or controlled by the State, or by any county of the State, or to the farms of such public institutions in the State as the commissioner shall approve, or to hospitals, sanitariums or other institutions existing in whole or in part for the purpose of suppressing tuberculosis, there to be kept and used for breeding, dairy or experimental purposes under regulations to be prescribed by the commissioner.
- 4.** Subject to the rules of the commissioner, an animal found to be diseased after such examination may continue to be used for breeding purposes, but the milk from such animal shall not be used for any purpose until pasteurized at such temperature and for such period as the commissioner may prescribe.
- 5.** The young of any such diseased animal shall immediately be separated from its mother and shall not be permitted to receive or be fed the milk from such affected animal until such milk has been pasteurized as provided in subdivision four of this section.
- 6.** The commissioner may make rules for classifying herds tested under this section and for the purpose of giving recognition to herds which are in a healthy condition, he is hereby authorized to issue such certification as he may deem proper in relation to such herds. If such rules and such certification provide for periodical retests of accredited herds, or other herds not yet accredited, the cost of such retests, after January first, nineteen hundred and thirty, shall be borne by the State and there shall be appropriated annually to the department a sum sufficient to defray the expense of the veterinary service for such required retests.

§80: Certificate to healthy herds

For the purpose of giving recognition to other than segregated herds which are certified to him, after competent examination satisfactory to him, to be in a healthy condition, the commissioner is hereby authorized to issue such certificates as he may deem proper to the owner of such herd; to use such terms to designate such herds as will harmonize with federal designations of such herds and to adopt such rules as he may deem proper for the tagging, branding or marking of any animal or animals affected or believed to be affected with any communicable disease, or exposed thereto. If such animals are branded it shall not be construed as cruelty to animals within the meaning of article twenty-six of this chapter.

§81: Sale, removal or slaughter of animals affected with tuberculosis

No animal showing physical evidence of tuberculosis or in which such disease shall have been indicated as a result of the tuberculin test shall be sold, except under the supervision of the commissioner. No such animal shall be removed from the premises where examined, or from any other premises, except upon the written permission of the commissioner. No such animal shall be slaughtered except under the supervision of a veterinarian designated by the commissioner as provided in section eighty-six of this chapter.

§82: Appraisers

The commissioner may employ from time to time appraisers of condemned animals. The chief or any assistant veterinarian shall have all the powers of any appraiser of condemned animals under this article.

§83: Appraisal of diseased animals

Each animal directed to be slaughtered shall be appraised at its market value. The appraiser shall make and transmit to the commissioner a certificate of appraisal and shall deliver to the owner a copy of such appraisal certificate. If the owner is dissatisfied with the amount of the appraisal he may, within ten days after the delivery of the copy of appraisal certificate, make written application to the commissioner for a review of the appraisal. Upon receipt of such application, the commissioner shall cause an investigation to be made as to the market value of the animals referred to in the application for a review. Upon completion of such investigation, the commissioner shall render a decision either confirming the appraisal or modifying it by an increase or a decrease of the amount of the appraisal as justice may require, and shall state in his decision the reasons therefor and shall transmit a copy of the decision to the owner. The decision of the commissioner may be reviewed by a proceeding under article eight of the civil practice law and rules.

§85: Destruction of animals; disposition of carcasses

The commissioner may prescribe rules for the destruction of animals affected with infectious or communicable disease, and for the proper disposal of their hides and carcasses and all objects which might carry infection or contagion. Whenever in his judgment necessary for the more speedy and economical suppression or prevention of the spread of any such disease he may cause to be slaughtered and afterward disposed of, in such manner as he may deem expedient, any animal or animals which by contact or association with diseased animals or other exposure to infection or contagion may be considered or suspected to be liable to contract or communicate the disease sought to be suppressed or prevented. The commissioner may seize and cause to be destroyed a carcass or any portion thereof affected with any communicable disease.

§86: Post-mortem examination of animals The carcass of every animal duly condemned and killed under the provisions of this article shall be examined by a veterinarian designated by the commissioner for the purpose of determining whether or not disease existed in such animal and the person making the examination shall file promptly with the commissioner a report of the examination, in a form prescribed by the commissioner; but such an examination, and the filing of such a report thereof, by an inspector of the United States government engaged in meat inspection service may be accepted by the commissioner in lieu of an examination and report by a designated veterinarian.

§87: Payments for animals killed

The commissioner shall determine all claims which may be presented to him for indemnity to owners of animals killed by the State under the provisions of this article, and shall file in his office a certificate of his determination and, provided the claim is determined complete, shall within five days of having received the claim, issue his order for the amount due to the comptroller for payment. All claims allowed shall bear interest computed as provided in section one hundred seventy-nine-g of the State finance law. A claim shall be considered an invoice within the meaning of the provisions of article eleven-A of the State finance law. Anyone having a right of reimbursement pursuant to the provisions of this article shall be deemed to be a "contractor" having a "contract" with a "State agency" as such terms are defined in section one hundred seventy-nine-e of the State finance law. The commissioner shall issue his order for the amount due as determined by the certificate, which amount shall be paid from the treasury, on the warrant of the comptroller, out of moneys appropriated therefor.

§88.1- 88.7: Indemnity

The following provisions shall govern the payment of indemnity to owners of animals killed pursuant to the provisions of this article:

1. In the case of a bovine animal so killed to prevent the spread of tuberculosis, the owner shall be entitled to receive the net proceeds of the sale of the animal, and in addition thereto shall be paid indemnity in a sum sufficient to secure to the owner the full appraised value of the animal, but not exceeding the sum of six hundred dollars for a registered pure bred animal or for a pure bred animal less than three years of age, not registered but eligible for registry, for which a reasonable time shall be granted for the presentation of registration papers to the department, and not exceeding the sum of five hundred dollars for any other bovine animal. In the case of a pure-bred animal three years of age or over not registered at the time of appraisal, such animals shall be appraised at grade value, and in computing indemnity to be paid for such animal any other appraised value shall be excluded. The total amount receivable by the owner from the net proceeds of the sale of the animal and indemnity from the federal government and indemnity from the State shall, in every case except as otherwise specifically limited by this subdivision, equal but not exceed the full appraised value of the animal. If a bovine animal for which indemnity has not been paid is slaughtered at an establishment under State or federal meat inspection and the carcass thereof is found upon post mortem examination and laboratory analysis to contain tubercular lesions and such carcass is condemned and destroyed pursuant to State or federal regulations, the owner thereof shall be entitled to receive as indemnity four hundred dollars for carcasses weighing four hundred pounds or less, and six hundred dollars for carcasses weighing more than four hundred pounds.

2. No indemnity shall be paid to any person who shall have made any false representation, oral or written, in applying to the commissioner for an examination of his or her animals, or who shall have violated any agreement with the State regarding such animals, entered into pursuant to a provision of this chapter, or who shall have failed to comply with any instructions or directions given by the commissioner in respect to the control or eradication of any infectious or communicable diseases among animals, or who shall have failed to comply with any provision of this article or rule or regulation promulgated pursuant to such article, relating to the prevention, control, suppression or eradication of such disease; provided that indemnity may be allowed when payment is deemed by the commissioner to further the public interest in preventing, controlling, suppressing, or eradicating the disease with respect to which indemnity is sought.

3. If upon post-mortem examination of an equine animal evidence of glanders be found, and such animal shall not have exhibited physical symptoms of such disease, indemnity equal to ninety per centum of the appraisal value, or so much thereof as shall not exceed the sum of one hundred and twenty-five dollars, shall be paid. If the animal shall have exhibited such physical symptoms of glanders, indemnity equal to twenty-five per centum of the appraised value, or so much thereof as shall not exceed the sum of one hundred and twenty-five dollars, shall be paid.

4. No indemnity shall be paid unless the animal, if an equine, shall at the time ordered destroyed, have been within the State of New York for at least twelve months; and if a bovine shall at the time ordered destroyed have been within the State for at least three months, except that in the discretion of the commissioner, indemnity may be paid for a bovine which has not been within the State three months, provided that the animal at the time of entry into the State was accompanied by a tuberculin test chart, authenticated by the chief livestock sanitary official by whatever name known of the State or province from which the animal was brought, showing that the animal had originated in a herd under official supervision, and that such herd, including the animal in question, had been subjected to a tuberculin test under the regulations of the accredited herd plan and had passed such test negatively within one year preceding the order of destruction.

5. If animals are slaughtered or property destroyed by order of the commissioner to control, suppress or eradicate the disease known as apthous fever, or foot and mouth disease, compensation shall be made to the owners of the animals slaughtered or the property destroyed, but not more than two hundred dollars shall be paid on account of any bovine animal.

6. In the case of any poultry, or all or part of any flock which has been exposed to salmonella enteritidis and which the commissioner has ordered to be slaughtered pursuant to section eighty-five of this chapter, the owner shall be entitled to receive, within the amount appropriated for such purpose, indemnity for each poultry, in a sum equal to the full appraised value of the poultry, or to not more than three dollars per poultry, whichever is less. Final payment of State monies due to the owner of poultry slaughtered as set forth in this subdivision shall be made within sixty calendar days after the order is signed by the commissioner. In the event payment is not made within such period, interest thereafter at the rate of eight per centum per annum on the amount of the said monies owed shall be paid to the owner in a single lump sum calculated from the end of the sixty day period until the final payment is made.

7. In the case of any farmed deer, or all or part of any herd which has been exposed to tuberculosis and which the commissioner has ordered to be slaughtered pursuant to sections eighty-one and eighty-five of this article, the owner shall be entitled to receive the net proceeds of the sale of the animal, and in addition shall be paid indemnity in the sum sufficient to secure to the owner the full appraised value of the animal, but not exceeding the sum of two hundred fifty dollars. The total amount receivable by the owner from the net proceeds of the sale of the animal and indemnity from the federal government and indemnity from the State shall, in every case except as otherwise specifically limited by this subdivision, equal but not exceed the full appraised value of the animal. Indemnity payments shall be subject to the provisions set forth in section eighty-seven of this article. The amount of indemnity payments made by the State for testing and owner indemnification related to tuberculosis in animals by the department shall be limited to the amount of funds appropriated for such purposes by the legislature, and, notwithstanding any other provision of law to the contrary, shall represent fulfillment of the State's obligation for this program. For purposes of this subdivision, the term "farmed deer" shall mean members of family Cervidae which are raised and bred in confinement.

§89.3, 88.5-88.7: Control of vaccines, serums, and other preparations

For the purpose of detection, prevention, control or eradication of infectious or contagious diseases of domestic animals and fowls, the commissioner may make such exemptions and promulgate such orders, rules and regulations as he may deem necessary for the proper control, use, and distribution of any and all therapeutic preparations of microbiological origin used in the detection, prevention, control or eradication of such diseases within the State. The following provisions shall govern the disposition and use of such preparations.

3. Such preparations, except those prepared by a federal or a designated State agency, prepared within or brought into the State to be retained, sold or given away within the State, for use in the detection, prevention, control or eradication of infectious or contagious diseases of domestic animals or fowls, or for the administration thereto for whatever purpose, shall be reported to the commissioner unless exempted

by him. Such reports shall be made by the individual, firm, corporation, or institution preparing or selling such preparations within the State or receiving such preparations within the State to be retained, sold, or given away. The reports shall show the character and purpose of the preparation, the quantity, the name and address of the manufacturer and the name and address of the person or firm to whom the product was sold or given away.

5. Legally qualified veterinarians using such preparations, except those preparations exempted by the commissioner, in the detection, prevention, control, or eradication of infectious or contagious diseases of domestic animals or fowls shall make a report of such use to the commissioner immediately after the application or administration of such preparation. The report shall include the name and address of the owner or custodian of the animals, the character and purpose of the preparation employed, the amount used, and, if required by the commissioner, the identification of each animal and/or other necessary information.

6. No person shall treat with or inject into any domestic animal any preparation, material, or substance for the purpose of or with the effect of fraudulently interfering in any manner with a normal reaction to an officially prescribed test.

7. No veterinarian shall certify or make a statement showing or tending to show that any domestic animal has been tested or examined and found free from an infectious or contagious disease, unless such certification shall show the character of the test, and bear a statement that the test was made by an officially accepted method, and that upon such test or examination the animal failed to give evidence of such disease.

§90.1–90.6: Examination of cattle for Bang's disease

1. The commissioner, within the amounts appropriated for such purpose, may cause an appropriate test for ascertaining the presence or absence of bovine infectious abortion, commonly known as and hereafter termed "Bang's disease," to be made by competent and authorized veterinarians and cause such bovine animals to be subjected to periodic retests when deemed necessary by the commissioner. If, from such examination or test, any animal be deemed by the commissioner to be infected with Bang's disease and its condition be such as to render it undesirable for the production of milk or a menace to the health of other animals or persons, such animal may be immediately removed from the herd, slaughtered or otherwise disposed of as the commissioner may prescribe.

2. If after examination an animal be found to be suffering from Bang's disease such animal may be slaughtered under the provisions of this section, or the commissioner may enter into a written agreement with the owner for keeping such animal in segregation, or the commissioner may, if the condition of such animal warrants it, consign such animal to any one of the experiment stations or farms owned or controlled by the State, or by any county of the State, or to the farms

of such public institutions in the State as the commissioner shall approve, or to hospitals, sanitariums or other institutions existing in whole or in part for the purpose of suppressing such bovine disease; there to be kept and used for breeding, dairy or experimental purposes under regulations to be prescribed by the commissioner.

3. No animal showing evidence of Bang's disease as a result of the official test shall be sold, except under the supervision of the commissioner. No such animal shall be removed from the premises where examined, or from any other premises, except upon the written permission of the commissioner. No such animal shall be slaughtered except under the supervision of a veterinarian designated by the commissioner as provided in section eighty-six of this chapter.

4. In the case of a bovine animal killed on account of positive reaction to Bang's disease, the owner shall, in the discretion of the commissioner, and within the amount appropriated for such purpose, be entitled to receive indemnity in a sum equal to seventy-five per cent of the difference between the full appraised value of the animal and the total of the amounts received by the owner from the federal government as indemnity and from the sale of the animal as salvage, but not exceeding the sum of one thousand five hundred dollars for a registered pure bred animal and not exceeding the sum of five hundred dollars for any other bovine animal. The commissioner may, in his discretion at the request of the owner, order the slaughter of non-reactor animals if he finds that they have been exposed to Bang's disease as a member of an infected herd and that the entire herd should be depopulated to control the spread of the disease. In such case, the owner shall be entitled to receive, within the amount appropriated for such purpose, indemnity in an amount equal to the difference between the full appraised value of the animal and the total of the amounts received by the owner from the federal government as indemnity and from the sale of the animal as salvage, but not exceeding the sum of three hundred dollars for a registered pure bred animal or one hundred seventy-five dollars for any other bovine animal. The commissioner may, in his discretion, order the slaughter of any animal, or of all or part of any herd, which he finds has been exposed to Bang's disease by association with a positive reactor or by any other manner of exposure which he finds may make the animal or herd liable to contract or communicate the disease. In such case, the owner shall be entitled to receive, within the amount appropriated for such purpose, indemnity for each reactor animal and for each non-reactor animal as set forth in this subdivision unless the commissioner finds that such owner has failed to comply with any laws, rules or regulations relating to the control or eradication of brucellosis. Final payment of State monies due the owner of animals slaughtered as set forth in this subdivision shall be made within sixty calendar days after the order is signed by the commissioner. In the event payment is not made within such period, interest thereafter at the rate of eight per centum per annum on the amount of the said moneys owed shall be paid to the owner in a single lump sum calculated from the end of the sixty day period until the final payment is made. For purposes of this section, the term "registered pure-bred animal" shall include a pure-bred animal less than three years of age, not registered but eligible for registry, for which application for registry has been duly made prior to the appraisal. Pure bred animals three years of age or over, not registered at the time of appraisal, shall be appraised at grade value.

5. No indemnity shall be paid unless the animal shall, at the time ordered destroyed, have been within the State for at least three months, and provided further that the animal came into the State in accordance

with the then existing laws and regulations relative to Bang's disease.

6. The commissioner, within the limits of the amount appropriated for such purpose or purposes, may initiate an official program of calf hood vaccination, may cause blood samples to be taken, may have such samples tested, and may make necessary rules and regulations relative thereto, and provide for identifying and recording all vaccinated animals in order that all such animals may

be properly and officially supervised. The commissioner may cooperate for such purpose or purposes with federal or county officials upon such terms as he approves.

§90-a: Declaration of policy and purposes

Infectious and communicable disease affecting domestic animals continues to exist in this State, and the existence thereof endangers the health and welfare of the people of the State. Despite the moneys pent to control, suppress and eradicate such infection and disease its incidence is the concern of the legislature. The powers of quarantine and condemnation held and exercised by the department of agriculture and markets tend to suppress but do not constitute an adequate control. It is hereby declared to be a matter of legislative determination that a more exacting supervision of those who as a business deal in, handle and transport domestic animals is needed in the public interest and that in the exercise of the police power such persons be required to hold a permit before engaging in such activities.

§90-b (1-23): Definitions

As used in this article unless otherwise expressly stated:

- 1.** The term "wholesale cattle dealer" means any person who buys or sells cattle as a business enterprise. The term shall not include a person who buys or sells cattle as part of his or her own bona fide breeding, feeding or dairy operation, nor to a person who receives cattle exclusively for slaughter on his or her own premises.
- 2.** The term "auctioneer" means a person who sells, or makes a business of selling cattle, swine, or horses, at auction.
- 3.** The term "auction" means a public sale of cattle, swine, or horses to the highest bidder.
- 4.** The term "horse" means the entire family of Equidae.
- 5.** The term "horse dealer" means any person who buys or sells horses as a business enterprise. This term shall not include a person who buys or sells horses as part of a bona fide breeding, farming, or racing operation or for personal use by his or her own family nor to a person who receives horses exclusively for slaughter on his or her own premises.
- 6.** The term "swine dealer" means any person who buys or sells swine as a business enterprise. The term shall not include a person who buys or sells swine as part of a bona fide breeding, feeding, or farming operation, nor to a person who receives swine exclusively for slaughter on his or her own premises.
- 7.** The term "swine" means the entire super family of subdivide, both feral and domestic.
- 8.** The term "cattle" means the entire family of Bovidae.
- 9.** The term "deer" means any member of the family of Cervidae.
- 10.** The term "deer dealer" means any person who buys and sells deer as a business enterprise. The term shall not include a person who buys and sells deer as part of a bona fide breeding, feeding, or farming operation, nor to a person who receives deer exclusively for slaughter on his or her own premises.
- 11.** The term "camelid" means the entire family of Camelidae.
- 12.** The term "camelid dealer" means any person who buys and sells camelids as a business enterprise. The term shall not include a person who buys and sells camelids as part of a bona fide breeding, feeding, or farming operation, nor to a person who receives camelids exclusively for slaughter on his or her own premises.
- 13.** The term "ear tag" means a unique, tamper-resistant device which, when affixed to the ears of cattle, deer, swine, or camelid, identifies and distinguishes such animals.

14. The term "registration number" means the number assigned to and that identifies a domestic animal, which number and the identifying characteristics of such domestic animal are set forth in a registry maintained by a breed association recognized by the department.

15. The term "official backtag" means a unique device which, when affixed to cattle, deer, swine, or camelid, identifies and distinguishes such animals.

16. The term "poultry" means a domesticated fowl including chickens, turkeys, waterfowl, guinea fowl and game birds commonly used to produce meat and eggs. It does not include pigeons.

17. The term "poultry dealer" means any person who buys or sells poultry as a business enterprise. The term shall not include a person who buys or sells poultry as part of a bona fide breeding, feeding, or farming operation, or a person who receives poultry exclusively for slaughter on his or her own premises.

18. The term "poultry transporter" means any person who transports poultry as a business enterprise. The term shall not include a person who transports poultry as part of a bona fide breeding, feeding or farming operation, or a person who receives poultry exclusively for slaughter on his or her own premises, provided, however, that the term shall include any person who transports poultry to a live poultry market.

19. The term "live poultry market" means any premises where poultry are assembled and held for sale and slaughter. It does not include livestock auction buildings.

20. The term "goat" means any member of the genus *capra*.

21. The term "goat dealer" means any person who buys or sells goats as a business enterprise. The term shall not include a person who buys or sells goats as part of a bona fide breeding, feeding, or farming operation, or a person who receives goats exclusively for slaughter on his or her own premises.

22. The term "sheep" means any member of the genus *ovis*.

23. The term "sheep dealer" means any person who buys or sells sheep as a business enterprise. The term shall not include a person who buys or sells sheep as part of a bona fide breeding, feeding, or farming operation, or a person who receives sheep exclusively for slaughter on his or her own premises.

§90-c. (1-3): Prohibitions

1. It shall be unlawful for any person to purchase, or deal in, or sell cattle, swine, horses, deer, camelids, sheep, goats or poultry at wholesale, or for any person to operate or conduct an auction where cattle, swine, horses, deer, camelids, sheep, goats or poultry are sold, or for any person to transport poultry, unless such wholesale cattle, swine, horse, deer, camelids, sheep, goats or poultry dealer or auctioneer or poultry transporter holds a domestic animal health permit granted by the commissioner.

2. No person who holds or is required to hold a domestic animal health permit shall purchase, sell or otherwise deal in cattle, deer, swine, camelids, sheep or goats unless and until an ear tag is securely affixed to the ear of such animal or unless such animal is otherwise identified by a registration number, distinctive tattoo, electronic identification device or other unique permanent mark or, for an animal that is moved directly to slaughter, an official backtag.

3. No person shall deface, obliterate, or remove an ear tag or other identification mark affixed to an animal under his or her control, or shall affix an ear tag to the ear of an animal that has previously been affixed to the ear of another animal.

§90-d: Application and permit fees

Application for an animal health permit shall be made to the commissioner. The application shall be on a form prescribed by the commissioner and shall be accompanied by an animal health permit fee of fifty dollars. The applicant shall satisfy the commissioner of his character and responsibility and shall set forth such information as the commissioner shall require regarding the past record of infection or contagion among domestic animals dealt in, or handled, or sold by him during the past five years. A permit shall be issued for a two-year period and a renewal application shall be submitted to the commissioner on or before the thirtieth day prior to the expiration of the permit.

§90-e: Refusing and revoking permits

The commissioner after due notice and opportunity of hearing to the applicant or permittee may deny an application for or revoke or refuse to renew a permit when he or she is satisfied that the applicant or permittee has:

1. violated the statutes of the State of New York or of the United States or the official regulations of the commissioner governing the interstate or intrastate movement, shipment or transportation of cattle or horses, swine, camelids, deer, sheep, goats, or poultry;
2. made false or misleading statements in his or her application for an animal health permit or has made false or misleading statements as to the health or physical condition of cattle, horses, swine, camelids, deer, sheep, goats, or poultry; regarding official tests;
3. knowingly sold for purposes other than slaughter cattle, horses, swine, camelids, deer, sheep, goats, or poultry which were affected with a communicable disease;
4. failed to observe sanitary measures in barning, stabling premises or vehicles used for the stabling, holding or transportation of cattle, horses, swine, camelids, deer, sheep, goats, or poultry;
5. engaged in a course of dealing of such a nature as to satisfy the commissioner of his or her inability or unwillingness properly to conduct the business for which an animal health permit has been issued;
6. been convicted of a felony;
7. had his or her animal health permit terminated or revoked;
8. ceased to operate the business for which the animal health permit was issued; or
9. failed to comply with any of the provisions of this chapter or the rules and regulations promulgated pursuant thereto.

§90-f: Proceedings to review

The action of the commissioner in denying an application or revoking an animal health permit may be reviewed in the manner provided by article seventy-eight of the civil practice law and rules and the decision of the commissioner shall be final unless within thirty days from the date of service thereof upon the applicant or permittee affected thereby the court proceeding is instituted to review such action. The pleadings upon which such review proceeding is instituted shall be served upon the commissioner or upon an assistant commissioner, personally, in the manner provided for the personal service of a summons in an action unless a different manner of service is provided in an order to show cause granted by a justice of the supreme court.

§90-g: Records

All records as now required by the commissioner respecting the health of domestic animals shall be continued and the commissioner may require such other and further records as from time to time may seem to him to be necessary or desirable in his enforcement of disease control.

§90-h: Violations; remedies

The commissioner may institute such action at law or in equity as may appear necessary to enforce compliance with any provision of the statutes, rules and orders committed to his administration in regard to animal health permits and infectious or communicable disease affecting domestic animals, and in addition to any other remedy under article three of this chapter or otherwise may apply for relief by injunction if necessary to protect the public interest without being compelled to allege or prove that an adequate remedy at law does not exist. Such application may be made to the supreme court in any district or county as provided in the civil practice law and rules, or to the supreme court in the third judicial district.

§91.1-91.5: Hog cholera and pseudorabies control; indemnity

- 1.** The commissioner, to control, suppress or eradicate hog cholera and pseudorabies, may cause to be made appropriate examinations or tests for ascertaining the presence or absence of such diseases in swine. If, from such examinations or tests, any swine be found to be infected with or exposed to hog cholera or pseudorabies and such condition be such as to cause the swine to be a menace to the health of other animals the commissioner may order such swine to be immediately slaughtered or otherwise disposed of as he may prescribe.
- 2.** No swine infected with or exposed to hog cholera or pseudorabies shall be sold or removed from the premises where examined, or from any other premises, except upon written permission of the commissioner. No swine so infected or exposed shall be slaughtered or killed except under the supervision of the commissioner.
- 3.** The commissioner, within the appropriation for such purpose, may cause blood samples of swine to be taken and tested.
- 4.** Swine killed on account of hog cholera or pseudorabies shall be appraised and indemnity shall be paid to the owner as provided in this article, except as otherwise specifically limited by this section. The owner shall be entitled to receive the net proceeds, if any, of the sale of the swine, and in addition thereto, within the appropriation for such purpose, shall be paid indemnity in a sum not exceeding one hundred dollars for a registered purebred, inbred or hybrid swine, and not exceeding forty dollars for any other swine. A purebred swine is any breeding swine upon which a certificate of pure breeding has been issued by a purebred swine association; an inbred or hybrid swine is any breeding swine upon which a certificate or registration has been issued by a recognized inbred or hybrid registry association. Certificates of pure breeding or registration for inbred or hybrid swine shall be presented at the time of appraisal or such swine will be appraised as grades, provided, however, that in the absence of such certificates or registrations the commissioner may grant a reasonable time for the presentation of such certificates or registrations to the appraiser. The total amount receivable by the owner from the net proceeds of the sale of the swine and indemnity from the federal government and indemnity from the State shall, in every case, except as otherwise specifically limited by this section, equal but not exceed the full appraised value of the swine.
- 5.** The commissioner may adopt and enforce rules and regulations and may cooperate with the authorities of the United States government and with local officials, to implement the provisions of this section.

§96-c (1-6): Examination of horses for equine infectious anemia

1. The commissioner or his authorized agent may cause to be administered to any horse within the State any test he finds appropriate for ascertaining the presence or absence of equine infectious anemia, also known as "swamp fever." Upon order of the commissioner or his authorized agent, the owner, custodian or harbinger of any horse shall confine, present, control and restrain such animal or animals for the examinations, tests and identification procedures the commissioner deems necessary and if exposure to equine infectious anemia is apparent, the commissioner shall order confinement for a period up to sixty days or until a negative test can be obtained. During the period of such test, and until the commissioner or his agent shall otherwise direct, the owner, custodian or harbinger of any animal being tested shall keep such animal in segregation or confinement as the commissioner's agent shall direct, and no person shall remove a horse under test from the premises where the test is being conducted, nor remove from the horse, or alter or deface any temporary identification marks or devices affixed for the purpose of the test, except with the written consent of the commissioner's authorized agent.

2. (a) Any horse found by the commissioner after testing to be infected with equine infectious anemia may be freeze branded in a manner prescribed by the commissioner. Upon notification of the results of such test, the owner, custodian or harbored of any animal found by the commissioner to be infected with equine infectious anemia shall confine, present and restrain such animal for freeze branding by any duly authorized agent of the commissioner at such time as he may direct. (b) Notwithstanding any other provisions of law, the owner, harbinger or custodian of any horse freeze branded pursuant to this section shall not be indemnified for any loss in value of such animal. (c) The term "horse" as used throughout this section shall apply to the entire family of Equidae. The commissioner may by regulation exclude from the provisions of this section horses within defined age categories.

3. No person shall import or bring into the State any horse unless such horse has been tested for equine infectious anemia and reacted negatively within a period prior to entry, and in a manner, prescribed by the commissioner in regulations.

4. No person shall transport on any public highway within this State any horse unless such horse has been tested for equine infectious anemia and reacted negatively within a period prior to such transportation, and in a manner, prescribed by the commissioner in regulations.

5. No person shall sell, exchange, barter or give away any horse unless such horse has been tested for equine infectious anemia and reacted negatively within a period prior to such transfer of ownership, and in a manner, prescribed by the commissioner in regulations.

6. Subdivisions three, four and five of this section shall not apply to horses which are imported, sold, exchanged, bartered, given away or transported under permit from the commissioner or his authorized agent for immediate slaughter, research or such other purposes as the commissioner finds are consistent with the control and eradication of equine infectious anemia, as prescribed by the commissioner in regulations.

§105(f): Review by commissioner

If the claimant desires to appeal the county treasurer's disapproval of his claim or if he is dissatisfied with the amount of the damage as set forth in the assessor's report, he may, within ten days after the receipt of the report, present to the commissioner a request for a review. The county treasurer may, within ten days after receiving the report of the assessor, if dissatisfied with the damages stated in the report, present to the commissioner a request for a review. Upon receipt of such request, from either the claimant or the county treasurer, the commissioner shall

cause an investigation to be made of the facts surrounding the death of the animal or animals described therein and the amount of damage incurred thereby for which indemnification should be made in accordance with the intent of this article. The claimant shall permit the commissioner or his duly authorized representative to enter the premises where the animal or animals for which indemnification is claimed were kept, harbored or pastured, and shall furnish to the commissioner or his duly authorized representative whatever information and proof may be available to the claimant and deemed necessary by the commissioner or his representative to complete the investigation. After the completion of such investigation the commissioner shall make his decision in writing as set forth in the preceding section.

§258-cc.2: Prohibitions

2. It shall be unlawful for any person to sell or distribute in the State of New York any dry milk powder originating from any area outside the continental United States including Alaska and Hawaii that has not been designated by the commissioner as being rinderpest and foot-and-mouth disease free.

New York State Environmental Conservation Law 11-0325

§ 11-0325. Control of dangerous diseases.

1. Whenever it is jointly determined by the Department of Environmental Conservation and the Department of Health or the Department of Agriculture and Markets, and certification is made to the Commissioner of Environmental Conservation by the Commissioner of Health or the Commissioner of Agriculture and Markets, that a disease, which endangers the health and welfare of fish or wildlife populations, or of domestic livestock or of the human population, exists in any area of the State, or is in imminent danger of being introduced into the State, the department shall adopt any measures or regulations with respect to the taking, transportation, sale, offering for sale or possession of native fish or feral animals it may deem necessary in the public interest to prevent the introduction or spread of such disease. The department may undertake such fish or wildlife control measures it may deem necessary to eliminate, reduce or confine the disease.
2. Whenever it is determined by the Department of Environmental Conservation that an epizootic disease which endangers the health and welfare of native fish or feral animal populations only, exists in any area of the State, or is in imminent danger of developing or being introduced into the State, the department may adopt any measures or regulations with respect to the taking, transportation, sale, offering for sale or possession of native fish or feral animals deemed necessary in the public interest to prevent the development, spread or introduction of such disease.

Sec. 134a. Seizure, quarantine, and disposal of livestock or poultry to guard against introduction or dissemination of communicable disease

- (a) Authority of Secretary
The Secretary, whenever he deems it necessary in order to guard against the introduction or dissemination of a communicable disease of livestock or poultry, may seize, quarantine, and dispose of, in a reasonable manner taking into consideration the nature of the disease and the necessity of such action to protect the livestock or poultry of the United States:
- (1) any animals which he finds are moving or are being handled or have moved or have been handled in interstate or foreign commerce contrary to any law or regulation administered by him for the prevention of the introduction or dissemination of any communicable disease of livestock or poultry;
- (2) any animals which he finds are moving into the United States, or interstate, and are affected with or have been exposed to any communicable disease dangerous to livestock or poultry; and (3) any animals which he finds have moved into the United States, or interstate, and at the time of such movement were so affected or exposed.
- (b) Determination of extraordinary emergency due to dangerous communicable disease; seizure, quarantine, and disposal of animals; action authorized only if adequate measures not taken by State or other jurisdiction; notice to State or other jurisdiction
Whereas the existence of any dangerous, communicable disease of livestock or poultry, such as foot-and-mouth disease, rinderpest, or European fowl pest, on any premises in the United States would constitute a threat to livestock and poultry of the Nation and would seriously burden interstate and foreign commerce, whenever the Secretary determines that an extraordinary emergency exists because of the outbreak of such a disease anywhere in the United States, and that such outbreak threatens the livestock or poultry of the United States, he may seize, quarantine, and dispose of, in such manner as he deems necessary or appropriate, any animals in the United States which he finds are or have been affected with or exposed to any such disease and the carcasses of any such animals and any products and articles which he finds were so related to such animals as to be likely to be a means of disseminating any such disease: Provided, That action shall be taken under this subsection only if the Secretary finds that adequate measures are not being taken by the State or other jurisdiction. The Secretary shall notify the appropriate official of the State or other jurisdiction before any action is taken in any such state or other jurisdiction pursuant to this subsection.
- (c) Notice to owner to quarantine or to dispose of animal, carcass, product, or article; action on failure to comply; costs
The Secretary in writing may order the owner of any animal, carcass, product, or article referred to in subsection (a) or (b) of this section, or the agent of such owner, to maintain in quarantine, and to dispose of such animal, carcass, product, or article in such manner as the Secretary may direct pursuant to authority vested in him by such subsections. If such owner or agent fails to do so after receipt of such notice, the Secretary may take action as authorized by said subsections (a) and (b) and recover from such owner or agent the reasonable costs of any care, handling, and disposal incurred by the Secretary in

connection therewith. Such costs shall not constitute a lien against the animals, carcasses, products, or articles involved. Costs collected under this section shall be credited to the current appropriation for carrying out animal disease control activities of the Department.

- (d) Compensation of owner; fair market value; payments from State or other source; availability of funds Except as provided in subsection (e) of this section, the Secretary shall compensate the owner of any animal, carcass, product, or article destroyed pursuant to the provisions of this section. Such compensation shall be based upon the fair market value as determined by the Secretary, of any such animal, carcass, product, or article at the time of the destruction thereof. Compensation paid any owner under this subsection shall not exceed the difference between any compensation received by such owner from a state or other source and such fair market value of the animal, carcass, product, or article. Funds in the Treasury available for carrying out animal disease control activities of the Department of Agriculture shall be used for carrying out this subsection.
- (e) Restriction on payment of compensation in cases of violation of law or regulation No such payment shall be made by the Secretary for any animal, carcass, product, or article which has been moved or handled by the owner thereof or his agent knowingly in violation of a law or regulation administered by the Secretary for the prevention of the interstate dissemination of the communicable disease, for which the animal, carcass, product, or article was destroyed or a law or regulation for the enforcement of which the Secretary enters or has entered into a cooperative agreement for the control and eradication of such disease, or for any animal which has moved into the United States contrary to such law or regulation administered by the Secretary for the prevention of the introduction of a communicable disease of livestock or poultry.

Attachment 2

Guidelines for Personal Protective Equipment (PPE)

Attachment 2: Personal Protective Equipment Guidelines for a Response to a Non-Human Infectious Disease Incident

Non-human infectious disease incidents may be classified into three general categories regarding risk of disease transmission to personnel involved in the response; an incident where the identity of the disease agent is unknown, an incident where the disease agent is identified but the zoonotic potential of the agent is unknown, and an incident where the disease agent is identified and it is a known zoonotic agent. For all three situations, the following basic PPE guidelines will apply:

- In all situations **Basic PPE** should be employed:
 - **Coveralls** – preferably disposables such as Tyvek that can be left on the premise.
 - **Boots** – either disposable boot covers that can be left on the premise or rubber boots or over boots (Tingley) that can be completely disinfected before leaving the premise.
 - **Gloves** – disposable surgical-type gloves.
 - **Head Covers** – surgical type hair nets or hoods.
 - **Eye Protection** – if splashing of potentially infected material is likely, safety glasses or face shields should be used.

In addition, the following guidelines apply to the categories listed above:

Disease Agent Unidentified

- **Basic PPE.**
- Face mask – minimum surgical type mask, N-95, or N-100 disposable mask.
- Eye Protection – safety glasses or face shield.

Disease Agent Identified/ Zoonotic Potential Unknown

- **Basic PPE.**
- Face mask – minimum surgical type mask, N-95, or N-100 disposable mask.
- Eye Protection – safety glasses or face shield.

Known Zoonotic Disease Agent Identified

- **Basic PPE.**
- Other equipment (face mask, eye protection) based on known mode(s) of transmission of the agent and level of risk.
- Known agents can be divided into three Risk Levels: Limited, Moderate and Serious. Table 1 shows the appropriate PPE for each Risk Level and examples of diseases that would fall into each category.

In all cases, responders should check with either the Office of the State Veterinarian, New York Department of Agriculture and Markets, and/or the Zoonoses Program Veterinarian, New York Department of Health for specific recommendations to fit the disease, animal, and situation.

The use of PPE must be balanced with safety considerations, particularly when working with large or dangerous animals, including freedom of movement, obstruction of vision and overheating during strenuous activity handling such animals.

Zoonotic Risk: LIMITED		Zoonotic Risk: MODERATE		Zoonotic Risk: SERIOUS
<ul style="list-style-type: none"> ▪ Respiratory protection (can range from none to N-95) ▪ Disposable Coveralls & boots ▪ Gloves ▪ Disinfectant 		<ul style="list-style-type: none"> ▪ Respiratory protection (N-95 to PAPR) ▪ Disposable Coveralls & boots ▪ Gloves ▪ Eye Protection ▪ Disinfectant ▪ Taped joints 		<ul style="list-style-type: none"> ▪ Respiratory protection (PAPR or SCBA) ▪ Double gloving ▪ Water-resistant disposable coveralls & boots ▪ Cut-resistant gloves ▪ Taped joints ▪ Cut resistant apron ▪ Disinfectant
<u>Examples</u> African Swine Fever Foot and Mouth Disease Pseudorabies Brucellosis BSE/CWD/Scrapie Low Path Avian Influenza Heartwater Rinderpest Exotic Newcastle Disease Classical Swine Fever Q-Fever Vesicular Stomatitis Rabies Food/Waterborne Agents Leptospira Chlamydia psittaci		<u>Examples</u> Anthrax High Path Avian Influenza West Nile Virus EEE Hantavirus Monkeypox Virus Tularemia Plague Glanders Tuberculosis Herpes B Unknown Zoonoses		<u>Examples</u> Hendra/Nipah Virus Rift Valley Fever Viral Hemorrhagic Fevers
<i>Table 1. Zoonotic Risk Levels</i>				