

EXHIBIT C.2

Arkansas Livestock and Poultry Commission
Effective: November 1, 2008
Jon S. Fitch, Executive Director

Agency No. 125.00

FINAL RULE

Act 87 of 1963 (AR Code 2-33-101)
Act 150 of 1985 (AR Code 19-6-448)
Act 1104 of 2013
AR Code 5-62-122 (Livestock running at large)

ARKANSAS SWINE REGULATIONS

DEFINITIONS

Commercial Production Swine: Those swine that are continuously managed and have adequate facilities and practices to prevent exposure to either transitional production or feral swine.

Transitional Production Swine: Those feral swine that are captive or swine that have reasonable opportunities to be exposed to feral swine.

Feral or Wild Swine: Those swine that are free roaming, or released on a private game preserve or hunting area. Also, a hog that is not conspicuously identified.

Terminal Facility: A facility for the containment of domestic and feral hogs that requires that hog be killed before leaving the facility.

1. COMMERCIAL PRODUCTION SWINE MANAGEMENT PLANS

All swine herds are transitional production swine herds unless a management plan has been submitted and approved by the Arkansas Livestock and Poultry Commission. The management plan must adequately address the separation and control of the potential interface of feral and transitional production swine with the commercial production swine.

Plan Requirements:

- A. Submit management plans to the Arkansas Livestock and Poultry Commission within 90 days after the effective date of regulation,

requesting the date you wish to be designated as a commercial swine producer.

- B. Amendments to plans as a result of operational changes, etc. must be submitted to the Commission for approval as they occur.
- C. Commission will forward written approvals or disapprovals to plans within ten (10) working days after receipt.
- D. Plan approvals will remain in effect as long as swine herd(s) continue to meet the requirements of commercial production operations.

2. IMPORT REQUIREMENTS

A. Breeding Swine

All breeding swine imported into Arkansas not under the authority of a commuter swine agreement must have an official premise identification, be individually identified, and accompanied by a certificate of veterinary inspection and permit number. Pseudorabies vaccinates may not enter. Testing requirements of all breeding swine not under the authority of a commuter swine agreement are as follows:

Brucellosis - All animals over six months of age must be tested negative within thirty (30) days prior to shipment; or originate directly from the farm of origin of a validated free herd; or originate directly from the farm of origin of a brucellosis free state.

Pseudorabies – All ages must be tested negative within thirty (30) days prior to shipment; or originate directly from the farm of origin of a pseudorabies qualified herd; or originate directly from the farm of origin of a Stage IV or V state.

Retest Provisions – All breeding swine will be quarantined for a thirty to sixty (30-60) day retest for brucellosis and pseudorabies at owner's expense. Exceptions to the retest provisions are as follows:

- 1) Swine intended to be added to a qualified pseudorabies negative herd coming directly from another qualified pseudorabies negative herd may be added without isolation or testing, provided they are included as part of the herd during the next regular herd test to maintain qualified pseudorabies negative status.

- 2) Swine intended to be added to a qualified pseudorabies negative herd from another qualified pseudorabies negative herd, but with interim contact with swine other than those from a single qualified pseudorabies negative herd, shall:
- be isolated until the swine have been found negative to an official pseudorabies serologic test, conducted not less than thirty (30) days, nor more than sixty (60) days after arrival; or
 - develop a written agreement for a random sampling approved by the Livestock and Poultry Commission, utilizing official pseudorabies serologic tests which provide a ninety-five percent (95%) probability of detecting infection in a herd in which at least ten percent (10%) of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premise or those originating from segregated individual sources must be considered a separate herd and individually sampled as follows:

Less than 100 head – test 25

100-200 head – test 27

201-999 head – test 28

1,000 and over – test 29

B. Feeder Pigs

All feeder pigs not under the authority of a commuter swine agreement being imported into the state must have an official premise identification, be individually identified, be accompanied by a certificate of veterinary inspection, and have a permit number. Pseudorabies vaccinates may not enter. Testing requirements and allowable movements of all feeder pigs not under the authority of a commuter swine agreement are as follows:

- 1) Direct shipment from a farm of origin or a market in a Stage IV or V state/area;
- 2) Direct shipment from a qualified pseudorabies negative herd; or
- 3) Into Stage IV states from Stage III states/areas or from feeder pig monitored herds in Stage II states when the following conditions are met:
 - a. That the swine enter on permit directly to a designated feedlot and not through an all-class market;

- b. that the swine originate from an approved feeder-pig market or direct from a qualified-negative (QN) herd, or feeder-pig monitored (FPM) herd;
- c. that the swine be quarantined to slaughter only;
- d. that the designated feedlot has no breeding swine on the premises and no breeding herds within two (2) miles;
- e. that the feeding herd must be a part of the feeder-pig surveillance system required for Stage IV with testing of a sample of pigs from the feedlot, using the official random-sample test (95/10), and that the test be conducted in each such feedlot at least every six (6) months, and at owner expense. Sampling rate for 95/10 is:

Less than 100 head – test 25

100-200 head – test 27

201-999 head – test 28

1,000 and over – test 29

C. Feral Swine

Feral swine may not enter into Arkansas ~~until they have become domesticated.~~

D. Entry for sale at Arkansas Market:

- 1) All swine entering Arkansas for sale at an Arkansas market shall be identified by an official premise identification and
 - a. be tested negative for pseudorabies and brucellosis within thirty (30) days prior to sale;
 - b. or originate directly from a qualified-validated commercial production swine herd;
 - c. or originate directly from a feeder-pig-monitored commercial production swine herd;
 - d. or meet the requirements for an Arkansas Surveyed Herd.
- 2) Any swine entering Arkansas for sale at an Arkansas market that do not meet these requirements shall be:
 - a. individually identified;
 - b. isolated from all tested swine;
 - c. tested at the market at the owner's (seller's) expense;

d. and sold for slaughter only at the end of the sale.

3. IN-STATE REQUIREMENTS

- A. All swine undergoing a change of ownership or lease must be identified with an official premise identification by official eartag, tattoo, or other approved device prior to change of ownership or lease.
- B. All breeding swine sold within the state must be tested negative for pseudorabies and brucellosis within thirty (30) days of sale, or originate from a qualified-validated commercial production swine_herd. Breeding swine purchased and sampled at Arkansas markets will be quarantined to purchaser's premise until results of tests are known, or they may be quarantined to a feeding floor until slaughter. It is recommended that all swine purchased for breeding purposes be retested thirty to sixty (30-60) days after movement.
- C. General requirements for change of ownership:
- 1) All swine forty (40) pounds or over entering a market must be identified with a premise identification on an official eartag or other approved device prior to unloading.
 - 2) Eartags or other approved devices which contain a premise identification may be removed only at slaughter.
 - 3) An Arkansas Surveyed Herd shall, based on an epidemiological risk assessment, be tested negative a maximum of once quarterly and a minimum of at least once yearly for pseudorabies and brucellosis at a rate of:
 - If less than thirty (30) pigs, test all;
 - If more than thirty (30) pigs, test a minimum of thirty (30) head.
 - 4) All swine sold or leased within the state shall be tested negative for pseudorabies and brucellosis within thirty (30) days prior to sale, or originate directly from a qualified-validated herd, or originate directly from a feeder-pig-monitored herd, or have met the requirements for an Arkansas Surveyed Herd.
 - 5) Any swine originating from an Arkansas farm entering a market for sale that do not meet these requirements shall be individually identified and

quarantined to the farm of origin until the requirements for an Arkansas Surveyed Herd are met.

- 6) The State Veterinarian or designated epidemiologist may modify any testing rates based on epidemiological, safety, or disease status factors.
- 7) All testing for change of ownership, including Arkansas Surveyed Herds, may be done at the owner's expense by a private veterinary practitioner or by an agent of the State Veterinarian. It is the responsibility of both the seller and purchaser to see that the test is done.
- 8) The auction market or dealer shall maintain identification of all animals in each consignment sufficient to determine the herd of origin and the buyer(s) for all swine within the consignment. The market or dealer shall ensure that each consignment meets the testing requirements prior to release of any portion of the consignment from the premises of the market. Auction markets shall maintain records of all movements of swine going back to the farm to include identification numbers, number and kind, buyer and seller and their complete addresses.
- 9) Feeding swine sold directly to slaughter from the farm of origin shall be exempt from testing requirements if under the authority of a slaughter sale agreement approved by the State Veterinarian.

4. Testing and Handling of Quarantined and Other Epidemiologically Exposed Herds

The herd of origin of any pseudorabies or brucellosis reactors shall be immediately quarantined by handing the quarantine directly to the owner or by registered return receipt mail and shall be required to test within twenty-one (21) days of being quarantined. All swine in herds adjacent to the herd of origin that are within a two-(2) mile radius of the herd shall be quarantined. All trace-forward recipient herds and all source herds shall also be quarantined based on epidemiological potential of infection. Each quarantined herd shall remain under quarantine until depopulated, or until negative test results are confirmed on all remaining animals in each herd. Release tests for all adjacent herds shall be performed at least thirty days after the reactors are removed from the herd of origin. All pseudorabies reactor herds shall be required to castrate all boars

remaining in the herd and shall have a maximum of one-hundred-eighty (180) days to sell out for slaughter or undergo a mandatory depopulation. All swine brucellosis reactor herds shall be immediately depopulated. Any farm of origin of any depopulated herd or sell-out as the result of these diseases shall be disinfected and must remain free of swine for a minimum of thirty (30) days or up to a maximum of six months based on an epidemiological risk assessment before repopulating.

5. Feral Swine

- 1) ~~Feral Swine Testing—Any captured feral swine shall be deemed to have undergone a change of ownership upon capture and shall meet the same identification and testing requirements prescribed for domestic breeding swine, as defined in Section 2 “In state requirements” (parts A and B), on change of ownership for any subsequent movement. It shall be both the seller’s (or captor’s) responsibility and the purchaser’s (or releaser’s) responsibility to see that testing requirements are met.~~ Arkansas Livestock and Poultry Commission will comply with Act 1104 of 2013, effective August 11, 2013. Act 1104 of 2013 is an act concerning feral hogs. The Act defines “Feral Hogs” and regulates the capturing, killing, and transporting of feral hogs. The Commission has the following regulations on feral hogs:

- a) ~~Any domestic or feral swine to be released into a private game preserve or hunting area shall also be classified as feral swine and shall undergo feral swine testing prior to release. The game preserve or hunting area shall have adequate fencing to keep the released feral swine confined to the preserve or hunting area. Any boundary of the preserve or hunting area that abuts to a commercial swine facility will be required to have double fencing with a four foot space between the fences.~~ The Commission will license and inspect the terminal facilities that were in operation at the effective date of the Act that meet the standards put forth in these regulations for the terminal facility. Within fifteen (15) days of the effective date of these emergency regulations, the terminal facilities that intend to continue operating under the Act must make

application to the Commission notifying of this intent and requesting an inspection of their facility. Any deficiencies noted during this initial inspection must be corrected to the satisfaction of the assigned Livestock & Poultry Commission inspectors in order for the facility to operate upon the effective date of Act. The application for license must have the owner's (operator) name, address, county, and a day time phone number. In addition, the application must state the number of acres under fence in the facility and dates of at least two hunts in the terminal facility prior to the effective date of the Act and the contact information of those hunters. The application must list the names of the hog trappers/transporters that will supply feral hogs to the terminal facility.

~~a) Feral swine may be reclassified as domestic swine by a negative official pseudorabies and brucellosis test conducted after at least sixty (60) days' confinement separate and apart from any infected or free-roaming swine.~~

i.) The terminal facility will be completely fenced with hog proof fencing. Any boundary of the facility that abuts to a commercial swine facility will be required to have double hog proof fencing with a four-foot space between the fences. Hog proof fencing must be able to contain any size hog from going over, under, or through the fence. The Commission requires:

1. 4 gage minimum wire size (horizontal reinforcement to the inside of enclosure)
2. 8 sq. in. maximum wire opening size
3. 60" minimum above ground height
4. 18" minimum below ground burial depth
5. 60" maximum center to center post placement (outside of fencing)
6. 96" minimum radius corners (no angles)
7. Fencing should overlap a minimum of 12" and secured with a t-post

ii.) No live animals can leave or escape from the terminal facility. Only tagged hogs (Commission approved tags) that were

caught by Commission approved trappers/transporters can enter the terminal facility. The approved terminal facilities will supply the Commission with a list of trappers/transporters that were supplying hogs to that facility at the effective date of the Act. Those trappers/transporters will be licensed and issued Commission approved tags. Those tags must be applied in the field to the hogs when caught by the trappers/transporters and then carried to the terminal facility in an approved conveyance. The hog trappers/transporters will only transport hogs during daylight hours.

iii.) The terminal facilities that were in operation at the effective date of the Act will be inspected by the Commission. When a facility is found to be in compliance, the Commission will issue a license to that facility. The Commission will inspect the facility annually to make sure that the facility stays in compliance. The terminal facility must keep records of hogs received, their tag number, and the disposition of the tagged hogs. Any violation of these regulations by a terminal facility will result in the revocation of their license.

1. Inspection fee: \$150.00
2. Terminal facility annual license fee: \$500.00

iv.) The hog trappers/transporters who were identified by the terminal facility will be licensed and required to come to the Commission for an instructional course. A maximum of ten (10) hog trappers/transporters per terminal facility will be licensed. When licensed, these individuals will be issued Commission approved tags. The hog trappers/transporters must keep record of the number of hogs caught, the tag identification number applied to each hog, and to which terminal facility the hog was delivered. Any violation of these regulations by the trappers/transporter will result in the revocation of their license.

1. Tags: \$3.00 each or fair market value
2. Educational course: \$50.00
3. Annual license fee: \$25.00

2) ~~The State Veterinarian or designated epidemiologist may modify any testing rates on feral swine based on epidemiological, safety, or disease status factors.~~ Except for the activities outlined in section 1) it is a violation of the Act to possess or transport a live feral hog. Also, it will be a violation of Commission regulations to import a feral hog into the State of Arkansas. The Commission will train specific

Livestock Inspectors to deal with feral hog terminal facilities and licensed hog trappers/transporters. The appropriate fines for violation of the act are outlined in the Act. Commission employees will not be involved in the enforcement of Act 1104 of 2013 violations.

All of the Commission's prior regulations on feral hogs are null and void.

- ~~3) Feral swine slaughter holding facility—pen or pens approved by the Commission to hold feral swine from the time they are trapped until they are moved to slaughter. Written approval of the facility may be given after an inspection by Commission personnel that finds it meets the following criteria:~~
- ~~a) There are no commercial or transitional production swine within two (2) miles of the proposed facility;~~
 - ~~b) The facility is double fenced with hog proof fencing with two fences being at least four feet apart and no animals kept in the space between;~~
 - ~~c) Only feral swine being held for slaughter will be placed in the facility;~~
 - ~~d) Swine will be moved from the facility only to go directly to slaughter;~~
 - ~~e) Records will be maintained to include the number of swine placed in and removed from the facility, dates they were placed or removed, ranches where they were trapped, and the slaughter facility to which they were hauled;~~
 - ~~f) The approval of a feral swine slaughter holding facility will continue until a request to cancel it is received from the owner or until an inspection by Commission personnel reveals a violation of these requirements.~~

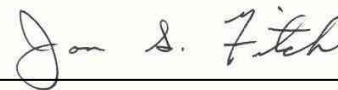
~~A. Movement Subsequent to Capture~~

- ~~1) Feral swine may be moved from the premises where they were trapped to a private game preserve or hunting area, provided they are negative to an official test for brucellosis and pseudorabies within thirty (30) days prior to~~

~~movement and a second negative test for brucellosis and pseudorabies after sixty (60) days of confinement and isolation prior to release. The game preserve or hunting area shall have adequate fencing to keep the released feral swine confined to the preserve or area. Any boundary of the preserve or area that abuts a commercial swine facility will be required to have double fencing with a four-foot space between the fences; or~~

- ~~1) Moved directly from the premise where they were trapped to a slaughter facility; or~~
- ~~2) Moved directly from the premise where they were trapped to a livestock market for sale only to slaughter. Feral swine delivered to a livestock market shall be penned in isolation under quarantine until moving directly to slaughter from the market accompanied by a VS 1-27 Permit; or~~
- ~~3) Moved directly from the premise where they were trapped to a feral swine slaughter holding facility.~~
- ~~4) Feral swine may not be moved into Arkansas until they have become domesticated.~~

Issued in Little Rock, Arkansas on September 4, 2008.



Jon S. Fitch, Executive Director
Ark. Livestock & Poultry Comm.