

330 CMR 11.00: SWINE

Section

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11.01: Definitions

Unless the context requires otherwise, terms not defined below or at M.G.L. c. 129 take the applicable USDA definition at 9 CFR §§ 71.1, 78.1, and 85.1.

Department: The Commonwealth of Massachusetts' Department of Food and Agriculture.

Director: Either the Director of the Department's Division of Regulatory Services, or the Chief of the Department's Bureau of Animal Health.

Garbage: Any meat waste, or meat waste combined with food waste, resulting from handling, preparation, cooking and consumption of foods, including animal carcasses or parts thereof. For purposes of 330 CMR 11.00, the term "meat" shall be broadly defined to include red meat, poultry, and Pacific coast seafood. Some examples of foods that, so long as they are not contaminated by meat waste, are not defined as "garbage" are as follows:

- (a) milk and dairy products
- (b) candy and candy waste
- (c) bakery products and bakery waste
- (d) table (non-fertile) eggs
- (e) produce
- (f) non-Pacific coast seafood

Immediate Slaughter: Movement directly to a recognized slaughtering center, with slaughter occurring within 72 hours. For compelling public policy reasons or other extraordinary circumstances, and solely at the Director's discretion and in writing, the Director may approve a longer waiting period.

Official ID: A unique set of numbers, letters and/or symbols that is securely affixed to a porcine animal by ear tag, tattoo, brand, or microchip, or other method approved in writing by the Director, that will positively identify the animal.

Recognized Slaughtering Center: Any point where slaughtering facilities are provided and to which animals are regularly shipped and slaughtered.

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Swine: All porcine animals, including pot-bellied and other "pet" pigs.

USDA: The United States Department of Agriculture.

Valid Health Certificate: An official certificate of veterinary inspection for an individual animal written and signed by a federally-accredited veterinarian in the State of origin no longer than 30 days prior which contains the following:

- (a) age, sex, breed, marking and Official ID of the animal;
- (b) the names and addresses of the original owner and/or place of origin, the current owner, the shipper, and the receiver of the animal;
- (c) if the animal has been held on premises in a state other than the state of origin, the pseudorabies and brucellosis status of the herd(s) and premises in the other state(s) where it was held;
- (d) proof of satisfaction of the pseudorabies and brucellosis requirements of 330 CMR 11.00; and

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(e) a statement that the animal is free from any evidence of hog cholera, vesicular exanthema and any infectious or contagious disease; has not been recently exposed to hog cholera, vesicular exanthema or any infectious, contagious or parasitic disease; and, to the best of the veterinarian's knowledge and belief, has not been fed raw garbage.

11.02: General

USDA agents, when authorized by the Department, may inspect all swine and any premises where swine are kept within Massachusetts for compliance with 330 CMR 11.00.

11.03: Dealing and Transportation of Swine

(1) License Required: No person may engage in the business of dealing in swine in Massachusetts without a valid livestock dealer license issued by the Department, and no such person may transport swine in any vehicle lacking a valid dealer license plate on the driver's side.

(2) License Application: Any person needing a livestock dealer license should submit the appropriate fee and an application on a form provided by the Department. If the applicant's facilities and vehicles fail to pass Department inspection or the Department otherwise finds that the applicant is not in compliance with 330 CMR 11.00, the Department may refuse to issue such license. Applicants may appeal any license denial within seven days.

(3) License Plate: The Department will issue a livestock dealer license plate to each licensee, to be valid for the term of the license. Licenses will expire on November 30 of each year unless renewed. The Department will provide renewal decals with license renewals. If the license is ever revoked, the revokee must promptly return the dealer license plate and accompanying decal(s) to the Department.

(4) Duties of Licensees: Licensees must keep all areas and vehicles used for swine in a clean and sanitary condition. Unless acting pursuant to a written waiver issued by the Director based on satisfactory test results, Licensees must allow on premises only swine that are moved directly from herds or states that have been rated pseudorabies and brucellosis-free by USDA. Such waivers shall issue solely at the Director's discretion.

(5) Inspection and Testing: Licensees must submit swine, and areas and vehicles used for swine, to inspection and testing at any time the Department may deem it necessary.

(6) Recordkeeping: Licensees must maintain, subject to Department inspection, for a minimum of two years, a record book listing every swine transaction, giving Official ID or, if Official ID is not required because the animal(s) will go directly to slaughter, backtag number or slap tattoo; date purchased, repossessed, sold, traded or loaned; from whom obtained; and to whom transferred.

(7) Revocations and Suspensions; Appeals: The Department may, after a full and fair hearing, revoke or suspend any license if it finds that applicable Department laws or regulations have been violated. Any person aggrieved by such a decision may, within seven days, appeal to the Commissioner of the Department. The Commissioner or his or her designee may, after a full and fair hearing, order the decision to be affirmed, modified or annulled. No such appeal will stay any decision of the Department. Further appeals may be made pursuant to M.G.L. c. 30A.

11.04: Importation of Swine into Massachusetts

Except when eligible for an exemption described in 330 CMR 11.04(10), anyone bringing swine into Massachusetts must meet the following requirements:

(1) Notice: Notify the Department in advance of the approximate number of swine, each animal's origin, and the date that the swine will arrive in Massachusetts.

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- (2) Health Certificate: Ensure that the swine are accompanied throughout transport by the shipping copy of a Valid Health Certificate, and ensure that an official copy of the Valid Health Certificate is forwarded to the Department promptly following approval by the Chief Livestock Official in the state of origin.
- (3) Pseudorabies. No swine vaccinated against pseudorabies virus are permitted in Massachusetts. All breeding swine shall enter directly from qualified pseudorabies-free herds and have been negative to a USDA-approved test for pseudorabies virus conducted within 30 days prior to entry. Feeder/Immediate Slaughter swine shall originate from qualified pseudorabies-free herds or monitored herds in qualified pseudorabies-free states only.
- (4) Brucellosis: All swine entering Massachusetts must be blood test negative to brucellosis within 30 days prior to importation unless coming direct from a validated brucellosis-free herd or state.
- (5) Retesting: The Department may require any animal to be retested after entry into Massachusetts for pseudorabies, brucellosis, and/or any other contagious disease as deemed necessary by the Department.
- (6) Transport: In order to meet the import requirements of 330 CMR 11.04, swine may not be transported in any vehicle containing swine that do not meet these requirements. Swine intended for breeding purposes may not be brought into Massachusetts in any vehicle containing swine intended for any other purpose.
- (7) Quarantine: All swine coming into Massachusetts without meeting the above requirements are hereby declared to be quarantined and must be held at the risk and expense of the owner until released in writing by the Department.
- (8) Testing of Swine Imported in Violation of Health Certificate Requirements: Any animal brought into Massachusetts which is neither consigned for immediate slaughter nor accompanied by the shipping copy of a Valid Health Certificate must be held and tested by a federally-accredited veterinarian at the expense of the animal's owner or possessor. The Department shall determine which tests are required.
- (9) Brucellosis Positive or Suspect Swine: Swine found to be brucellosis positive or suspect must be slaughtered, unless otherwise handled by special written instructions issued by the Director at the Director's sole discretion.
- (10) Exemptions: Swine going to immediate slaughter are exempt from the notice, Health Certificate and testing requirements of 330 CMR 11.04(1) through (4) if they are accompanied by proof of origination from a qualified pseudorabies-free herd or a monitored herd in a qualified pseudorabies-free state and a USDA waybill, and have Official ID or backtag number or slap tattoo. Swine intended for exhibition purposes only are exempt from the notice requirements of 330 CMR 11.04.

11.05: Garbage Feeding

- (1) No person may feed garbage to swine without first securing a permit to do so from the Department.
- (2) All garbage must be thoroughly heated to 212°F for 30 minutes prior to being fed to swine.
- (3) Swine that have been fed raw garbage must be slaughtered, unless otherwise handled by special written instructions granted by the Director at the Director's sole discretion. No swine fed raw garbage may be moved into or within Massachusetts unless pursuant to special permission granted in writing by the Director at the Director's sole discretion.
- (4) The Department will regularly inspect the premises of each person holding a permit to feed garbage to swine.

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(5) The provisions of 330 CMR 11.04 do not apply to swine which are under the control of USDA's Animal Health Division.

11.06: Promulgation

The Inspector of Animals in each city and town in Massachusetts must file a copy of 330 CMR 11.00 with the City or Town Clerk, and post a copy in a conspicuous place in the city or town.

REGULATORY AUTHORITY

330 CMR 11.00: M.G.L. c. 129, §§ 2, 14B, 39 and 40.