



THE COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS  
**Department of Agricultural Resources**  
251 Causeway Street, Suite 500, Boston, MA 02114  
617-626-1700 fax 617-626-1850 www.Mass.gov/DFA



MITT ROMNEY  
Governor

ELLEN ROY HERZFELDER  
Secretary

KERRY HEALEY  
Lieutenant Governor

DOUGLAS P. GILLESPIE  
Commissioner

## **EMERGENCY ORDER**

Pursuant to General Laws Chapter 129, Section 2

**May 26, 2005**

**1-AHO-05**

To all persons involved in the transfer of animals in the Commonwealth:

**AN ORDER REQUIRING THE REGISTRATION OF ALL PERSONS INVOLVED IN THE TRANSFER OF ANIMALS AND REQUIRING ALL PERSONS IMPORTING ANIMALS INTO THE COMMONWEALTH TO INSTITUTE SOUND MANAGEMENT PRACTICES TO AVOID HARM TO THE COMMONWEALTH'S ANIMAL POPULATION AS WELL AS ITS CITIZENRY.**

WHEREAS, the Department of Agricultural Resources (the Department), through its Division of Animal Health, Biosecurity and Dairy Services (the Division), has learned that large numbers of out of state animals are being brought into the Commonwealth on a regular basis with little or no oversight; and

WHEREAS, the Department has discovered that such animals are being transported into the Commonwealth in large quantities by trucks, some of which are unlicensed by USDA; and

WHEREAS, the Department has observed such animals being taken off the back of transport trucks in parking lots and being transferred directly to citizens of the Commonwealth; and

WHEREAS, the Department lacks meaningful information regarding any of the persons involved in the transfer of animals in the Commonwealth thus making it impossible for the Department to carry out one of its primary roles of animal health protection; and

WHEREAS, some of such animals are being delivered into the Commonwealth without the required health certificate that certifies the animal's good health; and

WHEREAS, some of such animals, notwithstanding a health certificate, are being delivered with contagious and infectious diseases and or abnormalities that affect the health of the animal; and

WHEREAS, none of such animals are being isolated following their transport into the Commonwealth to determine the health status, and in many cases such animals are being commingled immediately with Massachusetts animals or humans; and

WHEREAS, most such animals entering the Commonwealth are not being examined by a licensed veterinarian to determine health status and the animals are being transferred within the Commonwealth without valid health certificates; and

WHEREAS, many of the animals being delivered into the Commonwealth lack sufficient records to identify and track them creating a serious problem for the Department in the event of an animal health emergency; and

WHEREAS, imported animals have come into the Commonwealth harboring infectious and contagious diseases, and some of the reported diseases are considered zoonotic, that is, capable of being transmitted to humans; and

WHEREAS, an immediate action is required to institute a sound animal management system so that the risks of harm to the health and well being of Massachusetts citizens and their animal population can be protected; and

WHEREAS, animals are being imported into the Commonwealth from other parts of the United States and the world where infectious or contagious diseases are present that if introduced here would pose a significant risk to the Commonwealth's animal and human populations; and

WHEREAS, all of the above concerns pose a potential threat to the health and well being of Massachusetts citizens and their animals; and

WHEREAS, the Department is the executive office in the Commonwealth charged by the General Laws with the responsibility of protecting its animal population, and specifically given the authority pursuant to General Law 129, Section 37 to assess fines for violations of said Chapter 129 up to Five Hundred (\$500.00) Dollars for each animal involved in a violation and for each day that said violation continues after written notification of a violation; and

WHEREAS, Massachusetts General Laws Chapter 129, Section 2 provides, in part, the following:

“The director may make and enforce reasonable orders, rules and regulations relative to the following: ...  
the prevention, suppression and extirpation of contagious diseases of domestic animals...the inspection, examination, quarantine, care and treatment or destruction of domestic animals affected with or which have been exposed to contagious disease, ... and the cleansing and disinfection of places where contagion exists or has existed....

NOW THEREFORE, the Department, through its Director of Animal Health, Biosecurity and Dairy Services, hereby orders that all persons, individuals, organizations, businesses, non-profits and any other kind or type of entity (hereinafter collectively referred to as “Entity”) involved in the transfer of animals in the Commonwealth shall file a Registration with the Department on a form prescribed by the Department, that sufficiently describes the type(s) of animal transfer activities being conducted in the Commonwealth of Massachusetts as well as provide a full and complete description of the entity and its practices utilized in carrying out such activities.

Such Registration must be received by the Department within forty-five (45) days of the promulgation of this Order. The Department will acknowledge receipt of Registrations in writing within Fifteen (15) business days (Registration Acknowledgement or Acknowledgement) of filing the Registration by an entity. If the entity does not receive an Acknowledgement from the Department for the filed Registration, the entity must cease and desist operations until a Registration is secured from the Department.

An entity not presently engaged in the transfer of animals that wishes to commence such an operation is required to file a Registration with the Department and receive an Acknowledgement from the Department before commencing such activity. No entity filing a Registration for a new operation shall commence any animal transfer activity without having a Registration Acknowledgement in hand. Any entity already licensed by the Division is not required to file a Registration with the Department and accordingly does not need an Acknowledgement.

Registered entities that engage in the importation of animals from outside the Commonwealth shall, further comply with the following:

I. ALL ENTITIES ENGAGED IN THE IMPORTATION OF ANIMALS INTO THE COMMONWEALTH SHALL COMPLY WITH THE FOLLOWING:

- (a) each and every animal entering the Commonwealth must be accompanied by a valid health certificate from the place of origin that meets or exceeds the Commonwealth of Massachusetts Small Animal Interstate Certificate of Health Examination; and

(b) each and every animal shall be placed in isolation for a minimum period of forty-eight (48) hours upon arrival into the Commonwealth in a facility approved by the Department and maintained by the entity in such approved manner; note: the minimum period of isolation will increase immediately upon promulgation of the revised 330 CMR 12.00 by the Department to the same period of time provided for in 330 CMR 12.07 (1), and notwithstanding anything to the contrary, the same time period shall apply throughout this Order; and

(c) upon completion of the isolation period described above, cause each and every such animal to be examined by a Massachusetts licensed veterinarian who then, if appropriate, shall declare in writing that such animal is in good health and appears to be free of any infectious or contagious diseases or exposure thereto; appears to be free of any physical abnormalities which would endanger the animal, and is originated from an area not quarantined for rabies and has not been exposed to rabies. Each and every animal not meeting these requirements will be placed in a quarantine room, not given a health certificate and will be re-examined when appropriate and provided with a valid health certificate if the problem has been remedied; no animal currently on medication may be transferred and no animal shall be transferred without a valid health certificate issued by a Massachusetts licensed veterinarian; and

(d) maintain full, complete and detailed records of all animals imported into the Commonwealth. Such records shall include, but not be limited to, the following:

1. Complete description and identity of each animal through a unique method of identification;
2. Name, address & telephone number of entity from whom each animal was obtained;
3. Name, address & telephone number of entity to whom each animal was transferred;
4. Full description of the animal including DOB or an approximate age from a qualified source;

5. Complete record of all medications administered including veterinarian's diagnosis and prognosis; and
6. Mortality information, if appropriate

The Department recognizes that the Emergency Order might tend to create a hardship for entities that are presently involved in the importation of animals into the Commonwealth. However, the need for an importation framework is immediate because of the ever present concern with contagious and infectious diseases and their potential impacts upon the health and well being of the Commonwealth's citizenry and its animal population. With these competing interests present, the Department will provide some phasing in of the Order as noted in Sections II and III below.

## II. ENTITIES WITHOUT A DEDICATED ISOLATION FACILITY

- (a) If there are no shipments of animals arranged for on the date of this Order, the entity shall immediately cease arranging for the transportation of any further animals into the Commonwealth until such time as the entity comes into compliance with this Order.
- (b) If a shipment of animals has been arranged for, and is scheduled to occur within ten (10) business days from the date of this Order, the entity will be allowed to import those and only those animals into the Commonwealth providing the entity maintains the following:
  - (i) full and complete records of all such animals;
  - (ii) for 48 hours all such animals shall be kept from the general population, thereby limiting exposure of the animals to humans and other animals;
  - (iii) prior to any subsequent transfer / adoption, that a Massachusetts licensed veterinarian examine the animal and declare it healthy.
- (c) If there are presently imported animals in the Commonwealth that have yet to be transferred, the Entity will be allowed to transfer any such animals providing such animals are handled in accordance with Paragraph (b) (i) (ii) and (iii) above.

(d) All entities impacted by this provision of the Order that desire to either continue with or to commence the importation of animals into the Commonwealth shall file a Registration form with the Department and, at all times, conduct their operations in accordance with the requirements described in Section I, above. The Department will utilize its best efforts to expedite a Registration Acknowledgement.

III. ENTITIES WITH DEDICATED ISOLATION FACILITIES:

(a) Shipment of animals into the Commonwealth will be allowed for a period of ninety (90) days from the date of this Order, providing the entity files a Registration form with the Department and maintains to the satisfaction of the Department the following:

- (i) the dedicated isolation facility;
- (ii) full and complete records for each and every animal;
- (iii) a minimum 48 hour isolation for each and every animal;
- (iv) a satisfactory veterinarian examination for each and every animal; and
- (v) obtains a valid health certificate for each and every animal prior to transfer.

(b) the entity's dedicated isolation facility has been approved by the Department; and

(c) Any entity that does not secure a Registration Acknowledgement from Department within ninety (90) days shall cease the importation of animals into the Commonwealth. This order is issued pursuant to Massachusetts General Law Chapter 129. Any violation hereof will subject the entity to possible administrative penalties and/or criminal sanctions. The Department advises entities that it intends to enforce this order aggressively.

Department of Agricultural Resources  
By its Director of Animal Health, Biosecurity, and Dairy Services



---

Brad Mitchell