

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 30 ANIMALS AND ANIMAL INDUSTRY GENERAL PROVISIONS
PART 4 EXOTIC PESTS AND FOREIGN ANIMAL DISEASES

21.30.4.1 ISSUING AGENCY: New Mexico Livestock Board.
[21.30.4.1 NMAC - Rp, 21.30.4.1 NMAC, 7/16/2024]

21.30.4.2 SCOPE: All owners, transporters, or handlers of livestock in the state of New Mexico and those that apply to bring livestock into the state for any reason. Additional requirements for livestock owners governing livestock business activities can be found in 21.32, 21.33 and 21.35 NMAC.
[21.30.4.2 NMAC - Rp, 21.30.4.2 NMAC, 7/16/2024]

21.30.4.3 STATUTORY AUTHORITY: Section 77-2-7, 77-3-1, 77-3-13 and 77-3 NMSA 1978.
[21.30.4.3 NMAC - Rp, 21.30.4.3 NMAC, 7/16/2024]

21.30.4.4 DURATION: Permanent.
[21.30.4.4 NMAC - Rp, 21.30.4.4 NMAC, 7/16/2024]

21.30.4.5 EFFECTIVE DATE: July 16, 2024, unless a later date is cited at the end of a section or paragraph.
[21.30.4.5 NMAC - Rp, 21.30.4.5 NMAC, 7/16/2024]

21.30.4.6 OBJECTIVE: To declare certain diseases and parasites to be exotic and of significant economic impact to the livestock industry, pursuant to Section 77-3-1, NMSA 1978 and provide rules for their control and extirpation.
[21.30.4.6 NMAC - Rp, 21.30.4.6 NMAC, 7/16/2024]

21.30.4.7 DEFINITIONS:

- A. "Board"** means the New Mexico livestock board.
- B. "Director"** means the executive director of the New Mexico livestock board.
- C. "Inspector"** means any duly authorized or commissioned officer of the livestock board.
- D. "Livestock"** means cattle, sheep, swine, bison, goats, horses, mules, asses, poultry, ratites, camelids, and farmed cervidae.
- E. "Hold order"** means a directive by the New Mexico livestock board by or through the state veterinarian to stop movement of certain livestock because of the possibility those livestock are diseased or exposed to a contagious disease, but the disease has not been confirmed in those livestock.
- F. "Premises"** means a place where livestock is held for personal or commercial purposes.
- G. "Restricted zone"** a defined geographic portion of the state.

[21.30.4.7 NMAC - Rp, 21.30.4.7 NMAC, 7/16/2024]

21.30.4.8 EXOTIC PESTS OF SIGNIFICANT ECONOMIC IMPACT: Any disease of significant economic impact to the livestock industry or public health.
[21.30.4.8 NMAC - Rp, 21.30.4.8 NMAC, 7/16/2024]

21.30.4.9 NEW MEXICO REPORTABLE DISEASE LIST: In addition to the diseases listed in 21.30.4.8 NMAC above, the following diseases and conditions are considered to be of significant economic impact and when discovered or diagnosed are to be immediately reported to the New Mexico livestock board's state veterinarian:

A. Reportable conditions:

- (1)** any disease of unusual morbidity or mortality that does not fit a normally expected clinical picture;

- (2) any condition suspected of being a foreign or emerging animal disease, or possible bioterrorism;
- (3) any disease condition in livestock exhibiting vesicular lesions;
- (4) undiagnosed neurologic, mucosal, and hemorrhagic conditions;
- (5) contamination by toxic substances, including unexplained increase in aflatoxin, botulism, or T2 toxin;
- (6) abortion storms of unknown etiology;
- (7) highly infectious conditions of any etiology;
- (8) any disease or condition of public health significance.

B. Reportable diseases: Any disease listed as notifiable by the USDA or OIE, including but not limited to: diseases of significance to public health and zoonoses such as:

- (1) anthrax*;
- (2) avian influenza;
- (3) botulism;
- (4) brucellosis*;
- (5) dermatophilosis (club lamb disease) and other fungal diseases of livestock with zoonotic potential;
- (6) plague (*Yersinia pestis*)*;
- (7) Q fever (*Coxiella burnetii*)*;
- (8) rabies*;
- (9) swine influenza;
- (10) tuberculosis;
- (11) tularemia*;
- (12) west Nile virus and other arboviral diseases*.

C. Diseases of concern to livestock such as (but not limited to):

- (1) anthrax;
- (2) bluetongue and epizootic hemorrhagic disease in deer, elk or cattle;
- (3) botulism;
- (4) brucellosis*;
- (5) classical swine fever (hog cholera);
- (6) contagious bovine or caprine pleuropneumonia;
- (7) foot and mouth disease;
- (8) fungal diseases of livestock with zoonotic potential such as dermatophilosis;
- (9) heartwater;
- (10) malignant catarrhal fever;
- (11) plague*;
- (12) pseudorabies;
- (13) Q fever (*Coxiella burnetii*)*;
- (14) rabies*;
- (15) scabies in livestock;
- (16) screwworm;
- (17) swine influenza;
- (18) Texas cattle fever (*Boophilus* ticks); and
- (19) trichomoniasis;
- (20) all transmissible spongiform encephalopathies (TSEs), including but not limited to:
 - (a) bovine spongiform encephalopathy (BSE); chronic wasting disease (CWD);
 - (b) tuberculosis*;
 - (c) vesicular stomatitis or any other vesicular disease of livestock.

D. Diseases of concern to equines such as (but not limited to):

- (1) African horse sickness;
- (2) anthrax;
- (3) contagious equine metritis (CEM);
- (4) equine encephalopathies such as: eastern equine encephalitis (EEE);
- (5) western equine encephalitis (WEE);
- (6) Venezuelan equine encephalitis (VEE);

- (7) west Nile virus (WNV);
- (8) equine herpesvirus (neurologic form) (EHV-1, EHV-4);
- (9) equine infectious anemia (EIA);
- (10) equine piroplasmiasis;
- (11) glanders;
- (12) rabies*;
- (13) screwworm;
- (14) strangles (*streptococcus equi*);
- (15) vesicular stomatitis or any other vesicular disease in equines.

E. Diseases of concern to poultry such as (but not limited to):

- (1) avian influenza;
- (2) newcastle disease;
- (3) psittacosis*. *Must be reported to New Mexico department of health; if occurring in

livestock also notify New Mexico livestock board.

[21.30.4.9 NMAC - Rp, 21.30.4.9 NMAC, 7/16/2024]

21.30.4.10 NEW MEXICO FOOT AND MOUTH PREVENTION & RESPONSE PROTOCOL:

A. Preventive procedures:

(1) Cloven-hoofed animals from a known foot and mouth (FMD) country or region shall not be allowed to enter New Mexico until the office of international des epizooties (OIE) and the United States department of agriculture, animal and plant health inspection service, veterinary services (USDA, APHIS, VS) have declared the country or region FMD-free.

(2) Horses from a known FMD country or region may be allowed to enter New Mexico if they have not originated from or been on a known FMD premises and if they meet other requirements for an entry permit issued by the board. A person who wants to bring a horse into New Mexico pursuant to this paragraph shall apply for an entry permit in person at the board's office at 300 San Mateo NE, Suite 1000, Albuquerque, New Mexico or by calling 505-841-6161, 8:00 a.m. to 4:30 p.m., Mountain Time, Monday through Friday. The applicant shall provide the following information with his application for an entry permit:

(a) A copy of the USDA health certification for importation of horses into the United States from the European Union and countries affected with FMD, a copy of the USDA certification of disinfection for tack trunks and containers, and any other certifications required by the state veterinarian;

(b) Evidence satisfactory to the state veterinarian that the horse has been held in quarantine outside the state for a minimum of seven days; and

(c) The state veterinarian may specify other restrictions consistent with the board's duty to protect the health and integrity of the livestock industry in New Mexico, including limiting any destinations of the horse.

(3) Animals other than livestock from a known FMD country or region that originate from rural areas or that have had contact with cloven-hoofed animals from a known FMD country or region and that would be destined for a New Mexico rural location or competition involving cloven-hoofed animals shall not be allowed into New Mexico either by direct or indirect shipment. Those animals other than livestock that originate from an urban area of an FMD country and are destined to a New Mexico urban area may be granted an exception at the discretion of the state veterinarian and allowed to enter the state. An entry permit issued by the board is required on such animals.

(4) Immediately upon arrival at its destination in New Mexico, an animal that has been allowed to enter the state under the exception provided in Paragraph (3) of this subsection shall be treated with a sponge application or heavy misting with a one-to-one vinegar and water solution to the entire body of the animal and then thoroughly bathed. The animal shall be quarantined at the destination premises for a minimum of ten days with no contact with any cloven-hoofed animal during the quarantine period. A follow-up contact shall be made by the board or USDA, APHIS, VS to ensure that the quarantine is maintained.

(5) Livestock and other animals originating from a European Union (EU) country shall not be allowed into New Mexico until the country's FMD status is determined to the satisfaction of the board. EU countries are: the Republic of Ireland, the United Kingdom (Northern Ireland, England, Scotland, Wales and the Isle of Mann), Sweden, Finland, Austria, Denmark, Germany, The Netherlands, Belgium, France, Spain, Portugal, Italy, Luxembourg, and Greece.

(6) Livestock or other animals originating from another state of the United States that has an FMD outbreak shall not be allowed into New Mexico until the state has been declared FMD-free by USDA, APHIS,

VS. The board may ban or restrict the entry into New Mexico of livestock or other animals originating from a state other than an FMD state until that state's FMD status has been determined to the satisfaction of the board. The state Veterinarian may issue an entry permit to allow animals other than livestock to enter New Mexico from a state whose FMD status has not been determined under the following conditions:

(a) The animal has been quarantined for a minimum of seven days immediately preceding application for an entry permit;

(b) The decontamination procedures provided in Paragraph (7) of this sub-section have been followed.

(7) Decontamination procedures required to obtain an entry permit pursuant to Paragraph (6) of this subsection are:

(a) The animal shall be groomed to remove dirt and debris and then wiped, sprayed, or sponged down with vinegar or a solution of six and one-half ounces of concentrated glacial acetic acid in one gallon of water and its hooves or feet shall be cleaned and disinfected with a four percent sodium carbonate solution in such a manner as to ensure that the hooves are free of dirt, manure, and debris;

(b) Prior to loading the animal for transport into New Mexico, the crate and transportation vehicle shall be cleaned and disinfected with an approved disinfectant. Any equipment, including leashes, blankets, and sheets, that will accompany the animal into New Mexico must be laundered or cleaned to remove dirt and debris and then disinfected with acetic acid, sodium carbonate, or vikron; and

(c) Prior to entry into New Mexico, personnel accompanying the animal must launder or dry clean their clothing and outerwear; footwear must be cleaned of all dirt and debris and then disinfected as required by the state veterinarian.

(8) If FMD is found in a state of the United States or in Canada or Mexico, the director shall convene the board's emergency response plan state primary core decision group to consider actions to be taken to protect New Mexico's livestock industry from FMD, including the need to request that the governor declare a state of emergency.

B. Vesicular disease response

(1) Vesicular diseases in cloven-hoofed animals shall be handled as FMD unless vesicular stomatitis (VS) has been recently diagnosed in horses during the current season for VS. The New Mexico VS protocol shall be followed in these cases unless the board directs otherwise.

(2) A cloven-hoofed animal suspected of a vesicular disease shall be given the highest priority for examination. A foreign animal disease diagnostician (FADD) shall collect appropriate specimens. The FADD or other designated courier shall personally escort the specimens to Plum Island, NY.

(3) If the disease is not FMD, the case shall be handled as appropriate for the diagnosis.

C. Foot and mouth disease response

(1) If a vesicular disease is present and the VS protocol does not apply, the premises, and all animals on the premises shall be quarantined. A five-mile "high risk zone" shall be established around the suspect premises, and a fifteen-mile "buffer zone" shall be established around the high risk zone. Animals in the high risk zone shall not be moved until the suspect case has been diagnosed and movement is allowed by the board. Animals in the buffer zone shall be under a hold order and shall be moved by permit only. Livestock operators and other animal owners within the high risk, and buffer zones shall be advised immediately about the suspect case and the rules governing quarantine, and movement of animals.

(2) The board shall provide biosecurity information to the operators and owners whose premises and animals have been quarantined within the high risk, and buffer zones.

(3) All area slaughter facilities and livestock markets shall be closed until the board releases the quarantine. If FMD is confirmed, the slaughter facilities and livestock markets shall remain closed to control the movement of livestock. The board shall determine when it is safe to re-open slaughter facilities, and livestock markets and any limitations that may apply.

(4) The board shall notify veterinarians, cooperative extension agents, livestock owners, and operators, and other interested persons about the quarantine, the establishment of quarantine zones, and any hold orders on animals.

(5) An FMD diagnosis shall result in the continued quarantine of the high risk zone. The animals within the buffer zone shall be on a hold order and vaccinated with appropriate FMD strain vaccine, if it is available.

(6) Upon notification of an FMD diagnosis, the board shall initiate an immediate epidemiological investigation. The epidemiological efforts shall be in concert with USDA, APHIS, VS.

(7) The board may request that USDA, APHIS, VS, regional emergency animal disease eradication organization (READEO) be in charge of all FMD operations and procedures with state animal health officials assisting READEO in its efforts.

(8) The director of the board shall immediately advise the director of the New Mexico department of agriculture of the FMD diagnosis. The director of the board shall contact the governor for an emergency declaration. National guard personnel, New Mexico state police, and appropriate county sheriffs shall be requested to aid in enforcement of the quarantine, and zone integrity to stop movement of animals and to minimize human movement into or out of the FMD zone.

(9) FMD vaccination is the preferred action over destruction of livestock. In the case of destruction, incineration sites shall be selected by the board.

(10) Indemnity for destroyed livestock shall be sought from the United States secretary of agriculture. Records of destroyed livestock shall include the owner's name, address and phone number, and the number of destroyed livestock, and their species, class, sex, age, and brands.

D. The following agencies and people shall be notified of the New Mexico FMD prevention and response protocol, and shall be provided with updates on a periodic basis when a foreign or national FMD outbreak presents a real or potential risk to New Mexico livestock:

- (1) USDA, APHIS, vs emergency programs, and import/export staff in Riverdale, MD;
- (2) New Mexico veterinarians;
- (3) New Mexico board of veterinary medicine;
- (4) New Mexico veterinary medical association;
- (5) New Mexico livestock industry organizations;
- (6) local and national plant protection quarantine (PPQ) staff;
- (7) airline companies with flights originating from an FMD country or region;
- (8) New Mexico public livestock markets; and
- (9) New Mexico state university, department of agriculture and cooperative extension

service.

[21.30.4.10 NMAC - Rp, 21.30.4.10 NMAC, 7/16/2024]

21.30.4.11 TUBERCULOSIS ERADICATION:

A. The New Mexico livestock board will adhere to the Code of Federal Regulations and the Uniform Methods and Rules for Bovine Tuberculosis Eradication.

B. Restricted zone livestock movement protocol.

(1) All livestock movement must be approved by the New Mexico livestock board (NMLB) state veterinarian or by a NMLB approved agent. All livestock movement requires an official certificate of livestock inspection.

(2) Livestock check points are deliberate obstructions of traffic by physical means on a roadway for the specific purpose of livestock movement control.

(3) Livestock check points will be established by executive order based on location, authorization and safety.

(4) Livestock check points will be operated by a NMLB livestock inspector or by a NMLB approved agent.

(5) All livestock, in transition, upon approaching a livestock check point, will be stopped for transportation validation.

(6) All livestock, in transition near the geographical location of the restricted zone, will be stopped for transportation validation, at the discretion of the livestock inspector.

(7) All road stops will be initiated by a livestock inspector that has been certified as law enforcement peace officer or by any certified peace officer of the state.

[21.30.4.11 NMAC - Rp, 21.30.4 NMAC.11, 7/16/2024]

21.30.4.12 VESICULAR STOMATITIS; RESTRICTIONS AND SAFEGUARDS DEEMED PROPER TO PROTECT LIVESTOCK IN NEW MEXICO:

A. Livestock cannot be removed from a VS-quarantined premise. Any livestock introduced onto VS-quarantined premises will be subject to the quarantine restrictions and remain on the premises until the quarantine has been lifted.

B. Transporters hauling any New Mexico origin livestock in New Mexico must have in possession a current brand inspection (form 1) or a permanent equine hauling card (form 1-H).

- C. Participants in public events in which all livestock attending originate from New Mexico must:
- (1) present and have verified by event officials a certificate of veterinary inspection (CVI), commonly known as a *health certificate*, for each animal brought by that participant and that has been issued within five days prior to arrival at the event, or
 - (2) have the livestock examined upon arrival at the event by designated officials as specified and provided by the event organizers; the designated official should be a veterinarian whose background and experience with livestock would allow them to recognize abnormalities in tissues that could be consistent with vesicular stomatitis.
 - (3) The state veterinarian may specify other restrictions consistent with the board's duty to protect the health and integrity of the livestock industry in New Mexico, including limiting any destinations of the horse.
- D. Participants with livestock that originate in New Mexico attending public events in New Mexico where livestock from states other than New Mexico will be present must:
- (1) present and have verified by event officials a certificate of veterinary inspection (CVI), commonly known as a *health certificate*, for each animal brought by that participant and that has been issued within five days prior to arrival at the event, and
 - (2) have the livestock examined upon arrival at the event by a NM accredited veterinarian.
- E. All livestock entering New Mexico public auctions facilities must receive a health examination prior to sale by a NM accredited veterinarian.
- F. Out of state livestock entering New Mexico from any other state or territory must meet all current New Mexico entry requirements. Owners of livestock temporarily entering New Mexico are urged to contact their state animal health officials for requirements and restrictions to return to their home state from New Mexico.
[21.30.4.12 NMAC - Rp, 21.30.4 NMAC.12, 7/16/2024]

History of 21.30.4 NMAC:

PRE-NMAC HISTORY: The material filed in this part was derived from that previously filed with the State Records Center and Archives under:

NMLB 67-1, Cattle Sanitary Board of New Mexico Instructions to Inspectors, filed 5/3/1967;
NMLB 70-1, Rules and Regulations of the New Mexico Livestock Board, filed 3/11/1970;
NMLB 76-1, New Mexico Livestock Board Rules and Regulations, filed 5/6/1976;
NMLB 69-2, Notice-All NM Sheepmen re: branding, filed 12/10/1969;
NMLB 72-2, Resolution re: Cattle Scabies Outbreak, filed 1/31/1972;
NMLB 72-3, Resolution re: Cattle Scabies Outbreak, filed 1/31/1972;
NMLB 72-4, Resolution re: Cattle Scabies Outbreak, filed 1/31/1972;
NMLB -1, New Mexico Livestock Board Rules and Regulations, filed 10/17/1979;
NMLB -2, New Mexico Livestock Board Rules and Regulations, filed 11/4/1981;
NMLB Rule No. 3, New Mexico Livestock Board Rules and Regulations, filed 1/30/1985.

History of Repealed Material: 21 NMA 30.4 - Animals And Animal Industry General Provisions - Exotic Pests (filed 1/28/1999) Repealed effective 5/15/2001.

21.30.4 NMAC - Exotic Pests and Foreign Animal diseases filed (4/30/2001) Repealed effective 7/16/2024

Other History: Only that applicable portion of NMLB Rule No. 3, New Mexico Livestock Board Rules and Regulations, filed 1/30/1985 renumbered, reformatted, and amended to 21.30.4 NMAC, Exotic Pests, filed 1/28/1999.

21.30.4 NMAC, Exotic Pests, filed 1/28/1999 renumbered, reformatted, and amended to 21.30.4 NMAC, Exotic Pests, effective 5/15/2001.

21.30.4 NMAC - Exotic Pests and Foreign Animal diseases filed (4/30/2001) replaced by 21.30.4 NMAC - Exotic Pests and Foreign Animal diseases effective 7/16/2024.