

New Jersey Department of Agriculture

Memo

To: Animal Control Officers, Animal Cruelty Investigators, and S.P.C.A. Agents

From: Nancy E. Halpern, DVM

Date: January 10, 2005

Re: Animal Cruelty and Disease Investigations

I wanted to take this opportunity to let Animal Control Officers and the S.P.C.A. know that the Division of Animal Health, within the Department of Agriculture, is available to provide veterinary assistance with all investigations regarding livestock, equine, poultry, and animals raised for the production of fur. It has come to my attention that many individuals are unaware of the Department's interest and availability regarding animal/disease investigations within New Jersey. Pursuant to N.J.A.C. 2:8 (The Humane Standards), all investigations, regardless of by whom they are initiated, which involve the State's domestic livestock, equine, poultry, and/or animals raised for the production of fur must be reported to the Department of Agriculture within 48 hours of the investigation. Attached is a portion of N.J.A.C. 2:8 regarding the investigation and enforcement of alleged violations of humane standards that was adopted on June 7, 2004.

The Division of Animal Health is staffed with 6 full-time veterinarians who have large animal experience in private practice and 2 animal health technicians who have significant agricultural and farming experience. The Department will respond to all complaints of animal cruelty, neglect, and abuse as well as investigate cases of reportable diseases within the state or disease outbreaks creating significant morbidity and mortality. These complaints can originate from Veterinarians, Technicians, state and government officials, certified livestock inspectors, Animal Control Officers, Animal Cruelty Investigators, S.P.C.A. officials, and private citizens and will be considered without preference. Investigations are performed in a timely manner and will utilize the State's laboratory services and resources. It is imperative that the Department be promptly notified of all investigations in order to ensure that the initial observation of suspected cruelty is not the beginning of a disease outbreak that would have devastating statewide effects on animal health.

Please do not hesitate to call the Division at 609-292-3965 if you have further questions, need additional information or if you would like a copy of the complete Humane Treatment of Domestic Livestock (N.J.A.C 2:8) standards.

Thank you in advance for your cooperation in this matter and the Department of Agriculture and the Division of Animal Health look forward to **assisting** you in future investigations.

THE INVESTIGATION AND ENFORCEMENT OF ALLEGED VIOLATIONS OF HUMANE STANDARDS

2:8-8.1 General

(a) The purpose of this subchapter is to establish procedural rules governing the investigation of complaints alleging the cruel and inhumane treatment of domestic livestock, and the commencement of actions for enforcement of the standards for the humane care and treatment of domestic livestock set forth in N.J.A.C. 2:8-2 through 7 (hereinafter referred to as "standards").

(b) No investigations or enforcement actions pursuant to N.J.S.A. 4:22-15 et seq., pertaining to the cruel or inhumane raising, keeping, care, treatment, marketing, and sale of domestic livestock in

violation of these standards, shall be instituted or conducted except in accordance with the rules set forth in this subchapter.

1. Any interested party may request training on how to interpret these rules.

i. Training will be jointly prepared and conducted by the NJDA and Cook College, New Jersey Agricultural Experiment Station.

(c) Infectious agents or toxins may be spread to new hosts by contact with humans, vectors, fomites and other animals. Clothing, footwear, feed, bedding, and equipment, including automobile tires, can harbor disease-causing organisms. Therefore, all inspections must be performed according to biosecurity protocols to prevent the spread of infectious or contagious agents on or from the premises.

1. Vehicle: To avoid transporting infectious agents or toxins from one farm to another, vehicles shall be driven and parked in areas to avoid surfaces traveled by animals, farm equipment and farm vehicles. Car windows shall remain closed to prevent flying insects from getting inside vehicle.

2. Protective clothing: Clean cloth or disposable Tyvek coveralls shall be worn at each site. Cleaned and disinfected rubber boots or disposable boots are required. These items shall be changed or cleaned and disinfected between sites. If more than one species or group is housed on a site, each area shall be treated as a different site.

3. Equipment: All equipment shall be thoroughly cleaned and disinfected upon arrival and prior to leaving a site.

4. Order of inspection: The owner or manager of the site shall be consulted to determine the order for the site visitation. The areas with the lowest risk of exposure to infectious agents shall be visited first.

5. Cleaning: Removal of organic debris (urine, feces) and washing of surfaces that have been exposed to organic debris must precede disinfection to be effective. Cleaning is the most labor-intensive part of the cleaning and disinfection process.

i. Failure to remove the organic material by effectively cleaning an object may result in the survival of infectious agents or toxins. Efficient cleaning removes almost 99 percent of the agent from a contaminated object. Disinfectants should be applied only after removal of contaminated organic matter. Washed surfaces should be allowed to dry before applying disinfectants. Disinfectants should be allowed to remain on treated surfaces for a minimum of seven minutes.

ii. Detergents should be used on non-disposable boots and equipment to facilitate the removal of organic debris from these objects. Tools used to clean these items must also be cleaned and then disinfected prior to additional use.

6. Disinfecting: Detergents shall be rinsed off thoroughly prior to the application of disinfectants to avoid any potentially hazardous chemical reactions.

i. The use of disinfectants that have the broadest spectrum of activity, including efficacy on porous surfaces with organic debris, and contact safety is ideal. No single disinfectant will satisfy all considerations. Disinfectant properties should be evaluated with regard to the intended areas of use.

(d) Complaints involving illness, injury or death, that may be the result of microorganisms, toxins or radiation must be reported to the State Veterinarian immediately and in any case within 48 hours in accordance with N.J.A.C. 2:2- 1.5.

(e) Diseases that are dangerous to animal health and are enumerated in N.J.A.C. 2:2-1.1 may result

in one or more of the following clinical signs in livestock:

1. Death;
2. Excessive discharges from body orifices;
3. Anorexia (off-feed), cachexia (weight loss);
4. Skin lesions including blisters, pustules, discoloration;
5. Abnormal behavior, excessive vocalization, depression;
6. Excessive urination; excessive salivation; excessive tearing;
7. Lameness, off balance; falling down; difficulty rising; circling, partial or complete paralysis;
8. Muscle tremors; seizures;
9. Sneezing, open mouthed breathing, gasping for air, nasal discharge, coughing, difficulty breathing;
10. Diarrhea, vomiting; constipation, excessively dry manure;
11. Twisting of head and neck;
12. Foaming at mouth or nose;
13. Head pressing, stargazing, no menace response, uneven pupil sizes;
14. Drooping wings, feather or hair loss, excessive loss of mane and tail hairs;
15. Partial to complete drop in egg production; production of thin-shelled eggs;
16. Swelling of the tissues around eyes, neck or legs; opaqueness of eyes;
17. Abortions, still births, weak neonates; and/or
18. Abnormal body temperature.

2:8-8.2 Identification and prohibition of cruel or inhumane treatment

(a) The cruel or inhumane treatment of domestic livestock is prohibited.

(b) Any owner or person who owns or controls a facility or property that houses domestic livestock, or who has custody of, direction over or authority to control domestic livestock, who fails to provide care for or to treat such domestic livestock in a manner that meets the standards for the humane keeping, care, treatment, marketing and sale of domestic livestock as established in N.J.A.C. 2:8-2 through 7, shall be deemed to be cruel and inhumane in the care of these animals, except when experiencing extraordinary or catastrophic conditions, or as otherwise provided by these rules.

(c) There shall be a presumption that the raising, keeping, care, treatment, marketing, and sale of domestic livestock in accordance with the standards adopted at N.J.A.C. 2:8-2 through 7 does not constitute cruelty to, or inhumane care or treatment of, domestic livestock, as prohibited by N.J.S.A. 4:22-15 et seq.

(d) Nothing in these rules shall prohibit the slaughter of domestic livestock in accordance with 9 C.F.R. § 313.

2:8-8.3 Complaints

(a) Complaints or allegations of animal cruelty concerning domestic livestock may be made by any person including, but not limited to, CLI, officers of the SPCA, Animal Control Officers, other local or State authorities, or private individuals.

(b) The complaints shall be submitted in writing or by phone, fax or e-mail to the NJDA, the NJSPCA, county SPCAs or other State or local government authority.

(c) Complaints may be mailed to the State Veterinarian, New Jersey Department of Agriculture, Division of Animal Health, PO Box 330, Trenton, NJ 08625, faxed to the State Veterinarian at 609-777-8395, or emailed to the State Veterinarian at State.Veterinarian@ag.state.nj.us.

(d) Complaints must identify as completely as possible:

1. The date of the observed acts;
2. An identification of any unique characteristics of the domestic livestock that will enable the animal(s) in question to be distinguished from other domestic livestock;
3. The location of the domestic livestock at the time of the incident and current location if different; and
4. A specific description of the nature of the alleged acts of cruelty or inhumane treatment.

(e) Complaints shall be evaluated as soon as they are received. The authority receiving the complaint may reject it if it fails to provide sufficient information in the categories described in (d)1 through 4 above to facilitate investigation of the complaint.

(f) The NJSPCA, county SPCAs or other State or local government authority receiving a complaint shall immediately notify the New Jersey Department of Agriculture and, if the complaint is in writing, provide a copy to the NJDA at the address provided in N.J.A.C. 2:8-8.3(c).

(g) The NJSPCA, county SPCAs, or other State or local government authority shall, whenever possible, provide notice to the State Veterinarian of its intent to inspect the location of domestic livestock.

(h) The NJSPCA, county SPCAs and other State or local government authorities are strongly encouraged to consult with the State Veterinarian prior to conducting an investigation and to conduct the investigation in conjunction with the State Veterinarian. Nothing in this section shall limit the authority of the NJSPCA, county SPCAs or other State or local authority to investigate or bring enforcement actions.

2:8-8.4 Certification and role of a certified livestock inspector (CLI)

(a) The rules set forth in this subsection are only applicable to investigations conducted by or on behalf of the Department of Agriculture.

(b) If the State veterinarian concludes that a complaint is credible and identifies adequate cause to believe that a violation of the standards may have occurred, he or she shall assign a CLI to the case.

1. The NJSPCA, county SPCAs and other State or local governmental authority may request that the State veterinarian assign a CLI to investigate a complaint.

(c) The CLI assigned to the case shall investigate the complaint by means including the inspection of domestic livestock and the premises on which the livestock is located.

(d) The CLI shall investigate all complaints received by the State Veterinarian as soon as reasonably practicable.

(e) Only those persons certified as CLIs by the State Veterinarian and the Secretary of Agriculture may investigate complaints regarding the cruel or inhumane treatment of domestic livestock on behalf of the Department of Agriculture.

1. (Reserved)

(f) Only individuals meeting the following qualifications may be certified as CLIs in New Jersey:

1. A veterinarian, animal health technician or investigator who is an employee of the NJDA or the USDA, APHIS, whom the State Veterinarian determines to be qualified to conduct inspections; or

2. A New Jersey licensed veterinarian.

(g) A certified CLI shall demonstrate sufficient knowledge and experience as to the type(s) of animals to be investigated.

1. The State Veterinarian shall find that a CLI has demonstrated sufficient knowledge and experience as to the type(s) of animals to be investigated upon finding that:

i. The CLI is board-certified in a specialty that emphasizes the species to be inspected;

ii. The CLI is a veterinary practitioner who has recent extensive experience with the particular species (such as, for inspecting horses, Doctors of Veterinary Medicine who own, train, judge, or show horses); or

iii. The CLI can otherwise demonstrate that he or she is knowledgeable in the area of keeping, care, treatment, marketing and sale of the species of domestic livestock inspected (such as, for inspecting horses, Doctors of Veterinary Medicine who teach equine related subjects in an accredited college or school of veterinary medicine or have an equine practice).

(h) All CLI shall complete a continuing education program of relevant course work conducted at various venues (for example, colleges or universities, professional organizations or other animal welfare conferences) and approved by the State Veterinarian, consisting of not less than four hours of instruction, before commencing his or her duties and each year thereafter in order to maintain certification.

1. The CLI shall provide a written certification that the requirements in (h) above were met.

2:8-8.5 Procedures for obtaining inspection of premises and records

(a) Any investigating authority shall make reasonable efforts to contact each person having custody of or responsibility for any domestic livestock, or the manager of any show, exhibition, sale, auction,

slaughter house or other facility which keeps or holds domestic livestock, in order to obtain consent for the inspection of any animal, or of any records pertinent to the alleged violation.

(b) If the investigating authority is unable to obtain consent for an adequate and timely inspection as provided in (a) above, he or she shall make an application to a court having jurisdiction over violations of these rules for a warrant to enter and search buildings or places wherein it is reasonably believed that such law or regulation is being violated.

(c) The biosecurity protocols set forth in N.J.A.C. 2:8-8.1 must be followed during each investigation on all livestock premises.

(d) If the inspecting authority determines that animals' lives are in imminent peril; that it would be fruitless to pursue a request for a voluntary inspection; that there is a possibility that the animals will be moved if advance notice is given; or that a consensual inspection otherwise is not practical, it shall not be necessary to make efforts to arrange for voluntary access to premises and inspection of animals or records before seeking a warrant.

(e) For the purpose of examination, testing, or taking of evidence, the investigating authority may recommend that the State Veterinarian quarantine the domestic livestock, where there is probable cause to believe they are being treated cruelly, to any premises on which they are located, including, but not limited to, a show, exhibition, sale or auction.

1. Such detained animals must be marked for identification and such identifying markings shall not be removed by any person other than a representative or agent of the Department of Agriculture.

i. Animals under quarantine shall only be moved with the authorization of the State Veterinarian.

(f) The NJSPCA, county SPCAS, State or local authorities may also apply to a court of competent jurisdiction for an injunction preventing the removal of the animals.

(g) An investigating authority conducting an inspection of domestic livestock and premises shall:

1. Visit the location where the complainant indicates that cruelty has occurred, or the current location of the animal;

2. Identify the domestic livestock about which the complaint was made, using the complainant's description of the animal;

3. Inspect the animal and the conditions under which the animal is kept; and, if the inspection is conducted by a New Jersey licensed veterinarian, examine the animal;

4. Collect any necessary site samples for testing, and record findings; however, samples may be taken from the animals only by a New Jersey licensed veterinarian;

5. Request any necessary records from the person having custody of or responsibility for any domestic livestock; and

6. Provide a receipt for any records removed from the site.

(h) After the inspection, the investigating authority will record:

1. The results of the investigation; and

2. The nature and purpose of any samples taken for later analysis.

(i) The investigating authority that takes the samples is responsible for maintaining and recording a custody chain for any samples collected.

(j) Nothing in these rules shall be deemed to insulate an investigating authority from liability as otherwise provided by law.

(k) If the investigation is conducted by or on behalf of the Department of Agriculture, the CLI who takes the samples is responsible for maintaining and recording a custody chain for any samples collected.

1. The custody chain protocol, as determined by the NJDA, will be maintained.

2. A CLI conducting a re-inspection will prepare and provide to the State veterinarian a full set of the same records as are required for an initial inspection.

2:8-8.6 Records of the complaint and inspection required and disposition thereof

(a) Upon completing the inspection, the investigating authority shall provide the State veterinarian with the results of the inspection. This may be done by phone, e-mail, fax or in writing.

1. Results shall be provided within 24 hours of the completion of the inspection for violations considered to be "severe."

2. Results shall be provided within two business days of the completion of the inspection for all other violations.

(b) The investigating authority shall include in the records of the inspection forwarded within seven days to the State Veterinarian the following information:

1. Current contact information of the complainant, if available (for example, name, address, phone number, fax, email address);

2. The date and time the complaint was received;

3. The identity, location and description of the animal; the nature of the complaint; and, if known, the standard that was violated;

4. The date and place of the visit to the affected animal;

5. Current contact information of the person having custody of or responsibility for the domestic livestock (for example, name, address, phone number, fax, email address);

6. Current contact information of the owner of the livestock (for example, name, address, phone number, fax, email address);

7. The observations of the animal before it is physically examined;

8. The results of a physical examination performed by a New Jersey licensed veterinarian, if available;

9. A description of the livestock housing and other husbandry practices; and

10. The name of the person or persons employed to conduct the inspection.

2:8-8.7 Actions on violations or other acts of cruelty

(a) The following apply to minor violations:

1. Where the State veterinarian, NJSPCA, county SPCAs, or other State or local government authority determines that the person who has custody of, or is responsible for, and/or is the owner of the domestic livestock has committed a minor violation of this chapter, that official or authority shall:

i. Inform the person having immediate custody of or responsibility for the domestic livestock in a written warning of the provisions violated;

(1) The initial notification may be in person, by telephone, fax, or email.

(2) If the initial notice is not in writing, the investigating authority shall, within 24 hours of the finding that the minor violation has occurred, serve on the person or mail to the person's last known address, a written notification of the findings of the inspection, of the standard of statutes violated or other acts of cruelty.

(3) Either of these notifications, if in writing, shall constitute the written warning of the offense in those cases where required by N.J.S.A. 4:22-16.1.

ii. If the inspection is conducted by the State veterinarian, the written notice will also include corrective measures which must be taken to achieve compliance with the standards contained in N.J.A.C. 2:8-2, including the amount of time allowed to take corrective measures;

iii. The NJSPCA, county SPCAs and other State and local authorities are encouraged to consult with the State veterinarian to determine appropriate corrective measures and the amount of time necessary for same; and

iv. Advise other authorities of the action taken.

2. If the person who has custody of, or is responsible for, and/or is the owner of the domestic livestock, after receiving notice of violation under this section, fails to cure the violation within a reasonable time, the State veterinarian, NJSPCA, county SPCAs or other State or local authority may determine that the person is in continuing violation of this chapter, and initiate enforcement of these standards as provided by N.J.S.A. 4:22-15 et seq.

3. For subsequent minor violations, no written warning need be provided.

(b) The following apply to severe violations:

1. Where the State veterinarian, NJSPCA, county SPCA or other State or local authority determines that the person who has custody of, or is responsible for, and/or the owner of the domestic livestock has committed a severe violation of this rule, that official or authority shall initiate enforcement or penalty proceedings pursuant to N.J.S.A. 4:22.15 et seq.

2. Where severe violations of these standards are continuing, the NJSPCA, county SPCAs or other State or local authority may:

i. Take any steps authorized by N.J.S.A. 4:22-15 et seq. to assure that the animal is cared for appropriately including, but not limited to, feeding, watering, providing medical care, euthanasia and

disposal; and

ii. Bring an action in a court of competent jurisdiction to allow it to confiscate the domestic livestock from the person as allowed by N.J.S.A. 4:22-26.1.

3. Where the State veterinarian determines that a severe violation is continuing, he or she shall request the SPCA, ACO or other State or local authority to take the actions identified in (b)2i and ii above.

36 N.J.R. 2637(a)
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