

**SECTION 1204 Livestock Premises Registration**

I. Definitions In this chapter:

- (1) “Address” means one of the following:
  - a. A street address.
  - b. Township, range and section numbers, if the location has no street address.
  - c. Global positioning system (GPS) coordinates, if the location has no street address and no township, range and section numbers.
- (2) “Livestock dealer” means a person who is required to be licensed 6 VSA §761.
- (3) “Livestock dealer premises” means any real estate, owned or controlled by an animal dealer, at which the dealer keeps, exhibits or receives livestock or wild animals, or from which the animal dealer ships livestock or wild animals.
- (4) “Livestock auction or sales ring” means any premises that are open to the public for the purpose of buying or selling livestock or wild animals, and that have facilities to keep, feed and water livestock or wild animals prior to sale.
- (5) “Livestock packer” means a person who is required to be licensed under 6 VSA §761.
- (6) “Livestock transporter” means a person who is required to be licensed 6 VSA §761.
- (7) “Livestock transporter premises” means any real estate, owned or controlled by an animal trucker, at which the animal trucker collects or holds livestock for transportation.
- (8) “Bovine” means cattle, American bison, or water buffalo of any age or sex.
- (9) “Cervid” means any member of the family cervidae, except for white tail deer and moose (6VSA §1151(15)).
- (10) “Clinic” means a place where livestock are brought or kept for purposes of health care or rehabilitation.
- (11) “Confidential information” means information that the agency is required, under 6VSA §61, and this chapter, to keep confidential.
- (12) “Contiguous” means adjacent, or separated only by a transportation corridor, stream or like feature.
- (13) “Contract agent” means a person who acts on behalf of the agency, pursuant to a written contract with the agency.
- (14) “Dairy farm” means a dairy farm as defined 6 VSA §2672 (3).

- (15) “Cervid farm” means real estate on which a person, who is required to register under 6 VSA §1153(c).
- (16) “Agency” means the Vermont agency of agriculture, food and markets
- (17) “Description” of a location means an address or other information that identifies that location.
- (18) “Farm-raised deer” means a captive cervid.
- (19) “Individual” means a human being.
- (20) “Keep livestock” means to own, feed, house, confine or care for livestock, or to exercise legal or physical control over livestock. “Keep livestock” does not include the temporary quarantine or confinement of livestock by the agency or by the USDA.
- (21) “Livestock” means cattle, sheep, goats, equine, deer, American bison, swine, poultry, pheasant, Chukar/partridge, Coturnix quail, camelids, and ratites. This term shall include cultured trout. It will exclude psittacine birds and ferrets (6 VSA §1151).
- (22) “Livestock fair” means any public or privately operated facility where animals are confined for the purpose of display and/or sale or for viewing (20 VSA §3091).
- (23) “Location” means a parcel of real estate in this state, or a group of 2 or more contiguous parcels of real estate in this state, on which livestock are kept.
- (24) “Milk handler” has the meaning given in 6 VSA §2721.
- (25) “Person” means an individual, corporation, partnership, cooperative, Limited Liability Company (LLC), trust, or other legal entity.
- (26) “Poultry” means domesticated fowl commonly used for human food, including domesticated chickens, turkeys, geese, ducks, guinea fowl and squab, captive game birds and ratites.
- (27) “Premises” means one or more locations that a person registers under a single premises code.
- (28) “Premises code” “premises number” means a 7 digit, alphanumeric number issued through the Agency’s premises registration system.
- (29) “Primary location” means a premises location to which a premises code is assigned.
- (30) “Ratite” means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi and rhea.
- (31) “Register” means to apply for and obtain from the agency a premises registration certificate.
- (32) “Registered location” means a primary or secondary location that is covered by a current premises registration certificate.
- (33) “Secondary location” means a location that shares or commingles animals with the primary location

and is registered with the primary location under a single premises code.

- (34) “Slaughter establishment” means a place at which livestock are received for slaughter.

## II. LIVESTOCK PREMISES; REGISTRATION REQUIRED

### (1) GENERAL

A person who keeps livestock at a location in this state needs to register that premises with the Vermont Agency of Agriculture, Food and Market (VAAFMM) premises registration system as prescribed under this section. There is no fee to register. A registration expires on December 31 of each biennium, except as otherwise provided in subsection (2)(c).

### (2) WHO MUST REGISTER

- a. If two or more persons are involved in keeping livestock at the same location, one of those persons shall register that location. A person is not required to register a location that is currently registered by another person. A premises registration by one person does not prevent other persons from keeping livestock on the registered premises.
- b. A person may not register a premises that is currently registered by another person. The agency may transfer a current registration from the current registrant to another person if the agency finds that the other person is required to register the premises under part (c), is more directly engaged in operating the premises, or can provide more definitive knowledge of livestock movements to and from the premises. The agency shall notify the current registrant and give the current registrant a chance to comment before transferring a registration to another person.
- c. A person who operates any of the following shall register the locations at which that person keeps livestock or receives livestock carcasses as part of that operation:
  - i. A dairy farm that is required to be inspected under 6 VSA Chapter 151. The farmer may register the dairy farm premises as part of the milk producer’s initial startup inspection or subsequent milk inspections.
  - ii. A captive deer farm that is required to be registered under 6 VSA §1153. The operator may register the deer farm premises as part of the operator’s annual inventory and inspection.
  - iii. A livestock market, auction, or fair that is required to be licensed or registered under 6 VSA §762 and 6 VSA §3902. The operator may register the premises as part of the operator’s annual license/registration application.
  - iv. Livestock dealer premises that is required to be licensed under 6 VSA §762. The animal dealer may register the premises as part of the animal dealer’s annual license application.

- v. Animal transporter premises operated by an animal transporter who is required to be licensed in 6 VSA §762. The animal transporter may register the premises as part of the animal transporter's annual license application.
- vi. A slaughter establishment. The operator may register the slaughter establishment premises as part of the operator's annual license application under 6 VSA §3306.
- vii. An equine quarantine station for which a permit is required. The operator may register the equine quarantine station premises as part of the operator's annual permit application under.
- viii. A rendering establishment, animal food processing establishment or grease processing establishment that receives livestock carcasses and is required to be licensed. The operator shall include, in a registration, any transfer stations or other locations at which the operator collects livestock carcasses for transfer to a rendering or processing location.
- ix. Veterinary clinic that receives or houses livestock as part of their care or treatment.

(3) HOW TO REGISTER

Except as provided in subsection (2)(c), a person shall register in one of the following ways:

- a. By applying on-line at <http://www.vermontagriculture.com>
- b. By filing a hard-copy application with the agency on a form provided by the agency.

(4) EFFECTIVE DATE

Individuals that keep livestock for sale to the public (or product from livestock) will have 6 months to comply with this rule. All others will have one year from the effective date of this rule to comply.

(5) INFORMATION REQUIRED

A registration application under subsection (3) shall include all of the following information:

- a. The registrant's legal name and any trade names under which the registrant keeps livestock in this state.
- b. The registrant's mailing address.
- c. The registrant's telephone number.
- d. The address of the primary premises location, and any secondary premises locations.

- e. The name and telephone number of at least one individual who has knowledge of livestock and livestock carcass movements to and from every location included in the premises.
- f. The types of livestock operations conducted on the premises. The registrant shall designate one or more of the following:
  - i. Farm or production unit.
  - ii. Clinic.
  - iii. Livestock exhibition.
  - iv. Laboratory.
  - v. Livestock market or collection point.
  - vi. Port of entry.
  - vii. Quarantine facility.
  - viii. Rendering.
  - ix. Slaughter plant.
  - x. Tagging site.
  - xi. Non-producer participant.
- g. The types of livestock kept on the premises. The registrant shall designate one or more of the following:
  - i. Aquaculture.
  - ii. Cattle.
  - iii. Bison.
  - iv. Swine.
  - v. Sheep.
  - vi. Goats.
  - vii. Horses or other equine animals.

- viii. Farm-raised deer.
- ix. Poultry.
- x. Ostriches, emus or other ratites.
- xi. Llamas, alpacas or other camelids.

(6) AGENCY ACTION ON REGISTRATION APPLICATION

- a. Except as provided in part (d), the agency shall grant or deny a registration application under subsection (3) within 30 days after the agency receives a complete registration application.
- b. The agency may deny a registration application if the application is incorrect or incomplete, or if the primary location identified in the application is currently registered. The agency shall state the reason for the denial.
- c. If the agency denies an application because the primary location identified in the application is already registered, the agency shall disclose to the applicant the premises code assigned to that registered primary location after making sure there has not been a change in ownership or business status. The denial does not prevent the applicant from keeping livestock at the registered primary location or from registering other locations.
- d. If a person submits a registration application as part of that person's application for another license, permit or registration identified in subsection (2)(c), the agency shall grant or deny the registration application within the time period prescribed for agency action on the other license, permit or registration application. The denial, suspension or revocation of another license, permit or registration does not affect a premises registration under this section.

(7) REGISTRATION CERTIFICATE

- a. Whenever the agency grants a registration application under subsection (3), the agency shall immediately issue a registration certificate to the registrant. The agency shall issue the registration certificate in hard copy or printable electronic form, depending on the method of registration.
- b. A registration certificate under part (a) shall include a premises code assigned under subsection (7).
- c. A registration certificate covers the primary location and all secondary locations identified in the approved registration application, regardless of whether the certificate includes descriptions of all of those locations.
- d. If a person submits a premises registration application as part of that person's application for

another license, permit or registration identified in subsection (2) (c), the agency shall issue the premises registration certificate with or as part of that other license, permit or registration.

(8) PREMISES CODE

Whenever the agency grants a registration application under subsection (3), the agency shall assign a unique code to the primary location identified in that application. A premises code may not be transferred to other premises.

(9) ENFORCEMENT

The secretary may take the following action to ensure compliance with the premises registration provisions of Section II (2) of these rules:

- a. A person who is required but who fails to register a livestock location under these rules shall be sent a written letter of warning which shall include a brief description of the alleged violation of these rules and include a request that the premises be registered within 30 days of the date of the letter;
- b. If, after the expiration of the 30 day period described above, a person who is required but who fails to register a livestock location may receive a cease and desist order from the secretary requiring the person to register the livestock premises;
- c. Violations of a cease and desist order issued under this section may be enforced through an proposed administrative penalty not to exceed \$1,000.00 pursuant to 6 V.S.A. §15(a);
- d. Administrative penalties issued under this section shall comply with the provisions regarding notice and an opportunity for a hearing as set forth in 6 V.S.A. §16.

III. CONFIDENTIAL INFORMATION.

(1) GENERAL

Except as provided in subsections (2) to (4), premises registration information received by the agency or its contract agent under this rule is confidential and may not be disclosed to any other person or agency.

(2) INFORMATION REQUIRED BY OTHER LAWS

Subsection (1) does not apply to information that a person is required to provide to the agency under other law. This subsection does not authorize disclosure of information that is protected from disclosure under other law.

(3) AUTHORIZED DISCLOSURE

After approval by the Secretary of Agriculture or state animal health official, the agency may disclose, to any of the following, information that a registrant provides under this rule:

- a. A person to whom the registrant authorizes disclosure.
- b. The animal and plant health inspection service of the United States department of agriculture, through a signed memorandum of understanding, not to disclose the information except in situations in which the agency is authorized to disclose the information.
- c. The agency's contract agent, subject to this section.
- d. To another person or agency, or to the public, if the agency believes that the release is necessary to prevent or control disease, to enforce laws under its jurisdiction, or to protect public health, safety, or welfare. The agency may disclose information under this paragraph subject to any confidentiality requirements that the agency considers necessary under the circumstances.

(4) AGGREGATE INFORMATION

- a. The agency may create aggregate information, such as maps and statistics, from registration information obtained under this rule. Except as provided in par. (b), the agency may disclose that aggregate information to another person or agency, or to the public.
- b. The agency may not disclose aggregate information under paragraph (a) that does any of the following, unless that information qualifies for disclosure under subsections (2) or (3).
  - i. Discloses the street address, section number, global positioning system coordinates of any premises, or the identity of any registrant.
  - ii. Makes it possible to deduce with certainty the street address, section number, global positioning system coordinates of any premises, or the identity of any registrant.

(5) DISCLOSURE BY CONTRACT AGENT

- a. The VAAFM may authorize a contract agent to disclose, on behalf of the agency, information that the agency is authorized to disclose under this section, except that the agency may not authorize its contract agent to release aggregate information.

IV. CONTRACT AGENT

(1) GENERAL

- a. The agency may contract with an agent to process registrations, manage registration information, and perform other functions on behalf of the agency under this chapter. The contract agent shall comply with the provisions of these rules.

V. RECEIVING LIVESTOCK FROM UNREGISTERED LOCATIONS

(1) PROHIBITION

Except as provided in subsection (2), no person may receive, for purposes of sale, exhibition or slaughter, livestock from a location that is required to be registered under this rule or an equivalent law in another state, unless that location is registered according to this chapter or an equivalent law in the other state.

(2) APPLICATION CONTINGENT UPON RECIPROCITY

Subsection (1) does not apply to any person, or to any receipt of livestock for a purpose identified in subsection (1), unless the United States Department of Agriculture or all of the states surrounding Vermont prohibit persons in those surrounding states from receiving livestock for that purpose from unregistered locations in this state that are required to be registered under this rule.