

DEPARTMENT OF AGRICULTURE

OFFICE OF THE SECRETARY

Statutory Authority: 3 Delaware Code, Sections 101, 302, 7101, 7104, 7302, 7322, 8101, 8103, 8104, and 8105 (3 Del.C. §§101, 302, 7101, 7104, 7302, 7322, 8101, 8103, 8104 & 8105)

PROPOSED

PUBLIC NOTICE

102 Secretarial Powers

Summary

Pursuant to the authority granted by Title 3 chapters 1, 3, 71, 73, 81 of the Delaware Code, the Department of Agriculture proposes to amend its regulations. The purpose of the amended regulations is to provide clear detail regarding the authority of the Secretary of the Delaware Department of Agriculture to prevent the spread of contagious or infectious diseases.

The Department of Agriculture is issuing these proposed regulations in accordance with Title 3 of the Delaware Code. This notice is issued pursuant to the requirements of Chapter 101 of Title 29 of the Delaware Code.

Comments

A copy of the proposed regulations is being published in the November 1, 2022, edition of the *Delaware Register of Regulations*. A copy is also on file in the office of the Department of Agriculture, 2320 South DuPont Highway, Dover, Delaware 19901 and is available for inspection during regular office hours. Copies are also published online at the *Delaware Register of Regulations* website: http://regulations.delaware.gov/services/current_issue.shtml.

Interested parties may offer written comments on the proposed regulations indicating whether these proposed regulations should be adopted, rejected or modified. Interested parties may hand deliver to the Department, any written suggestions, data, briefs or other materials at the above address. Pursuant to 29 Del.C. § 10118(a), public comments must be received on or before December 1, 2022. Written materials submitted will be available for inspection at the above address.

Adoption of Proposed Regulation

On or after December 1, 2022, following review of the public comment, the Department of Agriculture will determine whether to amend its regulations by adopting the proposed rules or make additional changes because of the public comments received.

Effective Date of Amendments to Regulations

If adopted by the Department of Agriculture, the amendments shall take effect ten days after being published as final in the *Delaware Register of Regulations*.

102 Secretarial Powers

1.0 Authority

This regulation is written under the authority of Title 3, Chapters 1 and 3, and Sections 101 and 302; Chapter 71 Sections 7101 and 7104; Chapter 73 and Sections 7302 and 7322; and Chapter 81 Sections 8101, 8103, 8104, and 8105 of the Delaware Code.

2.0 Authority of the Delaware Secretary of Agriculture to Prevent the Spread of Contagious or Infectious Diseases

- 2.1 In order to prevent the spread of contagious or infectious diseases, the Secretary, or the Secretary's agent, may:
 - 2.1.1 Visit at any time the location in any county where the Secretary has reason to believe any contagious or infectious disease may exist;
 - 2.1.2 Test any animal for any contagious or infectious disease by any method;
 - 2.1.3 Order every animal which has been exposed to a contagious or infectious disease to be isolated in the manner deemed necessary to prevent the spread of the disease;

- 2.1.4 Order any location where any contagious or infectious disease has existed or presently exists to be quarantined, so that no domestic animal of the same species may be removed from or brought to the quarantined premises until it is properly disinfected;
 - 2.1.5 Issue any order deemed necessary or expedient to prevent the communication of any contagious or infectious disease from the quarantined area;
 - 2.1.6 Issue any order requiring the destruction of any animal infected with or exposed to an infectious or contagious disease, and for the proper destruction of its hide or carcass, and any object which might carry infection or contagion;
 - 2.1.7 Issue an order requiring disinfection of every building, premises, vehicle, and every object which may breed or convey any infectious or contagious disease;
 - 2.1.8 Destroy any building or article that is contaminated and incapable of proper disinfection;
 - 2.1.9 Modify, cancel, or withdraw the terms of any order the Secretary issues pursuant to this regulation; and
 - 2.1.10 Institute a livestock patrol along the State borders to prevent any livestock affected with any contagious or infectious disease from being brought into the State contrary to the laws regulating shipment of livestock into the State.
- 2.2 The owner or the owner's agent shall secure the animal to make it possible for the Secretary or the Secretary's agent to apply any test.

26 DE Reg. 356 (11/01/22) (Prop.)