

Arkansas Livestock and Poultry Commission
Effective Date: January 1, 2009
Jon S. Fitch, Executive Director

Agency No. 125.00

Act 540 of 2001 and Act 1306 of 1997
AR Code 2-40-801-829

FINAL RULE

EIA (Equine Infectious Anemia) Verifier Regulation

I) Responsibilities of event sponsors:

- 1) Any individual person, group of individuals, club, organization, association, or corporation that sponsors, conducts, or organizes an equine event or activity that:
 - a) has any membership fee, gate fee, registration fee, user fee, or camping fee; or
 - b) provides prize money, trophies, plaques, ribbons, points, or awards of any kind including jackpots and benefits; or
 - c) causes a concentration of fifty (50) or more equines shall arrange for a certified EIA verifier to be present at the event to verify that each of the Equidae is accompanied by a record of a negative current official equine infectious anemia test within the past twelve (12) months.
- 2) For any individual person, group of individuals, club, organization, association, or corporation that sponsors, conducts, or organizes an equine event or activity that meets any of the above requirements:
 - a) The equine event sponsor(s) that
 - 1) does not arrange for a certified EIA Verifier to be present; or
 - 2) does not arrange for enough certified EIA Verifiers to have each individual equine checked; or
 - 3) does not keep a record for one year of which certified EIA Verifier(s) verified at an equine event; or
 - 4) allows the participation of any equine in any event that has not been verified by a certified EIA Verifier as having a record of a negative

current official equine infectious anemia test within the past twelve (12) months shall be guilty of a Class A Misdemeanor.

b) The equine event sponsor shall

- 1) designate an area for equine verification to occur that provides for the safety of the certified EIA Verifier, all horses to be verified, horse owners, and the public; and
- 2) provide for the EIA verification to occur prior to the participation of an equine in the event and arrange for separation of verified and non-verified horses as far apart as possible; and
- 3) Assist Livestock and Poultry representatives in the investigation of any reports from a certified EIA Verifier of any equine and its owner, if ascertainable, that did not provide a record of a negative current official equine infectious anemia test within the past twelve (12) months prior to entry of the equidae in the their event.

c) Financial compensation, if any, between the event sponsor and the certified EIA Verifier shall be by private treaty.

II) A certified EIA Verifier Course

- 1) The curriculum of the certified Equine Infectious Anemia Verifier Course shall be that agreed upon by the cosponsors of the training course, which are the Arkansas Livestock and Poultry Commission, the University of Arkansas Cooperative Extension Service, and the Arkansas Horse Council.
- 2) The curriculum shall contain information about the EIA law, the disease, how to verify, how to report a violation, and other general information deemed beneficial or necessary to the "certified EIA Verifier" being able to verify an equine as negative by a record of a negative current official equine infectious anemia test within the past twelve (12) months.
- 3) Each individual undergoing the training course must pass a test based on the curriculum with at least an eighty (80%) per cent proficiency before being awarded a certificate as an official certified EIA Verifier.

- 4) All individuals undergoing the training shall complete an application to become a certified EIA Verifiers prior to taking the proficiency test.
- 5) The initial certification shall expire on December 31st of the year in which the course was taken unless the initial certification was issued after July 1 of that year; in which case the initial certification will expire on December 31st of the following year. Initial certification will be issued at no cost to the participant.
- 6) EIA verifiers who have completed the initial certification phase may apply for “indefinite” status after December 31st of the appropriate certification year by mailing a completed re-certification application along with a check for \$5.00 made payable to the Arkansas Livestock & Poultry Commission within 90 days **after** the expiration date on his/her initial card. Applicants who have surpassed the 90-day grace period for renewal will be required to take another EIA verifier course and go through the initial phase of the program again before being granted “indefinite” status.

III) Responsibility of certified EIA Verifier

- 1) The certified EIA Verifier shall verify that each of the equidae participating in an equine activity is accompanied by a record of a negative current official equine infectious anemia test within the past twelve (12) months prior to entry of the equidae in any event.
- 2) The certified EIA Verifier shall report by fax or mail within twenty-four hours to the Arkansas Livestock and Poultry Commission any equine and its owner, if ascertainable, that does not meet the standards of verification as provided in the curriculum manual of a record of a negative current official equine infectious anemia test within the past twelve (12) months prior to entry of the equidae in the event.
- 3) The certified EIA Verifier shall report immediately to the event sponsor any equine and its owner, if ascertainable, that does not meet the standards of verification as provided in the curriculum manual of a record of a negative current official equine infectious anemia test within the past twelve (12) months prior to entry of the equidae in the event.
- 4) Each certified EIA Verifier shall notify the Arkansas Livestock and Poultry Commission of any change in their mailing address within thirty (30) days of such change. EIA verifiers who do not notify the Commission when an address change

occurs and has mail returned on more than one mail-out will be removed from the active list and will have to be re-certified.

5) Upon receipt of a complaint filed with Livestock and Poultry Commission as to the performance of the EIA Verifier's activity as a certified EIA Verifier, the State Veterinarian or Director shall have the complaint investigated, and may after review:

- a) dismiss the complaint: or
- b) recommend an informal hearing for a determination of status with the certified EIA Verifier by a tribunal consisting of a representative of the Arkansas Livestock and Poultry Commission official, the University of Arkansas Cooperative Extension Service, and the Arkansas Horse Council: or
- c) have a formal hearing with the certified EIA Verifier for a determination of status by a tribunal consisting of a representative of the Arkansas Livestock and Poultry Commission official, the University of Arkansas Cooperative Extension Service, and the Arkansas Horse Council, and the State Veterinarian or the Director of Arkansas Livestock and Poultry Commission.

6) The certified EIA Verifier that is required to undergo a determination of status may elect to have an informal hearing or a formal hearing at which time any of the following may occur:

- a) Dismissal of the complaint
- b) Warning issued to the certified EIA Verifier
- c) Suspension of the certified EIA Verifier's certification for a specified period of time
- d) Revocation of the certified EIA Verifier's certification
- e) All suspensions and revocations shall be reported to the Commission.
- f) If evidence of fraud is determined by an informal or formal hearing, a report to the Arkansas Livestock and Poultry Commission will be made and the Commission shall make a decide whether further civil action should be pursued

g) The certified EIA Verifier shall have the option of appealing the ruling of an informal hearing to a formal hearing, and of appealing the ruling of a formal hearing to the Commission for a final determination.

7) Any certified EIA Verifier that is suspended or revoked or any individual posing as a certified EIA Verifier that is not certified that represents themselves as a certified EIA Verifier at an equine event shall be guilty of a Class A Misdemeanor.

IV) Minimum requirement to become a certified EIA Verifier:

- a) resident of Arkansas or a contiguous state;
- b) at least eighteen (18) years of age;
- c) complete a Certified EIA Verifier Course passing the proficiency test with a minimum of eighty (80%) per cent correct answers;
- d) shall not have had a revocation of their EIA Verifier certificate by the Livestock and Poultry Commission; and
- e) meet all requirements of section II above and pay all fees when required for re-certification.

Issued in Little Rock, Arkansas on December 11, 2008.



Jon S. Fitch, Executive Director
Ark Livestock & Poultry