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TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 40 - AGRICULTURE AND RESOURCE MARKETING

SUBCHAPTER 05 - ANIMAL HEALTH

PART 5 - Rules and Regulations Governing Livestock Welfare

5.1 Purpose

The purpose of this document is to provide minimum standards for the humane treatment and care of livestock with the State of Rhode Island.

5.2 Authority

These Rules and Regulations are promulgated pursuant to the authority of R.I. Gen. Laws §§ 42-17.1-2(19) and 42-17.1-4(3), and in accordance with the procedures set forth in the Rhode Island Administrative Procedures Act, R.I. Gen. Laws Chapter 42-35. These Rules and Regulations are also promulgated with the advice and consent of the Rhode Island Livestock and Welfare Standards Advisory Council pursuant to R.I. Gen. Laws §§ 4-26-5(1), 4-26-5(3) and 4-26-3(7) of The Rhode Island Livestock and Welfare Standards Advisory Council Act of 2012.

5.3 Applicability

The terms and provisions of these Rules and Regulations shall be liberally construed to permit the Department to effectuate the purpose of state law, goals, and policies. These Rules and Regulations shall apply to any person or entity that keeps, owns, holds, possesses, transports, or houses livestock within the state.

5.4 Severability

If any provision of these Rules and Regulations, or application thereof to any person or circumstances, is held invalid by a court of competent jurisdiction, the validity of the remainder of the Rules and Regulations shall not be affected thereby.

5.5 Administrative Findings

The Department finds that the citizens of the state are generally concerned with the welfare of all animals within the state. The Department also finds that the citizens of the state generally favor the development of an administrative process

for the Department to ensure the welfare of the animals within the state. The Department promulgated Rules and Regulations governing animal care facilities in 2015 to address the welfare of pet type animals being kept in commercial facilities. However, there is a lack of administrative oversight related to the minimum standards of care for livestock; animals that are also kept for commercial purposes. Therefore, the Department seeks to establish minimum care standards for livestock within the state consistent with the recommendation received by the Department from the Rhode Island Livestock and Welfare Standards Advisory Council. These Rules and Regulations will serve as guidance for animal caretakers as well as a means of enforcement to ensure that livestock species are being properly cared for.

5.6 Definitions

- A. Wherever used in these Rules and Regulations the following terms should be construed as follows:
1. "Ambulatory disabled" means livestock capable of walking but with a physical impairment that severely limits or threatens their ability to walk.
 2. "Body condition" means the range from emaciated to obese and is useful to assess the adequacy of the nutritional program and health status of an animal by evaluating the animal's body fat and/or muscle mass in relationship to its skeletal dimension and its stage of production.
 3. "Breeding/gestation stall" means any configuration in which a mature porcine animal is continuously housed, that does not allow it to turn around and freely enter or exit. This term does not apply to farrowing crates or stalls.
 4. "Breeders" means livestock raised to perpetuate progeny.
 5. "Broilers" means chickens raised for meat.
 6. "Cage-free housing system" means a housing system where the egg laying hens are not exclusively housed in a cage. This includes, but is not limited to free-range pasture, aviaries, fixed houses, portable houses, pasture pens, and integrated systems.
 7. "Cage housing systems" means one of the following egg laying hen housing systems:
 - a. "Conventional battery cage system" means a housing system in an enclosed or open-sided building where the layer is maintained in a cage, and which meets the conditions set forth in § 5.8(F)(3)(f) of this Part; and,

- b. "Enriched cage system" means a housing system that provides features in addition to feed and water, such as areas for nesting, scratching, perching and/or dust bathing.
- 8. "Conditioning" means the trimming of the beak or the partial/complete removal of the snood, comb, toe nail, and dewclaw for the purpose of prevention of injury during the growth or maturity of poultry.
- 9. "Conditioning fighting teeth" means the partial/complete removal of the fighting teeth of camelids above the gum line for the purpose of preventing injury.
- 10. "Distress" means the condition that occurs when livestock are injured, sick, or in pain.
- 11. "Equine" means horses, ponies, mules and donkeys.
- 12. "Euthanasia" means the causing of humane death, through the rapid loss of consciousness followed by cardiac and respiratory arrest and the ultimate loss of brain function.
- 13. "Existing facility" means all buildings or structures that currently house livestock utilizing any housing system as of the effective date of the standards.
- 14. "Extralabel drug use" or "ELDU" means the use of an approved drug in a manner that is not in accordance with the approved labeling, yet meets the conditions set forth by the Animal Medicinal Drug Use Clarification Act of 1994 (AMDUCA) and the United States Food and Drug Administration (FDA) and a Valid-Veterinary-Client-Patient-Relationship (VCPR) is required.
- 15. "Farrowing crate" or "farrowing stall" means an enclosure in which a pregnant porcine animal is placed in the peri-parturient period until the weaning of the piglets.
- 16. "Fatigued swine" means swine that have temporarily lost the ability to walk but have a reasonable expectation to recover full locomotion with rest.
- 17. "Fighting teeth" means up to three teeth on either side of the mouth (six teeth maximum) which include only the upper incisor (most forward upper tooth) and the upper and lower canine teeth.
- 18. "Housing" means the physical area or location which is occupied by livestock.

19. "Humane" means the care and handling of livestock that seeks to minimize distress through utilization of the standards established by this document.
20. "Layers" or egg laying hens" means female chickens that have reached sexual maturity as demonstrated by egg production.
21. "Livestock" means any bovine, equine, caprine, ovine, camelid, swine, poultry, or other animal that is raised for production of food or fiber, or is used for work, commerce, or exhibition; excluding canines, felines, reptiles, amphibians, fish, rodents, and rabbits, except those rabbits that are raised for food or fiber.
22. "Management" means practices and procedures performed on livestock for the purpose of achieving production goals. Such practices and procedures include, but are not limited to breeding, weaning, sorting, culling, relocating, assessing, administration of vaccines, castration, dehorning, and identification.
23. "Non-ambulatory disabled" means livestock that cannot rise from a recumbent position or that cannot walk.
24. "Pain" means an unpleasant physical sensation occurring in varying degrees of severity as consequence of injury, disease or from a medical or management procedure.
25. "Pain management" means the use of medications by or under the direction of a Rhode Island licensed veterinarian for the mitigation of pain during and following any management procedure that results in pain.
26. "Poultry flock" means a grouping of more than one poultry animal, which may be raised for egg production, meat, and/or breeders.
27. "Poultry" means turkeys, chickens, ducks, geese, or other fowl, both male and female, including layers, broilers and turkeys.
28. "Pullet" means young female chickens prior to sexual maturity.
29. "Quality assurance" means steps taken by the responsible party to ensure safe, wholesome and high quality products.
30. "Responsible party" means a person of legal age who is the owner of the livestock and/or a person who has current responsibility or custody of the livestock.
31. "Restraint" means the use of physical or chemical means that temporarily render an animal unable to freely move, and that are used for the purpose

of capture or as an aid in the performance of acceptable management, husbandry, or veterinary procedures.

32. "Slaughter" means the killing of animals for the purpose of consuming the animal as food or animal feed. Slaughter is distinctly different from euthanasia. Slaughter must be conducted in compliance with R.I. Gen. Laws § 4-17-1 *et seq.* entitled Humane Slaughter of Livestock, and all applicable federal regulations.
33. "Veal" means a young bovine animal sold for slaughter at or under 750 pounds, and raised for the purpose of veal meat production including:
 - a. "Special fed veal" means calves that are fed a milk-based liquid diet throughout the feeding period;
 - b. "Grain fed veal" means calves that are raised on a feed program beginning with a milk-based liquid diet and may include hay, pasture or other processed feeds; and,
 - c. "Bob veal" means calves that are fed a milk-based liquid diet and generally marketed at less than three weeks old and weighing less than 150 pounds.
34. "Veterinarian/client/patient relationship" means a relationship where all of the following conditions have been met:
 - a. The veterinarian has assumed the responsibility for making medical judgments regarding the health of the animal or animals and the need for medical treatment, and the client has agreed to follow the instructions of the veterinarian.
 - b. The veterinarian has sufficient knowledge of the animal or animals to initiate at least a general or preliminary (e.g. tentative) diagnosis of the medical condition of the animal or animals. This means that the veterinarian has recently seen and is personally acquainted with the keeping and care of the animal or animals, and/or by medically appropriate and timely visits to the premises where the animal or animals are kept.
 - c. The veterinarian is readily available for follow-up in cases of adverse reactions or failure of the regimen of therapy.

5.7 General Requirements

- A. The general requirements for the care and welfare of all types of livestock as well as specific types of livestock as listed below. The general requirements are as follows:

1. Feed and water. Livestock must receive feed and water of sufficient quantity and quality on a regular basis so as to help ensure maintenance of normal body condition and/or growth.
2. Management
 - a. Livestock housing, handling facilities and equipment must be designed and maintained so as to minimize bruising and injury.
 - b. When using handling, sorting or other devices to move livestock or for initial diagnostic evaluation, the devices must be used humanely. Use of such devices must be restricted to the minimal amount of use to move the livestock and they must be used in a manner to minimize pain and excitement of the animal(s), and must not cause injury to the animal(s).
 - c. When restraint of livestock is required, it must be minimal in degree and duration, and it must minimize the potential for injury.
 - d. Only hand held battery-operated electric prods of 50 volts or less can be used to facilitate movement of livestock as described in § 5.7(A)(2)(b) of this Part. Electric prods must not be used:
 - (1) On poultry;
 - (2) On alpacas, llamas and equine, unless by or under the order of a Rhode Island licensed veterinarian;
 - (3) On calves less than 200 pounds of body weight;
 - (4) On swine less than 35 pounds of body weight;
 - (5) In sensitive areas including the eyes, ears, nose, vulva, anus, udder, or testicles; and,
 - (6) On non-ambulatory disabled livestock, unless by or under the order of a Rhode Island licensed veterinarian.
 - e. The responsible party shall not maliciously or recklessly throw, drop, or drag livestock. If the animal's position does not permit lifting or another method of movement, dragging an ambulatory disabled or non-ambulatory disabled livestock the minimum distance to allow movement by another method is permitted.
 - f. The responsible party must not pick up and/or carry livestock by the ears and tails or pull legs in positions or directions which would cause distress.

- g. Livestock Management Procedures must be performed humanely.
- 3. Euthanasia. Euthanasia of livestock must be performed under the conditions and using the approved methods as described in the most current published version of AVMA Guidelines for the Euthanasia of Animals.
 - a. Euthanasia for animals must be performed when the likelihood for recovery is poor and the condition cannot be effectively relieved by best species management and medically appropriate procedures. Upon making the decision to euthanize an animal, euthanasia must be performed promptly to minimize the unnecessary pain and suffering of the animal.
 - b. Disposal of animals after confirmation of death must be performed in accordance with all applicable state and municipal codes.
- 4. Mass Euthanasia or Depopulation. For unusual conditions which require euthanasia of populations, such as wide spread disease eradication and exigent circumstances resulting from natural disasters, the Director of the Department of Environmental Management may authorize methods of euthanasia or depopulation that are not described in the most current published version of AVMA Guidelines for the Euthanasia of Animals. Any person seeking to use alternate methods of euthanasia or depopulation must receive prior written approval by the Director of the Department of Environmental Management. The alternate methods must minimize animal pain and suffering to the extent reasonably possible while considering the threat to human health, human safety, and the hazards of failing to promptly euthanize or depopulate affected animals.
- 5. Health
 - a. Prescription and extra-label medications must only be obtained and administered to livestock with the advice and involvement of a licensed veterinarian in the context of a valid Veterinary-Client-Patient-Relationship (VCPR).
 - b. When medication is indicated for livestock, label instructions for route of administration, dosage, storage and withdrawal times must be followed.
 - c. All practices and procedures pertaining to health/medical treatment of livestock must be done humanely.
 - d. Livestock must be monitored regularly for evidence of disease, injury, and parasites and corrective measures must be taken when evidence is found.

- e. The responsible party must be able to, as required by the condition of the animal, separate sick animals from healthy livestock.
 - f. Dead livestock must be properly disposed of in accordance with all local ordinances, state and federal regulations.
- 6. Transportation
 - a. The transport driver becomes the responsible party during transit.
 - b. The responsible party makes the final decision in determining the fitness for livestock loading, transport and the load density. The density of a load shall be determined by the need to minimize injury and must allow fallen animals to rise.
 - c. Handling of livestock during loading, unloading and transport must be done humanely.
 - d. Ramps, chutes and other means of conveyance used for transporting livestock must be constructed to provide adequate footing to minimize slips and falls.
 - e. Livestock must be able to stand in their natural position without touching the top of the transport conveyance.
 - f. During transit, livestock must be suitably protected from adverse weather conditions.
 - g. Transporters are required to stop every 28 hours, unload, and provide livestock with food, water and rest for at least five consecutive hours, unless the transportation vehicle allows the livestock to lie down and rest and have access to feed and water.

5.8 Specific Requirements

- A. Disabled livestock: The following standards apply to disabled and non-ambulatory livestock.
 - 1. Feed and water. Ambulatory disabled, non-ambulatory disabled or distressed livestock must have appropriate access to water and feed. Water must be offered to non-ambulatory disabled livestock at intervals not to exceed 8 hours. If an animal has been non-ambulatory for 24 hours feed must be offered at that time and at intervals not to exceed 12 hours.
 - 2. Management
 - a. The responsible party for ambulatory disabled, non-ambulatory disabled, or distressed livestock, as required by the condition of the

animal must provide appropriate protection from other livestock, predators and adverse weather conditions.

- b. Handling and moving of ambulatory disabled, non-ambulatory disabled or distressed livestock must be done in a humane manner.

3. Health

- a. Ambulatory disabled livestock must be:

- (1) Monitored for needed treatment and pain management when necessary and that treatment must be promptly provided to minimize unnecessary pain or suffering; or,
- (2) Transported for treatment or sale; or,
- (3) Transported directly to an inspected slaughter plant or a state custom exempt slaughter plant; or,
- (4) Slaughtered on the farm using an acceptable method of euthanasia; or,
- (5) Euthanized using an acceptable method of euthanasia.

- b. Non-ambulatory disabled livestock must be:

- (1) Cared for and provided feed and water; and,
- (2) Provided necessary treatment and pain management when necessary; or,
- (3) Transported for treatment; or,
- (4) Slaughtered on the farm using an acceptable method of euthanasia; or,
- (5) Except for cattle, transported to an inspected slaughter plant or a state custom exempt slaughter plant; or,
- (6) Euthanized using an acceptable method of euthanasia if the animal is in distress and the condition is irreversible.

- c. If ambulatory disabled, non-ambulatory disabled, or distressed livestock are at a non-terminal market or a collection facility, and there is no option for immediate sale, then one or more of the following actions must be taken:

- (1) Fatigued swine may be allowed to rest up to two hours to recover and may receive cooling or other treatments that do

not leave any drug residues. Swine that do not recover within two hours are considered non-ambulatory disabled livestock, and must be euthanized.

- (2) Calves that are unable to rise from a recumbent position and walk because they are tired or cold may be held for treatment. A calf that is unable to rise or has been provided an intervention treatment and is still not able to rise is considered non-ambulatory disabled livestock and must be euthanized.
 - (3) Cattle that become non-ambulatory disabled during transport must be euthanized or provided appropriate veterinary care and pain management.
- d. The responsible party, excluding third party transporters, must maintain records of treatments, medications and withdrawal times for ambulatory disabled, non-ambulatory disabled and distressed livestock.
- e. Livestock observed to be emaciated following documented intervention strategies of additional care, additional feed resources, or treatment without observable improvement in body condition must be:
 - (1) Marketed through appropriate channels;
 - (2) Transported directly to an inspected slaughter plant or a state custom exempt slaughter plant;
 - (3) Slaughtered by using an acceptable method of euthanasia; or,
 - (4) Euthanized using an acceptable method.
- f. Transportation. Non-ambulatory disabled livestock must not be loaded for transport to a non-terminal market or a collection facility.

B. Bovine-Veal

1. Feed and Water

- a. All newborn calves must be fed colostrum, or a colostrum replacement, within the first 24 hours of life. Colostrum must be of sufficient quantity and quality to reasonably protect the health of the calf.

- b. Veal calves must receive feed and water of sufficient quantity and quality on a daily basis so as to help ensure growth and maintenance of normal body condition for the breed of animal.
- c. Drinking water and water for feed mixtures must be drinkable, fresh, and free from harmful contamination.
- d. If not provided ad-libitum access, special fed and bob veal calves must be fed two or more times per day following a regular routine.
- e. The responsible party must provide assistance for any veal calf unable to feed or drink on its own accord.
- f. The responsible party on all farms that house special fed and bob veal calves must have access to hot water for the purpose of sanitation and mixing milk-based liquid diet or milk replacer.
- g. The responsible party must provide clean feed storage areas and have adequate storage space for different classes of feed.
- h. All liquid mixing equipment must be inspected daily and properly cleaned and maintained.

2. Management

- a. Housing must provide a clean and safe environment that promotes the health, welfare and performance of veal calves at all stages of their lives.
- b. Lighting must be adequate to observe all calves during inspection; and if natural light is not available, artificial light must be provided for eight hours in every 24 hour period of sufficient intensity that calves can observe each other.
- c. Individual pens for veal calves must be in compliance with R.I. Gen. Laws § 4-1.1-1 *et seq.* and must allow for quality air circulation, permit opportunity for socialization between veal calves, with consideration given to ensuring the calf's health is maintained, allow the calves to stand without impediment, provide for normal resting postures, groom, eat, turn around, lie down and rest;
- d. Group pens for veal must be in compliance with R.I. Gen. Laws § 4-1.1-1 *et seq.*
 - (1) Must allow for quality air circulation, permit opportunity for socialization between veal calves, with consideration given to ensuring the calf's health is maintained, allow the calves

to stand without impediment, provide for normal resting postures, groom, eat, turn around, lie down and rest;

- (2) A maximum of two veal calves in an area of a minimum of 14 square feet per veal calf;
- (3) Calves of substantially different sizes must be separated from one another; and,
- (4) Veal calves must be monitored on a daily basis for nasal and cross sucking and be provided with intervention, such as movement to individual pens.

e. Tethering of veal calves may be used under the following conditions pursuant to R.I. Gen. Laws § 4-1.1-4:

- (1) During medical research.
- (2) Temporary confinement prior to and during examination, testing, individual treatment or operation for veterinary purposes.
- (3) During transportation.
- (4) During rodeo exhibitions, state or county fair exhibitions, 4-H programs, and similar exhibitions or educational programs.
- (5) During temporary confinement for animal husbandry purposes for no more than six (6) hours in any twenty-four (24) hour period unless ordered by a licensed veterinarian.
- (6) During the humane slaughter of a veal calf in accordance with the provisions of R.I. Gen. Laws Chapter 4-17, and other applicable laws and regulations.
- (7) To calves being trained to exhibit.
- (8) To calves being trained to accept routine confinement in dairy and beef housing.

C. Bovine-Dairy

- 1. Feed and water. All newborn calves must be fed colostrum, or a colostrum replacement within the first 24 hours of life. Colostrum must be of sufficient quantity and quality to reasonably protect the health of the calf.
- 2. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.

- a. Horn removal. Disbudding prior to eruption of the horn is permissible without pain management; for dehorning after eruption, pain management must be used;
 - b. Castration of cattle that are older than 5 months of age requires pain management;
 - c. Hoof trimming must occur at intervals to prevent excessive hoof growth, excessive chipping, or lameness.
 - d. Pursuant to R.I. Gen. Laws § 4-1-6.1, tail docking is prohibited unless otherwise allowed under R.I. Gen. Laws § 4-1-6.1(b) and the following:
 - (1) The animal has been adequately anesthetized to minimize the animal's pain and suffering during the treatment or operation.
 - (2) The procedure is performed by a licensed veterinarian.
 - (3) The procedure is done in a way that minimizes the long-term pain and suffering resulting from the procedure.
 - (4) The veterinarian uses suitable instruments.
 - (5) The procedure is done under hygienic conditions.
 - (6) The procedure is considered medically necessary.
3. All dairy cattle housing must meet the following requirements:
- a. Must provide a clean and safe environment that promotes the health, welfare and performance of dairy cattle at all stages of their lives;
 - b. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - c. Enclosures, including fencing, must be designed and maintained so as to minimize bruising and injury and provide for the safety of humans and other animals; and,
 - d. Light intensity must be adequate for observation during inspection.
4. Maternity/calf indoor housing must meet the following requirements:
- a. Maternity areas must be clean, dry, well ventilated and the light intensity adequate for observation;

- b. In maternity areas, there must be sufficient space to enable cows to separate themselves from other animals during labor; and,
 - c. Calves must be housed in a clean, dry area with space to stand, lie down, turn around and be protected from adverse weather.
5. Cow/Heifer indoor housing must meet the following requirements:
- a. Housing must be designed and maintained in a manner which:
 - (1) Seeks to minimize the effects of adverse weather; and,
 - (2) Provides ventilation to reduce concentrations of ammonia and dust.
 - b. Have a stocking density that allows for dairy cattle of all ages to easily lie down at the same time in normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - c. If free stalls, tie stalls or stanchions are used, they must be designed and maintained so that the length and width provides appropriate space to accommodate the size of the animal's body so that the animal is not forced to lie with her rear quarter contacting the alleyway or gutter;
 - d. If free stalls, tie stalls or stanchions are used, they must be cleaned regularly and bedding replenished regularly;
 - e. If bedded pack is used, it must be bedded regularly;
 - f. Feeding, watering areas and alleys must be cleaned on a regular basis so as to be free of continual standing water and excess manure that may compromise the animal's health and safety;
 - g. Alleys must be designed and maintained so as to minimize the potential for injury and bruising;
 - h. If tie stalls or stanchions are used, the animals must be provided with the opportunity for exercise, weather permitting; and,
 - i. If tie stalls or stanchions are used, the animals must have room to stand, lie down, eat, drink, defecate, and urinate comfortably.
6. Outdoor housing must meet the following requirements:

- a. Must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety;
 - b. If open lots are used, they must be maintained to promote proper drainage away from resting areas and feed and water; and,
 - c. During prolonged periods of wetness, the responsible party must ensure that cattle have access to feed and water.
- 7. Breeding bull housing must meet the following requirements:
 - a. Must allow bulls to easily stand up, lie down, and adopt a normal resting posture;
 - b. Must have a resting area that provides comfort, dryness and protection from adverse weather;
 - c. Feeding, watering areas and alleys must be cleaned on a regular basis and be free of continual standing water and excess manure that may compromise the animal's health and safety;
 - d. Alleys must be designed and maintained so as to minimize the potential for injury and bruising; and,
 - e. Enclosures, including fencing, must be designed and maintained so as to provide for the safety of humans and other animals.
- 8. Transportation. Calves with navels that have not dried after birth must not be loaded for transport to a terminal market, non-terminal market or a collection facility.

D. Bovine-Beef

- 1. Feed and water. All newborn calves must be offered colostrum, or a colostrum replacement within the first 24 hours of life.
- 2. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - a. For horn removal, disbudding prior to eruption is permissible without pain management; for dehorning after eruption, pain management must be used; and,
 - b. Castration of cattle that are older than 5 months of age requires pain management;

- c. Hoof trimming must occur at intervals to prevent excessive hoof growth, excessive chipping, or lameness.
- 3. All housing systems must meet the following requirements:
 - a. Must provide a clean and safe environment that promotes the health, welfare and performance of beef cattle at all stages of their lives;
 - b. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - c. Enclosures, including fencing, must be designed and maintained so as to minimize bruising and injury and provide for the safety of humans and other animals;
 - d. During calving, there must be sufficient space to enable cows to separate themselves from other animals; and,
 - e. Light intensity must be adequate for observation during inspection.
- 4. Indoor housing systems must meet the following requirements:
 - a. Have a stocking density that allows for all cattle to easily lie down at the same time in a normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - b. Housing must be designed and maintained in a manner which:
 - (1) Seeks to minimize the effects of adverse weather; and;
 - (2) Provides ventilation to reduce concentrations of ammonia and dust.
 - c. Feeding, watering areas and alleys must be cleaned on a regular basis so as to be free of continual standing water and excess manure that may compromise the animal's health and safety;
 - d. If bedded pack is used, it must be bedded regularly;
 - e. Alleys must be designed and maintained so as to minimize the potential for injury and bruising; and,
 - f. If tie stalls are used, the animals must be provided with the opportunity for exercise, weather permitting.

5. Outdoor housing systems must meet the following requirements:
 - a. Must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety;
 - b. If open lots are used, they must be maintained to promote proper drainage away from resting areas and feed and water; and,
 - c. During prolonged periods of wetness, the responsible party must ensure that cattle have access to feed and water.

E. Swine

1. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - a. Tusk trimming is an acceptable procedure, and if performed, must be performed in a humane manner taking care to cut the tusks level with the gums without damaging the gums.
 - b. Castration is an acceptable procedure, and if performed, must be performed at as young an age as is practical. Castration of boars that are older than 14 days of age requires pain management;
 - c. Tail docking is an acceptable procedure, and if performed, must be performed at as young an age as is practical. Docking the tail of swine that are older than 14 days of age animals requires pain management.
 - d. Hoof trimming must occur at intervals to prevent excessive hoof growth, excessive chipping, or lameness.
2. All swine housing systems must:
 - a. Have a stocking density that allows all pigs to easily lie down fully on their side at the same time without having to lie on each other and be able to easily stand back up at all stages of production, and in addition all animals can access feed and water without excessive competition;
 - b. Be regularly inspected and maintained by the responsible party to verify that all mechanical devices and the water and feed delivery system are in working condition;
 - c. Permit visual inspection of animals:

- (1) Light intensity must be adequate for observation during inspection; and,
 - (2) If natural light is not available, artificial light must be provided for at the least the normal period of daylight hours.
3. Allow sows and boars in stalls or pens to do each of the following:
 - a. Lie down fully on its side in full lateral recumbency without the head having to rest on a raised feeder and have the rear quarters coming in contact with the back of the stall or pen at the same time; and,
 - b. Stand without the back touching the top of the stall or pen.
 - c. The use of gestation crates for housing pregnant sows is prohibited pursuant to R.I. Gen. Laws § 4-1.1-1 *et seq.*
4. Outdoor housing for all stages of production must provide:
 - a. A regular, ample supply of bedding in cold weather;
 - b. Access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators; and,
 - c. A method to facilitate thermo-regulation, such as a natural wallow.
5. Farrowing Sow and Piglet Housing must:
 - a. Be clean, dry and sanitary;
 - b. Provide effective protection and appropriate thermal environment for the piglets and comfort for the sow; and,
 - c. Be designed to maximize neo-natal piglet welfare, and farrowing stalls can be used on all new and existing farms.
6. All sows farrowing outdoors must be provided with:
 - a. Shade for farrowing in hot weather; and,
 - b. Shelter from prevailing winds and a regular, ample supply of bedding to minimize frost bite for farrowing in cold weather.
7. Post weaning indoor housing systems must meet the following conditions:
 - a. In mechanically ventilated facilities, weaned piglets must be housed in clean, dry, well-heated, draft-free facilities;

- b. Indoor housing systems that have no mechanical heating or ventilation systems must:
 - (1) Adequately protect pigs from direct sunlight and adverse weather conditions;
 - (2) Provide supplemental heat or a regular, ample supply of bedding in cold weather; and,
 - (3) Have water and feed supply systems that function properly and be readily accessible under all weather conditions.
- 8. Indoor housing systems for breeding, gestating sows and gilts must meet the following conditions:
 - a. Mixing must be done in a manner which minimizes aggression and the risk of injury;
 - b. Pens for breeding should have non-slip floors and must be large enough for comfortable movement during breeding activities.
 - c. Pens may be used for breeding and gestation;
 - d. Gestation stalls are prohibited pursuant to R.I. Gen. Laws § 4-1.1-1 *et seq.*
- 9. In boar housing systems, the unnecessary mixing or the introduction of new animals into established groups must be avoided to minimize aggression and the risk of injury.
- 10. Transportation. If transportation of a sow with her suckling litter is necessary, the sow must be segregated from all other animals during transport and the litter must be protected appropriately.

F. Poultry-Layers

- 1. Feed and Water
 - a. Water may be withheld based on specific direction, written or verbal, of a licensed veterinarian and only for the period of time specified by the veterinarian; or,
 - b. Water may be restricted or withheld temporarily by the responsible party in circumstances such as:
 - (1) Preparation for administration of vaccines or medication in the water;
 - (2) Preparation for transportation; or,

- (3) Specific management practices, according to the farm's operating procedures.

2. Management

- a. The responsible party must catch, lift, and move poultry humanely.
- b. Birds may be caught or carried by both legs, and are not to be caught, carried or lifted by the head, neck, a single leg, or tail.
- c. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - (1) Beak conditioning;
 - (2) Toenail conditioning;
 - (3) Dubbing; and;
- d. Induced molting: If induced molting is used, the following conditions must also be met:
 - (1) Must use only non-feed withdrawal methods;
 - (2) Layers must be fed a maintenance ration for non-producing layers and must have access to a sufficient amount of water;
 - (3) The light period must be reduced to no fewer than six hours in closed houses, or to natural day length in open houses, for the duration of the rest period. When the flock is placed back on a layer diet, lights should be returned to the normal layer program; and,
 - (4) During molt, flock health, mortality and bird weight must be monitored.
- e. Environmental management must be designed to control rodents, non-beneficial insects, and parasite infestation in the birds, as it applies to the flock's housing system.

3. All poultry housing systems must meet the following requirements:

- a. Housing must provide a clean and safe environment that promotes the health, welfare and performance of layers at all stages of their lives;
- b. Bedding, if provided, must be of a good quality and absorbent;

- c. Environmental moisture must be managed, whether birds are housed indoors or outdoors, to promote flock health and welfare;
- d. Maximum stocking densities must allow all poultry:
 - (1) To rest at the same time without being forced to rest on top of each other at all stages of production; and,
 - (2) To have access to feed and water without excessive competition that prevents the individual animals from maintaining normal body condition.
- e. Housing must be designed and maintained in a manner which:
 - (1) Seeks to minimize the effects of adverse weather conditions;
 - (2) Seeks to minimize conditions in which the bird cannot effectively thermo-regulate;
 - (3) Provides sufficient ventilation to reduce concentrations of carbon monoxide, ammonia and dust; and,
 - (4) Provides backup systems in working condition, in houses/barns that require mechanized ventilation.
 - (5) Light intensity must be adequate for observation during inspection; and,
 - (6) If natural light is not available, artificial light must be provided for rearing and production.
- f. Conventional battery cage systems must meet the following requirements:
 - (1) Existing facilities, as defined above, are allowed to continue using existing conventional caging systems until July 1st, 2034 after which time any replacement cages must provide a minimum of 116 square inches per hen. Systems installed after the adoption of these Rules and Regulations must be such that manure from birds in upper cage levels does not drop directly on birds in lower level cages;
 - (2) The slope of the cage floor must not exceed eight degrees;
 - (3) New farmers who wish to use conventional caging systems must provide 116 square inches per hen;

- (4) An existing layer/pullet farm, after the adoption of this standard, is not precluded from an expansion using current cage housing systems; and,
 - (5) Conventional battery cages systems may not be installed, after the effective date of the rule, on any farm not defined as an existing facility unless they provide a minimum of 116 square inches per hen;
 - (6) Any housing system on an existing facility may be replaced with the same housing system in the case of a catastrophic event (including but not limited to fire, flood, wind or building collapse) that requires new construction to replace the existing housing system, however any system that is installed must be in compliance with the minimum area requirement of 116 square inches per hen after July 1st, 2034.
 - g. Enriched cage systems must, at a minimum, comply with § 5.8(F)(3)(f) of this Part.
 - h. Cage-free housing systems must meet the following requirements:
 - (1) Cage-free housing systems installed after the effective date of this rule must provide a minimum of 144 square inches per layer;
 - (2) If perches are provided, they must be positioned to minimize fecal fouling of layers, feeders and waterers below;
 - (3) If multi-tiered perches are used, each tier must allow hens to safely access other vertical tiers, including the floor;
 - (4) If nests are provided, they must be cleaned as necessary to ensure that manure does not accumulate;
 - (5) For cage-free systems installed prior to the implementation date of these standards, the responsible party must meet §§ 5.8(F)(3)(h)(1) through 5.8(F)(3)(h)(4) of this Part within five years after the effective date of this rule; and,
 - (6) Cage-free layers with access to the outdoors must be provided reasonable protection from adverse weather conditions and predators.
- 4. Transportation: The density in poultry conveyances must allow the birds to rest at the same time without being forced to rest on top of each other.

G. Poultry-Broilers:

1. Feed and water

- a. Water may be withheld based on specific direction, written or verbal, of a licensed veterinarian and only for the period of time specified by the veterinarian; or,
- b. Water may be restricted or withheld temporarily by the responsible party in circumstances such as:
 - (1) Preparation for administration of vaccines or medication in the water;
 - (2) Preparation for transportation; or,
 - (3) Specific management practices, according to the farm's operating procedures.

2. Management

- a. The responsible party must catch, lift and move poultry humanely.
- b. Birds may be caught or carried by both legs, and are not to be caught, carried or lifted by the head, neck, a single leg, or tail.
- c. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - (1) Beak conditioning;
 - (2) Male back toe conditioning;
 - (3) Dubbing;
 - (4) Caponizing; and,
- d. Environmental management must be designed to control rodents, non-beneficial insects, and parasite infestation in the birds to the degree that the animals' health is not impaired.

3. Housing for broilers and broiler breeders must meet all of the following conditions:

- a. Must provide a clean and safe environment that promotes the health, welfare and performance of broilers/broiler breeders at all stages of their lives;
- b. Bedding, if provided, must be of a good quality and absorbent;

- c. Environmental moisture must be managed, whether birds are housed indoors or outdoors, to promote flock health and welfare;
 - d. Stocking densities must allow all broilers to rest at the same time without being forced to rest on top of each other at all stages of production and, in addition, all broilers must be able to access feed and water without excessive competition that prevents individuals in the flock from maintaining normal body condition;
 - e. Housing must be designed in a manner which:
 - (1) Seeks to minimize the effects of adverse weather conditions;
 - (2) Seeks to minimize conditions in which the bird cannot effectively thermo-regulate;
 - (3) Provides sufficient ventilation to reduce concentrations of carbon monoxide, ammonia and dust; and,
 - (4) Provides backup systems in working condition, in houses/barns that require mechanized ventilation;
 - (5) Light intensity must be adequate for observation during inspection;
 - (6) If natural light is not available, artificial light must be provided for rearing and production; and,
 - (7) Free-range/pastured broilers must be provided reasonable protection from adverse weather conditions and predators.
 - f. Broiler Breeders housing must meet the following conditions:
 - (1) If slats are used, the slats must be designed and maintained so as to minimize bruising and injury;
 - (2) Where slats are used, if birds get under the slats they must be removed immediately;
 - (3) Introduction of new broiler breeder males must be done in a manner which seeks to minimize aggression and the risk of injury; and,
 - (4) If nest space is provided, they must be cleaned as necessary to ensure that manure does not accumulate.
4. Transportation. The density in poultry conveyances must allow the birds to rest at the same time without being forced to rest on top of each other.

H. Poultry Breeders:

1. Feed and water

- a. Water may be withheld based on specific direction, written or verbal, of a licensed veterinarian and only for the period of time specified by the veterinarian; or
- b. Water may be restricted or withheld temporarily by the responsible party in circumstances such as:
 - (1) Preparation for administration of vaccines or medication in the water;
 - (2) Preparation for transportation; or,
 - (3) Specific management procedures, according to the farm's operating procedures.

2. Management

- a. The responsible party must catch, lift and move poultry humanely.
- b. Birds may be caught or carried by both legs, and are not to be caught, carried or lifted by the head, neck, a single leg, or tail.
- c. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - (1) Beak conditioning;
 - (2) Toenail conditioning;
 - (3) Dewclaw conditioning;
 - (4) Snood conditioning; and,
- d. Induced molting, which must also meet all of the following conditions:
 - (1) Must use only non-feed withdrawal methods;
 - (2) Turkey breeders must be fed a maintenance ration for non-producing breeders;
 - (3) The light period must be reduced to no fewer than six hours in closed houses, or to natural day length in open houses, for the duration of the rest period. When the flock is placed

back on a production diet, lights should be returned to the normal program; and,

- (4) During molt, flock health, mortality and bird weight must be monitored;
 - e. Environmental management must be designed to control rodents, non-beneficial insects, and parasite infestation in the birds, as it applies to the flock's housing system.
3. Housing for turkeys and turkey breeders must meet all of the following conditions:
- a. Must provide a clean and safe environment that promotes the health, welfare and performance of turkeys/turkey breeders at all stages of their lives;
 - b. Bedding, if provided, must be of a good quality and absorbent;
 - c. Environmental moisture must be managed, whether birds are housed indoors or outdoors, to promote flock health and welfare; and,
 - d. Stocking densities must allow all turkeys to rest at the same time without being forced to rest on each other at all stages of production, and in addition all turkeys must be able to access feed and water without excessive competition that prevents individuals in the flock from maintaining normal body condition; and,
 - e. Housing must be designed in a manner which:
 - (1) Seeks to minimize the effects of adverse weather conditions;
 - (2) Seeks to minimize conditions in which the bird cannot effectively thermo-regulate;
 - (3) Provides sufficient ventilation to reduce concentrations of carbon monoxide, ammonia and dust; and,
 - (4) Provides backup systems in working condition, in houses/barns that require mechanized ventilation;
 - f. Light intensity must be adequate for observation during inspection;
 - g. If natural light is not available, artificial light must be provided for rearing and production; and;

- h. Free-range/pastured turkeys must be provided reasonable protection from adverse weather conditions and predators.
- i. Turkey breeder housing must meet the following conditions:
 - (1) Introduction of new turkeys must be done in a manner which seeks to minimize aggression and the risk of injury;
 - (2) If nest space is provided, they must be cleaned as necessary to ensure that manure does not accumulate.
- j. Transportation. The density in poultry conveyances must allow the birds to rest at the same time without being forced to rest on top of each other.

I. Ovine

- 1. Feed and water. All newborn lambs must be offered colostrum, or a colostrum replacement within the first 24 hours of life.
- 2. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - a. Castration of rams that are older than 14 days of age must use pain management;
 - b. Tail docking of sheep that are older than 14 days of age must use pain management;
 - c. Breeds of sheep that do not naturally shed their hair/wool must be shorn regularly; and,
 - d. The responsible party must seek to minimize the risk of fly strike by utilizing such methods to include, but not limited to, shearing and crutching. The practice of mulesing (cutting strips of skin from the hindquarters of lambs or sheep) is expressly prohibited.
 - e. Dehorning of sheep should not be performed but non-sensitive tissue of larger horns may be trimmed to prevent injury to the animal.
 - f. Hoof trimming must occur at intervals to prevent excessive hoof growth, excessive chipping, or lameness.
- 3. All housing must meet the following requirements:
 - a. Must provide a clean and safe environment that promotes the health, welfare and performance of sheep at all stages of their lives;

- b. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - c. Enclosures, including fencing, must be designed and maintained so as to minimize bruising and injury and provide for the safety of humans and other animals;
 - d. During lambing there must be sufficient space to enable ewes to separate themselves from other animals; and,
 - e. Light intensity must be adequate for observation during inspection.
- 4. Indoor housing systems must meet the following requirements:
 - a. Have a stocking density that allows for all sheep to easily lie down at the same time in a normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - b. Housing must be designed and maintained in a manner which:
 - (1) Seeks to minimize the effects of adverse weather; and,
 - (2) Provides ventilation to reduce concentrations of ammonia and dust;
 - c. Feeding, watering areas and alleys must be cleaned on a regular basis so as to be free of continual standing water and excess manure that may compromise the animal's health and safety;
 - d. Alleys must be designed and maintained so as to minimize the potential for injury and bruising; and,
- 5. Outdoor housing systems must meet the following requirements:
 - a. Must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety;
 - b. If open lots are used, they must be maintained to promote proper drainage away from resting areas and feed and water; and,
 - c. During prolonged periods of wetness, the responsible party must ensure that sheep have access to feed and water.

J. Caprine:

1. Feed and water. All newborn kids must be offered colostrum, or a colostrum replacement within the first 24 hours of life.
2. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - a. For horn removal, disbudding prior to eruption is permissible without pain management; for dehorning after eruption, pain management must be used, and the dehorning of adult goats must only be performed by a licensed veterinarian; and,
 - b. Castration of bucks that are older than 14 days of age must use pain management;
 - c. Breeds of goats that do not naturally shed their hair must be shorn regularly.
3. All housing systems must meet the following requirements:
 - a. Must provide a clean and safe environment that promotes the health, welfare and performance of goats at all stages of their lives;
 - b. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - c. Enclosures, including fencing, must be designed and maintained so as to minimize bruising and injury and provide for the safety of humans and other animals;
 - d. During kidding there must be sufficient space to enable does to separate themselves from other animals; and,
 - e. Light intensity must be adequate for observation during inspection.
4. Indoor housing systems must meet the following requirements:
 - a. Have a stocking density that allows for all goats to easily lie down at the same time in a normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - b. Feeding, watering areas and alleys must be cleaned on a regular basis so as to be free of continual standing water and excess manure that may compromise the animal's health and safety;

- c. Alleys must be designed and maintained so as to minimize the potential for injury and bruising; and,
- 5. Outdoor housing systems must meet the following requirements:
 - a. Must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety;
 - b. If open lots are used, they must be maintained to promote proper drainage away from resting areas and feed and water; and,
 - c. During prolonged periods of wetness, the responsible party must ensure that goats have access to feed and water.
- 6. If used, tack and/or harness must fit properly and be well maintained so as to minimize the potential for injuries.

K. Camelid

- 1. Feed and water. All newborn crias must be offered colostrum, or a colostrum replacement within the first 24 hours of life.
- 2. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - a. The responsible party must ensure that castration is performed by a licensed veterinarian.
 - b. The following livestock management procedures are required and must be performed in a humane manner:
 - (1) Co-mingled adult males must have their fighting teeth conditioned.
 - (2) Toe nail care to maintain a functional condition; and;
 - (3) During hot weather, the responsible party shall seek to minimize heat stress for camelids using methods including, but not limited to: shearing, mechanical ventilation, or other cooling methods.
- 3. All housing systems must meet the following requirements:
 - a. Must provide a clean and safe environment that promotes the health, welfare and performance of camelids at all stages of their lives;

- b. Camelids must be provided with the opportunity for socialization with a herding animal, which may include but not be limited to: camelids, sheep, goats, or other herding livestock;
 - c. Have a stocking density that allows for all camelids to easily lie down at the same time in a normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - d. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - e. Enclosures, including fencing, must be designed and maintained so as to minimize injury and provide for the safety of humans and other animals; and,
 - f. Light intensity must be adequate for observation during inspection.
4. Indoor housing systems must meet the following requirements:
- a. Seeks to minimize the effects of adverse weather; and;
 - b. Provides ventilation to reduce concentrations of ammonia and dust; and,
 - c. When box stalls, pens or other enclosures are used, they must be cleaned regularly;
 - d. Camelids must be provided with a clean, dry area for lying down; and,
 - e. If an animal is confined in a box stall, pen or other enclosure, the responsible party must provide access for regular exercise unless medically prohibited.
5. Outdoor housing systems must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety.
6. If used, tack and/or harness must fit properly and be well maintained so as to minimize the potential for injuries.
7. Transportation. Camelids must be able to stand so that their backs do not touch the top of the transport conveyance, and the density of the load must allow all animals to lie down at the same time.

L. Equine

1. Feed and water. All newborn foals must be offered colostrum, or a colostrum replacement within the first 24 hours of life.
2. Management. The following livestock management procedures are acceptable and, if performed, must be performed in a humane manner.
 - a. The responsible party must ensure that castration is performed by a licensed veterinarian; and,
 - b. Shearing of horses in the winter must be done so in compliance with the provisions of R.I. Gen. Laws § 4-1-6-1 *et seq.*
 - c. The responsible party must monitor regularly for the condition and ensure that the hooves are regularly trimmed to prevent overgrowth, cracking, chipping, and lameness.
3. All housing systems must meet the following requirements:
 - a. Must provide a clean and safe environment that promotes the health, welfare and performance of equines at all stages of their lives;
 - b. Have a stocking density that allows for all equines to easily lie down at the same time in a normal resting posture and be able to easily stand back up at all stages of production, and in addition all animals must be able to access feed and water without excessive competition;
 - c. Must provide access to facilities or natural features that provide reasonable protection from adverse weather conditions and predators;
 - d. Enclosures, including fencing, must be designed and maintained so as to minimize injury and provide for the safety of humans and other animals;
 - e. Environmental management must be designed to control parasite infestation and minimize insect infestations;
 - f. Light intensity must be adequate for observation during inspection.
4. Indoor housing systems must meet the following requirements:
 - a. If a stall is used, the stall must be cleaned regularly. If bedding is used the bedding must be replenished regularly with clean, good quality, and absorbent bedding; and,

- b. If confined in a stall, the responsible party must provide access for exercise as necessary to maintain the health of the animal.
- 5. Outdoor housing systems must meet the following requirements:
 - a. Must seek to minimize prolonged exposure to adverse environmental conditions that compromise the animal's health and safety; and,
 - b. If open lots are used, they must be maintained to promote proper drainage away from resting areas and feed and water.
- 6. Tack and/or harness must fit properly and be well maintained so as to minimize the potential for injuries.
- 7. At non-terminal markets, sales, and auctions the responsible party must provide a dry area so that all equines can lie down at the same time and be protected from adverse weather. If maintained for more than eight hours at such facilities, equines must be provided access to feed and water.
- 8. Transportation
 - a. Suckling foals must be transported separately from other animals and must be transported with their dams, unless the health and safety of the foal is compromised;
 - b. Stallions and jacks must be separated from other equines during transport;
 - c. Use of double decked trailers for equine transportation is prohibited in state pursuant to R.I. Gen. Laws § 4-1-39;
 - d. Non-ambulatory disabled equine must not be loaded for transport except for treatment;
 - e. Equines must be able to stand upright in their normal position without their heads, exclusive of the ears, touching the top of the conveyance.

5.9 Violations

Any person, firm or corporation who violates any provision of these regulations shall be subject, upon conviction after a hearing, to a fine of five hundred dollars (\$500.00) for the first offense and not to exceed one thousand dollars (\$1000.00) for the second offense and any subsequent offense. Any offense may result in the seizure of animals by the Department. The cost of the care for any animal seized by the Department under the authority of these Rules and Regulations is

the responsibility of the owner of the animal at the time of seizure. Each day for which the violation persists without remedy shall constitute a separate violation.

5.10 Enforcement

Any employee of the Department of Environmental Management, Division of Agriculture and the Department of Environmental Management, Division of Law Enforcement is empowered and authorized to enforce any of the provisions in these Rules and Regulations.

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TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 40 - AGRICULTURE AND RESOURCE MARKETING

SUBCHAPTER 05 - ANIMAL HEALTH

PART 5 - RULES AND REGULATIONS GOVERNING LIVESTOCK WELFARE (250-RICR-40-05-5)

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