

The Legislative Commission to
Review Administrative Rules

JUL 20 1994

July 20, 1994

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH
119 AGRICULTURE BLDG.
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ST. PAUL, MN 55107
(612) 296-2942

M. Hruby

Ms. Maryanne V. Hruby, Executive Director
Legislative Commission to Review Administrative Rules
55 State Office Building
100 Constitution Avenue
St. Paul, Minnesota 55155

Re: In the Matter of Proposed Rules of the Minnesota Board of Animal Health Relating to Importation of Swine, Pseudorabies Control, Pseudorabies Requirements for Exhibition, Sale of Swine at Markets and Other Sales, Sale of Swine at State-Federal Markets, and Sale of Swine at Public Stockyards.

Dear Ms. Hruby:

The Minnesota Board of Animal Health intends to adopt rules governing Importation of Swine, Pseudorabies Control, Pseudorabies Requirements for Exhibition, Sale of Swine at Markets and Other Sales, Sale of Swine at State-Federal Markets, and Sale of Swine at Public Stockyards. We plan to publish a Notice Of Intent To Adopt Rules in the August 8, 1994, State Register.

As required by Minnesota Statutes, sections 14.131 and 14.23, the Board of Animal Health has prepared a Statement of Need and Reasonableness which is now available to the public. Also as required, a copy of the Statement is enclosed with this letter.

For your information, we are also enclosing a copy of the Notice Of Intent To Adopt Rules and a copy of the proposed Rules in this matter.

If you have any questions about these rules, please contact me at 296-2942 ext. 21.

Yours very truly,

Paul L. Anderson

Paul L. Anderson, DVM, MS
Swine Diseases Division

enclosures: Statement of Need and Reasonableness
Notice of Intent to Adopt Rules
Rules



Minnesota Board of Animal Health

In the Matter of the Proposed Adoption
of the Rules of the Board of Animal
Health Governing Importation of Swine
1700.2590-1700.3010, Pseudorabies Control
1705.2400-1705.2530, Pseudorabies
Requirements for Exhibition 1715.0105,
Sale of Swine at Markets and Other Sales
1715.0550, Sale of Swine at State-Federal
Markets 1715.0705, Sale of Swine at Public
Stockyards 1715.1450.

STATEMENT OF NEED
AND REASONABLENESS

General Statement

The Minnesota Board of Animal Health ("Board") has rules governing the control and eradication of pseudorabies from the domestic swine population in Minnesota (1700.2590-1700.3010, 1705.2400-1705.2530, 1715.0105, 1715.0550, 1715.0705, 1715.1450). The Board is proposing to amend these rules in response to changes in the State/Federal pseudorabies eradication program, to technological advances in regard to pseudorabies vaccines and serologic laboratory tests, and to the changing needs of the pork-producing industry both in Minnesota and nationally.

Proposed amendments include:

1. **Qualified Negative Gene-Altered Vaccinated Herd (QNV)** - There is a need to recognize qualified negative gene-altered vaccinated herd status. This status is relatively new and is for herds that are pseudorabies vaccinated and are established to sell breeding stock. There is demand from the swine industry to be able to sell breeding stock from herds in pseudorabies endemic areas that are vaccinated with pseudorabies vaccine. Recognition of this status will give owners of vaccinated herds the same opportunities to sell breeding swine as owners of non-vaccinated herds. It is reasonable because such herds are recognized nationally and laboratory tests are available that can differentiate between vaccinated and infected swine. Sale of swine from QNV herds does not increase the risk of spreading pseudorabies.
2. **Approved Differential Pseudorabies Tests** - There is a need to recognize approved differential pseudorabies tests for movement of swine. These tests are used to differentiate vaccinated swine from infected swine. Recognition of these tests is needed because the swine industry is asking for permission to move vaccinated swine on negative differential tests. Amended rule will allow intrastate movement of differential test negative vaccinated swine. It is reasonable because scientific research

and practical experience indicate that these tests are sensitive and specific enough to be acceptable for such purposes.

3. **Program Stages** - There is a need to recognize the pseudorabies status of states or areas when regulations are made for movement of swine.

A document called Pseudorabies Program Standards (see bibliography for reference) was developed by state, federal, and industry leaders to guide the program to eradicate pseudorabies from the domestic swine population in the United States. Although the Program Standards do not have the effect of law, they were established so that eradication programs in different states are conducted with uniformity and so that interstate movement of swine is not impeded. In these Standards, five Stages have been defined that describe steps in the progress of a state or area toward pseudorabies eradication. Stage I is Preparation. Stage II is Control. Stage III is Mandatory Herd Cleanup. Stage IV is Surveillance. Stage V is Free.

Recognition of these Stages is needed because federal and state restrictions on movement of swine are determined by the Stage of the state or area where swine originate. Recognition of state or area Stages will insure uniform restrictions on interstate movement of swine. Minnesota rules need to be parallel with Program Standards so that interstate swine trade is not impaired.

It is reasonable to establish restrictions on swine movement based on Stages because the risk of moving infected swine decreases as the Stage of an area increases.

4. **Swine Semen and Embryos** - There is a need to establish requirements for movement of swine semen and embryos. This is needed because it is required in the Code of Federal Regulations. Amended rules will require that semen and embryos originate from swine which otherwise meet requirements for movement of breeding swine. It is reasonable because there is a risk, however slight, of transmission of pseudorabies through swine semen and embryos.

5. **Movement of Swine** - There is a need to clarify language regarding movement of swine "within" and "out of" swine herds. This is needed because rapid vertical and horizontal growth in the swine industry has changed the way swine herds are structured. Ownership issues have become complicated and have little to do with herd operation. Also, there is a trend in the swine industry toward multiple site production. In amended rules, language will define "swine herd" and regulations will focus on movement of swine between sites instead of on change of ownership. This is reasonable because disease control is dependent on controlling movement of pigs and has little to do with who owns them.

6. **Testing in Quarantined Herds** - There is a need to establish requirements for surveillance testing in quarantined swine herds. This is because progress toward cleanup of infected herds is dependent on regular surveillance and evaluation of herd pseudorabies status. Most infected herds are already being tested regularly and are making good progress toward cleanup. It has been requested by swine industry leaders that owners of all infected herds be required to demonstrate progress toward cleanup. Proposed rules will require surveillance tests every 12 months for infected herds in Stage II counties and surveillance tests every six months for infected herds in Stage III or IV counties. This is reasonable because surveillance tests in infected herds are conducted at state/federal expense, and are essential to adequately assess herd cleanup progress.

7. **Approved Premises** - There is a need to increase restrictions on movement of swine to approved premises. Approved premises are quarantined swine premises that are allowed to receive feeder pigs from infected herds. Amended rules will phase out approved premises in Minnesota counties that are granted Stage III or higher status. This is reasonable because movement of infected pigs into counties with little or no infection is contrary to program goals.

8. **Quarantine Release** - There is a need to increase the degree of statistical confidence required to release quarantines in Stage III counties or areas. Amended rule will require an official random sample (95/5) instead of (95/10) to release quarantine in Stage III counties.

An official random sample (95/10) is a number of pigs determined by a statistical formula (maximum 29 head) that will assure a 95% confidence of detecting one infected pig if 10% of the pigs in the herd are infected.

An official random sample (95/5) is a number of pigs determined by a statistical formula (maximum 59 head) that will assure a 95% confidence of detecting one infected pig if 5% of the pigs in the herd are infected.

It is reasonable to increase the confidence level with which quarantines are released in low prevalence areas. Incorrect release of quarantines from infected herds is contrary to program goals and increases the risk of virus spread. This is especially true in low prevalence areas.

9. **Feeder Pig Identification** - There is a need to accept the shoulder slap tattoo as a means of identification for feeder pigs. It is currently recognized in the Code of Federal Regulations. Amended rule will allow it to be used in Minnesota. It is reasonable because it is efficient for the producer to apply and is easy to read.

10. **Qualified Negative Herd** - There is a need to modify testing schedules for qualified herds. Guidelines in Program Standards require fewer pigs to be tested to maintain qualified negative herd status than is required by current rule. Amended rules will reduce the number of pigs tested in qualified herds to levels which are required in Program Standards. It will also reduce the financial burden of maintaining a qualified herd for Minnesota swine seed stock producers. It is reasonable because scientific research and practical experience indicate that testing requirements in the Program Standards are adequate to assure that only pseudorabies negative breeding swine are sold.

11. **Controlled Vaccinated Herd** - There is a need to eliminate controlled vaccinated herd status. This status was established early in the eradication program as a means to allow owners of vaccinated herds to sell breeding stock. This was before differential vaccines were developed and before laboratory tests were developed to differentiate between vaccinated and infected swine. This herd status is no longer recognized in Program Standards because there are now better methods for testing vaccinated swine herds. Amended rule will no longer recognize controlled vaccinated herd status. This is reasonable because owners of these herds will be allowed to convert their herds to qualified negative gene-altered vaccinated herd status and be able to continue selling breeding stock.

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Whenever the Board considers amending the rules for control and eradication of pseudorabies, input is sought from the swine industry. The Board of Animal Health has a standing pseudorabies advisory committee made up of members who represent the Minnesota Veterinary Medical Association, Minnesota Pork Producers Association, Minnesota Livestock Marketing Association, Minnesota Livestock Breeders Association, Minnesota State Cattlemen's Association, University of Minnesota College of Veterinary Medicine, University of Minnesota College of Agriculture Department of Animal Science, Minnesota Purebred Swine Producers Association, Minnesota Feeder Pig Association, Minnesota Farm Bureau, Minnesota Farmer's Union, and the United States Department of Agriculture Animal and Plant Inspection Service - Veterinary Services Division. This committee was consulted on the proposed changes on August 20, 1993, and on June 17, 1994.

A Notice of Solicitation of Outside Information or Opinions regarding these amendments was mailed to each member of the advisory committee and to all people on the Board's rulemaking request list on March 29, 1994. This notice also appeared in the April 11, 1994, issue of the *State Register*.

In developing the proposed amendments, regulations for the

eradication and control of pseudorabies on a national level were considered. These regulations are found in two documents, the Code of Federal Regulations Title 9, and the Pseudorabies Eradication State-Federal-Industry Program Standards.

The Board has determined that the proposed rule is non-controversial and that amending the rule is in the best interest of the livestock industry of the state and is not detrimental to the public health, safety, or general welfare. The proposed changes are supported by the pork-producing industry and others affected by the rule, and were, developed in response to needs expressed by the industry.

Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Sections 14.22-14.28.

This statement of need and reasonableness was completed prior to the date that the proposed rule was published in the *State Register*.

Statutory Authority

Minnesota Statutes, Section 35.03 requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. More specifically, Minnesota Statutes, Section 35.255 requires the Board to adopt rules to implement a program to control pseudorabies in swine.

Small Business Considerations

The amendments to the rules relating to pseudorabies eradication have a direct effect on small businesses engaged in swine production. Specific methods for reducing the impact of the rules on these producers have been considered. Without jeopardizing the statutory objectives of the eradication program, the impact of the rules on swine producers has been reduced. In general, proposed amendments will decrease testing requirements, simplify regulations, and exempt swine producers from certain requirements.

1. **QNV Herds** - For producers with pseudorabies vaccinated herds that want to sell breeding swine, recognition of the qualified negative gene-altered vaccinated herd will decrease testing requirements and simplify swine sales. Currently, producers with vaccinated herds have to test all breeding swine to be sold, or may not be able to sell at all. Under proposed rules, these producers would be able to qualify their herds the same as producers who do not vaccinate. The net effect will reduce testing and save producers money.

2. **Approved Differential Tests** - For producers that vaccinate swine for pseudorabies, changes in the rule will allow for their pigs to be sold, exhibited, and moved to other locations. Such movement is prohibited under current rule. These changes are less stringent than current requirements, and will simplify rules relating to movement of swine.

3. **Program Stages** - For producers that import or export swine, recognition of state and area Stages will reduce the number of breeding swine that must be retested for pseudorabies. Under current regulations, all breeding swine that are imported into Minnesota must be held separate and a percentage must be retested between 30 and 60 days following importation. Proposed amendments to the rule will eliminate this requirement for breeding swine originating from Stage III, IV, or V states or areas. This would exempt approximately 75% of imported breeding swine from the retest requirement. The net effect of the changes for the producer is to simplify requirements and decrease expenses.

4. **Semen and Embryos** - Producers that sell swine semen and embryos will have to test donor swine. This requirement is necessary to meet the statutory objectives of the pseudorabies eradication program.

5. **Movement of Swine** - Clarifying the definition of a "swine herd" and revising language concerning movement of swine "within" and "out of" swine herds will make testing requirements for many producers less stringent and will save producers money. It will also provide guidelines for testing requirements when ownership issues are complicated.

6. **Testing in Quarantined Herds** - Establishing requirements for surveillance testing in quarantined herds will increase testing requirements for these herds. Most producers with quarantined herds are already meeting or exceeding proposed requirements. At this point in the pseudorabies eradication program, failure to survey all infected herds on a regular basis is contrary to program objectives. These changes are in direct response to recommendations from the swine industry.

7. **Approved Premises** - Restrictions on the location of approved premises is necessary to meet statutory objectives and will not have an adverse effect on producers.

8. **Quarantine Release** - Amendments to rules for quarantine release will decrease testing requirements for some producers and increase requirements for others depending on the program Stage of the producer's county. On a percentage basis, approximately 10% of swine producers with infected herds (approximately 60 producers) will have to test more pigs to get off quarantine. The impact of this increase is minimal because these tests are

conducted at no cost to the producer.

9. **Feeder Pig Identification** - Identification of feeder pigs by slap shoulder tattoo will make identification of pigs easier and less expensive for producers and market managers.

10. **Qualified Negative Herds** - For most producers with qualified negative and qualified negative gene-altered vaccinated herds, changes in the rule will decrease the number of pigs that have to be tested to maintain this status and still allow for the sale of breeding swine. This will save these producers both time and money.

11. **Controlled Vaccinated Herds** - Elimination of controlled vaccinated herd status will have minimal impact. The two producers in the state with these herds will be able to convert to qualified negative gene-altered status and continue to operate without interruption. The switch to this new status is possible because of advances in technology.

Departmental Charges Imposed By The Rules

Minnesota Statutes, section 16A.1285, does not apply because the rules do not establish or adjust charges for goods and services, licenses, or regulation.

Fiscal Impact

Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

Agricultural Land Impact

Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Other Statutory Requirements

Minnesota Statutes, sections 115.43, subdivision 1, and 116.07, subdivision 6, regarding pollution control and Minnesota Statutes, section 144A.29, subdivision 4, regarding nursing homes are not applicable to these rules.

Witnesses

If these rules go to a public hearing, the witnesses listed below may testify on behalf of the Board of Animal Health in support of the need for and reasonableness of the rules. The witnesses will be available to answer questions about the development and the content of the rules.

Dr. Thomas J. Hagerty, Executive Secretary, Board of Animal Health, 90 West Plato Boulevard, St Paul MN 55107

Dr. John Landman, Pseudorabies Division Head, Board of Animal Health, 90 West Plato Boulevard, St Paul MN 55107

Dr. Paul Anderson, Swine Diseases Division Head, Board of Animal Health, 90 West Plato Boulevard, St Paul MN 55107

Rule-By-Rule Analysis

IMPORTATION OF SWINE 1700.2590-1700.3010

1700.2590 Definitions

Subpart 4. Pseudorabies monitored herd. There is a need to refer to part 1705.2474 for the definition of a monitored herd instead of defining it in this part. This is because the definition in part 1705.2474 is more complex than what is presented in this part. By referring to 1705.2474, the definition of a monitored herd will be complete and accurate. By using the referral, the rest of the language in this part may be deleted. This is reasonable because the most comprehensive definition of a monitored herd will always be located in part 1705.2474.

1700.2600 Importation of swine from herds or areas under quarantine.

1700.2650 Permits

Language is needed to exempt swine that originate from Stage III, IV, or V states or areas from permit requirements. This is so that requirements in Program Standards will be met. The effect of this change is that veterinarians will not be required to obtain a permit from the Board to send breeding swine into Minnesota if these swine originate from Stage III, IV, or V states or areas. This change is reasonable because these requirements are in agreement with Program Standards and importation practices in other states. Experience indicates that breeding swine imported from these areas pose little risk for transmission of pseudorabies.

Other changes involve deletion of unnecessary language.

1700.2700 Requirement for certificate of veterinary inspection.

1700.2800 Contents of certificate of veterinary inspection.

Language is needed here to recognize qualified negative gene-altered vaccinated herd status (QNV) and distinguish it from qualified pseudorabies-negative herd status (QN). The effect of this change is that breeding swine may be imported into Minnesota from either type of herd. This is reasonable because it is in agreement with Program Standards and has been requested by the industry. Breeding stock from QNV herds pose no increased risk for transmission of pseudorabies.

Language has been added to recognize breeding swine that originate from Stage III, IV, or V states or areas. This is

needed because import requirements will be less stringent for breeding swine from these areas. Under the proposed amendment, breeding swine from Stage III, IV, or V states will no longer need to be retested for pseudorabies in Minnesota. This is reasonable because Stage III, IV, and V areas are free from the disease or of very low prevalence.

Brucellosis testing was added as a requirement for importation of feral swine. This is needed because feral swine are at high risk of being infected with pseudorabies and brucellosis. The amended rule would require both tests within 30 days of entrance. This requirement is reasonable because it is sound disease control practice.

The reference to the definition of Program Stages has been changed to 1705.2400 subpart 6d. This is needed and reasonable because that subpart contains a new definition.

Other changes are strictly housekeeping. Run on sentences and unclear language have been corrected.

1700.2850 Feeder Swine

The qualified negative gene-altered vaccinated herd (QNV) needs to be recognized as a legitimate source for imported feeder pigs. With proposed amendments, feeder pigs may enter Minnesota if they originate from a QNV herd. This is reasonable because these herds are recognized in Program Standards and are widely recognized as a safe source of pigs by other states.

1700.2900 Breeding Swine

This part was divided into three subparts. This is needed for clarity and for distinction between pre-entry test requirements, post-entry retest requirements, and transportation requirements. This is reasonable because it will clarify regulations for the reader.

Subpart 1. Testing Requirements. A new title needs to be added to this subpart for clarity.

B. The qualified negative gene-altered vaccinated herd (QNV) needs to be recognized as a legitimate source for imported breeding swine. With proposed amendments, breeding swine may enter Minnesota if they originate from a QNV herd. This is reasonable because these herds are recognized in Program Standards and are widely recognized as a safe source of breeding swine by other states.

There is a need to allow for the importation of

breeding swine from Stage IV or V States or areas without test in order to meet guidelines in Program Standards. Amended rule will allow for such movement. It is reasonable because Stage IV and V states or areas are "free" from pseudorabies.

Changes in punctuation are housekeeping only.

Subpart 2. Retesting requirements. This part has been placed in its own subpart with a new title for clarity. This is needed and reasonable because this section addresses retesting requirements as opposed to pre-entry test requirements.

Language needs to be added to exempt breeding swine from the requirement for post-entry retest if they originate from a Stage III, IV, or V state or area. Breeding swine that originate from Stage III, IV, or V areas will no longer have to enter Minnesota under permit or be retested for pseudorabies after entry. This is reasonable because it is recognized as acceptable practice by the United States Department of Agriculture - Animal and Plant Health Inspection Service (USDA-APHIS) and by other states.

If breeding swine imports must be retested, the time period in which herd additions must be retested needs to be changed to between 15 and 60 days after arrival in order to accommodate modern swine practices. This is reasonable because swine that are exposed to pseudorabies in transit will test positive within 15 days post exposure. Infected imports will not be missed by decreasing the minimum retest interval to 15 days.

Subpart 3. Transportation. This part has been placed in its own subpart with a new title for clarity.

1700.2950 Importation of Swine Semen and Embryos

This is a new part. It needs to be added because importation of swine semen and embryos is not specifically regulated under existing rule. Under amended rule, swine semen and embryos will have to originate from swine breeding stock that would otherwise meet importation requirements for breeding swine. It is reasonable because it is required in Title 9, Code of Federal Regulations for interstate movement of swine semen and embryos and it an accepted practice for control of pseudorabies.

1700.3010 Restriction of Imported Feeding Swine

A. Redundant language needs to be deleted. This is reasonable because the same statement is made in the first

sentence of this part.

C. This new paragraph is needed so that an option, other than slaughter, exists for disposition of imported feeding swine. Under amended rule, imported feeding swine may be sold for purposes other than slaughter if they are individually tested for pseudorabies within 30 days of movement. It is reasonable because it is a safe and accepted method to take mature feeding swine and sell or save them for breeding purposes.

PSEUDORABIES CONTROL AND ERADICATION 1705.2400-1705.2530

1705.2400 Definitions

Subpart 1b. Approved differential pseudorabies test. A definition of "approved differential pseudorabies test" is needed. Differential tests were developed as a result of new laboratory technology. Such tests can differentiate between swine that are vaccinated with gene-deleted pseudorabies vaccines and swine that are infected with field strain pseudorabies virus. These tests are recognized in many parts of these amended rules. It is reasonable because these tests are recognized and approved in Title 9, Code of Federal Regulations, and because scientific research and practical experience indicate that the tests are sensitive and specific enough for program use.

Subpart 1c. Approved offspring segregation plan. This subpart was renumbered to maintain the alphabetic order of definitions.

Language concerning "approval of the Board" is needed for clarity of intent. Adding this language does not change the effect of the rule. The Board has always required prior approval for offspring segregation.

Subpart 1d. Approved premises. This subpart was renumbered to maintain the alphabetic order of definitions. The word "feedlot" was replaced with the word "premises" to maintain continuity of terminology in the rule.

Subpart 3. Breeding Herd; and

Subpart 3d. Finishing herd. Because the definition of a "herd" will be added to the rule, these definitions can be simplified. Language is stricken that is outdated such as the reference to one premises. Language is also stricken which refers to blood testing because it is covered in more detail in other parts of the rule. This is reasonable

because these changes do not change the meaning of either definition.

Subpart 3e. Herd. This new definition is needed because changes in the swine industry have altered the way swine herds are structured. Recent changes have led to the development of complex swine operations. These operations are often located on multiple premises and may be owned by multiple people or other types of legal entities. In order to administer the pseudorabies eradication program fairly and effectively, it is essential to have a clear definition of a swine "herd".

Throughout the rules for control and eradication of pseudorabies, there are regulations which restrict how and when swine can move from one site to another. These regulations are very different for swine that move *within* a swine herd as opposed to swine that move *between* swine herds.

This definition will help producers, veterinarians, and regulators better understand how pseudorabies rules apply to both simple and complex swine operations.

This definition is reasonable because it views a functional swine production system as a herd regardless of the number of production sites or the complexities of ownership issues. Effective disease control is contingent on regulation of animal movement, but has little to do with ownership issues.

This definition also has a historical foundation. Similar definitions of a "herd" can be found in Title 9 Code of Federal Regulations 85.1, and in Board of Animal Health Rules 1705.0060 Subpart 3, and 1705.1550 Subpart 3. These definitions have been used effectively as a foundation for regulations concerning animal movement and disease control.

Subpart 5a. Low-prevalence pseudorabies area. Wording in this part needs to be updated to include Stage IV and Stage V as low-prevalence pseudorabies areas. This is reasonable because this is how low prevalence areas are defined in the State-Federal-Industry Program Standards.

Wording about surveillance systems in Stage III areas has been deleted because it is covered in detail under Subpart 6d.

Other changes are strictly housekeeping.

Subpart 6. Official pseudorabies test. There is a need to distinguish between the words "official" and "approved" when referring to pseudorabies tests that are described in Title

9 Code of Federal Regulations 85.1. Many tests are approved by the United States Department of Agriculture, but only certain tests are official for movement of swine.

Changing this wording will clarify which pseudorabies tests are "official", but will not change the administration of the program or the effect of the rule.

Language regarding lists of official tests is unnecessary and will be stricken in proposed rules. Lists of official tests are available in Title 9, Code of Federal Regulations, Chapter 85.

Subparts 6a and 6b. Official random sample tests. There is a need to define and distinguish between an official random sample test that has a 95 percent chance of detecting infection if 10 percent of the herd is infected, versus an official random sample test that has a 95 percent chance of detecting infection if 5 percent of the herd is infected.

These definitions will provide clear guidelines for using these statistical sampling techniques to detect pseudorabies infected herds with two different confidence levels.

It is reasonable because these sampling schemes are accepted statistical procedures and because they are accepted in Program Standards.

Other changes are strictly housekeeping.

Subpart 6c. Owner's notice of shipment. Change is only in numbering to maintain alphabetic order of definitions.

Subpart 6d. Program stages of the national pseudorabies eradication program. The five "Program Stages" need to be defined in the rule because they have become accepted widely in the swine industry, are defined in the State-Federal-Industry Program Standards, and are used as criteria for regulating the movement of swine in Minnesota and other states.

These definitions will clarify what constitutes a Stage area, and will be referenced throughout the rule.

These definitions are reasonable because they have been reviewed and accepted by the swine industry and by regulators at federal and state levels.

Subpart 7. Pseudorabies controlled vaccinated herd. This subpart needs to be repealed because controlled vaccinated herd status will be eliminated from the national pseudorabies eradication program. This status was

established early in the eradication program as a means to allow owners of vaccinated herds to sell breeding stock. This was before differential vaccines were developed and before laboratory tests were developed to differentiate between vaccinated and infected swine. In amended rule, this herd status will be eliminated. It is no longer recognized in Program Standards and there are better methods for testing vaccinated swine herds. It is reasonable because owners of these herds may convert their herds to qualified negative gene-altered vaccinated herd status at little or no additional expense and continue to sell breeding stock.

Subpart 7a. Pseudorabies monitored herd. This part was renumbered to maintain the alphabetic order of definitions.

Subparts 7b, 7c, 8. Qualified herds. These definitions are needed to define qualified negative herds, and further define qualified negative gene-altered vaccinated (QNV) herds, and qualified pseudorabies negative (QN) herds. Qualified herds are swine herds that are established to sell breeding stock. The difference is that the QN herd is not vaccinated for pseudorabies and the QNV herd is vaccinated.

This is needed because there is a demand in the swine industry to sell breeding stock from QNV herds. It is reasonable because such herds are recognized nationally and laboratory tests are available that can differentiate between vaccinated and infected swine.

In addition, there is a need to decrease the amount of time that a swine herd must be free of pseudorabies in order to become a qualified herd. This change would require the herd to be free for 90 days instead of 6 months. It is reasonable because pseudorabies virus never survives in the environment for more than 90 days.

Subpart 9. Quarantined herd. Language throughout the rule that refers to quarantine because of refusal to test needs to be deleted. Swine herds are only quarantined if they are infected with pseudorabies virus. If a swine producer refuses to test his herd when it is required by rule, the swine producer is subject to civil penalties (Minnesota Statutes 35.95) and criminal penalties (Minnesota Statutes 35.96). Deleting this language is reasonable because it will not change the way the eradication program is administered.

1705.2410 Pseudorabies Test Procedures

1705.2420 Disease Reporting

1705.2430 Infected Herd Quarantine and Disposal Procedures

Subpart 2. Epidemiological investigation. Language throughout the rule that refers to quarantine because of refusal to test needs to be deleted. Swine herds are only quarantined if they are infected with pseudorabies virus. If a swine producer refuses to test his herd when it is required by rule, the swine producer is subject to civil penalties (Minnesota Statutes 35.95) and criminal penalties (Minnesota Statutes 35.96). Deleting this language is reasonable because it will not change the way the eradication program is administered.

Other changes are strictly housekeeping in nature and eliminate language that is redundant.

Subpart 3. Permitted disposal. Language that is changed in the first sentence of this part is only for purposes of clarity and does not change the effect of the rule.

The last paragraph of this part needs to be deleted because it is redundant, is covered more adequately in A, B, or C of this part, and is confusing. Deletion of this language does not change the effect of the rule.

A. The word "only" needs to be deleted because it is not appropriate for the intent of this part.

B. The word "only" needs to be deleted because it is not appropriate for the intent of this part.

Language referring to how an approved premises is operated needs to be deleted from this part because it is covered in detail in part 1705.2434.

C. Language in this part needs to be reorganized for clarity, but the effect of the rule is unchanged.

Subpart 4. Movement to another location. The first clause of the first sentence needs to be deleted because it serves no purpose and adds nothing to the rule.

Language referring to movement of pigs that "remain within a quarantined herd" needs to be added to this part to make certain that the reader understands that Subpart 4 refers only to swine that do not leave the herd. This does not change the effect of the rule; it is only for clarification.

This part needs to be divided into four parts for clarity. Language was added to the first sentence so that the reader

understands that all the conditions must be met in order to move quarantined swine to a new location within the same herd.

A. Language was added to make the statement complete as a stand alone sentence. The effect of the rule was not changed.

B. In order to conform to requirements in Program Standards and continue to move toward Stage V (Free) status, language needs to be added to prohibit the movement of pigs from infected herds to new locations within Stage III counties-or areas. This is reasonable because it is required to meet requirements in the national eradication program and because moving infected swine into low prevalence areas is contrary to the objectives of the eradication program.

Language needs to be added to this part to permit such movement under two very specific sets of circumstances. Such movement would be allowed as part of an approved offspring segregation plan and only if the herd of origin is also located in a Stage III area. Offspring segregation has been shown, through research and practical experience, to be an effective method for eradicating pseudorabies from an infected herd. Swine producers in Stage III counties need to have offspring segregation as an option for herd cleanup.

Such movement would also be allowed if a herd or part of a herd is located within a Stage III county at the time the initial quarantine is issued. Under such circumstances, the herd owner may continue to house infected swine on the site. This is needed because it is not the intent of the eradication program to put swine producers out of business because their herd becomes infected. This part of the rule is intended to prevent owners of infected herds from placing infected pigs within Stage III counties if the site is obtained for expansion of the herd. This additional language is reasonable because it is consistent with Program Standards, with program objectives, and has been requested by industry leaders and the Board of Animal Health Advisory Committee.

C. In order to conform to requirements in Program Standards and continue to move toward Stage V (Free) status, language needs to be added to prohibit the movement of pigs from infected herds to a location within Stage IV or V counties or areas. This is reasonable because it is required to meet requirements in the national eradication program and because moving

infected swine into free counties would be contrary to the objectives of the eradication program.

D. Language was added to make the statement complete as a stand alone sentence.

Under the current rule, swine are not allowed to be moved from a quarantined herd to a new location within the Northern Zone. Language needs to be added to this part to permit such movement under one very specific set of circumstances. Such movement would be allowed as part of an approved offspring segregation plan and only if the herd of origin is also located in the Northern Zone. Offspring segregation has been shown, through research and practical experience, to be an effective method for eradicating pseudorabies from an infected herd. Swine producers in the Northern Zone need to have offspring segregation as an option for herd cleanup.

This change is reasonable because infected pigs from the Southern Zone will still be prohibited from moving into the Northern Zone, and because pigs that move to a new location from an infected herd in the Northern Zone have a high probability of being free from the disease and pose minimal risk for spreading pseudorabies.

E. Language was added to make the statement complete as a stand alone sentence.

Language referring to controlled vaccinated herds was deleted because this herd classification is to be repealed.

Language was added to clarify that if a herd or one site of a herd is located within two miles of a qualified herd at the time the initial quarantine is issued, the herd owner may continue to house infected swine on the site. This is needed because it is not the intent of the eradication program to put swine producers out of business because their herd becomes infected. This part of the rule is and always has been intended to prevent owners of infected herds from placing infected pigs within two miles of a qualified herd if the site is obtained for expansion of the herd. This additional language is reasonable because it clarifies policy which has been in place for many years and does not place new or increased restrictions on movement of swine.

Language describing quarantine procedures needs to be deleted because it is redundant and is covered in

detail in 1705.2430 subpart 1.

F. Language referring to herd cleanup plans needs to be deleted because it is redundant and is covered in detail in 1705.2476 subpart 8.

1705.2434 Approved Premises Procedures

Subpart 1. Qualifications. "Feedlot" is changed to "premises" throughout this part for consistency.

Redundant language in the first paragraph needs to be deleted for clarity.

Other language was deleted or added strictly for improvement of grammar and clarity and does not change the effect of the rule.

Subpart 2. Location. Extra and unnecessary language needs to be deleted for clarity.

Reference to Stage IV and Stage V areas needs to be added to clarify that approved premises may not be located in a county or area that has been declared Stage III or higher. This is reasonable because it does not change the effect of the rule.

Language referring to controlled vaccinated herds was deleted because this herd classification is to be repealed.

Approved premises are not permitted within two miles of a qualified herd or a herd that is in the process of becoming a qualified herd. Language is needed to clarify what constitutes "in the process of becoming" a qualified herd. If "as indicated by board records" is added, producers would be required to be on record as indicating intent before a decision is made to allow the establishment of an approved premises. This is reasonable because no producer should be able to block the establishment of an approved premises by claiming, after the fact, that he or she intended to become a qualified herd.

In order to move the eradication program forward, there is a need to phase out existing approved premises which are located in counties that attain Stage III, IV, or V status. This is reasonable because movement of swine under quarantine into these areas is otherwise prohibited under the rule and continued operation of approved premises in free areas may increase the risk of spread of pseudorabies. Existing approved premises would be allowed one year to discontinue purchasing pigs from infected herds, but would be allowed to continue operation as a quarantined herd,

purchase pigs from monitored herds, and begin a herd cleanup plan similar to those of other infected herds.

Subpart 3. Notification of neighbors. This part needs to be repealed because it is redundant and is covered more appropriately in 1705.2500.

Subpart 4. Annual renewal. "Feedlot" is changed to "premises" for consistency.

Subpart 5. Continued operation of approved premises. Reference to controlled vaccinated herds is stricken because this status will no longer be recognized.

1705.2440 Release of Quarantine

Subpart 1. Methods. Numbering of paragraphs in this section needs to be changed because there are five distinctly different methods of quarantine release described. It is important that the reader be able to quickly recognize the beginning and end of each section. The change is reasonable because it is only for clarity and does not change the effect of the rule.

B. Test and removal: Reference to subitem 1 or 2 needs to be deleted because the paragraphs in this section have been reorganized.

"An official" in reference to pseudorabies tests needs to be deleted because any "approved" pseudorabies test may be used for quarantine release.

Language directed at size of testing samples needs to be changed to refer to an official random sample (95/10). This is because of the addition of official random sample (95/10) and (95/5) definitions in part 1705.2400.

The requirement for a second whole herd test for quarantine release in Stage III or IV counties needs to be removed. This would allow herds in Stage III or IV counties to be released from quarantine immediately following one negative test of the entire herd. This is reasonable because research and practical experience indicate that the risk of incorrectly releasing quarantine on an infected herd by using this technique is not significant. Basis for not requiring this second test is also supported in Program Standards.

C. Official random sample: "Official random sample" has been added to this section for clarification of the third method for quarantine release. This terminology

is accepted and standard in Program Standards.

Language directed at size of testing samples needs to be changed to refer to an official random sample (95/10) or (95/5). This is because of the addition of official random sample (95/10) and (95/5) definitions in part 1705.2400.

In counties or areas that are designated as Stage III, sampling size for quarantine release needs to be increased to the 95/5 confidence level. This is reasonable because incorrectly releasing a herd from quarantine in a low prevalence area could jeopardize the eradication program and subsequent advancement of the area to Stage V. This sampling scheme is also in agreement with Program Standards.

Subpart 2. Vaccination titres. Changes in the first paragraph are to correct poor sentence structure and do not change the effect of the rule.

D. "At owner's expense" needs to be deleted because the Board pays for epidemiological testing.

A "monitoring" sample is the appropriate number of swine to be tested for an epidemiologic investigation. This sample size needs to be used instead of current language. Language referring to 20 head is outdated and fails to meet statistical criteria that are currently accepted by the swine industry.

Subpart 3. Ten day period for release. Changes here are housekeeping in nature. Quarantine on livestock other than swine is released if there are no signs in "those livestock". The term "herd" is vague in this case, and there actually may be signs in the swine herd and no signs in other livestock.

1705.2450 Pseudorabies Trace to Source or Destination Herds.

Subpart 1. Information furnished; and
Subpart 2. Pseudorabies diagnosed in recently purchased swine. There is a need to change the time period for tracebacks from twelve to six months. Twelve months is not a realistic time frame because feeding swine and many breeding swine will be slaughtered or will not be traceable before twelve months elapses. Six months is more realistic and will still provide a large enough window to determine where infection came from or where it may have been spread.

Subpart 3. Refusal to test. Language throughout the rule that refers to quarantine because of refusal to test needs to be deleted. Swine herds are only quarantined if they are infected with pseudorabies virus. If a swine producer refuses to test his herd when it is required by rule, the swine producer is subject to civil penalties (Minnesota Statutes 35.95) and criminal penalties (Minnesota Statutes 35.96). Deleting this language is reasonable because it will not change the way the eradication program is administered.

Subpart 4. Owners expense. Changes in this part are strictly housekeeping.

1705.2460 Intrastate Movement of Breeding Swine

Subpart 1. Requirements for movement. The title of this part needs to be changed to "requirements for movement" because a "health certificate" is only one of many requirements in this part. Also, this section needs to be divided into three parts for clarity.

There is a need in this part to separate movement of swine "within a herd" from movement for other purposes. Movement of non-infected breeding swine within the same herd has always been and will continue to be allowed without restriction, even when multiple sites are involved. This is reasonable because each "herd" is monitored for pseudorabies status and movement of swine within the herd will not increase the risk of spread of pseudorabies.

Language in this part that refers to "sell, lease, exhibit, loan, or move for contract farrowing" needs to be deleted. Ownership issues in swine production are complicated and have little to do with herd operation or disease control. Regulations must be based on whether the "movement" of swine between sites constitutes movement "within" or "out of" a herd. This is reasonable because disease control is dependent on "movement" of pigs and has little to do with ownership issues.

Language needs to be added to allow intrastate movement of breeding swine on an "approved differential test" or if breeding swine originate from a "qualified negative gene-altered vaccinate herd" (QNV). This is reasonable because both provisions have been requested by the swine industry, and have been shown to be appropriate for assuring that only pseudorabies negative breeding swine are allowed to move. Scientific research and practical experience indicate that the approved differential pseudorabies tests are sensitive

and specific enough to be acceptable for such purposes.

Language referring to "controlled vaccinated" herd status needs to be deleted because this status will no longer be recognized. It is reasonable because owners of these herds can convert their herds to qualified negative gene-altered vaccinated herd status and continue to sell breeding stock.

Other wording changes in this part are housekeeping in nature.

Subpart 3. Restricted-movement identification. Reference needs to be made in this part to subpart 1 for identification requirements. This is reasonable because requirements for "restricted-movement" breeding swine are the same as for other breeding swine.

Subpart 8b. Sale of swine semen and embryos. This part needs to be added because intrastate movement of swine semen and embryos is not specifically regulated under existing rule. Under amended rule, swine semen and embryos that move out of a herd will have to originate from swine breeding stock that would otherwise meet requirements for movement of breeding swine. It is reasonable because it is required in Title 9, Code of Federal Regulations for interstate movement of swine semen and embryos and it an accepted practice for control of pseudorabies.

Subpart 9. Sale without test. This part needs to be deleted because "sale" will no longer be used as a criteria for regulation of swine movement. If swine are sold, but do not move from the premises of origin, the herd's pseudorabies status will transfer to the new owner without restriction. This is reasonable because change of ownership of swine does not increase the risk of pseudorabies spread if the swine do not move from the original site.

1705.2470 Intrastate Movement of Feeder Pigs.

Subpart 1. Requirements for movement. The title needs to be changed to "requirements for movement" because it more appropriately describes this subpart.

Language needs to be added to allow intrastate movement of feeding swine if they originate from a "qualified negative gene-altered vaccinate herd" (QNV). This is reasonable because this herd status has been shown to be appropriate for assuring that only pseudorabies negative feeding swine are allowed to move.

Language referring to "controlled vaccinated" herd status needs to be deleted because this status will no longer be

recognized. It is reasonable because owners of these herds can convert their herds to qualified negative gene-altered vaccinated herd status and continue to sell feeder pigs.

Other changes are strictly housekeeping and are to improve grammar and clarity of this subpart.

Subpart 1b. Feeder pig identification. Language needs to be added to recognize the shoulder slap tattoo as an accepted way to identify feeder pigs. This is reasonable because it is accepted by Federal Code, is efficient for the producer to apply, and is easy to read.

Subpart 2a. Movement into Northern Zone. This subpart needs to be deleted because it is redundant and adds nothing to the rule.

Subpart 4. Restricted-movement feeder pigs purchased for resale.

B. "Restricted movement certificate" is defined and is more correct than "document explaining the restricted movement feeder pig status".

1705.2472 Northern and Southern Zones.

Subpart 1. Zoning of State. Due to present and previous amendments to the rule, this part has been reduced to one topic; how Minnesota is zoned for purposes of controlling and eradicating pseudorabies. For this reason, the title needs to be changed and the subparts are no longer necessary.

Subpart 3. Participation in the national pseudorabies eradication program. This part needs to be repealed because all points are covered more appropriately in other parts of the rule.

1705.2474 Pseudorabies Monitored Herd Procedures.

Subpart 2. Proof of herd status.

C. Language needs to be added to allow intrastate movement of feeding swine if they originate from a "qualified negative gene-altered vaccinate herd" (QNV). This is reasonable because this herd status has been shown to be appropriate for assuring that only pseudorabies negative feeding swine are allowed to move.

Language referring to "controlled vaccinated" herd

status needs to be deleted because this status will no longer be recognized. It is reasonable because owners of these herds can convert their herds to qualified negative gene-altered vaccinated herd status and continue to sell feeder pigs.

D. Changes are grammatical only.

Subpart 3. Annual remonitoring. Language needs to be added so that requirements in this subpart are consistent with requirements in 1705.2476 subpart 7. Under that subpart, annual "remonitoring" is no longer required when the county in which the herd is located becomes a Stage III, IV, or V area. This is reasonable because the effect of the rule is not changed, separate parts of the rule will be more consistent, and because these requirements are consistent with Program Standards.

Language also needs to be added to identify circumstances where annual remonitoring may still be required, even when the area in which a herd is located becomes Stage III, IV, or V. Such circumstances exist when slaughter surveillance or first point of sale surveillance systems cannot be used due to widespread use of pseudorabies vaccine. In these areas, slaughter surveillance tests or first point of sale tests are not practical systems because non-differential tests are used, and vaccinated as well as infected swine would all test positive for pseudorabies. Annual remonitoring must be continued in areas of widespread vaccine use because it is the only way to correctly diagnose the pseudorabies status of herds and maintain the Stage status of the county or area. This requirement is reasonable because accurate pseudorabies surveillance systems are required for advancement in the national eradication program and it is the only surveillance system that will work in areas where vaccine is widely used.

1705.2476 Pseudorabies Surveillance and Control of Spread.

Subpart 1. Purpose. Language is added here to more accurately describe the purpose of pseudorabies surveillance and control programs. It does not change the effect of the rule.

Subpart 4. Circle testing around all new qualified herds. Language referring to "controlled vaccinated" herd status needs to be deleted because this status will no longer be recognized. It is reasonable because owners of these herds can convert their herds to qualified negative gene-altered vaccinated herd status and continue to sell feeder pigs.

Language needs to be added to include qualified negative

gene-altered vaccinated herds (QNV) as a type of qualified herd in the circle test requirement. Circle tests must be conducted around all qualified herds, including the QNV herd. This is reasonable because both types of qualified herds are established for the purpose of selling breeding stock and are to be afforded the same protection against spread of pseudorabies.

Language throughout the rule that refers to quarantine because of refusal to test needs to be deleted. Swine herds are only quarantined if they are infected with pseudorabies virus. If a swine producer refuses to test his herd when it is required by rule, the swine producer is subject to civil penalties (Minnesota Statutes 35.95) and criminal penalties (Minnesota Statutes 35.96). Deleting this language is reasonable because it will not change the way the eradication program is administered.

Subpart 5. Cleanup of herds disclosed to be positive near qualified herds. Language referring to preserving Minnesota's bloodlines needs to be deleted because it is editorial and outdated.

Language referring to "controlled vaccinated" herd status needs to be deleted because this status will no longer be recognized. It is reasonable because owners of these herds can convert their herds to qualified negative gene-altered vaccinated herd status and continue to be protected as qualified herds under this part.

A. Language referring to "90 days" needs to be used here instead of "three month period" for clarity.

Language needs to be changed so that producers must be on a cleanup plan "and" vaccinate all breeding swine. This is reasonable because vaccination is known to be an effective part of a cleanup plan and will reduce the amount of virus shed by infected swine.

Subpart 6. Circle testing around quarantined herds. Outdated language in this subpart needs to be deleted and replaced by "all new quarantined herds". This is reasonable because it eliminates unnecessary language and does not change the effect of the rule.

Language referring to "controlled vaccinated" herd status needs to be deleted because this status will no longer be recognized. It is reasonable because owners of these herds can convert their herds to qualified negative gene-altered vaccinated herd status and continue to be recognized as qualified herds under this part.

Language throughout the rule that refers to quarantine because of refusal to test needs to be deleted. Swine herds are only quarantined if they are infected with pseudorabies virus. If a swine producer refuses to test his herd when it is required by rule, the swine producer is subject to civil penalties (Minnesota Statutes 35.95) and criminal penalties (Minnesota Statutes 35.96). Deleting this language is reasonable because it will not change the way the eradication program is administered.

Subpart 7. Mandatory herd monitoring. Reference to part 1705.2474 needs to be added as a cross reference to the complete section on monitored herd procedures.

Exception needs to be made to the "at owner's expense" statement because annual remonitoring is paid for with state/federal funds if such funds are available.

Language needs to be added to identify circumstances where annual remonitoring may still be required, even when the area in which a herd is located becomes Stage III, IV, or V. Such circumstances exist when slaughter surveillance or first point of sale surveillance systems cannot be used due to widespread use of pseudorabies vaccine. In these areas, slaughter surveillance tests or first point of sale tests are not practical systems because non-differential tests are used and vaccinated as well as infected swine would all test positive for pseudorabies. Annual remonitoring must be continued in areas of widespread vaccine use because it is the only way to correctly diagnose the pseudorabies status of herds and maintain the Stage status of the county or area. This requirement is reasonable because accurate pseudorabies surveillance systems are required for advancement in the national eradication program and it is the only surveillance system that will work in areas where vaccine is widely used.

Subpart 8. Quarantined herd cleanup. Several changes need to be made in this section in order to respond to directives from swine industry leaders to put more pressure on owners of quarantined herds to demonstrate progress toward herd cleanup. These changes are also needed to meet the goal of the national pseudorabies eradication program to have eradication of pseudorabies in the United States complete by the year 2000.

First, proposed rules will require that herd cleanup plans be filed with the Board office within 90 days of the date of the original quarantine. Second, each herd cleanup plan will have to be updated each year. Third, official random sample tests (95/10) will have to be conducted every twelve

months in quarantined herds located in Stage I or II counties. Official random sample tests (95/5) will have to be conducted every 6 months in quarantined herds located in Stage III, IV, or V counties. This testing is to be paid by state/federal funds if such funds are available. However, if state/federal funds are not available, this testing must be completed at owner's expense.

These changes are reasonable because the amount of testing required for most quarantined herds will not be different than that which owners of monitored negative herds throughout the state have had to test each year since 1988. This testing will not create undue financial strain on quarantined herd owners because it will be conducted at state/federal expense. Most importantly, these changes are reasonable because they are essential in order to assure that pseudorabies quarantined swine herds make progress toward eradication of the disease.

1705.2480 Qualified pseudorabies-negative herd procedures.

There is a need to modify testing schedules for qualified herds. Guidelines in Program Standards require less pigs to be tested to maintain qualified negative herd status than is required by current rule. Amended rule will reduce the number of pigs tested in qualified herds to levels which are required in Program Standards. It will also reduce the financial burden of maintaining a qualified herd for Minnesota swine seed stock producers.

Under proposed rules, Qualified herds would test 20% of the breeding herd every 90 days, a sample of not more than 30 head of offspring on the breeding herd site every 90 days, and an official random sample (95/10) of offspring on each remote site every 30 days.

It is reasonable because scientific research and practical experience indicate that testing requirements in the Program Standards are strict enough to assure that only pseudorabies negative breeding swine are sold.

Subpart 1. Qualifications.

A. There is a need to decrease the amount of time that a swine herd must be free of pseudorabies in order to become a qualified herd. This change would require the herd to be free for 90 days instead of 6 months. It is reasonable because modern techniques for herd pseudorabies cleanup have been shown to be effective when applied over short periods of time.

C. There is a need to clarify that testing of offspring in this paragraph refers to offspring that are on the "same premises" as the breeding herd. This is reasonable because it does not change the effect of the rule and is only for clarification.

D. There is a need to require testing of offspring over four months of age located on remote sites in order to ensure that only pseudorabies negative swine are sold. Amended rule will require a monthly random sample (95/10) of offspring over 4 months of age on each remote site that is part of a qualified herd. This is reasonable because sample size is based on accepted statistical sampling procedures, and because Program Standards requires similar testing on remote sites.

E. Renumbered only for clarity.

Subpart 2. Qualified pseudorabies-negative herd certificate. "Pseudorabies-negative" is added in order to maintain consistent language throughout the rule.

Subpart 3. Requalification. "Official pseudorabies" test is added for clarification. It does not change the effect of the rule.

The number of swine to be tested every 80 to 100 days needs to be reduced from 25 to 20 percent in order to bring Minnesota rule into agreement with Program Standards. This is reasonable because it is accepted practice in the swine industry and it has been shown to be adequate to ensure the sale of pseudorabies negative breeding swine.

Reference to offspring testing is for clarity only and does not change the rule.

Reference to requiring tests on all breeding swine once, and only once, each year needs to be deleted because it is outdated and is not in agreement with Program Standards.

The paragraph on testing schedules needs to be reorganized in outline form for clarity. Language has also been added to help the reader identify which section applies to quarterly test schedules and which section applies to monthly test schedules. These grammatical alterations will not change the effect of the rule.

A(1) and B(1). Swine producers may test 20 percent of the breeding herd every 90 days or test 7 percent of the breeding herd every 30 days to meet requirements for testing in the breeding herd.

A(2) and B(2). Swine producers may meet the requirement for testing offspring "located on the same premises as the breeding herd" (1705.2480 subpart 1-C) by testing a maximum of 30 head every 90 days or by testing a maximum of 10 head every 30 days.

A(3) and B(3). Swine producers will have to test an official random sample (95/10) of offspring every 30 days on each remote site to meet requirements of this part.

Reference to testing all swine if 10 or fewer breeding swine are in the herd is outdated and needs to be deleted.

Other changes in this part are strictly housekeeping.

Subpart 4. Qualification canceled, regained. There is a need to decrease the amount of time that a swine herd must be free of pseudorabies in order to become a qualified herd. This change would require the herd to be free for 90 days instead of 6 months. It is reasonable because pseudorabies virus never survives in the environment for more than 90 days.

Subpart 5. Testing purchased additions. Language needs to be added to clarify that only "official" tests are allowed for swine to be added to qualified pseudorabies-negative herds. This change is for clarity only.

The time period in which herd additions must be retested needs to be changed to between 15 and 45 days after arrival in order to accommodate modern swine practices. This is reasonable because swine that are exposed to pseudorabies in transit will test positive within 15 days post exposure. Infected herd additions will not be missed by decreasing the minimum retest interval to 15 days.

Subpart 6. Additions from qualified herds. The requirement for isolation and retest of herd additions that originate from other qualified herds needs to be deleted in order to bring Minnesota rules into agreement with Program Standards. This is reasonable because research and practical experience indicate that risk of pseudorabies spread from other qualified herds is negligible.

Subpart 7. Swine returned to a qualified pseudorabies-negative herd. The time period in which swine returned to qualified herds must be retested needs to be changed to between 15 and 45 days after arrival in order to accommodate modern swine practices. This is reasonable because swine that are exposed to pseudorabies in transit will test positive within 15 days post exposure. Infected herd

additions will not be missed by decreasing the minimum retest interval to 15 days.

Other changes in this part are housekeeping and are to ensure consistency of language and grammar.

1705.2482 Qualified Negative Gene-Altered Vaccinated Herd Procedures

There is a need to recognize qualified negative gene-altered vaccinated herd status. This status is new and is for herds that are pseudorabies vaccinated and that are established to sell breeding stock. There is demand from the swine industry to be able to sell breeding stock from herds in pseudorabies endemic areas that are vaccinated with pseudorabies vaccine. Recognition of this status will give owners of vaccinated herds the same opportunities to sell breeding swine as owners of non-vaccinated herds. It is reasonable because such herds are recognized nationally and laboratory tests are available that can differentiate between vaccinated and infected swine. Sale of swine from QNV herds does not increase the risk of spreading pseudorabies.

Guidelines for QNV herds are the same as guidelines for QN herds (1705.2480), except for the following:

Subpart 1. Qualifications.

B. In addition to "official pseudorabies tests", "approved differential tests" may be used for qualification in QNV herds.

F. It is required that all swine over 6 months of age be vaccinated with only one type of differential vaccine to maintain QNV status. This is reasonable because the rationale behind QNV status is to give breeding swine some protection against pseudorabies by the use of vaccine. Only one vaccine is to be used in a herd so that the appropriate differential pseudorabies test can be used for diagnostic tests.

G. QN herds may be converted to QNV herds by vaccinating all swine over 6 months of age. This is reasonable because both QN and QNV herds have the same degree of confidence that the herd is negative for pseudorabies.

1705.2490 Pseudorabies Controlled Vaccinated Herd Procedures.

This entire part needs to be repealed.

There is a need to phase out controlled vaccinated herd status. This status was established early in the eradication program as a means to allow owners of vaccinated herds to sell breeding stock. This was before differential vaccines were developed and before laboratory tests were developed to differentiate between vaccinated and infected swine. This herd status is no longer recognized in Program Standards because there are now better methods for testing vaccinated swine herds. Amended rule will no longer recognize controlled vaccinated herd status. This is reasonable because owners of these herds will be allowed to convert their herds to qualified negative gene-altered vaccinated herd status and be able to continue selling breeding stock.

1705.2500 Community Notification.

Changes in this part are grammatical and do not change the effect of the rule.

1705.2510 Exhibition of Swine.

This entire part needs to be repealed because it is covered in detail under part 1715.0105 - Exhibition of Swine. This is reasonable because it is more appropriate to cover exhibition requirements in the exhibition chapter.

PSEUDORABIES REQUIREMENTS FOR EXHIBITION

1715.0105 Exhibition of Swine

The title of this part needs to be changed to "Exhibition of Swine" for consistency with other parts and because requirements may, in the future, require testing for diseases other than pseudorabies. This change does not change the effect of the rule.

Language needs to be added to allow for exhibition of swine on an "approved differential test" or if swine originate from a "qualified negative gene-altered vaccinate herd" (QNV). This is reasonable because both provisions have been requested by the swine industry, and have been shown to be appropriate for assuring that only pseudorabies negative swine are allowed to be exhibited. Scientific research and practical experience indicate that the approved differential pseudorabies tests are sensitive and specific enough to be acceptable for such purposes.

Language referring to "controlled vaccinated" herd status needs

to be deleted because this status will no longer be recognized. It is reasonable because owners of these herds can convert their herds to qualified negative gene-altered vaccinated herd status and continue to exhibit swine.

Reference to 1705.2490 needs to be changed to 1705.2482 because of recognition of QNV herds and the phase out of controlled vaccinated herds.

SALE OF SWINE AT MARKETS AND OTHER SALES

1715.0550 Sale of Swine

Subpart 1. Order of sale in mixed facilities. Language referring to non-monitored feeder pigs needs to be deleted because all feeder pigs in Minnesota must now originate from monitored or qualified herds.

Subpart 2. Breeding swine. Language needs to be added to allow sale of breeding swine on an "approved differential test" or if breeding swine originate from a "qualified negative gene-altered vaccinate herd" (QNV). This is reasonable because both provisions have been requested by the swine industry, and have been shown to be appropriate for assuring that only pseudorabies negative breeding swine are allowed to move. Scientific research and practical experience indicate that the approved differential pseudorabies tests are sensitive and specific enough to be acceptable for such purposes.

Language referring to "controlled vaccinated" herd status needs to be deleted because this status will no longer be recognized. It is reasonable because owners of these herds can convert their herds to qualified negative gene-altered vaccinated herd status and continue to sell breeding stock.

Subpart 3. Feeder pigs.

A. There is a need to accept the shoulder slap tattoo as a means of identification for feeder pigs. It is currently recognized in the Code of Federal Regulations. Amended rule will allow it to be used in Minnesota. It is reasonable because it is efficient for the producer to apply and is easy to read.

C. Historical and outdated language needs to be deleted. Other language in this subpart needs to be updated so that it is consistent with 1705.2470, Intrastate Movement of Feeder Pigs.

Language which refers to pigs that do not originate from

herds with recognized pseudorabies status is outdated and needs to be deleted. All herds in Minnesota must be monitored or qualified.

Language referring to non-monitored feeder pigs needs to be deleted because all feeder pigs in Minnesota must now originate from monitored or qualified herds.

Subpart 6. Location of pseudorabies-restricted feeder pig markets. The title of this part needs to be changed to "Location of pseudorabies restricted feeder pigs markets" because it is a better description of the contents of the part and because reference to only Stage III is outdated. It does not change the effect of the rule.

Stage IV and V need to be included with Stage III as areas where these markets are prohibited. This is reasonable because Stage IV and V areas are pseudorabies free and moving infected swine into them would create a high risk of reinfection of the area.

Reference to "national pseudorabies eradication program" is more appropriate than reference to Program Standards and does not change the effect of the rule.

SALE OF SWINE AT STATE-FEDERAL MARKETS

1715.0705 Sale of Swine.

Subpart 2. Breeding swine. Language needs to be added to allow sale of breeding swine on an "approved differential test" or if breeding swine originate from a "qualified negative gene-altered vaccinate herd" (QNV). This is reasonable because both provisions have been requested by the swine industry, and have been shown to be appropriate for assuring that only pseudorabies negative breeding swine are allowed to move. Scientific research and practical experience indicate that the approved differential pseudorabies tests are sensitive and specific enough to be acceptable for such purposes.

Language referring to "controlled vaccinated" herd status needs to be deleted because this status will no longer be recognized. It is reasonable because owners of these herds can convert their herds to qualified negative gene-altered vaccinated herd status and continue to sell breeding stock.

Subpart 3. Feeder pigs.

A. There is a need to accept the shoulder slap tattoo as a means of identification for feeder pigs. It is

currently recognized in the Code of Federal Regulations. Amended rule will allow it to be used in Minnesota. It is reasonable because it is efficient for the producer to apply and is easy to read.

C. Language in this subpart needs to be updated so that it is consistent with 1705.2470; Intrastate Movement of Feeder Pigs. Addition of this language does not change the effect of the rule.

D,E,F, and G. With the addition of language consistent with 1705.2470, all these parts can be deleted without changing the effect of the rule. The language in these sections is outdated and confusing.

Language referring to non-monitored feeder pigs needs to be deleted because all feeder pigs in Minnesota must now originate from monitored or qualified herds.

SALE OF SWINE AT PUBLIC STOCKYARDS

1715.1450 Sale of Swine.

Subpart 2. Breeding Swine. Language needs to be added to allow sale of breeding swine on an "approved differential test" or if breeding swine originate from a "qualified negative gene-altered vaccinate herd" (QNV). This is reasonable because both provisions have been requested by the swine industry, and have been shown to be appropriate for assuring that only pseudorabies negative breeding swine are allowed to move. Scientific research and practical experience indicate that the approved differential pseudorabies tests are sensitive and specific enough to be acceptable for such purposes.

Language referring to "controlled vaccinated" herd status needs to be deleted because this status will no longer be recognized. It is reasonable because owners of these herds can convert their herds to qualified negative gene-altered vaccinated herd status and continue to sell breeding stock.

Subpart 3. Feeder Pigs.

A. There is a need to accept the shoulder slap tattoo as a means of identification for feeder pigs. It is currently recognized in the Code of Federal Regulations. Amended rule will allow it to be used in Minnesota. It is reasonable because it is efficient for the producer to apply and is easy to read.

C. Language in this subpart needs to be updated so

that it is consistent with 1705.2470; Intrastate Movement of Feeder Pigs. Addition of this language and deletion of outdated language does not change the effect of the rule.

Language referring to non-monitored feeder pigs needs to be deleted because all feeder pigs in Minnesota must now originate from monitored or qualified herds.

Bibliography

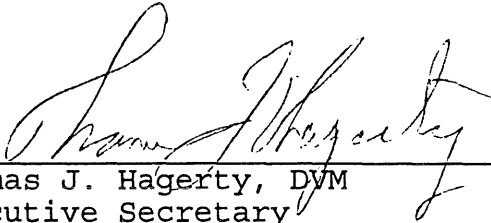
Pseudorabies Eradication State-Federal-Industry Program Standards. United States Department of Agriculture Animal and Plant Health Inspection Service, APHIS 91-55-018, 1994.

Title 9, Code of Federal Regulations. U.S. Government Printing Office, Washington D.C., 1993. Part 71.19 and Part 85.

Conclusion

Based on the foregoing, the Board's proposed amendments to rules are both necessary and reasonable.

7-20-94
Date


Thomas J. Hagerty, DVM
Executive Secretary
Board of Animal Health

Office of the Revisor of Statutes

Administrative Rules



TITLE: Proposed Permanent Rules Relating to Pseudorabies

AGENCY: Board of Animal Health

MINNESOTA RULES: Chapters 1700; 1705; and 1715

The attached rules are approved for
publication in the State Register

Craig E. Lindeke

Craig E. Lindeke
Senior Assistant Revisor

1 Board of Animal Health
 2
 3 Proposed Permanent Rules Relating to Pseudorabies
 4
 5 Rules as Proposed

6 IMPORTATION OF SWINE

7 1700.2590 DEFINITIONS.

8 [For text of subps 1 to 3, see M.R.]

9 Subp. 4. ~~Pseudorabies-monitored~~ herd. "Pseudorabies-
 10 monitored herd" means a herd that has been tested negative on an
 11 official pseudorabies test of breeding swine within the past 12
 12 months according to the following schedule: is in compliance
 13 with part 1705.2474.

14	Sow-Herd-Size	Number-To-Test
15		
16	Up-to-ten-sows	All
17	Over-ten-but-less-than-36-sows	Ten-sows
18	More-than-36-sows	30-percent, but no
19		more-than-30-sows
20		

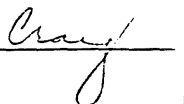
[For text of subp 5, see M.R.]

21 1700.2650 PERMITS.

22 Prior to importation of swine, except for swine originating
 23 from a Stage III, IV, or V state or area, or swine going
 24 directly to slaughter, the veterinarian completing the
 25 certificate of veterinary inspection under part 1700.2700 must
 26 obtain a permit number from the board. Before a permit is
 27 issued, the board must be given the following information: the
 28 source of the swine to be imported, the number of swine to be
 29 imported, and the destination of the swine. The permit number
 30 issued by the board must be included on the certificate of
 31 veterinary inspection.

32 1700.2800 CONTENTS OF CERTIFICATE OF VETERINARY INSPECTION.

33 Certificates of veterinary inspection for feeder swine must
 34 list identification numbers, the herd of origin, the
 35 destination, and one of the following statements: "these feeder
 36 swine originate from a pseudorabies-monitored herd," "these
 37 feeder swine originate from a pseudorabies qualified



1 pseudorabies-negative herd," "these feeder swine originate from
2 a qualified negative gene-altered vaccinated herd," "these
3 feeder swine have all been tested for pseudorabies within 30
4 days before importation and found negative," or "these feeder or
5 breeding swine originate from an officially designated Stage
6 III, IV, or V pseudorabies area," as defined in part 1705.2400,
7 subpart 5a 6d, and the State-Federal Program Standards for
8 Pseudorabies Eradication.

9 Certificates of veterinary inspection for breeding swine
10 must show the individual identification number of each animal.
11 Acceptable individual identification must be either eartag,
12 tattoo, registration number, or approved ear notch system⁷. The
13 certificate must also show the date of test⁷-if-tested⁷ or the
14 validated and qualified herd number and the date of the last
15 qualified and validated herd test⁷-if-not-tested-within-30-days
16 before-importation.

17 Certificates of veterinary inspection for feral swine must
18 list individual eartag numbers and show that the swine were
19 tested for pseudorabies and brucellosis and found negative
20 within 30 days before importation.

21 One copy of the certificate of veterinary inspection
22 approved by the animal health department of the state of origin
23 must be forwarded to the board within 14 days.

24 1700.2850 FEEDER SWINE.

25 Feeder swine must originate from pseudorabies-monitored
26 herds, qualified pseudorabies-negative herds, qualified negative
27 gene-altered vaccinated herds, or an officially designated Stage
28 III, IV, or V pseudorabies area, or must be tested negative
29 within 30 days prior to importation, and must not be transported
30 or confined with swine of unknown status. Feral swine may not
31 be imported into Minnesota without a negative pseudorabies and
32 brucellosis test within the previous 30 days.

33 1700.2900 BREEDING SWINE.

34 Subpart 1. Testing requirements. Breeding swine must be:

35 A. negative to the brucellosis buffered antigen test

1 conducted at a state or federal laboratory within 30 days prior
2 to importation, or originate from a validated brucellosis free
3 swine herd, or originate directly from a nonquarantined herd in
4 a validated brucellosis free state;

5 B. negative to an official test for pseudorabies
6 within 30 days prior to importation, or originate from a
7 qualified pseudorabies-negative herd, ~~and~~, or originate from a
8 qualified negative gene-altered vaccinated herd, or originate
9 from a Stage IV or V state or area.

10 ~~E.~~ Subp. 2. Retesting requirements. Unless breeding
11 swine originate from a Stage III, IV, or V state or area, they
12 must be separated from all other swine until tested negative for
13 pseudorabies not less than 30 15 nor more than 60 days following
14 importation according to the following sample size:

15 (1) if there are ten or less breeding swine, all
16 must be tested;

17 (2) if there are 11 to 35 breeding swine, ten
18 must be tested; and

19 (3) if there are 36 or more breeding swine, 30
20 percent or 30 head, whichever is less, must be tested.

21 This item does not apply to breeding stock sales centers in
22 Minnesota as provided in parts 1705.2400, subpart 15, and
23 1705.2480, subpart 9.

24 Subp. 3. Transportation. Breeding swine must not be
25 transported or confined with swine of unknown status.

26 1700.2950 IMPORTATION OF SWINE SEMEN AND EMBRYOS.

27 Swine semen and swine embryos imported into Minnesota for
28 insemination of swine or implantation into swine must be
29 accompanied by a document issued by an accredited veterinarian
30 stating that the donor swine are not known to be infected with
31 or exposed to pseudorabies, were negative to an official
32 pseudorabies test within 30 days prior to the collection of the
33 semen or embryos, or were members of a qualified
34 pseudorabies-negative or qualified negative gene-altered
35 vaccinated herd, and had not been exposed to pseudorabies within

1 30 days prior to the collection of the semen or embryos.

2 1700.3010 RESTRICTION OF IMPORTED FEEDING SWINE.

3 Imported feeder swine are restricted to the premises where
4 they are to be fed until they are sold for slaughter except that:

5 A. Feeder swine imported for resale at a market are
6 restricted to the premises of the buyer ~~where they are to be fed~~
7 until sold to slaughter, or,

8 B. Feeder swine imported for resale by a licensed
9 livestock dealer must ~~be~~ sold to a feeding premises within 72
10 hours.

11 C. Feeder swine may be moved from the herd of the
12 buyer for purposes other than immediate slaughter only if all
13 are negative to a pseudorabies test conducted within 30 days
14 prior to the movement.

15 PSEUDORABIES CONTROL AND ERADICATION

16 1705.2400 DEFINITIONS.

17 [For text of subps 1 and 1a, see M.R.]

18 Subp. 1b. Approved differential pseudorabies
19 test. "Approved differential pseudorabies test" means any test
20 for the diagnosis of pseudorabies that:

21 A. can distinguish vaccinated swine from infected
22 swine;

23 B. is produced under license from the United States
24 Department of Agriculture for use in the pseudorabies
25 eradication program;

26 C. is conducted in a laboratory approved by the
27 United States Department of Agriculture; and

28 D. is approved by the board if it finds that it is
29 appropriate for the detection of pseudorabies.

30 Subp. 1c. Approved offspring segregation plan. "Approved
31 offspring segregation plan" means a plan by which swine are
32 weaned and isolated from the herd of origin under the direction
33 of and approval of the board.

34 Subp. 1d. Approved premises. "Approved premises"
35 means a feedlot premises that has been inspected by board

1 personnel and approved to feed out quarantined feeder pigs or
 2 light weight market hogs in isolation from other domestic
 3 animals and sell those pigs directly to slaughter, in compliance
 4 with part 1705.2434.

5 Subp. 2. Board. "Board" means the Board of Animal Health.

6 Subp. 3. Breeding herd. "Breeding herd" means ~~all-swine~~
 7 on-one-premises a herd of breeding swine that have been
 8 maintained together for a minimum of 60 days ~~that are maintained~~
 9 ~~for breeding purposes. These swine must be kept separated from~~
 10 ~~all swine from other sources, and care personnel and equipment~~
 11 ~~must not be interchanged with other herds. For purposes of~~
 12 ~~blood testing, the new additions to a swine herd must be in the~~
 13 ~~herd at least 60 days.~~

14 The terms "swine," "pigs," and "hogs" are used
 15 interchangeably in parts 1705.2400 to 1705.2530.

16 [For text of subps 3a to 3c, see M.R.]

17 Subp. 3d. Finishing herd. "Finishing herd" means a herd
 18 of feeder swine being raised that have been maintained together
 19 for a minimum of 30 days on premises where there are no breeding
 20 swine. ~~For purposes of blood testing, swine must be in the herd~~
 21 ~~for at least 30 days.~~

22 Subp. 3e. Herd. "Herd" means any group of swine
 23 maintained on common ground for any purpose, or two or more
 24 groups of swine under common ownership or supervision,
 25 geographically separated, but which have an interchange or
 26 movement of animals without regard to whether the animals are
 27 infected with or exposed to pseudorabies. If a herd owner
 28 receives swine from or moves swine to an entity in which the
 29 herd owner has a material ownership interest, the entity must be
 30 considered part of the herd owner's herd for purposes of swine
 31 movement.

32 [For text of subps 4 and 5, see M.R.]

33 Subp. 5a. ~~Low-prevalence pseudorabies area; Stage-III-area.~~
 34 "Low-prevalence pseudorabies area" or "~~Stage-III-area~~" means a
 35 state or area that is cooperating in Stage III, IV, or V of the
 36 national PRV pseudorabies eradication program. A-Stage-III-area

1 ~~must-have-a-surveillance-program-in-operation-that-shows-less~~
2 ~~than-one-percent-herd-infection-rate-and-a-mandatory-herd~~
3 ~~cleanup-program-for-infected-herds-~~

4 [For text of subps 5c and 5d, see M.R.]

5 Subp. 6. Official pseudorabies test. "Official
6 pseudorabies test" means the serum neutralization test or other
7 ~~tests-approved~~ test defined as an "official pseudorabies test"
8 by the United States Department of Agriculture which may be
9 approved by the board if it finds that they are appropriate for
10 the detection of pseudorabies. In approving additional tests
11 the board shall consider scientific evidence of their
12 reliability, the opinions of experts, experience with their use,
13 their cost-effectiveness, and their hazards, if any. ~~The-board~~
14 ~~shall-keep-a-list-of-approved-tests-available-to-the-public-~~

15 Subp. 6a. Official random sample test (95/10). "Official
16 random sample test (95/10)" means a herd sampling procedure that
17 considers provides a 95 percent probability of detecting
18 infection in a herd in which at least ten percent of the swine
19 are positive for pseudorabies. Each segregated group of swine
20 at a particular site must be considered to be a separate group
21 and sample be sampled as follows:

- 22 A. less than 100 head, test 25;
- 23 B. 100 to 200 head, test 27;
- 24 C. 201 to 999 head, test 28; and
- 25 D. 1,000 or over, test 29.

26 In each breeding herd, each parity must be included in the
27 sample.

28 Subp. 6b. Official random sample test (95/5). "Official
29 random sample test (95/5)" means a herd sampling procedure that
30 provides a 95 percent probability of detecting infection in a
31 herd in which at least five percent of the swine are positive
32 for pseudorabies. Each segregated group of swine at a
33 particular site must be considered to be a separate group and be
34 sampled as follows:

- 35 A. less than 100 head, test 45;
- 36 B. 100 to 200 head, test 51;

1 C. 201 to 999 head, test 57; and

2 D. 1,000 or over, test 59.

3 In each breeding herd, each parity must be included in the
4 sample.

5 Subp. 6c. Owner's notice of shipment. "Owner's notice of
6 shipment" refers to the form provided by the board to the owners
7 of all quarantined herds at the time of quarantine which is used
8 to accompany the movement of quarantined animals.

9 Subp. 6d. Program stages of the National Pseudorabies
10 Eradication Program. Five "program stages" are defined in the
11 National Pseudorabies Eradication Program which classify states
12 or areas in their progress toward complete eradication of the
13 disease:

14 A. Stage I is the "Preparation" stage. This is the
15 initial program stage in which the basic procedures to control
16 and eradicate pseudorabies are developed.

17 B. Stage II is the "Control" stage. The goals of
18 this stage are for a state or area to determine which herds are
19 infected with pseudorabies and to begin herd cleanup.

20 C. Stage III is the "Mandatory Herd Cleanup" stage.
21 In this stage, the cleanup of infected herds becomes mandatory.
22 For a state or area to qualify for this stage, prevalence of
23 pseudorabies infected herds must be less than one percent of the
24 total swine herds in the state or area.

25 D. Stage IV is the "Surveillance" stage. For a state
26 or area to qualify for this stage, there may be no known
27 infected herds in the state or area.

28 E. Stage V is the "Free" stage. For a state or area
29 to qualify for this stage, the state or area must have had no
30 known infected herds for one year since the recognition of Stage
31 IV status.

32 Subp. 7. [See repealer.]

33 [For text of subp 7a, see M.R.]

34 Subp. 7b. Qualified herd. "Qualified herd" means
35 "qualified negative gene-altered vaccinated herd" or "qualified
36 pseudorabies-negative herd" unless specifically identified as

1 one or the other.

2 Subp. 7c. Qualified negative gene-altered vaccinated
 3 herd. "Qualified negative gene-altered vaccinated herd" means a
 4 herd of swine which has been free of pseudorabies for the
 5 previous 90 days, in which all swine over six months of age have
 6 been initially tested negative for pseudorabies, and for which
 7 the procedures in part 1705.2482 have been followed.

8 Subp. 8. Qualified pseudorabies-negative herd. "Qualified
 9 pseudorabies-negative herd" means a herd of swine which has been
 10 free of pseudorabies for the previous ~~six-months~~ 90 days, in
 11 which all swine over six months ~~old~~ of age have been initially
 12 tested negative for pseudorabies, and for which the procedures
 13 in part 1705.2480 have been followed.

14 Subp. 9. Quarantined herd. "Quarantined herd" means an
 15 infected herd maintained on the quarantined premises so as not
 16 to have contact with animals belonging to other owners.
 17 "Quarantined-herd"-includes-a-herd-quarantined-because-of-the
 18 owner's-refusal-to-test-the-herd-as-required-by-parts-1705-2400
 19 to-1705-2530.

20 [For text of subps 10 to 12, see M.R.]

21 1705.2430 INFECTED HERD QUARANTINE AND DISPOSAL PROCEDURES.

22 [For text of subpart 1, see M.R.]

23 Subp. 2. Epidemiological investigation. If species of
 24 animals other than swine have been diagnosed as having
 25 pseudorabies, the state or federal district veterinarian shall
 26 conduct an epidemiological investigation of any swine on the
 27 premises. The investigation must include blood testing of a
 28 monitoring sample of the swine herd. The owner shall pay the
 29 fees associated with this testing unless state funds are
 30 available for this purpose. If pseudorabies reactors are
 31 disclosed, ~~or-if-the-owner-refuses-to-cooperate-in-carrying-out~~
 32 the-test, the swine herd must be quarantined ~~in-accordance-with~~
 33 the-quarantine-procedures-of-this-part.

34 Subp. 3. Permitted disposal. Swine may only be removed
 35 from a quarantined herd ~~must-be~~ or disposed of pursuant to item

1 A or, B, or C.

2 A. Market or breeding swine or other infected or
3 exposed species may only be sold for slaughter via a federally
4 approved slaughter market, public stockyard, packer buying
5 station, or directly to a slaughter plant accompanied by an
6 owner's notice of shipment.

7 B. Feeder pigs may only be sold, loaned, leased, or
8 moved for custom/contract feeding to an approved premises and
9 must be accompanied by an owner's notice of shipment. The
10 ~~approved premises must be a feedlot where purchased quarantined~~
11 ~~swine can be fed out in isolation from other domestic animals~~
12 ~~and where a state or federal veterinarian has determined that no~~
13 ~~breeding swine are on the premises, and the feedlot owner agrees~~
14 ~~to sell all the swine from the feedlot directly for slaughter~~
15 ~~accompanied by an owner's notice of shipment.~~

16 C. A quarantined swine herd may be sold to another
17 owner only with the permission of the board and only if the
18 buyer agrees to:

19 (1) maintain them at the same place where the
20 herd was quarantined, ~~with the permission of the board;~~ and

21 (2) sign an approved official pseudorabies herd
22 cleanup plan.

23 ~~No person may sell swine that are known to be infected with~~
24 ~~or have been exposed to pseudorabies, except directly to~~
25 ~~slaughter or, in the case of feeder pigs, to approved premises.~~
26 ~~Breeding swine may be sold under item 6. Quarantined animals~~
27 ~~may not be shown at public exhibitions.~~

28 Subp. 4. Movement to another location. ~~If movement is~~
29 ~~otherwise allowable under parts 1705.2400 to 1705.2530,~~
30 Quarantined swine that remain within a quarantined herd may be
31 moved from their farm of origin to another location only if all
32 of the following conditions are met:

33 A. Swine may be moved only with the prior approval of
34 the district veterinarian. ~~The new~~

35 B. Swine may not be moved to a location which is
36 within a Stage III area unless part of the herd was at this

1 location when the original herd quarantine was issued or
 2 movement is part of an approved offspring segregation plan and
 3 the herd of origin is also located in the Stage III area.

4 C. Swine may not be moved to a location which is
 5 within a Stage IV or V county or area.

6 D. Swine may not be moved to a location may-not-be
 7 which is within the northern zone or unless movement is part of
 8 an approved offspring segregation plan and the herd of origin is
 9 also located in the northern zone.

10 E. Swine may not be moved to a location which is
 11 within two miles of a qualified or-controlled-vaccinated
 12 herd unless part of the herd was at this location when the
 13 original herd quarantine was issued. The-new-location-must-be
 14 quarantined-by-the-district-veterinarian-and-subject-to-the-same
 15 restrictions-as-the-original-quarantined-premises.

16 F. All of the swine that are moved except for those
 17 under an approved offspring segregation plan must be vaccinated
 18 for pseudorabies and-the-herd-must-be-on-an-official-herd
 19 cleanup-plan.

20 1705.2434 APPROVED PREMISES PROCEDURES.

21 Subpart 1. Qualifications. No person may accept feeder
 22 swine from quarantined herds for purposes of feeding them out
 23 unless a permit is obtained from the board. A person seeking a
 24 permit must agree to provide the board's representative access
 25 during business hours to the feedlot premises and records
 26 required by this part. ~~The board shall grant an approved~~
 27 ~~premises permit when otherwise authorized by this part. The~~
 28 ~~permit allows the person to whom it is issued to obtain feeder~~
 29 ~~pigs from quarantined herds and feed them out.~~ The operator of
 30 an approved premises must comply with the following requirements:

31 [For text of items A to F, see M.R.]

32 G. Records of swine purchases and sales, including
 33 names of sellers and buyers, dates of purchase, and number of
 34 head, must be kept maintained in a timely manner and
 35 understandable form, retained for at least one year and made

1 available for inspection by board personnel.

2 Subp. 2. Location. No approved premises may be
3 established within the Minnesota northern zone established in
4 ~~part-1705.24727-subpart-1~~, or in a county in the southern zone
5 that has been declared to be in Stage III, IV, or V of the
6 national pseudorabies eradication program. Approved premises
7 may not be established within a two mile radius of an existing
8 qualified ~~or-controlled-vaccinated~~ herd or a swine herd in the
9 process of becoming a qualified herd as indicated by board
10 records. Approved premises may not continue to operate as
11 approved premises when the county in which the premises is
12 located has been granted Stage III status in the national
13 pseudorabies eradication program and has maintained this status
14 for one year.

15 Subp. 3. [See repealer.]

16 Subp. 4. Annual renewal. Approved premises permits must
17 be renewed annually by the board, based upon an annual report of
18 the district veterinarian for the district in which the ~~feedlot~~
19 premises is located. The permit must be renewed if the district
20 veterinarian finds that the ~~feedlot~~ premises is and has been in
21 compliance with the board's rules. The district veterinarian
22 shall inspect approved premises on the complaint of any person
23 or at the board's direction. The board may suspend or cancel
24 the permit of approved premises for noncompliance with the
25 requirements in this part. Whenever the permit of approved
26 premises is suspended, canceled, or not renewed, the ~~feedlot~~
27 premises remains under pseudorabies quarantine until the
28 quarantine is released under part 1705.2440.

29 Subp. 5. Continued operation of approved premises.
30 Approved premises that have legally been established under this
31 part must be permitted to continue to operate if a swine herd
32 within two miles subsequently becomes a qualified ~~or-controlled~~
33 vaccinated herd.

34 1705.2440 RELEASE OF QUARANTINE.

35 Subpart 1. Methods. Swine herd quarantine release may be

1 accomplished by any of the methods in items A to D E.

2 A. Depopulation; repopulation: The entire herd may
3 be sold to slaughter accompanied by an owner's notice of
4 shipment. The premises must be cleaned and disinfected under
5 the direction of the board. The quarantine must be released 30
6 days after completion of the cleaning and disinfection. If
7 cleaning and disinfection are not done, the hog facility may
8 stand empty for 12 months and the quarantine must then be
9 released.

10 B. ~~Test and removal must be accomplished according to~~
11 ~~subitem (1) or (2) or (1):~~ All swine positive to an official a
12 pseudorabies serologic test must be removed from the premises.
13 All breeding swine that remain in the herd and ~~a 20-head an~~
14 official random sample (95/10) of grower-finishing swine over
15 two months of age must be subjected to ~~an official a~~
16 pseudorabies serologic test and found negative 30 days or more
17 after removal of swine positive to ~~an official a~~ pseudorabies
18 serologic test. ~~A second test at least 30 days after the first~~
19 ~~is required if the state or area is in Stage III or IV of the~~
20 ~~pseudorabies program.~~

21 ~~(2)~~ C. Official random sample: During Stage I or II
22 of the pseudorabies program, all swine present on the date a
23 quarantine was imposed must be removed from the herd and there
24 must be no clinical signs in the herd for at least six months.
25 Two successive official random sample (95/10) tests of the
26 breeding herd, conducted at least 90 days apart, must be
27 determined by the official pseudorabies epidemiologist to reveal
28 no infection. Two successive official random sample (95/10)
29 tests of progeny at least four months of age, conducted at least
30 90 days apart, must also be negative.

31 In finishing herds without any breeding swine, there must
32 be two successive negative official random sample tests (95/10),
33 conducted at least 90 days apart, on hogs over four months of
34 age.

35 Herds removed from quarantine by the official random sample
36 testing schedule must be tested negative by an official random

1 sample (95/10) test one year after the quarantine is released.

2 During Stage III of the pseudorabies program, an official
 3 random sample (95/5) must be used in each instance of this part
 4 that calls for an official random sample (95/10).

5 During Stage IV or V of the pseudorabies program,
 6 quarantine release by official random sample may not be used.

7 E. D. Offspring segregation: Under an approved
 8 offspring segregation plan, progeny of a quarantined herd may be
 9 moved to a premises different from that of the herd of origin,
 10 and themselves be quarantined. All of these pigs must be tested
 11 for pseudorabies no sooner than 30 days after the isolation. If
 12 100 percent of these tests are negative for pseudorabies, the
 13 quarantine on the progeny herd must be released.

14 B. E. Other procedures: Quarantines of swine herds
 15 may be released by herd testing schedules in addition to those
 16 in this part if they are approved by the United States
 17 Department of Agriculture, are equally reliable and effective as
 18 the other methods in this part, and are consistent with the
 19 eradication goals of parts 1705.2400 to 1705.2520.

20 Subp. 2. Vaccination titres. When an epidemiological
 21 evaluation-and-herd-history-establish-that a tentative diagnosis
 22 of pseudorabies is may be the result of a vaccination, the
 23 quarantine an epidemiological investigation must be released
 24 conducted. The epidemiological evaluation must be conducted
 25 under the direction of the district veterinarian and must
 26 include all the items in items A to D.

27 [For text of items A to C, see M.R.]

28 D. A negative pseudorabies test must be conducted, at
 29 the owner's expense, on at least 20 unvaccinated swine over four
 30 months of age on a monitoring sample of swine.

31 Subp. 3. Ten-day period for release. A quarantine on
 32 livestock other than swine must be released ten days after the
 33 diagnosis or exposure if there are no signs or symptoms of
 34 pseudorabies in the herd those livestock.

35 [For text of subps 4 and 5, see M.R.]

1 1705.2450 PSEUDORABIES TRACE TO SOURCE OR DESTINATION HERDS.

2 Subpart 1. Information furnished. The owner of a herd in
3 which pseudorabies has been diagnosed shall furnish the
4 following information to the board:

5 A. a list of sources of purchases of feeder or
6 breeding swine during the preceding ±2 six months; and

7 B. a list of sales of feeder or breeding swine during
8 the preceding ±2 six months.

9 Subp. 2. Pseudorabies diagnosed in recently purchased
10 swine. If pseudorabies is diagnosed in breeding or feeder swine
11 which have been purchased from or sold to another swine producer
12 within the preceding ±2 six months, the board shall require a
13 pseudorabies test of a monitoring sample of the herd of the
14 seller or buyer.

15 Subp. 3. [See repealer.]

16 Subp. 4. Owner's expense. Testing pursuant to subpart 2
17 ~~or-3~~ must be done at the swine owner's expense, unless state
18 funds are available for this purpose.

19 1705.2460 INTRASTATE MOVEMENT OF BREEDING SWINE.

20 Subpart 1. Health-certificate Requirements for
21 movement. No-person-may-sell,-lease,-exhibit,-loan,-or-move-for
22 contract-farrowing-any-breeding-swine-within-the-state-except-to
23 slaughter-unless-the-swine-are Except for movement to another
24 location within the same swine herd, or movement directly to
25 slaughter, breeding swine moving from their premises of origin
26 must:

27 A. be accompanied by a health certificate of
28 veterinary inspection or pseudorabies test chart provided-by-the
29 seller-which-includes-; and

30 A- B. identification be identified by an eartag,
31 tattoo, brand, or ear notch recognized by a breed association;
32 and

33 B- C. a be negative to an official or approved
34 differential pseudorabies test conducted within 30 days prior to
35 the-sale movement, except-for-swine or originate from a

1 qualified pseudorabies-negative herd or
 2 a ~~pseudorabies-controlled~~ qualified negative gene-altered
 3 vaccinated herd.

4 [For text of subp 2, see M.R.]

5 Subp. 3. Restricted-movement identification.
 6 Restricted-movement breeding swine must be identified at the
 7 swine concentration point by ~~a metal-ear-tag-in-the-right~~
 8 ear pursuant to subpart 1.

9 [For text of subps 4 to 8a, see M.R.]

10 Subp. 8b. Sale of swine semen and embryos. Except for
 11 movement to another location within the same swine herd, swine
 12 semen and embryos moving from their premises of origin for
 13 insemination of swine or implantation into swine must be
 14 accompanied by a document issued by an accredited veterinarian
 15 stating that the donor swine are not known to be infected with
 16 or exposed to pseudorabies, were negative to a pseudorabies test
 17 within 30 days prior to the collection of the semen or embryos
 18 or were members of a qualified pseudorabies-negative or
 19 qualified negative gene-altered vaccinated herd, and had not
 20 been exposed to pseudorabies within 30 days prior to the
 21 collection of the semen or embryos.

22 Subp. 9. [See repealer.]

23 1705.2470 INTRASTATE MOVEMENT OF FEEDER PIGS.

24 Subpart 1. ~~Negative-test-before~~ Requirements for movement.
 25 Feeder swine moving from the premises of origin must test be
 26 tested negative for pseudorabies within 30 days prior to
 27 movement ~~unless-they or~~ originate from one-of-the-following
 28 source-herds a:

- 29 A. pseudorabies-monitored herd;
- 30 B. qualified pseudorabies-negative herd;
- 31 C. ~~pseudorabies-controlled~~ qualified negative
 32 gene-altered vaccinated herd; or
- 33 D. Stages Stage III, IV, or V low-prevalence
 34 pseudorabies areas area.

35 [For text of subp 1a, see M.R.]

1 Subp. 1b. Feeder pig identification. All feeder pigs sold
 2 must be identified with a metal eartag ~~or-a,~~ legible
 3 ~~pseudorabies-monitored herd number ear tattoo,~~ legible
 4 ~~pseudorabies-monitored herd number shoulder slap tattoo,~~ or
 5 eartag imprinted with the monitored herd number assigned to that
 6 herd.

7 [For text of subps 1c and 1d, see M.R.]

8 Subp. 2a. [See repealer.]

9 [For text of subp 3, see M.R.]

10 Subp. 4. Restricted-movement feeder pigs purchased for
 11 resale. Restricted-movement feeder pigs purchased at a swine
 12 concentration point by a livestock dealer for resale purposes
 13 must be:

14 A. maintained separately from other swine until
 15 resold;

16 B. accompanied to the farm of destination by a
 17 ~~document-explaining-the-restricted-movement-feeder-pig-status~~
 18 restricted movement certificate; and

19 C. maintained on the farm of destination, fed out,
 20 and sold pursuant to subpart 5.

21 Subp. 5. Sale of restricted-movement feeder pigs.
 22 Restricted-movement feeder pigs may be sold as market hogs
 23 through any livestock marketing channel. They may not, however,
 24 be sold through a marketing facility at which breeding stock or
 25 pseudorabies-monitored feeder pigs are sold unless the facility
 26 maintains separate chutes, pens, and scales for breeding swine
 27 and pseudorabies-monitored feeder pigs.

28 [For text of subp 6, see M.R.]

29 1705.2472 ~~CONTROL-AND-ERADICATION-OF-PSEUDORABIES~~ NORTHERN AND
 30 SOUTHERN ZONES.

31 Subpart 1. Zoning of state. For purposes of controlling
 32 the spread of pseudorabies and eventually eradicating the
 33 disease, the state is divided into two zones, a northern zone
 34 and a southern zone. The northern zone includes the counties of
 35 Washington, Ramsey, Hennepin, Wright, Meeker, Kandiyohi,

1 Chippewa, Swift, Big Stone, and all counties to the north of
 2 them. The southern zone includes all counties not included in
 3 the northern zone.

4 Subp. 3. [See repealer.]

5 1705.2474 PSEUDORABIES-MONITORED HERD PROCEDURES.

6 Subpart 1. Attaining monitored status. In order for a
 7 herd to attain a pseudorabies-monitored herd status, a
 8 monitoring sample of the herd must test negative for
 9 pseudorabies. Testing must be done at the owner's expense
 10 unless state funds are available for this purpose.

11 Subp. 2. Proof of herd status.-- All swine producers or
 12 dealers selling feeder pigs in Minnesota shall provide to the
 13 buyer proof of the pseudorabies-monitored status of the herd of
 14 origin upon request. That proof must include one of the
 15 following:

16 A. a current pseudorabies-monitored herd
 17 identification card or other proof of a current herd monitoring
 18 test;

19 B. a qualified pseudorabies-negative herd number;

20 C. a pseudorabies-controlled qualified negative
 21 gene-altered vaccinated herd number; or

22 D. have proof that they originated directly from a
 23 Stage III, IV, or V area.

24 Subp. 3. Annual remonitoring. All herds must have an
 25 annual negative test of a monitoring sample of the herd on a
 26 date within 30 days of the anniversary date of the original
 27 monitoring test as required in subpart 1. The annual
 28 remonitoring may be discontinued when the area in which the herd
 29 is located becomes a Stage III, IV, or V area and surveillance
 30 programs are in place that do not require on-farm monitoring.

31 For finishing herds that have completed an initial
 32 monitoring test, confirmation of all out status for the herd may
 33 be accepted in lieu of an annual remonitoring test. The all out
 34 status must be confirmed in writing by to the board.

35 1705.2476 PSEUDORABIES SURVEILLANCE AND CONTROL OF SPREAD.

1 Subpart 1. Purpose. The surveillance and control programs
 2 in this part are designed to identify pseudorabies infected
 3 herds, control spread of the disease, and eradicate pseudorabies
 4 from Minnesota.

5 [For text of subp 2, see M.R.]

6 Subp. 4. Circle testing around all new qualified or
 7 ~~controlled-vaccinated~~ herds. The board shall require a test of
 8 a monitoring sample of swine in herds within a one and one-half
 9 mile radius of all new-Minnesota qualified pseudorabies-negative
 10 or ~~controlled~~ qualified negative gene-altered vaccinated herds.
 11 At the time of the circle testing, qualified, controlled
 12 ~~vaccinated,~~ or monitored herds that have been tested within the
 13 last year need not be retested.

14 If positive titres are disclosed on this test, ~~or-the-owner~~
 15 ~~refuses-to-allow-the-herd-to-be-tested,~~ the herd must be
 16 considered to be an infected herd and must be quarantined. This
 17 circle testing must be done at state expense if the funds are
 18 available.

19 Subp. 5. Cleanup of herds disclosed to be positive near
 20 ~~qualified and-controlled-vaccinated~~ herds. ~~In-order-to-protect~~
 21 ~~Minnesota's-swine-bloodlines,~~ All herds that are disclosed to be
 22 pseudorabies-positive within a one and one-half mile radius of
 23 all qualified ~~and-controlled-vaccinated~~ herds must:

24 A. begin a board-approved official pseudorabies herd
 25 cleanup plan within ~~a-three-month-period-or~~ 90 days of the date
 26 of quarantine and vaccinate all breeding swine with an approved
 27 pseudorabies vaccine on a continuing basis; and

28 B. vaccinate all feeder pigs coming into finishing
 29 herds.

30 Subp. 6. Circle testing around quarantined herds. The
 31 board shall require a test of a monitoring sample of swine in
 32 herds within a one and one-half mile radius of ~~the-following~~ all
 33 new quarantined herds.

34 ~~A--all-pseudorabies-quarantined-herds-in-the-northern~~
 35 ~~zone--and~~

36 ~~B--all-new-pseudorabies-quarantined-herds-in-any-part~~

1 ~~of-the-state-disclosed-to-be-infected,~~

2 At the time of the circle testing, qualified, controlled
3 vaccinated, or monitored herds that have been tested within the
4 last year need not be retested. If positive titres are
5 disclosed on this test, ~~or-the-owner-refuses-to-test,~~ the herd
6 must be considered an infected herd and placed under
7 quarantine. This testing must be done at state expense if the
8 funds are available.

9 Subp. 7. Mandatory herd monitoring. As part of the
10 national pseudorabies eradication program, all swine herds in
11 Minnesota must be annually monitored pursuant to part 1705.2474,
12 at the owners' expense unless state funds are available for this
13 purpose. A monitoring sample of each herd must be tested.

14 The annual remonitoring may be discontinued when the area
15 in which the herd is located becomes a Stage III, IV, or V area
16 and surveillance programs are in place that do not require
17 on-farm monitoring.

18 Subp. 8. Quarantined herd cleanup. The owners of all
19 quarantined herds in Minnesota must sign an approved official
20 pseudorabies herd cleanup plan within 90 days of the original
21 quarantine date. Each herd cleanup plan must be updated every
22 12 months.

23 An official random sample test (95/10) of breeding swine
24 and an official random sample test (95/10) of finishing swine in
25 each quarantined herd must be completed at least every 12 months
26 to assess the prevalence of pseudorabies infected swine in the
27 herd. When a quarantined herd is located in a Stage III, IV, or
28 V area, an official random sample test (95/5) of breeding swine
29 and an official random sample test (95/5) of finishing swine in
30 the herd must be completed at least every six months to assess
31 the prevalence of pseudorabies infected swine in the herd.

32 Herd cleanup testing must be paid for by state or federal
33 funds if the funds are available. If state or federal funds are
34 not available, ~~herd-cleanup-is-not-mandated,-but-may-be~~
35 voluntarily testing that is required in this part must be done
36 at the owner's expense.

1 1705.2480 QUALIFIED PSEUDORABIES-NEGATIVE HERD PROCEDURES.

2 Subpart 1. Qualifications. To qualify a herd for
3 qualified pseudorabies-negative herd status:

4 A. the herd must have been free of pseudorabies for
5 the previous ~~six-months~~ 90 days;

6 B. all breeding stock six months of age or older must
7 be negative to an official pseudorabies test;

8 C. the offspring over four months of age that are
9 located on the same premises as the breeding herd must be
10 negative for pseudorabies using the following testing schedule:

11 (1) 10 head or less, ~~test~~ test all;

12 (2) 11 to 35 head, test 10; or

13 (3) 36 or more head, test 30 percent up to a
14 maximum of 30 head; and

15 D. offspring over four months of age that are located
16 on any premises different from that of the breeding herd must be
17 negative for pseudorabies using an official random sample test
18 (95/10); and

19 E. the herd owner must sign an agreement to comply
20 with parts 1705.2400 to 1705.2530.

21 Subp. 2. Qualified pseudorabies-negative herd certificate.

22 Following the receipt by the board of a report of the initial
23 negative herd test and the signed herd agreement, the board
24 shall issue a numbered qualified pseudorabies-negative herd
25 certificate. The initial qualification is valid for 90 days or
26 until the next scheduled requalification test.

27 Subp. 3. Requalification testing. The pseudorabies status
28 of a qualified pseudorabies-negative herd must be ~~monitored-and~~
29 ~~its-status~~ maintained by having a negative official pseudorabies
30 test of at least 25 20 percent of the breeding herd and a sample
31 of offspring as described in subpart 1, item C, every 80 to 100
32 days. All-breeding-swine-must-be-subject-to-at-least-one
33 official-test-once-a-year. No swine may be tested twice in one
34 year to comply with the 25-percent-test requirement.

35 All qualified pseudorabies-negative herds must use one of

1 the following herd testing schedules:

2 A. To test on a quarterly schedule:

3 (1) test 25 20 percent of the breeding herd and
4 every 90 days;

5 (2) test offspring over four months of age that
6 are located on the same premises as the breeding herd every 90
7 days as-outlined-in-subpart-1,--item-C using the following test
8 schedule:

9 (a) 10 head or less, test all;

10 (b) 11 to 35 head, test 10; or

11 (c) 36 or more head, test 30 percent up to a
12 maximum of 30 head; and

13 (3) test offspring over four months of age that
14 are located on any premises different than that of the breeding
15 herd every 30 days using an official random sample test (95/10);
16 or

17 B. To test on a monthly schedule:

18 (1) Test ten seven percent of the breeding herd
19 every 30 days and;

20 (2) test offspring over four months of age that
21 are located on the same premises as the breeding herd every 90
22 30 days as-outlined-in-subpart-1,--item-C. using the following
23 test schedule:

24 (a) 10 head or less, test all;

25 (b) 11 or more head, test 10 head; and

26 (3) test offspring over four months of age that
27 are located on any premises different from that of the breeding
28 herd every 30 days using an official random sample test (95/10).

29 ~~If there are ten or fewer swine at least six months of age~~
30 ~~in the herd at any quarterly requalification test, all swine at~~
31 ~~least six months of age must be tested.~~

32 If the breeding herd or offspring is are maintained on more
33 than one premises, the appropriate percentage of the animals on
34 each premises must be tested for each requalification.

35 Subp. 4. Qualification canceled, regained. The board
36 shall cancel qualified pseudorabies-negative herd status if any

1 swine show a positive test or are diagnosed as having
 2 pseudorabies, if herd additions are made contrary to subparts 5
 3 and 6, or for failure to comply with subpart 3.

4 Swine herds which have lost their qualified
 5 pseudorabies-negative herd status may regain that status by
 6 being free of pseudorabies for a period of ~~six-months~~ 90 days
 7 and by following the herd qualification procedure in subpart 1.

8 Subp. 5. Testing purchased additions. All purchased
 9 additions, except those purchased pursuant to subpart 6, must
 10 have a negative official test for pseudorabies within 30 days
 11 prior to movement, and must be isolated and retested
 12 negative with an official pseudorabies test at least ~~30~~ 15 and
 13 within 45 days from the date of their receipt arrival upon the
 14 premises.

15 Subp. 6. Additions from qualified herds. Additions may be
 16 purchased directly from a qualified pseudorabies-negative herd
 17 ~~or a pseudorabies-controlled-vaccinated-herd without the~~
 18 ~~negative-30-day-test-prior-to-movement. These animals, however,~~
 19 ~~must be isolated and tested negative at least 30 and within 45~~
 20 ~~days after their receipt. Purchased additions are not~~
 21 ~~considered to be part of the herd for monitoring pursuant to~~
 22 ~~subpart 3 until 30 days after the test~~ isolation or testing.

23 Subp. 7. Swine returned to a qualified
 24 pseudorabies-negative herd. Swine returned to qualified
 25 pseudorabies-negative herds from exhibitions or which are
 26 otherwise commingled with swine from herds not qualified must be
 27 kept in isolation upon return for ~~30~~ 15 days and have a negative
 28 official pseudorabies test before rejoining the herd.

29 Subp. 8. Sale from qualified pseudorabies-negative herd.
 30 Swine from a qualified pseudorabies-negative herd may be sold in
 31 Minnesota for breeding or feeding purposes without further
 32 testing or restriction of movement unless they are sold through
 33 a swine concentration point.

34 Subp. 9. Qualifications of breeding swine sales centers.
 35 Breeding swine sales centers operated by breeding companies, in
 36 which animals are collected from qualified negative herds, must

1 test ten percent of their hog inventory each month with a
2 minimum of ten animals tested.

3 1705.2482 QUALIFIED NEGATIVE GENE-ALTERED VACCINATED HERD
4 PROCEDURES.

5 Subpart 1. Qualifications. To qualify a herd for
6 qualified negative gene-altered vaccinated herd status:

7 A. the herd must have been free of pseudorabies for
8 the previous 90 days;

9 B. all breeding stock six months of age or older must
10 be negative to an official pseudorabies test or to an approved
11 differential pseudorabies test;

12 C. offspring over four months of age that are located
13 on the same premises as the breeding herd must be negative for
14 pseudorabies using the following test schedule:

15 (1) 10 head or less, test all;

16 (2) 11 to 35 head, test 10; or

17 (3) 36 or more head, test 30 percent up to a
18 maximum of 30 head;

19 D. offspring over four months of age that are located
20 on any premises different from that of the breeding herd must be
21 negative for pseudorabies using an official random sample test
22 (95/10);

23 E. the herd owner must sign an agreement to comply
24 with parts 1705.2400 to 1705.2530;

25 F. within 30 days after test results show the herd to
26 be negative for pseudorabies, all swine in the herd over six
27 months of age must be vaccinated with an official gene-altered
28 pseudorabies vaccine. Only one official gene-altered
29 pseudorabies vaccine may be used in the herd; and

30 G. any herd designated as a qualified
31 pseudorabies-negative herd may achieve status as a qualified
32 negative gene-altered vaccinated herd if all swine in the herd
33 over six months of age are vaccinated with an official
34 gene-altered pseudorabies vaccine. Only one official
35 gene-altered pseudorabies vaccine may be used in the herd.

1 Subp. 2. Qualified negative gene-altered vaccinated herd
2 certificate. Following the receipt by the board of a report of
3 the initial negative herd test and the signed herd agreement,
4 the board shall issue a numbered qualified negative gene-altered
5 herd certificate. The initial qualification is valid for 90
6 days or until the next scheduled requalification test.

7 Subp. 3. Requalification testing. The pseudorabies status
8 of a qualified negative gene-altered vaccinated herd must be
9 maintained by having a negative test of at least 20 percent of
10 the breeding herd every 80 to 100 days.

11 All qualified negative gene-altered vaccinated herds must
12 use one of the following herd testing schedules:

13 A. To test on a quarterly schedule:

14 (1) test 20 percent of the breeding herd every 90
15 days;

16 (2) test offspring over four months of age that
17 are located on the same premises as the breeding herd every 90
18 days using the following test schedule:

19 (a) 10 head or less, test all;

20 (b) 11 to 35 head, test 10;

21 (c) 36 or more head, test 30 percent up to a
22 maximum of 30 head; and

23 (3) test offspring over four months of age that
24 are located on any premises different than that of the breeding
25 herd every 30 days using an official random sample test (95/10);

26 or

27 B. To test on a monthly schedule:

28 (1) test seven percent of the breeding herd every
29 30 days;

30 (2) test offspring over four months of age that
31 are located on the same premises as the breeding herd every 30
32 days using the following schedule:

33 (a) 10 head or less, test all;

34 (b) 11 or more head, test 10 head; and

35 (3) test offspring over four months of age that
36 are located on any premises different than that of the breeding

1 herd every 30 days using an official random sample test (95/10).

2 If the breeding herd or offspring are maintained on more
3 than one premises, the appropriate percentage of the animals on
4 each premises must be tested for each requalification.

5 Subp. 4. Qualification canceled, regained. The board
6 shall cancel qualified negative gene-altered vaccinated herd
7 status if any swine show a positive test or are diagnosed as
8 having pseudorabies, if herd additions are made contrary to
9 subparts 5 and 6, or for failure to comply with subpart 3.

10 Swine herds which have lost their qualified negative
11 gene-altered vaccinated herd status may regain that status by
12 being free of pseudorabies for a period of 90 days and by
13 following the herd qualification procedure in subpart 1.

14 Subp. 5. Testing purchased additions. All purchased
15 additions, except those purchased pursuant to subpart 6, must
16 have a negative test for pseudorabies within 30 days prior to
17 movement, and must be isolated and retested negative at least 15
18 and within 45 days from the date of their arrival upon the
19 premises.

20 Subp. 6. Additions from qualified herds. Additions may be
21 purchased directly from a qualified pseudorabies-negative herd
22 or a qualified negative gene-altered vaccinated herd without
23 isolation or testing.

24 Subp. 7. Swine returned to qualified negative gene-altered
25 vaccinated herd. Swine returned to qualified negative
26 gene-altered vaccinated herds from exhibitions or which are
27 otherwise commingled with swine from herds not qualified must be
28 kept in isolation upon return for 15 days and have a negative
29 pseudorabies test before rejoining the herd.

30 Subp. 8. Sale from qualified negative gene-altered
31 vaccinated herd. Swine from a qualified negative gene-altered
32 vaccinated herd may be sold in Minnesota for breeding or feeding
33 purposes without further testing or restriction of movement
34 unless they are sold through a swine concentration point.

35 Subp. 9. Qualification of breeding swine sales centers.
36 Breeding swine sales centers operated by breeding companies, i

1 which animals are collected from qualified herds, must test ten
 2 percent of their hog inventory each month with a minimum of ten
 3 animals tested.

4 1705.2500 COMMUNITY NOTIFICATION OF-PSEUDORABIES-INFECTION.

5 Following the declaration of a quarantine or approval of
 6 approved premises status, the board shall notify owners of
 7 livestock owners located within a one-mile radius of the
 8 infected quarantined herd or approved premises.

9 1715.0105 EXHIBITION OF SWINE PSEUDORABIES.

10 All swine, except swine entered in a slaughter class
 11 pursuant to part 1715.0060, must:

12 A. have had a negative official or approved
 13 differential pseudorabies test conducted within 30 days prior to
 14 the opening date of the exhibition, a record of which and the
 15 result must be entered on a test chart or certificate of
 16 veterinary inspection and presented to the official veterinarian
 17 at the time of entry; or

18 B. originate from a qualified pseudorabies-negative
 19 herd or a pseudorabies-controlled qualified negative
 20 gene-altered vaccinated herd pursuant to parts 1705.2480
 21 and ~~1705.2490~~ 1705.2482, with the qualified herd number or
 22 pseudorabies-controlled vaccinated herd number and date of last
 23 qualifying test reported to the official veterinarian at the
 24 time of entry.

25 1715.0550 SALE OF SWINE.

26 Subpart 1. Order of sale in mixed market facilities.
 27 Slaughter swine must be sold after feeder and breeding swine in
 28 markets that do not use completely separate facilities for
 29 slaughter swine. No feeder or breeding swine may be sold
 30 through slaughter swine facilities until the facilities are
 31 cleaned and disinfected. Breeding swine must be sold through
 32 the sales ring first, followed by monitored feeder pigs ~~and~~
 33 ~~then-nonmonitored-feeder-pigs.~~

34 Subp. 2. Breeding swine. Breeding swine must:

1 A. be negative to a an official or approved
 2 differential pseudorabies test less than 30 days before sale or
 3 originate from a qualified pseudorabies-negative herd or
 4 a pseudorabies-controlled qualified negative gene-altered
 5 vaccinated herd;

6 [For text of items B to D, see M.R.]

7 Subp. 3. Feeder pigs. Feeder pigs and all swine other
 8 than breeding or slaughter swine must:

9 A. be identified by a metal eartag or a, legible
 10 pseudorabies-monitored herd numbered ear tattoo, legible
 11 pseudorabies-monitored herd number shoulder slap tattoo, or
 12 pseudorabies-monitored herd numbered eartag;

13 B. leave the sale with a restricted-movement
 14 certificate; and

15 C. ~~beginning on July 17, 1987, in the northern zone as~~
 16 ~~defined in part 1705.2472, subpart 2, or on January 17, 1990,~~
 17 ~~statewide,~~ feeder pigs sold must be tested negative for
 18 pseudorabies within 30 days prior to sale or originate from:

19 (1) a qualified pseudorabies-negative herd;

20 (2) a pseudorabies-controlled qualified negative
 21 gene-altered vaccinated herd;

22 (3) an officially designated low-prevalence Stage
 23 III, IV, or V pseudorabies area; or

24 (4) a pseudorabies-monitored herd complying with
 25 part 1705.2474.

26 ~~If feeder pigs to be sold do not originate from one of the~~
 27 ~~kinds of herds in subitems (1) to (4), they must have a negative~~
 28 ~~test for pseudorabies within the previous 30 days.~~

29 ~~When nonmonitored and monitored feeder pigs are sold at the~~
 30 ~~same sale, completely separate facilities must be used or the~~
 31 ~~monitored feeder pigs must be sold before the unmonitored feeder~~
 32 ~~pigs. While in transit through marketing channels, all feeder~~
 33 ~~pigs from monitored herds must be maintained so that they are~~
 34 ~~not exposed to swine of unknown pseudorabies status or~~
 35 ~~maintained in facilities or trucks contaminated by those swine.~~
 36 ~~Failure to do so causes them to lose their monitored status.~~

1 [For text of subps 4 and 5, see M.R.]

2 Subp. 6. ~~Stage-III-areas~~ Location of
3 pseudorabies-restricted feeder pig markets.

4 Pseudorabies-restricted feeder pig markets under this part may
5 not be established or authorized in the northern zone as defined
6 in part 1705.2472 or in an area that is in Stage III, IV, or V
7 of the ~~state-federal-industry~~ national pseudorabies eradication
8 program standards.

9 1715.0705 SALE OF SWINE.—

10 [For text of subpart 1, see M.R.]

11 Subp. 2. Breeding swine. Breeding swine must:

12 A. be negative to a an official or approved
13 differential pseudorabies test less than 30 days before sale or
14 originate from a qualified pseudorabies-negative herd or
15 a pseudorabies-controlled qualified negative gene-altered
16 vaccinated herd;

17 [For text of items B to E, see M.R.]

18 Subp. 3. Feeder pigs. Feeder pigs and all other swine
19 other than breeding or slaughter swine must:

20 A. be identified by a metal eartag or ~~a~~, legible
21 pseudorabies-monitored herd numbered ear tattoo, legible
22 pseudorabies-monitored herd number shoulder slap tattoo, or
23 pseudorabies pseudorabies-monitored herd numbered eartag;

24 B. leave the sale with a restricted-movement
25 certificate;

26 C. ~~originate from a qualified pseudorabies-negative~~
27 ~~herd;~~

28 ~~D.---originate from a pseudorabies-controlled~~
29 ~~vaccinated herd;~~

30 ~~E.---originate from an officially designated~~
31 ~~low-prevalence pseudorabies area;~~

32 ~~F.---enter the market with a record of a negative~~
33 ~~pseudorabies test within 30 days before sale; or~~

34 ~~G.---originate from a pseudorabies-monitored herd~~
35 ~~complying with part 1705.2474, effective July 17, 1987, in the~~

1 northern-zone-and-January-17-1990,--in-the-southern-zone-as
2 defined-in-part-1705-2472,--subpart-2, be tested negative for
3 pseudorabies within 30 days prior to sale or originate from:

4 (1) a qualified pseudorabies-negative herd;
5 (2) a qualified negative gene-altered vaccinated
6 herd;

7 (3) an officially designated Stage III, IV, or V
8 low-prevalence pseudorabies area; or

9 (4) a pseudorabies-monitored herd complying with
10 part 1705.2474.

11 When-nonmonitored-and-monitored-feeder-pigs-are-sold-at-the
12 same-sale,--completely-separate-facilities-must-be-used-and-the
13 monitored-feeder-pigs-must-be-sold-first. While in transit
14 through marketing channels, all feeder pigs from monitored herds
15 must be maintained so that they are not exposed to swine of
16 unknown pseudorabies status or maintained in facilities or
17 trucks contaminated by those swine. Failure to do so causes
18 them to lose their monitored status.

19 1715.1450 SALE OF SWINE.

20 [For text of subpart 1, see M.R.]

21 Subp. 2. Breeding swine. Breeding swine must:

22 A. be negative to a an official or approved
23 differential pseudorabies test less than 30 days before sale or
24 originate from a qualified pseudorabies-negative herd or
25 a ~~pseudorabies-controlled~~ qualified negative gene-altered
26 vaccinated herd;

27 [For text of items B to E, see M.R.]

28 Subp. 3. Feeder pigs. Feeder pigs and all other swine
29 other than breeding or slaughter swine must:

30 A. be identified by a metal eartag, or legible
31 pseudorabies-monitored herd numbered ear tattoo, legible
32 pseudorabies-monitored herd number shoulder slap tattoo, or
33 pseudorabies-monitored herd numbered eartag;

34 B. leave the sale with a restricted-movement
35 certificate; and

1 C. ~~commencing on July 17, 1988, in the northern zone,~~
 2 ~~as defined in part 1705.2472, subpart 2, and commencing~~
 3 ~~statewide on January 17, 1990,~~ all feeder pigs must be tested
 4 negative for pseudorabies within 30 days prior to sale or
 5 originate from:

- 6 (1) a qualified pseudorabies-negative herd;
 7 (2) a pseudorabies-controlled qualified negative
 8 gene-altered vaccinated herd;
 9 (3) an officially designated Stage III, IV, or V
 10 low-prevalence pseudorabies area; or
 11 (4) a monitored pseudorabies-negative herd
 12 complying with part 1705.2474.

13 ~~If any feeder pigs to be sold do not originate from one of~~
 14 ~~the herds in subitems (1) to (4) they must have a negative test~~
 15 ~~for pseudorabies within the previous 30 days. Monitored feeder~~
 16 ~~pigs must be sold before nonmonitored feeder pigs. While in~~
 17 transit through marketing channels, all feeder pigs from
 18 monitored herds must be maintained so that they are not exposed
 19 to swine of unknown pseudorabies status or maintained in
 20 facilities or trucks contaminated by those swine. Failure to do
 21 so causes them to lose their monitored status.

22 [For text of subp 4, see M.R.]

23 REPEALER. Minnesota Rules, parts 1705.2400, subpart 7;
 24 1705.2434, subpart 3; 1705.2450, subpart 3; 1705.2460, subpart
 25 9; 1705.2470, subpart 2a; 1705.2472, subpart 3; 1705.2490; and
 26 1705.2510, are repealed.

State of Minnesota
Board of Animal Health

Proposed Permanent Rules Governing Importation of Swine
1700.2590-1700.3010, Pseudorabies Control 1705.2400-1705.2530,
Pseudorabies Requirements for Exhibition 1715.0105, Sale of Swine
at Markets and Other Sales 1715.0550, Sale of Swine at State-
Federal Markets 1715.0705, Sale of Swine at Public Stockyards
1715.1450.

Notice of Intent To Adopt Rules Without A Public Hearing

Introduction. The Minnesota Board of Animal Health intends to adopt permanent rules without a public hearing following the procedures set forth in the Administrative Procedure Act, Minnesota Statutes, sections 14.22 to 14.28. You have 30 days to submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to:

Dr. Paul L. Anderson
Minnesota Board of Animal Health
90 West Plato Boulevard
St. Paul MN 55107
Telephone - (612) 296-2942 ext. 21

Subject of Rules And Statutory Authority. The proposed rules are about importation of swine, pseudorabies control and eradication, pseudorabies requirements for exhibition, sale of swine at markets and other sales, sale of swine at state-federal markets, and sale of swine at public stockyards. The statutory authority to adopt the rules is Minnesota Statutes 35.03 and 35.255. A copy of the proposed rules is published in the State Register and attached to this Notice as mailed.

Comments. You have until 4:30 p.m., Wednesday, September 7, 1994, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Request For A Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m., Wednesday, September 7, 1994. Your written request for a public hearing must include your name and address. You are encouraged to identify the portion of the proposed rules which caused your request, the reason for the request, and any changes you want made to the proposed rules. If 25 or more persons submit a

written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If a public hearing is required, the Board of Animal Health will follow the procedures in Minnesota Statutes, sections 14.131 to 14.20.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by data and views submitted to the Board of Animal Health and may not result in a substantial change in the proposed rules as attached and printed in the State Register. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement Of Need And Reasonableness. A Statement Of Need And Reasonableness is now available. This Statement describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules. A free copy of the Statement may be obtained from Dr. Paul L. Anderson at the address and telephone number listed above.

Small Business Considerations. In preparing these rules, the Board of Animal Health has considered the requirements of Minnesota Statutes, section 14.115, in regard to the impact of the proposed rules on small businesses. The adoption of the rules may affect small businesses engaged in swine productions. The Board of Animal Health believes that amended rules will reduce regulation and the economic impact on most swine producers. For swine producers with pseudorabies infected herds, the financial burden of compliance will not increase, but surveillance testing in these herds will increase in order to meet program objectives. The Board of Animal Health's evaluation of the applicability of the methods contained in Minnesota Statutes, section 14.115, subdivision 2, for reducing the impact of the proposed rules is addressed further in the Statement Of Need And Reasonableness.

Expenditure Of Public Money By Local Public Bodies. Minnesota Statutes, section 14.11, subdivision 1, does not apply because adoption of these rules will not result in additional spending by local public bodies in excess of \$100,000 per year for the first two years following adoption of the rules.

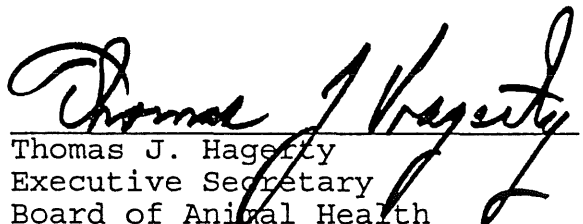
Impact On Agriculture Lands. Minnesota Statutes, section 14.11, subdivision 2, does not apply because adoption of these rules will not have an impact on agricultural land.

Departmental Charges. Minnesota Statutes, section 16A.1285, subdivisions 4 and 5, do not apply because the rules do not establish or adjust departmental charges.

Adoption And Reviews of Rules. If no hearing is required, after the end of the comment period, the Board of Animal Health may adopt the rules. The rules and supporting documents will then be submitted to the Attorney General for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rules are submitted to the Attorney General or be notified of the Attorney General's decision on the rules. If you wish to be so notified, or you wish to receive a copy of the adopted rules, submit your request to Dr. Paul L. Anderson listed above.

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7-19-94
Date


Thomas J. Hagerly
Executive Secretary
Board of Animal Health

