

## Minnesota Board of Animal Health

### STATEMENT OF NEED AND REASONABLENESS (SONAR)

#### Proposed amendment to rules governing animal health, Minnesota Rules:

- 1700.0100 to 1700.5300 Importation of Livestock and Poultry
- 1705.0010 to 1705.0050 Anthrax
- 1705.0060 to 1705.0630 Brucellosis in Cattle
- 1705.0640 to 1705.1088 Johne's Disease (Paratuberculosis)
- 1705.1090 to 1705.1210 Rabies
- 1705.1220 to 1705.1250 Scabies
- 1705.1550 to 1705.1780 Brucellosis in Swine
- 1705.1790 to 1705.1930 Brucellosis in Goats
- 1705.1940 to 1705.2250 Tuberculosis in Goats
- 1705.2260 to 1705.2320 Aleutian Disease of Mink
- 1705.2400 to 1705.2530 Pseudorabies
- 1705.2700 to 1705.2750 Scrapie Control and Eradication
- 1710.0010 to 1710.1530 Diseases of Poultry
- 1715.0005 to 1715.0190 Public Exhibition of Livestock and Poultry
- 1715.0200 to 1715.0580 Sale of Livestock at Auction Markets, Community and Other Sales
- 1715.0590 to 1715.1770 State-Federal Approved Markets for Swine
- 1715.0780 to 1715.1260 State-Federal Approved Markets for Cattle
- 1715.1270 to 1715.1480 Public Stockyards
- 1719.0100 to 1719.4600 Animal Carcasses
- 1720.0100 to 1720.0580 Cleaning and Disinfecting of Vehicles
- 1720.0581 to 1720.0640 Sale and Distribution of Biological Products and Antigens
- 1720.0650 to 1720.0850 Licensing Institutions to Procure Impounded Animals
- 1720.0860 to 1720.1020 Feeding of Garbage to Livestock and Poultry
- 1720.1030 to 1720.1080 Quarantine, Official Identification, Movement from Slaughter
- 1720.1330 to 1720.1670 Kennels and Dealers
- 1720.1680 to 1720.1740 Slaughter Cattle and Swine Identification
  
- 1721.0010 to 1721.0070 General Provisions
- 1721.0080 to 1721.0110 Livestock Concentration Points
- 1721.0120 to 1721.0175 Cattle and Bison
- 1721.0180 to 1721.0220 Pigs
- 1721.0230 to 1721.0260 Horses
- 1721.0270 to 1721.0360 Poultry
- 1721.0370 to 1721.0420 Deer and Elk
- 1721.0430 to 1721.0480 Sheep and Goats
- 1721.0490 to 1721.0520 Dogs, Cats and Ferrets
- 1721.0530 to 1721.0530 Anthrax
- 1721.0540 to 1721.0580 Rabies Prevention and Control
- 1721.0590 to 1721.0660 Feeding Garbage to Livestock
- 1721.0670 to 1721.0680 Biologics
- 1721.0690 to 1721.0740 Carcass Disposal

## **EXECUTIVE SUMMARY**

The Board of Animal Health (Board) proposes to amend all of its rules in order to (1) eliminate obsolete or confusing language, (2) clarify and generalize the Board's authorities, (3) consolidate all of the rules into a new chapter that is organized and written in a way that is easier to read and understand, and (4) add new sections on topics that are not currently addressed.

Under the current rules, the Board's authorities for control and eradication of animal diseases are often tied to specific diseases such as tuberculosis, brucellosis or pseudorabies. The proposed rules are written so that the Board's authorities to control animal diseases are generalized and not always tied to a specific disease. These general authorities are needed and reasonable to ensure that the Board can respond effectively to control or eradicate animal diseases and protect the health of domestic animals in the state. These general authorities include the ability to require animal identification, quarantine and isolation, vaccination, cleaning and disinfection, testing, establishment of disease control zones, disease reporting, record keeping, and collection of information on locations where livestock are kept.

Significant changes in the proposed rules include; (1) requiring identification of breeding cattle prior to importation, intrastate movement, exhibition and sale, (2) requiring a permit prior to importation of breeding cattle, (3) reducing restrictions on the use of Johne's Disease vaccine in cattle, (4) prohibiting importation of feral swine, (5) requiring live bird markets to be permitted, inspected, cleaned, disinfected and tested for avian influenza, (6) establishing requirements for intrastate movement of farmed deer and elk, (7) increasing chronic wasting disease surveillance requirements to five years for importation of deer and elk, and (8) establishing that the Board may require testing or vaccination of animals when necessary for purposes of disease prevention, control, and eradication.

## **INTRODUCTION**

The Board of Animal Health (Board) proposes to amend all of its current rules by establishing a new chapter that is completely rewritten and subsequently repealing all current rules. This is necessary and is a reasonable way to amend and update current rules to meet the needs of today's livestock producers and animal owners. The current rules were written and amended many times over a period of approximately 100 years and no longer meet the needs of current programs for disease control and animal health. Regulations in current rules that are still relevant are preserved and new language is added to cover topics that are not currently addressed. All current Board rules (1700.0100 to 1720.1740) will be repealed.

The proposed rules begin with a section entitled General Provisions (1721.0010 to 1721.0070). In this section, the Board's general authorities to require identification, quarantine, vaccination and testing of domestic animals to control or eradicate animal diseases are addressed. In the past, these authorities were spread throughout many parts of the rules in sections for specific disease programs such as pseudorabies, tuberculosis, brucellosis, etc. In today's animal industries where animals move between farms at a rapid rate and new or changing diseases are constantly being identified, the Board must be able to respond to any disease incident and cannot be tied to a specific disease control program. With the adoption of these proposed rules, the Board's general authorities will be consolidated into one section and apply to control or eradication of any domestic animal disease. In the new format, definitions that apply to all sections of the rules are also consolidated and placed in the General Provisions section to prevent duplication.

The regulations for livestock concentration points such as exhibitions, community sales and slaughter facilities will be consolidated into a new section (1721.0080 to 1721.0110).

The regulations for specific species of animals will be organized into sections for cattle and bison, pigs, horses, poultry, deer and elk, sheep and goats, and dogs, cats and ferrets (1721.0120 to 1721.0520).

The regulations for anthrax, rabies, feeding of garbage to livestock, distribution of animal biologics, and carcass disposal will be covered each in its own section (1721.0530 to 1721.0740).

The proposed rules have been under development for about four years. Great care has been taken in the reorganization process to preserve the parts of existing rules that are still relevant to fulfilling the Board's mission to protect the health of domestic animals in Minnesota. In developing the proposed rules, the Board has received input from the livestock industry, other state agencies and Board advisory committees on farmed deer and elk, John's Disease, and animal disease traceability.

## REQUEST FOR COMMENTS

A Request for Comments was published in the State Register on August 8, 2011, and mailed to everyone listed on the Board's Additional Notice Plan on August 5, 2011.

All comments received in response to the Request for Comments were considered in preparation of this document.

## ALTERNATIVE FORMAT

Upon request, this information can be made available in an alternative format, such as large print, Braille, or audio. To make a request, contact Dr. Beth Thompson at the Minnesota Board of Animal Health, 625 Robert Street North, St. Paul, MN, 55155, phone 651-201-6844, fax 651-296-7417. TTY users may call the Board of Animal Health at 1-800-627-3529.

## STATUTORY AUTHORITY

The Board's statutory authority to make rules was adopted and effective before January 1, 1996 and has not been revised by the Legislature. Minnesota Statutes, section 14.125, does not apply.

The Board's statutory authority to adopt the rules is found in Minnesota Statutes, section 35.03, which states: *The Board shall protect the health of Minnesota domestic animals and carry out the provisions of this chapter. The Board shall make rules necessary to protect the health of domestic animals.*

## REGULATORY ANALYSIS

Minnesota Statutes, section 14.131, lists seven factors for a regulatory analysis that must be included in the SONAR. The analysis of these seven factors is as follows.

**(1) Persons affected.** *The following are the classes of persons who probably will be affected by the proposed rules, including classes that will bear the costs of the proposed rules and classes that will benefit from the proposed rules.*

The classes of persons affected by the proposed rules are people in Minnesota involved in livestock production and people who own or care for other types of domestic animals. These classes will bear the costs of fulfilling the requirements in the proposed rules. When testing or vaccination is required to control or eradicate animal diseases, owners must bear the expense of such activities unless state or federal funds are available for this purpose. These classes will also benefit from the requirements in the proposed rules. When efforts to control or eradicate animal diseases are successful, the animals will be protected from infection and the ability to move animals and animal products within the state, between states and internationally will be preserved.

**(2) Costs to governments agencies.** *The probable costs to the Board and to any other agency of the implementation and enforcement of the proposed rules and any anticipated effect on state revenues is as follows.*

Most of the requirements in the proposed rules have been extracted from current rules and the costs of implementation and enforcement of these requirements for the Board or any other agency will not change. Adoption of the proposed rules will have no effect on state revenues.

For those parts of the proposed rules that have changed significantly, the cost to the Board or any other agency for implementation and enforcement is as follows.

(a) Identification of breeding cattle. The probable cost to the Board for implementation and enforcement of the requirement for mandatory identification of breeding cattle prior to importation, movement from the farm of origin, exhibition and sale will be small. This requirement will increase enforcement costs for the Board for a short period of time following initial implementation of the requirement. Cattle producers will have to be informed of the new requirements for identification of breeding cattle and some enforcement activity will be necessary until they become accustomed to the new protocol. Once the new requirement has been in place for a period of time, the Board does not anticipate a significant increase in costs for enforcement. There will be no costs to other agencies for implementation or enforcement.

(b) Import permits for breeding cattle. The probable cost to the Board for implementation and enforcement of the requirement for a permit prior to importation of breeding cattle will be relatively small. There will be an increased cost to the Board for taking calls and issuing permit numbers to veterinarians from other states who wish to export breeding cattle to Minnesota. The Board estimates that the increased cost for telephone work and record keeping will be approximately equal to one full-time equivalent office and administrative specialist. The increased cost for enforcement during the first year following implementation may be approximately equal to one full-time equivalent agricultural specialist. The Board anticipates that the cost of enforcement will decrease once cattle producers become accustomed to the new protocol. There will be no costs to other agencies for implementation or enforcement.

(c) Johne's Disease. Reducing the restrictions on the use of Johne's Disease vaccine will not increase costs for the Board or any other government unit.

(d) Feral swine. The probable cost to the Board for implementation and enforcement of the prohibition on importation of feral swine will be insignificant. There will be no costs to other agencies for implementation or enforcement.

(e) Live bird markets. The probable cost to the Board for implementation and enforcement of the new requirements for live bird markets including mandatory permit, inspection, cleaning and disinfection, and testing for avian influenza will be significant. The requirement for a permit to operate a live bird market will increase administrative costs for the Board slightly. The Board estimates that it will incur increased costs for inspection of these facilities equal to 0.50 full-time equivalent agricultural specialist per year. There will be no costs to other agencies for implementation or enforcement.

(f) Intrastate movement of deer and elk. The probable cost to the Board for implementation and enforcement of the new restrictions on intrastate movement of farmed deer and elk will be insignificant. There will be no costs to other agencies for implementation or enforcement.

(g) Importation of deer and elk. The probable cost to the Board for implementation and enforcement of the increased restrictions for importation of deer and elk will be insignificant. There will be no costs to other agencies for implementation or enforcement.

(h) Testing and vaccination. The probable cost to the Board for implementation and enforcement of requirements for testing or vaccination of animals when necessary for purposes of disease prevention, control, and eradication could be significant. Depending on the species and the disease, these costs could vary widely. Mandatory testing or vaccination of large numbers of animals would only be implemented if it

was shown to be the only effective protocol for protecting the health of Minnesota livestock populations. If the Board needs to implement and enforce a program to test or vaccinate all animals in some category of livestock in the state, implementation, record keeping and enforcement could require the full time attention of all Board employees for the period of time testing or vaccination is required. There will be no costs to other agencies for implementation or enforcement.

**(3) Less costly methods.** *The determination of whether there are less costly methods or less intrusive methods for achieving the purpose of the proposed rule is as follows.*

The Board has determined that there are no less costly or intrusive methods for achieving the purpose of the proposed rules.

**(4) Alternative methods.** *The description of any alternative methods for achieving the purpose of the proposed rule that were seriously considered by the agency and the reasons why they were rejected in favor of the proposed rule are as follows.*

The Board has determined that there are no alternative methods to consider for achieving the purpose of the proposed rule.

**(5) Cost of compliance.** *The probable cost of complying with the proposed rules, including the portion of the total costs that will be borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals is as follows.*

Most of the requirements in the proposed rules have been extracted from current rules and the costs of complying with these requirements for governmental units, businesses or individuals will not change.

For those parts of the proposed rules that have changed significantly, the cost of compliance is as follows.

(a) Identification of breeding cattle. The probable cost of complying with the requirement for mandatory identification of breeding cattle prior to importation, movement from the farm of origin, exhibition and sale will be small. This requirement will not increase costs for the Board or other governmental units. For the cattle producer, there will be increased costs and labor involved with applying official identification to all breeding cattle that move from the farm of origin. Official USDA metal ear tags for cattle can be obtained by producers at no charge. Such ear tags can be applied to cattle quickly and easily and will result in minimal labor costs for the producer. Under new federal regulation, such ear tags can be obtained by the producer without the need to involve a veterinarian.

(b) Import permits for breeding cattle. The probable cost of complying with the requirement for mandatory permit for importation of breeding cattle will be insignificant for Minnesota cattle producers. When breeding cattle are imported into Minnesota, the veterinarian from another state who issues the certificate of veterinary inspection will call the Board and receive a permit number. The reason for permits is to capture specific information on breeding cattle prior to their arrival in Minnesota.

(c) Johne's Disease. Reducing the restrictions on the use of Johne's Disease vaccine will result in a cost savings for cattle producers who wish to vaccinate their herds. They will no longer be required to test their herds for tuberculosis prior to initiating a vaccination program. More Minnesota producers who have herds where Johne's Disease is a significant problem will be able to vaccinate their cattle and save production costs caused by premature culling of infected cows.

(d) Feral swine. The probable cost of complying with the prohibition on importation of feral swine will be insignificant for Minnesota swine producers.

(e) Live bird markets. The probable cost of complying with the new requirements for live bird markets including mandatory permit, inspection, cleaning and disinfection, and testing for avian influenza will be significant for both the Board and the operators of live bird markets. The Board estimates that it will incur increased costs for inspection of these facilities equal to 0.50 full-time equivalent agricultural specialist per

year. The cost of removing all poultry from live bird markets at least once every 30 days (for a 24 hour period) and thoroughly cleaning and disinfecting the facility will not result in increased costs for most of the Minnesota live bird markets. Most markets have already implemented this protocol in order to minimize the possibility of disease transmission. For a few of the live bird markets, implementation of these procedures will result in increased cost for supplies, labor and lost revenue for down time. Testing for avian influenza will increase costs for live bird market operators. The operators of live bird markets will incur increased costs for labor and laboratory fees unless state or federal funds are available for this purpose.

(f) Intrastate movement of deer and elk. The probable cost of complying with the new restrictions on intrastate movement of farmed deer and elk will be insignificant for Minnesota deer and elk producers, the Board and other Minnesota governmental units.

(g) Importation of deer and elk. The probable cost of complying with the increased restrictions for importation of deer and elk will be insignificant for Minnesota deer and elk producers, the Board and other Minnesota governmental units.

(h) Testing and vaccination. The probable cost of complying with the requirement for testing or vaccinating of animals when necessary for purposes of disease prevention, control, and eradication could be significant for livestock producers and the Board. Depending on the species and the disease, these costs could vary widely. Testing costs can vary from a few cents to several dollars per test. Some vaccines cost a few cents per dose and others cost several dollars per dose. In some cases, there may be federal or state funding to cover the costs of testing or vaccination. In other cases, the cost may have to be borne entirely by the producer. Mandatory testing or vaccination of large numbers of animals would only be implemented if it was shown to be the only effective protocol for protecting the health of Minnesota livestock populations. If the Board needs to implement and enforce a program to test or vaccinate all animals in some category of livestock in the state, implementation, record keeping and enforcement could require the full time attention of all Board employees for the period of time vaccination is required.

***(6) Cost and consequences of not adopting proposed rules. The probable costs or consequences of not adopting the proposed rule, including those costs or consequences borne by identifiable categories of affected parties, such as separate classes of governmental units, businesses, or individuals is as follows.***

Most of the requirements in the proposed rules have been extracted from current rules. For those parts of the proposed rules where requirements have changed significantly, the costs or consequences of not adopting the proposed rules are as follows.

(a) Identification of breeding cattle. If the requirement for mandatory identification of breeding cattle prior to importation, movement from the farm of origin, exhibition and sale is not adopted, the costs and consequences could be significant for Minnesota cattle producers, the Board and the Minnesota economy. If breeding cattle are not properly identified, the Board will not be able to trace the movement of the animals and the Board's ability to control and eradicate diseases will be severely impaired. To illustrate this point, consider that tuberculosis is found again in Minnesota cattle and the infected animal is not properly identified. Under these circumstances, there would be no way for the Board to determine where the animal came from, where it had been, or what other animals may have been exposed to the disease. Without the proper animal identification and the ability to trace animal movements, the Board's disease eradication efforts could become difficult if not impossible. If tuberculosis is identified again in Minnesota cattle and eradication efforts fail, other states may refuse to accept Minnesota cattle. Without the ability to export animals and animal products such as meat, milk and cheese, the cattle industry in Minnesota could collapse, costing Minnesota cattle producers many millions of dollars.

(b) Import permits for breeding cattle. If the requirement for a mandatory permit for importation of breeding cattle is not adopted, the Board's ability to efficiently follow the movements of cattle as they enter the state would be severely impaired. Tuberculosis has recently been eradicated from the Minnesota cattle population and cattle producers are depending on the Board to do everything in its power to ensure that the disease is not inadvertently brought into the state again with imported cattle. The adoption of the proposed

rules will increase the Board's ability to follow imported cattle and quickly identify and eliminate tuberculosis infected cattle before the infection can spread.

c) Johne's Disease. If the proposed rules reducing the restrictions on the use of Johne's Disease vaccine are not adopted, fewer cattle producers with Johne's Disease infected herds will be able to use the vaccine. Vaccination of cattle with Johne's Disease vaccine has been proven to be an effective tool for the control of the disease. If producers are unable to vaccinate their herds, breeding animals from infected herds will be lost prematurely and production costs will rise.

(d) Feral swine. If the prohibition on importation of feral swine is not adopted, there is a significant chance that pseudorabies or swine brucellosis could be reintroduced into the Minnesota swine population. Both of these diseases have been eradicated from the domestic swine population in the United States. Feral swine are prevalent in the southeastern part of the United States and are known to be infected with both pseudorabies and swine brucellosis. If infected feral swine are brought into Minnesota and the state's domestic pig population becomes infected with either of these diseases, all exports of pigs and pork could be stopped and the Minnesota swine industry could collapse.

(e) Live bird markets. If the new requirements for live bird markets including mandatory permits, inspection, cleaning and disinfection, and testing for avian influenza are not adopted, the Board will be less able to detect and control the spread of poultry diseases, especially avian influenza. Birds are gathered at live bird markets from many sources could easily become infected with avian influenza or other dangerous poultry diseases. Avian influenza is a potentially devastating disease in poultry and can infect humans under certain conditions. If avian influenza is not controlled at live bird markets, all Minnesota poultry flocks could be at risk of infection. When Minnesota chicken or turkey flocks are confirmed to have active avian influenza (H7 or H9) there are serious consequences for poultry producers. International trading partners are notified when infection is confirmed and some markets for interstate and international trade are closed or restricted. Loss of the ability to export animals and animal products costs producers millions of dollars in lost sales.

(f) Intrastate movement of deer and elk. If the new restrictions on intrastate movement of farmed deer and elk are not adopted, deer and elk from herds that fail to maintain required surveillance levels (Level 4) for Chronic Wasting Disease (CWD) would be allowed to move from herd to herd within the state. Elk or deer from herds that have failed to achieve at least Level 4 for CWD surveillance could potentially be infected with the disease and could expose other herds. When CWD is diagnosed in deer and elk herds, interstate and international trade is restricted or stopped. Loss of the ability to export animals and animal products costs producers millions of dollars in lost sales.

(g) Importation of deer and elk. If the increased restrictions for importation of deer and elk are not adopted, Board rules will not be consistent with federal requirements for interstate movement of deer and elk. If Board rules are not consistent with federal requirements, other states will not accept Minnesota deer and elk and the value of Minnesota animals would drop significantly.

(h) Testing and vaccination. If the requirements for testing or vaccination of animals are not adopted, the Board's ability to eradicate and control livestock diseases would be severely impaired. In some cases, testing or vaccination of large numbers of animals may be the only effective way to control and eradicate a disease. To illustrate this point, consider the history of eradication of pseudorabies from the Minnesota swine population. The Minnesota pseudorabies eradication program began in 1989 and was near completion in 1999 when major pseudorabies outbreaks occurred in that year and again in 2000. These outbreaks threatened to cause the entire program to fail. Normal protocols for control proved to be ineffective. Only when a program to test and vaccinate all swine in southern Minnesota was implemented in 2000, did the eradication effort advance. All swine in southern Minnesota were vaccinated for pseudorabies in 2000 and again in 2001. The last infected herd was eliminated in 2002 and the pseudorabies eradication effort was completed. The spread of many diseases can be stopped or controlled with vaccines and the Board's ability to respond to livestock disease incidents may depend on the ability to require vaccine use in animals.

**(7) Differences between proposed rules and federal regulations.** *The assessment of any differences between the proposed rule and existing federal regulations and a specific analysis of the need for and reasonableness of each difference is as follows.*

The proposed rules are consistent with and, in some parts, are more restrictive than existing federal regulations.

### **PERFORMANCE-BASED RULES**

The proposed rules were developed with the goal of designing programs for the control and eradication of animal diseases with the most flexibility for Minnesota regulatory officials, livestock producers and animal owners. With the adoption of these rules, the Board will be able to implement effective animal disease control programs at the least cost possible to the producer. These proposed rules provide flexibility within a standard framework for disease control that is performance based and as noninvasive as possible.

Flexibility is important because every animal disease is unique and control protocols must be tailored to meet specific criteria for each disease. Every control and eradication program must be based on the epidemiology of the disease.

Regardless of differences between diseases and animals, every disease control program is based on three fundamental components. To effectively administer disease control programs, the Board must be able to (1) locate the animals that are at risk of exposure to the disease, (2) test the animals to determine if they are infected with the disease, and then (3) implement effective programs to stop the spread of the disease.

The proposed rules provide regulatory authority to the Board to fulfill its mission, but allow enough flexibility to administer disease control programs with compassion and respect for livestock producers and animal owners.

### **ADDITIONAL NOTICE PLAN**

In an effort to provide additional notice to persons who might be affected by the proposed rules, the Board has mailed the proposed rules and the SONAR to everyone listed in the Board's Additional Notice Plan. The Board's Additional Notice Plan is as follows:

Animal Humane Society, Golden Valley
Gold'n Plump Poultry Company
Jennie-O Turkey Store
Michael Foods Egg Products Company
Minnesota 4-H
Minnesota Agri-Growth Council
Minnesota Animal Control Association
Minnesota animal control officers
Minnesota Association of County Sheriffs
Minnesota Beef Council
Minnesota Board of Animal Health staff members
Minnesota Board of Pharmacy
Minnesota Board of Veterinary Medicine
Minnesota Broiler and Egg Association
Minnesota Buffalo Association

Minnesota Dairy Goat Association
Minnesota Dairy Herd Improvement Association (DHIA)
Minnesota Deer Breeders Association
Minnesota Deer Hunters Association
Minnesota Department of Agriculture (MDA)
Minnesota Department of Health (MDH)
Minnesota Department of Natural Resources (DNR)
Minnesota Elk Breeders Association
Minnesota Farm and Food Coalition
Minnesota Farm Bureau
Minnesota Farm Service Agency
Minnesota Farm Service Agency
Minnesota Farmed Cervidae Advisory Committee members
Minnesota Farmers Union
Minnesota Federated Humane Society
Minnesota Federation for Responsible Animal Care (MNFRAC)
Minnesota Federation of County Fairs area directors
Minnesota Guernsey Breeders Association
Minnesota Holstein Association
Minnesota Holstein Breeders Association
Minnesota House of Representatives Agriculture and Rural Development Policy and Finance Committee
Minnesota Lamb and Wool Producers
Minnesota licensed kennel managers
Minnesota live bird market operators
Minnesota livestock auction markets
Minnesota Livestock Breeders Association
Minnesota Meat Goat Association
Minnesota Milk Producers Association
Minnesota Pollution Control Agency (PCA)
Minnesota Pork Board
Minnesota Pork Producers Association
Minnesota Senate Agriculture and Rural Economies Committee
Minnesota State Cattlemen's Association
Minnesota State Fair
Minnesota State Fair
Minnesota Turkey Growers Association
Minnesota USDA Veterinary Services Area Office
Minnesota veterinary clinics with livestock and poultry practices
Minnesota Veterinary Medical Association
Minnesota Waterfowl Association
Northland Community College
Persons on the Board of Animal Health official rulemaking mailing list
Persons on the Board of Animal Health poultry industry contact list

Persons who have requested information on the proposed rules
Sparboe Poultry Company
University of Minnesota College of Veterinary Medicine
University of Minnesota College of Veterinary Medicine
University of Minnesota Veterinary Diagnostic Laboratory
University of Minnesota Veterinary Diagnostic Laboratory
USDA-APHIS-VS, Minnesota area office staff members
Willmar Poultry Company
Zoo, Como Zoo
Zoo, Lake Superior Zoo
Zoo, Minnesota Zoological Gardens

The Board's Notice Plan also includes giving notice required by statute. The Board will mail the rules and Notice of Intent to Adopt to everyone who has registered to be on the Board's rulemaking mailing list under Minnesota Statutes, section 14.14, subdivision 1a. The Board will also give notice to the Legislature pursuant to Minnesota Statutes, section 14.116.

The Board's Notice Plan includes notifying the Commissioner of Agriculture because the rules affect farming operations pursuant to Minnesota Statutes, section 14.111.

#### **CONSULTATION WITH MINNESOTA MANAGEMENT AND BUDGET (MMB) ON LOCAL GOVERNMENT IMPACT**

As required by Minnesota Statutes, section 14.131, the Board will consult with Minnesota Management and Budget (MMB) to help evaluate the fiscal impact of the proposed rules. The Board will send a copy of the proposed rules and SONAR to MMB at the same time they are sent to the Governor's office for review and approval. The Board will submit a copy of the cover correspondence and any response received from MMB to the Office of Administrative Hearings (OAH).

The fiscal impact and benefits of the proposed rules on local governments will not be significant. Implementation and enforcement of the rules, with one exception, are performed by the Board. The one exception involves enforcement of part 1721.0580, Management of Animals that Bite Humans. Local animal control and law enforcement officials are responsible for enforcement of this part. This is not a change. Under current rules, 1705.1152, local animal control, health, and law enforcement officials are responsible for enforcement of part 1705.1151, which deals with the same issue. In the proposed rules, regulation of animals that bite humans is less prescriptive and will actually lessen the burden of enforcement on local authorities.

#### **DETERMINATION ABOUT RULES REQUIRING LOCAL IMPLEMENTATION**

As required by Minnesota Statutes, section 14.128, subdivision 1, the Board considered whether the proposed rules will require a local government to adopt or amend any ordinance or other regulation in order to comply with these rules. The Board determined that they do not because all provisions of the proposed rules, with the exception of managing animals that bite humans, are implemented and enforced by the Board. When local animal control and law enforcement officials are required to enforce part 1721.0580 regarding management of animals that bite humans, local governments will not be required to adopt or amend any ordinance or other regulation.

## **COST OF COMPLYING FOR SMALL BUSINESS OR CITY**

As required by Minnesota Statutes, section 14.127, the Board has considered whether the cost of complying with the proposed rules in the first year after the rules take effect will exceed \$25,000 for any small business or small city. The Board has determined that the cost of complying with the proposed rules in the first year after the rules take effect will not exceed \$25,000 for any small business or small city.

The Board has made this determination based on over 100 years of experience implementing and enforcing animal disease control and eradication programs in Minnesota. Since the Board was established in 1903, many diseases have been successfully eradicated from the state's livestock populations. These include Glanders in horses, scabies in sheep, tuberculosis and brucellosis in cattle, hog cholera and pseudorabies in swine, *Salmonella pullorum* and *Salmonella gallinarum* in chickens and turkeys, and *Mycoplasma gallisepticum* in turkeys. Other diseases are continually or sporadically present in Minnesota's domestic animals and are controlled under current rules. Some of these include avian influenza in domestic poultry, chronic wasting disease in deer and elk, equine infectious anemia and West Nile Virus in horses, and tuberculosis in cattle. In no case has the cost of control or eradication of these diseases exceeded \$25,000 for any small business or small city in any given year.

## **LIST OF WITNESSES**

If these rules go to a public hearing, the Board anticipates having the following witnesses testify in support of the need for and reasonableness of the rules:

Dr. William Hartmann, Executive Director, Board of Animal Health, will testify about the general need and reasonableness of the rules and on the sections on cattle and bison, and anthrax.

Dr. Paul Anderson, Assistant Director, Board of Animal Health, will testify about the need and reasonableness regarding sections on horses, and deer and elk.

Dr. Kris Petrini, Assistant Director, Board of Animal Health, will testify about the need and reasonableness regarding sections on livestock concentration points, sheep and goats, dogs, cats and ferrets, rabies prevention and control, and biologics.

Dr. Dale Lauer, Assistant Director, Board of Animal Health, will testify about the need and reasonableness regarding sections on poultry.

Dr. Beth Thompson, Veterinarian Senior, Board of Animal Health, will testify about technical aspects of the rule promulgation process and the need and reasonableness regarding sections on pigs, feeding garbage to livestock, and carcass disposal.

## **RULE-BY-RULE ANALYSIS**

### **Overview**

The primary reason that the proposed rule changes are needed is to eliminate obsolete or confusing language in existing Board rules and organize the rules so that they are more clear and easier to read and understand. Many chapters of existing Board rules were written long ago to address specific disease control or eradication programs such as brucellosis in cattle or pseudorabies in swine. Over the years, current rules were amended multiple times in an attempt to make them fit new situations and disease control protocols. New language and organization is needed for the Board to meet the needs of today's livestock producers and animal owners in Minnesota.

In amending and rewriting the proposed rules, great care was taken to preserve the parts of existing rules that are still relevant. In the rule-by-rule analysis below, regulations that are preserved from existing rules and only reworded for clarity purposes will be labeled as such.

In the proposed rules, the Board's general authorities are consolidated into one section. The authorities are reworded so that they apply to any domestic animal disease or health issue instead of being tied to a specific disease or health program. These fundamental authorities include the ability to require animal identification, quarantine and isolation, vaccination, cleaning and disinfection, testing, establishment of disease control zones, disease reporting, record keeping, and collection of information on locations where livestock are kept.

The significant changes in the proposed rules include; (1) requiring identification of breeding cattle prior to importation, intrastate movement, exhibition and sale, (2) requiring a permit prior to importation of breeding cattle, (3) reducing restrictions on the use of Johne's Disease vaccine in cattle, (4) prohibiting importation of feral swine, (5) requiring live bird markets to be permitted, inspected, cleaned, disinfected and tested for avian influenza, (6) establishing requirements for intrastate movement of farmed deer and elk, (7) increasing chronic wasting disease surveillance requirements to five years for importation of deer and elk, and (8) establishing that the Board may require testing or vaccination of animals when necessary for purposes of disease prevention, control, and eradication. In the rule-by-rule analysis, each of these changed or new regulations will be discussed in detail.

The proposed rules are reasonable because they preserve, clarify and improve the Board's general authorities to manage animal disease incidents and protect the health of domestic animals in the state. New regulations in the proposed rules are reasonable because they were developed in order to address real needs of Minnesota livestock producers and animal owners. The proposed rules were developed in collaboration with Minnesota livestock producers, animal owners, veterinarians and other animal health experts throughout the state. The proposed rules were developed to provide the Board with effective tools for control or eradication of animal diseases without causing undue hardship or expense for affected parties.

## GENERAL PROVISIONS

### 1721.0010 DEFINITIONS.

This section is needed to list the definitions that apply to all parts of the proposed rule. It is a reasonable approach because it eliminates duplication of definitions in other parts of the rules and helps the reader understand the meaning of words and phrases that are used throughout the rules.

Most definitions in this part are extracted directly from existing rules. Unless noted, wording changes do not alter the meaning of a word or phrase. Such definitions are not discussed individually. Similarly, new definitions that are self-explanatory are not discussed individually.

Subp. 5. **Breeding Cattle.** There is a need to amend the definition of breeding cattle so that people who feed young bull calves less than 10 months of age do not have to meet the requirements for official identification or testing of breeding cattle. The proposed rules exclude young sexually intact bulls from the breeding cattle category if they are maintained for feeding purposes. Excluding young bulls is reasonable if they are fed only for purposes of slaughter. These animals pose a negligible risk for disease spread because they are generally kept as a group and are slaughtered at less than 24 months of age. In contrast, breeding cattle that are usually kept for many years and are often moved from location to location multiple times are a bigger risk for disease spread. For disease control purposes, the requirements for breeding cattle address issues of official individual animal identification and record keeping, and were included to allow traceability of individual animals.

Subp. 26. **Live bird market.** There is a need to define live bird market because operation of such facilities in Minnesota is a relatively new phenomenon, is increasingly common practice, and could potentially serve as a site for transmission of poultry diseases. The proposed rules define a live bird market as a slaughter

facility at which live poultry are gathered, kept, sold, and subsequently slaughtered on site. Including this definition is reasonable because the meaning of the phrase is not intuitive.

#### **1721.0020 CONTROL OF ANIMAL DISEASES.**

Subpart 1. **Animal identification.** There is a need to generalize the Board's authority to require animal identification. The proposed rules allow the Board to require official identification of livestock for the purpose of disease control or recording the movement of animals. In current rules, this authority is connected to regulations for importation, exhibition or sale, and to specific disease control programs such as brucellosis, John's Disease, pseudorabies, tuberculosis, chronic wasting disease and scrapie. Generalizing this authority is reasonable because animal identification is a key element for any disease control or eradication program. Animals must be identified prior to determination of whether they are infected with a given disease, to follow their movements between locations, and determine which animals may have also been exposed to the disease.

Subp. 2. **Quarantine and isolation.** This part was extracted from 1720.1030 and 1720.1040 and was not amended. Wording changes are for clarification only.

Subp. 3. **Vaccination.** There is a need for the Board to have the authority to require vaccination of animals. Proposed rules allow the Board to require vaccination of animals for purposes of disease prevention, control, and eradication. The proposed rules also provide that vaccination of animals is to be performed at the owner's expense unless state or federal funds are available for this purpose. This part is reasonable because it is well known that vaccination of animals to prevent the spread of disease is a critical element for the success of many disease control programs. As one recent example, vaccination of pigs played a key role in the eradication of pseudorabies from Minnesota swine in 2002. Had it not been for pseudorabies vaccination of all pigs in southern Minnesota between 1999 and 2002, the entire eradication effort may have failed. Although we hope never to see the disease in the United States, it is well known that vaccination can be a valuable tool in the control and eradication of foot-and-mouth disease. In the absence of state or federal funds for this purpose, it is reasonable to ask owners to pay for vaccination of their animals if it is absolutely necessary to protect the health of the animals throughout the state.

Subp. 4. **Cleaning and disinfection.** This part was extracted from 1720.0320 and 1720.0330 and amended to include cleaning and disinfection of premises. The proposed rule allows the Board to require the cleaning and disinfecting of premises or vehicles in a manner approved by the Board when necessary to control the dissemination and transmission of diseases. This is reasonable because it is well known that premises as well as vehicles used to move livestock can be contaminated with disease causing organisms. Some disease causing organisms can persist for long periods of time in the environment. If premises and vehicles are not properly cleaned and disinfected prior to placement of new animals, the animals may become infected with a disease that is being controlled or eradicated and undermine the entire program.

Subp. 5. **Testing.** There is a need to generalize the Board's authority to require testing of livestock to determine if the livestock are infected with a disease and to protect the health of the domestic animals of the state. The proposed rules allow the Board to require testing of animals to determine if they are infected with a disease. The proposed rules further provide that (1) the Board may require tests to be performed by or under the direct supervision of an accredited veterinarian, (2) all required tests must be completed by a date determined by the Board, (3) the owner is responsible for assembling, handling, and restraining the animals so they can be tested, and (4) the tests must be performed at the owner's expense unless state or federal funds are available for this purpose. In current rules and statutes, these authorities are always connected to regulations for importation, exhibition or sale, and to specific disease control programs such as tuberculosis, brucellosis, chronic wasting disease, pseudorabies, and scrapie. Generalizing these authorities is reasonable because testing is the cornerstone of all disease control or eradication programs. Animals must be tested in order to determine whether they are infected with a given disease. It is reasonable to ask that testing for some diseases be performed by an accredited veterinarian to meet federal requirements or to maintain the integrity of the control program. It is reasonable to require testing to be performed in a timely manner in order to identify and quarantine infected animals before more disease spread occurs. In the absence of state or federal funds for this purpose, it is reasonable to ask owners to pay for testing of their

animals when it is absolutely necessary to protect the health of the animals throughout the state.

Subp. 6. **Disease control zones.** There is a need to generalize the Board's authority to designate disease control zones and determine their size and location. The proposed rules allow the Board to establish disease control zones and require owners of livestock to (1) report personal contact information and location of all livestock to the Board, (2) obtain a permit or movement certificate from the Board prior to movement of livestock onto or off any premises, (3) submit complete inventories of all livestock to the Board as requested, and (4) complete and follow the recommendations of a wildlife risk assessment conducted in a manner approved by the Board. This is reasonable because it provides a framework in which the Board can effectively implement disease control programs that many times affect both livestock and wildlife. The technique has been used effectively for the control and eradication of tuberculosis in northwestern Minnesota (Minnesota Statutes 35.244), for control of avian influenza in central Minnesota and for control of chronic wasting disease in southeastern Minnesota. It is reasonable to establish this authority in a general format so that it can be used to control any disease including those that are currently not found in the United States.

Subp. 7. **Disease reporting.** There is a need to generalize the Board's authority to require disease reporting. The proposed rules require disease reporting from any person who knows or reasonably suspects that an animal is infected with a disease listed on the Board's reportable animal diseases list. New diseases become important to animal owners in the state sometimes at a very rapid pace. Recent examples are West Nile Virus, contagious equine metritis, piroplasmiasis, equine herpesvirus (type 1), and avian influenza (H7N9). Because these diseases gain or lose importance at such a rapid rate, it is reasonable for the Board to maintain a published list of reportable diseases instead of attempting to incorporate each of these diseases into new rules.

**1721.0030 OFFICIAL EAR TAGS.** There is a need to consolidate and update rules for use of official ear tags into one section. In current rules, these requirements are spread throughout sections on brucellosis and pseudorabies, and are specifically found in parts 1720.1050 to 1720.1070. The proposed rules (1) provide fewer restrictions on the distribution of official tags so that they can be distributed directly to livestock producers, (2) recognize that there are now several types of official ear tags in addition to the traditional metal tags that have been used for the last 50 years, (3) preserve the regulation that official ear tags may not be removed, and (4) describe in detail what records must be kept by a person that applies official ear tags. The proposed rules are reasonable because they preserve the integrity of the official ear tag system for livestock and are more flexible in order to recognize the development of new types of ear tags such as radio frequency identification (RFID) devices.

**1721.0034 OFFICIAL BACK TAGS.** There is a need to consolidate and update rules for use of official back tags into one section. In current rules, these requirements are spread throughout sections on brucellosis and pseudorabies, and are specifically found in parts 1715.1390, 1715.1440, 1720.1050 to 1720.1070, and 1720.1680 to 1820.1740. The proposed rules (1) preserve the regulation that official back tags may not be removed without permission from the Board and (2) specify that records must be kept by a person that applies official back tags. The proposed rules are reasonable because they preserve the integrity of the official back tag system for traceability of cull cows, bulls, sows and boars in slaughter channels.

**1721.0040 CERTIFICATES OF VETERINARY INSPECTION.** There is a need for a general section on the purpose of a certificate of veterinary inspection, how it is to be submitted, and what specific information is to be included. The proposed rules do this. This is reasonable because current rules on this subject are fragmented with bits and pieces in many sections of rules, especially those on importation of animals 1700.0010 to 1700.5300. It is also reasonable because it ensures that requirements for certificates of veterinary inspection are consistent with those in Code of Federal Regulations Title 9 Parts 1-199.

**1721.0050 IMPORTATION OF LIVESTOCK.** There is a need to require a certificate of veterinary inspection for importation of all birds and mammals into the state. There is also a need for a general restriction on the importation of animals infected with or exposed to specific diseases. The proposed rules do this. This is reasonable because these requirements have always been in place, but have been tied to a specific type of animal. The proposed rules state the provisions of this requirement once as it applies to

all types of birds and mammals.

**1721.0060 INFORMATION ON LIVESTOCK LOCATIONS.** There is a need to clarify the Board's authority to visit livestock producers and collect information on their operations such as location and number and type of animals on the site. The proposed rules clearly state that the Board can collect information on livestock locations throughout the state. When the Board is challenged regarding its authority to visit and collect information on livestock operations, the proposed rules will clarify the need and reasonableness of this critical activity.

The proposed rules are reasonable because maintaining current and accurate information on livestock operations is critical to the Board's ability to respond to disease emergencies and control or eradicate animal diseases. There is broad support from livestock producers for these rules. Over the last three years, Board of Animal Health staff members have visited over 38,000 livestock producers throughout the state to update information on their livestock operations. With only a few exceptions, producers have been very willing to share information with the Board. They recognize the importance of registering their farms with the Board to facilitate efficient response efforts when animal disease events occur. Most of these producers are already very familiar with the Board because of past and present participation in disease control and eradication programs for livestock such as tuberculosis, brucellosis, Johne's disease, chronic wasting disease, pseudorabies, anthrax, scrapie, equine infectious anemia and others.

This type of information has been collected by the Board during every disease control program it has ever implemented, but the authority to do so has never been clearly stated. The proposed rules are also reasonable because information gathered by the Board on livestock operations is classified as private or nonpublic (Minnesota Statutes, section 13.643 subd. 6). Information such as names, addresses, locations and identification numbers of premises and animals may only be shared with other persons, agencies or the public if it is necessary to aid in the law enforcement process or to protect public or animal health.

**1721.0070 LIVESTOCK RECORDS.** There is a need to consolidate requirements for retention of records on livestock and clarify the requirement that the Board has the authority to examine such records. Except where specified otherwise in the proposed rules, the proposed rules set a default time period of five years that livestock records must be maintained. The proposed rules further specify that a person or entity required by the Board to keep records on livestock must, upon request, make those records available to the Board. This requirement is reasonable because, when a disease occurs in livestock, the Board must be able to determine where animals are located that may have been exposed to the disease. Most of the time, records of livestock sales and purchases must be examined to make such a determination.

## LIVESTOCK CONCENTRATION POINTS

**1721.0080 DEFINITIONS.** The definitions in this part are self-explanatory.

**1721.0090 COMMUNITY SALES.** There is a need to consolidate and clarify the general requirements for sale of livestock. This part is extracted from current rules (1715.0200 to 1715.0580), (1715.0590 to 1715.0770), (1715.0780 to 1715.1260), and (1715.1270 to 1715.1480) and has been rewritten without making significant changes to requirements. This is reasonable because many of the requirements for sale of livestock are the same and are duplicated in several different parts of current rules.

Subp. 7. **Exemption for intrastate poultry-only sales.** There is a need to exempt poultry-only sales from the requirements to hire an official veterinarian and maintain expensive facilities. The proposed rules are written to allow such sales to take place without the expense of hiring a veterinarian and providing expensive facilities if certain conditions are met. The proposed rules allow for poultry-only sales to occur at any location without an official veterinarian if (1) the only livestock handled at the sale are poultry or ratites, (2) poultry, ratites, or hatching eggs that originate from flocks in other states are not allowed at the sale, (3) poultry, ratites, or hatching eggs are not allowed to leave the sale for destinations in other states, and (4) the sale manager ensures that the requirements for sale of poultry through community sales (1721.0310) are met. The proposed rules are reasonable because there is a large public demand for such sales and they can

occur safely without veterinary supervision or expensive facilities if the birds and eggs are identified, come from and stay within Minnesota, and the flocks of origin meet testing requirements for specified disease control programs.

Subparts 8 and 9. **Slaughter cattle.** There is a need to regulate the movement of cattle sold for slaughter purposes to ensure that such animals do indeed go to slaughter and are not diverted to farms or ranches. This is necessary because slaughter cattle do not have the same movement requirements as breeding or feeding cattle and movement of these animals to farms and ranches without proper testing and identification could result in the spread of disease and the inability to trace the origins and destinations of the cattle. The proposed rules provide for a system of slaughter affidavits where cattle buyers certify that purchased slaughter cattle will actually go to slaughter. There is also a need to provide a system wherein back tagged cattle can be reinstated to breeding or feeding cattle status so that they can move to locations other than slaughter establishments under certain circumstances. The proposed rules outline a system that would ensure that these cattle meet the appropriate testing and identification requirements before the back tags are removed and the animals are moved to non-slaughter locations.

Subp. 10. **Records.** There is a need to consolidate and clarify record keeping requirements for all types of livestock sales. This part is extracted from current rules on *Sale of Livestock at Auction Markets, Consignment, Community, and other Sales* (1715.0200 to 1715.0580), *State-Federal Approved Markets for Swine* (1715.0590 to 1715.0770), *State-Federal Approved Markets for Cattle* (1715.0780 to 1715.1260), and *Public Stockyards* (1715.1270 to 1715.1480). The proposed rules require that records maintained by livestock sale managers must include the official identification numbers of certain classes of livestock correlated with both the origin and destination of the animals. This is reasonable because it is the only way animals can be traced through livestock sales during disease investigations. Livestock sale managers already collect this information and could easily develop information systems to retrieve it upon request.

**1721.0100 PUBLIC EXHIBITION.** There is a need to consolidate and clarify the requirements for exhibition of livestock. This part is extracted from current rules parts 1715.0005 to 1715.0050. The proposed rules create no new requirements for holding exhibitions of livestock in Minnesota. The proposed rules do allow for poultry-only exhibitions to be held without the presence of an official veterinarian if certain conditions are met.

Subp. 5. **Exemption for poultry-only exhibitions.** There is a need to exempt poultry-only exhibitions from the requirements to hire an official veterinarian and maintain expensive facilities. The proposed rules are written to allow such exhibitions to take place without the expense of hiring a veterinarian and providing expensive facilities if certain conditions are met. The proposed rules allow for poultry-only exhibitions to be held at any location without an official veterinarian if (1) the only livestock handled at the sale are poultry or ratites, and (2) the exhibition manager ensures that the entrance requirements for exhibition of poultry and ratites in Minnesota have been met. The proposed rules are reasonable because there is a large public demand for such exhibitions and the Board has determined that they can be held safely without veterinary supervision or expensive facilities if the birds and eggs are identified and meet testing requirements for specified disease control programs.

**1721.0104 SLAUGHTER-ONLY HANDLING FACILITY.** This section of the rules is new. There is a need to create this new section to allow for the establishment of slaughter-only handling facilities in Minnesota where cows and bulls that are culled from herds can be gathered, sorted and subsequently shipped directly to cattle slaughter facilities. The current rules have no such provision. The Board has determined that under very specific restrictions, cull cows and bulls can be gathered, held and sorted prior to shipment to slaughter without risk of exposing other Minnesota cattle to dangerous diseases. In order to efficiently move cull cows and bulls to slaughter and not interfere with modern cattle industry practices, there is a need for slaughter-only handling facilities in Minnesota. There is also a need to exempt cull cows and bulls which move to these facilities from certain intrastate and interstate movement requirements. This section is reasonable because it establishes the criteria for operation of such facilities in an efficient manner that still protects Minnesota cattle from exposure to dangerous diseases.

Subpart 1. **Permits.** This section establishes the criteria for issuing permits. It requires that a person may not operate a slaughter-only handling facility without a permit from the Board and that they must also be currently licensed by the Minnesota Department of Agriculture as a livestock dealer. It establishes a requirement for inspection and grounds for refusal or revocation of a permit. Requiring licensure by the board is reasonable because the major concern with management of this type of facility is minimizing the risk of disease spread in cattle. It is reasonable to require licensure as a livestock dealer by the Department of Agriculture because the operators of such facilities are in the business of buying and selling cattle on a regular basis and are required to obtain such a license under Minnesota Statutes part 17A.07.

Subpart 2. **Requirements for operation.** There is a need to establish requirements for operation of slaughter-only handling facilities in order to ensure that commingled slaughter cattle are not exposed to other Minnesota cattle. The criteria in this section are reasonable because they allow for high volume flow of cattle through the facility while ensuring that all cattle at the facility are kept separate from other Minnesota cattle and move from the facility directly to a federally inspected cattle slaughter facility within five business days. The five day limit on time cattle can be held has two purposes. One purpose is to move cattle out of the facility to slaughter before they have time to become infected with dangerous diseases. The other purpose is to minimize the loss of back tags from identified cattle. The longer cattle are held, the more they rub on each other or on inanimate objects and the more chances there are to dislodge back tags. When back tags are lost, the ability to trace cattle back to the farm of origin disappears.

Subpart 3. **Animal identification.** The requirement that all cattle must be identified with an official back tag before being commingled at the site is necessary and reasonable because it is the only way cattle can be traced back to the farm of origin. It is also a requirement in current rules, parts 1720.1680 to 1720.1740.

Subpart 4. **Records.** This part is extracted from current rules (1720.1050 to 1720.1070 and 1720.1680 to 1720.1740) and has been rewritten to clarify requirements. The requirements in this part are reasonable because they ensure that cattle that move through a slaughter-only handling facility can be traced back to the farm where the cattle originated.

Subpart 5. **Animals held for more than five business days.** The requirements in this part are new. They establish that permission may be granted by the board to hold cattle for up to 60 days at a slaughter-only handling facility if (1) cattle are identified with an official ear tag, (2) the official ear tag is correlated with the official back tag, and (2) cattle are kept separate from other cattle at the facility. This is needed to ensure that individual identification of each cow or bull is not lost. It is reasonable because costs for the facility operator to implement these requirements will be minimal.

**1721.0110 SLAUGHTERING ESTABLISHMENTS.** Subpart 1 is extracted from current rules (1720.1080). Subpart 2 establishes new requirements for operation of live bird markets.

Subpart 1. **Removal of livestock.** This part is extracted from current rules part 1720.1080. There is a need to amend this part to include all types of livestock instead of referring only to cattle, sheep or swine. The proposed rules broaden the restrictions on removal of animals from slaughter facilities to include all types of livestock. This is reasonable because all types of livestock that are congregated at slaughter facilities have the potential to become infected with dangerous diseases. Removal of livestock from slaughter facilities is restricted because such activities could lead to the spread of disease and endanger the health of all Minnesota livestock.

Subp. 2. **Live bird markets.** There is a need to regulate live bird markets. The proposed rules require a permit from the Board in order to operate a live bird market, a slaughter facility at which live poultry are kept, sold, and subsequently slaughtered on site. The proposed rules require (1) a permit from the Board to operate such facilities, (2) that the Board inspect such facilities at least once every 12 months, (3) that the facilities be maintained in a reasonably sanitary condition, and (4) that the operator keep records on all birds that are sold through the market. These rules are reasonable because birds that are congregated and kept live at these facilities may become infected with and spread dangerous poultry diseases. Maintaining such facilities in a reasonably sanitary condition will help to stop the spread of poultry diseases. Board supervision will help to ensure that facilities are maintained in a sanitary condition and that live birds are not

allowed to leave the facilities to other locations in Minnesota.

## CATTLE AND BISON

**1721.0120 DEFINITION.** The definition in this part is self-explanatory.

**1721.0130 IMPORTATION OF CATTLE.** Subparts 1, 2, 3, and 4 are extracted from current rules (1700.0100 to 1700.1500) and have been rewritten without making significant changes to requirements.

Subp. 5. **Requirement for tuberculosis test.** There is a need to require a test for tuberculosis on all cattle imported into Minnesota that were born in Mexico and on all cattle imported for use in rodeos, timed events and production of calves to be used in rodeos. The proposed rules set requirements for tuberculosis testing of such cattle. This is reasonable because Mexican origin cattle are often used for rodeo competition events in the United States and bovine tuberculosis is prevalent in cattle in Mexico. Mexican origin cattle or cattle that have been in contact with such animals have been found in the United States in recent years to be infected with bovine tuberculosis. Such cattle must be tested for tuberculosis in order to identify infected cattle and protect other Minnesota cattle and wildlife from infection. Bovine tuberculosis is also a zoonotic disease that can infect humans. Preventing the disease in cattle is a critical part of preventing the disease from occurring in the human population in Minnesota.

Subp. 6. **Requirement for an import permit.** There is a need to require a permit from the Board prior to importation of breeding cattle and cattle that need a tuberculosis test. The proposed rules allow the Board to require such permits. This is reasonable because it will facilitate the Board's ability to track cattle that are imported into Minnesota, especially those that also require a tuberculosis test. Control and eradication of bovine tuberculosis in the United States has become critically important. Once thought to have been eradicated from the United States and Canada, bovine tuberculosis has in recent years been identified in cattle and deer herds in numerous states, including Minnesota, and Canada.

### **1721.0140 INTRASTATE MOVEMENT.**

Subpart 1. **Requirement for official identification.** There is a need to require official identification of all breeding cattle prior to movement from a Minnesota cattle herd to another location. The program in Minnesota to eradicate bovine tuberculosis has highlighted this need in recent years, but there are many other diseases of cattle that require control or eradication activities. The proposed rules provide requirements for official identification of breeding cattle prior to movement. This requirement is reasonable because official identification of cattle is the only way to ensure that the Board can track such animals as they move from place to place and control cattle diseases when they occur. Because of recent cases of bovine tuberculosis and brucellosis, there is a movement in all states to require official identification of breeding cattle prior to movement.

Subp. 2. **Requirement to maintain records.** There is a need to specify who must keep records on cattle movements and transactions. The proposed rules require that any person or entity that purchases, acquires, trades, deals in, sells, or disposes of cattle must maintain records on the acquisition and disposition of cattle. This is a reasonable solution because the Board must be able to locate specific cattle and reconstruct where they have been to implement disease control programs. Without records of official identification, locations and dates, cattle cannot be tracked and disease control programs can become ineffective.

Subp. 3. **Contents of records.** There is a need to specify exactly what records must be maintained by the Board in order to implement effective disease control programs. The proposed rules specify what records are to be kept and include dates, locations, source and destination, type of animal, official identification, and official paperwork that may accompany cattle as they move. This is reasonable because animals cannot be tracked without this information.

Subp. 4. **Cattle in slaughter channels.** This part is extracted from current rules (1720.1680 to 1720.1700) and has been rewritten without making significant changes to requirements.

**1721.0150 EXHIBITIONS.** There is a need to require official identification of all breeding cattle prior to entrance to a public exhibition of livestock. The program in Minnesota to eradicate bovine tuberculosis has highlighted this need in recent years, but there are many other diseases of cattle that require control or eradication activities. The proposed rules provide requirements for official identification of breeding cattle prior to exhibition. This requirement is reasonable because official identification of cattle is the only way to ensure that the Board can track such animals as they move from place to place and control cattle diseases when they occur. Because of recent cases of bovine tuberculosis and brucellosis, there is a movement in all states to require official identification of breeding cattle prior to exhibition.

**1721.0160 COMMUNITY SALES.**

Subpart 1. **Requirement for official identification.** There is a need to require official identification of all breeding cattle prior to being sold at a community sale. The program in Minnesota to eradicate bovine tuberculosis has highlighted this need in recent years, but there are many other diseases of cattle that require control or eradication activities. The proposed rules provide requirements for official identification of breeding cattle prior to sale at community sales. This requirement is reasonable because official identification of cattle is the only way to ensure that the Board can track such animals as they move from place to place and control cattle diseases when they occur. Because of recent cases of bovine tuberculosis and brucellosis, there is a movement in all states to require official identification of breeding cattle prior to sale at community sales.

Subp. 2. **Requirement for affidavits of slaughter.** There is a need to regulate the movement of cattle that are sold for slaughter purposes to ensure that such animals do indeed go to slaughter and are not diverted to farms or ranches. This is necessary because slaughter cattle are not required to meet the same movement requirements as breeding and feeding cattle. The proposed rules provide for a system of slaughter affidavits where cattle buyers certify that purchased slaughter cattle will actually go to slaughter. This is reasonable because slaughter cattle do not have to meet the same testing and identification requirements as breeding and feeding cattle. Movement of these animals from slaughter channels to farms and ranches without proper testing and identification could result in the spread of dangerous cattle diseases and the inability to trace the origins and destinations of the cattle involved.

**1721.0165 BOVINE TUBERCULOSIS.** There is a need to clarify requirements for testing cattle for tuberculosis. The proposed rules require that tuberculosis tests be conducted by an accredited veterinarian who is certified by the Board to conduct tuberculosis tests. The proposed rules also require that tuberculosis test charts be submitted to the Board within 14 days from the date test results are read. Finally, the proposed rules clarify that animals tested with an official tuberculosis test must have official identification. These requirements are reasonable because they are consistent with federal requirements for testing cattle for tuberculosis. These requirements are currently being met by almost all veterinarians that test cattle for tuberculosis. Clarification of the requirements will help the Board enforce these requirements. Ensuring that veterinarians properly test cattle for tuberculosis and report to the Board in a timely manner is a key to the success of the tuberculosis eradication effort in Minnesota.

**1721.0170 BOVINE BRUCELLOSIS.** This part is extracted from current rules (1705.0260 to 1705.0310) and has been rewritten without making significant changes to requirements.

**1721.0175 JOHNE'S DISEASE.** There is a need to reduce current restrictions on the use of Johne's Disease vaccine (1705.0727). The proposed rules eliminate the need to test herds for tuberculosis prior to vaccination and allow vaccination in herds with very low prevalence of the disease. This is reasonable because (1) concerns about vaccine interfering with tuberculosis testing have been resolved and (2) vaccine use will help control clinical signs of the disease and decrease the need to cull cows prematurely.

## PIGS

**1721.0180 DEFINITIONS.** The definitions in this part are self-explanatory.

### **1721.0190 IMPORTATION OF SWINE.**

Subpart 1. **Importation of feral swine prohibited.** There is a need to prohibit the importation of feral swine into Minnesota. The proposed rules prohibit the importation of (1) feral swine or swine that were feral during any part of their lifetime, and (2) feral swine carcasses except for cut and wrapped meat, hides, teeth, and finished taxidermy mounts. This is reasonable because feral swine throughout the southeastern part of the United States are known to be infected with both pseudorabies and swine brucellosis. Swine producers throughout Minnesota have requested that the Board promulgate rules to prohibit the importation of feral swine in order to protect the health of Minnesota pigs.

Subp. 2. **Requirement for official identification and certificate of veterinary inspection.** This subpart is extracted from current rules (1700.2590 to 1700.3010) and has been rewritten without making significant changes to requirements.

**1721.0200 INTRASTATE MOVEMENT REQUIREMENTS.** This part is extracted from current rules (1705.2460, 1705.2470, and 1720.1710 to 1720.1740) and has been rewritten without making significant changes to requirements.

**1721.0210 EXHIBITIONS.** This part is extracted from current rules (1705.2460, 1705.2470, 1715.0060, and 1715.0105) and has been rewritten without making significant changes to requirements.

**1721.0220 COMMUNITY SALES.** This part is extracted from current rules (1705.2460, 1705.2470, 1715.0550, 1715.0705, 1715.1450, and 1720.1710) and has been rewritten without making significant changes to requirements.

## HORSES

**1721.0230 DEFINITIONS.** Most definitions in this part are extracted directly from existing rules (1700.2100). Unless noted, wording changes do not alter the meaning of a word or phrase. Such definitions are not discussed individually. New definitions that are self-explanatory are not discussed individually.

Subp. 4. **EIA-exposed horse.** There is a need to explain in detail what determines whether a horse is exposed to equine infectious anemia (EIA). This is necessary because labeling a horse as exposed to EIA has serious consequences and requires that the horse be quarantined for a long period of time and be tested for EIA at least twice at owner expense. The proposed rules specify that an EIA exposed horse must have (1) been within 200 yards of an EIA infected horse for at least ten consecutive days during the vector season within the previous 12 months; or (2) received blood or blood products from an EIA infected horse through the use of contaminated needles, syringes, surgical instruments, riding tack, or grooming equipment. This requirement is reasonable because the proposed rules only require the Board to designate a horse as EIA exposed if the known history of the horse indicates that there is a very strong possibility that it may have contracted the disease.

Subp. 6. **EIA vector season.** There is a need to explain what EIA vector season means because it plays a key role in determining whether a horse is exposed to EIA. The proposed rules specify that the EIA vector season is the time of year when large biting insects, such as horse flies and deer flies of the family Tabanidae are present. This is reasonable because it is known that the disease is spread from horse to horse by these types of flies.

**1721.0240 IMPORTATION OF HORSES.** This part is extracted from current rules (1700.2100 to 1700.2500) and has been rewritten without making significant changes to requirements.

**1721.0250 EXHIBITION OF HORSES.** This part is extracted from current rules (1715.0125 and 1715.0130) and has been rewritten without making significant changes to requirements.

**1721.0260 EQUINE INFECTIOUS ANEMIA (EIA).**

Subpart 1. **EIA test procedures.** There is a need to specify who can draw blood samples used for EIA tests on horses. The proposed rules require that blood samples for EIA tests must be drawn by an accredited veterinarian. This requirement is reasonable because it reflects federal regulations and it is necessary to ensure the integrity of the EIA control and eradication program.

Subp. 2. **EIA quarantine procedures.** Equine infectious anemia is a dangerous and often fatal disease of horses. It is caused by a virus. Infected horses remain infected throughout their lifetime and can shed the virus at any time. There is a need to specify protocols for quarantine of EIA infected and exposed horses and for quarantine release on exposed horses. The proposed rules specify how cases involving EIA infected and exposed horses are to be handled. The proposed rules include protocols for (1) testing, (2) quarantine and isolation, (3) quarantine release, and (4) movement of quarantined horses. The proposed rules require that infected horses must be permanently maintained under quarantine and be isolated from other horses not infected with EIA. Exposed horses must be quarantined and tested. Quarantines on exposed horses may be released when all exposed horses on a premises are tested and found negative for EIA at least 45 days following the last known exposure. The proposed rules are reasonable because requirements minimize the risk of spreading EIA to other horses and reflect accepted federal standards for control of EIA (Code of Federal Regulations, title 9, part 75, and the United States Department of Agriculture publication APHIS-91-55-064 "Equine Infectious Anemia: Uniform Methods and Rules" published January 10, 2007).

## POULTRY

**1721.0270 DEFINITIONS.** Most definitions in this part are extracted directly from existing rules (1710.1300). Unless noted, wording changes do not alter the meaning of a word or phrase. Such definitions are not discussed individually. New definitions are self-explanatory and are not discussed individually.

Whenever "Plan" is used throughout the following discussion on these proposed rules for poultry, it means the "National Poultry Improvement Plan and Auxiliary Provisions," which is published in the Code of Federal Regulations, Title 9, parts 56, 145, 146, and 147.

**1721.0280 IMPORTATION OF HATCHING EGGS, POULTRY, AND RATITES.** This part is extracted from current rules (1700.3110 to 1700.4100) and has been rewritten for clarity without making significant changes to requirements. In the proposed rules, import requirements are no longer contingent upon the age and size of flocks and testing requirements are grouped by specific diseases.

**1721.0290 POULTRY DEALERS.** This part is extracted from current rules (1710.1300 to 1710.1530) and has been rewritten for clarity without making significant changes to requirements. References to dealer requirements are currently spread throughout existing rules, with the exception of part 1710.1510, and are difficult to understand. In the proposed rules, this section consolidates requirements for poultry dealers into one clear and understandable part.

**1721.0300 EXHIBITION OF POULTRY.** This part is extracted from current rules (1710.1430 and 1715.0140) and has been rewritten without making significant changes to requirements. The proposed rules allow for exhibition of hatching eggs, poultry and ratites without individual testing if they originate from a flock that meets specific negative disease status requirements. This is reasonable because it gives poultry producers options for meeting exhibition requirements without compromising protocols for disease control. In proposed rules, there is no longer a requirement to test turkeys for *Salmonella typhimurium* prior to exhibition. This is reasonable because it simplifies exhibition testing requirements and is consistent with Plan requirements for control of poultry diseases.

**1721.0310 COMMUNITY SALES.** This part is extracted from current rules (1710.1310 to 1710.1530) and has been rewritten without making significant changes to requirements. The proposed rules allow for sale of hatching eggs, poultry and ratites without individual testing if they originate from a flock that meets specific negative disease status requirements. This is reasonable because it gives poultry producers options for meeting exhibition requirements without compromising protocols for disease control.

**1721.0320 HATCHERIES AND BREEDING FLOCKS.** This part is extracted from current rules (1710.1300 to 1710.1530) and has been rewritten to clarify requirements for hatcheries and breeding flocks. The only change from current rules in this part is to require a permit and inspection for breeding flocks in Minnesota. This is needed so that the Board can determine that breeding flocks (1) meet disease control requirements of this part and the Plan, (2) are maintained in a reasonably clean and sanitary condition, and (3) records are maintained as required. This is reasonable because the Board already establishes breeding flock statuses based on testing results. Inspection and permits will help the Board verify breeding flock statuses without causing increased expenses for poultry producers.

**1721.0330 TESTING AND SAMPLING.** This part is extracted from current rules (1710.1410, 1710.1435, 1710.1470, 1710.1500) and has been rewritten for clarity without making significant changes to requirements.

Subp. 4. **Authorized poultry testing agents.** There is a need to require authorized poultry testing agents to complete poultry program training course update every four years to maintain such authorization. The proposed rules preserve the current requirements for authorized poultry testing agents (1710.1500) and add a new requirement for completion of a poultry program training course update every four years. This is reasonable because completion of the training course will allow the Board to provide continuing education to testing agents with updates on new testing requirements and techniques. It will also help to keep communications channels open between the Board and testing agents so that questions can be addressed in a timely way.

**1721.0340 PULLORUM-TYPHOID.** This part is extracted from current rules (1710.1440 to 1710.1470) and has been rewritten for clarity without making significant changes to requirements.

**1721.0344 MYCOPLASMA GALLISEPTICUM AND MYCOPLASMA SYNOVIAE.** This part is extracted from current rules (1710.1440 to 1710.1470) and has been rewritten for clarity without making significant changes to requirements.

**1721.0350 SALMONELLA ENTERITIDIS.** This part is extracted from current rules (1710.1440 to 1710.1470) and has been rewritten for clarity without making significant changes to requirements.

**1721.0360 AVIAN INFLUENZA.**

Subpart 1. **Testing at live bird markets.** There is a need to require testing of birds at live bird markets to determine if they are infected with avian influenza. A live bird market is a slaughter facility at which live poultry are kept, sold, and subsequently slaughtered on site. The proposed rules require testing for avian influenza at each live bird market at least once every 30 days. This is reasonable because the operation of such facilities in Minnesota is a relatively new phenomenon, is increasingly common practice, and could potentially serve as a site for transmission of avian influenza to other poultry flocks in the state. Avian influenza is a potentially devastating disease with high morbidity and mortality rates for all types of poultry. Under the right circumstances, avian influenza can also be a serious disease of humans. Surveillance testing for detection of avian influenza at live bird markets is critical to protect the poultry industry and the public health in Minnesota.

Subp. 2. **Cleaning and disinfecting at live bird markets.** In order to control the potential spread of avian influenza and other dangerous poultry diseases in Minnesota, there is a need to require live bird market operators to (1) remove all poultry from each facility at least once every 30 days, (2) keep the facility empty for a period of at least 24 hours, and (3) clean and disinfect the facility under the supervision of the board. This is needed because live bird markets are a unique type of slaughter facility. In other types of slaughter

facilities, animals are gathered, commingled and slaughtered within hours of arrival. At other types of slaughter facilities there is little or no chance for animals to spread or amplify disease causing organisms before they are slaughtered. At live bird markets, poultry are gathered and kept live for extended periods of time, long enough for disease organisms to spread, amplify and possibly mutate into more virulent forms of a disease. It is reasonable to require managers of live bird markets to empty and clean their facilities at least once every 30 days to break the cycle of disease spread and amplification. Most live bird market managers already meet these requirements because it is their own best interest to do so. Emptying, cleaning and disinfecting these facilities every 30 days is a critical part of the strategy to stop the spread of avian influenza and other dangerous poultry diseases in Minnesota.

## DEER AND ELK

**INTRODUCTION.** The Board of Animal Health has a very active farmed cervidae advisory committee that has been involved in all aspects of development of these proposed rules regulating the production of farmed cervidae (deer and elk) in Minnesota. There is consensus among committee members that these proposed rules for farmed cervidae are needed and reasonable. This advisory committee consists of representatives from the Board of Animal Health, the Department of Natural Resources (DNR), the Department of Agriculture, the Elk Breeders Association, the Deer Breeders Association, the University of Minnesota, the Veterinary Services branch of the United States Department of Agriculture, the Department of Health, the Deer Hunters Association, the Reindeer Association and other interested parties.

**1721.0370 DEFINITIONS.** The definitions in this part are extracted from Minnesota Statutes, section 35.153 or section 17.452, or are self-explanatory and are not discussed individually.

### 1721.0380 GENERAL REQUIREMENTS.

Subpart 1. **Possession of live cervidae in Minnesota.** This part is extracted from Minnesota Statutes, section 35.155 subdivision 10, and has been rewritten for clarity and to update references without making significant changes to requirements.

Subp. 2. **Registration.** This part is extracted from Minnesota Statutes, section 35.155 subdivision 10, and has been rewritten for clarity without making significant changes to requirements. There is a need to clarify and specify exactly what steps must be completed for a cervidae herd to be registered in a manner approved by the Board. The proposed rules specify that, to be registered with the Board, the owner of farmed cervidae must (1) have the owner's herd inspected by a representative of the Board and demonstrate that the owner has fulfilled all the requirements for farmed cervidae and (2) sign and submit to the Board a registration agreement in which the owner agrees to maintain the owner's herd in compliance with this part. The proposed rules also specify that the registered status of a farmed cervidae herd may be canceled at any time if the owner fails to comply with the proposed rules or fails to pay a civil penalty assessed by the Board. These points of clarification are reasonable because they are necessary procedures for the Board to implement an effective registration program for farmed cervidae.

Subp. 3. **Inspections.** This part is extracted from Minnesota Statutes, section 35.155 subdivision 7, and has been rewritten for clarity without making significant changes to requirements. There is a need to clarify how often farmed cervidae premises are to be inspected and that new facilities may be inspected before they are stocked with deer or elk. The proposed rules specify that farmed cervidae herds are to be inspected at least once every 12 months. The proposed rules also specify that new premises may be inspected before stocking with deer or elk to verify that all requirements such as proper fencing and filing of herd agreements have been fulfilled. This is reasonable because it is consistent with current Board protocols and better meets the needs of new producers.

Subp. 4. **Herd inventory.** This part is extracted from Minnesota Statutes, section 35.155 subdivision 11, and has been rewritten to clarify protocols for annual herd inventories. There is also a need to amend this section of the rules to give the Board the authority to request and conduct a physical animal by animal inventory of any farmed cervidae herd. The proposed rules specify that, upon request from the Board, the

owner of a farmed cervidae herd must (1) allow a representative from the Board access to the premises and herd to conduct a physical animal by animal inventory to reconcile animal identification numbers with the records maintained by the owner and the Board, (2) present the entire herd for inspection under conditions where the Board representative can safely read all identification on the animals, (3) assemble, handle, and restrain the animals, and (4) pay for all costs incurred to present the animals for inspection. This is reasonable because it will allow the Board to meet new federal requirements for control of chronic wasting disease in deer and elk herds as specified in Code of Federal Regulations, Title 9, parts 55 and 81 (specifically part 55.23 (b) (4)). It is also reasonable so that when discrepancies are identified between annual herd inventories for a given herd, the Board can require and conduct an accurate inventory of the herd to determine whether a farmed cervidae producer has violated requirements for possession of farmed cervidae or surveillance for chronic wasting disease. It is reasonable to require the herd owner to pay for all expenses incurred to perform the animal by animal inventory because such an inventory would only be required if the Board has good reason to believe that the laws or rules of the Board have been violated.

**Subp. 5. Fencing.** This part is extracted from Minnesota Statutes, section 35.155 subdivision 4, and has been rewritten for clarity without making significant changes to requirements.

**Subp. 6. Running at large prohibited.** This part is extracted from Minnesota Statutes, section 35.155 subdivision 1, and has been rewritten for clarity without making significant changes to requirements.

**Subp. 7. Removal of wild cervidae.** This part is extracted from Minnesota Statutes, section 35.155 subdivision 2, and needs to be amended to include protocols for handling wild deer on tracts of land when they are initially fenced to establish new farmed cervidae operations. The proposed rules preserve current requirements for handling wild deer that inadvertently gain access to existing farmed cervidae facilities. The proposed rules also establish a protocol for handling wild deer that are inadvertently captured when tracts of land are fenced for the first time. The proposed rules require that when new farmed cervidae facilities are initially established, wild deer on the property must be removed by herding them off of the land prior to closing fences that would otherwise trap the wild deer. This is reasonable because new farmed cervidae facilities are established on a regular basis throughout the state and a protocol that addresses removal of wild deer from such facilities does not exist in current laws or rules.

When land in Minnesota, especially land that is heavily wooded, is surrounded for the first time with a perimeter fence that is 8' tall, large numbers of wild white-tailed deer are often inadvertently trapped on the land. The Board has worked with many farmed cervidae producers in recent years to resolve the problem of what to do with such deer that are trapped. Originally, producers asked the Board if they could destroy the deer on new facilities in the same way that they are allowed to deal with wild deer that gained access to existing facilities. After working with the setup of several new farmed cervidae facilities, it became apparent to the Board and the producers that a different solution was needed.

The option of hunting and killing wild deer on new farmed cervidae facilities was considered, but it was determined that such an activity would be a violation of current Minnesota laws. Under Minnesota Statutes, section 97B.301 (Deer Licenses and Limits), the law specifies that a person may not take wild deer without a license. It further specifies that a person with a license may only take wild deer during a designated hunting season and, in most cases, the person with a hunting license is allowed to take only one deer.

The option of leaving trapped wild deer on a new farmed cervidae facility was considered, but it was determined that such an activity would also constitute a serious violation of current Minnesota laws. Under Minnesota Statutes, section 97A.401 subdivision 4 and section 97A.505 subdivision 9, the laws specify that a person may not take or possess live wild deer unless they first obtain a permit from the Commissioner of the Department of Natural Resources (DNR). The Board has been told by DNR officials that such a permit would not be issued and a farmed cervidae producer would not be allowed to keep wild deer that were trapped by fencing the producer's property. Furthermore, current laws clearly restrict taking or possessing wild or native deer for the purpose of exhibition, propagation, or as pets.

Some farmed cervidae producers have argued that inadvertently trapping wild deer on their property by enclosing their land with a high fence does not constitute "possession" of such deer. The Board has

considered this argument and determined that restricting wild deer from leaving a tract of land by constructing an 8' tall perimeter fence does constitute "possession" of wild deer and is a violation of Minnesota laws. Webster's dictionary states that a person possesses something if they make themselves *owner, holder, or master, as of property, information, etc.* If a person holds wild deer in such a way that they cannot leave a tract of land, it seems clear to the Board that the person is in possession of the deer.

The only reasonable solution for handling wild deer on a tract of land that is to be fenced and used for production of farmed cervidae is to remove the wild deer from the property by herding them off of the land prior to closing the final sections of the perimeter fence. The Board has worked with several farmed cervidae producers in recent years to herd wild deer off of their land. These efforts have been successful even in the most difficult situations where the terrain was steep and heavily wooded.

Subp. 8. **Sales of farmed cervidae and meat products.** This part is extracted from Minnesota Statutes 17.452, subdivision 9, and has been rewritten for clarity and to update references without making significant changes to requirements.

Subp. 9. **Slaughter of farmed cervidae.** This part is extracted from Minnesota Statutes 17.452, subdivision 8, and has been rewritten for clarity and to update references without making significant changes to requirements.

Subp. 10. **Record keeping.** This part is extracted from Minnesota Statutes 35.155, subdivisions 6, 7 and 11, has been rewritten for clarity, and has been amended to include requirements for record retention. There is a need to establish more specific requirements for maintaining records on farmed cervidae. The proposed rules specify that farmed cervidae owners must maintain detailed records on each animal in the herd including sources of acquired animals and destinations of animals that leave the herd. This is reasonable because effective disease control and eradication programs cannot be implemented without such information. The proposed rules also require that such records be kept for at least 10 years. This is reasonable because diseases such as chronic wasting disease (CWD) have extremely long incubation periods that may be three to five years. Investigations of cases of CWD often require the examination of animal movement records spanning periods of up to 10 years. Without adequate animal movement and testing records, disease control programs can be severely impaired.

**1721.0390 ANIMAL IDENTIFICATION.** This part is extracted from Minnesota Statutes 35.155, subdivisions 6, has been rewritten for clarity, and has been amended to specify requirements for official identification. The proposed rules preserve current requirements for animal identification and further specify that farmed cervidae in Minnesota must be identified with an official ear tag. This is reasonable because official ear tags are the industry standard for identification of deer and elk. It is also reasonable because it makes Minnesota rules consistent with new federal requirements for animal identification in Code of Federal Regulations, Title 9, parts 55 and 81.

#### **1721.0400 IMPORTATION OF FARMED CERVIDAE.**

Subpart 1. **Import permit.** This part is extracted from current rules (1700.5000) and has been rewritten for clarity without making significant changes to requirements.

Subp. 2. **Certificate of veterinary inspection.** This part is extracted from current rules (1700.5100) and has been rewritten for clarity without making significant changes to requirements.

Subp. 3. **Chronic Wasting Disease (CWD).** This part is extracted from Minnesota Statutes 35.155, subdivision 12, has been rewritten for clarity, and has been amended to increase CWD surveillance requirements for importation of deer and elk from three to five years. The proposed rules require that imported cervidae must originate from a herd that has reached a status for CWD equivalent to level 6 (five or more years of documented surveillance). This is reasonable because five years of CWD surveillance is now the national standard for interstate movement of farmed cervidae and this requirement is necessary to make Minnesota rules consistent with new federal requirements for interstate movement of farmed cervidae in Code of Federal Regulations, Title 9, parts 55 and 81. The proposed rules also distinguish between

importation of live cervidae and cervidae carcasses that originate from CWD endemic areas. This is reasonable because it is unnecessary for control of CWD to restrict the importation of cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue.

Subp. 4. **Brucellosis.** There is a need to amend current rules (1700.5200) to update requirements for importation of farmed cervidae in regard to control and eradication of brucellosis. The proposed rules exempt cervidae from brucellosis test requirements if they (1) move directly to a slaughtering establishment having state or federal inspection, or (2) originate from a certified brucellosis-free herd or area. For herds that do not meet the exemption requirements, the proposed rules preserve the requirement for a brucellosis test within 30 days prior to movement. This is reasonable because it is consistent with national standards and with federal requirements for interstate movement of cervidae (Code of Federal Regulations, title 9, part 78, and the United States Department of Agriculture publication APHIS 91-45-16 "Brucellosis in Cervidae: Uniform Methods and Rules" published September 30, 2003).

Subp. 5. **Tuberculosis.** There is a need to amend current rules (1700.5300) to update requirements for importation of farmed cervidae in regard to control and eradication of tuberculosis. The proposed rules exempt cervidae from tuberculosis test requirements if they (1) move directly to a slaughtering establishment having state or federal inspection, or (2) originate from an accredited tuberculosis-free herd or area. For herds that do not meet the exemption requirements, the proposed rules amend tuberculosis test protocols to specify that (1) live cervidae must originate from a herd that is negative to a whole herd tuberculosis test conducted within 365 days prior to the date of movement, and (2) live cervidae that are two months of age and over must be negative to an official tuberculosis test conducted within 90 days prior to the date of movement. This is reasonable because it is consistent national standards and with federal requirements for interstate movement of cervidae (Code of Federal Regulations, title 9, part 77, and the United States Department of Agriculture publication APHIS 91-45-001 "Bovine Tuberculosis Eradication: Uniform Methods and Rules" published January 22, 1999).

#### **1721.0410 INTRASTATE MOVEMENT OF FARMED CERVIDAE.**

Subpart 1. **Movement reports.** This part is extracted from Minnesota Statutes, section 35.155 subdivision 11, and has been rewritten for clarity without making significant changes to requirements.

Subp. 2. **Movement requirements.** This part is extracted from Minnesota Statutes, section 35.155 subdivision 11, has been rewritten for clarity and amended to establish a minimum CWD surveillance requirement for intrastate movement of farmed cervidae. The proposed rules require that farmed cervidae moving from any premises to another location in Minnesota must originate from a herd that has reached a status for CWD surveillance equivalent to level 4 (three years of documented surveillance). This is reasonable because the incubation period for CWD can be up to three years. Documented surveillance for CWD for three years is the minimum length of time needed to be reasonably certain that (1) a given farmed cervidae herd is not infected with CWD, and (2) that animals moved from the herd do not pose a risk to the health of other farmed cervidae herds or wild cervidae in the state.

Subp. 3. **Restraint of animals in transit.** There is a need to address how farmed cervidae are to be handled when they are in transit or when they are taken to events that occur away from the farm where they are normally housed. This is necessary because current rules do not address this issue and farmed cervidae, especially reindeer, are taken regularly to exhibitions or other types of events for public entertainment. At Christmas time, reindeer from Minnesota travel extensively to holiday events including the Macy's parade in New York City. While farmed cervidae are in travel status, there is a need to require producers to restrain them at all times. The proposed rules require that farmed cervidae that are moved from one location to another for any reason including sale, exhibition, or entertainment, must be restrained at all times in a manner to prevent escape. This is reasonable because farmed cervidae are not allowed to escape whether they are on their home farm, in transit, or in attendance at other events.

Subp. 4. **Restriction on herd additions.** There is a need to restrict the addition of farmed cervidae into farmed cervidae herds. The proposed rules specify that farmed cervidae may not be moved into a farmed

cervidae herd unless the herd is registered with the Board and has achieved at least level 4 of the CWD herd certification program. This is reasonable because herds that are not registered or that fall below a level 4 of the CWD herd certification program are in violation of Board rules and have not done adequate surveillance for CWD to ensure that the herd is CWD free. Cervidae that are added to a herd that may be infected with CWD could potentially cause the disease to spread and risk the health of other farmed or wild cervidae in the state.

Subp. 5. **Movement into, within, and out of CWD endemic areas.** There is a need to establish restrictions for movement of farmed cervidae into, within, and out of CWD endemic areas in order to prevent the disease from spreading to other farmed cervidae herds or wild cervidae. "CWD endemic area" means a geographic area as determined by the Board where CWD is present in wild cervidae populations. The first CWD endemic area in Minnesota was established in January 2011 near Pine Island, Minnesota. The proposed rules completely restrict the movement of farmed cervidae into or out of a CWD endemic except for movement directly to slaughter under permit from the Board. The proposed rules restrict the movement out of a CWD endemic area of farmed cervidae carcasses, but do allow for movement out of the endemic area of cut and wrapped meat, quarters or other portions of meat with no part of the spinal column or head attached, antlers, hides, teeth, finished taxidermy mounts, and antlers attached to skull caps that are cleaned of all brain tissue. This is reasonable because farmed cervidae housed within a CWD endemic area are potentially at risk of having contact with wild cervidae and becoming infected with the disease.

#### **1721.0420 CHRONIC WASTING DISEASE (CWD).**

Subpart 1. **CWD herd certification program.** There is a need to specify details for implementation of a CWD herd certification program. The proposed rules specify (1) what is required to be enrolled in the program, (2) reporting protocols for animals that die or are slaughtered, (3) CWD testing requirements, (4) CWD herd status levels, (5) requirements for adding animals to CWD certified herds, (6) that testing must be completed at owner expense, (7) how surveillance periods must be adjusted when CWD tests are missed, and (8) that CWD herd certification status may be cancelled due to violations of Board rules. The proposed rules decrease the minimum age of farmed cervidae that must currently be tested for CWD (Minnesota Statutes, section 35.155 subdivision 11) from 16 months of age to 12 months of age. This is reasonable because it makes the requirements for participation in the CWD herd certification program clear to Board officials and to farmed cervidae producers and makes the Minnesota program consistent with new federal requirements for CWD herd certification in Code of Federal Regulations, Title 9, part 55, Subpart B.

Subp. 2. **Quarantine procedures.** There is a need to specify details for quarantine procedures in cases where CWD is confirmed or suspected in farmed cervidae. The proposed rules specify (1) that infected and exposed herds must be quarantined, (2) movement restrictions, (3) requirements to maintain fencing, (4) procedures for quarantine release, and (5) timelines for restocking premises with farmed cervidae and other types of livestock. This is reasonable because it makes the requirements for CWD quarantine and quarantine release clear to Board officials and to farmed cervidae producers and makes the Minnesota program consistent with new federal requirements for CWD herd certification in Code of Federal Regulations, Title 9, part 55, Subpart B. It is also reasonable because effective management of CWD infected or exposed farmed cervidae herds is critical for the protection of the health of both farmed and wild cervidae in the state.

Subp. 3. **Determining boundaries of CWD endemic areas in Minnesota.** There is a need to specify how the boundaries of a CWD endemic area in Minnesota are determined. The proposed rules specify that a CWD endemic area must include all locations within ten miles of a confirmed case of CWD in Minnesota wild cervidae. The proposed rules also establish criteria for excluding individual farmed cervidae herds from a CWD endemic area. The proposed rules specify that a herd may be excluded from and not considered to be a part of a CWD endemic area if the herd has been maintained in such a way that commingling of farmed cervidae and wild cervidae has been prevented for (1) a continuous period of time that began no later than 180 days following the initial designation of the area as CWD endemic, or (2) at least 36 consecutive months. This is reasonable because specification of ten miles for the radius of a CWD endemic area and the criteria for exclusion of individual herds was developed by and with full support from the Board's Farmed Cervidae Advisory Committee. Experts from the Board, the Minnesota Department of Natural Resources, the

University of Minnesota, the United States Department of Agriculture, and all the producer groups agree that these criteria are appropriate for the protection of the health of Minnesota farmed and wild cervidae.

## SHEEP AND GOATS

**1721.0430 DEFINITIONS.** The definitions in this part are extracted from current rules (1705.2710), or are self-explanatory and are not discussed individually.

### **1721.0440 GENERAL.**

Subpart 1. **Registration.** This part is extracted from current rules (1705.2730 and 1700.1810) and has been rewritten for clarity without making significant changes to requirements.

Subp. 2. **Required records for persons who purchase, acquire, sell, or dispose of sheep or goats.** This part is extracted from current rules (1705.2750) and has been rewritten for clarity without making significant changes to requirements.

Subp. 3. **Required records for persons who apply official identification.** This part is extracted from current rules (1705.2750) and has been rewritten for clarity without making significant changes to requirements.

Subp. 4. **Removal of unidentified sheep and goats from slaughter channels.** This part is extracted from current rules (1705.2740 subp. 3) and has been rewritten for clarity without making significant changes to requirements.

**1721.0450 IMPORTATION OF SHEEP OR GOATS.** This part is extracted from current rules (1700.1810 to 1700.1860) and has been rewritten for clarity without making significant changes to requirements.

**1721.0460 INTRASTATE MOVEMENT.** This part is extracted from current rules (1705.2740) and has been rewritten for clarity without making significant changes to requirements.

**1721.0470 EXHIBITION.** This part is extracted from current rules (1715.0110) and has been rewritten for clarity without making significant changes to requirements.

**1721.0480 COMMUNITY SALES.** This part is extracted from current rules (1715.0520) and has been rewritten for clarity without making significant changes to requirements.

## DOGS, CATS, AND FERRETS

**1721.0490 DEFINITIONS.** The definitions in this part are extracted from current rules (1720.0660, 1720.1330) and have been rewritten for clarity or are self-explanatory and are not discussed individually.

**1721.0500 IMPORTATION OF DOGS, CATS, OR FERRETS.** This part is extracted from current rules (1700.1600 to 1700.1700), has been rewritten for clarity and amended to change the requirements for rabies vaccination and certificates of veterinary inspection. There is a need to expand import requirements to include ferrets and reduce import requirements for dogs, cats and ferrets that accompany visitors who are only in Minnesota for short periods of time. The proposed rules no longer exempt performing dogs and cats in professional animal acts from import requirements. The proposed rules provide certain exemptions from import requirements for dogs, cats, or ferrets that enter the state for (1) research, (2) treatment at a veterinary facility, (3) visits that last less than 30 days, and (4) dogs and cats entering kennels licensed by the Board. The proposed rules require rabies vaccination of all imported dogs, cats and ferrets, except for dogs and cats entering kennels licensed by the Board when certain conditions are met. These changes are reasonable because they update current regulations to include ferrets and reduce restrictions on people who

travel to Minnesota for vacations or to visit friends and family with their pets.

**1721.0510 DOG EXHIBITION REQUIREMENTS.** This part is extracted from current rules (1715.0150), has been rewritten for clarity and amended to change the requirements for rabies vaccination of dogs at exhibitions from six months of age to four months of age. The proposed rules require that dogs four months of age or older attending a dog exhibition must be accompanied by a certificate of rabies vaccination issued by a licensed veterinarian documenting that the dog is currently vaccinated for rabies. This is reasonable because all dogs over 12 weeks of age can be effectively vaccinated for rabies. Rabies is a serious disease because it is always fatal and can affect all mammals including humans. Requiring young dogs at exhibitions to be vaccinated for rabies is reasonable because it helps to protect the health of both the animals and the public.

**1721.0520 KENNELS.**

Subpart 1. **Kennels and kennel dealers; licenses.** This part is extracted from Minnesota Statutes, section 347.32 and section 347.34 and has been rewritten for clarity without making significant changes to requirements.

Subp. 2. **Inspections.** This part is extracted from Minnesota Statutes, section 347.37 and has been rewritten for clarity without making significant changes to requirements.

Subp. 3. **Veterinary care.** This part is extracted from current rules (1720.1542) and has been rewritten for clarity. The proposed rules specify that the veterinarian designated by the kennel must visit the facility as often as necessary to supervise the program of veterinary care. The proposed rules further specify that (1) the veterinarian must visit the kennel at least once every 365 days, and (2) sick or injured animals must receive veterinary care promptly. This is reasonable because it provides minimum standards for adequate veterinary care that is not overly burdensome for kennel operators.

Subp. 4. **Control of pests.** This part is extracted from current rules (1720.1550) and has been rewritten for clarity without making significant changes to requirements.

Subp. 5. **Kennel premises and facilities.** This part is extracted from current rules (1720.1390 to 1720.1550), has been rewritten for clarity, and has been amended to ensure that kennel facilities are maintained in a manner that protects the health of the animals. In addition to requirements in current rules, the proposed rules require that (1) all animals must be housed in an indoor facility maintained at a temperature of not less than 50 degrees Fahrenheit, (2) animals must have at least eight hours of natural or artificial light, (3) facilities provide auxiliary ventilation such as exhaust fans, vents, or air conditioning when the ambient temperature exceeds 85 degrees Fahrenheit, and (4) animal confinement areas must be cleaned at least once daily in a manner that protects the animals from being splattered with water or feces and from exposure to harmful chemicals during cleaning.

Subp. 6. **Animal housing and confinement areas.** This part is extracted from current rules (1720.1390 to 1720.1550), has been rewritten for clarity, and has been amended to ensure proper treatment of animals at kennel facilities. In addition to requirements in current rules, the proposed rules require that dogs or cats may not be confined by chains. This is reasonable because dogs and cats often sustain injuries when they become entangled in chain restraints.

Subp. 7. **Feeding of dogs and cats.** This part is extracted from current rules (1720.1480 to 1720.1500) and has been rewritten for clarity without making significant changes to requirements.

Subp. 8. **Identification.** This part is extracted from current rules (1720.1555), has been rewritten for clarity and amended to allow for alternate means of identification. The proposed rules specify that each dog and cat in a kennel must be identified with a numbered tag affixed to the neck by the means of a collar or by other means approved by the Board. This is reasonable because it allows the Board to accept other means of identification such as electronic microchips or photography when kennel operators can demonstrate that the system will ensure proper identification of animals.

Subp. 9. **Records.** This part is extracted from current rules (1720.1560) and has been rewritten for clarity without making significant changes to requirements.

Subp. 10. **Holding period for impounded or stray animals.** This part is extracted from Minnesota Statutes 35.71 subd. 3, has been rewritten for clarity and amended to allow for euthanasia of dogs or cats prior to the end of the normal holding period if it is necessary to relieve unnecessary suffering. The proposed rules preserve the requirement to hold an impounded or stray animal for redemption by the owner for five regular business days unless the animal is suffering. The proposed rules allow for immediate euthanasia of an animal that a licensed veterinarian determines is suffering and beyond cure through reasonable care. This is reasonable because it is inhumane to prolong animal suffering if there is limited hope that the animal can be cured. This provision for relief of animal suffering has been utilized commonly by kennels and public authorities that handle stray or impounded animals and is specified as an acceptable protocol in Minnesota Statutes, section 343.22 subdivision 3, and section 343.29 subdivision 2.

Subp. 11. **Transportation of dogs and cats.** This part is extracted from current rules (1720.1537 to 1720.1538) and has been rewritten for clarity without making significant changes to requirements.

Subp. 12. **Dogs and cats unfit for sale or release.** This part is extracted from current rules (1720.1545), has been rewritten for clarity and amended to allow for the sale of blind dogs and cats. The proposed rules preserve current restrictions for sale or release of dogs and cats except for blindness. This is reasonable because there are situations where people may want to adopt an otherwise healthy animal that is blind.

Subp. 13. **Dogs or cats may not be used for breeding.** There is a need to prohibit the breeding of animals held at kennels. The proposed rules specify that, except for veterinary clinics, no person shall allow a dog or cat housed in a kennel facility to be used for breeding. This is reasonable because animals at kennels are generally those that are stray, unwanted or abandoned. Allowing these animals to reproduce would only exacerbate the problem of pet overpopulation and lead to the consequence of having to euthanize more otherwise healthy animals.

Subp. 14. **Complaints and cost recovery.** This part is extracted from current rules (1720.1575) and from Minnesota Statutes section 347.37 and has been rewritten for clarity without making significant changes to requirements

## **ANTHRAX**

**1721.0530 ANTHRAX QUARANTINE, PRECAUTIONS AND DISPOSAL.** This part is extracted from current rules (1705.0010 to 1705.0050) and has been rewritten for clarity without making significant changes to requirements.

## **RABIES PREVENTION AND CONTROL**

**1721.0540 DEFINITIONS.** The definitions in this part are extracted from current rules (1705.1090) and have been rewritten for clarity or are self-explanatory and are not discussed individually.

**1721.0550 ANIMAL RABIES VACCINES.** This part is extracted from current rules (1705.1145 to 1705.1147) and has been rewritten for clarity without making significant changes to requirements.

**1721.0560 SAMPLE SUBMISSION.** This part is extracted from current rules (1705.1110) and has been rewritten for clarity without making significant changes to requirements.

**1721.0570 RABIES POSTEXPOSURE MANAGEMENT PROCEDURES FOR ANIMALS.** This part is extracted from current rules (1705.1100, 1705.1130 to 1705.1131, and 1705.1170 to 1705.1180), has been

rewritten for clarity and amended to make Board proposed rules consistent with the Compendium of Animal Rabies Prevention and Control published by the National Association of State Public Health Veterinarians. The proposed rules require that (1) currently vaccinated animals be confined and observed for 45 days, (2) unvaccinated dogs, cats, ferrets, horses, cattle, or sheep be euthanized or quarantined for 180 days, and (3) all other exposed animals be handled on a case by case basis. This is reasonable because the protocol is consistent with the best scientific information available for management of animals that have been exposed to rabies.

**1721.0580 MANAGEMENT OF ANIMALS THAT BITE HUMANS.** This part is extracted from current rules (1705.1151 to 1705.1152) and has been rewritten and amended to clarify (1) how animals are handled with regard to rabies after they bite a human and (2) what role is played by the Board, the Minnesota Department of Health and local animal control and law enforcement officials. Following an event where an animal bites a human, the proposed rules specify that (1) a vaccinated dog, cat or ferret must be confined and observed for 10 days, (2) an unvaccinated dog, cat or ferret must be confined for 10 days in an approved confinement facility, and (3) all other animals must be managed on a case-by case basis based on the recommendations of the Minnesota Department of Health. The recommendations from the Minnesota Department of Health may include euthanasia and testing or confinement and observation. In the proposed rules, the requirement to euthanize and test wild animals for rabies no longer is contingent on whether a person who is bitten receives post exposure prophylactic treatment of immunoglobulin and vaccinations. The proposed rules preserve the requirement that local animal control and law enforcement officials are responsible for enforcement of these regulations.

The requirements in this section of the proposed rules are reasonable because (1) the proposed rules are consistent with recommendations in the Compendium of Animal Rabies Prevention and Control published by the National Association of State Public Health Veterinarians, (2) officials at the Minnesota Department of Health are most qualified to advise the public on public health issues, and (3) local law enforcement officials are best equipped to enforce these laws. The requirement that an unvaccinated dog, cat or ferret that bites a human be confined for 10 days in an approved confinement facility instead of the owner's home is reasonable because, in the Board's experience, pet owners often fail to follow the requirements for animals held in home confinement. If a confined animal escapes and is lost, the consequences for the person who is bitten by an unvaccinated dog, cat or ferret are significant. In such cases, the person would almost always be advised to receive post exposure prophylactic treatment for rabies which consists of multiple injections of immunoglobulin and vaccine. Such treatment can be painful and is very expensive. When animals are properly confined, unnecessary treatments can usually be avoided.

## **FEEDING GARBAGE TO LIVESTOCK**

**1721.0590 DEFINITIONS.** The definitions in this part are extracted from current rules (1720.0860) and have been rewritten for clarity or are self-explanatory. The definition of *exempt material* has been omitted in the proposed rules because it is no longer necessary.

**1721.0600 EXCLUSIONS.** This part is extracted from current rules (1720.0870) and has been rewritten for clarity without making significant changes to requirements. The proposed rules clarify that processed and cooked food products, rendered products, and commercial feeds that do not contain meat are excluded from requirements in this section.

**1721.0610 PERMITS.** This part is extracted from current rules (1720.0880 to 1720.0900) and has been rewritten for clarity without making significant changes to requirements. In the proposed rules, a distinction is made between two types of permits, Class A and Class B. Class A permits are issued for feeding premises where garbage containing meat or refuse of any character that may have been in contact with meat may be fed to livestock. Class B permits are issued for feeding premises where only garbage not containing meat or refuse of any character that may have been in contact with meat may be fed to livestock. This is reasonable because it does not change the requirements in this part and it makes implementation of the program easier for livestock producers and the Board.

**1721.0620 INSPECTIONS, INVESTIGATIONS, AND RECORDS.** This part is extracted from the current rules (1720.0890) and Minnesota Statutes (35.78) and has been rewritten for clarity without making significant changes to requirements.

**1721.0630 MAINTENANCE OF FEEDING PREMISES AND TRUCKS.** This part is extracted from current rules (1720.0910 and 1720.0940) and has been rewritten for clarity without making significant changes to requirements.

**1721.0640 FEEDING PRACTICES.** This part is extracted from current rules (1720.0920) and has been rewritten for clarity without making significant changes to requirements. The proposed rules clarify that (1) a person may not bring more garbage to a feeding premises than the livestock in the operation can reasonably be expected to consume, (2) all garbage brought to a feeding premises must be fed to livestock, and (3) unconsumed garbage must be disposed of in a manner that it is not a potential source for disease for livestock or wildlife. This is reasonable because the proposed rules clearly explain how the Board currently administers the garbage feeding program in order to protect animal and public health. Having these requirements clearly specified in the proposed rules will help the Board implement and enforce the requirements of the program.

**1721.0650 GARBAGE TREATMENT.** This part is extracted from current rules (1720.0930) and has been rewritten for clarity without making significant changes to requirements. The proposed rules specify that (1) garbage brought to a Class A feeding premises must be processed by thoroughly heating it to at least 212 degrees Fahrenheit for a continuous period of at least 30 minutes or by some other method approved by the Board to provide an equivalent level of inactivation of disease organisms, and (2) garbage brought to a Class B feeding premises may be fed directly to livestock without further treatment if the Board determines that feeding the material is not a risk for spreading livestock diseases.

**1721.0660 QUARANTINES.** This part is extracted from current rules (1720.0950 and 1720.0970) and has been rewritten for clarity without making significant changes to requirements.

## **BIOLOGICS**

**1721.0670 RESTRICTIONS ON SALE OR DISTRIBUTION OF CERTAIN VACCINES.** This part is extracted from current rules (1720.0581 to 1720.0640) and has been rewritten for clarity without making significant changes to requirements.

**1721.0680 RESTRICTIONS ON SALE OR DISTRIBUTION OF ANTIGENS USED IN DETECTION AND DIAGNOSIS OF DISEASES OF DOMESTIC ANIMALS.** This part is extracted from current rules (1720.0581 to 1720.0640) and has been rewritten for clarity without making significant changes to requirements.

## **CARCASS DISPOSAL**

**1721.0690 DEFINITIONS.** The definitions in this part are extracted from current rules (1719.0100) and have been rewritten for clarity or are self-explanatory and are not discussed individually.

**1721.0695 EXCLUSION FOR DOGS, CATS, AND FERRETS.** This part is extracted from current rules (1719.0100 subp. 4) and has been rewritten for clarity without making significant changes to requirements.

**1721.0700 DISPOSAL OF CARCASSES.** This part is extracted from Minnesota Statutes 35.82 subd. 2, and has been rewritten for clarity without making significant changes to requirements. The proposed rules specify that a person owning or controlling a domestic animal that has died or been killed other than by being slaughtered for human or animal consumption must dispose of the carcass within 72 hours unless other arrangements for disposal have been approved by the Board. Specifying that a reasonable period of time

for disposal of carcasses means 72 hours is needed to facilitate enforcement actions by the Board.

**1721.0710 INSPECTION OF CARCASSES.** This part is extracted from current rules (1719.0100 to 1719.4250) and Minnesota Statutes 35.82 subd. 2c, and has been rewritten for clarity without making significant changes to requirements.

**1721.0720 TRANSPORT OF ANIMAL CARCASSES.** This part is extracted from current rules (1719.0200 to 1719.3200) and has been rewritten for clarity without making significant changes to requirements.

**1721.0730 OFF-SITE PICKUP POINT.** This part is extracted from current rules (1719.1900) and has been rewritten for clarity without making significant changes to requirements.

**1721.0740 COMPOSTING ANIMAL CARCASSES.** This part is extracted from current rules (1719.4000) and has been rewritten for clarity without making significant changes to requirements.

## CONCLUSION

Based on the foregoing, the proposed rules are both needed and reasonable.

March 26, 2012



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Board of Animal Health