

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

9 Pages

MINNESOTA STATE REGULATIONS

Notice of filing by the Commissioner of Administration

We have received on this date, stamped and filed 2 copies of Rules and Regulations pertaining to the Livestock Sanitary Board
(Agency or Board)

Regulation No. L.S.B 30

Subject: Control and Eradication of Pullorum-Typhoid Disease in Poultry and other domesticated fowl

Department of Administration
Publication, Central Services Division
Documents Section
140 Centennial Office Building
St. Paul, Minnesota 55155
Telephone: (612) 296-2874

FILED
RICHARD L. BRUBACHER
Commissioner of Administration

SEP 23 1975

BY Eda Haudenschild
AUTH. SIGNATURE

4:00PM

Stamped and filed with the Secretary of State Sept 23, 1975, 3:00pm.

Rev. 9-72

ADMIN 1000A

STATE OF MINNESOTA

DEPARTMENT Agriculture

Office Memorandum

TO : Michael Miller
Special Assistant
Attorney General

DATE: August 29, 1975

FROM : Paul Strandberg
Special Assistant
Attorney General

PS

SUBJECT: Approval of LSB 30

Enclosed for your approval, please find the above entitled regulations.

EXHIBIT A

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE DR. J. G. FLINT
SECRETARY AND EXECUTIVE OFFICER
STATE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE RULES OF THE STATE LIVESTOCK SANITARY BOARD, LSB-30, THE CONTROL OF PULLORUM-TYPHOID DISEASE IN CHICKENS AND OTHER DOMESTICATED FOWL, EXCEPTING TURKEYS AND LSB-31, CONTROL OF PULLORUM-TYPHOID DISEASE IN TURKEYS

ORDER FOR HEARING

To effectively implement this regulation, the Livestock Sanitary Board deems it necessary to consider adoption of the proposed rules captioned above pursuant to the authority vested in us by M.S. 1974:

NOW, THEREFORE, IT IS ORDERED THIS 9th day of May, 1975, that a public hearing on the proposed rules captioned above be held in Room D of the Veterans Service Building, St. Paul, Minnesota, June 20, 1975 commencing at 10:30 A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

IT IS FURTHER ORDERED, that notice of said hearing be given to all representatives of associations or other interested groups or persons who have registered their names with the Secretary of State for that purpose and all persons who are presently members of the Minnesota Legislature.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

J. G. Flint

J. G. FLINT, D.V.M.
SECRETARY AND EXECUTIVE OFFICER

JGF:si

EXHIBIT B

CERTIFICATE
OF
BOARD'S AUTHORIZING RESOLUTION

I, J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Livestock Sanitary Board, a Board duly authorized under the Laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Livestock Sanitary Board duly and properly called and held on the 11th day of April, 1975; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified.

> "RESOLVED, that the Secretary and Executive Officer of the Livestock Sanitary Board be and he hereby is granted the authority and directed to call a hearing for the purpose of amending and combining two regulations, LSB-30, Control of Pullorum-Typhoid Disease in Chickens and Other Domesticated Fowl, Excepting Turkeys, and LSB-31, Control of Pullorum-Typhoid Disease in Turkeys, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing, and that the Secretary and Executive Officer or a person whom he shall appoint act as presiding officer at all hearings."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 9th day of May, 1975.

J. G. Flint

J. G. Flint, D.V.M.
Secretary and Executive Officer
Minnesota Livestock Sanitary Board

EXHIBIT C

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE RULES OF THE STATE LIVESTOCK SANITARY BOARD, LSB-30, THE CONTROL OF PULLORUM-TYPHOID DISEASE IN CHICKENS AND OTHER DOMESTICATED FOWL, EXCEPTING TURKEYS AND LSB-31, CONTROL OF PULLORUM-TYPHOID DISEASE IN TURKEYS

I hereby certify that the attached 424 labels & two sheet(s) constitute the complete list of persons, associations, and other interested groups who as of 1:30 o'clock P.M., this 15th day of May, 1975, have requested pursuant to M. S. 1974, Section 15.0412, that their names be placed on file with the Secretary of State for the purpose of receiving notice of public hearing on proposed rules on the subject captioned above.

Secretary of State

Joan Anderson Growe

By Cecil Dixon

EXHIBIT D

STATE OF MINNESOTA

COUNTY OF RAMSEY

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE RULES OF THE STATE LIVESTOCK SANITARY BOARD, LSB-30, THE CONTROL OF PULLORUM-TYPHOID DISEASE IN CHICKENS AND OTHER DOMESTICATED FOWL, EXCEPTING TURKEYS AND LSB-31, CONTROL OF PULLORUM-TYPHOID DISEASE IN TURKEYS.

AFFIDAVIT
OF MAILING

H. R. Olson, D.V.M., being first duly sworn, deposes and says:

That on the 16th day of May, 1975, at the City of St. Paul, County of Ramsey, State of Minnesota, he served the attached Notice of Hearing by depositing in the United States mail at said City of St. Paul, a true and correct copy thereof, properly enveloped with postage prepaid, to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

H. R. Olson DVM

Subscribed and sworn to before me
the 16th day of May, 1975,

Judith D. Kretzmann

JUDITH D. KRETZMANN
Notary Public, Ramsey Co., Mn.
My Commission Expires
August 6, 1981

EXHIBIT E

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE DR. J. G. FLINT
SECRETARY AND EXECUTIVE OFFICER
STATE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE RULES OF THE STATE LIVESTOCK SANITARY BOARD, LSB-30, THE CONTROL OF PULLORUM-TYPHOID DISEASE IN CHICKENS AND OTHER DOMESTICATED FOWL, EXCEPTING TURKEYS AND LSB-31, CONTROL OF PULLORUM-TYPHOID DISEASE IN TURKEYS

NOTICE OF HEARING

Notice is hereby given that a public hearing will be held pursuant to M.S. 1974, Section 15.0412, Subdivision 4, in the above-entitled matter in Room D, Veterans Service Building, St. Paul, Minnesota on June 20, 1975, commencing at 10:30 A.M., and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard concerning adoption of the proposed rules captioned above by submitting either oral or written data, statements or arguments. Statements or briefs may be submitted without appearing at the hearing by mailing to the Secretary and Executive Officer, Minnesota State Livestock Sanitary Board, 555 Wabasha Street, St. Paul, MN 55102. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand.

Under Minnesota Statutes Section 10A-01, subdivision 11 (1974), any individual representing persons or associations attempting to influence administrative action, such as promulgation of these rules, must register with the State Ethics Commission as a lobbyist within five days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, St. Paul, MN 55155.

The Livestock Sanitary Board proposes to amend these regulations to:

- - - Combine and restructure LSB-30 and LSB-31 to make a single rule compatible with a federal regulation which now incorporates turkeys, chickens and other fowl under one regulation entitled The National Poultry Improvement Plan and Auxilliary Provisions. The new regulation will be given the number LSB-30 and entitled, Control and Eradication of Pullorum-Typhoid Disease in Poultry and Other Domesticated Fowl. LSB-30 and LSB-31 as now written are to be voided and rescinded.

- - - Allow use of microagglutination test and combination antigens in official program testing.

- - - Give the Minnesota Livestock Sanitary Board the authority to approve the use of other official tests for detecting pullorum-typhoid disease if they become available.

- - - Provide for a monitoring procedure using bacteriological examination of baby poultry, eggs and hatcher fluff.

- - - Allow use of sanitizers to decontaminate hatching eggs.

- - - Make reference to cooperative State-Federal poultry disease control programs for receiving Statewide "Clean" classification for pullorum-typhoid disease which allows flocks to participate without a test.

Copies of the proposed regulation are now available and may be obtained by writing to:

Minnesota Livestock Sanitary Board
555 Wabasha St.
St. Paul, MN 55102

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

J. G. Flint per Alan Merrans

J. G. Flint, D.V.M.
Secretary and Executive Officer

Dated this 14th day of May, 1975

EXHIBIT F

PROPOSED REGULATION

LSB-30 CONTROL AND ERADICATION OF PULLORUM-TYPHOID DISEASE IN POULTRY AND OTHER DOMESTICATED FOWL.

(a) Definitions. The following words and terms where used in these regulations shall be defined as follows:

(1) Board shall mean the Minnesota State Livestock Sanitary Board.

(2) Plan shall mean The National Poultry Improvement Plan and auxiliary provisions.

(3) Official State Agency shall mean the Board.

(4) Person shall mean a natural person, firm or corporation.

(5) State Inspector shall mean a person employed by the Board to perform functions under state-federal cooperative poultry disease programs and these regulations.

(6) Authorized agent shall mean a person not employed by the Board but designated and authorized to perform functions under these regulations.

(7) Veterinarian shall mean a veterinarian licensed and accredited in Minnesota or a veterinarian employed by USDA.

(8) Poultry shall mean turkeys and chickens.

(9) Other Domesticated Fowl shall include waterfowl, pheasants, partridges, quail, guinea fowl, or wild birds maintained in captivity.

(10) Products shall mean domesticated fowl and hatching eggs.

(11) Flock shall mean poultry or other domesticated fowl of one kind, breed, strain or variety segregated and managed as one flock on one premises.

(12) Flockowner shall mean a person who owns or is in charge of a flock or flocks of poultry or other domesticated fowl.

(13) Primary breeding flock shall mean a flock composed of one or more generations that is maintained for the purpose of establishing, continuing and improving parent lines.

(14) Multiplier breeding flock shall mean a flock that originated from a primary breeding flock and is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg or meat production.

(b) Sale of poultry, other domesticated fowl and hatching eggs.

(1) No person shall sell, offer for sale, purchase or trade poultry or other domesticated fowl, less than the minimum testing age stipulated in (f)(2), and their hatching eggs, unless they originate from flocks and hatcheries operating under the supervision of the Board and these regulations.

(2) A person may purchase, sell, offer to sell or trade ducklings, goslings, and waterfowl hatching eggs not having a pullorum-typhoid classification provided such products originate from hatcheries or premises where only waterfowl are hatched and handled. Hatcheries operating in this manner must obtain a permit and shall be subject to inspection by agents of the Board.

(3) Hatcheries hatching and handling poultry and other domesticated fowl or their hatching eggs shall not hatch and handle waterfowl unless such waterfowl qualify for a pullorum-typhoid disease classification or unless the hatchery is constructed to permit separate handling and hatching to prevent cross contamination and then only at the discretion of the Board.

(4) Nothing in (b)(1), (2) and (3) shall apply to a person hatching eggs originating from a poultry or other domesticated fowl breeding flock owned by such person on a farm premises provided the hatching eggs and progeny are maintained on the same premises and not offered for sale. Poultry and other domesticated fowl raised and maintained under the provisions of this paragraph can only be removed for shipment to slaughter unless those over four (4) months of age are tested and found negative to the pullorum-typhoid test.

(c) Permits.

(1) No person shall conduct and operate buildings and equipment for the purpose of incubating and hatching eggs and otherwise handling, brooding and selling poults, chicks, ducklings, goslings and progeny of other domesticated fowl, except as provided in (b)(4) of these regulations and LSB 34, unless a permit is first obtained from the Board. A completed and signed application must be on file in the office of the Board together with a satisfactory inspection report before a permit can be issued. The permit shall be valid until September 1 following date of issue unless revoked.

(2) Failure on the part of any person to comply with the terms of the hatchery permit and these regulations shall be grounds for initiating proceedings to determine if the permit should be revoked or suspended.

(3) When more than one hatchery located within the state is operated under the same ownership, name or management, one or more of such hatcheries cannot participate in official poultry disease control programs unless all participate. All such hatcheries must attain and maintain the same classifications.

(d) Flock Participation.

(1) All flocks of turkeys, chickens and other domesticated fowl composed of birds that have reached the minimum testing age described in (f)(2)(aa), (bb), to be used for breeding and under the Board's supervision, except as provided in (b)(2) and (b)(4) of this regulation and (d)(7) in LSB 40, shall be tested for pullorum-typhoid disease using an officially approved method and procedure in accordance with this regulation, provided; the test may not be required if it is determined by the Board that flocks of turkeys, chickens and other domesticated fowl qualify without a test under a cooperative state-federal program.

(2) One or more but less than all species of poultry and other domesticated fowl under supervision and on the same premises may be tested, provided; those tested have been segregated from those not tested in a manner satisfactory to the Board for a period of twenty-one (21) days before test is applied and remain so segregated while the tested flock is under supervision.

(d) continued

(3) Flocks of poultry and other domesticated fowl may qualify on the initial test if no reactors are disclosed, provided; the birds so tested originate from previously qualified flocks. The qualifying test is to be conducted within six (6) months prior to the first gathering of eggs for hatching purposes.

(e) Testing agents.

(1) A veterinarian who desires to conduct official tests for pullorum-typhoid disease or collect blood samples must make application to the Board for approval.

(2) A person who desires to become an authorized testing or blood collecting agent shall comply with the following:

(aa) Attend a program training course.

(bb) Perform satisfactory work at a field school.

(cc) Obtain and use test equipment and antigen approved by the Board.

(3) A temporary testing and blood collecting authorization may be issued under extenuating circumstances upon recommendation by a veterinarian employed by the Board.

(4) Testing and blood collecting authorizations shall be renewed each year; shall not be used for advertising purposes in any manner and may be cancelled by the Board if the agent fails to comply with this regulation or performs unsatisfactory work.

(5) The cost of pullorum-typhoid testing and control rendered by persons other than employees of the Board shall be paid by the flockowner or hatchery owner in accordance with an agreement reached between the authorized testing agent rendering the service and those to whom the service is rendered.

(f) Test procedures and requirements.

(1) All tests and antigens used in the control and eradication of pullorum-typhoid disease shall be approved by the Board.

(f) continued

(2) All poultry and other domesticated fowl tested shall be at the minimum testing age described below, provided; such age limits may be adjusted with Board approval to avoid conflict with age requirement changes made in cooperative state-federal programs.

(aa) Turkeys and chickens - Over four (4) months of age.

(bb) Other domesticated fowl - Over four (4) months of age or in some game birds when reach sexual maturity.

(3) The official tests in the control and eradication of pullorum-typhoid disease in poultry and other domesticated fowl shall be as follows:

(aa) Turkeys. The standard tube agglutination test, the rapid serum plate test or the micro-agglutination test. All tests can be used singly or in combination with other approved and compatible antigens.

(bb) Chickens and other domesticated fowl. The standard tube agglutination test, the rapid whole blood plate test, the rapid serum plate test or the micro-agglutination test. All tests can be used singly or in combination with other approved and compatible antigens.

(cc) Bacteriological examination of cull baby poultry and other domesticated fowl, pipped eggs, dead in shell or hatcher fluff may be used as an alternate procedure to testing adult breeders for monitoring purposes.

(dd) The Board may approve the use of other tests or combination of tests provided they are demonstrated to be more or equally efficient as those already in use for detecting pullorum-typhoid infection.

(4) A flock composed of birds originating from a previously qualified flock can qualify for a pullorum-typhoid disease classification by using one of the following procedures:

(aa) 100% negative test on all birds in flock; or

(bb) 5% negative sample test or a negative sample test on 100 birds, whichever is greater; or

(f) (4) continued

(cc) Two (2) 100% negative tests conducted not less than twenty-one (21) days apart on a flock known to be infected with pullorum-typhoid disease; or

(dd) Meets requirements outlined in cooperative state-federal program for control and eradication of pullorum-typhoid disease.

(5) Identification.

(aa) Turkeys. Shall be identified in accordance with LSB-33.

(bb) Chickens. All birds tested shall be identified with a leg or wing band or identified with a stain or dye in lieu of bands. All identifying material shall be approved by the Board before used.

(cc) Exhibition and Game Birds. All birds tested shall be identified with an approved leg or wing band.

(6) Check testing or other acceptable monitoring procedures may be ordered by the Board or carried out by Board employees to determine existence of pullorum-typhoid infection or to comply with requirements necessary to maintain a state or area pullorum-typhoid classification.

(7) Reactors - Quarantines.

(aa) Flocks in which pullorum-typhoid reactors are disclosed shall be quarantined.

(bb) Pullorum-typhoid reactors identified with a leg or wing band may be submitted to an official laboratory under permit to determine if flock is infected. The official laboratory or the district veterinarian shall designate the number of reactors to be submitted. If no pullorum or typhoid isolation is made, the flock shall be considered negative.

(cc) If the flock is determined to be infected with pullorum-typhoid disease, the quarantine will remain in effect until released under one of the following conditions:

(i) Retested as described in (4)(cc).

(ii) Entire flock shipped for slaughter under a permit and premises carefully cleaned and disinfected under official supervision.

(f) (7) continued

(dd) If an infected flock is to be maintained on the premises under quarantine and used for purposes other than the production of hatching eggs, all contact male birds and all reactors must be shipped to slaughter under permit within ten(10) days from date reactors were disclosed. When remainder of flock is shipped to slaughter under permit, the premises shall be carefully cleaned and disinfected under official supervision.

(ee) Additional testing may be conducted or other protective measures applied to an infected flock and the premises if deemed necessary by the Board to prevent spread or to comply with requirements necessary to maintain a state or area pullorum-typhoid classification.

(8) Test charts and other forms.

(aa) All tests, retests, check tests and monitoring tests shall be recorded on an official test chart furnished by the Board and submitted within ten (10) days following completion of the test.

(bb) Shipping permits shall be used to report transfer of reactors to the laboratory or shipment of an infected flock to slaughter.

(cc) The original of all forms, except a quarantine, shall be submitted to the Board.

(g) Hatchery and Flockowner responsibilities.

(1) Hatchery management shall:

(aa) Not hatch or custom hatch eggs unless they originate from pullorum-typhoid clean sources.

(bb) Identify hatching eggs as to source.

(cc) Clean and disinfect incubator trays and hatcher trays after each set and hatch.

(dd) Clean and fumigate incubators and hatchers after each hatch.

(g) (1) continued.

(ee) Fumigate or sanitize hatching eggs using a recognized procedure.

(ff) Maintain incubator rooms, brooder rooms and other hatchery areas in a sanitary condition and isolate brooder room in a manner satisfactory to the Board.

(gg) Permit inspection of buildings and equipment at any reasonable time by agents of the Board.

(2) Flockowner shall:

(aa) Maintain poultry buildings and premises in a sanitary condition.

(bb) Fumigate or sanitize hatching eggs as soon after gathering as possible.

(cc) Maintain identity of hatching eggs.

(dd) Use only new egg cases or clean used cases that have been fumigated.

(ee) Isolate and test upon return any fowl removed from the premises for any purpose.

(ff) Permit inspection of flocks, buildings and premises at any reasonable time by agents of the Board.

(h) Advertising.

(1) All advertising referring to pullorum-typhoid control and eradication shall be approved by the Board.

(2) The advertiser shall use only the classification which his poultry, other domesticated fowl flocks and hatchery have attained.

(3) Any reference in advertising to pullorum-typhoid testing by a hatchery or flockowner not participating in a program which provides for official disease classifications must be approved by the Board.

(i) Cooperative state-federal poultry disease programs.

(1) The Board may participate with an appropriate federal agency in the control and eradication of pullorum-typhoid disease through a Memorandum of Understanding.

(2) A Minnesota hatchery or flock signed up for participation in a cooperative state-federal program for the control and eradication of pullorum-typhoid disease shall comply with all applicable provisions of the program for obtaining and maintaining program disease classifications agreed upon.

(3) Poultry products produced under a state-federal cooperative disease program and these regulations shall lose their identity when consigned to or received by a non-participant.

(4) If there is conflict or misunderstanding in the interpretation of methods and procedures between this regulation and the regulation covering cooperative state-federal programs, other than those that are specific to obtaining and maintaining a program disease classification, the rules and regulations of the Board shall prevail.

EXHIBIT G

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE DR. J. G. FLINT
SECRETARY AND EXECUTIVE OFFICER
STATE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE RULES OF THE STATE LIVESTOCK SANITARY BOARD, LSB-30, THE CONTROL OF PULLORUM-TYPHOID DISEASE IN CHICKENS AND OTHER DOMESTICATED FOWL, EXCEPTING TURKEYS AND LSB-31, CONTROL OF PULLORUM-TYPHOID DISEASE IN TURKEYS

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Minnesota Livestock Sanitary Board. The last time the above captioned rules were amended was 1968 for LSB-30 and 1966 for LSB 31.

The need to adopt these rules arises in order to make them compatible with changes made in a State-Federal cooperative poultry disease program and to update some of the provisions because of technical advances.

June 19, 1975

J. G. Flint

J. G. Flint, D.V.M.
Secretary & Executive Officer

PUBLISHERS OF
GOBBLES

Minnesota Turkey Growers Association, Inc.

The Official Publication of the Minnesota Turkey Growers Association.

2387 UNIVERSITY AVENUE / Phone 646-4553 / SAINT PAUL, MINNESOTA 55114

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Executive Secretary

June 19, 1975

EXHIBIT H-1

Dr. J. D. Flint
Livestock Sanitary Board
555 Wabasha St.
St. Paul, MN 55102

Dear Dr. Flint:

An out of town commitment prevents me from attending the hearing on the morning of June 20, 1975 and I am sorry.

The Minnesota Turkey Growers Association are in support of the amendments which are proposed for LSB 30 and LSB 31. We are in favor and support these amendments that allow the use of micro agglutination test and combination antigens in official program testing, give the Minnesota Livestock Sanitary Board the authority to approve the use of official tests for detecting pullorum disease if they become available, provide for a monitoring procedure using bacteriological examination of baby poultry eggs and hatcher fluff, allow use of sanitizers to decontaminate hatching eggs, and make reference to cooperative State-Federal poultry disease control programs for receiving Statewide "Clean" classification for pullorum typhoid disease which allows flocks to participate without a test.

We hope that you would enter this, so it will be included in the record of your hearing on June 20, 1975.

Sincerely yours,

MINNESOTA TURKEY GROWERS ASSOCIATION INC

Roy C. Munson
Executive Secretary

RCM/lb

cc: Dr. Harry Olson

EXHIBIT 1

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE DR. J. G. FLINT
SECRETARY & EXECUTIVE OFFICER
STATE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE RULES OF THE STATE LIVESTOCK SANITARY BOARD, LSB-30, THE CONTROL OF PULLORUM-TYPHOID DISEASE IN CHICKENS AND OTHER DOMESTICATED FOWL, EXCEPTING TURKEYS AND LSB-31, CONTROL OF PULLORUM-TYPHOID DISEASE IN TURKEYS

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before the Livestock Sanitary Board of the State of Minnesota on the 20th day of June, 1975 at 10:30 A.M. in Room D of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by M. S. 1974, Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, and applicable statutory standards or criteria, and having confirmed the need for the above captioned rules.

NOW, THEREFORE, IT IS ORDERED THAT these rules identified as LSB-30, Control and Eradication of Pullorum-Typhoid Disease in Poultry and Other Domesticated Fowl, are adopted this 29th day of July, 1975, pursuant to authority vested in me by M.S. 1974, Sec. 35.03.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

A. B. Magnusson

A. B. Magnusson, D.V.M.

July 29, 1975

EXHIBIT J

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE DR. J. G. FLINT
SECRETARY & EXECUTIVE OFFICER
STATE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENT TO THE RULES OF THE STATE LIVESTOCK SANITARY BOARD, LSB-30, THE CONTROL OF PULLORUM-TYPHOID DISEASE IN CHICKENS AND OTHER DOMESTICATED FOWL, EXCEPTING TURKEYS AND LSB-31, CONTROL OF PULLORUM-TYPHOID DISEASE IN TURKEYS

FINDINGS OF FACT

The above-entitled matter came on for hearing before the Minnesota State Livestock Sanitary Board, Dr. J. G. Flint, Secretary and Executive Officer, presiding, on the 20th day of June, 1975 in Conference Room D, Veterans Service Building, St. Paul, Minnesota, after proper notice required by Minnesota Statutes, Sec. 15.0412 (1974) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording interested persons an opportunity to present written and oral data, statements and arguments and having heard and considered all of the testimony and evidence presented, the Department makes and enters the following findings:

1. Authority to promulgate the above-captioned rules is contained in Minnesota Statutes, Sec. 35.03 (1974). That section directs the Livestock Sanitary Board to protect the health of the domestic animals of the state by such means as it deems expedient to that end, to include the adoption of rules and regulations. These rules are hereby found to come within that authority and, further, are found to be reasonable.

2. There is need for amendments to these regulations to bring them into conformity with the State-Federal cooperative Pullorum-Typhoid disease program. Turkeys and chickens were handled under distinctly separate national programs but both are now covered under one regulation entitled The National Poultry Improvement Plan and auxiliary provisions. Amendments are needed to combine the two programs at the state level.

3. Some new advances have been made in testing procedures. The micro-agglutination test was developed with the idea of saving time. The test has been demonstrated to be accurate and amendments would allow it to be used as an alternate procedure to the tube or serum plate test in turkeys if deemed necessary. Ongoing research may produce other test procedures which are easier and less costly to apply. Amendments will now allow the Board to approve the use of such tests as they become officially available in the interest of saving time and money.

4. Pullorum-Typhoid disease is virtually eradicated from the commercial-type turkey and chicken industry. This was accomplished by testing breeding stock and eliminating infected flocks to prevent egg transmission and widespread dissemination. At this stage of the program, amendments will allow bacteriological examination of hatchery debris to monitor for Pullorum-Typhoid disease in place of applying the flock blood test. The procedure is less costly, saves time and is effective for detecting subtle flareups of Pullorum-Typhoid disease.

5. For many years, formaldehyde fumigation was the only official procedure used to decontaminate the outside of poultry hatching eggs. Washing and sanitizing with disinfectant agents is now recognized by the National Poultry Improvement Plan as an acceptable alternate procedure. The industry favors the sanitizing procedure because there are some undesirable side effects related to fumigation and amendments now allow use of sanitizing agents on hatching eggs in Minnesota.

6. The Minnesota Pullorum-Typhoid disease program qualifies for the National Poultry Improvement Plan designation as a U. S. Pullorum-Typhoid Clean State. This designation allows poultry breeding flocks to participate in the National program without a test. Amendments make a specific reference to State-Federal cooperative poultry disease programs and provide means whereby qualified flocks in Minnesota can take advantage of the "no test" procedure.

Dated: July 21, 1975

J. G. Flint, D.V.M.
Secretary and Executive Officer
State Livestock Sanitary Board

JGF:si

EXHIBIT K

CERTIFICATE OF BOARD'S
ADOPTION OF RULES RESOLUTION

I, Dr. J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Livestock Sanitary Board, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Minnesota Livestock Sanitary Board duly and properly called and held on the 29th day of July, 1975; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

> "RESOLVED, that the rules relating to regulation LSB-30, Control and Eradication of Pullorum-Typhoid Disease in Poultry and Other Domesticated Fowl, be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 1974, Section 35.03, and that Dr. A. B. Magnusson, one of the members of the Minnesota State Livestock Sanitary Board, be and hereby is authorized to sign an order adopting these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 15th day of August, 1975.

J. G. Flint

J. G. Flint, D.V.M.
Secretary and Executive Officer
Livestock Sanitary Board

EXHIBIT L

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Paul Strandberg, do hereby declare that I have examined the proposed rules and all related documents and that, based on them and my personal familiarity with the applicable procedures, the Manual of Rule Making Procedures has been followed. Any exceptions are noted below.

Paul Strandberg

Special Assistant Attorney General

Dated: August 29, 1975

CSB 30 as adopted rescinds prior CSB 31

EXHIBIT M

LSB 30 CONTROL AND ERADICATION OF PULLORUM-TYPHOID DISEASE IN POULTRY AND OTHER DOMESTICATED FOWL

(a) Definitions. The following words and terms where used in these regulations shall be defined as follows:

(1) Board shall mean the Minnesota State Livestock Sanitary Board.

(2) Plan shall mean The National Poultry Improvement Plan and auxiliary provisions.

(3) Official State Agency shall mean the Board.

(4) Person shall mean a natural person, firm or corporation.

(5) State Inspector shall mean a person employed by the Board to perform functions under state-federal cooperative poultry disease programs and these regulations.

(6) Authorized agent shall mean a person not employed by the Board but designated and authorized to perform functions under these regulations.

(7) Veterinarian shall mean a veterinarian licensed and accredited in Minnesota or a veterinarian employed by USDA.

(8) Poultry shall mean turkeys and chickens.

(9) Other Domesticated Fowl shall include waterfowl, pheasants, partridges, quail, guinea fowl, or wild birds maintained in captivity.

(10) Products shall mean domesticated fowl and hatching eggs.

(11) Flock shall mean poultry or other domesticated fowl of one kind, breed, strain or variety segregated and managed as one flock on one premises.

(12) Flockowner shall mean a person who owns or is in charge of a flock or flocks of poultry or other domesticated fowl.

(13) Primary Breeding Flock shall mean a flock composed of one or more generations that is maintained for the purpose of establishing, continuing and improving parent lines.

(14) Multiplier Breeding Flock shall mean a flock that originated from a primary breeding flock and is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg or meat production.

(b) Sale of poultry, other domesticated fowl and hatching eggs.

(1) No person shall sell, offer for sale, purchase or trade poultry or other domesticated fowl, less than the minimum testing age stipulated in (f)(2), and their hatching eggs, unless they originate from flocks and hatcheries operating under the supervision of the Board and these regulations.

(2) A person may purchase, sell, offer to sell or trade ducklings, goslings, and waterfowl hatching eggs not having a pullorum-typhoid classification provided such products originate from hatcheries or premises where only waterfowl are hatched and handled. Hatcheries operating in this manner must obtain a permit and shall be subject to inspection by agents of the Board.

(3) Hatcheries hatching and handling poultry and other domesticated fowl or their hatching eggs shall not hatch and handle waterfowl unless such waterfowl qualify for a pullorum-typhoid disease classification or unless the hatchery is constructed to permit separate handling and hatching to prevent cross contamination and then only at the discretion of the Board.

(4) Nothing in (b)(1), (2) and (3) shall apply to a person hatching eggs originating from a poultry or other domesticated fowl breeding flock owned by such person on a farm premises provided the hatching eggs and progeny are maintained on the same premises and not offered for sale. Poultry and other domesticated fowl raised and maintained under the provisions of this paragraph can be removed for shipment to slaughter only unless those over four (4) months of age are tested and found negative to the pullorum-typhoid test.

(c) Permits.

(1) No person shall conduct and operate buildings and equipment for the purpose of incubating and hatching eggs and otherwise handling, brooding and selling poults, chicks, ducklings, goslings and progeny of other domesticated fowl, except

as provided in (b)(4) of these regulations and LSB 34, Dealing in Poultry by Dealers, unless a permit is first obtained from the Board. A completed and signed application must be on file in the office of the Board together with a satisfactory inspection report before a permit can be issued. The permit shall be valid until September 1 following date of issue unless revoked.

(2) Failure on the part of any person to comply with the terms of the hatchery permit and these regulations shall be grounds for initiating proceedings to determine if the permit should be revoked or suspended.

(3) When more than one hatchery located within the state is operated under the same ownership, name or management, one or more of such hatcheries cannot participate in official poultry disease control programs unless all participate. All such hatcheries must attain and maintain the same classifications.

(d) Flock Participation.

(1) All flocks of turkeys, chickens and other domesticated fowl composed of birds that have reached the minimum testing age described in (f)(2)(aa), (bb), to be used for breeding and under the Board's supervision, except as provided in (b)(2) and (b)(4) of this regulation and (d)(7) in LSB 40, Public Exhibition of Livestock and Poultry in Minnesota, shall be tested for pullorum-typhoid disease using an officially approved method and procedure in accordance with this regulation, provided; the test may not be required if it is determined by the Board that flocks of turkeys, chickens and other domesticated fowl qualify without a test under a cooperative state-federal program.

(2) One or more but less than all species of poultry and other domesticated fowl under supervision and on the same premises may be tested, provided; those tested have been segregated from those not tested in a manner satisfactory to the Board for a period of twenty-one (21) days before test is applied and remain so segregated while the tested flock is under supervision.

(d) continued

(3) Flocks of poultry and other domesticated fowl may qualify on the initial test if no reactors are disclosed, provided; the birds so tested originate from previously qualified flocks. The qualifying test is to be conducted within six (6) months prior to the first gathering of eggs for hatching purposes.

(e) Testing agents.

(1) A veterinarian who desires to conduct official tests for pullorum-typhoid disease or collect blood samples must make application to the Board for approval.

(2) A person who desires to become an authorized testing or blood collecting agent shall comply with the following:

(aa) Attend a program training course.

(bb) Perform satisfactory work at a field school.

(cc) Obtain and use test equipment and antigen approved by the Board.

(3) A temporary testing and blood collecting authorization may be issued under extenuating circumstances upon recommendation by a veterinarian employed by the Board.

(4) Testing and blood collecting authorizations shall be renewed each year; shall not be used for advertising purposes in any manner and may be cancelled by the Board if the agent fails to comply with this regulation or performs unsatisfactory work.

(5) The cost of pullorum-typhoid testing and control rendered by persons other than employees of the Board shall be paid by the flockowner or hatchery owner in accordance with an agreement reached between the authorized testing agent rendering the service and those to whom the service is rendered.

(f) Test procedures and requirements.

(1) All tests and antigens used in the control and eradication of pullorum-typhoid disease shall be approved by the Board.

(f) continued

(2) All poultry and other domesticated fowl tested shall be at the minimum testing age described below, provided; such age limits may be adjusted with Board approval to avoid conflict with age requirement changes made in cooperative state-federal programs.

(aa) Turkeys and chickens - Over four (4) months of age.

(bb) Other domesticated fowl - Over four (4) months of age or in some game birds when reach sexual maturity.

(3) The official tests in the control and eradication of pullorum-typhoid disease in poultry and other domesticated fowl shall be as follows:

(aa) Turkeys. The standard tube agglutination test, the rapid serum plate test or the micro-agglutination test. All tests can be used singly or in combination with other approved and compatible antigens.

(bb) Chickens and other domesticated fowl. The standard tube agglutination test, the rapid whole blood plate test, the rapid serum plate test or the micro-agglutination test. All tests can be used singly or in combination with other approved and compatible antigens.

(cc) Bacteriological examination of cull baby poultry and other domesticated fowl, pipped eggs, dead in shell or hatcher fluff may be used as an alternate procedure to testing adult breeders for monitoring purposes.

(dd) The Board may approve the use of other tests or combination of tests provided they are demonstrated to be more or equally efficient as those already in use for detecting pullorum-typhoid infection.

(4) A flock composed of birds originating from a previously qualified flock can qualify for a pullorum-typhoid disease classification by using one of the following procedures:

(aa) 100% negative test on all birds in flock; or

(bb) 5% negative sample test or a negative sample test on 100 birds, whichever is greater; or

(f) (4) continued

(cc) Two (2) 100% negative tests conducted not less than twenty-one (21) days apart on a flock known to be infected with pullorum-typhoid disease; or

(dd) Meets requirements outlined in cooperative state-federal program for control and eradication of pullorum-typhoid disease.

(5) Identification.

(aa) Turkeys. Shall be identified in accordance with LSB-33, Control of Salmonella Typhi-Murium Disease in Turkeys.

(bb) Chickens. All birds tested shall be identified with a leg or wing band or identified with a stain or dye in lieu of bands. All identifying material shall be approved by the Board before used.

(cc) Exhibition and Game Birds. All birds tested shall be identified with an approved leg or wing band.

(6) Check testing or other acceptable monitoring procedures may be ordered by the Board or carried out by Board employees to determine existence of pullorum-typhoid infection or to comply with requirements necessary to maintain a state or area pullorum-typhoid classification.

(7) Reactors - Quarantines.

(aa) Flocks in which pullorum-typhoid reactors are disclosed shall be quarantined.

(bb) Pullorum-typhoid reactors identified with a leg or wing band may be submitted to an official laboratory under permit to determine if flock is infected. The official laboratory or the district veterinarian shall designate the number of reactors to be submitted. If no pullorum or typhoid isolation is made, the flock shall be considered negative.

(cc) If the flock is determined to be infected with pullorum-typhoid disease, the quarantine will remain in effect until released under one of the following conditions:

(i) Retested as described in (4)(cc).

(ii) Entire flock shipped for slaughter under a permit and premises carefully cleaned and disinfected under official supervision.

(f) (7) continued

(dd) If an infected flock is to be maintained on the premises under quarantine and used for purposes other than the production of hatching eggs, all contact male birds and all reactors must be shipped to slaughter under permit within ten (10) days from date reactors were disclosed. When remainder of flock is shipped to slaughter under permit, the premises shall be carefully cleaned and disinfected under official supervision.

(ee) Additional testing may be conducted or other protective measures applied to an infected flock and the premises if deemed necessary by the Board to prevent spread or to comply with requirements necessary to maintain a state or area pullorum-typhoid classification.

(8) Test charts and other forms.

(aa) All tests, retests, check tests and monitoring tests shall be recorded on an official test chart furnished by the Board and submitted within ten (10) days following completion of the test.

(bb) Shipping permits shall be used to report transfer of reactors to the laboratory or shipment of an infected flock to slaughter.

(cc) The original of all forms, except a quarantine, shall be submitted to the Board.

(g) Hatchery and Flockowner responsibilities.

(1) Hatchery management shall:

(aa) Not hatch or custom hatch eggs unless they originate from pullorum-typhoid clean sources.

(bb) Identify hatching eggs as to source.

(cc) Clean and disinfect incubator trays and hatcher trays after each set and hatch.

(dd) Clean and fumigate incubators and hatchers after each hatch.

(ee) Fumigate or sanitize hatching eggs using a recognized procedure.

(g) (1) continued

(ff) Maintain incubator rooms, brooder rooms and other hatchery areas in a sanitary condition and isolate brooder room in a manner satisfactory to the Board.

(gg) Permit inspection of buildings and equipment at any reasonable time by agents of the Board.

(2) Flockowner shall:

(aa) Maintain poultry buildings and premises in a sanitary condition.

(bb) Fumigate or sanitize hatching eggs as soon after gathering as possible.

(cc) Maintain identity of hatching eggs.

(dd) Use only new egg cases or clean used cases that have been fumigated.

(ee) Isolate and test upon return any fowl removed from the premises for any purpose.

(ff) Permit inspection of flocks, buildings and premises at any reasonable time by agents of the Board.

(h) Advertising.

(1) All advertising referring to pullorum-typhoid control and eradication shall be approved by the Board.

(2) The advertiser shall use only the classification which his poultry, other domesticated fowl flocks and hatchery have attained.

(3) Any reference in advertising to pullorum-typhoid testing by a hatchery or flockowner not participating in a program which provides for official disease classifications must be approved by the Board.

(i) Cooperative state-federal poultry disease programs.

(1) The Board may participate with an appropriate federal agency in the control and eradication of pullorum-typhoid disease through a Memorandum of Understanding.

(i) continued

(2) A Minnesota hatchery or flock signed up for participation in a cooperative state-federal program for the control and eradication of pullorum-typhoid disease shall comply with all applicable provisions of the program for obtaining and maintaining program disease classifications agreed upon.

(3) Poultry products produced under a state-federal cooperative disease program and these regulations shall lose their identity when consigned to or received by a non-participant.

(4) If there is conflict or misunderstanding in the interpretation of methods and procedures between this regulation and the regulation covering cooperative state-federal programs, other than those that are specific to obtaining and maintaining a program disease classification, the rules and regulations of the Board shall prevail.

APPROVED AS TO FORM AND LEGALITY
SEP 22 1975 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
SEP 23 1975 3:00 pm
Joan Anderson Growe
Secretary of State

FILED
RICHARD L. BRUBACHER
Commissioner of Administration
SEP 23 1975
BY Eda Staudenmaier
AUTH. SIGNATURE
4 PM