

Minnesota Attorney General: Administrative Rules Proceedings

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- LSB-11

LSB 11 Eradication of Bovine Brucellosis in Minnesota

A. Definitions:

1. Board means the Minnesota State Livestock Sanitary Board or its authorized agent.

2. Owner means the legal owner, his agents and the person in possession of or caring for the cattle referred to.

3. Herd means any number of cattle owned by one or more persons which are maintained on one or more premises and which associate with or contact one another or are cared for by the same personnel.

4. Veterinarian means a veterinarian licensed and accredited in Minnesota or a veterinarian of the USDA.

5. Test and Testing means the standard brucellosis plate (SPT) and tube (STT) blood serum agglutination tests, brucella buffered antigen (card or BBA) test or other tests approved by the Board, conducted by a veterinarian authorized by the Board to conduct the test, or by a State or U. S. State Laboratory, on blood samples collected and submitted by a veterinarian. All blood samples accompanied by three copies of the test chart and with results of tests conducted by the veterinarian, shall be submitted to the State or U.S. State Laboratory.

6. Ring Test means the brucellosis agglutination test (BRT) of milk or cream.

7. Market Cattle Test (MCT) means a brucellosis test conducted on marketed cattle.

8. Supplemental Test means an additional test for brucellosis other than the first test conducted on a blood sample in a State or U.S. State Laboratory.

9. Vaccinate means female dairy cattle under 20 months of age which have received subcutaneous injections of USDA licensed Brucella abortus Strain 19 vaccine when from two to six months of age (60 - 179 days) and female beef cattle under 24 months of age which have received subcutaneous injections of USDA licensed Brucella abortus Strain 19 vaccine when from two through seven months of age (60 - 239 days)

in accordance with these rules. Official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over with brucellosis test titers not over complete agglutination at a 1:50 dilution are diagnosed vaccinate.

10. Negative means cattle showing no reaction in blood serum agglutination test dilution of 1:50 or higher; cattle showing no reaction on the card test. Variations may be accepted by the Board.

11. Suspect means cattle showing a reaction to a test that does not qualify as a reactor, negative or vaccinate.

12. Reactor means:

a. Cattle over six months of age showing a complete agglutination in a dilution of 1:100; official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over, or under these ages if parturient or post parturient, showing a complete agglutination in a dilution of 1:200; cattle positive on the card test. Variations may be accepted by the Board.

b. Cattle showing supplemental test results which would justify a reactor diagnosis.

c. Cattle which show an increasing titer on consecutive tests.

d. Cattle from which Brucella micro-organisms, other than Strain 19, have been isolated.

13. Exposed cattle means those that are part of a brucellosis infected herd or have been in contact with a brucellosis reactor 24 hours, or less than 24 hours if reactor has recently aborted, calved, or has a vaginal or uterine discharge.

14. Negative Herd means one in which no reactors or suspects were diagnosed on the last test and which is not under an infected herd quarantine.

15. Suspect Herd means one in which one or more suspects but no reactors were diagnosed on the last test and which is not under an infected herd quarantine.

16. Infected Herd means one in which one or more reactors were diagnosed on the last test or which is under an infected herd quarantine.

B. General requirements:

1. Veterinarians shall report to the Board all herds infected with bovine brucellosis, or suspected of being infected with bovine brucellosis.

2. The Board may demand tests of infected herds, or cattle diagnosed as a suspect, or exposed cattle, or herd of origin of market cattle test reactors, or brucellosis ring test positive herds, or any cattle when necessary for the eradication of bovine brucellosis, and the owner or his agent shall present them and assist with the testing.

3. Testing:

a. All cattle over 12 months of age shall be eligible for test except:

(1) Steers.

(2) Spayed heifers.

(3) Official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age which are not parturient or post parturient.

(4) Feeding cattle in a dry lot area without pasture or grazing facilities.

(5) Feeding and grazing cattle imported into the State on special permit and quarantined in compliance with Section (1) of LSB 1, Importation of Cattle and Minn. Stat. Sec. 35.245 Subd. 3 (1974).

(6) Female feeding and grazing cattle under 18 months of age of beef type and breed sold under affidavit and maintained under quarantine in compliance with Section E. 1. f. of this rule and Minn. Stat. Sec. 35.245 Subd. 3 (1974).

The Board may test all cattle in infected herds.

b. Blood samples shall be collected by a veterinarian at owner's expense unless the Board or cooperating agency authorizes collection of blood samples at state or federal expense.

c. Cattle tested shall be individually identified by an official ear tag with the Minnesota prefix inserted in the right ear, tattoo, or other permanent identification.

d. Suspects, exposed cattle and infected herds shall be retested at approximately 30 days intervals.

4. Reactors are to be identified and appraised upon demand within 15 days of the test date and with an official reactor tag in the left ear and a "B" hot brand at least two x two inches on the left jaw. Reactors must be sold within 15 days of appraisal for slaughter only, with a shipping permit. The time intervals may be extended by the cooperating State and Federal officials for reasons mutually accepted.

5. Quarantines shall be established on all cattle in infected herds confining all cattle to the premises where tested and restraining them from water courses by fencing and from contacting adjacent herds. Cattle diagnosed suspect, or exposed cattle other than those in infected herds, or herd of origin of market cattle test reactors shall be quarantined to premises where tested or herd of origin.

a. The Board shall serve written notice of the brucellosis quarantine on the owner either personally or by mail to the owner's post office address as on the test chart.

b. Infected herd quarantines will be released after two consecutive negative herd tests, the first conducted at least 30 days after slaughter of all reactors and the second test not less than 90 days following the first negative test. A third test may be required 90 days after the quarantine is released.

(1) Exception to intervals between tests are allowable when Brucella abortus Strain 19 organisms have been isolated from the reactor, or all epidemiologic evidence is consistent with Brucella abortus Strain 19 infection and not with virulent infection.

c. Suspects and exposed cattle other than those in infected herds will be released from quarantine when on the basis of test and supplemental test results a negative or vaccinate status is allowed or when suspects or exposed cattle are shipped for slaughter with a shipping permit. If suspects requiring retest are not available a complete herd test is necessary unless it is determined on the basis of epidemiological investigation and evaluation of two or more consecutive retest and supplemental test results that the herd test is not indicated if the suspect is shipped for slaughter with a shipping permit.

d. Quarantines on herd of origin of market cattle test reactors will be released if a herd test disclosed no additional reactors and there is no evidence suggestive of Brucella infection or exposure thereto.

6. Restricted area quarantines may be established by the Board when an owner refuses to comply with any part of this rule, confining all cattle to a defined area until the owner complies with the rule.

7. Movement of brucellosis quarantined reactor, exposed and suspect cattle.

a. Brucellosis quarantined cattle shall be sold only for slaughter at establishments where Federal meat inspection is maintained or to public stockyards or state and federal markets approved to receive brucellosis quarantined cattle for sale to such establishments for slaughter and must be accompanied by a shipping permit.

(1) Reactors must be identified as provided in B. 4. of this rule.

(2) Exposed cattle moved to slaughter or interstate must be identified with a hot "S" brand at least two x two inches on the left jaw.

(3) Brucellosis suspects or exposed cattle may be returned to their herd of origin from markets without being "S" branded if accompanied by a shipping permit.

(4) Brucellosis negative quarantined cattle may be moved to other premises of the owner if accompanied by a shipping permit issued by the Board.

b. The owner shall give the shipping permit to the transporting agent, who shall give it to the consignee or his agent at time cattle are delivered, who shall receipt it and return it to the Board.

c. A copy of all shipping permits issued is to be submitted to the Board.

8. Infected premises shall be cleaned and disinfected under regulatory supervision within 15 days following removal of reactors. Extension and exemption may be authorized by the cooperating State and Federal officials.

9. Official vaccination:

a. Brucella abortus Strain 19 vaccine shall be sold only to accredited veterinarians.

b. Female dairy cattle two to six months of age (60 - 179 days) of age and female beef cattle two through seven months of age (60 - 239 days) may be vaccinated with approved Brucella abortus Strain 19 vaccine by accredited veterinarians.

c. Cattle vaccinated must be identified by an official ear tag with the Minnesota prefix inserted in the right ear, tattoo, or other permanent identification and an official vaccination tattoo consisting of the U.S. Registered "Shield and V" preceded by the number indicating the quarter of the year and followed by the last digit of the year in which vaccinated.

d. Complete reports of vaccinations shall be submitted to the Board within 14 days of the vaccination on forms supplied.

e. Cattle vaccinated with Brucella abortus Strain 19 vaccine other than females of authorized ages shall not be official vaccinates, but shall be quarantined and when tested diagnosed as unvaccinated cattle.

C. Area plan participation:

1. The ring test shall be conducted at least three times per year at approximately equal intervals.

a. Herds with suspicious ring tests are to be tested within 30 days.

2. The market cattle test shall cover at least 10 percent per year of the breeding cows over two years of age from herds not covered by the ring test.

a. Reactors must be traced to herd of origin and the herd tested within 30 days or quarantined for test within six months.

D. Establishment and Maintenance of Certified Brucellosis-Free Herds of cattle:

1. An agreement to comply with these rules shall be signed and filed with the Board by the owner.

2. Certification: When at least two consecutive negative herd tests of all eligible cattle over 12 months of age are conducted not less than ten months or more than 14 months apart or when three consecutive negative ring tests conducted at 90 day intervals are followed by a negative herd blood test within 90 days of the last ring test, the herd will be certified for a period of one year (365 days) and a Certified Herd Certificate issued.

a. Certification will be cancelled if:

(1) Additions to the herd are made contrary to the following paragraph 3. of this Section D. of this rule.

(2) If two or more reactors are disclosed in the herd.

(3) If only one reactor is disclosed, the certification is suspended until infected herd quarantine is released.

3. Additions to a Certified Herd shall be reported to the Board and be:

a. From a Certified Brucellosis-Free Herd.

b. From a herd which had a negative herd blood test within 12 months and the additions have had a negative retest not less than 60 days after the negative herd test and within 30 days of addition to the certified herd except official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post parturient which may be added without test if with a certificate of official brucellosis vaccination.

c. From negative herds in Certified-Free or Modified Certified Brucellosis-Free Areas the additions must have a negative or vaccinate status when tested within 30 days prior to entry and be segregated from the herd until retested and diagnosed negative or vaccinate on a test approximately 120 days after entry except official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post parturient which may be added without test if with a certificate of official brucellosis vaccination and segregated from the herd until tested negative or vaccinate on the standard plate or tube test.

d. Cattle added under b. and c. above are not eligible for sale with certified herd status until in the herd at least 30 days and included on a negative complete herd test.

4. Recertification: A negative herd test on all cattle 24 months of age or over or post parturient within 60 days prior to each anniversary of the certification date is required for continuous Certified Herd status. If the negative recertification test is conducted within 60 days following the anniversary date, the recertification is for 12 months from the anniversary date

E. Sale of cattle and leasing or loaning cattle for breeding:

1. All dairy cattle over six months (209 days) of age and beef cattle eight months (240 days) of age and over must be tested negative or vaccinate for brucellosis within 30 days prior to sale or lease or loan except:

a. Cattle sold directly to a slaughtering establishment for immediate slaughter.

b. Cattle consigned to a public stockyards or State and Federal approved markets.

c. Steers and spayed heifers.

d. Cattle from a certified brucellosis-free herd.

e. Official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post parturient.

f. Female feeding and grazing cattle under 18 months of age of beef type and breed sold in accordance with Minn. Stat. Sec. 35.245 Subd. 3 (1974) providing:

(1) The purchaser furnishes the seller and Board copies of completed affidavits as furnished by the Board.

(2) The Board may inspect the cattle and the premises on which they are maintained at any reasonable time.

(3) There are facilities to maintain said cattle separate and apart from all other cattle except steers, spayed heifers, or other quarantined feeding and grazing cattle. The facilities shall include double fencing where the cattle are confined in such a manner as to prevent access to other cattle in adjoining yards, pastures, or fields, and such fencing as may be necessary to prevent access of the quarantined cattle to water courses or drainage ditches which flow through or discharge on such other yards, pastures, or fields.

(4) The owner shall account to the Board for all quarantined feeding and grazing cattle reporting those sold directly for slaughter, those resold for feeding and grazing with an affidavit, those tested with permission of the Board for sale as breeding stock, those which died and those which were slaughtered for consumption by the owner.

(5) If at any time it is determined that the cattle are not maintained in accordance with the terms of the affidavit or the rules of the Board, the owner shall immediately correct the facilities for segregation and employ a veterinarian, at owner's expense, to test all cattle which have associated with or have been exposed to the quarantined cattle.

2. The vendor of all cattle eligible for test sold, leased, or loaned, shall provide the purchaser or lessee a certificate with a record of a negative or vaccinate brucellosis test and for official vaccinates not eligible for test a

certificate of vaccination or evidence of a legible official vaccination tattoo. Certificates are to be provided at the time possession of the cattle is transferred.

a. For cattle offered for sale at a public auction, a complete certificate of test and vaccination shall be posted in a prominent place on the sale premises on a form provided by the Board and shall include the number of suspects disclosed on the sale test and not offered for sale and a statement signed by the owner showing the number of reactors and suspects in the herd within six months prior to date of the sale test. Except for vaccinates not eligible for test and without a legible official vaccination tattoo, individual certificates are not required.

F. Complete herd condemnation, except steers, including nonreactors and exposed cattle not eligible for test:

1. The Livestock Sanitary Board through its Secretary and Executive Officer may condemn a complete herd, except steers, after having considered recommendations from the following:

a. Field veterinarian responsible for the herd.

b. State brucellosis epidemiologist.

c. Federal veterinarian in charge.

d. Veterinarian in charge, Brucellosis Division, Livestock Sanitary Board.

2. The persons named in F. 1. shall consider the following factors:

a. Rapidity of spread within the herd.

(1) Nonreactors and exposed cattle may be condemned after the first test of all eligible cattle in the herd when 25% or more of the cattle tested are reactors.

(2) Nonreactors and exposed cattle may be condemned when the cumulative number of reactors disclosed in the herd equals 30% of the number of cattle on the first test of all eligible cattle in the herd.

(3) Nonreactors and exposed cattle may be condemned when a herd remains infected after six tests conducted at approximately 30 day intervals.

b. Danger of transmission to other herds.

c. Results of culture attempts to isolate Brucella.

(1) A positive culture, other than Strain 19, shall support a decision to condemn; but a negative culture does not prohibit herd condemnation.

d. Number and percent of abortions among reactors, suspects and negatives.

e. Supplemental test results.

f. Evaluation of management practices.

g. Vaccination History.

h. Epidemiologic Investigation.

i. Status of area as determined by tests on contact herds and surveillance testing with MCT or BRT.

3. Nonreactors and exposed cattle shall not be condemned or appraised unless the owner signs an agreement which provides:

a. Owner and any other holder of an interest in the herd certifies such interest and voluntarily agrees to the condemnation of the herd.

b. All cattle, except steers, shall be condemned and appraised.

(1) Steers may be kept on the premises under quarantine in an area approved by the Board.

c. No cattle, except steers, shall be brought to the premises sooner than 30 days following shipment of the condemned herd.

d. Indemnity will be paid, if funds are available, as provided by Minnesota Statutes Section 35.09 Subdivision 2a.

e. Nonreactors and exposed cattle will be identified, appraised and sold as outlined in Section B. 4. of this rule.

f. Premises shall be cleaned and disinfected following shipment of nonreactors and exposed cattle as outlined in Section B. 8. of this rule.

APPROVED AS TO FORM AND LEGALITY
AUG 20 1976 19___
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 23 1976 4:10 P.M
Joan Anderson Growe
Secretary of State

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Michael B. Miller
Special Assistant
Attorney General

DATE: August 9, 1976

FROM : Paul A. Strandberg
Special Assistant
Attorney General

PHONE: 2856

SUBJECT: LSB-11

Attached please find the above regulations submitted for your approval pursuant to Chapter 15 of Minnesota Statutes.

PAS:jyp
Attachment

STATE OF MINNESOTA
OFFICE OF HEARINGS EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-11, Eradication of Bovine Brucellosis in Minnesota

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the Minnesota Office of Hearing Examiners at 1:00 P.M. on Thursday, June 3, 1976 in Room 304 of the Veterans Service Building, St. Paul, Minnesota. Paul Strandberg, Special Assistant Attorney General, 420 State Office Building, appeared as counsel for the Livestock Sanitary Board. Dr. J. G. Flint and Dr. LeRoy T. Christensen, both of 555 Wabasha Street, Suite 300, appeared as witnesses on behalf of the petitioning Board. The hearing continued until all interested groups or persons had an opportunity to be heard concerning the adoption of the proposed rules.

Pursuant to Minn. Stat., § 15.052, subd. 3 (1975 Supp.), this report will include Findings of Fact, Conclusions and Recommendations. The Livestock Sanitary Board shall make a copy of this report available for review to any interested person upon request.

The Board shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record to the Chief Hearing Examiner no earlier than ten days subsequent to the reciipt of this Report. It shall include the rules as originally proposed, and the rules as proposed for adoption in final form.

The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issue of substantial changes in the rule within ten calendar days. The Board will be responsible for filing the rules with the Attorney General.

Based upon the proceedings herein, the Examiner makes the following:

1. On April 28, 1976, the Livestock Sanitary Board filed the following documents with the Chief Hearing Examiner:

(a) A proposed Order for Hearing;

(b) A proposed Notice of Hearing with the proposed amendments attached; and

(c) A statement of the number of persons expected to attend and estimated length of hearing.

2. On April 30, 1976, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice, to all persons and associations on a list maintained by the Livestock Sanitary Board, and to all members of the Legislature.

3. ON May 7, 1976, the Board filed with the Office of Hearings Examiners the following documents:

(a) The Order for Hearing;

(b) The Notice of Hearing as mailed;

(c) The affidavit of receipt of the Secretary of State' list;

(d) The Affidavit of Mailing;

(e) The Statement of Need;

(f) The affidavit of mailing of a notice pursuant to Minn. Stat. § 15.0412, subd. 6, and a copy of the notice and material received pursuant to the Notice.

(g) The names of Department personnel who will represent the agency.

(h) A summary of evidence.

The documents were available for inspection at the Office of Hearings Examiners from the date of filing to the date of the hearing.

4. The record was closed at the end of the day on June 23, 1976.

5. Statutory authority to promulgate the proposed rules is found in Minn. Stat. § 35.03 and Chapter 227, § 2 (Laws 1976), which read as follows:

> 35.03 POWERS, DUTIES, AND REPORTS. The board shall protect the health of the domestic animals of the state, and carry out the provisions of this chapter; employing such means and making such rules and regulations as it may deem expedient to that end. It

shall hold quarterly meetings at the seat of government on the first Friday after the second Tuesday in January, April, July and October. Officers shall be elected at the April meeting. On or before October 1 in each even numbered year the board shall report its proceedings and recommendations to the governor biennially, which report shall be published by the state.

Section 2, subd. 2a, reads as follows:

Subd. 2a. The livestock sanitary board may condemn and appraise non reactors to the brucellosis test and exposed cattle not eligible for test from herds affected with brucellosis and pay the owner the difference between the appraisal value and the salvage value not to exceed $300 for grade animals or $600 for purebred registered animals, provided the board through its secretary and executive officer has determined according to criteria adopted by the board that herd depopulation is essential to the goal of bovine brucellosis eradication. Indemnity payable by the state shall be reduced by the amount paid by the United States department of agriculture. No indemnity shall be paid for steers.

6. The Board proposes to amend LSB-11 to bring it into compliance with the Uniform Methods and Rules as published by the Animal Plant Health and Inspection Service of U.S.D.A. which was revised in March, 1976. These rules are the minimum standards Minnesota must meet to retain her status as a Certified Bovine Brucellosis Free-State and to remain eligible for the cooperative assistance by funds and personnel from APHIS, USDA.

7. The proposed amendment to LSB-11(a)(9) is needed to allow the vaccination of calves against brucellosis at two months of age as allowed by the Uniform Methods and Rules. Lowering the age for vaccination will be an advantage to producer and veterinarian for they will have an additional month in which to have the calves vaccinated. Earlier vaccination could aid the program for there should be fewer vaccinated animals which would show blood test reactions, which resulted from vaccination, when tested as adults. These residual vaccination reactions presently may confuse veterinarians who must make a diagnosis on the basis of blood tests results. The degree of protection is believed to be as great when calves are vaccinated at the younger age as it would be at the upper age limits. This same change is also being made in LSB-11(b)(9)(bb).

8. The proposed amendment to LSB-11(a)(12)(dd) adds the phrase "other than Strain 19" so that high-titered animals which

have Strain 19 of the brucella organism would no longer have to be branded and tagged as reactors. This is necessary because Strain 19 does not cause a problem in a herd other than the reaction often found on blood tests which make diagnosis difficult.

9. The proposed amendment to LSB-11(b)(7)(bb) will require that brucellosis quarantined cattle which have been exposed to brucellosis must be branded with a hot "S" brand when moved to slaughter. This requirement is needed to assure that cattle which have had contact with a brucellosis infected animal will be recognized as such and slaughtered rather than tested at an assembly point and returned to another herd as a possible source of infection. At the hearing, the Board proposed an amendment to the proposed rules which incorporates the substantive intent of (b)(7)(bb) into (b)(7)(aa). This was suggested to clarify the intent of the Board and to avoid repetitious language used before in that section.

10. The proposed amendment to LSB-11(b)(7)(cc) will require that the shipping permit issued for the movement of brucellosis quarantined cattle to slaughter be given the consignee when the cattle are delivered. This is necessary to assure that the suspects shipped for slaughter will be properly yarded at the stockyards and sold only for slaughter.

11. In LSB-11(d)(2)(aa)(i) and (b)(3)(aa)(vi), the word "regulation" is replaced by the word "rule" to comply with language requirements.

12. The proposed amendment to LSB-11(d)(2)(aa)(iii) deletes the provision that a Certified Brucellosis-Free herd in which a single reactor has been found on a herd test, and which has lost its certified status would have that status reinstated after a negative herd test conducted at least 60 days after the reactor was removed. The proposed change is made necessary by the revision of the Uniform Methods and Rules and will result in the certified status being suspended until the infected herd quarantine is released which would require a negative herd test at least 30 days after slaughter of the reactor and a second negative herd

test at least 90 days after the first. This is provided for in LSB-11(b)(5)(bb).

13. The proposed amendment to LSB-11(e)(1)(ff)(v) deletes the requirement that cattle which have suspect reaction when tested because of exposure to quarantined feeding and grazing cattle be considered reactors and be branded as such. This change is needed to make this section consistent with other regulations that deal with the same matter.

14. Proposed LSB-11(f) is new and is necessary to establish the criteria by which the Livestock Sanitary Board, through its Secretary and Executive Officer,may condemn certain brucellosis infected herds when such action is necessary for the eradication of bovine brucellosis in Minnesota. These criteria are proposed to meet the requirements of Subdivision 2a of Section 35.09 Minnesota Statutes which resulted from action of the 1976 legislature.

15. Proposed LSB-11(f)(1) provides that recommendations concerning the condemnation be made by the regulatory field veterinarian responsible for the brucellosis eradication program in the herd, the state brucellosis epidemiologist, the Veterinary Services, APHIS, the U.S.D.A. veterinarian responsible in Minnesota, and the head of the Livestock Sanitary Board brucellosis division. These recommendations are necessary to assist the Secretary and Executive Officer in making the Board's decision.

16. Proposed LSB-11(f)(2) is needed because it sets out the specific criteria to be considered in arriving at a decision to condemn a brucellosis infected herd.

17. Proposed LSB-11(f)(3) is necessary to spell out what kind of an agreement must be reached with the owner of cattle which are non-reactors or exposed before the cattle can be condemned.

18. The proposed amendment to LSB-11(b)(3)(aa)(v) is not needed and should be deleted.

CONCLUSIONS

1. Due, timely and adequate legal notice of the hearing was properly served and filed by the Livestock Sanitary Board. All other substantive and procedural requirements of statute or rule have been complied with.

2. The proposed rule is both necessary and reasonable. The amendments to the proposed rule do not constitute a substantial difference in the rule as originally proposed.

RECOMMENDATION

That the proposed amendments to LSB-11, as amended and attached to this Report, be adopted by the Livestock Sanitary Board.

Dated this 2 day of July, 1976.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

RULE AS RECOMMENDED TO BE ADOPTED

LSB-11

(a)(9) Vaccinate means female dairy cattle under 20 months of age which have received subcutaneous injections of USDA licensed Brucella abortus Strain 19 vaccine when from 2 to 6 months of age (60 - 179 days) and female beef cattle under 24 months of age which have received subcutaneous injections of USDA licensed Brucella abortus Strain 19 vaccine when from 2 through 7 months of age (60 - 239 days) in accordance with these regulations. Official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over with brucellosis test titers not over complete agglutination as a 1:50 dilution are diagnosed vaccinate.

(a)(12)(dd) Cattle from which Brucella micro-organisms, other than Strain 19, have been isolated.

(b)(3)(aa)(v) Feeding and grazing cattle imported into the State on special permit and quarantined in compliance with Section (1) of LSB-1, Importation of Cattle and Minnesota Statutes 1971 Section 35.245 Subdivision 3.

(b)(3)(aa)(vi) Female feeding and grazing cattle under 18 months of age of beef type and breed sold under affidavit and maintained under quarantine in compliance with Section (e)(1)(ff) of this rule and Minnesota Statutes 1971, Section 35.245 Subdivision 3.

(b)(7) Movement of brucellosis quarantined reactor, exposed and suspect cattle.

(aa) Brucellosis quarantined cattle shall be sold only for slaughter at establishments where Federal meat inspection is maintained or to public stockyards or state and federal markets approved to receive brucellosis quarantined cattle for sale to such establishments for slaughter and must be accompanied by a shipping permit.

(i) Reactors must be identified as provided in (b)(4) of this rule.

(ii) Exposed cattle moved to slaughter or interstate must be identified with a hot "S" brand at least 2 X 2 inches on the left jaw.

(iii) Brucellosis suspects or exposed cattle may be returned to their herd of origin from markets without being "S" branded if accompanied by a shipping permit.

(iv) Brucellosis negative quarantined cattle may be moved to other premises of the owner if accompanied by a shipping permit issued by the Board.

(cc) becomes (bb), (dd) becomes (cc).

(b)(7)(bb) The owner shall give the shipping permit to the transporting agent, who shall give it to the consignee or his agent at time cattle are delivered, who shall receipt it and return it to the Board.

(b)(9)(bb) Female dairy cattle 2 to 6 months of age (60 - 179 days) of age and female beef cattle 2 through 7 months of age (60 - 239 days) may be vaccinated with approved Brucella abortus Strain 19 vaccine by accredited veterinarians.

(d)(2)(aa)(i) Additions to the herd are made contrary to the following paragraph (3) of this Section (d) of this rule.

(d)(2)(aa)(iii) If only one reactor is disclosed, the certification is suspended until infected herd quarantine is released.

(e)(1)(ff)(v) If at any time it is determined that the cattle are not maintained in accordance with the terms of the affidavit or the rules of the Board, the owner shall immediately correct the facilities for segregation and employ a veterinarian, at owner's expense, to test all cattle which have associated with or have been exposed to the quarantined cattle.

(f) Complete herd condemnation, except steers, including nonreactors and exposed cattle not eligible for test.

(1) The Livestock Sanitary Board through its Secretary and Executive Officer may condemn a complete herd, except steers, after having considered recommendations from the following:

(aa) Field veterinarian responsible for the herd.

(bb) State brucellosis epidemiologist.

(cc) Federal veterinarian in charge.

(dd) Veterinarian in charge, Brucellosis Division, Livestock Sanitary Board.

(2) The persons named in (f)(1) shall consider the following factors:

(aa) Rapidity of spread within the herd.

(i) Nonreactors and exposed cattle may be condemned after the first test of all eligible cattle in the herd when 25% or more of the cattle tested are reactors.

(ii) Nonreactors and exposed cattle may be condemned when the cumulative number of reactors disclosed in the herd equals 30% of the number of cattle on the first test of all eligible cattle in the herd.

(iii) Nonreactors and exposed cattle may be condemned when a herd remains infected after six tests conducted at approximately 30 day intervals.

(bb) Danger of transmission to other herds.

(cc) Results of culture attempts to isolate Brucella.

(i) A positive culture, other than Strain 19, shall support a decision to condemn; but a negative culture does not prohibit herd condemnation.

(dd) Number and percent of abortions among reactors, suspects and negatives.

(ee) Supplemental test results.

(ff) Evaluation of management practices.

(gg) Vaccination History.

(hh) Epidemiologic Investigation.

(ii) Status of area as determined by tests on contact herds and surveillance testing with MCT or BRT.

(3) Nonreactors and exposed cattle shall not be condemned or appraised unless the owner signs an agreement which provides:

(aa) Owner and any other holder of an interest in the herd certifies such interest and voluntarily agrees to the condemnation of the herd.

(bb) All cattle, except steers, shall be condemned and appraised.

(i) Steers may be kept on the premises under quarantine in an area approved by the Board.

(cc) No cattle, except steers, shall be brought to the premises sooner than 30 days following shipment of the condemned herd.

(dd) Indemnity will be paid, if funds are available, as provided by Minnesota Statutes Section 35.09 Subdivision 2a.

(ee) Nonreactors and exposed cattle will be identified, appraised and sold as outlined in Section (b)(4) of this rule.

(ff) Premises shall be cleaned and disinfected following shipment of nonreactors and exposed cattle as outlined in Section (b)(8) of this rule.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENT)
TO RULES OF THE STATE LIVESTOCK SANITARY) REPORT OF THE ACTING
BOARD, GOVERNING LSB-11, ERADICATION OF) CHIEF HEARING EXAMINER
BOVINE BRUCELLOSIS IN MINNESOTA.)

WHEREAS, a hearing was held on June 3, 1976, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Report of Hearing Examiner made pursuant to Minn. Stat. §15.052, Subd. 3, was issued to the Livestock Sanitary Board on July 2, 1976; and

WHEREAS, the Livestock Sanitary Board has now determined to adopt rules pursuant to Minn. Stat. §15.0412, Subd. 4; and

WHEREAS, the Livestock Sanitary Board has submitted said rules to the Acting Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Acting Chief Hearing Examiner finds that there are no substantial changes in said rules as originally proposed.

NOW, THEREFORE, upon receipt of this Report, the Livestock Sanitary Board has the responsibility of submitting the complete hearing record and the rules as adopted by the Board to the Attorney General and to publish in the State Register, all pursuant to Minn. Stat. §15.0412, Subd. 4.

Dated this 30th day
of July, 1976.

Duane R. Harves

DUANE R. HARVES
Acting Chief Hearing Examiner

#8

Proposed Amendment of LSB-11 Eradication of Bovine Brucellosis in Minnesota.

(a) Definitions

(1) Board means the Minnesota State Livestock Sanitary Board or its authorized agent.

(2) Owner means the legal owner, his agents and the person in possession of or caring for the cattle referred to.

(3) Herd means any number of cattle owned by one or more persons which are maintained on one or more premises and which associate with or contact one another or are cared for by the same personnel.

(4) Veterinarian means a veterinarian licensed and accredited in Minnesota or a veterinarian of the USDA.

(5) Test and Testing means the standard brucellosis plate (SPT) and tube (STT) blood serum agglutination tests, brucella buffered antigen (card or BBA) test or other tests approved by the Board, conducted by a veterinarian authorized by the Board to conduct the test, or by a State or U.S. State Laboratory, on blood samples collected and submitted by a veterinarian. All blood samples accompanied by three copies of the test chart and with results of tests conducted by the veterinarian, shall be submitted to the State or U.S. State Laboratory.

(6) Ring Test means the brucellosis agglutination test (BRT) of milk or cream.

(7) Market Cattle Test (MCT) means a brucellosis test conducted on marketed cattle.

(8) Supplemental Test means an additional test for brucellosis other than the first test conducted on a blood sample in a State or U.S. State Laboratory.

(9) Vaccinate means female dairy cattle under 20 months of age which have received subcutaneous injections of USDA licensed Brucella abortus Strain 19 vaccine when from ~~three~~ 2 to ~~six~~ 6 months of age (~~90~~ 60 - 179 days) and female beef cattle under 24 months of age which have received subcutaneous injections of USDA licensed Brucella abortus Strain 19 vaccine when from ~~three~~ 2 through ~~seven~~ 7 months of age (~~90~~ 60 - 239 days) in accordance with these regulations. Official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over with brucellosis test titers not over complete agglutination at a 1:50 dilution are diagnosed vaccinate.

(10) Negative means cattle showing no reaction in blood serum agglutination test dilution of 1:50 or higher; cattle showing no reaction on the card test. Variations may be accepted by the Board.

(11) Suspect means cattle showing a reaction to a test that does not qualify as a reactor, negative or vaccinate.

(12) Reactor means:

(aa) Cattle over 6 months of age showing a complete agglutination in a dilution of 1:100; official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over, or under these ages if parturient or post parturient, showing a complete agglutination in a dilution of 1:200; cattle positive on the card test. Variations may be accepted by the Board.

(bb) Cattle showing supplemental test results which would justify a reactor diagnosis.

(cc) Cattle which show an increasing titer on consecutive tests.

(dd) Cattle from which Brucella micro-organisms, other than Strain 19, have been isolated.

(13) Exposed cattle means those that are part of a brucellosis infected herd or have been in contact with a brucellosis reactor 24 hours, or less than 24 hours if reactor has recently aborted, calved, or has a vaginal or uterine discharge.

(14) Negative Herd means one in which no reactors or suspects were diagnosed on the last test and which is not under an infected herd quarantine.

(15) Suspect Herd means one in which one or more suspects but no reactors were diagnosed on the last test and which is not under an infected herd quarantine.

(16) Infected Herd means one in which one or more reactors were diagnosed on the last test or which is under an infected herd quarantine.

(b) General requirements:

(1) Veterinarians shall report to the Board all herds infected with bovine brucellosis, or suspected of being infected with bovine brucellosis.

(2) The Board may demand tests of infected herds, or cattle diagnosed as a suspect, or exposed cattle, or herd of origin of market cattle test reactors, or brucellosis ring test positive herds, or any cattle when necessary for the eradication of bovine brucellosis, and the owner or his agent shall present them and assist with the testing.

(3) Testing:

(1)

(aa) All cattle over 12 months of age shall be eligible for test except:

(i) Steers.

(ii) Spayed heifers.

(iii) Official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age which are not parturient or post parturient.

(iv) Feeding cattle in a dry lot area without pasture or grazing facilities.

(v) Feeding and grazing cattle imported into the State on special permit and quarantined in compliance with Section (e)(1)(ff) of LSB-1, Importation of Cattle and Minnesota Statutes 1971 Section 35.245 Subdivision 3.

(vi) Female feeding and grazing cattle under 18 months of age of beef type and breed sold under affidavit and maintained under quarantine in compliance with Section (e)(1)(ff) of this regulation and Minnesota Statutes 1971 Section 35.245 Subdivision 3.

The Board may test all cattle in infected herds.

(bb) Blood samples shall be collected by a veterinarian at owner's expense unless the Board or cooperating agency authorizes collection of blood samples at state or federal expense.

(cc) Cattle tested shall be individually identified by an official ear tag with the Minnesota prefix inserted in the right ear, tattoo, or other permanent identification.

(dd) Suspects, exposed cattle and infected herds shall be retested at approximately 30 day intervals.

(4) Reactors are to be identified and appraised upon demand within 15 days of the test date and with an official reactor tag in the left ear and a "B" hot brand at least 2 x 2 inches on the left jaw. Reactors must be sold within 15 days of appraisal for slaughter only, with a shipping permit. The time intervals may be extended by the cooperating State and Federal officials for reasons mutually accepted.

(5) Quarantines shall be established on all cattle in infected herds confining all cattle to the premises where tested and restraining them from water courses by fencing and from contacting adjacent herds. Cattle diagnosed suspect, or exposed cattle other than those in fected herds, or herd of origin of market cattle test reactors shall be quarantined to premises where tested or herd of origin.

(aa) The Board shall serve written notice of the brucellosis quarantine on the owner either personally or by mail to the owner's post office address as on the test chart.

(bb) Infected herd quarantines will be released after two consecutive negative herd tests, the first conducted at least 30 days after slaughter of all reactors and the second test not less than 90 days following the first negative test. A third test may be required 90 days after the quarantine is released.

(i) Exception to intervals between tests are allowable when Brucella abortus Strain 19 organisms have been isolated from the reactor, or all epidemiologic evidence is consistent with Brucella abortus Strain 19 infection and not with virulent infection.

(cc) Suspects and exposed cattle other than those in infected herds will be released from quarantine when on the basis of test and supplemental test results a negative or vaccinate status is allowed or when suspects or exposed cattle are shipped for slaughter with a shipping permit. If suspects requiring retest are not available a complete herd test is necessary unless it is determined on the basis of epidemiological investigation and evaluation of two or more consecutive retest and supplemental test results that the herd test is not indicated if the suspect is shipped for slaughter with a shipping permit.

(dd) Quarantines on herd of origin of market cattle test reactors will be released if a herd test disclosed no additional reactors and there is no evidence suggestive of brucella infection or exposure thereto.

(6) Restricted area quarantines may be established by the Board when an owner refuses to comply with any part of this regulation, confining all cattle to a defined area until the owner complies with the regulation.

(7) Movement of quarantined cattle:

(aa) Brucellosis reactors must be accompanied by a shipping permit and sold for slaughter only at establishments where Federal inspection is maintained or to public stockyards or state and federal markets approved to receive reactors for sale to such establishments for slaughter within 15 days of appraisal as a reactor.

(bb) Other brucellosis quarantined/exposed cattle may be moved only for immediate slaughter at establishments where Federal inspection is maintained, or to a public stockyards, or state and federal markets approved to receive brucellosis quarantined cattle for sale to such establishments for slaughter if a "S" hot brand at least 2 x 2 inches is applied on the left jaw and if accompanied by a shipping permit ~~but only for immediate slaughter under Federal meat inspection~~ or may be returned to the herd of origin with a shipping permit and without the "S" hot brand except:

(i) Negative quarantined cattle may be moved to other premises of the owner if accompanied by a shipping permit issued by the Board.

(cc) The owner shall give the shipping permit to the transporting agent, who shall give it to the consignee or his agent at time cattle are delivered, who shall receipt it and return it to the Board.

(dd) A copy of all shipping permits issued is to be submitted to the Board.

(8) Infected premises shall be cleaned and disinfected under regulatory supervision within 15 days following removal of reactors. Extension and exemption may be authorized by the cooperating State and Federal officials.

(9) Official vaccination:

(aa) Brucella abortus Strain 19 vaccine shall be sold only to accredited veterinarians.

(bb) Female dairy cattle ~~3~~ 2 to 6 months of age (~~90~~ 60 - 179 days) of age and female beef cattle ~~3~~ 2 through 7 months of age (~~90~~ 60 - 239 days) may be vaccinated with approved Brucella abortus Strain 19 vaccine by accredited veterinarians.

(cc) Cattle vaccinated must be identified by an official ear tag with the Minnesota prefix inserted in the right ear, tattoo, or other permanent identification and an official vaccination tattoo consisting of the U. S. Registered "Shield and V" preceded by the number indicating the quarter of the year and followed by the last digit of the year in which vaccinated.

(dd) Complete reports of vaccinations shall be submitted to the Board within 14 days of the vaccination on forms supplied.

(ee) Cattle vaccinated with Brucella abortus Strain 19 vaccine other than females of authorized ages shall not be official vaccinates, but shall be quarantined and when tested diagnosed as unvaccinated cattle.

(c) Area plan participation

(1) The ring test shall be conducted at least three times per year at approximately equal intervals.

(aa) Herds with suspicious ring tests are to be tested within 30 days.

(2) The market cattle test shall cover at least 10 percent per year of the breeding cows over 2 years of age from herds not covered by the ring test.

(aa) Reactors must be traced to herd of origin and the herd tested within 30 days or quarantined for test within 6 months.

(d) Establishment and Maintenance of Certified Brucellosis-Free Herds of cattle.

(1) An agreement to comply with these regulations shall be signed and filed with the Board by the owner.

(2) Certification: When at least two consecutive negative herd tests of all eligible cattle over 12 months of age are conducted not less than 10 months or more than 14 months apart or when three consecutive negative ring tests conducted at 90 day intervals are followed by a negative herd blood test within 90 days of the last ring test, the herd will be certified for a period of one year (365 days) and a Certified Herd Certificate issued.

(aa) Certification will be cancelled if:

(i) Additions to the herd are made contrary to the following paragraph (3) of this Section (d) of this ~~regulation~~ rule.

(ii) If two or more reactors are disclosed in the herd.

(iii) If only one reactor is disclosed, the certification is suspended until infected herd quarantine is released. ~~a-negative-herd-test-of all-eligible-cattle-is-conducted-at-least-60-days-after-removal-of-the-reactor.~~

(3) Additions to a Certified Herd shall be reported to the Board and be:

(aa) From a Certified Brucellosis-Free Herd.

(bb) From a herd which had a negative herd blood test within 12 months and the additions have had a negative retest not less than 60 days after the negative herd test and within 30 days of addition to the certified herd except official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post parturient which may be added without test if with a certificate of official brucellosis vaccination.

(cc) From negative herds in Certified-Free or Modified Certified Brucellosis-Free Areas the additions must have a negative or vaccinate status when tested within 30 days prior to entry and be segregated from the herd until retested and diagnosed negative or vaccinate on a test approximately 120 days after entry except official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post parturient which may be added without test if with a certificate of official brucellosis vaccination and segregated from the herd until tested negative or vaccinate on the standard plate or tube test.

(dd) Cattle added under (bb) and (cc) above are not eligible for sale with certified herd status until in the herd at least 30 days and included on a negative complete herd test.

(4) Recertification: A negative herd test on all cattle 24 months of age

or over or post parturient within 60 days prior to each anniversary of the certification date is required for continuous Certified Herd status. If the negative recertification test is conducted within 60 days following the anniversary date, the recertification is for 12 months from the anniversary date.

(e) Sale of cattle and leasing or loaning cattle for breeding:

(1) All dairy cattle over 6 months (209 days) of age and beef cattle 8 months (240 days) of age and over must be tested negative or vaccinate for brucellosis within 30 days prior to sale or lease or loan except:

(aa) Cattle sold directly to a slaughtering establishment for immediate slaughter.

(bb) Cattle consigned to a public stockyards or State and Federal approved markets.

(cc) Steers and spayed heifers.

(dd) Cattle from a certified brucellosis free herd.

(ee) Official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post parturient.

(ff) Female feeding and grazing cattle under 18 months of age of beef type and breed sold in accordance with Minnesota Statutes 1971, Section 35.245 Subdivision 3 providing:

(i) The purchaser furnishes the seller and Board copies of completed affidavits as furnished by the Board.

(ii) The Board may inspect the cattle and the premises on which they are maintained at any reasonable time.

(iii) There are facilities to maintain said cattle separate and apart from all other cattle except steers, spayed heifers, or other quarantined feeding and grazing cattle. The facilities shall include double fencing where the

cattle are confined in such a manner as to prevent access to other cattle in adjoining yards, pastures, or fields, and such fencing as may be necessary to prevent access of the quarantined cattle to water courses or drainage ditches which flow through or discharge on such other yards, pastures, or fields.

(iv) The owner shall account to the Board for all quarantined feeding and grazing cattle reporting those sold directly for slaughter, those resold for feeding and grazing with an affidavit, those tested with permission of the Board for sale as breeding stock, those which died and those which were slaughtered for consumption by the owner.

(v) If at any time it is determined that the cattle are not maintained in accordance with the terms of the affidavit or the rules ~~and regulations~~ of the Board, the owner shall immediately correct the facilities for segregation and employ a veterinarian, at owner's expense, to test all cattle which have associated with or have been exposed to the quarantined cattle~~, and to permit the identification as reactors of all such exposed cattle which are not completely negative or diagnosed vaccinate to such tests, and to immediately ship for slaughter with a shipping permit all such identified reactors to a point where the Federal government maintains a meat inspection program.~~

(2) The vendor of all cattle eligible for test sold, leased, or loaned, shall provide the purchaser or lessee a certificate with a record of a negative or vaccinate brucellosis test and for official vaccinates not eligible for test a certificate of vaccination or evidence of a legible official vaccination tattoo. Certificates are to be provided at the time possession of the cattle is transferred.

(aa) For cattle offered for sale at a public auction, a complete certificate of test and vaccination shall be posted in a prominent place on the sale premises on a form provided by the Board and shall include the number of suspects

disclosed on the sale test and not offered for sale and a statement signed by the owner showing the number of reactors and suspects in the herd within six months prior to date of the sale test. Except for vaccinates not eligible for test and without a legible official vaccination tattoo, individual certificates are not required.

(f) Complete herd condemnation, except steers, including nonreactors and exposed cattle not eligible for test.

(1) The Livestock Sanitary Board through its Secretary and Executive Officer may condemn a complete herd, except steers, after having considered recommendations from the following:

(aa) Field veterinarian responsible for the herd.

(bb) State brucellosis epidemiologist.

(cc) Federal veterinarian in charge.

(dd) Veterinarian in charge, Brucellosis Division, Livestock Sanitary Board.

(2) The persons named in (f)(1) shall consider the following factors:

(aa) Rapidity of spread within the herd.

(i) Nonreactors and exposed cattle may be condemned after the first test of all eligible cattle in the herd when 25% or more of the cattle tested are reactors.

(ii) Nonreactors and exposed cattle may be condemned when the cumulative number of reactors disclosed in the herd equals 30% of the number of cattle on the first test of all eligible cattle in the herd.

(iii) Nonreactors and exposed cattle may be condemned when a herd remains infected after six tests conducted at approximately 30 day intervals.

(bb) Danger of transmission to other herds.

(cc) Results of culture attempts to isolate Brucella.

(i) A positive culture, other than Strain 19, shall support a decision to condemn; but a negative culture does not prohibit herd condemnation.

(dd) Number and percent of abortions among reactors, suspects and negatives.

(ee) Supplemental test results.

(ff) Evaluation of management practices.

(gg) Vaccination History.

(hh) Epidemiologic Investigation.

(ii) Status of area as determined by tests on contact herds and surveillance testing with MCT or BRT.

(3) Nonreactors and exposed cattle shall not be condemned or appraised unless the owner signs an agreement which provides:

(aa) Owner and any other holder of an interest in the herd certifies such interest and voluntarily agrees to the condemnation of the herd.

(bb) All cattle, except steers, shall be condemned and appraised.

(i) Steers may be kept on the premises under quarantine in an area approved by the Board.

(cc) No cattle, except steers, shall be brought to the premises sooner than 30 days following shipment of the condemned herd.

(dd) Indemnity will be paid, if funds are available, as provided by Minnesota Statutes Section 35.09 Subdivision 2a.

(ee) Nonreactors and exposed cattle will be identified, appraised and sold as outlined in Section (b)(4) of this rule.

(ff) Premises shall be cleaned and disinfected following shipment of nonreactors and exposed cattle as outlined in Section (b)(8) of this rule.

FF9

We propose changing (b)(7) on page 5 of proposed amendments to LSB-11 to clarify the intent of the Board to comply with the Uniform Methods and Rules and to avoid the repetitious language used before in this section.

(7) Movement of brucellosis quarantined reactor, exposed and suspect cattle.

(aa) Brucellosis quarantined cattle shall be sold only for slaughter at establishments where Federal meat inspection is maintained or to public stockyards or state and federal markets approved to receive brucellosis quarantined cattle for sale to such establishments for slaughter and must be accompanied by a shipping permit.

(i) Reactors must be identified as provided in (b)(4) of this rule.

(ii) Exposed cattle moved to slaughter or interstate must be identified with a hot "S" brand at least 2 X 2 inches on the left jaw.

(iii) Brucellosis suspects or exposed cattle may be returned to their herd of origin from markets without being "S" branded if accompanied by a shipping permit.

(iv) Brucellosis negative quarantined cattle may be moved to other premises of the owner if accompanied by a shipping permit issued by the Board.

(cc) becomes (bb), (dd) becomes (cc).

CERTIFICATE

OF

BOARD'S AUTHORIZING RESOLUTION

I, J. G. Flint, do hereby certify that I am Secretary of the Livestock Sanitary Board, a Board duly authorized under the laws of the State of Minnesota, and that the following is 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 16th day of April, 1976, 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 regulation LSB-11, Eradication of Bovine Brucellosis in Minnesota, as well as perform any and all acts incidental threto, including but without being limited thereto, signing an order for hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 26th day of April, 1976.

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HEARING EXAMINER OF THE
OFFICE OF STATE HEARING EXAMINER

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-11, Eradication of Bovine Brucellosis in Minnesota.

ORDER FOR HEARING

To effectively implement and make more specific the Livestock Sanitary Board deems it necessary to consider amending the above-captioned rules pursuant to the authority vested in me by M.S. 1974, Section 35.03.

NOW, THEREFORE, IT IS ORDERED this 26th day of April, 1976, that a public hearing on the proposed amendment to the above-captioned rules be held in Room 304, Veterans Service Building, State of Minnesota, St. Paul, Minnesota, on the 3rd day of June, 1976, commencing at 1:00 P.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.

J. G. Flint

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

HE #2 PE

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE A HEARING EXAMINER FROM THE
OFFICE OF STATE HEARING EXAMINER

RECEIVED
MAY 7 1976
OFFICE OF HEARING EXAMINERS

In the Matter of Proposed Amendment to
Rules Relating to LSB-11, Eradication of
Bovine Brucellosis in Minnesota.

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 304 of Veterans Service Building, St. Paul, Minnesota, on Thursday, June 3, 1976, commencing at 1:00 P.M., and continuing until all representatives or other interested groups of 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, and will be accepted for inclusion in the record for 20 days following the hearing. Statutory authority to promulgate the proposed rules is vested in the Livestock Sanitary Board by Minnesota Statutes 1974, Section 35.03.

The Livestock Sanitary Board proposes to amend these rules relating to the following:

1. Lower the age at which female calves can be vaccinated with Brucella abortus, Strain 19 vaccine from 3 months of age to 2 months of age.
2. Permit cattle from which Brucella abortus, Strain 19 has been isolated to be considered suspects rather than reactors.
3. Clarify the procedures for movement of cattle quarantined as exposed to brucellosis to slaughter and provide for their identification with an "S" brand to prevent their sale as breeding stock.
4. Require two negative tests before reinstating certified brucellosis-free status to certified herds in which a single reactor had been diagnosed.
5. Permit cattle which are tested because of contact with feeding and grazing cattle held under special permit and affidavit and which have a titer to be classified as either suspects or reactors and not as reactors only.
6. To establish criteria to be used in determining whether a brucellosis infected herd should be condemned and indemnity paid the owner as provided in Chapter 227, Laws of Minnesota, 1976, which adds a Subdivision 2a to Section 35.09.

Under Minnesota Statute § 10A.01, Subdivision 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the 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, Minnesota, 55155.

Copies of the proposed rules are now available and may be obtained by writing to the Minnesota Livestock Sanitary Board, 555 Wabasha Street, St. Paul, Minnesota, 55102. Additional copies will be available at the door on the date of the hearing.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

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

Dated this 23rd day of April, 1976.

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the matter of the Proposed Adoption of Rules of the State Livestock Sanitary Board Governing LSB-11, Eradication of Bovine Brucellosis in Minnesota.

I hereby certify that the attached 480 labels & two sheet constitutes the complete list of persons, associations, and other interested groups who as of 10:00 o'clock A.M., this 29th day of April, 1976, 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 Ceil Dirlam

AFFIDAVIT

L. T. Christensen, D.V.M., being duly sworn on oath deposes and says:

1) That he is an employee of the Livestock Sanitary Board of the State of Minnesota.

2) That on the 22nd day of April, 1976, he went to the Secretary of State's office for the State of Minnesota and requested a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to M.S. 15.0412.

3) That on the 29th day of April, 1976, in response to the above request, the Secretary of State provided him with such a list, a copy of which is attached hereto and incorporated by reference.

Further affiant sayeth not.

L. T. Christensen

Subscribed and sworn to before me
this 6th day of May, 1976.

Judith D. Kretzmann

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Adoption of Rules of the State Livestock Sanitary Board Governing LSB-11, Eradication of Bovine Brucellosis in Minnesota

AFFIDAVIT OF MAILING

Geo E Keller, being first duly sworn, deposes and says:

That on the 30 day of April, 1976, 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.

Geo E Keller

Subscribed and sworn to before me

the 30th day of April, 1976,

Judith D. Kretzmann

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-11, Eradication of Bovine Brucellosis in Minnesota.

STATEMENT OF NEED

The above captioned rules are amendments to existing rules of the Livestock Sanitary Board. The last time the above-captioned rules were amended was February, 1973.

The need to amend these rules arises because of the amendment by the legislature of Minnesota Statutes 1974, Section 35.09, Subdivision 2 by the addition of Subdivision 2a which provides for indemnification of cattle owners when certain brucellosis infected herds were condemned. Criteria to be used in judging which herd would be condemned are outlined in the proposed rule.

A further need arises to bring the rule into agreement with current minimum bovine brucellosis eradication standards as outlined in the Uniform Methods and Rules for Brucellosis Eradication as published by the United States Department of Agriculture. To be in agreement with the minimum standards the age for vaccination of calves for brucellosis is lowered from 3 to 2 months of age. Provision is made for branding of cattle exposed to brucellosis before their movement to slaughter. One of the requirements for reinstating the status of certified herds after a single reactor has been diagnosed has been changed. Failure to comply with the minimum standards of the Uniform Methods and Rules could result in the loss of the Certified Bovine Brucellosis-Free State status Minnesota now holds.

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

May 6, 1976

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Proposed Amendment to
Rules of the State Livestock Sanitary Board,
Governing LSB-11, Eradication of Bovine
Brucellosis in Minnesota.

FINDINGS OF FACT

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the Minnesota Office of Hearing Examiners at 1:00 P.M. on Thursday, June 3, 1976 in Room 304 of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. Section 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, having heard all of the testimony, having considered all of the evidence adduced and upon the records, files and proceedings herein, I find the following:

1. Authority to promulgate the above-captioned rules is contained in Minn. Stat. Sec. 35.03 (1974).

2. The amendments to the rules are necessary to bring the rule into compliance with the Uniform Methods and Rules as published by the Animal and Plant Health Inspection Service of the United States Department of Agriculture. These rules are the standards by which the Minnesota bovine brucellosis eradication program is evaluated and the basis for APHIS, U.S.D.A. participation with funds and personnel in the eradication program.

3. The amendment on condemnation of non-reactor brucellosis exposed cattle is necessary to provide the criteria by which the Secretary and Executive Officer of the Board determines which herds should be condemned as required by Minn. Stat. Subdivision 2a.

4. The office of the State Hearing Examiner has concluded that the rule is both necessary and reasonable and that all substantive and procedural requirements of statute or rule have been complied with.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

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

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 Livestock Sanitary Board duly and properly called and held on the 16th day of July, 1976; 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 LSB-11, Eradication of Bovine Brucellosis in Minnesota, 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 subscribe my name this 26th day of July, 1976.

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-11, Eradication of Bovine Brucellosis in Minnesota

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the Minnesota Office of Hearing Examiners at 1:00 P.M. on Thursday, June 3, 1976 in Room 304 of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. Section 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, 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-11, Eradication of Bovine Brucellosis in Minnesota, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 16th day of July, 1976 pursuant to authority vested in me by the Livestock Sanitary Board.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

A. B. Magnusson

A. B. MAGNUSSON, D.V.M.
BOARD PRESIDENT

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 K. Strandberg

Special Assistant Attorney General

Dated: 8-9-76