

Minnesota Attorney General: Administrative Rules Proceedings

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Paul A. Strandberg
Special Assistant
Attorney General

May 16, 1977

- LSB 32 Control of Mycoplasma in Poultry

ADMIN 1000

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : Michael B. Miller
Special Assistant
Attorney General

DATE: April 21, 1977

FROM : Paul A. Strandberg
Special Assistant
Attorney General

PHONE: 2856

SUBJECT: LSB 32

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

PAS:jyp
Attachment

C 6. - Vague? "Special attention to"

LSB 32 CONTROL OF MYCOPLASMA IN POULTRY.

A. Definitions.

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

2. Person shall mean an individual, firm or corporation.

3. Veterinarian shall mean a veterinarian licensed and accredited in Minnesota.

4. Hatchery shall mean buildings and equipment on one premises operated or controlled for the production of poultry.

5. Poultry shall mean turkeys, chickens and other poultry.

6. Other poultry shall include pheasants, partridges, guinea fowl, quail, and other domesticated fowl or wild fowl maintained in captivity.

7. Turkeys when used in this rule shall mean and include wild turkeys maintained in captivity.

8. Flock shall mean poultry maintained and segregated as one group of birds on one premises.

9. Products shall mean domesticated fowl and hatching eggs.

10. Hatching egg dealer shall mean a person, firm or corporation in the business of selling, trading or exchanging poultry hatching eggs owned by them or for participating flockowners, independent flockowners or other hatcheries.

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

12. Multiplier breeding flock shall mean a flock originating 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 or for other non-breeding purposes.

13. Authorized agent shall mean a person not employed by the Board but designated and authorized to perform functions under these rules.

B. General Provisions.

1. The Mycoplasma control program shall be administered on a voluntary basis, except as provided in LSB 32 B. 2, and any flockowner, hatcheryman or hatching egg dealer may participate provided they comply with the following procedures:

a. Files a signed agreement with the Board for participation and complies with these rules.

b. Has not violated the terms of the above signed agreement or these rules resulting in cancellation until such time has elapsed as the Board shall consider sufficient for reinstatement.

c. When more than one hatchery located within the state is operated under the same name, ownership, or management, one or more of these hatcheries shall not participate in the Mycoplasma control program unless all participate and all such hatcheries shall attain and maintain the same disease classifications.

2. No person shall purchase, sell or trade turkey poults under 4 months of age and no person shall purchase, sell or trade turkey hatching eggs unless they originate in and are distributed from flocks, hatcheries or dealers under the supervision of the Board for the control of Mycoplasma gallisepticum disease and are classified as Minnesota Mycoplasma gallisepticum Tested or of a comparable Mycoplasma gallisepticum status.

C. Flock Participation Requirements.

1. A poultry breeding flock shall not be selected from a flock or flocks having a history of or showing signs of a respiratory infection known to be egg transmitted.

2. When applicable for obtaining a U. S. disease classification under this rule, primary breeding flocks participating in the Mycoplasma control program shall have been tested and found negative for two generations.

3. When applicable for obtaining a U. S. disease classification under this rule, multiplier breeding flocks participating in the Mycoplasma control program shall have originated from tested and clean primary breeding flocks.

4. When a participating turkey flock is recycled and held over for a second or third egg production period, the Board reserves the right to determine if

additional annual test[redacted] for Mycoplasma is needed to m[redacted]in its Mycoplasma disease classification(s).

5. All turkeys in the flock, whether or not sampled, shall be identified with an official leg or wing band approved by the Board. The bands or other acceptable identification can be applied at the time the turkey blood samples are collected or at some prior time. All sampled birds in chicken and other poultry flocks shall be identified with an official leg or wing band approved by the Board at the time the samples are collected.

6. Poultry flocks signed up for participation in the Mycoplasma control program shall be raised and managed with special attention to the following:

a. Establish a sound security program restricting movement of unauthorized visitors on the premises.

b. Provide workers with clean footwear and place footbaths in appropriate places.

c. Prevent mechanical disease transmission from outside sources such as vehicles and equipment.

d. Establish a work pattern to avoid cross-contamination between flocks.

e. Dispose of dead birds frequently and properly.

f. Minimize the presence of free-flying birds.

g. Keep rodent population, other pests and predators under control.

h. Keep accurate records of death losses.

i. Clean and disinfect poultry house before a new flock is placed.

j. Adopt and maintain a clean egg program.

k. Seek veterinary assistance when signs of disease occur.

D. Testing Provisions.

1. All tests and antigens used in the control of Mycoplasma shall be approved by the Board.

2. All poultry signed up for participation under LSB 32 B. shall be at the minimum testing age described below, provided; such age limits may be adjusted with Board approval to avoid conflict with cooperative program changes.

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

b. Other poultry - Over four (4) months of age or in some game birds when they reach sexual maturity.

3. Only authorized agents and veterinarians are to collect official blood samples under this rule. The samples shall be submitted to an approved laboratory accompanied by an official test form on which all requested information is recorded. The test form shall be signed by the flockowner under witness and the authorized testing agent.

4. The official test shall be the serum plate test or the standard tube agglutination test with either to be used in conjunction with the HI test.

5. Testing for Mycoplasma disease shall be done in accordance with LSB 32 I. Mycoplasma gallisepticum testing schedule, LSB 32 J. Mycoplasma synoviae testing schedule and LSB 32 K. Mycoplasma meliagridis testing schedule. Hatchery owners and flockowners may sign up for participation on a voluntary basis under test schedules LSB 32 J. and/or LSB 32 K. provided they meet and follow all other applicable provisions in this rule for the control of Mycoplasma, particularly Mycoplasma gallisepticum.

6. Flocks in which reactors are disclosed shall be handled in accordance with procedures outlined in LSB 32 L. Reactors.

7. Positive flocks shall be handled in accordance with M. positive Mycoplasma flocks.

E. Classifications.

1. A Minnesota Mycoplasma gallisepticum tested flock is a flock which, when officially tested for Mycoplasma gallisepticum in an official laboratory under supervision of the Board, contained no reactors to the Mycoplasma gallisepticum antigen, or a suspicious flock that is eventually declared to have no reactors after additional tests and bacteriological examinations are made. The qualifying test shall be made within six (6) months prior to first sale of hatching eggs.

a. The above classification shall not be issued to any flock with clinical signs of Mycoplasma gallisepticum infection.

b. Only birds of the same or comparable classification may be added to a Minnesota Mycoplasma gallisepticum tested flock.

c. Poultry and hatching eggs originating from Minnesota Mycoplasma gallisepticum tested flocks may receive the same classification provided they are handled, hatched and reared separate and apart from other hatching eggs and poultry not so classified.

2. A Minnesota Mycoplasma gallisepticum tested hatchery is one operating under the supervision of the Board and with the exceptions provided for in LSB 32 E. 2.a., hatching and handling only eggs and poultry originating from Minnesota Mycoplasma gallisepticum tested flocks or from flocks of comparable status.

a. If separate facilities satisfactory to the Board for complete isolation are available, eggs from flocks not under this program or eggs from other species of poultry may be incubated and hatched provided; the products of such eggs are not sold and are maintained in complete segregation from poultry hatched from eggs originating in Minnesota Mycoplasma gallisepticum Tested flocks or flocks of comparable status. A thorough cleaning, disinfection and fumigation program shall be conducted on all hatchery equipment prior to setting other eggs.

3. Flock and hatchery classifications signed up for, obtained and maintained under any of the Mycoplasma test schedules may be issued under the same provisions as those for Mycoplasma gallisepticum naming the specific type or strain of Mycoplasma for which the flock was tested and for which the hatchery qualifies.

F. Participating Hatchery and Flockowner.

1. The hatchery management shall:

a. Permit inspection of buildings, equipment and poultry products contained therein at any reasonable time by agents of the Board.

b. Maintain identity of hatching eggs as to flock and place of origin.

c. Keep hatchery and incubator room well isolated from battery room.

d. Practice recommended procedures for fumigation of incubators and hatchers.

e. Use only new egg cases or used egg cases that are clean and have been fumigated between each use.

f. Maintain available and adequate records to show origin of all hatching eggs and destination of poults sold for the current year and one year previous.

2. The flockowner shall:

a. Maintain poultry buildings and premises in a sanitary condition.

b. Permit inspection of flock and premises at any reasonable time by agents of the Board, and submit flock for collection of additional blood samples if deemed necessary.

c. Avoid raising other poultry and farm animals on premises unless well segregated.

d. Report immediately to a disease control official when any respiratory signs appear in the flock.

e. Refrain from using any drug that will mask the results of serological tests or bacteriological recovery of Mycoplasma.

G. Advertising.

1. All advertising using official terminology or any portion thereof referring to the Mycoplasma disease control program shall be submitted to the Board for review and approval. Such advertising shall comply with the following paragraphs:

a. The advertiser shall use only the classification which his birds, flocks or hatchery have attained under these rules.

b. All advertising shall specify the disease tested for, prefacing the word "Tested" with "Minnesota Mycoplasma gallisepticum" or other specific Mycoplasma strains for which the hatchery or flock qualify.

H. Non-Participant.

1. Products produced under these rules shall lose their identity when purchased for resale or consigned to a non-participant.

2. A non-participant may not use the official terminology.

I. Mycoplasma gallisepticum testing schedule.

Species	Initial Test	To Retain Classification
Turkey		
Primary and Multiplier	10% or minimum of 300 per flock	Keep flock isolated Make one inspection No Mycoplasma infection disclosed
Chicken (egg & meat)		
Primary	*100% or 500 per flock	**5% each 90 days with 500 maximum — 100 minimum
Multiplier	50% with 300 max.-30 min.	2% each 90 days (300 max.-30 min.) or 25 cull chicks each 30 days (bact. exam) or ***100 chick serums each 60 days
Exhibition-game		
Primary	100% or 300 per flock	Same as chicken
Multiplier	Same as chicken	Same as chicken

* 100% test to be used on multiplier flocks not originating from clean primary flocks.

** Can be cumulative by testing fewer at more frequent intervals but must total 5% within the 90 days.

*** This monitoring procedure is limited to egg type breeding flocks.

J. Mycoplasma synoviae testing schedule.

1. This test schedule is to be used under a voluntary agreement and is designed mainly to determine if a flock is free of Mycoplasma synoviae infection and to provide a means whereby available state and/or federal disease classifications can be obtained.

Species	Initial Test	To Retain Classification
Turkey		
Primary	100% or minimum of 500 per flock	10% or minimum of 300 per flock at 32-34 weeks of age and Keep flock isolated Make one inspection No Mycoplasma infection disclosed
Multiplier	10% or minimum of 300 per flock	
Chicken (egg & meat)		
Primary	*5% 500 max.-30 min.	**3% each 90 days 500 max.-30 min.
Multiplier	1% 300 max.-30 min.	1% each 90 days 300 max.-30 min.
Exhibition-game		
Primary	Same as chicken	Same as chicken
Multiplier	Same as chicken	Same as chicken

* 5% test to be used on multiplier flocks not originating from clean primary flocks.

** Can be cumulative by testing fewer at more frequent intervals but must total 3% within the 90 days and not less than 30 at one time.

K. Mycoplasma meliagridis testing schedule.

1. This test schedule is to be used for turkey breeding flocks only and is designed mainly to determine if a flock is free of Mycoplasma meliagridis infection. Numbers tested at any given time can be adjusted to make this determination in either primary or multiplier flocks.

2. Initial test.

a. Test 100% or at least 500 per flock.

b. Use samples submitted for other tests.

3. Monitoring tests.

a. Test 100% or at least 300 per flock at 28-30 weeks of age or at time of first insemination.

b. Test 100% or at least 300 per flock at mid-production (approximately 40-42 weeks) or at marketing time or if flock shows respiratory signs.

L. Reactors.

1. Reactors to any of the Mycoplasma tests shall be handled using scheme below to determine if flock is positive or negative. Reactors are designated using HI titres of 1-40 as being significant for Mycoplasma gallisepticum and 1-20 for Mycoplasma synoviae and Mycoplasma meliagridis.

MG Reactors	MS and MM Reactors

At least 5 reactors to laboratory
(a) Cultural exam for Mycoplasma
(b) Necropsy for air sac lesions
(c) Supplemental serology
If (a) is positive identify isolate by FAT, GIT or bird innoculation. If isolate is MG, flock is positive.
If (a) negative (b) and/or (c) positive
100 sample retest (serology)
100 tracheal swabs (culture)
*Additional testing as needed
	If reactors are disclosed:
	Collect 100 blood samples
	Collect 100 tracheal swabs
	Resample reactors if possible
	Run serology and identify any Mycoplasma isolates by FAT, GIT or bird innoculation.
	If identified as MS or MM flock is positive
	
	*Additional testing as needed.

* If serology is suspicious for Mycoplasma gallisepticum and Mycoplasma synoviae and neither is isolated, continue serology and cultural exams until flock is determined to be positive or negative.

M. Positive Mycoplasma Flocks.

1. Flocks participating under the Mycoplasma gallisepticum program and designated as positive for Mycoplasma gallisepticum shall be handled as follows:

a. Turkey flocks, to include small groups or pairs of wild and fancy type turkeys, shall be placed under quarantine and not used for the production of hatching eggs in order to be in compliance with LSB 32 B. 2. The quarantine shall remain in effect until the flock is shipped to slaughter under permit or disposed of in a manner satisfactory to the Board.

b. Chicken and other poultry flocks shall be placed under quarantine and it is recommended that they shall not be used for the production of hatching eggs in order for hatchery to maintain its Mycoplasma gallisepticum disease classification. The quarantine shall remain in effect until the flock is shipped to slaughter, disposed of in a manner satisfactory to the Board or program

participation is discontinued upon request in writing.

2. Flocks participating under the Mycoplasma synoviae and/or Mycoplasma meliagridis program and designated as positive for Mycoplasma synoviae, Mycoplasma meliagridis or both shall be handled as follows:

a. Turkey, chicken and other poultry flocks shall be handled in such a manner as to carry out the intent of these two programs by pursuing the following objectives:

(1) Handle flocks designated as positive by not using hatching eggs or practice flock management procedures to avoid hatchery contamination and transmission to other poultry.

(2) Differentiate between Mycoplasma synoviae and Mycoplasma gallisepticum infection.

(3) Monitor negative flocks as required.

(4) Keep records on incidence and pattern of both diseases.

(5) Issue Mycoplasma disease classifications when applicable.

APPROVED AS TO FORM AND LEGALITY
MAY 12 1977 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY /s/ Michael B. Miller
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 12 1977 - 3:00 pm
Joan Anderson Growe
Secretary of State

~~Ag~~ LSB 1

KEY: New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets].

Rules as Proposed

LSB 32 Control of Mycoplasma [Gallisepticum] in [turkeys] **poultry.**

A. Definitions.

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

2. Person shall mean an individual, firm or corporation.

3. Veterinarian shall mean a [graduate of a recognized veterinary college who has been approved by the Board] **veterinarian licensed** and accredited [by the United States Department of Agriculture] **in Minnesota.**

4. Hatchery shall mean buildings and equipment on one premises operated or controlled for the production of [turkeys] **poultry.**

5. [Flock] **Poultry** shall mean [all] turkeys, [maintained and segregated as one flock on one premises] **chickens and other poultry.**

6. Other poultry shall [mean and] include [chickens,] pheasants, partridges, guinea fowl, **quail** [pigeons], and other domesticated fowl or wild fowl maintained in captivity.

7. [Products shall mean domesticated fowl and hatching eggs.] **Turkeys when used in this rule shall mean and include wild turkeys maintained in captivity.**

8. [Hatching egg dealer shall mean a person, firm or corporation in the business of selling turkey hatching eggs for participating flockowners or independent flockowners.] **Flock shall mean poultry maintained and segregated as one group of birds on one premises.**

9. Products shall mean domesticated fowl and hatching eggs.

10. Hatching egg dealer shall mean a person, firm or corporation in the business of selling, trading or exchanging poultry hatching eggs owned by them or for participating flockowners, independent flockowners or other hatcheries.

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

12. Multiplier breeding flock shall mean a flock originating 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 or for other non-breeding purposes.

13. Authorized agent shall mean a person not employed by the Board but designated and authorized to perform functions under these rules.

B. General provisions.

1. The Mycoplasma [gallisepticum] control program shall be administered on a voluntary basis, **except as provided in LSB 32 B. 2,** and any [flock] **flockowner,** [hatchery] **hatcheryman** or hatching egg dealer may participate [providing it complies] **provided they comply** with the following procedures:

a. Files a signed agreement with the Board **for participation** and complies with these rules. [and regulations]

b. Has not violated the terms of the above signed agreement or these rules [and regulations] resulting in cancellation until such time has elapsed as the Board shall consider sufficient for reinstatement.

c. When more than one hatchery located within the state is operated under the same name, ownership, or management, one or more of these hatcheries shall not participate in the Mycoplasma [gallisepticum] control program unless all participate [.] **and** [A]**a**ll such hatcheries shall attain and maintain the same **disease** classifications.

2. No person shall purchase, sell or trade turkey poults under 4 months of age and no person shall purchase, sell or trade turkey hatching eggs unless they originate in and are distributed from flocks, hatcheries or dealers under the supervision of the Board for the control of *Mycoplasma gallisepticum* disease and are classified as Minnesota *Mycoplasma gallisepticum* Tested or of a comparable *Mycoplasma gallisepticum* status.

C. [Testing] **Flock participation requirements.**

1. [All turkeys four months of age and over to be used for breeding purposes and participating under LSB 32 B. of these regulations shall be tested for *Mycoplasma gallisepticum* using the same blood sample collected for conducting the pullorum, typhoid and typhimurium tests. Breeders shall not be selected from flocks having a history of or are showing symptoms of a respiratory infection which is known to be egg transmitted. A turkey breeding flock held over for a second season's production shall be considered a new flock and tested according.] **A poultry breeding flock shall not be selected from a flock or flocks having a history of or showing signs of a respiratory infection known to be egg transmitted.**

2. [All tests shall be conducted with an antigen approved by the Board and such tests with all antigens shall be considered when final determination for a flock or hatchery classification is made.] **When applicable for obtaining a U. S. disease classification under this rule, primary breeding flocks participating in the Mycoplasma control program shall have been tested and found negative for two generations.**

3. [Reactors as designated by the official laboratory shall be presented for necropsy and bacteriological examination to an official laboratory within 10 days from date of test and accompanied by a shipping permit on which is recorded the individual band numbers. The following criteria shall be used to determine if the flock can receive an official classification:]

[a. Active air sac lesions.]

[b. Recovery of *Mycoplasma gallisepticum* organism.]

[c. Supplemental serological tests.]

When applicable for obtaining a U. S. disease classification under this rule, multiplier breeding flocks participating in the Mycoplasma control program shall have originated from tested and clean primary breeding flocks.

4. [Flocks which contain birds that are serologically positive, but show no active air sac lesions on necropsy and *Mycoplasma gallisepticum* is not recovered, shall be considered suspicious. A one-hundred (100) random sample test will be conducted on such flocks prior to the time they come into production. The final determination will be based on the same criteria as outlined above in sub-paragraph 3. or a negative random sample test will qualify the flock. Additional tests shall be conducted if deemed necessary.] **When a participating turkey flock is recycled and held over for a second or third egg production period, the Board reserves the right to determine if additional annual testing for Mycoplasma is needed to retain its Mycoplasma disease classification(s).**

5. All turkeys in the flock, whether or not sampled, shall be identified with an official leg or wing band approved by the Board. The bands or other acceptable identification can be applied at the time the turkey blood samples are collected or at some prior time. All sampled birds in chicken and other poultry flocks shall be identified with an official leg or wing band approved by the Board at the time the samples are collected.

6. Poultry flocks signed up for participation in the Mycoplasma control program shall be raised and managed with special attention to the following:

a. Establish a sound security program restricting movement of unauthorized visitors on the premises.

b. Provide workers with clean footwear and place footbaths in appropriate places.

c. Prevent mechanical disease transmission from outside sources such as vehicles and equipment.

d. Establish a work pattern to avoid cross-contamination between flocks.

e. Dispose of dead birds frequently and properly.

f. Minimize the presence of free-flying birds.

g. Keep rodent population, other pests and predators under control.

h. Keep accurate records of death losses.

i. Clean and disinfect poultry house before a new flock is placed.

j. Adopt and maintain a clean egg program.

k. Seek veterinary assistance when signs of disease occur.

D. [Classification] **Testing provisions.**

1. [A Minnesota Mycoplasma gallisepticum tested flock is a flock which, when officially tested for *Mycoplasma gallisepticum* in an official laboratory under supervision of the Board, contained no reactors to the *Mycoplasma gallisepticum* antigen, or a suspicious flock that is eventually declared to have no reactors after additional tests, and bacteriological examinations are made. The qualifying test shall be made within six (6) months prior to first sale of hatching eggs.] **All tests and antigens used in the control of Mycoplasma shall be approved by the Board.**

[a. The above classification shall not be issued to any flock with clinical signs or symptoms of infectious sinusitis.]

[b. Only birds of the same or comparable classification may be added to a Minnesota *Mycoplasma gallisepticum* tested flock.]

[c. Poults and hatching eggs originating from Minnesota *Mycoplasma gallisepticum* tested flocks may receive the same classification provided they are handled, hatched and reared separate and apart from other hatching eggs or poults not so classified.]

2. [A Minnesota *Mycoplasma gallisepticum* tested hatchery is one operating under the supervision of the Board and with the exceptions provided for in the following paragraph, hatching and handling only eggs and poults originating from Minnesota *Mycoplasma gallisepticum* tested flocks or from flocks of comparable status.] **All poultry signed up for participation under LSB 32 B. shall be at the minimum testing age described below, provided; such age limits may be adjusted with Board approval to avoid conflict with cooperative program changes.**

a. Turkeys and chickens — Over four (4) months of age.

b. Other poultry — Over four (4) months of age or in some game birds when they reach sexual maturity.

3. [If facilities satisfactory to the Board for complete segregation are available, eggs from flocks not under this program or eggs from other species of poultry may be incubated and the products from such incubated eggs hatched and brooded in a Minnesota *Mycoplasma gallisepticum*

Tested Hatchery provided; such eggs [redacted] incubated and hatched in separate machines, and the products of such eggs are maintained in complete segregation from the poults hatched from eggs originating in Minnesota *Mycoplasma gallisepticum* Tested flocks. A thorough cleaning, disinfection and fumigation program shall be conducted on all equipment and hatchery prior to setting other eggs.] **Only authorized agents and veterinarians are to collect official blood samples under this rule. The samples shall be submitted to an approved laboratory accompanied by an official test form on which all requested information is recorded. The test form shall be signed by the flockowner under witness and the authorized testing agent.**

4. The official test shall be the serum plate test or the standard tube agglutination test with either to be used in conjunction with the HI test.

5. Testing for Mycoplasma disease shall be done in accordance with LSB 32 I. *Mycoplasma gallisepticum* testing schedule, LSB 32 J. *Mycoplasma synoviae* testing schedule and LSB 32 K. *Mycoplasma meliagridis* testing schedule. Hatchery owners and flockowners may sign up for participation on a voluntary basis under test schedules LSB 32 J. and/or LSB 32 K. provided they meet and follow all other applicable provisions in this rule for the control of Mycoplasma, particularly *Mycoplasma gallisepticum*.

6. Flocks in which reactors are disclosed shall be handled in accordance with procedures outlined in LSB 32 L. Reactors.

7. Positive flocks shall be handled in accordance with M. Positive mycoplasma flocks.

E. [Hatcheries and flockowners] **Classifications.**

1. [The hatchery management shall:] **A Minnesota *Mycoplasma gallisepticum* tested flock is a flock which, when officially tested for *Mycoplasma gallisepticum* in an official laboratory under supervision of the Board, contained no reactors to the *Mycoplasma gallisepticum* antigen, or a suspicious flock that is eventually declared to have no reactors after additional tests and bacteriological examinations are made. The qualifying test shall be made within six (6) months prior to first sale of hatching eggs.**

a. [Permit inspection of buildings, equipment and poultry products contained therein at any reasonable time by agents of the Board.] **The above classification shall not be issued to any flock with clinical signs of *Mycoplasma gallisepticum* infection.**

b. [Maintain identity of hatching eggs as to flock and place of origin.] **Only birds of the same or comparable classification may be added to a Minnesota *Mycoplasma gallisepticum* tested flock.**

c. [Keep hatchery and incubator room well isolated from battery room.] **Poultry and hatching eggs originating from Minnesota *Mycoplasma gallisepticum* tested flocks may receive the same classification provided they are handled, hatched and reared separate and apart from other hatching eggs and poultry not so classified.**

[d. Practice [redacted] ommended procedures for fumigation of incubators and hatchers.]

[e. Use only new egg cases or used egg cases that are clean and have been fumigated between each use.]

[f. Maintain available and adequate records to show origin of all hatching eggs and destination of poults sold for the current year and one year previous.]

2. [The flockowner shall:] **A Minnesota *Mycoplasma gallisepticum* tested hatchery is one operating under the supervision of the Board and with the exceptions provided for in LSB 32 E. 2. a., hatching and handling only eggs and poultry originating from Minnesota *Mycoplasma gallisepticum* tested flocks or from flocks of comparable status.**

a. [Maintain poultry buildings and premises in a sanitary condition.] **If separate facilities satisfactory to the Board for complete isolation are available, eggs from flocks not under this program or eggs from other species of poultry may be incubated and hatched provided; the products of such eggs are not sold and are maintained in complete segregation from poultry hatched from eggs originating in Minnesota *Mycoplasma gallisepticum* Tested flocks or flocks of comparable status. A thorough cleaning, disinfection and fumigation program shall be conducted on all hatchery equipment prior to setting other eggs.**

[b. Permit inspection of flock and premises at any reasonable time by agents of the Board, and submit flock for collection of additional blood samples if deemed necessary.]

[c. Attempts to eliminate animal disease carriers such as rats and mice and discourage the presence of free flying birds.]

[d. Avoid raising other poultry and farm animals on premises unless well segregated.]

[e. Report immediately to a disease control official when any respiratory symptoms appear in the flock.]

[f. Refrain from using any drug that will mask the results of serological tests or bacteriological recovery from *Mycoplasma gallisepticum*.]

3. Flock and hatchery classifications signed up for, obtained and maintained under any of the Mycoplasma test schedules may be issued under the same provisions as those for *Mycoplasma gallisepticum* naming the specific type or strain of Mycoplasma for which the flock was tested and for which the hatchery qualifies.

F. [Advertising] **Participating hatchery and flockowner.**

1. [All advertising using official terminology or any portion thereof referring to the *Mycoplasma gallisepticum* disease control program shall be submitted to the Board for review and approval. Such advertising shall comply with the following paragraphs:] **The hatchery management shall:**

a. [The advertiser shall use the classification which his birds, flocks or hatchery have attained under these rules and regulations.] **Permit inspection of buildings, equipment and poultry products contained therein at any reasonable time by agents of the Board.**

b. [All advertising shall specify the disease tested for, prefacing the word "Tested" with "Minnesota *Mycoplasma gallisepticum*".] **Maintain identity of hatching eggs as to flock and place of origin.**

c. Keep hatchery and incubator room well isolated from battery room.

d. Practice recommended procedures for fumigation of incubators and hatchers.

e. Use only new egg cases or used egg cases that are clean and have been fumigated between each use.

f. Maintain available and adequate records to show origin of all hatching eggs and destination of poults sold for the current year and one year previous.

2. The flockowner shall:

a. Maintain poultry buildings and premises in a sanitary condition.

b. Permit inspection of flock and premises at any reasonable time by agents of the Board, and submit flock for collection of additional blood samples if deemed necessary.

c. Avoid raising other poultry and farm animals on premises unless well segregated.

d. Report immediately to a disease control official when any respiratory signs appear in the flock.

e. Refrain from using any drug that will mask the results of serological tests or bacteriological recovery of Mycoplasma.

G. [Non-participant] **Advertising.**

1. [Products produced under these regulations shall lose their identity when purchased for resale or consigned to a non-participant.] **All advertising using official terminology or any portion thereof referring to the Mycoplasma disease control program shall be submitted to the Board for review and approval. Such advertising shall comply with the following paragraphs:**

a. The advertiser shall use only the classification which his birds, flocks or hatchery have attained under these rules.

b. All advertising shall specify the disease tested for, prefacing the word "Tested" with "Minnesota *Mycoplasma gallisepticum*" or other specific Mycoplasma strains for which the hatchery or flock qualify.

[2. A non-participant may not use the official terminology or any portion thereof of the *Mycoplasma gallisepticum* control program.]

H. Non-participant.

1. Products produced under these rules shall lose their identity when purchased for resale or consigned to a non-participant.

2. A non-participant may not use the official terminology.

I. *Mycoplasma gallisepticum* testing schedule.

Species	Initial Test	To Retain Classification
Turkey		
Primary and Multiplier	10% or minimum of 300 per flock	Keep flock isolated Make one inspection No Mycoplasma infection disclosed
Chicken		
(egg & meat) Primary	*100% or 500 per flock	**5% each 90 days with 500 maximum — 100 minimum
Multiplier	50% with 300 max.-30 min.	2% each 90 days (300 max.-30 min.) or 25 cull chicks each 30 days (bact. exam) or ***100 chick serums each 60 days
Exhibition-game		
Primary	100% or 300 per flock	Same as chicken
Multiplier	Same as chicken	Same as chicken

* 100% test to be used on multiplier flocks not originating from clean primary flocks.

** Can be cumulative by testing fewer at more frequent intervals but must total 5% within the 90 days.

*** This monitoring procedure is limited to egg type breeding flocks.

J. *Mycoplasma synoviae* testing schedule.

1. This test schedule is to be used under a voluntary agreement and is designed mainly to determine if a flock is free of *Mycoplasma synoviae* infection and to provide a means whereby available state and/or federal disease classifications can be obtained.

Species	Initial Test	To Retain Classification
Turkey		
Primary	100% or minimum of 500 per flock	10% or minimum of 300 per flock at 32-34 weeks of age
Multiplier	10% or minimum of 300 per flock	and Keep flock isolated Make one inspection No Mycoplasma infection disclosed
Chicken		
(egg & meat) Primary	*5% 500 max.-30 min.	**3% each 90 days 500 max.-30 min.
Multiplier	1% 300 max.-30 min.	1% each 90 days 300 max.-30 min.
Exhibition-game		
Primary	Same as chicken	Same as chicken
Multiplier	Same as chicken	Same as chicken

* 5% test to be used on multiplier flocks not originating from clean primary flocks.

** Can be cumulative by testing fewer at more frequent intervals but must total 3% within the 90 days and not less than 30 at one time.

K. *Mycoplasma meliagridis* testing schedule.

1. This test schedule is to be used for turkey breeding flocks only and is designed mainly to determine if a flock is free of *Mycoplasma meliagridis* infection. Numbers tested at any given time can be adjusted to make this determination in either primary or multiplier flocks.

2. Initial test.

a. Test 100% or at least 500 per flock.

b. Use samples submitted for other tests.

3. Monitoring tests.

a. Test 100% or at least 300 per flock at 28-30 weeks of age or at time of first insemination.

b. Test 100% or at least 300 per flock at mid-production (approximately 40-42 weeks) or at marketing time or if flock shows respiratory signs.

L. Reactors.

1. Reactors to any of the Mycoplasma tests shall be handled using scheme below to determine if flock is positive or negative. Reactors are designated using HI titres of 1-40 as being significant for *Mycoplasma gallisepticum* and 1-20 for *Mycoplasma synoviae* and *Mycoplasma meliagridis*.

*If serology is suspicious for *Mycoplasma gallisepticum* and *Mycoplasma synoviae* and neither is isolated, continue serology and cultural exams until flock is determined to be positive or negative.

MG Reactors	MS and MM Reactors

At least 5 reactors to laboratory
(a) Cultural exam for Mycoplasma
(b) Necropsy for air sac lesions
(c) Supplemental serology
If (a) is positive identify isolate by FAT, GIT or bird innoculation. If isolate is MG, flock is positive.
If (a) negative (b) and/or (c) positive
100 sample retest (serology)
100 tracheal swabs (culture)
*Additional testing as needed
	If reactors are disclosed:
	Collect 100 blood samples
	Collect 100 tracheal swabs
	Resample reactors if possible
	Run serology and identify any Mycoplasma isolates by FAT, GIT or bird innoculation.
	If identified as MS or MM flock is positive
	*Additional testing as needed.

M. Positive mycoplasma flocks.

1. Flocks participating under the *Mycoplasma gallisepticum* program and designated as positive for *Mycoplasma gallisepticum* shall be handled as follows:

a. Turkey flocks, to include small groups or pairs of wild and fancy type turkeys, shall be placed under quarantine and not used for the production of hatching eggs in order to be in compliance with LSB 32 B. 2. The quarantine shall remain in effect until the flock is shipped to slaughter under permit or disposed of in a manner satisfactory to the Board.

b. Chicken and other poultry flocks shall be placed under quarantine and it is recommended that they shall not be used for the production of hatching eggs in order for hatchery to maintain its *Mycoplasma gallisepticum* disease classification. The quarantine shall remain in effect until the flock is shipped to slaughter, disposed of in a manner satisfactory to the Board or program participation is discontinued upon request in writing.

2. Flocks participaing under the *Mycoplasma synoviae* and/or *Mycoplasma meliagridis* program and designated as positive for *Mycoplasma synoviae*, *Mycoplasma meliagridis* or both shall be handled as follows:

a. Turkey, chicken and other poultry flocks shall be handled in such a manner as to carry out the intent of these two programs by pursuing the following objectives:

(1) Handle flocks designated as positive by not using hatching eggs or practice flock management procedures to avoid hatchery contamination and transmission to other poultry.

(2) Differentiate between *Mycoplasma synoviae* and *Mycoplasma gallisepticum* infection.

(3) Monitor negative flocks as required.

(4) Keep records on incidence and pattern of both diseases.

(5) Issue Mycoplasma disease classification when applicable.

Notice is hereby given that a public hearing will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1974), in the above-entitled matter, in Room A, Veterans Service Building, State of Minnesota, St. Paul, Minnesota, on Tuesday, March 8, 1977, commencing at 9:30 A.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 Minn. Stat. § 35.03 (1974).

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

2583

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-32, Control of Mycoplasma Gallisepticum in Turkeys.

ORDER OF 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 17 day of January, 1977, that a public hearing on the proposed amendment to the above-captioned rules be held in Room A, Veterans Service Building, State of Minnesota, St. Paul, Minnesota, on the 8th day of March, 1977, commencing at 9:30 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 and be published in the State Register.

J. G. Flint

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

LSB4

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 14th day of January, 1977, 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-32, Control of Mycoplasma Gallisepticum in Turkeys, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17 day of January, 1977.

J. G. Flint

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

LSB 2

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

RECEIVED
FEB 4 1977
OFFICE OF HEARING
EXAMINERS

In the Matter of Proposed Amendment to Rules Relating to LSB-32, Control of Mycoplasma Gallisepticum 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 A, Veterans Service Building, State of Minnesota, St. Paul, Minnesota, on Tuesday, March 8, 1977, commencing at 9:30 A.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. To apply the rule to all poultry not just turkeys.

2. To bring the rule into agreement with National programs for Mycoplasma control.

3. To make Mycoplasma gallisepticum testing for turkeys mandatory as a step toward eradication.

4. To include wild turkeys in the program.

5. To provide for voluntary testing for Mycoplasma synoviae and meliagridis.

6. To provide for a voluntary Mycoplasma gallisepticum testing program for chickens.

Over

7. To provide testing schedules for the 3 strains of Mycoplasma.

8. To make quarantine of Mycoplasma gallisepticum infected flocks mandatory.

A "statement of need" explaining why the department feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection. Statements or briefs interested persons wish to submit before or after the hearing may be mailed to Peter C. Erickson, Office of Hearing Examiners, 1745 University Ave., Room 300, St. Paul, MN 55104 phone 612-296-6910.

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. C. FLINT, D.V.M.
Secretary and Executive Officer

Dated this 14 day of January, 1977.

LSB 7

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-32, Control of Mycoplasma Gallisepticum in Turkeys.

I hereby certify that the attached 504 labels & 2 sheets sheet constitutes the complete list of persons, associations, and other interested groups who as of 7:30 o'clock A.M., this 1st day of February, 1977, 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 Neil Dion

1586

RECEIVED
FEB 10 1977
OFFICE OF HEARING
EXAMINERS

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 25th day of January, 1977 he called 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 1st day of February, 1977, 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 1 day of February, 1977

Marian S. Comford

MARIAN S. COMFORD
Notary Public, Ramsey County, Minnesota
My Commission Expires July 25, 1979

LSB 8

RECEIVED
FEB 10 1977
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing LSB-32, Control of Mycoplasma Gallisepticum in Turkeys.

AFFIDAVIT OF MAILING

Sandra Ives, being first duly sworn, deposes and says:

That on the 2nd day of February, 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, she 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, or by interoffice mail or directly to the addressee 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.

Sandra Ives

Subscribed and sworn to before me
the 2nd day of February, 1977,

Marian S Comford

MARIAN S. COMFORD
Notary Public, Ramsey County, Minnesota
My Commission Expires July 25, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

LSB5

In the Matter of Proposed Amendment to
Rules Relating to LSB-32, Control of
Mycoplasma Gallisepticum in Turkeys

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 July, 1963.

1. There was a need to change rule title in order to allow for the inclusion of two additional Mycoplasma testing programs, not only for turkeys, but other poultry as well. Also precludes need for three rules.

2. There was a need to restructure entire regulation so as to be consistent with rules of the National Poultry Improvement Plan and to include other provisions pertinent to the additional Mycoplasma programs.

3. There is a need to make the Mycoplasma gallisepticum program basically mandatory in turkeys so that further progress can be made toward the complete eradication of Mycoplasma gallisepticum in poultry.

4. There is a need to include wild turkeys in the Mycoplasma gallisepticum program in order to eliminate this source of MG infection and prevent spread to clean flocks.

5. There is a need to provide testing programs for Mycoplasma synoviae and Mycoplasma meliagridis in order to detect infected flocks, reduce and control spread and provide means for a hatcheryman and flockowner to qualify for state and national Mycoplasma disease classifications.

6. There is a need to provide for a voluntary Mycoplasma gallisepticum testing program for chickens so MG can be detected and eliminated in chickens and prevent spread to clean flocks.

7. There is a need to quarantine flocks determined to be infected with Mycoplasma gallisepticum so the movement of such flocks and the hatching eggs produced can be controlled.

Feb. 4, 1977

J. G. Flint

J. G. Flint, DVM
Secretary and Executive Officer

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

Eileen A. Gaiovnik, being first duly sworn, deposes and says that on the 1st day of April 1977, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Report of Hearing Examiner LSB-77-001-PE

unstamped, by placing in the designated tray to be collected by messenger for delivery to the central mailing station as required by Minn. Stat., § 16.54 (1974), a true and correct copy thereof on THE person at the address shown below. ~~on the attached mailing~~ ~~Dist~~.

Eileen A. Gaiovnik

Subscribed and sworn to before me

this 1st day of April, 1977.

Sandra A. Haven

SANDRA A. HAVEN
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Comm. Expires July 29, 1983

Mr. Paul A. Strandberg
Special Assistant ATtorney General
Livestock Sanitary Board
Room 420, State Office Building
St. Paul, Minnesota - 55155

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of Proposed Amendment to Rules Relating to LSB-32, Control of Mycoplasma Gallisepticum in Turkeys.

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 9:30 a.m. on Tuesday, March 8, 1977 in Room A of the Veterans Service Building, St. Paul, Minnesota.

Paul A. Strandberg, Special Assistant Attorney General, 420 State Office Building, appeared as counsel for the Livestock Sanitary Board. Dr. Harry Olson, veterinarian in charge of poultry diseases for the Livestock Sanitary Board, testified on behalf of the Board in support of the proposed rule amendments. 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. § 15.0412, subd. 4 (1976), this Report shall be available for review to all affected individuals upon request for at least ten days.

The Board shall, if it proposes to adopt the rules as originally proposed or amended, submit the complete hearing record, including its Findings and Order, to the Chief Hearing Examiner no earlier than ten days subsequent to the receipt of this Report. This submission shall also clearly indicate any changes made to the rules as originally proposed, preferably in the format that will be submitted to the State Register for publication. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 within ten calendar days. Thereafter, the Department shall be responsible for filing the rules with the Attorney General.

Based upon all the records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

PROCEDURAL REQUIREMENTS

1. On January 11, 1977, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing;
(c) A proposed Notice of Hearing; and
(d) A Statement of the estimated length and number of people attending the hearing.

2. On January 31, 1977, a Notice of Hearing and a copy of the proposed rules were published at 1 State Register 1129.

3. On February 2, 1977, 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.

4. On February 10, 1977, the Board filed 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's list;
(d) The Affidavit of Mailing;
(e) The Secretary of State's Certificate and list;
(f) The Statement of Need; and
(g) The Statement of Evidence, including the names of witnesses to be called.
(h) The names of Board personnel who will represent the agency.

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

5. The record remained open through March 28, 1977 for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is found in Minn. Stat. § 35.03 (1974).

7. The proposed amendments to LSB 32 are primarily the result of requests by poultry industry associations in Minnesota that the rule be amended to include a compulsory program for Mycoplasma Gallisepticum control in domestic and wild turkeys, and a voluntary program for control in chicken flocks. The requests were submitted by the Minnesota Poultry and Hatchery Association and the Minnesota Turkey Growers Association, Inc.

8. Mycoplasma infection caused by Mycoplasma Gallisepticum (MG), Mycoplasma synoviae (MS) and Mycoplasma meliagridis (MM) has cost the poultry industry millions of dollars each year. Mycoplasma infection can be transmitted through the hatching egg of the adult breeder to the progeny. Also, from bird to bird by contact and from flock to flock by air, persons, free-flying birds, vehicles and other fomites. Lateral transmission can occur in the hatchery. It is generally agreed by poultry disease experts throughout the United States and other countries that eliminating Mycoplasma from poultry breeding flocks substantially reduces losses due to this disease. Program tests and management procedures are available to reduce, control and eventually eradicate Mycoplasma infection.

9. It was necessary to restructure LSB 32 for the following reasons:

(a) To include provisions associated with the addition of other Mycoplasma testing programs, namely Mycoplasma synoviae (MS) and Mycoplasma meliagridis (MM).

(b) To add and delete so as to provide for both voluntary and compulsory participation and to include provisions that make the rule consistent with the National Poultry Improvement Plan (NPIP).

(c) Add new sections to utilize a more suitable outline type of testing schedule.

(d) To relocate and reletter various sections and provisions to improve sequential order.

10. For clarification purposes, the housekeeping chore of relocating sections and provisions, deleting or changing obsolete terminology and identifying added sections are as follows:

Under Section A., the item relocations are 5. to 8., 7. to 9., and 8. to 10. Items 11. and 12. are additions.

The term "rules and regulations" are changed to the accepted single word "rule" where applicable.

The word "gallisepticum" has been deleted whenever the term "Mycoplasma" relates to the total Mycoplasma control program.

Section C. is now entitled Flock Participation Requirements, which is an addition, and accordingly, letter identification for the remaining sections are advanced up to H.

Sections I., J., K., L., and M. are additions.

11. The title of LSB 32 has been changed to make it compatible with program test additions achieved by the other proposed amendments.

12. Section A. - Definitions

Definitions have been amended as follows:

A.3. Definition of veterinarian is changed to make it consistent with the way it is defined in other rules of the Board.

A.4. The definition of hatchery is reworded because the proposed program will include other poultry as well as turkeys.

A.5. & 6. The definition of poultry is amended to redefine poultry as turkeys, chickens and other poultry. Other poultry is further defined in 6. for clarification. This allows use of group terminology when assigning test schedules and other participation requirements. This grouping is compatible with that used by NPIP.

A.11. & 12. Definitions of primary and multiplier breeding flock have been added because testing schedules vary for each. A similar definition is used by the NPIP.

13. Section B. - General Provisions

B.1. Is amended to provide a procedure for poultry industry members to sign an agreement for participation in any of the Mycoplasma testing control programs. This is further clarified in D.5. Testing Provisions, J.1. MS Testing Schedule, and K.1. MM Testing Schedule.

B.2. Is added to comply with an industry request to make participation in the Mycoplasma gallisepticum control program basically compulsory. This would include wild turkeys because of A.7. under Definitions. The reasons are as follows:

Commercial turkey hatchery owners and turkey breeding flockowners have participated in a voluntary MG control program since 1956 and in an official program covered by rules since

1963. MG has been virtually eradicated from commercial primary and multiplier turkey breeding flocks. They want to sustain this progress, prevent reinfection of their clean flocks, and promote additional efforts toward MG eradication in all classes of poultry. There are a number of poultry fanciers and game farm operators who keep wild turkeys as a hobby and for show purposes. They are quite widely scattered throughout the state and their numbers are increasing. Laboratory tests and investigations demonstrate that some groups of wild turkeys are infected with MG and have not been included in the eradication effort. It is felt they should be. This would encourage other poultry owners to work toward an MG Clean State status.

14. Section C. - Flock Participation Requirements.

This is a new section, but some of the contents are relocated from other parts of the rule and are now grouped under one heading.

C.2. & 3. Have been added because they are flock participation prerequisites for obtaining U. S. Mycoplasma disease classifications under NPIP provisions. Flocks which do not qualify as described in C. 2 and 3. need a larger sample test.

C.5. Requires identification of birds in tested flocks. Is not a new requirement for turkeys but is for chickens and other poultry. Identification is needed because reactor birds must be submitted to the laboratory for additional tests.

C.6. Has been added to include special flock participation requirements outlined in NPIP provisions. These are designed to avoid transmission and reinfection of flocks as part of the procedures for obtaining U. S. Mycoplasma disease classifications.

15. Section D. - Testing Provisions.

This section is mainly instructional and makes a number of references to other sections on testing. The amendments are:

D. 2. Allows some game birds to be tested at less than the minimum testing age of four months since they reach sexual maturity earlier, and

D.5. Specifically indicates that the MS and MM testing control programs are voluntary.

16. Section E. - Classifications. The amendments are:

E.2.a. Provides an exception which allows a hatchery owner with a Mycoplasma disease classification to utilize hatching eggs and products not qualified under this rule; provided it is accomplished in facilities completely separated from the parent hatchery, not sold, and raised segregated from progeny participating in the program. The main reason is to provide a controlled emergency outlet for the use of non-classified products in a situation that might prove economically disastrous. This would still allow the sale of the hatchery's classified products.

E.3. Provides for issuing hatchery and flock disease classifications for MS and MM as well as MG.

17. Section I. - MG Testing Schedule.

The testing schedule is in graph form with the following characteristics:

(1) Up until this proposed amendments, the MG testing program was limited to turkeys.

(2) This test schedule will apply to chickens and other poultry as well.

(3) The initial sample test and the monitoring tests are more stringent for primary breeding flocks because distribution from this source is more significant as it relates to spread of disease.

(4) The sampling procedures are the result of input by many poultry disease experts, including those in Minnesota, and are designed to detect infected flocks and monitor flock status during egg production period.

(5) The test schedule is compatible with the provisions of the NPIP for obtaining U. S. MG disease classification.

18. Section J. - MS Testing Schedule

The testing schedule is in graph form with the following characteristics:

(1) This is a recently developed testing program in Minnesota and participation under this schedule is voluntary.

(2) These procedures have been used by primary and multiplier breeders in the broiler industry for some time and have been successful in reducing and eliminating MS infection.

(3) MS infection can be a serious problem in turkeys, and this schedule will provide a procedure for detecting infected breeding flocks.

(4) This schedule is compatible with NPIP provisions for obtaining U. S. MS disease classifications.

19. Section K. - MM Testing Schedule. This Mycoplasma testing schedule is designed solely for use in turkeys at this time and participation is voluntary. Small sample tests on turkey breeding flocks indicate MM is widespread in the turkey population. Some primary turkey breeders have put down foundation breeding stock claimed to be MM clean. This test schedule is designed partly to determine if they are MM clean and if they can remain MM clean during the egg production period. An MM disease classification is not available from NPIP as yet but probably will be included in Plan provisions soon.

20. Section L. - Reactors. Because detecting flocks infected with Mycoplasma is not easily accomplished by serology alone, this section sets out procedures so that an accurate determination may be made.

21. Section M. - Positive Mycoplasma Flocks. This section sets out the procedures for handling flocks which are tested positive for MG, MS and MM. More specifically:

M.1. MG infected flocks.

(a) Turkey flocks quarantined - hatching eggs not to be used but may utilize exception in emergency situations.

(b) Chicken and other poultry flocks - Are quarantined and cannot use hatching eggs if choose to maintain MG disease classification. Program is voluntary and may decide to discontinue participation.

M.2. MS and MM infected flocks.

(a) Quarantine procedures will not be used.

(b) These are new control programs, and the main objective at this point is to detect infected flocks and develop

and use procedures that will help to reduce the infection rate and attempt to establish and maintain clean flocks.

22. Dr. Ben Pomeroy, President of the Minnesota Veterinary Medical Association, and Lloyd Stone, Executive Secretary of the Minnesota Poultry and Hatchery Association, gave public testimony in support of the proposed amendments to LSB 32.

23. Mr. Vern Erickson, manager of Minnesota Poultry Service, testified that MG has not presented any problem at his hatchery in regard to egg "production, liveability or hatchability." Mr. Erickson stated that because he gets stock from MG positive prime breeders, it would be virtually impossible to achieve an MG negative status. That for egg flock chickens, MG vaccinated status is sufficient and the immunity produces heartier laying stock.

Based upon the foregoing Findings of Fact, the Examiner makes the following:

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. Pursuant to Minn. Stat. § 15.052, subd. 3 (1975 Supp.), it is the duty of the Hearing Examiner to: ". . . (4) make a report on each proposed agency action. . . taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action, (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts."

3. The Examiner concludes that the Livestock Sanitary Board has documented its statutory authority to promulgate the proposed amendments to LSB 32 and that the need for and reasonableness of the proposed amendments have been demonstrated by an affirmative presentation of facts.

Based upon the foregoing Conclusions, the Examiner makes the following:

RECOMMENDATION

That the Livestock Sanitary Board adopt the proposed amendments to LSB 32.

Dated this 31 day of March, 1977.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF PROPOSED)
AMENDMENT TO RULES RELATING)
TO LSB-32, CONTROL OF MYCO-)
PLASMA GALLISEPTICUM IN)
TURKEYS.)

REPORT OF THE
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on March 8, 1977, 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 March 31, 1977; 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 Chief Hearing Examiner for review pursuant to Minn. Stat. §15.052, Subd. 4, and Rule HE 107; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Livestock Sanitary Board has met all requirements of Minn. Stat. §15.0412, Subd. 4.

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 19th day
of April, 1977

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

RECEIVED
APR 18 1977
OFFICE OF HEARING
EXAMINERS

IN THE MATTER OF PROPOSED AMENDMENT TO RULES RELATING TO LSB-32, CONTROL OF MYCOPLASMA GALLISEPTICUM IN TURKEYS

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 9:30 A.M. on Tuesday, March 8, 1977 in Conference Room A, Veteran's Service Building, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Sec. 15.0412 (1976) was published in the State Register and 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 all testimony, having considered all 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 Minnesota Statutes Sec. 35.03 (1976).

2. Amendments of the rule have been made in response to resolutions presented by the poultry industry.

3. Amendments making the Mycoplasma gallisepticum program in turkeys basically compulsory are necessary to protect progress in eradication which has been made on a voluntary basis by most of the turkey industry.

4. Amendments to include wild turkeys in the Mycoplasma gallisepticum program for turkeys were necessary since they could be a source of infection for Mycoplasma gallisepticum Clean domestic turkey flocks.

5. Amendments to provide a voluntary Mycoplasma gallisepticum program in chickens and other poultry were necessary to provide producers the opportunity to establish their flock as Mycoplasma gallisepticum Clean to increase

their productivity by elimination of the disease, improve saleability of their birds and to facilitate interstate movement of eggs and birds.

6. Amendments to provide voluntary Mycoplasma synoviae and Mycoplasma meliagridis programs for turkeys and Mycoplasma gallisepticum program for chickens were necessary to provide a means for producers to detect infected flocks, eliminate the infection and obtain a disease clean flock classification.

7. Amendments were necessary to establish testing schedules to provide for monitoring participating flocks.

8. Amendments to provide for quarantine of infected flocks were necessary to protect clean flocks from being infected.

9. Amendments were necessary to make flock participation and testing schedules compatible with those of the National Poultry Improvement Plan as published by the USDA.

10. The rule provides the procedures for detecting, reducing, controlling and eradicating these Mycoplasma diseases of poultry which cause a considerable economic loss to the poultry industry.

11. 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

Date: April 8, 1977

J. C. FLINT, DVM
SECRETARY AND EXECUTIVE OFFICER

RECEIVED
APR 18 1977
OFFICE OF HEARING
EXAMINERS

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 15th day of April, 1977; 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-32, Control of Mycoplasma in Poultry, be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 1976, 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 18th day of April, 1977.

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

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: 4-21-77

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-32, Control of Mycoplasma
in Poultry

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 9:30 A.M. on Tuesday, March 8, 1977 in Conference Room A of the Veterans Service Building, St. Paul, Minnesota, after proper notice required by Minn. Stat. Sec. 15.0412 (1976) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published in the State Register.

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 32, Control of Mycoplasma in Poultry, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 15th day of April, 1977 pursuant to authority vested in me by the Livestock Sanitary Board.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

A. B. Magnuson

Board President

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-32, Control of Mycoplasma Gallisepticum in Turkeys.

ORDER OF 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 17 day of January, 1977, that a public hearing on the proposed amendment to the above-captioned rules be held in Room A, Veterans Service Building, State of Minnesota, St. Paul, Minnesota, on the 8th day of March, 1977, commencing at 9:30 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 and be published in the State Register.

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

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 14th day of January, 1977, 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-32, Control of Mycoplasma Gallisepticum in Turkeys, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order for hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17 day of January, 1977.

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of Proposed Amendment to
Rules Relating to LSB-32, Control of
Mycoplasma Gallisepticum 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 A, Veterans Service Building, State of Minnesota, St. Paul, Minnesota, on Tuesday, March 8, 1977, commencing at 9:30 A.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. To apply the rule to all poultry not just turkeys.

2. To bring the rule into agreement with National programs for Mycoplasma control.

3. To make Mycoplasma gallisepticum testing for turkeys mandatory as a step toward eradication.

4. To include wild turkeys in the program.

5. To provide for voluntary testing for Mycoplasma synoviae and meliagridis.

6. To provide for a voluntary Mycoplasma gallisepticum testing program for chickens.

Over

7. To provide testing schedules for the 3 strains of Mycoplasma.

8. To make quarantine of Mycoplasma gallisepticum infected flocks mandatory.

A "statement of need" explaining why the department feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection. Statements or briefs interested persons wish to submit before or after the hearing may be mailed to Peter C. Erickson, Office of Hearing Examiners, 1745 University Ave., Room 300, St. Paul, MN 55104 phone 612-296-6910.

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. C. FLINT, D.V.M.
Secretary and Executive Officer

Dated this 14 day of January, 1977.

STATE OF MINNESOTA

COUNTY OF RAMSEY

CERTIFICATE

In the Matter of the Proposed Amendment
to Rules of the State Livestock Sanitary
Board, Governing LSB-32, Control of
Mycoplasma Gallisepticum in Turkeys.

I hereby certify that the attached 504 labels & 2 sheets sheet constitutes the complete list of persons, associations, and other interested groups who as of 7:30 o'clock A.M., this 1st day of February, 1977, 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 Dorn