

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

#505 Livestock Sanitary Board

file

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 2/9 Temporary Rule _____

Resubmitted and Received 3/13/79

DUE DATE 3/1 Due 3/23/79

a. Returned to Agency w/o filing w/Secy of State 2-26 2-27 — orally returned to agency - for reasons, see attached

b. Approved 2.003 - 3/23 Date Sent Back to Agency _____

2.022 - 3/23
2.023 - 3/23 2.003 = + X = 2.022 O = 2.023

1. Rules as Adopted + X O
2. Rules as Proposed + X O
3. Certificate of Board's Authorizing Resolution, where applicable + X O
4. Order for Hearing + X O
5. Notice of Hearing + X O
   (i) Sufficiency + X O
6. Secretary of State's List + X O
7. Certificate of Acquisition of Secretary of State's List + X O — appears error in date since Affi of Mailing refers Aug date but Sec of State reflects Sept
8. Affidavit of Mailing + X O
   (i) At least 30 days prior to hearing + X O
9. Statement of Need and Evidence + X O
10. Hearing Examiner's Report _____
11. Agency's Findings of Fact + X O
12. Certificate of Board's Resolution Adopting Rules, where applicable + X O
13. Order Adopting + X O
14. Report of Chief Hearing Examiner + X O
    (i) Finding of No Substantial Change + X O
    (ii) Permission to Incorporate by Reference, where applicable N.A.
15. Certificate of Compliance with Rulemaking Procedures ✓
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N.A.
17. Petition by Public, where applicable N.A.

OUR FILE NO. 505 & 507

Peder B. Hong
Special Assistant
Attorney General

March 23, 1979

- Rules of the Livestock Sanitary Board Relating to Goat Importation, Control of Goat Tuberculosis, Control of Goat Brucella, Control of Poultry Mycoplasma, Eradication of Swine Brucellosis, and Importation of Swine

cc: Duane Harves

3MCAR § 2.022, Control of Goat Brucellosis.

A. Definitions.

1. Test and Testing means and refers to the Brucella Buffered Antigen (BBA or Card) test or other tests approved by the Board on serums from blood samples collected and submitted by a veterinarian.
2. Negative means a goat showing no reaction on the test.
3. Suspect means a goat showing a reaction to a test that does not qualify as a reactor or negative.
4. Reactor means a goat showing a positive reaction on the test or proven infected by other diagnostic procedures. Diagnosis may be deferred on a goat showing a positive reaction when held under quarantine until subjected to additional tests and investigation to determine its disease status.
5. Other tests means test other than the card test approved by the Board which shall be conducted and interpreted as outlined in 3MCAR § 2.011, Eradication of Bovine Brucellosis in Minnesota.
6. Negative Herd means one in which all goats six months of age and over are tested and negative and which herd is not under an infected herd quarantine.
7. 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.
8. Infected Herd means one in which one or more reactors has been disclosed and which has not regained a negative herd status.
9. Certified Brucellosis-Free Goat Herd means one for which the owner holds an unrevoked and unexpired Certified Herd certificate.

B. General Requirements.

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

2. Testing.

   a. Tests shall be made at owner's expense except tests conducted to release quarantines may be made by veterinarians of the Board or U.S.D.A. if personnel and funds are available.

   b. All goats six months of age and over shall be included on a herd test.

   c. Goats tested shall be individually identified by ear tag or tattoo.

3. Quarantines on Infected Herds.

   a. A herd shall be under quarantine when owner receives notice that reactors were disclosed. An official quarantine will be issued to the owner.

   b. No goats shall be removed from a quarantined herd unless a permit is issued by the Board for shipment directly to a slaughter plant where the federal government maintains meat inspection.

   c. The Board may authorize the movement of goats from a quarantined herd to a public stockyard or to a rendering plant.

   d. Quarantines are released after the Board has been furnished evidence that the reactors have been destroyed and that the herd has passed two consecutive negative tests. The first test may be conducted no sooner than 30 days after reactors are destroyed and the second test no sooner than 90 days after first negative test.

4. Quarantines on suspects held in suspect herds.

a. Suspects shall be under quarantine when owner receives notice that suspects were disclosed. An official quarantine will be issued to the owner.

b. No suspects shall be removed from quarantine unless a permit is issued by the Board for shipment directly to a slaughter plant where the federal government maintains meat inspection.

c. The Board may authorize the movement of suspects to a public stockyard or to a rendering plant.

d. Quarantines are released if suspects are negative to a retest or after the Board has been furnished evidence that suspects have been destroyed. If suspects are not available for retest, the herd shall be tested by a veterinarian of the Board or U.S.D.A. if personnel and funds are available.

C. Certified Brucellosis-Free Goat Herds.

1. Initial Certification.

a. When two consecutive negative herd tests of all goats six months of age and over are conducted not less than ten months or more than 14 months apart, the herd will be certified for a period of one year and a Certified Herd Certificate issued.

b. The expiration date on the certificate will be one year after date of final test for herd certification.

c. Tests made for release of quarantine shall not be used for herd certification.

2. Recertification.

a. A negative herd test on all goats six months of age and over within 60 days prior to each anniversary of the certificate

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.

3. Additions to Certified Herds and Herds in Process of Certification shall:

   a. Originate from certified herds.

   b. Originate from negative herds tested within one year; added animals shall also be negative to a test conducted more than 60 days following herd test and within 30 days prior to joining the herd.

   c. Goats from all other herds shall be negative to a test made within 30 days prior to being brought to premises and then kept in isolation until negative to a retest made no sooner than 30 days from previous test.

   d. Additions to herd shall not receive Certified Herd status until they have been members of the herd for at least 30 days and are included in a complete herd test.

4. Temporary Transfer of Males or Females for breeding to a Certified Herd or a herd in the process of Certification.

   a. The animals shall originate from a herd with the status described in C. 3. a. or 3. b. of this rule.

5. Goats originating directly from a certified herd will be eligible for public exhibitions without the test for brucellosis required by 3MCAR § 2.040, Public Exhibition of Livestock and Poultry in Minnesota, and it is recommended that such goats be isolated from the certified herd until tested negative 30 to 60 days after their return.

6. Revocation of Certified Brucellosis-Free Certificate.

a. Certificate will be cancelled by the Board if:

(1) One or more reactors are disclosed in the herd.

(2) One or more reactors disclosed in animals removed from the herd within 30 days following date such animals were removed.

(3) One or more animals are added to the herd contrary to C. 3. or 4. of this rule.

b. If a certificate is cancelled, the herd may be recertified providing the requirements for initial certification described in C. 1. of this rule are met.

D. Tests other than those made under the agreement described in B. 1. of this rule to establish Certified Brucellosis-Free Goat Herds.

1. The provisions of B. 2., B. 3., and B. 4. shall apply to all goats tested in Minnesota if such tests disclose suspects or reactors.

APPROVED AS TO FORM AND LEGALITY

MAR. 23 1979 19____

WARREN SPANNAUS, ATTORNEY GENERAL

BY Lee E. Shuby

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 23 1979
Joan Anderson Growe
Secretary of State

3:15 p.m.

3 MCAR § 2.003 IMPORTATION OF GOATS

A. Goats shall not be imported into Minnesota from herds under quarantine for infectious diseases except that goats may be sent to slaughtering establishments operating under federal inspection from such herds and areas when accompanied by a shipping permit.

B. All goats imported into Minnesota for purposes other than slaughter shall be accompanied by a health certificate showing:

1. Individual identification by eartag number, tattoo or registration number for all goats six months of age and over.
2. Results of tests required in D.1 and D.2.
3. Certified brucellosis-free herd number and date of last herd test and accredited tuberculosis-free herd number and date of last herd test, if originating from such herds.

C. A copy of the health certificate approved by the animal health official of the state of origin shall be immediately forwarded to the State Livestock Sanitary Board.

D. All goats six months of age and over imported into Minnesota shall be:

1. Negative to an official brucellosis agglutination test within 30 days prior to importation or originate from a Certified Brucellosis-Free Goat Herd.
2. Negative to an intradermal tuberculin test within 60 days of importation or originate from an Accredited Tuberculosis-Free Goat herd.

3MCAR § 2.023, Control of Goat Tuberculosis.

A. Definitions.

1. Test and Testing means the intradermic injection of tuberculin in the caudal fold by an accredited veterinarian or a veterinarian of the U.S.D.A. and the injection site observed and palpated 72 hours after injection. On all goats which respond to the caudal fold injection, a comparative cervical test will be made within ten days or after 60 days following date of caudal fold injection by a veterinarian of the Board or U.S.D.A.
2. Negative means no tissue response to the caudal fold injection or a negative diagnosis on comparative cervical test.
3. Suspect means a suspect diagnosis on comparative cervical test.
4. Reactor means a reactor diagnosis on comparative cervical test.
5. Negative herd means no reactors or suspects were diagnosed in the last herd test and the herd is not under an infected herd quarantine.
6. Suspect herd means one or more suspects, but no reactors were diagnosed in the last herd test and the herd is not under an infected herd quarantine.
7. Infected herd means one or more reactors were diagnosed on the last herd test, or the herd is under an infected herd quarantine.
8. Accredited Tuberculosis-Free Goat Herd means one for which the owner holds an unrevoked and unexpired Accredited Herd Certificate.

B. General Requirements.

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

2. Testing.

a. Tests, except comparative cervical tests, shall be made at owner's expense. Tests conducted to release quarantines may be made by veterinarians of the Board or U.S.D.A. if personnel and funds are available.

b. All goats six months of age and over shall be included on a herd test.

c. Goats tested shall be individually identified by ear tag or tattoo.

d. Veterinarians shall report to the Board by telephone immediately following observation when goats respond to caudal fold injection. Negative tests shall be reported within 14 days of observation on forms furnished by the Board.

3. Quarantines.

a. Suspects maintained in suspect herds shall be under quarantine until diagnosed negative or reactor by a comparative cervical test which test may be made 60 days after suspect is disclosed. An official quarantine will be issued to the owner.

b. Infected herds shall be under quarantine which will remain in force until reactors are destroyed and the herd passes three consecutive negative tests. The first test to be made no sooner than 60 days following date reactors are destroyed, the second test no sooner than 60 days following the first negative test, and the third test no sooner than six months following the second negative test. An official quarantine will be issued to the owner.

c. No goats shall be removed from a quarantined herd unless a permit is issued by the Board for shipment directly to a slaughter plant where the federal government maintains meat inspection.

d. The Board may authorize the movement of goats from a quarantined herd to a public stockyard or to a rendering plant.

C. Accreditation of Goat Herds Tuberculosis-Free.

1. Initial Accreditation.

a. When two consecutive negative herd tests of all goats six months of age and over are conducted not less than ten months or more than 14 months apart, the herd will be accredited for a period of one year and an Accredited Herd Certificate issued.

b. The expiration date on the certificate will be one year after date of final test for herd accreditation.

2. Reaccreditation.

a. A negative herd test on all goats six months of age and over within 60 days prior to each anniversary of the certificate date is required for continuous Accredited Herd status. If the negative reaccreditation test is conducted within 60 days following the anniversary date, the reaccreditation is for 12 months from the anniversary date.

3. Additions to Accredited Herds and Herds in Process of Accreditation shall:

a. Originate from accredited herds.

b. Originate from negative herds tested within one year; added animals shall also be negative to a test conducted more than 60 days following herd test and within 60 days prior to joining herd.

c. Goats from all other herds shall be negative to a test made within 60 days prior to being brought to premises and then kept in isolation until negative to a retest made no sooner than 60 days from previous test.

d. Additions to herd shall not receive accredited herd status until they have been members of the herd for at least 60 days and are included in a complete herd test.

4. Temporary Transfer of Males or Females for breeding to an Accredited Herd or a herd in the process of Accreditation.

a. The animals shall originate from a herd with the status described in C. 3. a. or 3. b. of this rule.

5. Goats originating directly from an accredited herd will be eligible for public exhibitions without the test for tuberculosis required by 3MCAR § 2.040, Public Exhibition of Livestock and Poultry in Minnesota and it is recommended that such goats be isolated from the accredited herd until tested negative 60 to 120 days after their return.

6. Revocation of Accredited Tuberculosis-Free Certificate.

a. Certificate will be cancelled if:

(1) One or more reactors are disclosed in the herd.

(2) One or more reactors disclosed in animals removed from herd within 30 days following date such animals are removed.

(3) One or more animals are added to the herd contrary to C. 3. or C. 4. of this rule.

b. If a certificate is cancelled, the herd may be reaccredited providing the requirements for initial accreditation described in C. 1. of this rule are met.

D. Tests other than those made under the agreement described in B. 1. of this rule to establish Accredited Tuberculosis-Free Goat Herds.

1. The provisions of B. 2. and B. 3. shall apply to all goats tested in Minnesota if such tests disclose suspects or reactors.

APPROVED AS TO FORM AND LEGALITY
MAR. 23 1979
WARREN SPANNAUS, ATTORNEY GENERAL
19
BY
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAR 23 1979
Joan Anderson Growe
Secretary of State
3:15 P.M.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of the Proposed Amendment to 3 MCAR Sec. 2.003, Importation of Goats and Promulgation of Rules 3 MCAR Sec. 2.022, Control of Goat Brucellosis in Minnesota and 3 MCAR Sec. 2.023, Control of Goat Tuberculosis in Minnesota.

REPORT OF HEARING EXAMINER

The above-entitled matter came on for hearing before Harry Seymour Crump, Hearing Examiner from the State Office of Hearing Examiners on September 28, 1978, at 9:30 a.m. in the Administration Building, Saint Paul, Minnesota.

Members of the agency panel appearing at the hearing included: Robert Pyle, D.V.M., Import and Production, Livestock Board (LSB); George C. Keller, D.V.M., Brucellosis and Tuberculosis Division, LSB; J. G. Flint, D.V.M., Secretary and Executive Officer, LSB; L. T. Christensen, D.V.M., Assistant Secretary, LSB; and Peder Hong, Special Assistant Attorney General, appeared as counsel on behalf of the LSB.

Pursuant to Minn. Stat. Sec. 15.0412, subd. 4, this Report shall be available for review to all affected individuals upon request for at least five 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 five days subsequent to the receipt of this Report. This submission shall 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. Sec. 15.0412 within ten calendar days. Thereafter, the Board shall be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

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

FINDINGS OF FACT

1. On August 4, 1978, the LSB filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules;
(b) A proposed Order for Hearing; and
(c) A proposed Notice of Hearing.

2. On August 28, 1978, a Notice of Hearing and a copy of the proposed rules were published at 3 State Register 313.

3. On August 25, 1978, the LSB 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 August 31, 1978, the LSB 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 agency personnel who will represent the agency;
(i) The Certificate of Board's Authorizing Resolution.

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 October 18, 1978, for the receipt of written comments and statements.

6. The LSB cites as authority for the promulgation of these rules Minn. Stat. Sec. 35.03 (1976). Minn. Stat. Sec. 35.05 (1976) grants specific authority to the State Board, inter alia, to regulate the health of any domestic animals infected with or exposed to contagious or infectious dangerous disease and to regulate and prohibit the transportation of animals to and from the state so infected or exposed, for any reason, which may be injurious to the health of livestock therein.

3 MCAR 2.003 - Importation of Goats.

7. The existing rule, Sec. 2.003, was deleted because it was last amended in December, 1945, and needed to be upgraded and restructured. Proposed rule, Sec. 2.003 A., prohibits the importation of goats into Minnesota from herds under quarantine for infectious disease except for the disposal of the goats under certain regulated circumstances.

8. Sec. 2.003 B.1., 2., and 3. provide for the importation of goats into Minnesota, without testing, from a certified brucellosis-free and accredited tuberculosis-free herd.

9. Sec. 2.003 C. requires a health certificate to be approved by the health official from the state of origin and immediately forwarded to the Minnesota LSB.

10. Sec. 2.003 D.1. and 2. set forth the standards of testing for brucellosis and tuberculosis-free goat herds and the minimum age for testing of goats imported into Minnesota. By prehearing comment, R. W. Palmby, Secretary, Minnesota Livestock Breeders Association (MLBA), stated that the MLBA Board of Directors unanimously approved the proposal of the LSB to amend this rule allowing the entry of goats without tests for brucellosis if from certified brucellosis-free goat herds and without testing for tuberculosis if from accredited tuberculosis-free goat herds. At the hearing, Jim Sheldon, representing the Minnesota Dairy Goats Association (MDGA), supported this rule. It is concluded that this rule is needed and reasonable.

3 MCAR Sec. 2.022 - Control of Goat Brucellosis in Minnesota.

11. This rule and its subparts deal with definitions, general requirements of certification and provisions for other tests for the control of goat brucellosis in Minnesota.

a. Sec. 2.022 A.1. - 9. define "terms and phrases" of language relative to the rule used in veterinarian medicine. The definitions are necessary for clarification of the rule. The "card" test is the official test used for the testing of swine and cattle for brucellosis. The test is an agglutination test in which serum and antigen mixture form clumpings to indicate a positive reaction. These definitions drew no comments and are needed and reasonable.

b. Sec. 2.022 B.1 - 4. deal with the general requirements for control of goat brucellosis. Subpart 2.b. requires all goats of six months of age and over to be tested with the herd. Younger goats are exempt because of the less likelihood for infection if adults are free of the disease. The entire herd including younger goats are tested if older goats of the herd are found infected.

c. Subparagraph B.2.c. provides for the identification of goats tested. Maxine Sheldon, private owner, Maple Island Alpine Herds, suggested that this provision be amended to identify goats by ear tag or tatoo or registration number and tatoo. The registration number should not stand alone without identifying the animal in order to prevent the registration papers being passed around among different animals. In addition, the American Dairy Goat Association (ADGA) requires tatooing of animals before they are registered for all breeds. It was pointed out that an animal may be tatooed, however, without first being registered under ADGA standards. LSB agreed to amend the provision to read as follows: Goats tested shall be identified individually by ear tags, or tatoos. The word "registration" was deleted. The amendment would not constitute a substantial change, and is reasonable and needed.

d. Subpart B. and its subsections provide for the procedure for handling suspect and infected herds. Quarantines are established on individual suspects and on infected herds until retests qualify the quarantine suspect or quarantine herd for release. Tests made for the release of quarantine will be made by veterinarians of the Livestock Sanitary Board or the United States Department of Agriculture (U.S.D.A.). Subpart 3.d. provides for release of quarantine herd after it has passed two consecutive negative tests. The first test is to be conducted 30 days after the reactors are destroyed and the second, no sooner than 90 days after the first negative test. This four-month period is needed because of the incubation period of brucellosis being no longer than four months. LBA pointed out that destroying of the reactors is not mandatory under the present rules; however, it is necessary that the owner destroy the reactors in order for its herd to be released from quarantine. The testing of goat herds for accreditation and certification is not mandatory under these rules. It is mandatory that known suspects and infected herds be placed under quarantine.

e. Section 2.2022 deals with the certification of brucellosis-free goat herds. Subpart 1.a. provides for a 10 to 14 month period between negative herd tests for the initial certification. This period provides flexibility to the owner for "annual" test of the herd. Subpart 2.a. provides for the recertification of negative herd test on 60 days following the anniversary date. The recertification is for a period of 12 months from the anniversary date. Although the incidents of brucellosis, as well as tuberculosis, is very low in goats in Minnesota, LSB was opposed to any suggestions that the recertification period should be extended beyond one year. LSB states that the United States Animal Health Association - Department of Agriculture usually adopts rules relating to uniform methods for control of disease in animals, which are minimum standards promulgated on a national basis. Today, there are none for goats; however, there are such standards for cattle and swine testing. Should the testing of goats for brucellosis and tuberculosis become uniform and on a national basis, the standards for the testing period promulgated under this rule should be in compliance with national minimum recertification periods. The LSB pointed out that the advantages of this would be to facilitate the interstate movement of accredited and certified herds more conveniently and less costly for public exhibition and sales.

g. Subpart 3 limits the addition of goats to certified herds from other qualified herds.

h. Subpart 4. restricts the transfer of males and females for breeding to certified herds or a herd in the process of certification as a procedure for control of disease. The proposal is designed to protect the certified herd from the temporary transferees.

i. Subsection 5. provides for the public exhibition of goats from a certified herd without the test for brucellosis required by 3 MCAR Sec. 2.040, Public Exhibition of Livestock and Poultry in Minnesota.

j. Subsection 6. outlines the reasons for cancellation for certification.

k. Sec. 2.022 D. provides that the provisions of Sec. 2.2022 B.2., B.3., and B.4., shall apply to all goats tested in Minnesota if tests other than those made under the agreement described in Sec. 2.2022 B.1. disclosed suspects or reactors.

l. Samuel B. Guss, V.M.D., Professor Emeritus, Veterinarian Science Extension, the Pennslyvania State University, by letter in support of the rule, stated on behalf of the Minnesota Dairy Goats Association and a Mr. Doug Thompson that "it seems logical and reasonable to me that two or three successful annual negative herd tests for both diseases should qualify dairy goat herds to exhibit or sell animals identified in those herds on the basis of the herd certification and accreditation". Mr. Guss also stated that it would be an unnecessary hardship to continue to require individual animals tests from herds known to be free from both diseases. By letter, the MLBA Board of Directors also supported the adoption of proposed rule 3 MCAR Sec. 2.2022.

m. Proposed rule Sec. 2.022 and its subparts drew no specific comments other than those indicated above in the Report herein. This rule and its subparts are reasonable and necessary to control and eradicate brucellosis in goat herds and to establish accredited and certified herds.

3 MCAR Sec. 2.023 - Control of Goat Tuberculosis in Minnesota.

12. This rule deals with definitions, general requirements, accreditation of goat herds tuberculosis-free and tests other than those made under the rule herein.

a. Sec. 2.023 A. with subparts 1 through 8 define terms and phrases of language used throughout this rule. Subpart 1. defines the testing procedure used to identify tuberculosis in goats. The rule provides that all goats showing a response to the "caudal fold" test are subsequently tested by a comparative "cervical test" before they are designated either suspects or reactors. Then a diagnosis is made after that point. The "cervical test" is designed to determine whether or not responses to the "caudal fold" test is a specific reaction. The proposed definitions drew no specific comments and are needed and reasonable.

b. Sec. 2.023 B. and its subparts deal with general requirements of control of goat tuberculosis. This rule is similar to the "brucellosis" rule. Subpart B.2.c. was amended by the LSB to read as follows: Goats tested shall be individually identified by ear tag, or tatoo. ~~registration number.~~ This rule, as amended, is needed and reasonble and would not constitute a substantial change.

c. Subpart 3. sets forth the procedure for the quarantining of suspect or infected herds. Subpart 3.b. provides that infected herds shall be quarantined until the reactors are destroyed and the herd passes three consecutive negative tests. The interval between the first and second test is 60 days and the third test is no sooner than six months following the second negative test. The minimum 60 day interval for testing of tuberculosis in goats is necessary to prevent a goat from becoming desensitized to the test. The period of quarantine is longer for tuberculosis testing because tuberculosis in goats is a slower moving disease than brucellosis in goats, and the incubation period could be longer. This rule is similar to the cattle tuberculosis rule. This rule and its subparts drew no specific comments and is needed and reasonable.

d. Sec. 2.023 C. and its subparts deal with the accreditation of tuberculosis-free goat herds. Section 2.023 C. and its subparts drew no comments. The LSAB Statement of Need and Reasonableness is hereby adopted. This provision of the rule is similar to the brucellosis rule in its application. This rule is needed and reasonable.

e. Sec. 2.2023 D. and its subparts provide that the provisions of testing and quarantine shall apply to all goats tested if goats are tested for any other reason than for accreditation, disclosed suspects or reactors. This rule drew no comments and is both reasonable and needed.

f. At the hearing, the representative from the Dairy Goat Association of Minnesota commented that it accepted proposed rule Sec. 2.2023 and its subparts. By letter, Mr. Palmby of the MLBA stated that the Board of

Directors also approved adoption of the proposed rule 3 MCAR Sec. 2.023.

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

CONCLUSIONS

1. The LSB gave proper notice of the promulgation of the proposed rules.

2. The LSB has statutory authority to take the action proposed herein.

3. The LSB has fulfilled all relevant, substantive and procedural requirement of law or rule.

4. The LSB has demonstrated the need for and the reasonableness of the proposed rules by an affirmative presentation of facts in the record.

5. The proposed amendments to the rule as set forth in the Findings of Fact 11c. and 12b. are needed and reasonable and would not constitute a substantial change.

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

RECOMMENDATION

That the Livestock Sanitary Board adopt the proposed rules as amended in this Report.

Dated: November 17, 1978.

H. Seymour Crump

HARRY SEYMOUR CRUMP
Hearing Examiner

KEY: RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language. PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material."

Rules as Proposed

3 MCAR § 2.003 Importation of goats. ~~No goats shall be imported into the State of Minnesota unless accompanied by a health certificate issued by an approved or accredited veterinarian. The health certificate shall include a description of each animal included in the shipment by age, sex, color, and markings. It shall also include a statement that the goats are free from symptoms of contagious, infectious, or communicable disease, and a record of a negative test for tuberculosis and Bangs disease, (brucellosis), such test to be made not more than 30 days previous to date of importation. A copy of the health certificate approved by the sanitary officials of the state of origin shall be immediately forwarded to the office of the State Livestock Sanitary Board.~~

A. Goats shall not be imported into Minnesota from herds under quarantine for infectious diseases except that goats may be sent to slaughtering establishments operating under federal inspection from such herds and areas when accompanied by a shipping permit.

B. All goats imported into Minnesota for purposes other than slaughter shall be accompanied by a health certificate showing:

1. Individual identification by eartag number, tattoo or registration number for all goats six months of age and over.

2. Results of tests required in D. 1 and D. 2.

3. Certified brucellosis-free herd number and date of last herd test and accredited tuberculosis-free herd number and date of last herd test, if originating from such herds.

C. A copy of the health certificate approved by the animal health official of the state of origin shall be immediately forwarded to the State Livestock Sanitary Board.

D. All goats six months of age and over imported into Minnesota shall be:

1. Negative to an official brucellosis agglutination test within 30 days prior to importation or originate from a Certified Brucellosis-Free Goat Herd.

2. Negative to an intradermal tuberculin test within 60 days of importation or originate from an Accredited Tuberculosis-Free Goat Herd.

3 MCAR § 2.022 Control of goat brucellosis in Minnesota. (All new material)

A. Definitions.

1. Test and testing mean and refer to the Brucella Buffered Antigen (BBA or Card) test or other tests approved by the board on serums from blood samples collected and submitted by a veterinarian.

2. Negative means a goat showing no reaction on the test.

3. Suspect means a goat showing a reaction to a test that does not qualify as a reactor or negative.

4. Reactor means a goat showing a positive reaction on the test or proven infected by other diangostic procedures. Diagnosis may be deferred on a goat showing a positive reaction when held under quarantine until subjected to additional tests and investigation to determine its disease status.

5. Other tests means test other than the card test approved by the Board which shall be conducted and interpreted as outlined in 3 MCAR § 2.011, Eradication of Bovine Brucellosis in Minnesota.

6. Negative herd means one in which all goats six months of age and over are tested and negative and which herd is not under an infected herd quartantine.

7. 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.

8. Infected herd means one in which one or more reactors has been disclosed and which has not regained a negative herd status.

9. Certified Brucellosis-Free Goat Herd means one for which the owner holds an unrevoked and unexpired Certified Herd certificate.

B. General requirements.

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

2. Testing.

a. Tests shall be made at owner's expense except tests conducted to release quarantines may be made by veterinarians of the Board or U.S.D.A. if personnel and funds are available.

b. All goats six months of age and over shall be included on a herd test.

c. Goats tested shall be individually identified by ear tag, tattoo ~~or registration number~~.

3. Quarantines on infected herds.

a. A herd shall be under quarantine when owner receives notice that reactors were disclosed. An official quarantine will be issued to the owner.

b. No goats shall be removed from a quarantined herd unless a permit is issued by the Board for shipment directly to a slaughter plant where the federal government maintains meat inspection.

c. The Board may authorize the movement of goats from a quarantined herd to a public stockyard or to a rendering plant.

d. Quarantines are released after the Board has been furnished evidence that the reactors have been destroyed and that the herd has passed two consecutive negative tests. The first test may be conducted no sooner than 30 days after reactors are destroyed and the second test no sooner than 90 days after first negative test.

4. Quarantines on suspects held in suspect herds.

a. Suspects shall be under quarantine when owner receives notice that suspects were disclosed. An official quarantine will be issued to the owner.

b. No suspects shall be removed from quarantine unless a permit is issued by the Board for shipment directly to a slaughter plant where the federal government maintains meat inspection.

c. The Board may authorize the movement of suspects to a public stockyard or to a rendering plant.

d. Quarantines are released if suspects are negative to a retest or after the Board has been furnished evidence that suspects have been destroyed. If suspects are not available for retest, the herd shall be tested by a veterinarian of the Board or U.S.D.A. if personnel and funds are available.

C. Certified Brucellosis-Free Goat Herds.

1. Initial certification.

a. When two consecutive negative herd tests of all goats six months of age and over are conducted not less than ten months or more than 14 months apart, the herd will be certified for a period of one year and a certified herd certificate issued.

b. The expiration date on the certificate will be one year after date of final test for herd certification.

c. Tests made for release of quarantine shall not be used for herd certification.

2. Recertification.

a. A negative herd test on all goats six months of age and over within 60 days prior to each anniversary of the certificate 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.

3. Additions to certified herds and herds in process of certification shall:

a. Originate from certified herds.

b. Originate from negative herds tested within one year; added animals shall also be negative to a test conducted more than 60 days following herd test and within 30 days prior to joining the herd.

c. Goats from all other herds shall be negative to a test made within 30 days prior to being brought to premises and then kept in isolation until negative to a retest made no sooner than 30 days from previous test.

d. Additions to herd shall not receive certified herd status until they have been members of the herd for at least 30 days and are included in a complete herd test.

4. Temporary transfer of males or females for breeding to a certified herd or a herd in the process of certification.

a. The animals shall originate from a herd with the status described in C. 3. a. or 3. b. of this rule.

5. Goats originating directly from a certified herd will be eligible for public exhibitions without the test for brucellosis required by 3 MCAR § 2.040, Public Exhibition of Livestock and Poultry in Minnesota, and it is recommended that such goats be isolated from the certified herd until tested negative 30 to 60 days after their return.

6. Revocation of certified brucellosis-free certificate.

a. Certificate will be cancelled by the Board if:

(1) One or more reactors are disclosed in the herd.

(2) One or more reactors disclosed in animals removed from the herd within 30 days following date such animals were removed.

(3) One or more animals are added to the herd contrary to C. 3. or 4. of this rule.

b. If a certificate is cancelled, the herd may be recertified providing the requirements for initial certification described in C. 1. of this rule are met.

D. Tests other than those made under the agreement described in B. 1. of this rule to establish certified brucellosis-free goat herds.

1. The provisions of B. 2., B. 3., and B. 4. shall apply to all goats tested in Minnesota if such tests disclose suspects or reactors.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Promulgation of Rules of the Minnesota Livestock Sanitary Board, Governing 3 MCAR §§ 2.022, Control of Goat Brucellosis in Minnesota.

ORDER OF HEARING

To effectively implement the Livestock Sanitary Board deems it necessary to consider promulgating the above-captioned rule pursuant to the authority vested in it by Minn. Stat. 1976, Sec. 35.03.

NOW, THEREFORE, IT IS ORDERED this 2nd day of August, 1978, that a public hearing on the proposed amendment to the above-captioned rules be held in Room 116A, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, on Thursday the 28th day of September, 1978, commencing at 10:00 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, 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 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 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 July, 1978, 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 Dr. J. G. Flint, 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 promulgating 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order of hearing and notice of hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 2nd day of August, 1978.

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

RECEIVED
AUG 31 1978
OFFICE OF HEARING
EXAMINERS

In the Matter of Proposed Amendment to 3 MCAR § 2.003, Importation of Goats and Promulgation of Rules 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota and 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

NOTICE OF HEARING

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, Subdivision 4 (1976), in Room 116A, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, commencing at 10:00 A.M., or as soon thereafter as possible, Thursday September 28, 1978, and continuing until all interested or affected persons have had an opportunity to be heard.

Relevant statements or written material may be submitted for the record at the hearing or to Peter C. Erickson, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, phone 612-296-8118 before the hearing, until the record is closed 5 to 20 working days after the close of the hearing, as ordered by the Hearing Examiner.

Statutory authority to promulgate the proposed rules is vested in the Livestock Sanitary Board by Minn. Stat. § 35.03 (1976).

The Livestock Sanitary Board proposes to amend 3 MCAR § 2.003, Importation of Goats to permit entry of goats without tests for brucellosis if from Certified Brucellosis Free Goat Herds, without tests for tuberculosis if from Accredited Tuberculosis Free Goat Herds.

The Livestock Sanitary Board proposes to adopt rule 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota to provide for establishment of Certified Brucellosis Free Goat Herds and for quarantine and retesting of infected herds and suspects and to adopt rule 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota to provide for the establishment of Accredited Tuberculosis Free Goat

Herds and for quarantine and retest of infected herds and suspects.

Free copies of the proposed rules are available and can be obtained from the Minnesota Livestock Sanitary Board, 555 Wabasha, St. Paul, Minnesota 55102. Additional copies will be available at the hearing.

A "statement of need" explaining why the Board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will introduce will be filed with the Hearing Examiner at least 25 days prior to the hearing and will be available for public inspection.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Please be advised that Minnesota Statute Chapter 10A requires each lobbyist to register with the Ethical Practices Board within 5 days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exemptions. Questions should be directed to the Ethical Practices Board 41 State Office Building, St. Paul, Minnesota 55155, phone 612-296-5615.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

J. G. Flint

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

Dated this 24th day of August, 1978.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing 3 MCAR § 2.003, Importation of Goats and Promulgation of Rules 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota and 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

CERTIFICATE

I hereby certify that the enclosed 4 pages 485 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 8:45 o'clock, A.M., this 23rd day of September, 1978, have requested pursuant to M.S. Section 15.0412 (1976), 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 Donna M. Scott

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 18th day of September, 1978 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 or rules pursuant to M.S. 15.0412 (1976).

3) That on the 23rd day of September, 1978, 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 23rd day of September, 1978

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 Amendment to Rules of the State Livestock Sanitary Board, Governing 3 MCAR § 2.003, Importation of Goats and Promulgation of Rules 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota and 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

AFFIDAVIT OF MAILING

L.T. Christensen, being first duly sworn, deposes and says:

That on the 25th day of August, 1978, 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, or by inter-office mail or directly to the addresses 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.

L.T. Christensen

Subscribed and sworn to before me

the 25th day of August, 1978

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 Promulgating Rules of the
State Livestock Sanitary Board, Relating to
3MCAR § 2.022, Control of Goat Brucellosis in Minnesota.
3MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

STATEMENT OF NEED

The industry requested rules to establish Accredited Tuberculosis-Free Goat Herds and Certified Brucellosis-Free Herds. Tests made to accredit and certify herds could disclose suspects and reactors so the rule needs provisions for handling them. The rule will fulfill the following needs:

(1) Owners who establish accredited and certified herds will meet health requirements for interstate shipments and public exhibitions more conveniently with less cost.

(2) Healthy goat herds will be protected by quarantines on the affected herds.

(3) Owners of affected herds will be helped by tests at government expense.

(4) The public health will be protected by controlling and eradicating tuberculosis and brucellosis in goats.

August 14, 1978

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

LSB-79-001-HC

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENT TO 3 MCAR § 2.003, IMPORTATION OF GOATS AND PROMULGATION OF RULES 3 MCAR § 2.022, CONTROL OF GOAT BRUCELLOSIS IN MINNESOTA AND 3 MCAR § 2.023, CONTROL OF GOAT TUBERCULOSIS IN MINNESOTA.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on September 28, 1978, before Harry Seymour Crump, 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 November 17, 1978; 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 110; 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, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 12nd day
of January, 1979.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the Matter of Promulgation of Rules
3MCAR § 2.022 Control of Goat Brucellosis
and 3MCAR § 2.023 Control of Goat
Tuberculosis.

FINDINGS OF FACT

The above-entitled matter came on for hearing before Harry S. Crump, Hearing Examiner, presiding on the 28th day of September, 1978, at 10:00 A.M. in Room 116A, Administration Building, 50 Sherburne Avenue, 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.

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

1. Authority to promulgate the above-captioned rules is contained in Minn. Stat. Sec. 35.03 (1976). That section directs the Livestock Sanitary Board to protect the health of the domestic animals of the state by such means as it deems expedient to that end, to include the adoption of rules and regulations. These rules are hereby found to come within that authority and, further, are found to be reasonable.

2. The adoption of these rules will permit the establishment of certified herds for brucellosis and accredited herds for tuberculosis. Shipping goats interstate and showing goats at public exhibitions will be facilitated if owners establish certified and accredited herds. The Minnesota Dairy Goat Association submitted a resolution to the Livestock Sanitary Board requesting the adoption of rules which would provide for certified and accredited herds.

3. These rules provide for establishing quarantines on goat herds affected with brucellosis or tuberculosis. This provision will protect the healthy herds which are in the vast majority.

4. State and Federal employed veterinarians will be assigned to test and retest affected herds until the quarantines are eligible for release. We predict that personnel and funds will be available for this purpose as the number of affected herds will be very few.

5. Human beings can contract brucellosis and tuberculosis from affected goats. A control program for goats is an important public health measure.

6. There was only one recommended change at the public hearing which hearing was well attended by members of the industry. 3MCAR § 2.022 and 3MCAR § 2.023, B. 2. c. should be amended to read, "Goats tested shall be individually identified by ear tag or tattoo.

7. These rules will assure that the policy of the State of Minnesota to provide for the protection of the health of the domestic animals of the state is fulfilled in a reasonable manner.

Dated: Dec. 13, 1978

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S CRUMP
HEARING EXAMINER

In the Matter of Promulgation of
Rule 3 MCAR § 2.022, Control of
Goat Brucellosis in Minnesota.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Harry S. Crump of the Minnesota Office of Hearing Examiners at 10:00 A.M. on Thursday, September 28, 1978, in Room 116A, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, after proper notice required by Minn. Stat. § 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 herin, 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 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 12th day of January, 1979, pursuant to authority vested in me by the Livestock Sanitary Board.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

R. L. Mersch, D.V.M.

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 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 12th day of January, 1979; 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 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota, be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 1978, Section 35.03 and that Dr. R. L. Mersch, one of the members of the Minnesota State Livestock Sanitary Board, be and hereby is authorized to sign an order adopting these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of January, 1979.

J. G. Flint

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

RULES AND REGULATIONS

STATEMENT OF COMPLIANCE WITH

MANUAL OF RULE MAKING PROCEDURES

I, Special Assistant Attorney General Peder Hong, 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.

Peder Hong

Special Assistant Attorney General

Dated: March 12, 1979

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 27th day of October, 1978 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 (1976).

3) That on the 1st day of November, 1978, 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 1st day of November, 1978

Marian S. Comford

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

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL

TO : Lee Sheehy, Esq., Special Assistant
Attorney General's Office
Administration
G25 Administration Building

DATE: March 12, 1979

FROM : Peder B. Hong
Special Assistant
Attorney General

PHONE: 296-2856

SUBJECT:

Enclosed and resubmitted for your approval and filing with the Secretary of State are 3 MCAR § 2.033, § 2.022, and § 2.023. The matters dealt with in your memo of February 27, 1979 have been addressed.

PBH:plo
enclosures

RECEIVED
MAR 13 1979
GENERAL
ADMINISTRATIVE AGENCIES

OUR FILE NO. 505 & 507

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Peder B. Hong
Special Assistant
Attorney General

DATE: February 27, 1979

FROM : Lee E. Sheehy
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Rules of the Livestock Sanitary Board Relating to Goat Importation, Control of Goat Tuberculosis, Control of Goat Brucello, Control of Poultry Mycoplasma, Eradication of Swine Brucellosis, and Importation of Swine

The above-captioned rules have not been approved by this office or filed with the Secretary of State for the below enumerated reasons.

1. The agency failed to submit the Hearing Examiner's Report.

2. The agency Affidavit relating to receipt of the Secretary of State's list for promulgation of 3 MCAR §§ 2.003, 2.022, and 2.023 cites the month of "September" which I believe is an error given the date of the hearing and the date contained in the Affidavit of mailing. If this is merely a typographical error, the agency may so explain upon resubmittal.

If you have any questions, do not hesitate to call me.

LES:mb

Enclosure

cc: Duane Harves
Chief Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Proposed Amendment
to Rules of the Minnesota Livestock Sanitary
Board, Governing 3 MCAR § 2.003, Importation
of Goats.

ORDER OF HEARING

To effectively implement and make more specific the Livestock Sanitary Board deems it necessary to consider amending the above-captioned rule pursuant to the authority vested in it by Minn. Stat. 1976, Sec. 35.03.

NOW, THEREFORE, IT IS ORDERED this 2nd day of August, 1978, that a public hearing on the proposed amendment to the above-captioned rules be held in Room 116A, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, on Thursday the 28th day of September, 1978, commencing at 10:00 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

CERTIFICATE

OF

BOARD'S AUTHORIZING RESOLUTION

I, J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Livestock Sanitary Board, a Board duly authorized under the laws of the State of Minnesota, and that the following is 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 July, 1978, 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 Dr. J. G. Flint, 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 3 MCAR § 2.003, Importation of Goats, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order of hearing and notice of hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 2nd day of August, 1978.

J. G. Flint

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

Herds and for quarantine and retest of infected herds and suspects.

Free copies of the proposed rules are available and can be obtained from the Minnesota Livestock Sanitary Board, 555 Wabasha, St. Paul, Minnesota 55102. Additional copies will be available at the hearing.

A "statement of need" explaining why the Board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will introduce will be filed with the Hearing Examiner at least 25 days prior to the hearing and will be available for public inspection.

Please be advised that Minnesota Statute Chapter 10A requires each lobbyist to register with the Ethical Practices Board within 5 days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exemptions. Questions should be directed to the Ethical Practices Board 41 State Office Building, St. Paul, Minnesota 55155, phone 612-296-5615.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

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

Dated this 24th day of August, 1978

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing 3 MCAR § 2.003, Importation of Goats and Promulgation of Rules 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota and 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

CERTIFICATE

I hereby certify that the enclosed 4 pages 485 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 8:45 o'clock, A.M., this 23rd day of September, 1978, have requested pursuant to M.S. Section 15.0412 (1976), 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

By Donna M. Dalton

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 18th day of September, 1978 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 or rules pursuant to M.S. 15.0412 (1976).

3) That on the 23rd day of September, 1978, 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 23rd day of September, 1978

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 Amendment to Rules of the State Livestock Sanitary Board, Governing 3 MCAR § 2.003, Importation of Goats and Promulgation of Rules 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota and 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

AFFIDAVIT OF MAILING

W.T. Christensen, being first duly sworn, deposes and says:

That on the 25th day of August, 1978, 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, or by inter-office mail or directly to the addresses 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.

W.T. Christensen

Subscribed and sworn to before me

the 25th day of August, 1978

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 Amendments to
Rules of the State Livestock Sanitary Board,
Relating to 3 MCAR § 2.003, Importation of Goats.

STATEMENT OF NEED

The above captioned Rule was last amended in December 1945.

1. The rule needs to be restructured to align with present Rule format.

2. There is need to set minimum age for brucellosis and tuberculosis tests.

3. There is need to recognize the existance of Certified Brucellosis Free Goat Herds and Accredited Tuberculosis Free Goat Herds and allow importation from such herds without test.

4. There is need to change the tuberculosis test requirement from 30 to 60 days as is currently required for cattle.

The foregoing information are the reasons the amendements to this Rule should be promulgated.

Aug 4, 1978

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

LSB-79-001-HC

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENT TO 3 MCAR § 2.003, IMPORTATION OF GOATS AND PROMULGATION OF RULES 3 MCAR § 2.022, CONTROL OF GOAT BRUCELLOSIS IN MINNESOTA AND 3 MCAR § 2.023, CONTROL OF GOAT TUBERCULOSIS IN MINNESOTA.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on September 28, 1978, before Harry Seymour Crump, 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 November 17, 1978; 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 110; 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, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 12nd day
of January, 1979.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the Matter of the Proposed Amendment
to Rules of the State Livestock Sanitary
Board, 3 MCAR § 2.003, Importation of Goats.

FINDING OF FACT

The above-entitled matter came on for hearing before Harry S. Crump, Hearing Examiner, at 10:00 a.m. on Thursday, September 28, 1978, in Room 116A, Administration Building, St. Paul, Minnesota, after proper notice required by M.S. 1976, Section 15.0412, Subdivision 4, was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose. Notice of Hearing was published in Volume III, Number 8, Page 313, on August 28, 1978, State Register, State of Minnesota.

After affording interested persons an opportunity to present written and oral data, statements, and arguments and having heard and considered all of the testimony and evidence presented and upon the records, files, and proceedings herein, I find the following:

1. Authority to promulgate and amend the above-captioned Rule is contained in M.S. 1976, Section 35.03. That section directs the State Livestock Sanitary Board to protect the health of the domestic animals of the State by such means as it deems expedient to that end, including the adoption of Rules. These Rules are found to come within that authority and are found to be necessary and reasonable.

2. Amendment of this Rule will make the requirements for importation of goats similar to the requirements for cattle.

3. This amendment strengthens the prohibition against importation from quarantined herds.

4. This amendment further provides for importation without test, from officially recognized certified brucellosis-free goat herds and accredited tuberculosis-free goat herds.

5. This amendment sets the minimum age for testing at six months.

6. This amendment is in the best interest of the people of the State of Minnesota and will not cause economic hardship to goat owners, and will increase the capability for disease control in goats.

7. The Hearing Examiner has concluded that the need and reasonableness of this amendment has been demonstrated by an affirmative presentation of fact and that all substantive and procedural requirements of Statute have been met.

8. The Rule was adopted by a majority vote at the regular quarterly meeting of the Minnesota State Livestock Sanitary Board held Friday, January 12, 1979.

Dated Jan. 12, 1979

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing 3 MCAR § 2.003 Importation of Goats.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Harry S. Crump of the Minnesota Office of Hearing Examiners at 10:00 A.M. on Thursday, September 28, 1978 in Room 116A Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Section 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 3 MCAR § 2.003, Importation of Goats, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 12th day of January, 1979 pursuant to authority vested in me by the Livestock Sanitary Board.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

R. L. Mersch, D.V.M.

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 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 12th day of January, 1979; 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 3 MCAR Section 2.003 Importation of Goats, be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 1976, Section 35.03 and that Dr. R. L. Mersch, 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 12 day of January, 1979.

J. G. Flint

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

3 MCAR § 2.023 Control of goat tuberculosis in Minnesota. (All new material)

A. Definitions.

1. Test and testing mean the intradermic injection of tuberculin in the caudal fold by an accredited veterinarian or a veterinarian of the U.S.D.A. and the injection site observed and palpated 72 hours after injection. On all goats which respond to the caudal fold injection, a comparative cervical test will be made within ten days or after 60 days following date of caudal fold injection by a veterinarian of the Board or U.S.D.A.

2. Negative means no tissue response to the caudal fold injection or a negative diagnosis on comparative cervical test.

3. Suspect means a suspect diagnosis on comparative cervical test.

4. Reactor means a reactor diagnosis on comparative cervical test.

5. Negative herd means no reactors or suspects were diagnosed in the last herd test and the herd is not under an infected herd quarantine.

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

7. Infected herd means one or more reactors were diagnosed on the last herd test, or the herd is under an infected herd quarantine.

8. Accredited Tuberculosis-Free Goat Herd means one for which the owner holds an unrevoked and unexpired accredited herd certificate.

B. General requirements.

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

2. Testing.

a. Tests, except comparative cervical tests, shall be made at owner's expense. Tests conducted to release quarantines may be made by veterinarians of the Board or U.S.D.A. if personnel and funds are available.

b. All goats six months of age and over shall be included on a herd test.

c. Goats tested shall be individually identified by ear tag, tattoo or registration number.

d. Veterinarians shall report to the Board by telephone immediately following observation when goats respond to caudal fold injection. Negative tests shall be reported within 14 days of observation on forms furnished by the Board.

3. Quarantines.

a. Suspects maintained in suspect herds shall be under quarantine until diagnosed negative or reactor by a comparative cervical test which test may be made 60 days after suspect is disclosed. An official quarantine will be issued to the owner.

b. Infected herds shall be under quarantine which will remain in force until reactors are destroyed and the herd passes three consecutive negative tests. The first test to be made no sooner than 60 days following date reactors are destroyed, the second test no sooner than 60 days following the first negative test, and the third test no sooner than six months following the second negative test. An official quarantine will be issued to the owner.

c. No goats shall be removed from a quarantined herd unless a permit is issued by the Board for shipment directly to a slaughter plant where the federal government maintains meat inspection.

d. The Board may authorize the movement of goats from a quarantined herd to public stockyard or to a rendering plant.

C. Accreditation of goat herds tuberculosis-free.

1. Initial accreditation.

a. When two consecutive negative herd tests of all goats six months of age and over are conducted not less than ten months or more than 14 months apart, the herd will be accredited for a period of one year and an accredited herd certificate issued.

b. The expiration date on the certificate will be one year after date of final test for herd accreditation.

2. Reaccreditation.

a. A negative herd test on all goats six months of age and over within 60 days prior to each anniversary of the certificate date is required for continuous accredited herd status. If the negative reaccreditation test is conducted within 60 days following the anniversary date, the reaccreditation is for 12 months from the anniversary date.

3. Additions to accredited herds and herds in process of accreditation shall:

a. Originate from accredited herds.

b. Originate from negative herds tested within one year; added animals shall also be negative to a test conducted more than 60 days following herd test and within 60 days prior to joining herd.

c. Goats from all other herds shall be negative to a test made within 60 days prior to being brought to premises and then kept in isolation until negative to a retest made no sooner than 60 days from previous test.

d. Additions to herd shall not receive accredited herd status until they have been members of the herd for at least 60 days and are included in a complete herd test.

4. Temporary transfer of males or females for breeding to an accredited herd or a herd in the process of accreditation.

a. The animals shall originate from a herd with the status described in C. 3. a. or 3. b. of this rule.

5. Goats originating directly from an accredited herd will be eligible for public exhibitions without the test for tuberculosis required by 3 MCAR § 2.040, Public Exhibition of Livestock and Poultry in Minnesota and it is recommended that such goats be isolated from the accredited herd until tested negative 60 to 120 days after their return.

6. Revocation of accredited tuberculosis-free certificate.

a. Certificate will be cancelled if:

(1) One or more reactors are disclosed in the herd.

(2) One or more reactors disclosed in animals removed from herd within 30 days following date such animals are removed.

(3) One or more animals are added to the herd contrary to C. 3. or C. 4. of this rule.

b. If a certificate is cancelled, the herd may be reaccredited providing the requirements for initial accreditation described in C. 1. of this rule are met.

D. Tests other than those made under the agreement described in B. 1. of this rule to establish Accredited Tuberculosis-Free Goat Herds.

1. The provisions of B. 2. and B. 3. shall apply to all goats tested in Minnesota if such tests disclose suspects or reactors.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER C. ERICKSON
HEARING EXAMINER

In the Matter of the Promulgation of Rules of the Minnesota Livestock Sanitary Board, Governing 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

ORDER OF HEARING

To effectively implement the Livestock Sanitary Board deems it necessary to consider promulgating the above-captioned rule pursuant to the authority vested in it by Minn. Stat. 1976, Sec. 35.03.

NOW, THEREFORE, IT IS ORDERED this 2nd day of August, 1978 that a public hearing on the proposed amendment to the above-captioned rules be held in Room 116A, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, on Thursday the 28th day of September, 1978, commencing at 10:00 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, 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 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 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 July, 1978, 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 Dr. J. G. Flint, 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 promulgating 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order of hearing and notice of hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 2nd day of August, 1978.

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 3 MCAR § 2.003, Importation of Goats and Promulgation of Rules 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota and 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

NOTICE OF HEARING

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412, Subdivision 4 (1976), in Room 116A, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, commencing at 10:00 A.M., or as soon thereafter as possible, Thursday September 28, 1978, and continuing until all interested or affected persons have had an opportunity to be heard.

Relevant statements or written material may be submitted for the record at the hearing or to Peter C. Erickson, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, phone 612-296-8118 before the hearing, until the record is closed 5 to 20 working days after the close of the hearing, as ordered by the Hearing Examiner.

Statutory authority to promulgate the proposed rules is vested in the Livestock Sanitary Board by Minn. Stat. § 35.03 (1976).

The Livestock Sanitary Board proposes to amend 3 MCAR § 2.003, Importation of Goats to permit entry of goats without tests for brucellosis if from Certified Brucellosis Free Goat Herds, without tests for tuberculosis if from Accredited Tuberculosis Free Goat Herds.

The Livestock Sanitary Board proposes to adopt rule 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota to provide for establishment of Certified Brucellosis Free Goat Herds and for quarantine and retesting of infected herds and suspects and to adopt rule 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota to provide for the establishment of Accredited Tuberculosis Free Goat

Herds and for quarantine and retest of infected herds and suspects.

Free copies of the proposed rules are available and can be obtained from the Minnesota Livestock Sanitary Board, 555 Wabasha, St. Paul, Minnesota 55102. Additional copies will be available at the hearing.

A "statement of need" explaining why the Board feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will introduce will be filed with the Hearing Examiner at least 25 days prior to the hearing and will be available for public inspection.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

Please be advised that Minnesota Statute Chapter 10A requires each lobbyist to register with the Ethical Practices Board within 5 days after he commences lobbying. Lobbying includes attempting to influence rule making by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than $250 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than $250 per year or five hours per month at lobbying. The statute provides certain exemptions. Questions should be directed to the Ethical Practices Board 41 State Office Building, St. Paul, Minnesota 55155, phone 612-296-5615.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

J. G. Flint

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

Dated this 24th day of August, 1978.

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing 3 MCAR § 2.003, Importation of Goats and Promulgation of Rules 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota and 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

CERTIFICATE

I hereby certify that the enclosed 4 pages 185 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 8:45 o'clock, A.M., this 23rd day of September, 1978, have requested pursuant to M.S. Section 15.0412 (1976), 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

By Donna M. Scott

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 18th day of September, 1978 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 or rules pursuant to M.S. 15.0412 (1976).

3) That on the 23rd day of September, 1978, 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 23rd day of September, 1978

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 Amendment to Rules of the State Livestock Sanitary Board, Governing 3 MCAR § 2.003, Importation of Goats and Promulgation of Rules 3 MCAR § 2.022, Control of Goat Brucellosis in Minnesota and 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

AFFIDAVIT OF MAILING

L.T. Christensen, being first duly sworn, deposes and says:

That on the 25th day of August, 1978, 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, or by inter-office mail or directly to the addresses 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.

L.T. Christensen

Subscribed and sworn to before me

the 25th day of August, 1978

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 Promulgating Rules of the
State Livestock Sanitary Board, Relating to
3MCAR § 2.022, Control of Goat Brucellosis in Minnesota.
3MCAR § 2.023, Control of Goat Tuberculosis in Minnesota.

STATEMENT OF NEED

The industry requested rules to establish Accredited Tuberculosis-Free Goat Herds and Certified Brucellosis-Free Herds. Tests made to accredit and certify herds could disclose suspects and reactors so the rule needs provisions for handling them. The rule will fulfill the following needs:

(1) Owners who establish accredited and certified herds will meet health requirements for interstate shipments and public exhibitions more conveniently with less cost.

(2) Healthy goat herds will be protected by quarantines on the affected herds.

(3) Owners of affected herds will be helped by tests at government expense.

(4) The public health will be protected by controlling and eradicating tuberculosis and brucellosis in goats.

August 14, 1978

J. G. Flint

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

LSB-79-001-HC

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENT TO 3 MCAR § 2.003, IMPORTATION OF GOATS AND PROMULGATION OF RULES 3 MCAR § 2.022, CONTROL OF GOAT BRUCELLOSIS IN MINNESOTA AND 3 MCAR § 2.023, CONTROL OF GOAT TUBERCULOSIS IN MINNESOTA.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on September 28, 1978, before Harry Seymour Crump, 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 November 17, 1978; 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 110; 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, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, Subd. 4.

Dated this 12nd day
of January, 1979.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the Matter of Promulgation of Rules
3MCAR § 2.022 Control of Goat Brucellosis
and 3MCAR § 2.023 Control of Goat
Tuberculosis.

FINDINGS OF FACT

The above-entitled matter came on for hearing before Harry S. Crump, Hearing Examiner, presiding on the 28th day of September, 1978, at 10:00 A.M. in Room 116A, Administration Building, 50 Sherburne Avenue, 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.

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

1. Authority to promulgate the above-captioned rules is contained in Minn. Stat. Sec. 35.03 (1976). That section directs the Livestock Sanitary Board to protect the health of the domestic animals of the state by such means as it deems expedient to that end, to include the adoption of rules and regulations. These rules are hereby found to come within that authority and, further, are found to be reasonable.

2. The adoption of these rules will permit the establishment of certified herds for brucellosis and accredited herds for tuberculosis. Shipping goats interstate and showing goats at public exhibitions will be facilitated if owners establish certified and accredited herds. The Minnesota Dairy Goat Association submitted a resolution to the Livestock Sanitary Board requesting the adoption of rules which would provide for certified and accredited herds.

3. These rules provide for establishing quarantines on goat herds affected with brucellosis or tuberculosis. This provision will protect the healthy herds which are in the vast majority.

4. State and Federal employed veterinarians will be assigned to test and retest affected herds until the quarantines are eligible for release. We predict that personnel and funds will be available for this purpose as the number of affected herds will be very few.

5. Human beings can contract brucellosis and tuberculosis from affected goats. A control program for goats is an important public health measure.

6. There was only one recommended change at the public hearing which hearing was well attended by members of the industry. 3MCAR § 2.022 and 3MCAR § 2.023, B. 2. c. should be amended to read, "Goats tested shall be individually identified by ear tag or tattoo.

7. These rules will assure that the policy of the State of Minnesota to provide for the protection of the health of the domestic animals of the state is fulfilled in a reasonable manner.

Dated: Dec. 13, 1978

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S CRUMP
HEARING EXAMINER

In the Matter of Promulgation of
Rule 3 MCAR § 2.023, Control of
Goat Tuberculosis in Minnesota.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Harry S. Crump of the Minnesota Office of Hearing Examiners at 10:00 A.M. on Thursday, September 28, 1978, in Room 116A, Administration Building, 50 Sherburne Avenue, St. Paul, Minnesota, after proper notice required by Minn. Stat. Section 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 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 12th day of January, 1979, pursuant to authority vested in me by the Livestock Sanitary Board.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

R. L. Mersch, D.V.M.

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 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 12th day of January, 1979; 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 3 MCAR § 2.023, Control of Goat Tuberculosis in Minnesota, be and they hereby are approved and adopted, pursuant to authority vested in us by Minnesota Statutes 1978, Section 35.03 and that Dr. R. L. Mersch, one of the members of the Minnesota Livestock Sanitary Board, be and hereby is authorized to sign an order adopting these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 12th day of January, 1979.

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