

Minnesota Attorney General: Administrative Rules Proceedings

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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 Brucello, Control of Poultry Mycoplasma, Eradication of Swine Brucellosis, and Importation of Swine

cc: Duane Harves

3 MCAR § 2.032 Control of Mycoplasma in Poultry

A. Definitions.

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

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

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

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

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

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

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

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

9. Products shall mean domesticated fowl and hatching eggs.

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

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

12. Multiplier breeding flock shall mean a flock originating from a primary breeding flock and is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg or meat production or for other non-breeding purposes.

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

B. General Provisions.

1. The Mycoplasma control program shall be administered on a voluntary basis, except as provided in 3 MCAR § 2.032 B. 2, and any flockowner, hatcheryman or hatching egg dealer may participate provided they comply with the following procedures:

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

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

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

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

C. Flock Participation Requirements.

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

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

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

4. When a participating turkey flock is recycled and held over for a second or third egg production period, the Board reserves the right to determine if additional annual testing for Mycoplasma is needed to retain its Mycoplasma disease classification(s).

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

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

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

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

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

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

e. Dispose of dead birds frequently and properly.

f. Minimize the presence of free-flying birds.

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

h. Keep accurate records of death losses.

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

j. Adopt and maintain a clean egg program.

k. Seek veterinary assistance when signs of disease occur.

D. Testing Provisions.

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

2. All poultry signed up for participation under 3 MCAR § 2.032 B. shall be at the minimum testing age described below, provided; such age limits may be adjusted with Board approval to avoid conflict with cooperative program changes.

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

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

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

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

5. Testing for Mycoplasma disease shall be done in accordance with 3 MCAR § 2.032 I. Mycoplasma gallisepticum testing schedule, 3 MCAR § 2.032 J. Mycoplasma synoviae testing schedule and 3 MCAR § 2.032 K. Mycoplasma meliagridis testing schedule. Hatchery owners and flockowners may sign up for participation on a voluntary basis under test schedules 3 MCAR § 2.032 J. and/or 3 MCAR § 2.032 K. provided they meet and follow all other applicable provisions in this rule for the control of Mycoplasma, particularly Mycoplasma gallisepticum.

6. Flocks in which reactors are disclosed shall be handled in accordance with procedures outlined in 3 MCAR § 2.032 L. Reactors.

7. Positive flocks shall be handled in accordance with 3 MCAR § 2.032 M. Positive Mycoplasma flocks.

E. Classifications.

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

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

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

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

2. A Minnesota Mycoplasma gallisepticum tested hatchery is one operating under the supervision of the Board and with the exceptions provided for in 3 MCAR § 2.032 E. 2.a., hatching and handling only eggs and poultry originating from Minnesota Mycoplasma gallisepticum tested flocks or from flocks of comparable status.

a. If separate facilities satisfactory to the Board for complete isolation are available, eggs from flocks not under this program or eggs from other species of poultry may be incubated and hatched provided; the products of such eggs are not sold and are maintained in complete segregation from poultry hatched from eggs originating in Minnesota Mycoplasma gallisepticum

Tested flocks or flocks of comparable status. A thorough cleaning, disinfection and fumigation program shall be conducted on all hatchery equipment prior to setting other eggs.

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

F. Participating hatchery and flockowner.

1. The hatchery management shall:

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

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

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

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

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

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

2. The flockowner shall:

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

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

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

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

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

G. Advertising.

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

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

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

H. Non-participant.

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

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

I. Mycoplasma gallisepticum testing schedule.

Species	Initial Test	To Retain Classification
Turkey Primary and Multiplier	10% or minimum of 300 per flock	Keep flock isolated Make one inspection No Mycoplasma infection disclosed
Chicken (egg & meat) Primary	*100% or 500 per flock	**5% each 90 days with 500 maximum—100 minimum
Multiplier	50% with 200 max.-30 min	2% each 90 days (100 max.-30 min.) or 25 cull chicks each 30 days (bact. exam) or ***100 chick serums each 60 days
Exhibition-game Primary	100% or 300 per flock	Same as chicken
Multiplier	Same as chicken	Same as chicken

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

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

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

J. Mycoplasma synoviae testing schedule.

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

Species	Initial Test	To Retain Classification
Turkey Primary	100% or minimum of 500 per flock	10% or minimum of 300 per flock at 32-34 weeks of age and Keep flock isolated Make one inspection No Mycoplasma infection disclosed
Multiplier	10% or minimum of 300 per flock	
Chicken (egg & meat) Primary	*5% 500 max.-30 min.	**3% each 90 days 500 max.-30 min.
Multiplier	1% 100 max.-30 min.	1% each 90 days 60 max.-30 min.
Exhibition-game Primary	Same as chicken	Same as chicken
Multiplier	Same as chicken	Same as chicken

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

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

K. Mycoplasma meliagridis testing schedule.

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

2. Initial test.

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

b. Use samples submitted for other tests.

3. Monitoring tests.

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

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

L. Reactors.

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

MG Reactors	MS and MM Reactors

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

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

M. Positive Mycoplasma flocks.

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

a. Turkey flocks, to include small groups or pairs of wild and fancy type turkeys, shall be placed under quarantine and not used for the production of hatching eggs in order to be in compliance with 3 MCAR § 2.032 B. 2. The quarantine shall remain in effect until the flock is shipped to slaughter under permit or disposed of in a manner satisfactory to the Board.

b. Chicken and other poultry flocks shall be placed under quarantine and it is recommended that they shall not be used for the production of hatching eggs in order for hatchery to maintain its Mycoplasma gallisepticum

disease classification. The quarantine shall remain in effect until the flock is shipped to slaughter, disposed of in a manner satisfactory to the Board or program participation is discontinued upon request in writing.

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

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

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

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

(3) Monitor negative flocks as required.

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

(5) Issue Mycoplasma disease classifications when applicable.

3 MCAR § 2.005 Importation of Swine

A. Swine shall not be imported into the State of Minnesota from herds or areas under quarantine for infectious diseases of swine except swine accompanied by a shipping permit sent directly to slaughtering establishments under federal inspection, or to a public stockyard for sale to a slaughtering establishment.

B. All swine imported into the State of Minnesota shall be accompanied by a health certificate issued by an accredited veterinarian, except:

1. Feeding and slaughter swine consigned to a public stockyard.

2. Feeding and slaughter swine consigned to a market operating under a permit from the Board.

3. Swine going directly to slaughter at a slaughtering establishment having federal inspection.

C. Health Certificates:

1. Shall show the individual identification numbers of the swine. Acceptable individual identification shall be:

a. Eartag

b. Tattoo

c. Registration number

d. Approved ear notch system

2. Shall show the date, name of the laboratory, and results of test required in Section D1., and 2.

3. Shall show the validated brucellosis-free herd number or other disease-free herd status if originating from such herds.

4. One copy of the health certificate approved by the animal health department of the state of origin shall be forwarded to the Minnesota Livestock Sanitary Board.

D. Breeding swine six months of age and over shall be:

1. Negative to the Brucellosis Buffered Antigen Test conducted at a state or federal laboratory within 30 days prior to importation, or originate from a Validated Brucellosis-free swine herd.

2. Negative to an official test for pseudorabies within 30 days prior to importation or originate from a Qualified Pseudorabies Negative Swine Herd.

APPROVED AS TO FORM AND LEGALITY

MAR 23 1979

WARREN SPANNAUS ATTORNEY GENERAL

BY

SPECIAL ASSISTANT ATTORNEY GENERAL

19

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

3.15.79 M.

3MCAR § 2.021 Eradication of Swine Brucellosis

A. Definitions.

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

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

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

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

5. Test and Testing means and refers to the Brucella Buffered Antigen (BBA or Card) test or other tests approved by the Board conducted in a laboratory approved by the Board on serums from blood samples collected and submitted by a veterinarian.

6. Negative swine means swine showing no reaction on the test.

7. Reactor swine means swine showing a positive reaction on the test or found infected by other diagnostic procedures. Diagnosis may be deferred on card test positive swine in a herd which is otherwise serologically, bacteriologically and epidemiologically negative when held under herd quarantines until subjected to subsequent tests to determine the status of the swine.

8. Negative herd means one in which all eligible swine six months of age and over are negative.

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

10. Validated Brucellosis-Free Herd means one for which the owner holds an unrevoked and unexpired validated herd certificate.

11. Herd selling breeding stock means a herd from which pure-bred, hybrid, or grade gilts, sows, or boars are sold as replacement breeding stock on a continuing basis as a major or primary herd management objective.

12. Exposed swine means those which are part of a brucellosis infected herd or have been in contact with a brucellosis reactor for 24 hours, or less than 24 hours if reactor has recently aborted, farrowed or has vaginal or uterine discharge.

13. Validated Brucellosis-Free Area means an area which is recognized by the Board and USDA as being free of swine brucellosis.

B. General Requirements.

1. Veterinarians shall report to the Board all herds infected with swine brucellosis or suspicious of being infected with swine brucellosis. The Board may demand tests of infected or suspicious swine and the owner shall present them for test and assist with the testing when demanded by the Board.

2. The Board shall quarantine exposed swine and herds suspicious of being infected with swine brucellosis. These quarantines will be released if it is determined that the herd is not infected.

3. No exposed swine or swine under quarantine shall be moved except with a shipping permit for slaughter at a slaughtering establishment where Federal inspection is maintained or a market approved to receive quarantined swine for sale to such establishments or return to the herd of origin with a permit.

4. Testing:

a. Swine six months of age and over except barrows shall be eligible for test.

b. Feeding swine isolated from all breeding swine are exempted from test.

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

d. Swine tested shall be individually identified by a piercing ear tag with the uniform numbering system, a tattoo number, registry number, or other identification acceptable to the Board.

e. Serums from the blood samples, with three copies of the test chart, shall be submitted to an approved laboratory for testing.

5. Reactors shall be quarantined and be identified by an approved reactor tag in the left ear. Reactors should be removed from the premises with a shipping permit within 15 days of identification for slaughter at a slaughtering establishment where Federal inspection is maintained or a market approved to receive quarantined swine for sale to such establishments. The time may be extended by cooperating authorities.

6. Infected herds shall be quarantined.

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

b. Infected herd quarantines will be released when the reactors have been shipped with a permit and slaughtered and all remaining swine six months of age and over except barrows and feeding swine have

passed two consecutive negative herd tests. The first negative test to be at least 30 days after slaughter of the reactors and the second negative test not less than 90 days following the first.

c. After removal of reactor swine the premises shall be cleaned and disinfected as directed by the Board.

C. Establishment and Maintenance of Validated Brucellosis-Free Herds of Swine.

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

2. Validation: When the eligible swine in the breeding herd maintained under agreement have passed a negative test, the herd shall be declared a validated brucellosis-free herd for a period of one year and a Validated Brucellosis-Free Herd Certificate issued by the Board.

a. The validation will be cancelled if:

(1) Additions to the herd are made contrary to C. 3. of this rule. The validation would be reinstated when the entire breeding herd passes a negative test.

(2) A reactor is disclosed on a herd test or on a test of any swine from the herd. The validation would be reinstated when the infected herd quarantine is released.

3. Swine added to validated herds shall be accompanied by a record of a. origin or b. test and from:

a. A Validated Brucellosis-Free Herd.

b. A breeding herd not under quarantine if the added swine are tested negative on the card test at an approved laboratory within 30 days prior to admission to the validated herd and isolated from all other swine

until negative to a retest made at least 60 days after the first test. Bred sows and gilts to have the second test at least 30 days after farrowing.

4. Swine temporarily removed from a validated herd for exhibition or other purposes shall, upon return to the herd, be isolated from other swine until tested negative 30 to 60 days after their return.

5. Revalidation: The herd will be revalidated for a period of one year from the validation date upon a negative herd test of all eligible swine conducted within 10 to 14 months of the validation date, or if it is established that at least 20 percent of the adult breeding swine of the herd were market swine tested during the year and at least one-half of these in the last six months of the year, or that 25 percent of the adult breeding swine (six months of age and over) in the herd are tested every three months (80 - 100 days) with each breeding animal tested at least once during the year.

D. Establishment and Maintenance of Validated Brucellosis-Free Areas.

1. The entire state or any political subdivision of the state may be submitted for validation as determined by cooperating State and Federal authorities.

2. Method of initial validation:

a. All herds selling breeding stock must be validated during a one year period at owner's expense or be revalidated.

b. 90% of all sows, boars and stags slaughtered are to be tested and when reactors are found the herd of origin is to be sent to slaughter within 30 days or tested for brucellosis until the quarantine is released.

(1) All slaughtering establishments slaughtering sows, boars and stags shall allow and cooperate with the Board in collection of necessary swine blood samples.

c. Other methods of validation may be authorized by the Board.

3. Additions to herds in Validated Brucellosis-Free Areas shall be directly from a:

a. Validated Brucellosis-Free Herd.

b. Non-quarantined herd in Validated Brucellosis-Free Area.

c. Non-quarantined herd in areas which are not Validated Brucellosis-Free if the swine have a negative brucellosis card test conducted at an approved laboratory within 30 days prior to the date of entry and are held in isolation after being added to the herd until they have had an additional negative brucellosis card test between 60 and 90 days after the date of entry, and accompanied by a record of such origin or test.

4. Feeding swine may be held on validated herd premises or enter validated areas without brucellosis tests provided the feeding swine are isolated from all breeding swine on the premises.

5. Swine may be consigned to slaughtering establishments or to stockyards approved for sale and shipment to slaughtering establishments for slaughter in a Validated Brucellosis-Free Area without a brucellosis test provided they are transported directly to holding pens at the slaughtering establishment or at the stockyards and are not diverted en-route for any other purpose.

6. Revalidation: When the initial validation period expires, application to USDA for revalidation will be made.

APPROVED AS TO FORM AND LEGALITY

MAR. 23 1979 19____

WARREN SPANNAUS, ATTORNEY GENERAL

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.

#507 Livestock Sanitary Board

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 2/14 Temporary Rule _____

Resubmitted and Received 3/23/79

DUE DATE 3/6 3/23/79

Orally Returned to agency as no Hrg Rept. submitted

a. Returned to Agency w/o filing w/Secy of State 2-26 2-27 ← Memo
b. Approved 2.024 - 3/23 Date Sent Back to Agency _____
2.005 - 3/23
2.032 - 2/23

- - - - - - - - + = 2.005 - - - - 0 = 2.021 - - -
x = 2.032

1. Rules as Adopted +0X
2. Rules as Proposed +0X
3. Certificate of Board's Authorizing Resolution, where applicable +0X
4. Order for Hearing +0X
5. Notice of Hearing +0X
   (i) Sufficiency +0X
6. Secretary of State's List +0X
7. Certificate of Acquisition of Secretary of State's List +0X
8. Affidavit of Mailing +0X
   (i) At least 30 days prior to hearing +0X
9. Statement of Need and Evidence +0X
10. Hearing Examiner's Report _____
11. Agency's Findings of Fact +0X
12. Certificate of Board's Resolution Adopting Rules, where applicable +0X
13. Order Adopting +0X
14. Report of Chief Hearing Examiner +0X
    (i) Finding of No Substantial Change +0X
    (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.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of the Proposed Amendments to Rules of the Livestock Sanitary Board 3 MCAR Sec. 2.005, Importation of Swine, 3 MCAR Sec. 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR Sec. 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR Sec. 2.024, Control of Pseudorabies.

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 December 7, 1978, at 10:00 a.m. in Saint Paul, Minnesota.

Members of the Livestock Sanitary Board (hereinafter "Board") panel appearing at the hearing included the following: J. G. Flint, D.V.M., Secretary and Executive Officer; L. T. Christensen, D.V.M., Assistant Secretary; George E. Keller, D.V.M.; Harry Olson, D.V.M.; and Peder B. Hong, Special Assistant Attorney General for the Board.

Five public witnesses appeared and spoke at the hearing.

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.

Thereafter, the Board shall, if it proposes to adopt the rules as originally proposed or amended, submit a copy of the Order Adopting Rules, a copy of any additional agency findings, a copy of the rules as originally proposed, and a copy of the rules as adopted to the Chief Hearing Examiner for review pursuant to Minn. Stat. Sec. 15.052, subd. 4. The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. Sec. 15.0412 within ten calendar days. The Board will 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 October 17, 1978, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Order for Hearing proposed to be issued.

2. On October 18, 1978, the Board filed the Notice of Hearing proposed to be issued.

3. On November 6, 1978, a Notice of Hearing and a copy of the proposed rules were published at 3 State Register 970.

4. On November 3, 1978, the Board mailed the Notice of Hearing to all persons and associates who had registered their name with the Secretary of State for the purpose of receiving such notice.

5. On November 13, 1978, the Board filed the following documents:

(a) The Order for Hearing and authorizing resolution.
(b) The Notice of Hearing as mailed.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) The Affidavit of Mailing the Notice to all persons on the Secretary of State's list.
(e) The Secretary of State's Certificate and list.
(f) The Statement of Need and Reasonableness.
(g) The names of Board personnel who will representing the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.

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 December 12, 1978, for the receipt of written comments and statements.

6. The Board cited Minn. Stat. Sec. 35.03 (1976) as the statutory authority to promulgate the proposed rules.

IMPORTATION OF SWINE

7. The proposed amendment to rule Section 2.005 D.2. permits breeding swine to be imported without a 30 day negative test for pseudorabies if originating from a Qualified Pseudorabies Negative Swine Herd. The Board's Statement of Need and Reasonableness and its oral statement at the hearing established the need for and reasonableness of this rule. The only comment by the public at the hearing supported this rule. The rule is needed and reasonable.

ERADICATION OF SWINE BRUCELLOSIS

8. Proposed amendment to rule Section 2.021 C.5. deals with the revalidation of brucellosis-free swine herds. The proposed amendment allows a third option for revalidation by providing for quarterly negative tests which include 25% of the breeding animals, six months of age and over in the herd with all breeding animals tested at least once each year. This amendment synchronizes the brucellosis program with the pseudorabies program in order to use the same blood sample for both programs. The uniform methods of rules for brucellosis adopted by the U.S.D.A. provides for this manner of testing. A public witness questioned the necessity of the burden of testing for brucellosis-free herds rather than eliminating such tests to maintain the validation status because the incidence of brucellosis in Minnesota was low. In response, the Board commented at the hearing that only 14 states currently recognize the status of Minnesota herds as being brucellosis-free. Continued testing is necessary to establish Minnesota as a brucellosis-free state on a national basis. A comment was made in support of the rule concerning the effects of this option to reduce the cost of testing by herd owners. This rule is needed and reasonable.

CONTROL OF MYCOPLASMA IN POULTRY

9. Proposed amendment rule Section 2.032 I. and J. drew only one comment in support of the change. The Board's Statement of Need and Reasonableness established the need for and reasonableness of this amendment. The proposed amendments are needed and reasonable.

CONTROL OF PSEUDORABIES

10. Proposed rule Section 2.024 provides a means of establishing and maintaining Qualified Pseudorabies Negative Swine Herds. Swine from these herds will be able to move inter and intrastate without further testing for pseudorabies. This rule requires that swine herds and other livestock which are found to be infected will be quarantined until the disease has been controlled. The pseudorabies program is completely voluntary.

Most of the subdivisions of this rule drew no comments. The Board's Statement of Need and Reasonableness and its oral statements at the hearing established the need for and reasonableness of the entire rule. Subdivision C.5. through 10. were renumbered C.4. through 9. respectively, to correct a technical error.

A comment concerning Subdivision C.5. (as originally printed) inquired whether the pseudorabies-free status is maintained if an animal was added to a Qualified Pseudorabies Negative Swine Herd where it was kept in isolation and found to be a reactor. The Board responded that a properly isolated animal which was found to be a reactor would not affect the status of the herd.

Under this same subdivision, the Board responded to a comment concerning "other tests" for pseudorabies that, for consideration of use, any tests must be approved by the U.S.D.A. veterinarian service. Another criteria mentioned was the American Association of Veterinarian Diagnostic Laboratories.

At the hearing, the Board pointed out that presently two pseudorabies vaccinations are used and sold in Minnesota. Swine vaccinated usually react to testing for a period of time after vaccination. There is no way to tell if swine being tested are vaccinated or have been infected. These vaccinates which will react will be considered infected and under this proposed rule, the herd quarantine is subject to testing. Based on present information the Board has, vaccination may not prevent an animal from becoming infected. It may mask the evidence that the animal has a disease which may be picked up as a field strain or virus and spread to other animals. At the hearing, Dr. Ralph Johnson, a practitioner and a member of the Governor's Advisory Commission and by prior oral comment to the Board, Dr. T. Loula, expressed concern that a quarantine would be placed on a herd only on the basis of a positive test. One suggestion was that the vaccinated animal be identified by an ear tag. Jim Dickrell of Farmers Magazine, suggested that the State offer to veterinarians identification tags for issuance when animals are vaccinated. At the hearing and by post-hearing comment, the Board responded by making the following deletions in subdivision B.4.: Quarantines will be established, as authorized in Minn. Stat. Chapter 35.05 (1976), on all swine herds ~~in which reactors are disclosed when tested or~~

in which a clinical diagnosis are a laboratory diagnosis (other than a diagnosis based only on serological tests) of pseudorabies is made. The quarantine will be served on the owner.

The Board contended that it is essential that the laboratory diagnosis be qualified to eliminate the serological tests if the objections raised at the hearing are to be complied with. With the amendment, the Board would not consider a positive laboratory serological test as indicating active infection and would not issue a quarantine. The Board would establish quarantines when the laboratory based their positive diagnosis on post-mortem lesions, virus isolations, histophathology and other procedures which indicated actual infection rather than vaccine responses.

So modified, the proposed rule is reasonable and needed and will not constitute a substantial change.

At the hearing, the Board discussed deleting the second sentence of subdivision C.8.c. Howvever, in its post-hearing comment, the Board desired to retain this provision. The Board stated that should a reactor to an official serological test be disclosed in a Qualified Pseudorabies Negative Swine Herd or a clinical or laboratory diagnosis of pseudorabies be made, the qualified status would be revoked. If that revocation was a result of a positive serological test, the Board would not establish the quarantine under B.4. of the rule because of lack of statutory authority. The producer could continue to sell other swine if there were no signs of pseudorabies and if they could meet destination test requirements.

The Board continued by stating if the status were revoked because of a clinical or laboratory diagnosis, it would establish a quarantine under provisions of B.4. as the Board would consider the herd to be infected. The Board contended that the second paragraph of C.8.c. should be retained to point out when the quarantine would be released and when sales of swine could be made, even though the qualified status of the herd would not be resinstated until a second negative test was completed at the producer's expense.

At the hearing, the Board rejected other suggestions including the establishment of a control vaccinated herd program because of the lack of demand. The Board in citing examples of extensive use of the vaccination pointed out the impracticability of administering a vaccination program at the present time. The Board stated that it has no control or authority over the administration of vaccinations since its use is not restricted to the administration by veterinarians.

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

CONCLUSIONS

1. The Livestock Sanitary Baord gave proper notice of the promulgation of the proposed amendments to the rule and the proposed rule.

2. The Livestock Sanitary Board has statutory authority to promulgate the proposed amendments to rules and the proposed rule.

3. The Livestock Sanitary Board has fulfilled all relevant substantive and procedural requirements of law or rule.

4. The Livestock Sanitary Board has demonstrated the need for and the reasonableness of the proposed amendments to the rule and the proposed rule by an affirmative presentation of facts in the record.

5. The modification of the rules as stated herein will not constitute a substantial change.

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

RECOMMENDATION

It is recommended that the proposed amendments to the rule and the proposed rule as amended be adopted by the Livestock Sanitary Board as set out in the Findings of Fact herein.

Dated: January 5, 1979.

Harry Seymour Crump

HARRY SEYMOUR CRUMP
Hearing Examiner

PROPOSED RULE

3 MCAR § 2.005 Importation of swine into Minnesota.

A. Swine shall not be imported into the State of Minnesota from herds or areas under quarantine for infectious diseases of swine except swine accompanied by a shipping permit sent directly to slaughtering establishments under federal inspection, or to a public stockyard for sale to a slaughtering establishment.

B. All swine imported into the State of Minnesota shall be accompanied by a health certificate issued by an accredited veterinarian, except:

1. Feeding and slaughter swine consigned to a public stockyard.

2. Feeding and slaughter swine consigned to a market operating under a permit from the Board.

3. Swine going directly to slaugher at a slaughtering establishment having federal inspection.

C. Health certificates:

1. Shall show the individual identification numbers of the swine. Acceptable individual identification shall be:

a. Eartag;

b. Tattoo;

c. Registration number;

d. Approved ear notch system.

2. Shall show the date, name of the laboratory, and results of test required in subd. D.1. and 2.

3. Shall show the validated brucellosis-free herd number or other disease-free herd status if originating from such herds.

4. One copy of the health certificate approved by the animal health department of the state of origin shall be forwarded to the Minnesota Livestock Sanitary Board.

D. Breeding swine six months of age and over shall be:

1. Negative to the Brucellosis Buffered Antigen Test conducted at a state or federal laboratory within 30 days prior to importation, or originate from a Validated Brucellosis-free Swine Herd.

2. Negative to ~~the Serum Neutralization Test~~ an official test for pseudorabies within 30 days prior to importation or originate from a Qualified Pseudorabies-Negative Swine Herd.

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 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: Feb. 12, 1979

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

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Lee Sheehy, Esq.
Special Assistant
Attorney General
G-25 Administration Building
50 Sherburne Avenue

DATE: Feb. 13, 1979

FROM : Peder B. Hong
Special Assistant
Attorney General

PHONE: 296-2856

SUBJECT: Livestock Sanitary Board Rules
3 MCAR §§ 2.005, .021 and .032

Enclosed for approval by yourself and filing with the Secretary of State are the above-referenced rules.

PBH:plo

enclosures

RECEIVED
FEB 1[illegible] 1979
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of the Proposed Amendments to Rules of the Livestock Sanitary Board 3 MCAR Sec. 2.005, Importation of Swine, 3 MCAR Sec. 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR Sec. 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR Sec. 2.024, Control of Pseudorabies.

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 December 7, 1978, at 10:00 a.m. in Saint Paul, Minnesota.

Members of the Livestock Sanitary Board (hereinafter "Board") panel appearing at the hearing included the following: J. G. Flint, D.V.M., Secretary and Executive Officer; L. T. Christensen, D.V.M., Assistant Secretary; George E. Keller, D.V.M.; Harry Olson, D.V.M.; and Peder B. Hong, Special Assistant Attorney General for the Board.

Five public witnesses appeared and spoke at the hearing.

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.

Thereafter, the Board shall, if it proposes to adopt the rules as originally proposed or amended, submit a copy of the Order Adopting Rules, a copy of any additional agency findings, a copy of the rules as originally proposed, and a copy of the rules as adopted to the Chief Hearing Examiner for review pursuant to Minn. Stat. Sec. 15.052, subd. 4. The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. Sec. 15.0412 within ten calendar days. The Board will 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 October 17, 1978, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.
(b) The Order for Hearing proposed to be issued.

2. On October 18, 1978, the Board filed the Notice of Hearing proposed to be issued.

3. On November 6, 1978, a Notice of Hearing and a copy of the proposed rules were published at 3 State Register 970.

4. On November 3, 1978, the Board mailed the Notice of Hearing to all persons and associates who had registered their name with the Secretary of State for the purpose of receiving such notice.

5. On November 13, 1978, the Board filed the following documents:

(a) The Order for Hearing and authorizing resolution.
(b) The Notice of Hearing as mailed.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) The Affidavit of Mailing the Notice to all persons on the Secretary of State's list.
(e) The Secretary of State's Certificate and list.
(f) The Statement of Need and Reasonableness.
(g) The names of Board personnel who will representing the Agency at the hearing together with the names of any other witnesses solicited by the Agency to appear on its behalf.

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 December 12, 1978, for the receipt of written comments and statements.

6. The Board cited Minn. Stat. Sec. 35.03 (1976) as the statutory authority to promulgate the proposed rules.

IMPORTATION OF SWINE

7. The proposed amendment to rule Section 2.005 D.2. permits breeding swine to be imported without a 30 day negative test for pseudorabies if originating from a Qualified Pseudorabies Negative Swine Herd. The Board's Statement of Need and Reasonableness and its oral statement at the hearing established the need for and reasonableness of this rule. The only comment by the public at the hearing supported this rule. The rule is needed and reasonable.

ERADICATION OF SWINE BRUCELLOSIS

8. Proposed amendment to rule Section 2.021 C.5. deals with the revalidation of brucellosis-free swine herds. The proposed amendment allows a third option for revalidation by providing for quarterly negative tests which include 25% of the breeding animals, six months of age and over in the herd with all breeding animals tested at least once each year. This amendment synchronizes the brucellosis program with the pseudorabies program in order to use the same blood sample for both programs. The uniform methods of rules for brucellosis adopted by the U.S.D.A. provides for this manner of testing. A public witness questioned the necessity of the burden of testing for brucellosis-free herds rather than eliminating such tests to maintain the validation status because the incidence of brucellosis in Minnesota was low. In response, the Board commented at the hearing that only 14 states currently recognize the status of Minnesota herds as being brucellosis-free. Continued testing is necessary to establish Minnesota as a brucellosis-free state on a national basis. A comment was made in support of the rule concerning the effects of this option to reduce the cost of testing by herd owners. This rule is needed and reasonable.

CONTROL OF MYCOPLASMA IN POULTRY

9. Proposed amendment rule Section 2.032 I. and J. drew only one comment in support of the change. The Board's Statement of Need and Reasonableness established the need for and reasonableness of this amendment. The proposed amendments are needed and reasonable.

CONTROL OF PSEUDORABIES

10. Proposed rule Section 2.024 provides a means of establishing and maintaining Qualified Pseudorabies Negative Swine Herds. Swine from these herds will be able to move inter and intrastate without further testing for pseudorabies. This rule requires that swine herds and other livestock which are found to be infected will be quarantined until the disease has been controlled. The pseudorabies program is completely voluntary.

Most of the subdivisions of this rule drew no comments. The Board's Statement of Need and Reasonableness and its oral statements at the hearing established the need for and reasonableness of the entire rule. Subdivision C.5. through 10. were renumbered C.4. through 9. respectively, to correct a technical error.

A comment concerning Subdivision C.5. (as originally printed) inquired whether the pseudorabies-free status is maintained if an animal was added to a Qualified Pseudorabies Negative Swine Herd where it was kept in isolation and found to be a reactor. The Board responded that a properly isolated animal which was found to be a reactor would not affect the status of the herd.

Under this same subdivision, the Board responded to a comment concerning "other tests" for pseudorabies that, for consideration of use, any tests must be approved by the U.S.D.A. veterinarian service. Another criteria mentioned was the American Association of Veterinarian Diagnostic Laboratories.

At the hearing, the Board pointed out that presently two pseudorabies vaccinations are used and sold in Minnesota. Swine vaccinated usually react to testing for a period of time after vaccination. There is no way to tell if swine being tested are vaccinated or have been infected. These vaccinates which will react will be considered infected and under this proposed rule, the herd quarantine is subject to testing. Based on present information the Board has, vaccination may not prevent an animal from becoming infected. It may mask the evidence that the animal has a disease which may be picked up as a field strain or virus and spread to other animals. At the hearing, Dr. Ralph Johnson, a practitioner and a member of the Governor's Advisory Commission and by prior oral comment to the Board, Dr. T. Loula, expressed concern that a quarantine would be placed on a herd only on the basis of a positive test. One suggestion was that the vaccinated animal be identified by an ear tag. Jim Dickrell of Farmers Magazine, suggested that the State offer to veterinarians identification tags for issuance when animals are vaccinated. At the hearing and by post-hearing comment, the Board responded by making the following deletions in subdivision B.4.: Quarantines will be established, as authorized in Minn. Stat. Chapter 35.05 (1976), on all swine herds ~~in which reactors are disclosed when tested or~~

in which a clinical diagnosis are a laboratory diagnosis (other than a diagnosis based only on serological tests) of pseudorabies is made. The quarantine will be served on the owner.

The Board contended that it is essential that the laboratory diagnosis be qualified to eliminate the serological tests if the objections raised at the hearing are to be complied with. With the amendment, the Board would not consider a positive laboratory serological test as indicating active infection and would not issue a quarantine. The Board would establish quarantines when the laboratory based their positive diagnosis on post-mortem lesions, virus isolations, histophathology and other procedures which indicated actual infection rather than vaccine responses.

So modified, the proposed rule is reasonable and needed and will not constitute a substantial change.

At the hearing, the Board discussed deleting the second sentence of subdivision C.8.c. Howvever, in its post-hearing comment, the Board desired to retain this provision. The Board stated that should a reactor to an official serological test be disclosed in a Qualified Pseudorabies Negative Swine Herd or a clinical or laboratory diagnosis of pseudorabies be made, the qualified status would be revoked. If that revocation was a result of a positive serological test, the Board would not establish the quarantine under B.4. of the rule because of lack of statutory authority. The producer could continue to sell other swine if there were no signs of pseudorabies and if they could meet destination test requirements.

The Board continued by stating if the status were revoked because of a clinical or laboratory diagnosis, it would establish a quarantine under provisions of B.4. as the Board would consider the herd to be infected. The Board contended that the second paragraph of C.8.c. should be retained to point out when the quarantine would be released and when sales of swine could be made, even though the qualified status of the herd would not be resinstated until a second negative test was completed at the producer's expense.

At the hearing, the Board rejected other suggestions including the establishment of a control vaccinated herd program because of the lack of demand. The Board in citing examples of extensive use of the vaccination pointed out the impracticability of administering a vaccination program at the present time. The Board stated that it has no control or authority over the administration of vaccinations since its use is not restricted to the administration by veterinarians.

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

CONCLUSIONS

1. The Livestock Sanitary Baord gave proper notice of the promulgation of the proposed amendments to the rule and the proposed rule.

2. The Livestock Sanitary Board has statutory authority to promulgate the proposed amendments to rules and the proposed rule.

3. The Livestock Sanitary Board has fulfilled all relevant substantive and procedural requirements of law or rule.

4. The Livestock Sanitary Board has demonstrated the need for and the reasonableness of the proposed amendments to the rule and the proposed rule by an affirmative presentation of facts in the record.

5. The modification of the rules as stated herein will not constitute a substantial change.

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

RECOMMENDATION

It is recommended that the proposed amendments to the rule and the proposed rule as amended be adopted by the Livestock Sanitary Board as set out in the Findings of Fact herein.

Dated: January 5, 1979.

Harry Seymour Crump

HARRY SEYMOUR CRUMP
Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY C. CRUMP
HEARING EXAMINER

In the Matter of the Proposed Amendment
to Rules of the Minnesota Livestock
Sanitary Board, Governing 3 MCAR § 2.005,
Importation of Swine.

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 13th day of October, 1978, that a public hearing on the proposed amendment to the above-captioned rules be held in the Conference Room, 500 Rice Street, St. Paul, Minnesota, on Thursday the 7th day of December, 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 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 13th day of October, 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 § 2.005, Importation of Swine, 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 November, 1978.

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 Proposed Amendment to Rules of the Livestock Sanitary Board 3 MCAR § 2.005, Importation of Swine, 3 MCAR § 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR § 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR § 2.024, Control of Pseudorabies.

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, subd. 4 (1976), in Conference Room at 500 Rice Street (one half block north of University Avenue) St. Paul, Minnesota, commencing at 10:00 a.m., or as soon thereafter as possible, Thursday December 7, 1978, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to amend:

3 MCAR § 2.005 Importation of Swine is being amended to allow breeding swine six months of age and over to be imported if negative on an official pseudorabies test of the state of origin and that swine from Qualified Pseudorabies Negative Swine Herds may be imported without a further test for pseudorabies.

3 MCAR § 2.021 Eradication of Swine Brucellosis in Minnesota is being amended to allow revalidation of swine herds by testing 25% of the breeding herd quarterly as provided in Recommended Uniform Methods and Rules for Brucellosis Eradication as published by USDA.

3 MCAR § 2.032 Control of Mycoplasma in Poultry is being amended to reduce the number of chickens required to be tested in a flock to establish a Minnesota Mycoplasma tested status.

The Livestock Sanitary Board proposes to promulgate rule:

3 MCAR § 2.024 Control of Pseudorabies is a new rule and is proposed to fill a need brought to our attention by the swine industry of Minnesota and other states. The rule will provide a means of establishing and maintaining Qualified Pseudorabies Negative Swine Herds. Swine from these herds will be able to move inter and intrastate without further testing for pseudorabies. To control the spread of the disease within Minnesota, the rule provides that swine herds and other livestock which are found to be infected will be quarantined until the disease has been controlled.

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.

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

Relevant statements or written material may be submitted for the record at the hearing or to Harry S. Crump, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, phone 612-296-8111 before the hearing or written material may be submitted to Harry S. Crump and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the Hearing Examiner.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within 5 days after he commences lobbying. Lobbying includes attempting to influence rulemaking 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.

"Lobbyist" does not include any: (a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity; (b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action; (c) Individual in the course of selling goods or services to be paid for by public funds; (d) News media or their employees or agents acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments or paid advertisements which directly or indirectly urge official action; (e) Paid expert witness whose testimony is requested either by the body before which he is appearing or one of the parties to a proceeding, but only to the extent of preparing or delivering testimony; or (f) Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over $250, excluding travel expenses, in any year in communicating with public officials. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone 612-296-5615.

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).

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

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

Dated this 3rd day of November, 1978

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendment to Rules of the Livestock Sanitary Board 3 MCAR §§ 2.005, Importation of Swine, 3 MCAR §§ 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR §§ 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR §§ 2.024, Control of Pseudorabies.

CERTIFICATE

I hereby certify that the enclosed 4 pages 585 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 9:00 o'clock, A.M., this 1st day of November, 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 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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendment to Rules of the Livestock Sanitary Board 3 MCAR § 2.005, Importation of Swine, 3 MCAR § 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR § 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR § 2.024, Control of Pseudorabies.

AFFIDAVIT OF MAILING

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

That on the 3rd day of November, 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 addressee to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

L.T. Christensen

Subscribed and sworn to before me

the 3rd day of November, 1978,

Marian S. Comford

MARIAN S. COMFORD

Notary Public, Ramsey County, Minnesota

My Commission Expires July 25, 1979

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the matter of Proposed Rules Relating to 3 MCAR §§ 2.005 Importation of swine.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the Minnesota Livestock Sanitary Board and are promulgated under authority vested in the Minnesota Livestock Sanitary Board by Minnesota Statute §§ 35.03 (1976). The last time the above captioned rules were amended was March, 1978.

The need to adopt these rules arises because of recent developments in Pseudorabies control procedures.

Rule 3 MCAR §§ 2.005 Importation of swine needs to be amended to:

1. Accept breeding swine without a 30 day negative test for pseudorabies when originating from a Qualified Pseudorabies Negative Swine Herd. This change will bring the Livestock Sanitary Board swine import requirements into closer coordination with the requirements of the majority of the states that have pseudorabies import requirements. This change should reduce costs for tests paid for by Minnesota purchasers of breeding swine. This change recognizes the existance of Qualified Pseudorabies Negative Swine Herds in other states, herds which achieve Qualified designation by meeting the minimum standards of Veterinary Services, APHIS, USDA which are standards comparable to those we propose be used for establishment of Qualified Pseudorabies Negative Swine Herds in Minnesota. We can be quite sure pseudorabies would not be introduced into Minnesota by swine imported from these herds without a negative pseudorabies test within 30 days prior to importation as presently required.
2. Remove the restrictions of testing method imposed by the present rule. The serum neutralization test presently specified is costly and time consuming. Recent research indicates other tests are being developed that will result in more rapid and less costly test procedures. These new tests would be those accepted by USDA and uniform for all states. This should result in savings to Minnesota purchasers without jeopardizing disease control.

J. G. Flint DVM
Secretary and Executive Officer

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES OF THE LIVESTOCK SANITARY BOARD 3 MCAR § 2.005, IMPORTATION OF SWINE, 3 MCAR § 2.021, ERADICATION OF SWINE BRUCELLOSIS IN MINNESOTA, 3 MCAR § 2.032, CONTROL OF MYCOPLASMA IN POULTRY AND PROMULGATION OF RULE 3 MCAR § 2.024, CONTROL OF PSEUDORABIES.)

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on December 7, 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 January 5, 1979; 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 Livestook 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 23rd day
of January, 1979.

Duane R. Harves

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 § 2.005, Importation of Swine.

FINDING OF FACT

The above-entitled matter came on for hearing before Harry S. Crump, Hearing Examiner, at 10:00 a.m. on Thursday, December 7, 1978, in the Conference Room, 500 Rice Street, 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 3 State Register, on November 6, 1978, 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 swine easier by accepting swine from Qualified Pseudorabies-Negative Swine Herds without a 30 day test.

3. This amendment removes the restrictive requirement for a serum neutralization test and allows any offical test.

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

5. 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.

Dated Jan. 8, 1979

J. G. Flint

J.G. Flint, DVM
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 §§ 2.005 Importation of Swine.

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, December 7, 1978 at 500 Rice Street, St. Paul, Minnesota, after proper notice required by Minnesota Statues 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 §§ 2.005, Importation of Swine, 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 rescined or modified.

> RESOLVED, that the rules relating to 3 MCAR Section 2.005, Importation of Swine, 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 day of January, 1979.

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

PROPOSED RULE

3 MCAR § 2.032 (LSB 32) Control of Mycoplasma in poultry.

A. Definitions.

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

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

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

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

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

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

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

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

9. Products shall mean domesticated fowl and hatching eggs.

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

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

12. Multiplier breeding flock shall mean a flock originating from a primary breeding flock and is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg or meat production or for other non breeding purposes.

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

B. General provisions.

1. The Mycoplasma control program shall be administered on a voluntary basis, except as provided in 3 MCAR § 2.032 B. 2, and any flockowner, hatcheryman or hatching egg dealer may participate provided they comply with the following procedures:

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

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

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

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

C. Flock participation requirements.

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

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

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

4. When a participating turkey flock is recycled and held over for a second or third egg production period, the Board reserves the right to determine if additional annual testing for Mycoplasma is needed to retain its Mycoplasma disease classification(s).

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

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

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

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."

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

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

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

e. Dispose of dead birds frequently and properly.

f. Minimize the presence of free-flying birds.

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

h. Keep accurate records of death losses.

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

j. Adopt and maintain a clean egg program.

k. Seek veterinary assistance when signs of disease occur.

D. Testing provisions.

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

2. All poultry signed up for participation under 3 MCAR § 2.032 B. shall be at the minimum testing age described below, provided such age limits may be adjusted with Board approval to avoid conflict with cooperative program changes.

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

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

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

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

5. Testing for Mycoplasma disease shall be done in accordance with 3 MCAR § 2.032 I. *Mycoplasma gallisepticum* testing schedule, 3 MCAR § 2.032 J. *Mycoplasma synoviae* testing schedule and 3 MCAR § 2.032 K. *Mycoplasma meliagridis* testing schedule. Hatchery owners and flockowners may sign up for participation on a voluntary basis under test schedules 3 MCAR § 2.032 J. and/or 3 MCAR § 2.032 K. provided they meet and follow all other applicable provisions in this rule for the control of Mycoplasma, particularly *Mycoplasma gallisepticum*.

6. Flocks in which reactors are disclosed shall be handled in accordance with procedures outlined in 3 MCAR § 2.032 L. Reactors.

7. Positive flocks shall be handled in accordance with 3 MCAR § 2.032 M. positive Mycoplasma flocks.

E. Classifications.

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

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

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

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

2. A Minnesota *Mycoplasma gallisepticum* tested hatchery is one operating under the supervision of the Board and with the exceptions provided for in 3 MCAR § 2.032 E.2.a., hatching and handling only eggs and poultry originating from Minnesota *Mycoplasma gallisepticum* tested flocks or from flocks of comparable status.

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

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

F. Participating hatchery and flockowner.

1. The hatchery management shall:

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

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

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

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

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

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

2. The flockowner shall:

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

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

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

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

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

G. Advertising.

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

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

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

H. Non-participant.

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

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

I. *Mycoplasma gallisepticum* testing schedule.

Species	Initial Test	To Retain Classification
Turkey		
Primary and Multiplier	10% or minimum of 300 per flock	Keep flock isolated Make one inspection No Mycoplasma infection disclosed
Chicken (egg & meat)		
Primary	*100% or 500 per flock	**5% each 90 days with 500 maximum — 100 minimum
Multiplier	50% with 200/~~300~~ max.-30 min.	2% each 90 days (~~300~~ max.-30 min.) 100 or 25 cull chicks each 30 days (bact. exam) or ***100 chick serums each 60 days
Exhibition-game		
Primary	100% or 300 per flock	Same as chicken
Multiplier	Same as chicken	Same as chicken

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

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

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

J. *Mycoplasma synoviae* testing schedule.

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

Species	Initial Test	To Retain Classification
Turkey primary	100% or minimum of 500 per flock	10% or minimum of 300 per flock at 32-34 weeks of age
Multiplier	10% or minimum of 300 per flock	and Keep flock isolated Make one inspection No Mycoplasma infection disclosed
Chicken (egg & meat)		
Primary	*5% 500 max.-30 min.	**3% each 90 days 500 max.-30 min.
Multiplier	1% 100/~~300~~ max.-30 min.	1% each 90 days 60/~~300~~ max.-30 min.
Exhibition-game		
Primary	Same as chicken	Same as chicken
Multiplier	Same as chicken	Same as chicken

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

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

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K. *Mycoplasma meliagridis* testing schedule.

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

2. Initial test.

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

b. Use samples submitted for other tests.

3. Monitoring tests.

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

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

L. Reactors.

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

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

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

M. Positive Mycoplasma flocks.

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

a. Turkey flocks, to include small groups or pairs of wild and fancy type turkeys, shall be placed under quarantine and not used for the production of hatching eggs in order to be in compliance with 3 MCAR § 2.032 B. 2. The quarantine shall remain in effect until the flock is shipped to slaughter under permit or disposed of in a manner satisfactory to the Board.

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

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

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

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

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

(3) Monitor negative flocks as required.

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

(5) Issue Mycoplasma disease classifications when applicable.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES OF THE LIVESTOCK SANITARY BOARD 3 MCAR § 2.005, IMPORTATION OF SWINE, 3 MCAR § 2.021, ERADICATION OF SWINE BRUCELLOSIS IN MINNESOTA, 3 MCAR § 2.032, CONTROL OF MYCOPLASMA IN POULTRY AND PROMULGATION OF RULE 3 MCAR § 2.024, CONTROL OF PSEUDORABIES.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on December 7, 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 January 5, 1979; 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 23rd day
of January, 1979.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

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: Feb 12, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY C. CRUMP
HEARING EXAMINER

In the Matter of the Proposed Amendment
to Rules of the Minnesota Livestock
Sanitary Board, Governing 3 MCAR § 2.032
Control of Mycoplasma in Poultry.

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 13th day of October, 1978, that a public hearing on the proposed amendment to the above-captioned rules be held in the Conference Room, 500 Rice Street, St. Paul, Minnesota, on Thursday the 7th day of December, 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 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 13th day of October, 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 § 2.032, Control of Mycoplasma in Poultry, 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 3rd day of November, 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 HARRY S. CRUMP

HEARING EXAMINER

In the Matter of Proposed Amendment to Rules of the Livestock Sanitary Board 3 MCAR § 2.005, Importation of Swine, 3 MCAR § 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR § 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR § 2.024, Control of Pseudorabies.

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, subd. 4 (1976), in Conference Room at 500 Rice Street (one half block north of University Avenue) St. Paul, Minnesota, commencing at 10:00 a.m., or as soon thereafter as possible, Thursday December 7, 1978, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to amend:

3 MCAR § 2.005 Importation of Swine is being amended to allow breeding swine six months of age and over to be imported if negative on an official pseudorabies test of the state of origin and that swine from Qualified Pseudorabies Negative Swine Herds may be imported without a further test for pseudorabies.

3 MCAR § 2.021 Eradication of Swine Brucellosis in Minnesota is being amended to allow revalidation of swine herds by testing 25% of the breeding herd quarterly as provided in Recommended Uniform Methods and Rules for Brucellosis Eradication as published by USDA.

3 MCAR § 2.032 Control of Mycoplasma in Poultry is being amended to reduce the number of chickens required to be tested in a flock to establish a Minnesota Mycoplasma tested status.

The Livestock Sanitary Board proposes to promulgate rule:

3 MCAR § 2.024 Control of Pseudorabies is a new rule and is proposed to fill a need brought to our attention by the swine industry of Minnesota and other states. The rule will provide a means of establishing and maintaining Qualified Pseudorabies Negative Swine Herds. Swine from these herds will be able to move inter and intrastate without further testing for pseudorabies. To control the spread of the disease within Minnesota, the rule provides that swine herds and other livestock which are found to be infected will be quarantined until the disease has been controlled.

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.

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

Relevant statements or written material may be submitted for the record at the hearing or to Harry S. Crump, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, phone 612-296-8111 before the hearing or written material may be submitted to Harry S. Crump and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the Hearing Examiner.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within 5 days after he commences lobbying. Lobbying includes attempting to influence rulemaking 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.

"Lobbyist" does not include any: (a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity; (b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action; (c) Individual in the course of selling goods or services to be paid for by public funds; (d) News media or their employees or agents acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments or paid advertisements which directly or indirectly urge official action; (e) Paid expert witness whose testimony is requested either by the body before which he is appearing or one of the parties to a proceeding, but only to the extent of preparing or delivering testimony; or (f) Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over $250, excluding travel expenses, in any year in communicating with public officials. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone 612-296-5615.

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).

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

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

Dated this 3rd day of November, 1978

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendment to Rules of the Livestock Sanitary Board 3 MCAR § 2.005, Importation of Swine, 3 MCAR § 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR § 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR § 2.024, Control of Pseudorabies.

CERTIFICATE

I hereby certify that the enclosed 4 pages 585 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 9:00 o'clock, A.M., this 1st day of November, 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 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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendment to Rules of the Livestock Sanitary Board 3 MCAR § 2.005, Importation of Swine, 3 MCAR § 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR § 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR § 2.024, Control of Pseudorabies.

AFFIDAVIT OF MAILING

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

That on the 3rd day of November, 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 addressee to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

L.T. Christensen

Subscribed and sworn to before me
the 3rd day of November, 1978,

Marian S. Comford

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP

HEARING EXAMINER

IN THE MATTER OF PROPOSED RULES
RELATING TO 3 MCAR 2.032, THE
CONTROL OF MYCOPLASMA IN POULTRY

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the Minnesota Livestock Sanitary Board and are promulgated under authority vested in the Minnesota Livestock Sanitary Board by Minnesota Statutes § 35.03 (1976). The last time the above captioned rules were amended was June 27, 1977.

The need to adopt these rules arises in order to reduce the maximum test sample numbers outlined in paragraph I. Mycoplasma gallisepticum testing schedule for multiplier chicken breeding flocks from 300 to 200 on the initial test and from 300 to 100 on the monitoring test to retain the classification and to reduce maximum test sample numbers outlined in paragraph J. Mycoplasma synoviae testing schedule, for multiplier chicken breeding flocks from 300 to 100 on the initial test and from 300 to 60 on the monitoring test to retain the classification. The reasons for these proposed changes are as follows:

1. Identical reductions were made in test sample numbers in the provisions of The National Poultry Improvement Plan and auxiliary provisions in June, 1978. These provisions contain requirements by which states can receive and issue federal disease classifications for poultry breeding flocks and hatcheries which qualify. The reduction in test sample numbers was unanimously approved by the National Plan Technical Committee which is composed mainly of veterinarians expert in the field of poultry diseases.

2. Mycoplasma gallisepticum is virtually eradicated from the turkey population in Minnesota and much progress is being made toward eradicating the other Mycoplasma. The Mycoplasma gallisepticum breaks which do occur in turkeys usually originate from infected chicken flocks.

3. The reduction in sample test numbers will stimulate participation in the Mycoplasma gallisepticum testing program by the chicken industry because of reduced testing costs and less flock disturbance. Eradicating Mycoplasma gallisepticum from our chicken population will allow Minnesota to qualify for a Mycoplasma Clean State classification.

4. The result will be increased production of poultry, meat and eggs with less cost to the industry.

J. G. Flint

J. G. Flint, DVM
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

IN THE MATTER OF PROPOSED AMENDMENT TO RULES RELATING TO 3 MCAR 2.032, CONTROL OF MYCOPLASMA IN POULTRY

FINDINGS OF FACT

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, December 7, 1978 in the Conference Room, 500 Rice Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Sec. 15.0412 (1978) was published in the State Register and served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

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

1. Authority to promulgate the above-captioned rules is contained in Minnesota Statutes Sec. 35.03 (1978).

2. Amendments of the rule have been made to make it compatible with identical reductions made in test sample numbers in the provisions of the National Poultry Improvement Plan and auxiliary provisions in June, 1978.

3. Amendments reducing the test sample numbers in the program schedule for Mycoplasma gallisepticum and Mycoplasma synoviae were necessary to reduce testing costs and stimulate participation in these programs by the chicken industry.

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

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

DATE: Jan. 8, 1979

J. G. Flint

J. G. FLINT, DVM
SECRETARY AND EXECUTIVE OFFICER

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 § 2.032 Control of Mycoplasma in Poultry.

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, December 7, 1978 in Conference Room at 500 Rice Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Section 15.0412 (1978) 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 § 2.032 Control of Mycoplasma in Poultry, 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, DVM

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 2.032 Control of Mycoplasma in Poultry, 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 day of January, 1979.

J. G. Flint

J. G. Flint, DVM
Secretary and Executive Officer

PROPOSED RULE

3 MCAR § 2.021 Eradication of swine brucellosis ~~in Minnesota~~.

A. Definitions.

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

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

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

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

5. Test and Testing mean and refer to the Brucella Buffered Antigen (BBA or Card) test or other tests approved by the Board conducted in a laboratory approved by the Board on serums from blood samples collected and submitted by a veterinarian.

6. Negative swine means swine showing no reaction on the test.

7. Reactor swine means swine showing a positive reaction on the test or found infected by other diagnostic procedures. Diagnosis may be deferred on card test positive swine in a herd which is otherwise serologically, bacteriologically and epidemiologically negative when held under herd quarantines until subjected to subsequent tests to determine the status of the swine.

8. Negative herd means one in which all eligible swine six months of age and over are negative.

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

10. Validated Brucellosis-Free Herd means one for which the owner holds an unrevoked and unexpired validated herd certificate.

11. Herd selling breeding stock means a herd from which pure-bred, hybrid, or grade gilts, sows, or boars are sold as replacement breeding stock on a continuing basis as a major or primary herd management objective.

12. Exposed swine means those which are part of a brucellosis infected herd or have been in contact with a brucellosis reactor for 24 hours, or less than 24 hours if reactor has recently aborted, farrowed or has vaginal or uterine discharge.

13. Validated Brucellosis-Free Area means an area which is recognized by the Board and USDA as being free of swine brucellosis.

B. General requirements.

1. Veterinarians shall report to the Board all herds infected with swine brucellosis or suspicious of being infected with swine brucellosis. The Board may demand tests of infected or suspicious swine and the owner shall present them for test and assist with the testing when demanded by the Board.

2. The Board shall quarantine exposed swine and herds suspicious of being infected with swine brucellosis. These quarantines will be released if it is determined that the herd is not infected.

3. No exposed swine or swine under quarantine shall be moved except with a shipping permit for slaughter at a slaughtering establishment where federal inspection is maintained or a market approved to receive quarantined swine for sale to such establishments or return to the herd of origin with a permit.

4. Testing.

a. Swine six months of age and over except barrows shall be eligible for test.

b. Feeding swine isolated from all breeding swine are exempted from test.

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

d. Swine tested shall be individually identified by a piercing ear tag with the uniform numbering system, a tattoo number, registry number, or other identification acceptable to the Board.

e. Serums from the blood samples, with three copies of the test chart, shall be submitted to an approved laboratory for testing.

5. Reactors shall be quarantined and be identified by an approved reactor tag in the left ear. Reactors should be removed from the premises with a shipping permit within 15 days of identification for slaughter at a slaughtering establishment were federal inspection is maintained or a market approved to receive quarantined swine for sale to such establishments. The time may be extended by cooperating authorities.

6. Infected herds shall be quarantined.

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."

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

b. Infected herd quarantines will be released when the reactors have been shipped with a permit and slaughtered and all remaining swine six months of age and over except barrows and feeding swine have passed two consecutive negative herd tests. The first negative test to be at least 30 days after slaughter of the reactors and the second negative test not less than 90 days following the first.

c. After removal of reactor swine the premises shall be cleaned and disinfected as directed by the Board.

C. Establishment and maintenance of Validated Brucellosis-Free Herds of Swine.

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

2. Validation. When the eligible swine in the breeding herd maintained under agreement have passed a negative test, the herd shall be declared a validated brucellosis-free herd for a period of one year and a Validated Brucellosis-Free Herd Certificate issued by the Board.

a. The validation will be cancelled if:

(1) Additions to the herd are made contrary to C. 3. of this rule. The validation would be reinstated when the entire breeding herd passes a negative test.

(2) A reactor is disclosed on a herd test or on a test of any swine from the herd. The validation would be reinstated when the infected herd quarantine is released.

3. Swine added to validated herds shall be accompanied by a record of a. origin or b. test and from:

a. A Validated Brucellosis-Free Herd.

b. A breeding herd not under quarantine if the added swine are tested negative on the card test at an approved laboratory within 30 days prior to admission to the validated herd and isolated from all other swine until negative to a retest made at least 60 days after the first test. Bred sows and gilts to have the second test at least 30 days after farrowing.

4. Swine temporarily removed from a validated herd for exhibition or other purposes shall, upon return to the herd, be isolated from other swine until tested negative 30 to 60 days after their return.

5. Revalidation. The herd will be revalidated for a period of one year from the validation date upon a negative herd test of all eligible swine conducted within 10 to 14 months of the validation date, or if it is established that at least 20 percent of the adult breeding swine of the herd were market swine tested during the year and at least one-half of these in the last six months of the year, or that 25 percent of the adult breeding swine (six months of age and over) in the herd are tested every three months (80-100 days) with each breeding animal tested at least once during the year.

D. Establishment and maintenance of Validated Brucellosis-Free Areas.

1. The entire state or any political subdivision of the state may be submitted for validation as determined by cooperating State and Federal authorities.

2. Method of initial validation.

a. All herds selling breeding stock must be validated during a one year period at owner's expense or be revalidated.

b. 90% of all sows, boars and stags slaughtered are to be tested and when reactors are found the herd of origin is to be sent to slaughter within 30 days or tested for brucellosis until the quarantine is released.

(1) All slaughtering establishments slaughtering sows, boars and stags shall allow and cooperate with the Board in collection of necessary swine blood samples.

c. Other methods of validation may be authorized by the Board.

3. Additions to herds in Validated Brucellosis-Free Areas shall be directly from a:

a. Validated Brucellosis-Free Herd.

b. Non-quarantined herd in Validated Brucellosis-Free Area.

c. Non-quarantined herd in areas which are not Validated Brucellosis-Free if the swine have a negative brucellosis card test conducted at an approved laboratory within 30 days prior to the date of entry and are held in isolation after being added to the herd until they have had an additional negative brucellosis card test between 60 and 90 days after the date of entry, and accompanied by a record of such origin or test.

4. Feeding swine may be held on validated herd premises or enter validated areas without brucellosis tests provided the feeding swine are isolated from all breeding swine on the premises.

5. Swine may be consigned to slaughtering establishments or to stockyards approved for sale and shipment to slaughtering establishments for slaughter in a Validated Brucellosis-Free Area without a brucellosis test provided they are transported directly to holding pens at the slaughtering establishment or at the stockyards and are not diverted enroute for any other purpose.

6. Revalidation: When the initial validation period expires, application to USDA for revalidation will be made.

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: Feb 12, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY C. CRUMP
HEARING EXAMINER

In the Matter of the Proposed Amendment
to Rules of the Minnesota Livestock
Sanitary Board, Governing 3 MCAR § 2.021,
Eradication of Swine Brucellosis.

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 13th day of October, 1978, that a public hearing on the proposed amendment to the above-captioned rules be held in the Conference Room, 500 Rice Street, St. Paul, Minnesota, on Thursday the 7th day of December, 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 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 13th day of October, 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 § 2.021, Eradication of Swine 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 3rd day of November, 1978.

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 Proposed Amendment to Rules of the Livestock Sanitary Board 3 MCAR § 2.005, Importation of Swine, 3 MCAR § 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR § 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR § 2.024, Control of Pseudorabies.

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, subd. 4 (1976), in Conference Room at 500 Rice Street (one half block north of University Avenue) St. Paul, Minnesota, commencing at 10:00 a.m., or as soon thereafter as possible, Thursday December 7, 1978, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to amend:

3 MCAR § 2.005 Importation of Swine is being amended to allow breeding swine six months of age and over to be imported if negative on an official pseudorabies test of the state of origin and that swine from Qualified Pseudorabies Negative Swine Herds may be imported without a further test for pseudorabies.

3 MCAR § 2.021 Eradication of Swine Brucellosis in Minnesota is being amended to allow revalidation of swine herds by testing 25% of the breeding herd quarterly as provided in Recommended Uniform Methods and Rules for Brucellosis Eradication as published by USDA.

3 MCAR § 2.032 Control of Mycoplasma in Poultry is being amended to reduce the number of chickens required to be tested in a flock to establish a Minnesota Mycoplasma tested status.

The Livestock Sanitary Board proposes to promulgate rule:

3 MCAR § 2.024 Control of Pseudorabies is a new rule and is proposed to fill a need brought to our attention by the swine industry of Minnesota and other states. The rule will provide a means of establishing and maintaining Qualified Pseudorabies Negative Swine Herds. Swine from these herds will be able to move inter and intrastate without further testing for pseudorabies. To control the spread of the disease within Minnesota, the rule provides that swine herds and other livestock which are found to be infected will be quarantined until the disease has been controlled.

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.

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

Relevant statements or written material may be submitted for the record at the hearing or to Harry S. Crump, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, phone 612-296-8111 before the hearing or written material may be submitted to Harry S. Crump and recorded in the hearing record for five working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the Hearing Examiner.

Please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the Ethical Practices Board within 5 days after he commences lobbying. Lobbying includes attempting to influence rulemaking 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.

"Lobbyist" does not include any: (a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity; (b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action; (c) Individual in the course of selling goods or services to be paid for by public funds; (d) News media or their employees or agents acting in the ordinary course of business of publishing or broadcasting news items, editorials or other comments or paid advertisements which directly or indirectly urge official action; (e) Paid expert witness whose testimony is requested either by the body before which he is appearing or one of the parties to a proceeding, but only to the extent of preparing or delivering testimony; or (f) Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over $250, excluding travel expenses, in any year in communicating with public officials. Questions should be directed to the Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, phone 612-296-5615.

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).

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

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

Dated this 3rd day of November, 1978

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendment to Rules of the Livestock Sanitary Board 3 MCAR § 2.005, Importation of Swine, 3 MCAR § 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR § 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR § 2.024, Control of Pseudorabies.

CERTIFICATE

I hereby certify that the enclosed 4 pages 585 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 9:00 o'clock, A.M., this 1st day of November, 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 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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendment to Rules of the Livestock Sanitary Board 3 MCAR § 2.005, Importation of Swine, 3 MCAR § 2.021, Eradication of Swine Brucellosis in Minnesota, 3 MCAR § 2.032, Control of Mycoplasma in Poultry and Promulgation of Rule 3 MCAR § 2.024, Control of Pseudorabies.

AFFIDAVIT OF MAILING

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

That on the 3rd day of November, 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 addressee to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

L.T. Christensen

Subscribed and sworn to before me
the 3rd day of November, 1978,

Marian S. Comford

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the Matter of Proposed Rules Relating to 3MCAR § 2.021, Eradication of Swine Brucellosis in Minnesota

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the Minnesota Livestock Sanitary Board and are promulgated under authority vested in the Minnesota Livestock Sanitary Board by Minn. Stat. § 35.03 (1976). The last time the above captioned rules were amended was May 22, 1975.

The need to adopt these rules arises because there could be a third option to revalidate swine herds brucellosis-free if a pseudorabies rule is adopted. The present options are (1) annual test of all swine in the herd six months of age and over (2) a market test on at least 20% of the adult breeding swine and at least one-half of these in the last six months of the year.

The pseudorabies program will require quarterly collection of blood samples. The proposed third option will permit these same blood samples to be used for brucellosis revalidation.

The proposed third option will provide for the revalidation of swine herds by quarterly negative tests which include 25% of the breeding animals six months of age and over in the herd with all breeding animals tested at least once each year.

The amendment will be a convenience to the swine owner as he will only have to restrain his animals once for the same blood samples can be used for the pseudorabies and brucellosis programs. The amendment will also save the swine owner money as he will not have to pay a veterinarian to make tests on separate dates.

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

LS[illegible]79-002-HC

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED AMENDMENTS TO RULES OF THE LIVESTOCK SANITARY BOARD 3 MCAR § 2.005, IMPORTATION OF SWINE, 3 MCAR § 2.021, ERADICATION OF SWINE BRUCELLOSIS IN MINNESOTA, 3 MCAR § 2.032, CONTROL OF MYCOPLASMA IN POULTRY AND PROMULGATION OF RULE 3 MCAR § 2.024, CONTROL OF PSEUDORABIES.)

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on December 7, 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 January 5, 1979; 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 Livestook 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 23rd day
of January, 1979.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S CRUMP
HEARING EXAMINER

In the Matter of Amending Rule
3MCAR § 2.021 Eradication of Swine
Brucellosis.

FINDINGS OF FACT

The above-entitled matter came on for hearing before Harry S. Crump, Hearing Examiner, presiding on the 7th day of December, 1978, at 10:00 A.M. in Conference Room at 500 Rice Street (one-half block north of University 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 amend the above-captioned rule 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 this amendment will permit the revalidation of a Validated Brucellosis-Free Swine Herd when 25 percent of the adult breeding swine (six months of age and over) in the herd are tested every three months (80 - 100 days) with each breeding animal tested at least once during the year. This provision is included in the Uniform Methods and Rules, recommended by the United States Animal Health Association and adopted by the United States Department of Agriculture.

3. The adoption of this amendment will provide a third option for the revalidation of swine herds. The present options are (1) annual test of all swine in the herd six months of age and over (2) market test on at least 20% of the adult breeding swine and at least one-half of these in the last six months of the year.

4. This amendment will permit blood samples collected quarterly to be used for the revalidation of a swine herd brucellosis-free and for the maintenance of a qualified pseudorabies negative swine herd. Collecting samples at one time for both programs will save labor and veterinary expense.

5. The amendment was endorsed and no one was opposed to it at the public hearing.

6. This amendment 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: Jan. 8, 1979

J. G. Flint

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 the Proposed Amendment to Rules of the State Livestock Sanitary Board, Governing 3 MCAR § 2.021, Eradication of Swine 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, December 7, 1978, in Conference Room at 500 Rice Street, 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 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 § 2.021, Eradication of Swine 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 § 2.021, Eradication of Swine 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