

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

This material may be protected by copyright law (U.S. Code, Title 17). Researchers are liable for any infringement. For more information, visit www.mnhs.org/copyright.

Version 3
August 20, 2018

Our File #530

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 7-26-79 Temporary Rule _____

Resubmitted and Received _____

DUE DATE 8-15-79

a. Returned to Agency w/o filing w/Secy of State _____
b. Approved 8/15/79 Date Sent Back to Agency _____

- -

Repealed Repeal Rules / Amended Rules

1. Rules as Adopted ✓ / ✓
2. Rules as Proposed / ✓
3. Certificate of Board's Authorizing Resolution, where applicable ✓ / ✓
4. Order for Hearing ✓ / ✓
5. Notice of Hearing ✓ — one notice for both
   (i) Sufficiency ✓
6. Secretary of State's List ✓
7. Certificate of Acquisition of Secretary of State's List ✓ / ✓
8. Affidavit of Mailing ✓ / ✓
   (i) At least 30 days prior to hearing ✓ / ✓
9. Statement of Need and Evidence ✓ / ✓
10. Hearing Examiner's Report ✓
11. Agency's Findings of Fact ✓ / ✓
12. Certificate of Board's Resolution Adopting Rules, where applicable ✓ / ✓
13. Order Adopting ✓ / ✓
14. Report of Chief Hearing Examiner ✓
    (i) Finding of No Substantial Change ✓
    (ii) Permission to Incorporate by Reference, where applicable /
15. Certificate of Compliance with Rulemaking Procedures ✓ / ✓
16. Copy of Notice of Intent to Solicit Outside Opinion, where applicable /
17. Petition by Public, where applicable /.

OUR FILE NO. 530

ADMIN 1000 (Rev. 1/78)

STATE OF MINNESOTA

DEPARTMENT Attorney General

Office Memorandum

TO : **Peder B. Hong**
Special Assistant
Attorney General

DATE: **August 16, 1979**

FROM : Joanne E. Hinderaker JEH
Special Assistant
Attorney General

PHONE: 296-4692

SUBJECT: Rules as Approved **-Livestock Sanitary Board 3 MCAR § 2.024 and 3 MCAR § 2.205**

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Note that they have NOT been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

Directly following the approved rules is a complete set of required documents and transcript which must be retained with the rules by you or your agency.

If you have any questions in this regard, please contact me.

JEH:mb

Enclosure

cc: Duane Harves

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Lee Sheehy
Special Assistant
Attorney General

DATE: July 25, 1979

FROM : Peder B. Hong
Special Assistant
Attorney General

PHONE: 296-2856

SUBJECT: Approval for Rule Documents for Livestock Sanitary Board

Enclosed for your reviewing pleasure are rules 3 MCAR § 2.024 relating to Control of Pseudorabies and 3 MCAR § 2.205 relating to Aleutian Disease Free Herds of Mink and, additionally, a repeal of five miscellaneous rules.

Assuming they receive your statutory approval, may they then proceed normally to their further appointed rounds.

PBH:jyp

Enclosures

PRINTED ON RECYCLED PAPER

~~LSD 13 Control of glanders farcy.~~

~~(a) In all ordinary cases of suspected glanders farcy, first quarantine suspected animals, then call a competent veterinarian, who shall make such examination and tests as he may deem necessary. The further action of the Board shall be largely determined by diagnosis and advice of the veterinarian.~~

~~(b) All horses, mules or donkeys that are discharging from the nose, or have had recent sores upon the body, and all animals that have worked as mates with such infected animals must be included in this preliminary quarantine.~~

~~(c) All horses, mules or donkeys which show positive symptoms of glanders, with or without mallein reaction, must be destroyed without delay.~~

~~(d) All exposed animals must be tested with mallein.~~

~~(e) All exposed animals which give one clear reaction to the mallein test, and which show any of the recognized external symptoms of glanders, must be destroyed.~~

~~(f) All reacting horses, mules or donkeys not showing clinical symptoms of glanders, which are not appraised and killed, must be placed in quarantine until retested and found free from glanders, or killed.~~

~~General use of such animals may be permitted, but they must not be sold, traded or given away during the quarantine period. The quarantined animal or animals must not be fed or watered at any public feeding or watering place, and shall be tested with mallein by a competent veterinarian at the end of the quarantine period.~~

~~Provided, however, that if at any time the owner presents to the State Livestock Sanitary Board, a certificate of a veterinarian showing that an animal so quarantined has been subjected to the mallein test by a veterinarian, approved by the State Livestock Sanitary Board, and that such a veterinarian has failed to detect the presence of such disease, then said Board may remove the quarantine.~~

~~Quarantines must not be released in any case until the owner has disinfected the premises as directed by health officers.~~

~~In all cases where retests are made, the second dose of mallein must be one-half larger than the first.~~

~~Carcasses must be destroyed by burning, if practical, otherwise buried under four feet of earth.~~

~~(g) No person shall knowingly remove, au-~~

thorize or cause to be removed any animal quarantined on account of glanders-farcy from the premises wherein it is quarantined, except as provided in Section (f).

(h) No person shall knowingly cause, authorize or permit to be placed any horses, mules or donkeys, except those hereby quarantined, in any stable enclosure that is under quarantine on account of glanders-farcy.

(i) All non-reactors shall be retested within 60 days.

(j) Compensation will be withheld until the premises have been cleaned and disinfected in the manner prescribed by the Board.

LSB 14 Control of Hog Cholera.

(a) Reporting hog cholera. When any veterinarian determines or suspects the presence of swine affected with hog cholera on any premises in Minnesota, he shall immediately report to the Board

(1) The name and address of the owner or caretaker of such swine.

(2) Locality by township and county of the premises where hog cholera exists or is suspected to exist.

(3) Number of swine on such premises, the number affected with hog cholera and the number which have died, if any.

(b) Quarantine of infected or suspected herds.

(1) Every veterinarian who determines or suspects the presence of swine affected with hog cholera on any premises, shall establish a quarantine on such premises by posting a hog cholera quarantine placard furnished by the Board in such a manner that it shall be plainly visible from each and every entrance to such premises.

(2) During the period of quarantine, the following provisions shall be observed:

(aa) No swine shall be removed from the premises, nor shall the owner or caretaker permit such removal unless a permit is first received from the Board as provided in section (d).

(bb) No person shall enter any enclosure where swine are maintained on quarantined premises, excepting the owner or caretaker, veterinarians, agents of the Board including local health officers, and employees of rendering plants operating under permit from the Board, who may enter such enclosures for the sole purpose of loading swine for euthanasia or carcasses of swine which have died or which have been killed because of disease.

(cc) Every person who has entered enclosures where swine are maintained on quarantine premises, shall before leaving the premises, clean and disinfect his footwear, or any other material or thing which may have been contaminated while in such enclosures. The wheels and tires of all rendering plant trucks shall be immediately and thoroughly cleaned and disinfected after leaving such enclosures, and before leaving the premises. During fly season, the interiors of the cab and truck body of all rendering plant trucks shall be sprayed with an insecticide before leaving the premises.

(c) Disposal of carcasses. The carcasses of all swine which have died or which have been killed because of disease on premises under quarantine because of hog cholera, shall be disposed of as follows:

(1) By burial at least three feet underground, or

(2) By burning in such a manner that the entire carcass is consumed by fire; or

(3) Be transported to a rendering plant which holds a permit for a truck operated by such plant, under the rules and regulations of the Board.

(aa) Every rendering plant truck removing carcasses from premises quarantined for hog cholera, shall transport such carcasses directly to the rendering plant. Such trucks shall not enter any other premises until after delivery of such carcasses to the rendering plant, nor shall the truck body be opened excepting at the unloading area of the rendering plant.

(d) Release of quarantine of infected or suspect herds. Quarantines on premises where hog cholera has existed, may be released under the following conditions:

(1) When the attending veterinarian or agents of the Board reports to the Board in writing that:

(aa) The premises and all swine thereon, have been inspected and that no evidence of hog cholera exists.

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."

(bb) At least 21 days has elapsed following the last evidence of hog cholera on such premises.

(cc) The premises are in a reasonably sanitary condition.

(2) When necessary as a disease control measure, the Board may require the cleaning and disinfection of premises before releasing the quarantine.

(3) When premises have been quarantined because of suspicion of hog cholera, and it is later determined that hog cholera does not exist thereon, the premises may be immediately released from quarantine.

(e) Hog Cholera biologics.

(1) Manufacture, sale and distribution.

(aa) All persons and companies engaged in the manufacture, sale and distribution of hog cholera serum, antibody concentrate, and modified live hog cholera virus vaccine for use upon swine in Minnesota shall comply with the laws, rules, and regulations of the United States Department of Agriculture pertaining to such manufacture, sale and distribution.

(bb) Modified live hog cholera virus vaccine, hog cholera serum and antibody concentrate, which may be injuriously affected by exposure to light or high temperature, shall be stored in a dark cold chamber or refrigerator at a temperature not to exceed 55° Fahrenheit. All dealers in Minnesota shall keep such products protected from light and under refrigeration until sold or otherwise disposed of.

(cc) All modified live hog cholera virus vaccine, hog cholera serum and antibody concentrate shall be prepared, handled, stored, marked, treated and tested by establishments licensed by the United States Department of Agriculture.

(2) Reporting sales and distribution.

All persons and companies engaged in the manufacture, sale and distribution of hog cholera serum, antibody concentrate, and modified live hog cholera virus vaccine for use upon swine in Minnesota, shall make available upon request to the Livestock Sanitary Board, on forms furnished by the Board, the name and address of the purchaser or consignee, the permit number of purchaser or consignee, the amount and serial number of modified live hog cholera virus vaccine, hog cholera serum and/or antibody concentrate, and the date on which the potency of each product expires, the name and address of the distributing agency, and the date of sale.

(3) Purchase and administration.

All veterinarians holding permits issued by the State Livestock Sanitary Board to administer modified live hog cholera virus vaccine shall administer such vaccine, hog cholera serum and antibody concentrate manufactured and distributed only by companies who have received permits from the Livestock Sanitary Board, as required by the state law, to sell and distribute these products in the State of Minnesota.

(f) Shipment of swine from public stockyards.

(1) No intrastate movement of swine from public stockyards in Minnesota shall be made for feeding or breeding purposes except under permit and as hereinafter provided.

(2) Swine may be shipped, transported, or otherwise removed from public stockyards for purposes other than immediate slaughter to points within the state, provided such shipments are segregated and quarantined on consignee's premises for a period of not less than 21 days after arrival thereon.

(3) The swine shall be inspected by an inspector of the Animal Health Division, United States Department of Agriculture, and found free from symptoms of cholera and other contagious, infectious, or communicable diseases.

(4) Shipments shall be made within 72 hours after inspection, and shall be accompanied by a health certificate showing individual identification. The swine shall be transported in clean and disinfected cars or other vehicles.

(g) Shipment of swine from state federal approved markets and livestock auction markets.

(1) Apparently healthy swine entering market on health certificate or certification by a veterinarian may be sold.

(2) Apparently healthy swine shall be inspected.

(3) All swine inspected at the market shall be removed within 24 hours to the premises of the purchaser and shall be held in quarantine separate and apart from all other swine on premises for a period of not less than 21 days. The official veterinarian shall furnish the purchaser an order of quarantine.

ERADICATION OF HOG CHOLERA

(h) Phase III. Elimination of outbreaks.

When the State of Minnesota enters Phase III of the national hog cholera eradication program the following additional rules and regulations shall be in effect.

(1) When a premises is quarantined because of hog cholera the premises shall be depopulated of swine. Non-salvageable swine shall be destroyed. No swine shall be sent to slaughter or destroyed until all swine on premises have been appraised. Following salvage and/or destruction of swine the premises to which swine had access shall be cleaned and disinfected.

(2) Appraisal.

When the presence of swine affected with hog cholera is suspected, a preliminary appraisal of all living swine on premises shall be made. When the diagnosis is confirmed an appraisal of all swine on premises at that time shall be made by an appraisal board consisting of a representative of the Board, a representative of the Animal Health Division of the United States Department of Agriculture, and the owner of the animals or his authorized agent. The preliminary appraisal shall be the basis of appraisal of the value of any swine that died between the time of the preliminary appraisal and the confirmation. Appraisals submitted for payment of indemnity shall be in writing, shall be made at true market value of all of the swine and shall be signed by the appraisers.

(3) Salvage.

Apparently healthy swine of salvageable weight may, following appraisal, be shipped for immediate slaughter to a public stockyards or slaughtering establishment within the state where the state or federal government maintains inspection. Shipment is to be made as soon as possible after appraisal. Shipment shall be made in accord with this regulation.

(4) Indemnity.

(aa) In determining indemnity payments the value of the net salvage for each animal slaughtered shall be deducted from the appraised value of the animal.

(bb) Indemnity shall not exceed $50 for registered swine; $40 for grade swine. Proof of registration shall be required.

(cc) The owner of the swine shall be entitled to indemnity therefor as herein provided, except when the owner is:

(i) The United States.

(ii) An institution maintained by the state, any of its agencies or subdivisions.

(iii) An owner that has not complied with the rules and regulations of the Board with respect to animals condemned.

(5) Destruction and disposal.

All non-salvageable swine shall be destroyed as soon as possible after appraisal. Destruction to be a humane manner.

(6) Cleaning and disinfection.

Following depopulation of swine from premises, such premises to which swine had access shall be thoroughly cleaned and disinfected. An approved disinfectant shall be used. Disinfection shall be conducted under supervision of an agent of the Board. The cleaning and disinfection shall be at owner's expense.

(7) Re-population of an infected premises.

Premises shall not be restocked with swine within at least 30 days following completion of cleaning and disinfection.

(i) Phase IV. Protection against Reinfection.

When the State of Minnesota enters Phase IV of the National Hog Cholera Eradication Program the following additional rules and regulations shall be in effect.

(1) Biologicals:

(aa) On or after effective date of LSB 11(i), no hog cholera vaccine shall be administered to swine in Minnesota.

(bb) On or after effective date of LSB 11 (i), and until further notice, all swine moving through livestock auction markets, public stockyards, state federal approved markets for swine, and public exhibition, except swine consigned for immediate slaughter, shall be identified by an ear tag, tattoo, registration certificate or other identification which establishes the identity of the individual swine.

(2) When a premises is quarantined because of hog cholera the premises shall be depopulated of swine. All swine located on premises, including apparently healthy swine, shall be destroyed as herein provided. No swine shall be destroyed until all swine on premises have been appraised.

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) Appraisal. When the presence of swine affected with hog cholera is suspected, a preliminary appraisal of all living swine on premises shall be made. When the diagnosis is confirmed an appraisal of all swine on premises at that time shall be made by an appraisal board consisting of a representative of the Board, and/or a representative of the Animal Health Division of the United States Department of Agriculture, and the owner of the animals or his authorized agent. The preliminary appraisal shall be the basis for indemnity for any swine that have died between the time of the preliminary appraisal and the confirmation of hog cholera. Appraisals submitted for payment shall be in writing, shall be made at true market value of the swine and shall be signed by the appraisers.

(4) Indemnity.

(aa) Indemnity shall be based on the appraisal value of each animal.

(bb) Indemnity payments are to be shared by state and federal funds. The State's share of indemnity shall not exceed $40 per head for grade animals; $50 per head for registered animals. Proof of registration is required.

(cc) The owner of the swine shall be entitled to indemnity except when the owner is:

(i) The United States.

(ii) An institution maintained by the state, any of its agencies or subdivisions.

(iii) An owner who has not complied with the rules and regulations under LSB 14(i).

(5) Destruction and disposal. All swine on premises shall be destroyed in a humane manner as soon as possible after appraisal. The carcasses of all animals that have died or been destroyed because of hog cholera shall be disposed of as follows:

(aa) By burial at least three feet underground. Prior to being covered by earth, the carcasses shall be slashed open and covered with quick lime, or

(bb) By burning in such a manner that the entire carcass is consumed by fire, or

(cc) Be transported by a rendering plant truck to a plant operating under the rules and regulations of the Board.

(i) Every rendering plant truck removing carcasses from premises quarantined because of hog cholera shall transport such carcasses directly to the rendering plant. Such trucks shall not enter any other premises until after the delivery of such carcasses to the rendering plant, nor shall the truck body be opened excepting at the unloading area of the rendering plant. After the rendering truck is unloaded it shall be thoroughly cleaned and disinfected under supervision of an agent of the Board.

(6) Cleaning and disinfection of infected premises. Following depopulation of swine from premises, such premises to which swine had access, shall be thoroughly cleaned and disinfected. The cleaning of the premises shall be at owner's expense. An approved disinfectant shall be used. Disinfection shall be conducted under supervision of the Board.

(7) Restocking of infected premises. The depopulated premises may not be restocked with swine until 30 days after completion of disinfection of premises.

(8) Release of quarantine. Quarantine shall be released 30 days after completion of disinfection, provided owner has complied with rules and regulations under LSB 14 (i).

(9) All prior inconsistent rules and regulations relating to the control and eradication of hog cholera, adopted by the Board, shall be of no force and effect.

LSB 19 Horse mange or scabies.

(a) Horses affected with mange or scabies are hereby held to be affected with a contagious disease. All persons and corporations are hereby forbidden to transport such diseased horses from any point outside the State to any point within the State, or from place to place within the State, except upon permission in writing from the State Livestock Sanitary Board, and then only under the conditions prescribed by such written permit.

(b) Horses affected with any general skin disease shall not be allowed to enter any stockyard or other public place where they may come in contact with healthy horses or where healthy horses are liable to be placed.

(c) All outbreaks of suspicious skin disease among horses must be quarantined and at once reported to the State Livestock Sanitary Board.

(d) All horses affected with mange or scabies or which show any inflamed condition of the skin, and all horses that have associated in the same herd with such animals must be included in the preliminary quarantine.

(e) Quarantine must be continued until satisfactory evidence is presented to the State Livestock Sanitary Board that the quarantined animals are not affected with mange or scabies; or until the entire herd has been thoroughly dipped, sprayed or satisfactorily treated two or

more times with intervals of ten days, using a dip made in proportion of 24 pounds of sulphur, 10 pounds of unslacked lime to 100 gallons of water, and satisfactory evidence presented to this Board that such horses are no longer infectious.

(f) Enclosures wherein horses affected with mange or scabies have been confined must be continued in quarantine for a period of at least 30 days after such diseased animals have been removed or until such enclosures shall have been thoroughly whitewashed with a lime and water solution. ...

(g) No person shall knowingly remove, authorize or cause to be removed any horse that has been quarantined on account of any contagious or infectious disease from any farm or enclosure where it has been quarantined, except as provided in Section (e).

(h) No person shall knowingly cause, authorize, or permit any horse to be placed in any stable or enclosure that is under quarantine on account of mange or scabies, except those horses already quarantined therein.

LSB 51 Cleaning and disinfection of railroad cars.

(a) Whenever it shall be found that railroad cars have contained animals or poultry which are affected with or which are suspected of being affected with a contagious or infectious disease, or carcasses of animals that have died from such disease, such cars shall be cleaned and disinfected before they are again used for any purpose and within sixty hours after the removal of animals or carcasses from said cars in the manner hereinafter set forth.

(b) All railroad cars used for transportation of animals which are affected with or which are suspected of being affected with a contagious disease, or carcasses of animals that have died from such disease, to the public stockyards at South St. Paul, Minnesota, and to abattoirs or slaughtering plants at points within the State of Minnesota, where such plants are maintained under federal supervision, shall be cleaned and disinfected before they are again used for any purpose and within sixty hours after the removal of animals and carcasses from said cars under the supervision of the inspector of the Federal Bureau of Animal Industry or a representative of the State Livestock Sanitary Board.

(c) All cars used for the transportation of livestock from the Public Stockyards at South St. Paul to points in Minnesota, excepting for cattle shipped for feeding purposes or for livestock shipped for immediate slaughter, must first be cleaned and then disinfected.

(d) Stock cars shall be thoroughly cleaned by the removal of all litter, manure and refuse.

(e) Suitable provisions shall be made for the proper disposition of all scrapings, litter, manure and refuse removed from stock cars, and must be disposed of in accordance with the regulation of local health boards, and livestock shall not be allowed to come in contact with the same.

(f) The floor and interior walls of the car shall then be disinfected with a solution made with four ounces of Cresol Compound U. S. P. to each gallon of water or with a disinfectant approved by the Federal Bureau of Animal Industry. This can best be accomplished by using a spray pump.

(g) It shall be, and hereby is made the duty of the transportation company to place on each car a card, on which shall be marked the date when said car was last cleaned and disinfected.

LSB 60 Condemnation and slaughter of animals affected with tuberculosis, para-tuberculosis, and Bang's disease, and the payment of indemnity.

Filed with Secretary of State and Commissioner of Administration December, 1945

(a) Permits

(1) The authorized agent of the Livestock Sanitary Board appraising any animal condemned because it is affected with tuberculosis, para-tuberculosis, or Bang's disease, shall issue a shipping permit in duplicate on forms prescribed by the Board allowing the shipment of such animal or animals to an abattoir where the United States Bureau of Animal Industry maintains inspection, or to a point where the Board will establish field post-mortem inspection. One copy of the permit shall be furnished the owner to accompany the cattle, and one copy shall be mailed to the office of the Livestock Sanitary Board.

(2) All animals condemned because they are affected with tuberculosis, para-tuberculosis, or Bang's disease, consigned to a public stockyards or slaughtering establishment under the supervision of the United States Bureau of Animal Industry shall be accompanied by a proper shipping permit issued by an agent of the Livestock Sanitary Board and such permit shall be presented to the person accepting delivery of such cattle. The receipt of the cattle shall be indicated on the shipping permit and signed by an agent of the commission company or slaughtering establishment to

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."

which the cattle are delivered and the shipping permit immediately mailed to the office of the Livestock Sanitary Board.

(b) Post mortem reports. After the effective date of these rules and regulations, no claim for the payment of indemnity shall be approved by the Board unless there is available to the Secretary and Executive Officer of said Board at his office:

(1) An official post-mortem report properly executed by an official of the United States Department of Agriculture indicating that the animal or animals involved have been slaughtered within the time prescribed by the state law; together with a report of proceeds of sale of such animals, signed by an officer of the commission company or slaughtering establishment to which the animal or animals were consigned, including the net salvage value of the carcass received by the owner; or

(2) A post-mortem report signed by a veterinarian employed by the United States Bureau of Animal Industry or the Minnesota Livestock Sanitary Board or a qualified veterinarian authorized by the Board to conduct a field post-mortem inspection together with an estimate of such inspector of the value of the carcass after slaughter or satisfactory evidence of such value as indicated by a sales account from a butcher, meat dealer or other person who has purchased such animal or carcass thereof; or

(3) Other satisfactory evidence of compliance with the law submitted to the Board in support of such claim for indemnity.

~~LSB 13 Control of glanders farcy.~~

~~(a) In all ordinary cases of suspected glanders farcy first quarantine suspected animals, then call a competent veterinarian who shall make such examination and tests as he may deem necessary. The further action of the Board shall be largely determined by diagnosis and advice of the veterinarian.~~

~~(b) All horses, mules or donkeys that are discharging from the nose, or have had recent sores upon the body, and all animals that have worked as mates with such infected animals must be included in this preliminary quarantine.~~

~~(c) All horses, mules or donkeys which show positive symptoms of glanders, with or without mallein reaction, must be destroyed without delay.~~

~~(d) All exposed animals must be tested with mallein.~~

~~(e) All exposed animals which give one clear reaction to the mallein test, and which show any of the recognized external symptoms of glanders, must be destroyed.~~

~~(f) All reacting horses, mules or donkeys not showing clinical symptoms of glanders, which are not appraised and killed, must be placed in quarantine until retested and found free from glanders, or killed.~~

~~General use of such animals may be permitted, but they must not be sold, traded or given away during the quarantine period. The quarantined animal or animals must not be fed or watered at any public feeding or watering place, and shall be tested with mallein by a competent veterinarian at the end of the quarantine period.~~

~~Provided, however, that if at any time the owner presents to the State Livestock Sanitary Board, a certificate of a veterinarian showing that an animal so quarantined has been subjected to the mallein test by a veterinarian, approved by the State Livestock Sanitary Board, and that such a veterinarian has failed to detect the presence of such disease, then said Board may remove the quarantine.~~

~~Quarantines must not be released in any case until the owner has disinfected the premises as directed by health officers.~~

~~In all cases where retests are made, the second dose of mallein must be one-half larger than the first.~~

~~Carcasses must be destroyed by burning, if practical, otherwise buried under four feet of earth.~~

~~(g) No person shall knowingly remove, au-~~

thorize or cause to be removed any animal quarantined on account of glander-farcy from the premises whereon it is quarantined, except as provided in Section (f).

(b) No person shall knowingly cause, authorize or permit to be placed any horses, mules or donkeys, except those hereby quarantined, in any stable enclosure that is under quarantine on account of glander-farcy.

(i) All non-reactors shall be retested within 60 days.

(j) Compensation will be withheld until the premises have been cleaned and disinfected in the manner prescribed by the Board.

LSB-11 Control of Hog Cholera.

(a) Reporting hog cholera. When any veterinarian determines or suspects the presence of swine affected with hog cholera on any premises in Minnesota, he shall immediately report to the Board

(1) The name and address of the owner or caretaker of such swine.

(2) Locality by township and county of the premises where hog cholera exists or is suspected to exist.

(3) Number of swine on such premises, the number affected with hog cholera and the number which have died, if any.

(b) Quarantine of infected or suspected herds.

(1) Every veterinarian who determines or suspects the presence of swine affected with hog cholera on any premises, shall establish a quarantine on such premises by posting a hog cholera quarantine placard furnished by the Board in such a manner that it shall be plainly visible from each and every entrance to such premises.

(2) During the period of quarantine, the following provisions shall be observed:

(aa) No swine shall be removed from the premises, nor shall the owner or caretaker permit such removal unless a permit is first received from the Board as provided in section (d).

(bb) No person shall enter any enclosure where swine are maintained on quarantined premises, excepting the owner or caretaker, veterinarians, agents of the Board including local health officers, and employees of rendering plants operating under permit from the Board, who may enter such enclosures for the sole purpose of loading swine for euthanasia or carcasses of swine which have died or which have been killed because of disease.

(cc) Every person who has entered enclosures where swine are maintained on quarantine premises, shall before leaving the premises, clean and disinfect his footwear, or any other material or thing which may have been contaminated while in such enclosures. The wheels and tires of all rendering plant trucks shall be immediately and thoroughly cleaned and disinfected after leaving such enclosures, and before leaving the premises. During fly season, the interiors of the cab and truck body of all rendering plant trucks shall be sprayed with an insecticide before leaving the premises.

(c) Disposal of carcasses. The carcasses of all swine which have died or which have been killed because of disease on premises under quarantine because of hog cholera, shall be disposed of as follows:

(1) By burial at least three feet underground, or

(2) By burning in such a manner that the entire carcass is consumed by fire, or

(3) Be transported to a rendering plant which holds a permit for a truck operated by such plant, under the rules and regulations of the Board.

(aa) Every rendering plant truck removing carcasses from premises quarantined for hog cholera, shall transport such carcasses directly to the rendering plant. Such trucks shall not enter any other premises until after delivery of such carcasses to the rendering plant, nor shall the truck body be opened excepting at the unloading area of the rendering plant.

(d) Release of quarantine of infected or suspect herds. Quarantines on premises where hog cholera has existed, may be released under the following conditions:

(1) When the attending veterinarian or agents of the Board reports to the Board in writing that:

(aa) The premises and all swine thereon, have been inspected and that no evidence of hog cholera exists.

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."

(bb) At least 21 days has elapsed following the last evidence of hog cholera on such premises.

(cc) The premises are in a reasonably sanitary condition.

(2) When necessary as a disease control measure, the Board may require the cleaning and disinfection of premises before releasing the quarantine.

(3) When premises have been quarantined because of suspicion of hog cholera, and it is later determined that hog cholera does not exist thereon, the premises may be immediately released from quarantine.

(c) Hog Cholera biologics.

(1) Manufacture, sale and distribution.

(aa) All persons and companies engaged in the manufacture, sale and distribution of hog cholera serum, antibody concentrate, and modified live hog cholera virus vaccine for use upon swine in Minnesota shall comply with the laws, rules, and regulations of the United States Department of Agriculture pertaining to such manufacture, sale and distribution.

(bb) Modified live hog cholera virus vaccine, hog cholera serum and antibody concentrate, which may be injuriously affected by exposure to light or high temperature, shall be stored in a dark cold chamber or refrigerator at a temperature not to exceed 55° Fahrenheit. All dealers in Minnesota shall keep such products protected from light and under refrigeration until sold or otherwise disposed of.

(cc) All modified live hog cholera virus vaccine, hog cholera serum and antibody concentrate shall be prepared, handled, stored, marked, treated and tested by establishments licensed by the United States Department of Agriculture.

(2) Reporting sales and distribution.

All persons and companies engaged in the manufacture, sale and distribution of hog cholera serum, antibody concentrate, and modified live hog cholera virus vaccine for use upon swine in Minnesota, shall make available upon request to the Livestock Sanitary Board, on forms furnished by the Board, the name and address of the purchaser or consignee, the permit number of purchaser or consignee, the amount and serial number of modified live hog cholera virus vaccine, hog cholera serum and/or antibody concentrate, and the date on which the potency of such product expires, the name and address of the distributing agency, and the date of sale.

(3) Purchase and administration.

All veterinarians holding permits issued by the State Livestock Sanitary Board to administer modified live hog cholera virus vaccine shall administer such vaccine; hog cholera serum and antibody concentrate manufactured and distributed only by companies who have received permits from the Livestock Sanitary Board, as required by the state law, to sell and distribute these products in the State of Minnesota.

(f) Shipment of swine from public stockyards.

(1) No intrastate movement of swine from public stockyards in Minnesota shall be made for feeding or breeding purposes except under permit and as hereinafter provided.

(2) Swine may be shipped, transported, or otherwise removed from public stockyards for purposes other than immediate slaughter to points within the state, provided such shipments are segregated and quarantined on consignee's premises for a period of not less than 21 days after arrival thereon.

(3) The swine shall be inspected by an inspector of the Animal Health Division, United States Department of Agriculture, and found free from symptoms of cholera and other contagious, infectious, or communicable diseases.

(4) Shipments shall be made within 72 hours after inspection, and shall be accompanied by a health certificate showing individual identification. The swine shall be transported in clean and disinfected cars or other vehicles.

(g) Shipment of swine from state federal approved markets and livestock auction markets.

(1) Apparently healthy swine entering market on health certificate or certification by a veterinarian may be sold.

(2) Apparently healthy swine shall be inspected.

(3) All swine inspected at the market shall be removed within 24 hours to the premises of the purchaser and shall be held in quarantine separate and apart from all other swine on premises for a period of not less than 21 days. The official veterinarian shall furnish the purchaser an order of quarantine.

ERADICATION OF HOG CHOLERA

(h) Phase III. Elimination of outbreaks.

When the State of Minnesota enters Phase III of the national hog cholera eradication program the following additional rules and regulations shall be in effect.

(1) When a premises is quarantined because of hog cholera the premises shall be depopulated of swine. Non-salvageable swine shall be destroyed. No swine shall be sent to slaughter or destroyed until all swine on premises have been appraised. Following salvage and/or destruction of swine, the premises to which swine had access shall be cleaned and disinfected.

(2) Appraisal.

When the presence of swine affected with hog cholera is suspected, a preliminary appraisal of all living swine on premises shall be made. When the diagnosis is confirmed an appraisal of all swine on premises at that time shall be made by an appraisal board consisting of a representative of the Board, a representative of the Animal Health Division of the United States Department of Agriculture, and the owner of the animals or his authorized agent. The preliminary appraisal shall be the basis of appraisal of the value of any swine that died between the time of the preliminary appraisal and the confirmation. Appraisals submitted for payment of indemnity shall be in writing, shall be made at true market value of all of the swine and shall be signed by the appraisers.

(3) Salvage.

Apparently healthy swine of salvageable weight may, following appraisal, be shipped for immediate slaughter to a public stockyards or slaughtering establishment within the state where the state or federal government maintains inspection. Shipment is to be made as soon as possible after appraisal. Shipment shall be made in accord with this regulation.

(4) Indemnity.

(aa) In determining indemnity payments the value of the net salvage for each animal slaughtered shall be deducted from the appraised value of the animal.

(bb) Indemnity shall not exceed $50 for registered swine; $40 for grade swine. Proof of registration shall be required.

(cc) The owner of the swine shall be entitled to indemnity therefor as herein provided, except when the owner is:

(i) The United States.

(ii) An institution maintained by the state, any of its agencies or subdivisions.

(iii) An owner that has not complied with the rules and regulations of the Board with respect to animals condemned.

(5) Destruction and disposal.

All non-salvageable swine shall be destroyed as soon as possible after appraisal. Destruction to be a humane manner.

(6) Cleaning and disinfection.

Following depopulation of swine from premises, such premises to which swine had access shall be thoroughly cleaned and disinfected. An approved disinfectant shall be used. Disinfection shall be conducted under supervision of an agent of the Board. The cleaning and disinfection shall be at owner's expense.

(7) Re-population of an infected premises.

Premises shall not be restocked with swine within at least 30 days following completion of cleaning and disinfection.

(i) Phase IV. Protection against Reinfection.

When the State of Minnesota enters Phase IV of the National Hog Cholera Eradication Program the following additional rules and regulations shall be in effect.

(1) Biologicals:

(aa) On or after effective date of LSB 14(i), no hog cholera vaccine shall be administered to swine in Minnesota.

(bb) On or after effective date of LSB 14 (i), and until further notice: all swine moving through livestock auction markets, public stockyards, state federal approved markets for swine, and public exhibition, except swine consigned for immediate slaughter, shall be identified by an ear tag, tattoo, registration certificate or other identification which establishes the identity of the individual swine.

(2) When a premises is quarantined because of hog cholera the premises shall be depopulated of swine. All swine located on premises, including apparently healthy swine, shall be destroyed as herein provided. No swine shall be destroyed until all swine on premises have been appraised.

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."

(3) Appraisal. When the presence of swine affected with hog cholera is suspected, a preliminary appraisal of all living swine on premises shall be made. When the diagnosis is confirmed an appraisal of all swine on premises at that time shall be made by an appraisal board consisting of a representative of the Board, and/or a representative of the Animal Health Division of the United States Department of Agriculture, and the owner of the animals or his authorized agent. The preliminary appraisal shall be the basis for indemnity for any swine that have died between the time of the preliminary appraisal and the confirmation of hog cholera. Appraisals submitted for payment shall be in writing, shall be made at true market value of the swine and shall be signed by the appraisers.

(4) Indemnity.

(aa) Indemnity shall be based on the appraisal value of each animal.

(bb) Indemnity payments are to be shared by state and federal funds. The State's share of indemnity shall not exceed $40 per head for grade animals; $50 per head for registered animals. Proof of registration is required.

(cc) The owner of the swine shall be entitled to indemnity except when the owner is:

(i) The United States.

(ii) An institution maintained by the state, any of its agencies or subdivisions.

(iii) An owner who has not complied with the rules and regulations under LSB 14(i).

(5) Destruction and disposal. All swine on premises shall be destroyed in a humane manner as soon as possible after appraisal. The carcasses of all animals that have died or been destroyed because of hog cholera shall be disposed of as follows:

(aa) By burial at least three feet underground. Prior to being covered by earth, the carcasses shall be slashed open and covered with quick lime, or

(bb) By burning in such a manner that the entire carcass is consumed by fire, or

(cc) Be transported by a rendering plant truck to a plant operating under the rules and regulations of the Board.

(i) Every rendering plant truck removing carcasses from premises quarantined because of hog cholera shall transport such carcasses directly to the rendering plant. Such trucks shall not enter any other premises until after the delivery of such carcasses to the rendering plant, nor shall the truck body be opened excepting at the unloading area of the rendering plant. After the rendering truck is unloaded it shall be thoroughly cleaned and disinfected under supervision of an agent of the Board.

(6) Cleaning and disinfection of infected premises. Following depopulation of swine from premises such premises to which swine had access shall be thoroughly cleaned and disinfected. The cleaning of the premises shall be at owner's expense. An approved disinfectant shall be used. Disinfection shall be conducted under supervision of the Board.

(7) Restocking of infected premises. The depopulated premises may not be restocked with swine until 30 days after completion of disinfection of premises.

(8) Release of quarantine. Quarantine shall be released 30 days after completion of disinfection, provided owner has complied with rules and regulations under LSB 14 (i).

(9) All prior inconsistent rules and regulations relating to the control and eradication of hog cholera, adopted by the Board, shall be of no force and effect.

LSB 19 Horse mange or scabies.

(a) Horses affected with mange or scabies are hereby held to be affected with a contagious disease. All persons and corporations are hereby forbidden to transport such diseased horses from any point outside the State to any point within the State, or from place to place within the State, except upon permission in writing from the State Livestock Sanitary Board, and then only under the conditions prescribed by such written permit.

(b) Horses affected with any general skin disease shall not be allowed to enter any stockyard or other public place where they may come in contact with healthy horses or where healthy horses are liable to be placed.

(c) All outbreaks of suspicious skin disease among horses must be quarantined and at once reported to the State Livestock Sanitary Board.

(d) All horses affected with mange or scabies or which show any inflamed condition of the skin, and all horses that have associated in the same herd with such animals must be included in the preliminary quarantine.

(e) Quarantine must be continued until satisfactory evidence is presented to the State Livestock Sanitary Board that the quarantined animals are not affected with mange or scabies; or until the entire herd has been thoroughly dipped, sprayed or satisfactorily treated two or

more times with intervals of ten days, using a dip made in proportion of 24 pounds of sulphur, 10 pounds of unslacked lime to 100 gallons of water, and satisfactory evidence presented to this Board that such horses are no longer infectious.

(f) Enclosures wherein horses affected with mange or scabies have been confined must be continued in quarantine for a period of at least 30 days after such diseased animals have been removed or until such enclosures shall have been thoroughly whitewashed with a lime and water solution. ...

(g) No person shall knowingly remove, authorize or cause to be removed any horse that has been quarantined on account of any contagious or infectious disease from any farm or enclosure where it has been quarantined, except as provided in Section (e).

(h) No person shall knowingly cause, authorize, or permit any horse to be placed in any stable or enclosure that is under quarantine on account of mange or scabies, except those horses already quarantined therein.

LSB-51 Cleaning and disinfection of railroad cars.

(a) Whenever it shall be found that railroad cars have contained animals or poultry which are affected with or which are suspected of being affected with a contagious or infectious disease, or carcasses of animals that have died from such disease, such cars shall be cleaned and disinfected before they are again used for any purpose and within sixty hours after the removal of animals or carcasses from said cars in the manner hereinafter set forth.

(b) All railroad cars used for transportation of animals which are affected with or which are suspected of being affected with a contagious disease, or carcasses of animals that have died from such disease, to the public stockyards at South St. Paul, Minnesota, and to abattoirs or slaughtering plants at points within the State of Minnesota, where such plants are maintained under federal supervision, shall be cleaned and disinfected before they are again used for any purpose and within sixty hours after the removal of animals and carcasses from said cars under the supervision of the inspector of the Federal Bureau of Animal Industry or a representative of the State Livestock Sanitary Board.

(c) All cars used for the transportation of livestock from the Public Stockyards at South St. Paul to points in Minnesota, excepting for cattle shipped for feeding purposes or for livestock shipped for immediate slaughter, must first be cleaned and then disinfected.

(d) Stock cars shall be thoroughly cleaned by the removal of all litter, manure and refuse.

(e) Suitable provisions shall be made for the proper disposition of all scrapings, litter, manure and refuse removed from stock cars, and must be disposed of in accordance with the regulation of local health boards, and livestock shall not be allowed to come in contact with the same.

(f) The floor and interior walls of the car shall then be disinfected with a solution made with four ounces of Cresol Compound U. S. P. to each gallon of water or with a disinfectant approved by the Federal Bureau of Animal Industry. This can best be accomplished by using a spray pump.

(g) It shall be, and hereby is made the duty of the transportation company to place on each car a card, on which shall be marked the date when said car was last cleaned and disinfected.

LSB-60 Condemnation and slaughter of animals affected with tuberculosis, para-tuberculosis, and Bang's disease, and the payment of indemnity.

Filed with Secretary of State and Commissioner of Administration December, 1945

(a) Permits

(1) The authorized agent of the Livestock Sanitary Board appraising any animal condemned because it is affected with tuberculosis, para-tuberculosis, or Bang's disease, shall issue a shipping permit in duplicate on forms prescribed by the Board allowing the shipment of such animal or animals to an abattoir where the United States Bureau of Animal Industry maintains inspection, or to a point where the Board will establish field post-mortem inspection. One copy of the permit shall be furnished the owner to accompany the cattle, and one copy shall be mailed to the office of the Livestock Sanitary Board.

(2) All animals condemned because they are affected with tuberculosis, para-tuberculosis, or Bang's disease, consigned to a public stockyards or slaughtering establishment under the supervision of the United States Bureau of Animal Industry shall be accompanied by a proper shipping permit issued by an agent of the Livestock Sanitary Board and such permit shall be presented to the person accepting delivery of such cattle. The receipt of the cattle shall be indicated on the shipping permit and signed by an agent of the commission company or slaughtering establishment to

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."

which the cattle are delivered and the shipping permit immediately mailed to the office of the Livestock Sanitary Board.

(b) Post mortem reports. After the effective date of these rules and regulations, no claim for the payment of indemnity shall be approved by the Board unless there is available to the Secretary and Executive Officer of said Board at his office:

(1) An official post-mortem report properly executed by an official of the United States Department of Agriculture indicating that the animal or animals involved have been slaughtered within the time prescribed by the state law; together with a report of proceeds of sale of such animals, signed by an officer of the commission company or slaughtering establishment to which the animal or animals were consigned, including the net salvage value of the carcass received by the owner; or

(2) A post-mortem report signed by a veterinarian employed by the United States Bureau of Animal Industry or the Minnesota Livestock Sanitary Board or a qualified veterinarian authorized by the Board to conduct a field post-mortem inspection together with an estimate of such inspector of the value of the carcass after slaughter or satisfactory evidence of such value as indicated by a sales account from a butcher, meat dealer or other person who has purchased such animal or carcass thereof; or

(3) Other satisfactory evidence of compliance with the law submitted to the Board in support of such claim for indemnity.

3 MCAR § 2.024 Control of Pseudorabies

A. Definitions.

1. Official pseudorabies test - a test for the diagnosis of pseudorabies approved by the Board and conducted in a USDA approved laboratory on samples collected and submitted by an accredited veterinarian or a Board approved field test conducted by an accredited veterinarian.

2. Official pseudorabies vaccinates are swine which have been:

a. Vaccinated with a USDA licensed pseudorabies vaccine by an accredited veterinarian.

b. Individually identified with a numbered pink eartag.

c. Reported as official vaccinates to the Board at the time of vaccination.

B. General requirements.

1. Veterinarians shall report all cases of pseudorabies they diagnose and all cases suspected of being pseudorabies.

2. All pseudorabies tests will be at owner's expense except tests conducted to release quarantines which may be made by veterinarians of the Board or USDA if personnel and funds are available.

3. All swine shall be individually identified by eartag, tattoo, registration number or other identification which makes individual swine readily identifiable and the identification entered on the test chart.

4. Quarantines will be established by the Board as authorized in Minn. Stat., Ch. 35.05 (1978) on all swine herds in which a clinical diagnosis or a laboratory diagnosis, other than a diagnosis based only on serological tests, of pseudorabies is made. The quarantine will be served on the owner.

5. Quarantines will be established by the Board on individual swine positive on serological tests in herds which do not show clinical signs or have laboratory confirmation of pseudorabies. The quarantine will be served on the owner.

6. Quarantined swine and swine from quarantined herds may be moved only to slaughter accompanied by a shipping permit issued by an accredited veterinarian or the Board. When it can be established that the quarantined herd only produces pigs for sale as feeders, that no breeding stock has been sold and there are no clinical signs of pseudorabies in the herd, the individually identified feeder pigs may be sold for movement for finishing under quarantine on premises where there are no breeding swine. These quarantined feeders can be sold only for slaughter.

7. Quarantines on swine herds will be released when all quarantined swine have been sold for slaughter or:

a. Reactor swine have been removed from the premises for slaughter with a shipping permit and

b. The premises have been cleaned and disinfected and

c. All swine six months of age and over have passed a negative official pseudorabies test at least 30 days after the reactors were shipped. Following a depopulation, no swine should be allowed on the premises for 30 days.

8. Quarantines on individual test positive swine will be released when the swine have been sold for slaughter or have been retested and found to be negative for pseudorabies.

9. Livestock, other than swine, determined to have pseudorabies and livestock, other than swine, exposed to pseudorabies infected animals will be quarantined. The quarantine will be released 21 days after the diagnosis or exposure if there are no signs of pseudorabies in the quarantined livestock.

C. Establishment and maintenance of Qualified Pseudorabies Negative Herds.

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

2. A negative official pseudorabies test of all swine in the herd six months of age and over will qualify the herd as a Qualified Pseudorabies Negative Herd provided:

a. The herd has been free of pseudorabies in the previous 12 months.

b. At least 90% of the swine tested have been in the herd at least 90 days.

A numbered Qualified Pseudorabies Negative Herd certificate will be issued the herd owner. The initial certificate will be valid for 90 days.

3. Pseudorabies Negative Herd status will be maintained when a negative official pseudorabies test of not less than 25% of the swine in the herd six months of age and over is conducted within 10 days of 90, 180 and 270 days from and on the anniversary date of initial qualification provided:

a. No swine over six months of age are to be tested twice in one calendar year unless C.3.d. applies.

b. All swine in the herd, six months of age and over, are to be tested at least once in each calendar year.

c. If swine of the herd are maintained on several premises or as several groups, 25% in each should be tested for each requalification.

d. If there are 10 or fewer swine, six months of age or over, in the herd at any quarterly requalification test, all swine six months of age and over are to be tested.

The certificate will then be valid for another 90 days and for the last quarter of the test year to the anniversary date.

4. Additions to Qualified Pseudorabies Negative Herds shall be either:

a. From a Qualified Pseudorabies Negative Herd.

b. From a herd not known to be pseudorabies infected and with a negative official pseudorabies test within 30 days of entry on all swine added regardless of age. Swine added to be isolated and retested and negative 30-60 days after entry and before being commingled with the qualified herd.

5. Feeder swine on the premises of the Qualified Pseudorabies Negative Herd must be farrowed on the premises or have a negative official pseudorabies test within 30 days prior to entry to the premises.

6. Qualified Pseudorabies Negative Herd status will be canceled if any swine in the herd react when tested or are diagnosed as having pseudorabies or if additions are made contrary to this rule.

7. Qualified Pseudorabies Negative Herds which have lost status because of test reactors or a diagnosis of pseudorabies in the herd will regain their status when:

a. Reactor swine have been removed for slaughter with a shipping permit and

b. Premises have been cleaned and disinfected and

c. The herd has had two negative pseudorabies tests of all swine in the herd six months of age and over the first at least 30 days after removal of the reactors and the second at least 30 days after the first test.

The infected herd quarantine would be released after the first negative test.

8. Qualified Pseudorabies Negative Herds which have lost status because of additions made contrary to this rule will regain that status when all swine in the herd six months of age and over have had a negative official pseudorabies test.

9. Swine returned to Qualified Pseudorabies Negative Herds from exhibitions or that are otherwise commingled with swine from herds not qualified should be kept in isolation upon return for 30 days and have a negative official pseudorabies test before rejoining the herd.

D. Establishing pseudorabies controlled vaccinated herds.

1. The Board should be notified of the producers desire to establish a pseudorabies controlled vaccinated herd.

2. All swine six months of age and over must be tested for pseudorabies and found to be negative.

3. The negative swine must be officially vaccinated for pseudorabies within 15 days after the date tested.

4. All swine regardless of age or origin added to the pseudorabies controlled vaccinated swine herd as breeding swine must be tested for pseudorabies and found to be negative and then officially vaccinated for pseudorabies within 15 days after the date tested.

E. Swine from a Qualified Pseudorabies Negative Herd will be eligible for entry into Minnesota exhibitions without an official pseudorabies test.

This rule was previously published at 3 S.R. 970-980 was considered at a public hearing December 7, 1978 and was determined to need further amendment so is being presented for public hearing in a revised form.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 15 1979
Joan Anderson Growe
Secretary of State
12:45 PM

APPROVED AS TO FORM AND LEGALITY
AUG 15 1979, 19
WARREN SPANNAUS, ATTORNEY GENERAL
BY Joanne Hilderaker
SPECIAL ASSISTANT ATTORNEY GENERAL

3 MCAR § 2.025 Aleutian Disease Free Herds of Mink

A. Definitions.

1. Official test -- counterelectrophoresis (CEP) plate test conducted in a laboratory recognized by the Board on samples submitted by an authorized testing agent.

B. Establishing an Aleutian Disease Free Herd.

1. The herd owner shall notify the Board of his intent to qualify his herd by having his breeding mink tested at his own expense.

2. A mink herd will qualify when the owner has filed with the Board proof that all mink in the breeding herd have been negative on two successive official tests for Aleutian disease conducted not less than 45 days or more than 365 days apart.

3. An Aleutian Disease Free Herd certificate valid for one year from the date of the last qualifying test will be issued to the owner of the qualified herd.

4. Certificates will be revoked if a laboratory or clinical diagnosis of Aleutian disease is made in the herd or if the provisions of this rule are not complied with.

C. Additions to Certified Herds or Those Being Qualified.

1. Mink from Certified Aleutian Disease Free Herds may be added without a test.

2. Mink from other herds must be tested for Aleutian disease and negative within 30 days prior to entry, be isolated from all other mink until retested and negative not less than 30 days or more than 60 days after entry.

D. The Board may recertify a Certified Aleutian Disease Free Herd for one year from the anniversary date upon receipt of proof of a negative official test of the breeding herd conducted within 30 days of the expiration of the certificate. Herds which have been certified for two years may be recertified upon receipt of a negative official test on 50 per cent of the

breeding mink in each color phase including all males in each color phase.

E. Supervision.

1. Agents of the Board may be present and supervise the collection of samples for any Aleutian disease test.

2. The Board may request collection under their supervision of not to exceed 200 blood samples for testing at a time mutually agreed upon to check the disease status of the herd.

APPROVED AS TO FORM AND LEGALITY

AUG 15 1979 19

WARREN SPANNAUS, ATTORNEY GENERAL

BY Joanne Hinderaker

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
AUG 15 1979
Joan Anderson Growe
Secretary of State
12:45 PM

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: July 25, 1979

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: July 25, 1979

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: July 25, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP

HEARING EXAMINER

In the Matter of Proposed Promulgation of Rules of the Livestock Sanitary Board 3 MCAR § 2.024 Control of Pseudorabies and 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink and repeal of 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

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 (1978), in Conference Room D, Veterans Service Building, 20 West 12th Street or Columbus Avenue, St. Paul, Minnesota, commencing at 9:30 a.m., or as soon thereafter as possible, Thursday, May 31, 1979, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to promulgate rule:
3 MCAR § 2.024 Control of Pseudorabies, 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.

and rule: 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink, proposed to enable mink ranchers to establish certified Aleutian Disease Free Herds of mink under supervision of the Livestock Sanitary Board. This would result in greater productivity, improved saleability of breeding stock and control of the disease.

The Livestock Sanitary Board proposes to repeal 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity. These rules are no longer needed since the diseases they were concerned with have been eradicated from Minnesota, railroad cars are not a factor in transport of animals within Minnesota and the condemnation and indemnity payments for tuberculosis, para-tuberculosis and brucellosis are provided for in other rules.

Free copies of the proposed rules are available and can be obtained from the Minnesota Livestock Sanitary Board, LL 70 Metro Square, St. Paul, Minnesota, 55101. 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 (1978).

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

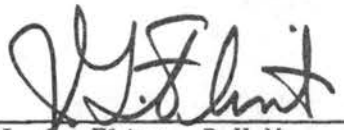
working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the Hearing Examiner.

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. [illegible]. Flint, D.V.M.
Secretary and Executive Officer

Dated this 30th day of April, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the Matter of the Proposed Repeal of Rules of the Minnesota Livestock Sanitary Board LSB 13 Control of Glanders-Farcy, LSB 14 Control of Hog Cholera, LSB 19 Horse Mange or Scabies, LSB 51 Cleaning and Disinfection of Railroad Cars and LSB 60 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease and Payment of Indemnity.

ORDER OF HEARING

To effectively implement and make more specific the Livestock Sanitary Board deems it necessary to consider repealing the above-captioned rules pursuant to the authority vested in it by Minn. Stat. 1978, Sec. 35.03.

NOW, THEREFORE, IT IS ORDERED this 13th day of April, 1979, that a public hearing on the proposed repealing of the above-captioned rules be held in Conference Room D, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota, on Thursday the 31st day of May, 1979, commencing at 9:30 a.m. and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

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

J. G. Flint

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

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 April, 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 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 repealing LSB 13 Control of Glanders-Farcy, LSB 14 Control of Hog Cholera, LSB 19 Horse Mange or Scabies, LSB 51 Cleaning and Disinfection of Railroad Cars and LSB 60 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity, as well as perform any and all acts incidental thereto, signing an order of hearing and notice of hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of April, 1979.

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Promulgation of Rules of the Livestock Sanitary Board 3 MCAR § 2.024 Control of Pseudorabies and 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink and repeal of 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

CERTIFICATE

I hereby certify that the enclosed 4 sheets 589 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 8:30 o'clock, A.M., this 26th day of April, 1979, have requested pursuant to M.S., Section 15.0412 (1978) 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

APR 26 1979
RECEIVED
BOARD
LIVESTOCK SANITARY
STATE OF MINNESOTA

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 19th day of April, 1979 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 (1978).

3) That on the 26th day of April, 1979, 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 26th day of April, 1979

[illegible] S. Crawford

[illegible] S. CRAWFORD
Notary P[illegible] [illegible] Minnesota
My Commission Expires July 25, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Promulgation of Rules of the Livestock Sanitary Board 3 MCAR §§ 2.024 Control of Pseudorabies and 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink and repeal of 3 MCAR §§ 2.013 Control of Glanders-Farcy, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

AFFIDAVIT OF MAILING

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

That on the 30th day of April, 1979, 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 interoffice mail or directly to the addressee to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

L. T. Christensen

Subscribed and sworn to before me

this 30th day of April, 1979,

Maxine S. Comfort

MAXINE 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 the repeal of rules 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules were promulgated under authority vested in the Livestock Sanitary Board by Minn. Stat. § 35.03 (1978).

The need to repeal these rules arise because they no longer meet any need in the disease control and eradication programs of the Board.

3 MCAR § 2.013 Control of Glanders-Farcy. There is no present need for this rule because the disease no longer exists in Minnesota or the United States.

3 MCAR § 2.014 Control of Hog Cholera. There is no present need for this rule because the disease no longer exists in Minnesota or the United States.

Should Glanders or Hog Cholera be introduced into Minnesota it would be considered an exotic disease and a cooperative state-federal task force be set up to handle it as an emergency disease and eradicate it from the state.

3 MCAR § 2.019 Horse Mange or Scabies. There is no present need for this rule as the disease has not been a problem in Minnesota for many years.

3 MCAR § 2.052 Cleaning and Disinfection of Railroad Cars. There is no present need for this rule since railroad cars are no longer used for intra-state movement of livestock.

3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity. There is no present need for this rule since provision for condemnation, slaughter and indemnity are included in 3 MCAR § 2.016 Eradication of Bovine Tuberculosis in Minnesota, 3 MCAR § 2.015 Control of Bovine Paratuberculosis in Minnesota and 3 MCAR § 2.011 Eradication of Bovine Brucellosis in Minnesota.

Repeal of these rules will reduce the number of Board rules with no effect on the duties of the Board to protect Minnesota livestock from disease.

J. C. Flint
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the Matter of Proposed Repeal of 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

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 9:30 A.M. on Thursday, May 31, 1979 in the Conference Room D, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Sec. 15.0412 (1978) was published at 3 State Register 1974 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, we find the following:

These rules, four of which had been adopted in 1945 and one in 1971, have not been applied for several years. The situations which they were promulgated to regulate no longer exist in Minnesota. The Board does not foresee any future need for these rules.

The Hearing Examiner has recommended that the five rules be repealed.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

J. G. Flint

J. G. Flint, DVM
Secretary and Executive Officer

Date: July 6, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the Matter of Proposed Repeal of
3 MCAR § 2.013 Control of Glanders-Farcy,
3 MCAR § 2.014 Control of Hog Cholera,
3 MCAR § 2.019 Horse Mange or Scabies,
3 MCAR § 2.051 Cleaning and Disinfection
of Railroad Cars, and 3 MCAR § 2.060
Condemnation and Slaughter of Animals
Affected with Tuberculosis,
Para-tuberculosis, and Bang's Disease,
and the Payment of Indemnity

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 9:30 A.M. on Thursday, May 31, 1979 in Conference Room D Veterans Service Building, 20 West 12th 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 at 3 State Register page 1974.

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 § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity, as presented to the Minnesota Livestock Sanitary Board for consideration, are repealed this 13th day of July, 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 13th day of July, 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 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease and the Payment of Indemnity, be and they hereby are repealed 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 repealing these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of July, 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 Promulgation
of Rule 3 MCAR § 2.025 Aleutian
Disease Free Herds of Mink

STATEMENT OF NEED AND REASONABLENESS

The above captioned rule is new and promulgated under authority vested in the Livestock Sanitary Board by Minn. Stat. § 35.03 (1978).

The need to adopt this rule arises because of the request of mink ranchers that a means of certifying mink herds to be free of Aleutian disease be provided.

Ranchers who establish Certified Aleutian Disease Free Herds of Mink will find an improved market for breeding mink, productivity will be increased and the program will contribute to control and possible eradication of the disease.

The test to be used at present in certifying herds is the counterelectrophoresis plate test to be conducted in a state laboratory using currently accepted procedures. Samples for the test are to be collected by persons who have been instructed in procedures for submission of samples and are authorized by the Board.

Ranchers who wish to certify their herd will indicate their intent to the Board. When they have filed proof with the Board that all breeding mink have been tested negative twice at least 45 days apart and not more than 365 days apart at owner's expense their herd will be certified Aleutian disease free for a period of one year. This test schedule should assure Aleutian disease free breeding stock from the herd.

Additions to the herd shall be from other Certified herds or shall have been tested and negative within 30 days of entry and then isolated until retested 30 to 60 days after entry. This will protect the herd from introduction of Aleutian Disease with breeding mink added.

Herds will be recertified when all breeding mink are tested and negative within 30 days of the expiration of the certificate. Herds which were certified for two consecutive years may be recertified when 50% of the breeding mink, of each color phase, including all males, have been tested and are negative. This will allow herds to maintain their certified status with a single or partial test.

Certificates will be revoked when Aleutian disease is diagnosed in the herd or additions made contrary to the rule. This provision will protect other herds from the disease.

The Board will have the right to supervise any sample collection being made and to require a collection of up to 200 samples at a time agreeable to the rancher to check herd status. This will allow the Board to monitor the field procedures of the rancher and disease status of a herd.

The rule will provide a means for mink ranchers to qualify their herds Aleutian disease free with a reasonable number of tests.

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Promulgation of Rules of the Livestock Sanitary Board 3 MCAR § 2.024 Control of Pseudorabies and 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink and repeal of 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

AFFIDAVIT OF MAILING

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

That on the 30th day of April, 1979, 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 interoffice mail or directly to the addressee to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

L. T. Christensen

Subscribed and sworn to before me

this 30th day of April, 1979,

Marian S. Comford

MARIAN S. COMFORD

Notary Public, Ramsey County, Minnesota

My Commission Expires July 25, 1979

AFFIDAVIT

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

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

2) That on the 19th day of April, 1979 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 (1978).

3) That on the 26th day of April, 1979, 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 26th day of April, 1979

Notary Public, [illegible] County, Minnesota
My Commission Expires July 25, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Promulgation of Rules of the Livestock Sanitary Board 3 MCAR § 2.024 Control of Pseudorabies and 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink and repeal of 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

CERTIFICATE

I hereby certify that the enclosed 4 sheets 589 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 8:30 o'clock, A.M., this 26th day of April, 1979, have requested pursuant to M.S., Section 15.0412 (1978) 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 Deanne M. Scott

APR 26 1979

RECEIVED
BOARD
LIVESTOCK SANITARY
STATE OF MINNESOTA

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 April, 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 Dr. J. G. Flint, the Secretary and Executive Officer of the Livestock Sanitary Board, be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating 3 MCAR § 2.025, Aleutian Disease Free Herds of Mink, as well as perform any and all acts incidental thereto, signing an order of hearing and notice of hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of April, 1979.

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of the Proposed Rules of
the Minnesota Livestock Sanitary Board,
Governing 3 MCAR § 2.025, Aleutian Disease
Free Herds of Mink.

ORDER OF HEARING

To effectively implement and make more specific the Livestock Sanitary Board deems it necessary to consider promulgating the above-captioned rule pursuant to the authority vested in it by Minn. Stat. 1978, Sec. 35.03.

NOW, THEREFORE, IT IS ORDERED this 13th day of April, 1979, that a public hearing on the proposed promulgation of the above-captioned rule be held in Conference Room D, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota, on Thursday the 31st day of May, 1979, commencing at 9:30 a.m. and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

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

J. G. Flint, 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 PROPOSED PROMULGATION OF RULES RELATING TO 3 MCAR § 2.025, ALEUTIAN DISEASE FREE HERDS OF MINK

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 9:30 A.M. on Thursday, May 31, 1979 in the Conference Room D, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Sec. 15.0412 (1978) was published at 3 State Register 1974 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, we find the following:

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

2. Adoption of the rule will provide the Board for a means of supervising the testing of mink for Aleutian disease.

3. Adoption of the rule will allow mink ranchers to have their herds certified as being Aleutian Disease Free by having their herds tested at their own expense and the results reported to the Board. This certification will facilitate movement of mink and increase the value of breeding stock.

4. The change made in the proposed rule at the public hearing will permit the Board to accept test results from all laboratories using the approved test as the basis for certifying mink herds Aleutian Disease Free.

5. The Hearing Examiner has recommended the proposed rule be adopted after determining that the rule is reasonable and necessary that the changes proposed are not substantive and that all procedural requirements of statute have been complied with.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

J. G. Flint

J. G. Flint, DVM
Secretary and Executive Officer

DATE: July 6, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the Matter of the Promulgation of
Rules of the Livestock Sanitary Board,
Governing 3 MCAR §§ 2.025, Aleutian
Disease Free Herds of Mink

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 9:30 A.M. on Thursday, May 31, 1979 in Conference Room D in Veterans Service Building, 20 West 12th 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 at 3 State Register page 1974.

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 §§ 2.025, Aleutian Disease Free Herds of Mink, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 13th day of July, 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 13th day of July, 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 § 2.025, Aleutian Disease Free Herds of Mink, 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 13th day of July, 1979.

J. G. Flint

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

4. Additions to Qualified Pseudorabies Negative Herds shall be either:

a. From a Qualified Pseudorabies Negative Herd.

b. From a herd not known to be pseudorabies infected and with a negative official pseudorabies test within 30 days of entry on all swine added regardless of age. Swine added to be isolated and retested and negative 30-60 days after entry and before being commingled with the qualified herd.

5. Feeder swine on the premises of the Qualified Pseudorabies Negative Herd must be farrowed on the premises or have a negative official pseudorabies test within 30 days prior to entry to the premises or be kept separate from the Qualified Pseudorabies Negative Herd.

6. Qualified Pseudorabies Negative Herd status will be canceled if any swine in the herd react when tested or are diagnosed as having pseudorabies or if additions are made contrary to this rule.

7. Qualified Pseudorabies Negative Herds which have lost status because of test reactors or a diagnosis of pseudorabies in the herd will regain their status when:

a. Reactor swine have been removed for slaughter with a shipping permit and

b. Premises have been cleaned and disinfected and

c. The herd has had two negative pseudorabies tests of all swine in the herd six months of age and over the first at least 30 days after removal of the reactors and the second at least 30 days after the first test.

The infected herd quarantine would be released after the first negative test.

8. Qualified Pseudorabies Negative Herds which have lost status because of additions made contrary to this rule will regain that status when all swine in the herd six months of age and over have had a negative official pseudorabies test.

9. Swine returned to Qualified Pseudorabies Negative Herds from exhibitions or that are otherwise commingled with swine from herds not qualified should be kept in isolation upon return for 30 days and have a negative official pseudorabies test before rejoining the herd.

D. Establishing pseudorabies controlled vaccinated herds.

1. The Board should be notified of the producers desire to establish a pseudorabies controlled vaccinated herd.

2. All swine six months of age and over must be tested for pseudorabies and found to be negative.

3. The negative swine must be officially vaccinated for pseudorabies within 15 days after the date tested.

4. All swine regardless of age or origin added to the pseudorabies controlled vaccinated swine herd as breeding swine must be tested for pseudorabies and found to be negative and then officially vaccinated for pseudorabies within 15 days after the date tested.

E. Swine from a Qualified Pseudorabies Negative Herd will be eligible for entry into Minnesota exhibitions without an official pseudorabies test.

Rule as Proposed

3 MCAR § 2.025 Aleutian disease free herds of mink.

A. Definitions.

1. Official test — counterelectrophoresis (CEP) plate test conducted in a state laboratory on samples submitted by an authorized testing agent or other test approved by the Board.

B. Establishing an Aleutian Disease Free Herd.

1. The herd owner shall notify the Board of his intent to qualify his herd by having his breeding mink tested at his own expense.

2. A mink herd will qualify when the owner has filed with the Board proof that all mink in the breeding herd have been negative on two successive official tests for Aleutian disease conducted not less than 45 days or more than 365 days apart.

3. An Aleutian disease free herd certificate valid for one year from the date of the last qualifying test will be issued to the owner of the qualified herd.

4. Certificates will be revoked if a laboratory or clinical diagnosis of Aleutian disease is made in the herd or if the provisions of this rule are not complied with.

C. Additions to Certified Herds or Those Being Qualified.

1. Mink from Certified Aleutian Disease Free Herds may be added without a test.

2. Mink from other herds must be tested for Aleutian disease and negative within 30 days prior to entry, be isolated from all other mink until retested and negative not less than 30 days or more than 60 days after entry.

D. 1. The Board may recertify a Certified Aleutian Disease Free Herd for one year from the anniversary date upon receipt of proof of a negative official test of the breeding herd conducted within 30 days of the expiration of the certificate. Herds which have been certified for two years may be recertified upon receipt of a negative official test on 50 per cent of the breeding mink in each color phase including all males in each color phase.

E. Supervision.

1. Agents of the Board may be present and supervise the collection of samples for any Aleutian disease test.

2. The Board may request collection under their supervision of not to exceed 200 blood samples for testing at a time mutually agreed upon to check the disease status of the herd.

Rules as Proposed (all new material)

This rule was previously published at 3 S.R. 970-980, was considered at a public hearing December 7, 1978, and was determined to need further amendment so is being presented for public hearing in a revised form.

3 MCAR § 2.024 Control of pseudorabies.

A. Definitions.

1. Official pseudorabies test — a test for the diagnosis of pseudorabies approved by the Board and conducted in a USDA approved laboratory on samples collected and submitted by an accredited veterinarian or a Board approved field test conducted by an accredited veterinarian.

2. Official pseudorabies vaccinates are swine which have been:

a. Vaccinated with a USDA licensed pseudorabies vaccine by an accredited veterinarian.

b. Individually identified with a numbered pink eartag.

c. Reported as official vaccinates to the Board at the time of vaccination.

B. General requirements.

1. Veterinarians shall report all cases of pseudorabies they diagnose and all cases suspected of being pseudorabies.

2. All pseudorabies tests will be at owner's expense except tests conducted to release quarantines which may be made by veterinarians of the Board or USDA if personnel and funds are available.

3. All swine tested shall be individually identified by eartag, tattoo, registration number or other identification acceptable to the Board and the identification entered on the test chart.

4. Quarantines will be established by the Board as authorized in Minn. Stat. ch. 35.05 (1978), on all swine herds in which a clinical diagnosis or a laboratory diagnosis, other than a diagnosis based only on serological tests, of pseudorabies is made. The quarantine will be served on the owner.

5. Quarantines will be established by the Board on individual swine positive on serological tests in herds which do not show clinical signs or have laboratory confirmation of pseudorabies. The quarantine will be served on the owner.

6. Quarantined swine and swine from quarantined herds may be moved only to slaughter accompanied by a shipping permit issued by an accredited veterinarian or the Board. When it can be established that the quarantined herd only produces pigs for sale as feeders, that no breeding stock has been sold and there are no clinical signs of pseudorabies in the herd, the individually identified feeder pigs may be sold for movement for finishing under quarantine on premises where there are no breeding swine. These quarantined feeders can be sold only for slaughter.

7. Quarantines on swine herds will be released when all quarantined swine have been sold for slaughter or:

a. Reactor swine have been removed from the premises for slaughter with a shipping permit and

b. The premises have been cleaned and disinfected and

c. All swine six months of age and over have passed a negative official pseudorabies test at least 30 days after the reactors were shipped. Following a depopulation, no swine should be allowed on the premises for 30 days.

8. Quarantines on individual test positive swine will be released when the swine have been sold for slaughter or have been retested and found to be negative for pseudorabies.

9. Livestock, other than swine, determined to have pseudorabies and livestock, other than swine, exposed to pseudorabies infected animals will be quarantined. The quarantine will be released 21 days after the diagnosis or exposure if there are no signs of pseudorabies in the quarantined livestock.

C. Establishment and maintenance of Qualified Pseudorabies Negative Herds.

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

2. A negative official pseudorabies test of all swine in the herd six months of age and over will qualify the herd as a Qualified Pseudorabies Negative Herd provided:

a. The herd has been free of pseudorabies for the previous 12 months.

b. At least 90% of the swine tested have been in the herd at least 90 days.

A numbered Qualified Pseudorabies Negative Herd certificate will be issued the herd owner. The initial certificate will be valid for 90 days.

3. Pseudorabies Negative Herd status will be maintained when a negative official pseudorabies test of not less than 25% of the swine in the herd six months of age and over is conducted within 10 days of 90, 180 and 270 days from and on the anniversary date of initial qualification provided:

a. No swine over six months of age are to be tested twice in one calendar year unless C.3.d. applies.

b. All swine in the herd, six months of age and over, are to be tested at least once in each calendar year.

c. If swine of the herd are maintained on several premises or as several groups, 25% in each should be tested for each requalification.

d. If there are 10 or fewer swine, six months of age or over, in the herd at any quarterly requalification test, all swine six months of age and over are to be tested.

The certificate will then be valid for another 90 days and for the last quarter of the test year to the anniversary date.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP

HEARING EXAMINER

In the Matter of Proposed Promulgation of Rules of the Livestock Sanitary Board 3 MCAR § 2.024 Control of Pseudorabies and 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink and repeal of 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

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 (1978), in Conference Room D, Veterans Service Building, 20 West 12th Street or Columbus Avenue, St. Paul, Minnesota, commencing at 9:30 a.m., or as soon thereafter as possible, Thursday, May 31, 1979, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to promulgate rule:
3 MCAR § 2.024 Control of Pseudorabies, 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.

and rule: 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink, proposed to enable mink ranchers to establish certified Aleutian Disease Free Herds of mink under supervision of the Livestock Sanitary Board. This would result in greater productivity, improved saleability of breeding stock and control of the disease.

The Livestock Sanitary Board proposes to repeal 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity. These rules are no longer needed since the diseases they were concerned with have been eradicated from Minnesota, railroad cars are not a factor in transport of animals within Minnesota and the condemnation and indemnity payments for tuberculosis, para-tuberculosis and brucellosis are provided for in other rules.

Free copies of the proposed rules are available and can be obtained from the Minnesota Livestock Sanitary Board, LL 70 Metro Square, St. Paul, Minnesota, 55101. 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 (1978).

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

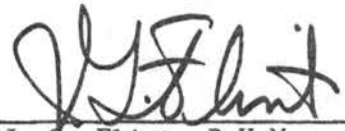
working days after the public hearing ends, or for a longer period not to exceed 20 calendar days if ordered by the Hearing Examiner.

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

Dated this 30th day of April, 1979

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of Proposed Promulgation of Rules of the Livestock Sanitary Board 3 MCAR Sec. 2.2024 Control of Pseudorabies and 3 MCAR Sec. 2.025 Aleutian Disease Free Herds of Mink and Repeal of 3 MCAR Sec. 2.013 Control of Glanders-Farcy, 3 MCAR Sec. 2.014 Control of Hog Cholera, 3 MCAR Sec. 2.019 Horse Mange or Scabies, 3 MCAR Sec. 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR Sec. 2.060 Condemnation and Slaughter of Animals Affected With Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

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 May 31, 1979, in Conference Room D, Veterans Service Building, 20 West 12th Street, Saint Paul, Minnesota.

Peder Hong, Special Assistant Attorney General, appeared on behalf of the Livestock Sanitary Board ("the Board"). The Board's panel consisted of J. G. Flint, D.V.M., Secretary and Executive Officer of the Board, and L. T. Christensen, D.V.M., Assistant Secretary of the Board.

Sixteen persons attended and eleven persons spoke at the hearing. The hearing continued until all interested persons and groups had an opportunity to be heard.

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 April 3, 1979, 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.
(c) The Notice of Hearing proposed to be issued.

2. On April 30, 1979, a Notice of Hearing and a copy of the proposed rules were published at 3 State Register 1974.

3. On April 30, 1979, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On May 3, 1979, 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 Statement of Need and Reasonableness.
(f) The names of Board personnel who will represent the Board at the hearing together with the names of any other witnesses solicited by the Board 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 June 7, 1979, for the receipt of written comments and statements. One prehearing public comment was received on May 29, 1979, and one post-hearing public comment was received on June 8, 1979. These comments were letters from veterinarians practicing in the State of Minnesota.

Statutory Authority

6. The Board cites Minn. Stat. Sec. 35.03 (1978) as its statutory authority to promulgate the proposed rules.

3 MCAR Sec. 2.013 - Control of Glanders-Farcy, 3 MCAR Sec. 2.014 - Control of Hog Cholera, 3 MCAR Sec. 2.019 - Horse Mange or Scabies, 3 MCAR Sec. 2.051 - Cleaning and Disinfection of Railroad Cars, and 3 MCAR Sec. 2.060 - Condemnation and Slaughter of Animals Affected With Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity

7. The above-captioned rules were deleted because they no longer met any need in the disease control and eradication programs of the Board. The diseases or conditions are nonexistence in the State of Minnesota and the United States or the rule is duplicated by more recently adopted rules. These rules received no comments at the hearing. The repeal of these rules is needed and reasonable.

3 MCAR Sec. 2.025 - Aleutian Disease Free Herds of Mink

8. This rule provides a means for mink ranchers to qualify their herds Aleutian disease free with a reasonable number of tests. Section A.1. of

Definitions drew considerable comment from the public concerning the term "state laboratories". It was suggested that more state testing facilities be made available because of the volume of tests to be conducted during the peak test periods. One comment questioned what was a "Board approved laboratory", and if any laboratory in the state can conduct the test. The Board commented that it would accept any laboratory testing from a state laboratory, i.e., Wisconsin state laboratory. The Board also amended provision A.1. of the Definitions to read: Official tests - counterelectrophoresis (CEP) plate test conducted in a laboratory recognized by the Livestock Sanitary Board on samples submitted by an authorized testing agent. . . . This is not a laboratory "approved" by the Board. Dr. George Ruth, Director of Diagnostic Laboratory for the State of Minnesota, commented that he would not want to get into testing to qualify other laboratories for certification to be "approved". The Board also commented that the proposed rule, as written, provides for any laboratory in the state to conduct the test.

9. Other comments by the public concerning this provision were questions of whether the state would actually help the ranchers in the testing and if the ranchers would be financially aided or subsidized. One comment suggested that the state support private individuals or the University of Minnesota where tests could be submitted to the laboratories for testing. Dr. Ruth commented that the state laboratories can do the tests, but cannot help collect samples. The state will charge for services under this program. Estimated costs are available and similar to pseudorabies testing. This program is not like brucellosis testing which is paid for by the state under a control eradication program. The Board made similar comments as Dr. Ruth and commented that a legislative change is needed to provide for budgetary support of a program where the state would pay for the testing.

10. There were no specific comments by the public concerning other provisions of this proposed rule. The Hearing Examiner finds that the proposed rule, as modified, is needed and reasonable. The Examiner, however, finds that under Definitions, provision A.1., the rule provides for an alternative approved test by the Board. The term "or other test approved by the Board" is overly broad giving the Board unfettered discretion to set standards without a hearing, and thus should be deleted.

3 MCAR Sec. 2.024 - Control of Pseudorabies

11. This proposed rule will provide for the establishment of Qualified Pseudorabies Negative Herds in Minnesota with requirements which are compatible with those of other states. This proposed rule is needed to establish control measures on swine herds and other livestock infected with pseudorabies to protect other swine and livestock from the infection. Under provision B.3. of General Requirements, the term "or other identification acceptable to the Board" appears to be very broad and should be made more specific. At the hearing, the Board commented that "ear notch" if individual animals are readily identified is acceptable. It is recommended that any specific examples as such should be incorporated in the rule.

12. Provision C.5. was amended at the hearing by adding a period after the word "premises" and before "or". The remainder of the sentence, "or be kept separate from the Qualified Pseudorabies Negative Herd" was deleted. The Board commented that this term is not compatible to this provision to have untested feeder pigs and herds of this status on the same premise. This amendment received no objections or comments.

13. There were several questions and answers relative to the application of this proposed rule at the hearing. Dr. B. D. Ward, U.S.D.A. Veterinarian Service, commented that the proposed rule is in compliance with the Federal Code of Regulations relative to pseudorabies. Other comments at the hearing were in support of the proposed rule.

14. In response to the comments in the letter of Dr. R. D. Kuecker, Cottonwood Veterinarian Clinic, the Board had commented on his concerns during the hearing. The Board, in addition, commented that the need for quarantine privileges for TGE virus and the hemorrhagic (swine) dysentery is a program beyond the present Livestock Sanitary Board's capabilities, including diagnostic problems in identifying the particular conditions.

15. The Hearing Examiner finds the above proposed rule, as modified, is needed and reasonable. The Board's Statement of Need and Reasonableness provides the justification for each of the proposed provisions of the rules. The Examiner finds the Statement of Need to adequately support the need for and the reasonableness of all proposed rules and amendments not otherwise discussed above; the Examiner further adopts the justification presented in that document. The modification appears not to constitute a substantial change.

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

CONCLUSIONS

1. The Livestock Sanitary Board gave proper notice of the promulgation of the proposed rules.

2. The Board has statutory authority to take the action proposed, to wit, the promulgation and amendment of the proposed rules.

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

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

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

RECOMMENDATION

It is recommended that the proposed rules be adopted as modified by the Livestock Sanitary Board and recommended by the Hearing Examiner as set out in the Findings of Fact, herein and the existing rules be repealed.

Dated: July 5, 1979.

Harry Seymour Crump

HARRY SEYMOUR CRUMP
State Hearing Examiner

SB-79-003-HC

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF THE PROPOSED PROMULGATION OF RULES OF THE LIVESTOCK SANITARY BOARD 3 MCAR § 2.024 CONTROL OF PSEUDORABIES AND 3 MCAR § 2.025 ALEUTIAN DISEASE FREE HERDS OF MINK AND REPEAL OF 3 MCAR § 2.013 CONTROL OF GLANDERS-FARCY, 3 MCAR § 2.014 CONTROL OF HOG CHOLERA, 3 MCAR § 2.019 HORSE MANGE OR SCABIES, 3 MCAR § 2.051 CLEANING AND DISINFECTION OF RAILROAD CARS, AND 3 MCAR § 2.060 CONDEMNATION AND SLAUGHTER OF ANIMALS AFFECTED WITH TUBERCULOSIS, PARA-TUBERCULOSIS, AND BANG'S DISEASE, AND THE PAYMENT OF INDEMNITY.

REPORT OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on May 31, 1979, 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 July 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 9 MCAR § 2.110; 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 23 day of July, 1979.

DUANE R. HARVES
Chief Hearing Examiner

By: George A. Beck
GEORGE A. BECK
State Hearing Examiner

3 MCAR § 2.024 Control of Pseudorabies

A. Definitions.

1. Official pseudorabies test - a test for the diagnosis of pseudorabies approved by the Board and conducted in a USDA approved laboratory on samples collected and submitted by an accredited veterinarian or a Board approved field test conducted by an accredited veterinarian.

2. Official pseudorabies vaccinates are swine which have been:

a. Vaccinated with a USDA licensed pseudorabies vaccine by an accredited veterinarian.

b. Individually identified with a numbered pink eartag.

c. Reported as official vaccinates to the Board at the time of vaccination.

B. General requirements.

1. Veterinarians shall report all cases of pseudorabies they diagnose and all cases suspected of being pseudorabies.

2. All pseudorabies tests will be at owner's expense except tests conducted to release quarantines which may be made by veterinarians of the Board or USDA if personnel and funds are available.

3. All swine shall be individually identified by eartag, tattoo, registration number or other identification which makes individual swine readily identifiable and the identification entered on the test chart.

4. Quarantines will be established by the Board as authorized in Minn. Stat., Ch. 35.05 (1978) on all swine herds in which a clinical diagnosis or a laboratory diagnosis, other than a diagnosis based only on serological tests, of pseudorabies is made. The quarantine will be served on the owner.

5. Quarantines will be established by the Board on individual swine positive on serological tests in herds which do not show clinical signs or have laboratory confirmation of pseudorabies. The quarantine will be served on the owner.

6. Quarantined swine and swine from quarantined herds may be moved only to slaughter accompanied by a shipping permit issued by an accredited veterinarian or the Board. When it can be established that the quarantined herd only produces pigs for sale as feeders, that no breeding stock has been sold and there are no clinical signs of pseudorabies in the herd, the individually identified feeder pigs may be sold for movement for finishing under quarantine on premises where there are no breeding swine. These quarantined feeders can be sold only for slaughter.

7. Quarantines on swine herds will be released when all quarantined swine have been sold for slaughter or:

a. Reactor swine have been removed from the premises for slaughter with a shipping permit and

b. The premises have been cleaned and disinfected and

c. All swine six months of age and over have passed a negative official pseudorabies test at least 30 days after the reactors were shipped. Following a depopulation, no swine should be allowed on the premises for 30 days.

8. Quarantines on individual test positive swine will be released when the swine have been sold for slaughter or have been retested and found to be negative for pseudorabies.

9. Livestock, other than swine, determined to have pseudorabies and livestock, other than swine, exposed to pseudorabies infected animals will be quarantined. The quarantine will be released 21 days after the diagnosis or exposure if there are no signs of pseudorabies in the quarantined livestock.

C. Establishment and maintenance of Qualified Pseudorabies Negative Herds.

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

2. A negative official pseudorabies test of all swine in the herd six months of age and over will qualify the herd as a Qualified Pseudorabies Negative Herd provided:

a. The herd has been free of pseudorabies for the previous 12 months.

b. At least 90% of the swine tested have been in the herd at least 90 days.

A numbered Qualified Pseudorabies Negative Herd certificate will be issued the herd owner. The initial certificate will be valid for 90 days.

3. Pseudorabies Negative Herd status will be maintained when a negative official pseudorabies test of not less than 25% of the swine in the herd six months of age and over is conducted within 10 days of 90, 180 and 270 days from and on the anniversary date of initial qualification provided:

a. No swine over six months of age are to be tested twice in one calendar year unless C.3.d. applies.

b. All swine in the herd, six months of age and over, are to be tested at least once in each calendar year.

c. If swine of the herd are maintained on several premises or as several groups, 25% in each should be tested for each requalification.

d. If there are 10 or fewer swine, six months of age or over, in the herd at any quarterly requalification test, all swine six months of age and over are to be tested.

The certificate will then be valid for another 90 days and for the last quarter of the test year to the anniversary date.

4. Additions to Qualified Pseudorabies Negative Herds shall be either:

a. From a Qualified Pseudorabies Negative Herd.

b. From a herd not known to be pseudorabies infected and with a negative official pseudorabies test within 30 days of entry on all swine added regardless of age. Swine added to be isolated and retested and negative 30-60 days after entry and before being commingled with the qualified herd.

5. Feeder swine on the premises of the Qualified Pseudorabies Negative Herd must be farrowed on the premises or have a negative official pseudorabies test within 30 days prior to entry to the premises.

6. Qualified Pseudorabies Negative Herd status will be canceled if any swine in the herd react when tested or are diagnosed as having pseudorabies or if additions are made contrary to this rule.

7. Qualified Pseudorabies Negative Herds which have lost status because of test reactors or a diagnosis of pseudorabies in the herd will regain their status when:

a. Reactor swine have been removed for slaughter with a shipping permit and

b. Premises have been cleaned and disinfected and

c. The herd has had two negative pseudorabies tests of all swine in the herd six months of age and over the first at least 30 days after removal of the reactors and the second at least 30 days after the first test.

The infected herd quarantine would be released after the first negative test.

8. Qualified Pseudorabies Negative Herds which have lost status because of additions made contrary to this rule will regain that status when all swine in the herd six months of age and over have had a negative official pseudorabies test.

9. Swine returned to Qualified Pseudorabies Negative Herds from exhibitions or that are otherwise commingled with swine from herds not qualified should be kept in isolation upon return for 30 days and have a negative official pseudorabies test before rejoining the herd.

D. Establishing pseudorabies controlled vaccinated herds.

1. The Board should be notified of the producers desire to establish a pseudorabies controlled vaccinated herd.

2. All swine six months of age and over must be tested for pseudorabies and found to be negative.

3. The negative swine must be officially vaccinated for pseudorabies within 15 days after the date tested.

4. All swine regardless of age or origin added to the pseudorabies controlled vaccinated swine herd as breeding swine must be tested for pseudorabies and found to be negative and then officially vaccinated for pseudorabies within 15 days after the date tested.

E. Swine from a Qualified Pseudorabies Negative Herd will be eligible for entry into Minnesota exhibitions without an official pseudorabies test.

This rule was previously published at 3 S.R. 970-980 was considered at a public hearing December 7, 1978 and was determined to need further amendment so is being presented for public hearing in a revised form.

3 MCAR § 2.024 Control of Pseudorabies

A. Definitions.

1. Official pseudorabies test - a test for the diagnosis of pseudorabies approved by the Board and conducted in a USDA approved laboratory on samples collected and submitted by an accredited veterinarian or a Board approved field test conducted by an accredited veterinarian.

2. Official pseudorabies vaccinates are swine which have been:

a. Vaccinated with a USDA licensed pseudorabies vaccine by an accredited veterinarian.

b. Individually identified with a numbered pink eartag.

c. Reported as official vaccinates to the Board at the time of vaccination.

B. General requirements.

1. Veterinarians shall report all cases of pseudorabies they diagnose and all cases suspected of being pseudorabies.

2. All pseudorabies tests will be at owner's expense except tests conducted to release quarantines which may be made by veterinarians of the Board or USDA if personnel and funds are available.

3. All swine shall be individually identified by eartag, tattoo, registration number or other identification which makes individual swine readily identifiable and the identification entered on the test chart.

4. Quarantines will be established by the Board as authorized in Minn. Stat., Ch. 35.05 (1978) on all swine herds in which a clinical diagnosis or a laboratory diagnosis, other than a diagnosis based only on serological tests, of pseudorabies is made. The quarantine will be served on the owner.

5. Quarantines will be established by the Board on individual swine positive on serological tests in herds which do not show clinical signs or have laboratory confirmation of pseudorabies. The quarantine will be served on the owner.

6. Quarantined swine and swine from quarantined herds may be moved only to slaughter accompanied by a shipping permit issued by an accredited veterinarian or the Board. When it can be established that the quarantined herd only produces pigs for sale as feeders, that no breeding stock has been sold and there are no clinical signs of pseudorabies in the herd, the individually identified feeder pigs may be sold for movement for finishing under quarantine on premises where there are no breeding swine. These quarantined feeders can be sold only for slaughter.

7. Quarantines on swine herds will be released when all quarantined swine have been sold for slaughter or:

a. Reactor swine have been removed from the premises for slaughter with a shipping permit and

b. The premises have been cleaned and disinfected and

c. All swine six months of age and over have passed a negative official pseudorabies test at least 30 days after the reactors were shipped. Following a depopulation, no swine should be allowed on the premises for 30 days.

8. Quarantines on individual test positive swine will be released when the swine have been sold for slaughter or have been retested and found to be negative for pseudorabies.

9. Livestock, other than swine, determined to have pseudorabies and livestock, other than swine, exposed to pseudorabies infected animals will be quarantined. The quarantine will be released 21 days after the diagnosis or exposure if there are no signs of pseudorabies in the quarantined livestock.

C. Establishment and maintenance of Qualified Pseudorabies Negative Herds.

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

2. A negative official pseudorabies test of all swine in the herd six months of age and over will qualify the herd as a Qualified Pseudorabies Negative Herd provided:

a. The he[redacted] has been free of pseudorabies [redacted]r the previous 12 months.

b. At least 90% of the swine tested have been in the herd at least 90 days.

A numbered Qualified Pseudorabies Negative Herd certificate will be issued the herd owner. The initial certificate will be valid for 90 days.

3. Pseudorabies Negative Herd status will be maintained when a negative official pseudorabies test of not less than 25% of the swine in the herd six months of age and over is conducted within 10 days of 90, 180 and 270 days from and on the anniversary date of initial qualification provided:

a. No swine over six months of age are to be tested twice in one calendar year unless C.3.d. applies.

b. All swine in the herd, six months of age and over, are to be tested at least once in each calendar year.

c. If swine of the herd are maintained on several premises or as several groups, 25% in each should be tested for each requalification.

d. If there are 10 or fewer swine, six months of age or over, in the herd at any quarterly requalification test, all swine six months of age and over are to be tested.

The certificate will then be valid for another 90 days and for the last quarter of the test year to the anniversary date.

4. Additions to Qualified Pseudorabies Negative Herds shall be either:

a. From a Qualified Pseudorabies Negative Herd.

b. From a herd not known to be pseudorabies infected and with a negative official pseudorabies test within 30 days of entry on all swine added regardless of age. Swine added to be isolated and retested and negative 30-60 days after entry and before being commingled with the qualified herd.

5. Feeder swine on the premises of the Qualified Pseudorabies Negative Herd must be farrowed on the premises or have a negative official pseudorabies test within 30 days prior to entry to the premises.

6. Qualified Pseudorabies Negative Herd status will be canceled if any swine in the herd react when tested or are diagnosed as having pseudorabies or if additions are made contrary to this rule.

7. Qualified Pseudorabies Negative Herds which have lost status because of test reactors or a diagnosis of pseudorabies in the herd will regain their status when:

a. Reactor swine have been removed for slaughter with a shipping permit and

b. Premises have been cleaned and disinfected and

c. The herd has had two negative pseudorabies tests of all swine in the herd six months of age and over the first at least 30 days after removal of the reactors and the second at least 30 days after the first test.

The infected herd quarantine would be released after the first negative test.

8. Qualified Pseudorabies Negative Herds which have lost status because of additions made contrary to this rule will regain that status when all swine in the herd six months of age and over have had a negative official pseudorabies test.

9. Swine returned to Qualified Pseudorabies Negative Herds from exhibitions or that are otherwise commingled with swine from herds not qualified should be kept in isolation upon return for 30 days and have a negative official pseudorabies test before rejoining the herd.

D. Establishing pseudorabies controlled vaccinated herds.

1. The Board should be notified of the producers desire to establish a pseudorabies controlled vaccinated herd.

2. All swine six months of age and over must be tested for pseudorabies and found to be negative.

3. The negative swine must be officially vaccinated for pseudorabies within 15 days after the date tested.

4. All swine regardless of age or origin added to the pseudorabies controlled vaccinated swine herd as breeding swine must be tested for pseudorabies and found to be negative and then officially vaccinated for pseudorabies within 15 days after the date tested.

E. Swine from a Qualified Pseudorabies Negative Herd will be eligible for entry into Minnesota exhibitions without an official pseudorabies test.

This rule was previously published at 3 S.R. 970-980 was considered at a public hearing December 7, 1978 and was determined to need further amendment so is being presented for public hearing in a revised form.

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY C. CRUMP
HEARING EXAMINER

In the Matter of the Proposed Rules of the Minnesota Livestock Sanitary Board, Governing 3 MCAR § 2.024, Control of Pseudorabies.

ORDER OF HEARING

To effectively implement and make more specific the Livestock Sanitary Board deems it necessary to consider promulgating the above-captioned rule pursuant to the authority vested in it by Minn. Stat. 1978, Section 35.03.

NOW, THEREFORE, IT IS ORDERED this 13th day of April, 1979, that a public hearing on the proposed promulgation of the above-captioned rule be held in Conference Room D, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota, on Thursday the 31st day of May, 1979, commencing at 9:30 a.m. and continuing until all representatives of associations or other interested groups or persons have had an opportunity to be heard.

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

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

Rules as Proposed (all new material)

This rule was previously published at 3 S.R. 970-980, was considered at a public hearing December 7, 1978, and was determined to need further amendment so is being presented for public hearing in a revised form.

3 MCAR § 2.024 Control of pseudorabies.

A. Definitions.

1. Official pseudorabies test — a test for the diagnosis of pseudorabies approved by the Board and conducted in a USDA approved laboratory on samples collected and submitted by an accredited veterinarian or a Board approved field test conducted by an accredited veterinarian.

2. Official pseudorabies vaccinates are swine which have been:

a. Vaccinated with a USDA licensed pseudorabies vaccine by an accredited veterinarian.

b. Individually identified with a numbered pink eartag.

c. Reported as official vaccinates to the Board at the time of vaccination.

B. General requirements.

1. Veterinarians shall report all cases of pseudorabies they diagnose and all cases suspected of being pseudorabies.

2. All pseudorabies tests will be at owner's expense except tests conducted to release quarantines which may be made by veterinarians of the Board or USDA if personnel and funds are available.

3. All swine tested shall be individually identified by eartag, tattoo, registration number or other identification acceptable to the Board and the identification entered on the test chart.

4. Quarantines will be established by the Board as authorized in Minn. Stat. ch. 35.05 (1978), on all swine herds in which a clinical diagnosis or a laboratory diagnosis, other than a diagnosis based only on serological tests, of pseudorabies is made. The quarantine will be served on the owner.

5. Quarantines will be established by the Board on individual swine positive on serological tests in herds which do not show clinical signs or have laboratory confirmation of pseudorabies. The quarantine will be served on the owner.

6. Quarantined swine and swine from quarantined herds may be moved only to slaughter accompanied by a shipping permit issued by an accredited veterinarian or the Board. When it can be established that the quarantined herd only produces pigs for sale as feeders, that no breeding stock has been sold and there are no clinical signs of pseudorabies in the herd, the individually identified feeder pigs may be sold for movement for finishing under quarantine on premises where there are no breeding swine. These quarantined feeders can be sold only for slaughter.

7. Quarantines on swine herds will be released when all quarantined swine have been sold for slaughter or:

a. Reactor swine have been removed from the premises for slaughter with a shipping permit and

b. The premises have been cleaned and disinfected and

c. All swine six months of age and over have passed a negative official pseudorabies test at least 30 days after the reactors were shipped. Following a depopulation, no swine should be allowed on the premises for 30 days.

8. Quarantines on individual test positive swine will be released when the swine have been sold for slaughter or have been retested and found to be negative for pseudorabies.

9. Livestock, other than swine, determined to have pseudorabies and livestock, other than swine, exposed to pseudorabies infected animals will be quarantined. The quarantine will be released 21 days after the diagnosis or exposure if there are no signs of pseudorabies in the quarantined livestock.

C. Establishment and maintenance of Qualified Pseudorabies Negative Herds.

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

2. A negative official pseudorabies test of all swine in the herd six months of age and over will qualify the herd as a Qualified Pseudorabies Negative Herd provided:

a. The herd has been free of pseudorabies for the previous 12 months.

b. At least 90% of the swine tested have been in the herd at least 90 days.

A numbered Qualified Pseudorabies Negative Herd certificate will be issued the herd owner. The initial certificate will be valid for 90 days.

3. Pseudorabies Negative Herd status will be maintained when a negative official pseudorabies test of not less than 25% of the swine in the herd six months of age and over is conducted within 10 days of 90, 180 and 270 days from and on the anniversary date of initial qualification provided:

a. No swine over six months of age are to be tested twice in one calendar year unless C.3.d. applies.

b. All swine in the herd, six months of age and over, are to be tested at least once in each calendar year.

c. If swine of the herd are maintained on several premises or as several groups, 25% in each should be tested for each requalification.

d. If there are 10 or fewer swine, six months of age or over, in the herd at any quarterly requalification test, all swine six months of age and over are to be tested.

The certificate will then be valid for another 90 days and for the last quarter of the test year to the anniversary date.

4. Additions to Qualified Pseudorabies Negative Herds shall be either:

a. From a Qualified Pseudorabies Negative Herd.

b. From a herd not known to be pseudorabies infected and with a negative official pseudorabies test within 30 days of entry on all swine added regardless of age. Swine added to be isolated and retested and negative 30-60 days after entry and before being commingled with the qualified herd.

5. Feeder swine on the premises of the Qualified Pseudorabies Negative Herd must be farrowed on the premises or have a negative official pseudorabies test within 30 days prior to entry to the premises or be kept separate from the Qualified Pseudorabies Negative Herd.

6. Qualified Pseudorabies Negative Herd status will be canceled if any swine in the herd react when tested or are diagnosed as having pseudorabies or if additions are made contrary to this rule.

7. Qualified Pseudorabies Negative Herds which have lost status because of test reactors or a diagnosis of pseudorabies in the herd will regain their status when:

a. Reactor swine have been removed for slaughter with a shipping permit and

b. Premises have been cleaned and disinfected and

c. The herd has had two negative pseudorabies tests of all swine in the herd six months of age and over the first at least 30 days after removal of the reactors and the second at least 30 days after the first test.

The infected herd quarantine would be released after the first negative test.

8. Qualified Pseudorabies Negative Herds which have lost status because of additions made contrary to this rule will regain that status when all swine in the herd six months of age and over have had a negative official pseudorabies test.

9. Swine returned to Qualified Pseudorabies Negative Herds from exhibitions or that are otherwise commingled with swine from herds not qualified should be kept in isolation upon return for 30 days and have a negative official pseudorabies test before rejoining the herd.

D. Establishing pseudorabies controlled vaccinated herds.

1. The Board should be notified of the producers desire to establish a pseudorabies controlled vaccinated herd.

2. All swine six months of age and over must be tested for pseudorabies and found to be negative.

3. The negative swine must be officially vaccinated for pseudorabies within 15 days after the date tested.

4. All swine regardless of age or origin added to the pseudorabies controlled vaccinated swine herd as breeding swine must be tested for pseudorabies and found to be negative and then officially vaccinated for pseudorabies within 15 days after the date tested.

E. Swine from a Qualified Pseudorabies Negative Herd will be eligible for entry into Minnesota exhibitions without an official pseudorabies test.

3 MCAR § 2.025 Aleutian disease free herds of mink.

A. Definitions.

1. Official test — counterelectrophoresis (CEP) plate test conducted in a state laboratory on samples submitted by an authorized testing agent or other test approved by the Board.

B. Establishing an Aleutian Disease Free Herd.

1. The herd owner shall notify the Board of his intent to qualify his herd by having his breeding mink tested at his own expense.

2. A mink herd will qualify when the owner has filed with the Board proof that all mink in the breeding herd have been negative on two successive official tests for Aleutian disease conducted not less than 45 days or more than 365 days apart.

3. An Aleutian disease free herd certificate valid for one year from the date of the last qualifying test will be issued to the owner of the qualified herd.

4. Certificates will be revoked if a laboratory or clinical diagnosis of Aleutian disease is made in the herd or if the provisions of this rule are not complied with.

C. Additions to Certified Herds or Those Being Qualified.

1. Mink from Certified Aleutian Disease Free Herds may be added without a test.

2. Mink from other herds must be tested for Aleutian disease and negative within 30 days prior to entry, be isolated from all other mink until retested and negative not less than 30 days or more than 60 days after entry.

D. 1. The Board may recertify a Certified Aleutian Disease Free Herd for one year from the anniversary date upon receipt of proof of a negative official test of the breeding herd conducted within 30 days of the expiration of the certificate. Herds which have been certified for two years may be recertified upon receipt of a negative official test on 50 per cent of the breeding mink in each color phase including all males in each color phase.

E. Supervision.

1. Agents of the Board may be present and supervise the collection of samples for any Aleutian disease test.

2. The Board may request collection under their supervision of not to exceed 200 blood samples for testing at a time mutually agreed upon to check the disease status of the herd.

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 April, 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 Dr. J. G. Flint, the Secretary and Executive Officer of the Livestock Sanitary Board be and he hereby is granted the authority and directed to call a hearing for the purpose of promulgating 3 MCAR § 2.024, Control of Pseudorabies, as well as perform any and all acts incidental thereto, signing an order of hearing and notice of hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of April, 1979.

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP

HEARING EXAMINER

In the Matter of Proposed Promulgation of Rules of the Livestock Sanitary Board 3 MCAR § 2.024 Control of Pseudorabies and 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink and repeal of 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

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 (1978), in Conference Room D, Veterans Service Building, 20 West 12th Street or Columbus Avenue, St. Paul, Minnesota, commencing at 9:30 a.m., or as soon thereafter as possible, Thursday, May 31, 1979, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to promulgate rule:
3 MCAR § 2.024 Control of Pseudorabies, 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.

and rule: 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink, proposed to enable mink ranchers to establish certified Aleutian Disease Free Herds of mink under supervision of the Livestock Sanitary Board. This would result in greater productivity, improved saleability of breeding stock and control of the disease.

The Livestock Sanitary Board proposes to repeal 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity. These rules are no longer needed since the diseases they were concerned with have been eradicated from Minnesota, railroad cars are not a factor in transport of animals within Minnesota and the condemnation and indemnity payments for tuberculosis, para-tuberculosis and brucellosis are provided for in other rules.

Free copies of the proposed rules are available and can be obtained from the Minnesota Livestock Sanitary Board, LL 70 Metro Square, St. Paul, Minnesota, 55101. 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 (1978).

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

Dated this 30th day of April, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Promulgation of Rules of the Livestock Sanitary Board 3 MCAR § 2.024 Control of Pseudorabies and 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink and repeal of 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.014 Control of Hog Cholera, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

CERTIFICATE

I hereby certify that the enclosed 4 sheets 589 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 8:30 o'clock, A.M., this 26th day of April, 1979, have requested pursuant to M.S., Section 15.0412 (1978) 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 Deanna M. Scott

APR 26 1979
RECEIVED
BOARD
LIVESTOCK SANITARY
STATE OF MINNESOTA

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 19th day of April, 1979 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 (1978).

3) That on the 26th day of April, 1979, 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 26th day of April, 1979

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 Promulgation of Rules of the Livestock Sanitary Board 3 MCAR § 2.024 Control of Pseudorabies and 3 MCAR § 2.025 Aleutian Disease Free Herds of Mink and repeal of 3 MCAR § 2.013 Control of Glanders-Farcy, 3 MCAR § 2.019 Horse Mange or Scabies, 3 MCAR § 2.051 Cleaning and Disinfection of Railroad Cars, and 3 MCAR § 2.060 Condemnation and Slaughter of Animals Affected with Tuberculosis, Para-tuberculosis, and Bang's Disease, and the Payment of Indemnity.

AFFIDAVIT OF MAILING

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

That on the 30th day of April, 1979, 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 interoffice mail or directly to the addressee to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota Legislature.

L T Christensen

Subscribed and sworn to before me

this 30th day of April, 1979,

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 Promulgating of
Rule 3 MCAR § 2.024 Control of
Pseudorabies.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rule is a new rule of the Livestock Sanitary Board promulgated under authority vested in the Livestock Sanitary Board by Minn. State. § 35.03 (1978).

The need to adopt these rules arises because of:

1. The request of some members of the swine industry in Minnesota for the establishment of Qualified Pseudorabies Negative Herds.
2. The need to establish control measures on swine herds and other livestock infected with pseudorabies to protect other swine and livestock from the infection.

Several members of the swine industry have indicated their interest in the establishment by the Livestock Sanitary Board of Qualified Pseudorabies Negative Herds. Recent action by Veterinary Services, Animal and Plant Health Inspection Services, USDA in publishing regulations covering pseudorabies in the United States which are effective May 17, 1979, has provided the basis used in promulgating 3 MCAR § 2.024 Control of Pseudorabies which will provide for establishment of Qualified Pseudorabies Negative Herds in Minnesota with requirements which are comparable with those of other states. Swine from Qualified Pseudorabies Negative Herds will be eligible for movement to most other states with similarly qualified herds without pseudorabies tests prior to movement. Movements within Minnesota which require a negative pseudorabies test for exhibitions or sales would usually be exempt from the test. The exemptions are dependent on requirements set up by individual states, exhibitions or sales etc.

Owners of swine from Qualified Pseudorabies Negative Herds will usually be able to move swine without additional pseudorabies tests which often delay movements for several days. Purchasers of swine from qualified herds will be reasonably assured that swine purchased are free of pseudorabies and will not introduce the infection into their existing herds.

Procedures for the control of pseudorabies in Minnesota will require that all swine herds and other livestock will be placed under quarantine when pseudorabies is determined to exist by a laboratory diagnosis or when clinical signs of pseudorabies result in a diagnosis of pseudorabies. This will reduce the spread of the disease, provide protection to the Qualified Pseudorabies Negative Herds and to other swine and livestock which are not infected. The rule provides that assistance will be given owners of infected herds in the elimination of the infection from quarantined swine herds.

The proposed rule defines the official test for pseudorabies as one approved by the Board and accepted for use nationally by V.S. APHIS, USDA and other states. The official test may change as more efficient and economical tests are developed. Tests are to be conducted in USDA approved laboratories on samples collected and submitted by a veterinarian or administered by him.

Official pseudorabies vaccinates are defined as swine which have been vaccinated by an accredited veterinarian with a USDA approved vaccine and identified with a pink eartag and a report of the vaccination submitted to the Board.

The rule will require reporting of all cases of pseudorabics to the Board. Quarantines will be established on swine herds found to be infected by a clinical or laboratory diagnosis. Quarantines will be established on test positive swine in herds without signs of pseudorabies. Swine or other livestock from quarantined herds can be moved only to slaughter with a shipping permit. Swine herds will be released from quarantine when all reactors are removed for slaughter, the premises cleaned and disinfected and all swine six months of age and over in the herd have been tested for pseudorabies and found to be negative. Test positive swine quarantined will be released from quarantine when tested negative or shipped for slaughter with a shipping permit. Provision has been made for movement of feeder pigs from herds under quarantine for pseudorabies to feeding premises if the infection is no longer clinical, no breeding stock is sold from the herd and the pigs remain under quarantine on the feeding premises until they are consigned to slaughter with a shipping permit. Swine tested must be individually identified and all tests except those for release of an infected herd quarantine are to be at owners expense.

Livestock, other than swine, quarantined because of a diagnosis of pseudorabies or exposure to pseudorabies will be released from quarantine 21 days after being quarantined if no signs of pseudorabies are evident.

A Qualified Pseudorabies Negative Herd will be established when the owner signs an agreement to comply with these rules, has had no pseudorabies in the herd in the past 12 months and 90% of the swine six months of age and over, which were tested at his own expense, have been in the herd for 90 days and the test results are all negative. The owner will then be given a certificate of the herd status valid for 90 days from the date of the initial test date.

The herd status is maintained when 25% of the swine six months of age and over are tested negative within 10 days of 90, 180, 270 and the anniversary date of the initial qualification. No swine are to be tested twice in one year, all swine six months of age and over are to be tested at least once in each year, if the herd is maintained in several locations 25% in each location must be tested and if at time of test there are only 10 swine six months of age and over in the herd they must all be tested. The negative test will renew the certificate from the date it expired for an additional 90 days and for the last quarter to the anniversary date.

Additions of all ages to Qualified Pseudorabies Negative Herds shall be from other Qualified Pseudorabies Negative Herds or from herds not known to be infected with pseudorabies and each swine added have a negative official pseudorabies test within 30 days prior to entry, be isolated until retested and negative 30-60 days after entry.

Feeder pigs maintained on premises of Qualified Pseudorabies Negative Herds must originate from the herd or be tested and negative within 30 days prior to entry to the premises or be isolated from the Qualified herd to prevent any possible transfer of infection.

The Qualified Pseudorabies Negative Herd status will be canceled if any swine react when tested or the disease is diagnosed in the herd or additions made contrary to the rule.

When the status is lost because of infection it will be reinstated when all swine are tested and all reactors shipped for slaughter, the premises are cleaned and disinfected and the herd has had 2 negative tests for pseudorabies the first 30 days after the reactors are removed and the second at least 30 days after the first. The infected herd quarantine would be released after the first negative test and swine could be sold for any purpose. The Qualified Pseudorabies Negative Herd status would not be reinstated until after the second negative test.

When status is canceled because of improper additions, it will be reinstated when all swine six months of age and over in the herd had been tested and are negative.

Swine from Qualified Pseudorabies Negative Herds which have been shown in exhibitions, sales etc. should be isolated upon return and tested 30 days later

before returning to the herd. If all swine that were comingled were from qualified herds, this requirement may not be necessary.

Controlled vaccinated herd can be established under the rule by indicating intent to the Board then testing all swine six months of age and over. If all are negative they must be officially vaccinated for pseudorabies within 15 days. All additions to these herds must be tested and negative then officially vaccinated within 15 days. This would permit producers to officially protect their breeding stock by vaccination.

The rule would permit swine from qualified herds to enter Minnesota exhibitions without a pseudorabies test if one were required. Each exhibition could still require a prior test if they wished.

We point out that there are presently two pseudorabies vaccines being sold for use on swine in Minnesota. Swine which are vaccinated will usually react if tested for a period of time after vaccination. There is no way of determining if reactors, when tested, are vaccinates or have been infected. These vaccinates which react will be considered infected and under this proposed rule will be quarantined and subjected to test. This is essential to a control program for present information is that vaccination may not prevent swine from becoming infected and being able to spread the pseudorabies virus to other swine. The vaccine will usually prevent the vaccinated swine from showing visible sign of infection.

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

IN THE MATTER OF PROPOSED PROMULGATION OF RULES RELATING TO 3 MCAR § 2.024, CONTROL OF PSEUDORABIES

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 9:30 A.M. on Thursday, May 31, 1979 in the Conference Room D, Veterans Service Building, 20 West 12th Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Sec. 15.0412 (1978) was published at 3 State Register 1974 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, we find the following:

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

2. Adoption of the rule will provide the Board with a means of controlling pseudorabies by means of quarantine and testing.

3. Adoption of the rule will allow swine producers to establish and maintain Qualified Pseudorabies Negative Swine Herds which will enable them to market breeding stock interstate without further testing for pseudorabies and also facilitate exhibition of swine by usually eliminating the need for testing.

4. The change made in the proposed rule at the public hearing will not change the control program but will increase the security of the Qualified Pseudorabies Negative Herd.

5. The Hearing Examiner has recommended the proposed rule be adopted after determining that the rule is reasonable and necessary that the changes proposed are not substantive and that all procedural requirements of statute have been complied with.

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD

J. G. Flint

J. G. Flint, DVM
Secretary and Executive Officer

DATE: July 6, 1979

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE HARRY S. CRUMP
HEARING EXAMINER

In the Matter of the Promulgation of
Rules of the Livestock Sanitary Board,
Governing 3 MCAR § 2.024 Control of
Pseudorabies.

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 9:30 A.M. in Conference Room D in Veterans Service Building, 20 West 12th 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 at 3 State Register page 1974.

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 §§ 2.024, Control of Pseudorabies, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 13th day of July, 1979 pursuant to authority vested in me by the Livestock Sanitary Board.

State of Minnesota
LIVESTOCK SANITARY BOARD

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

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD
JUL 19 1979

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 13th day of July, 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 2.024, Control of Pseudorabies, 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 by name this 13th day of July, 1979.

J. G. Flint

J. G. Flint, DVM
Secretary and Executive Officer