

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: 592

ADMIN 1000 (Rev. 1/73)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : PEDER B. HONG
Special Assistant
Attorney General

DATE: May 15, 1980

FROM : JERRY ANDERSON
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: Rules as Approved In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations Providing for Quarantine of Domestic Animals imported into Minnesota Without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stock-yards. LSB 52 Cleaning & Disinfection, etc.

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.

JA/bw
Enclosure
cc: Duane Harves
Susan Robertson

AG work copy

STATE OF MINNESOTA

LIVESTOCK SANITARY BOARD

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards. LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

REVISED
FINDINGS OF FACT AND
ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:30 a.m. on Wednesday, March 12, 1980, in the conference room at 500 Rice Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Section 15.0412 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at 4 State Register pages 1246 - 1253.

The Report of the Hearing Examiner was issued on March 29, 1980.

Having afforded 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, having confirmed the need and resonableness for the above-captioned rules and having been advised of the need for revised findings. The Board makes the following revised findings and order:

FINDINGS OF FACT

1. The findings, conclusions, contained in the report of the Hearing Examiner dated March 24, 1980 are hereby adopted.

2. At the hearing two changes to the proposed rules as originally published were made.

(a) In response to written comments submitted by Joel Bennett, President of the Saint Paul Union Stockyards, the LSB proposed to amend § 2.018 D. by adding the language: ". . . or until cleaned and disinfected under supervision of the board." Additionally, the LSB proposed to strike the work "~~cattle~~" in § 2.018 E. and substitute in place thereof the word animals in response to comments from Gary Schnell regarding rule consistency.

(b) Subsequent to hearing, the LSB proposed the following amendment which clarifies an apparent inconsistency in proposed 3 MCAR § 2.009.

B. Sheep ~~for immediate slaughter~~ may be imported without a health certificate if consigned to a slaughtering establishment where the federal government maintains inspection, or to a market or stockyard operating under permit from the board for resale to such a slaughtering establishment or removal when accompanied by a health certificate meeting requirements of the state of destination.

3. The above change noted in paragraph 2(a) is reasonable and necessary because the changes made in the proposed rule at the public hearing will permit release of quarantines in public markets after cleaning and disinfection under supervision of the Board. This will not decrease the effectiveness of the disease control program.

4. The above change noted in paragraph 2 (b) is reasonable and necessary because the change would allow removal of sheep from stockyards and markets for purposes other than slaughter following veterinary inspection and the change will not decrease the disease control efforts of the Livestock Sanitary Board.

ORDER

NOW, THEREFORE, IT IS ORDERED that the rules identified as LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation of Domestic Animals, Including Poultry for Infectious and Dangerous Communicable Diseases as ordered adopted the 11th day of April, 1980 are hereby adopted pursuant to authority vested in me by the Livestock Sanitary Board.

May 12, 1980



Dr. R. L. Mersch, President
Livestock Sanitary Board

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON

HEARING EXAMINER

In the Matter of the Amendment of Rules of the Livestock Sanitary Board, Governing 3 MCAR § 2.007 Quarantine of livestock and poultry imported into Minnesota without a health certificate or with an improper health certificate.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Peter Erickson of the Minnesota Office of Hearing Examiners at 9:30 A. M. in the Conference Room at 500 Rice Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Section 15.0412 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at 4 State Register page 1246.

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 § 2.007, Quarantine of livestock and poultry imported into Minnesota without a health certificate or with an improper health certificate, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 11th day of April, 1980 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

COUNTY OF RAMSEY

BEFORE PETER ERICKSON

HEARING EXAMINER

In the Matter of the Amendment of Rules of the Livestock Sanitary Board, Governing 3 MCAR § 2.009 Importation of Sheep

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Peter Erickson of the Minnesota Office of Hearing Examiners at 9:30 A.M. in the Conference Room at 500 Rice Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Section 15.0412 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at 4 State Register page 1246.

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 § 2.009, Importation of Sheep, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 11th day of April, 1980 pursuant to authority vested in me by the Livestock Sanitary Board.

State of Minnesota
LIVESTOCK SANITARY BOARD

R. L. Mersch D.V.M.

original

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON

HEARING EXAMINER

In the Matter of the Amendment of
Rules of the Livestock Sanitary
Board, Governing 3 MCAR § 2.018
Scabies

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Peter Erickson of the Minnesota Office of Hearing Examiners at 9:30 A.M. in the Conference Room at 500 Rice Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Section 15.0412 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at 4 State Register page 1246.

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 §§ 2.018, Scabies, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 11th day of April, 1980 pursuant to authority vested in me by the Livestock Sanitary Board.

State of Minnesota
LIVESTOCK SANITARY BOARD

R. L. Mersch, DVM

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE PETER ERICKSON

HEARING EXAMINER

In the Matter of the Amendment of Rules of the Livestock Sanitary Board, Governing 3 MCAR § 2.044 The establishment and operation of public stockyards.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Peter Erickson of the Minnesota Office of Hearing Examiners at 9:30 A.M. in the Conference Room at 500 Rice Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Section 15.0412 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at 4 State Register page 1246.

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 § 2.044, The establishment and operation of public stockyards, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 11th day of April, 1980 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

COUNTY OF RAMSEY

BEFORE PETER ERICKSON

HEARING EXAMINER

In the Matter of the Amendment of Rules of the Livestock Sanitary Board, Governing 3 MCAR § 2.052 Cleaning and disinfection of vehicles used as carriers.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Peter Erickson of the Minnesota Office of Hearing Examiners at 9:30 A.M. in the Conference Room at 500 Rice Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Section 15.0412 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at 4 State Register page 1246.

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 § 2.052, Cleaning and disinfection of vehicles used as carriers, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 11th day of April, 1980 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

COUNTY OF RAMSEY

BEFORE PETER ERICKSON

HEARING EXAMINER

In the Matter of the Amendment of Rules of the Livestock Sanitary Board, Governing 3 MCAR § 2.061 Isolation and quarantining of livestock and poultry for infectious and dangerous communicable diseases.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Peter Erickson of the Minnesota Office of Hearing Examiners at 9:30 A.M. in the Conference Room at 500 Rice Street, St. Paul, Minnesota, after proper notice required by Minnesota Statutes Section 15.0412 (1978) was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at 4 State Register page 1246.

After affording interested persons an opportunity to present writtern 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 § 2.061, Isolation and quarantining of livestock and poultry for infectious and dangerous communicable diseases, as presented to the Minnesota Livestock Sanitary Board for consideration, are adopted this 11th day of April, 1980 pursuant to authority vested in me by the Livestock Sanitary Board.

State of Minnesota
LIVESTOCK SANITARY BOARD

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

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

STATE OF [redacted]NESOTA

DEPARTMENT of Attorney General

Office Memorandum

TO : Jerry Anderson
Special Assistant Attorney General

DATE: May 12, 1980

FROM : Peder Hong
Special Assistant Attorney General

PHONE:

SUBJECT: Minnesota Rule 3 MCAR § 2.044

In rule 3 MCAR § 2.044 E. 2. and 3. the reference to 3 MCAR § 2.066 should be to LSB 66.

In 3 MCAR § 2.044 G. 1. and 2. the reference to 3 MCAR § 2.011 should be a reference to LSB 11.

You are authorized to make those changes in the originals which you are reviewing and which you will be filing with the Secretary of State.

PH:msc

AG copy Rules As Adopted.

3 MCAR § 2.007 Quarantine of livestock and poultry imported into Minnesota without a health certificate or with an improper health certificate.

A. The board shall quarantine at owner's expense all livestock and poultry imported into Minnesota without a health certificate if a health certificate was required by any rule of the board, or if with a health certificate which does not meet the importation requirements of the board.

B. It shall be the duty of the owner of quarantined livestock or poultry to maintain them in isolation in a manner that will prevent contact with any other livestock or poultry until the quarantine is released.

C. The board will release the quarantine when it receives a report from an accredited veterinarian indicating personal inspection of the livestock or poultry for compliance with the importation rules of the board including test results to meet all entrance requirements or when proof of slaughter of the livestock or poultry is submitted.

AG copy Rule As Adopted

3 MCAR §§ 2.009 Importation of sheep

A. Sheep imported for purposes other than immediate slaughter shall be accompanied by a health certificate prepared by the accredited veterinarian who examined the sheep.

B. Sheep may be imported without a health certificate if consigned to a slaughtering establishment where the federal government maintains inspection, or to a market or stockyard operating under permit from the board for resale to such a slaughtering establishment or removal when accompanied by a health certificate meeting requirements of the state of destination.

underlined added per public hearing

AG Copy. Rule As Adopted

3 MCAR § 2.018 Scabies

A. All outbreaks of skin disease among cattle, sheep or goats suspicious of being caused by Psoroptes mites shall be reported to the board.

B. All animals affected with scabies and all animals that have been exposed to the affected animals shall be quarantined.

C. The quarantine shall be continued until satisfactory evidence is presented to the board that the quarantined animals are not affected with scabies; or until the entire herd has been dipped, sprayed or satisfactorily treated two or more times with an interval of ten to fourteen days using a dip approved by the USDA for treatment of scabies, the recommended withdrawal period observed and satisfactory evidence presented to the board that the animals are no longer affected; or the entire herd has been shipped for slaughter.

D. Enclosures in which animals affected with scabies have been confined shall not be repopulated for a period of at least 30 days after untreated quarantined animals have been shipped for slaughter or until cleaned and disinfected under supervision of the board.

E. Facilities used for official dipping of animals for scabies shall be approved by the board. A supervisor of the dip vat shall be authorized by the board who will be responsible for operation of the vat, for submission of vat samples and maintaining a record of all animals dipped for official purposes.

Underlined added per public hearing

AG copy. Rules As Adopted

3 MCAR § 2.044 The establishment and operation of public stockyards.

A. Definitions.

1. "Board" shall mean the Minnesota Livestock Sanitary Board acting by and through the secretary and executive officer.

2. "Public stockyards" means an assembly point for livestock operated as a public market for livestock producers, feeders, market agencies and buyers; having facilities and providing services for those individuals or organizations who have been granted the privileges of the market by the management of the stockyards.

3. "Shipper contract" shall mean a record indicating:

a. Consignor's name and address.

b. Identification and description of the livestock consigned.

c. Date and time received.

d. Name of the trucker or transportation agency.

e. Name of the individual or firm who will represent the seller.

f. Signature of the seller or his agent.

4. "Veterinary services contractor" shall mean an accredited veterinarian or more than one veterinarian selected by the management and approved by the board to perform necessary services in connection with the rules of the board.

B. Permit to operate.

1. A permit to operate expiring June 30 following the issue date shall be issued provided:

a. A veterinarian or veterinarians acceptable to the board has been retained by the stockyards management to act as the veterinary services contractor.

b. An inspection by representatives of the board indicates compliance with the sanitation and general requirements of this rule.

c. The management of the stockyards shall furnish a list of all persons and firms granted the privilege of the market.

2. Revocation of permit.

a. The secretary and executive officer may suspend the permit for just cause for a period of not more than thirty (30) days pending a hearing before the board to show cause why the permit should not be revoked.

C. General requirements.

1. All pens, yards, alleys and livestock holding areas shall be constructed so that they may be maintained in good repair and in a sanitary condition.

2. The veterinary services contractor shall be provided adequate space and facility to perform his duties.

3. Separate isolation pens shall be provided for yarding reactors, suspects and exposed livestock.

4. Facilities shall be provided by the management for adequately cleaning and disinfecting trucks and other vehicles at a reasonable cost to the transportation agency.

5. Agents of the board shall be allowed entry for inspection purposes upon demand at any reasonable time.

6. The management shall maintain and cause to be maintained records of all livestock transactions for a period of one year. Such records shall be available for inspection on demand at reasonable times by agents of the board.

7. The management shall lock and seal pens or sections of the stockyard upon demand when agents of the board detect or suspect contagious

or communicable disease exists in such pens and sections of the stockyards. Such pens shall be cleaned and disinfected under board supervision before being used again.

8. Upon disclosure of brucellosis reactors all cattle in the consignment shall be considered exposed and must be sold for immediate slaughter or returned to the farm of origin under quarantine. If sold for immediate slaughter a shipping permit shall be issued and each exposed animal shall be permanently identified with the letter "S" on the left jaw. Cattle that have been in contact with such a consignment 24 hours or more shall be considered exposed cattle and shall be handled in the same manner.

9. All movements into and out of the public stockyards shall be in compliance with applicable federal interstate regulations and the laws of the State of Minnesota and rules of the board.

10. Swine leaving the stockyards for further feeding or breeding must leave within 72 hours of arrival in the stockyards.

D. Entry of livestock.

1. Livestock under quarantine shall be allowed entry when properly identified and accompanied by a permit issued by a veterinarian.

2. All livestock shall enter with a properly completed shipper contract.

3. All reactors, suspects, and exposed livestock shall enter the stockyards through separate entryway and be yarded in the isolation area. The shipper contract shall be clearly marked with the appropriate word or words indicating such livestock.

E. Removal of livestock.

1. No livestock except livestock for immediate slaughter shall be removed from the premises until released by the veterinary services

contractor or his representative.

2. Cows and bulls two years of age and over for immediate slaughter shall be identified to the herd of origin by an official backtag, as required in rule ~~3 MCAR § 2.066,~~ LSB 66 and shall not be released by the veterinary services contractor or his representative unless all animals are identified by official backtags. LSB 66

3. Swine sold for slaughter shall be identified to the herd of origin as required in ~~3 MCAR § 2.066,~~ LSB 66 and shall not be released by the veterinary services contractor or his representative unless identified.

4. Cattle removed for purposes other than slaughter must be accompanied by a health certificate meeting Minnesota importation requirements if they originate from other states or Minnesota sale requirements if they originate from Minnesota or state of destination requirements if exported.

5. Swine removed for breeding or further feeding purposes must be accompanied by a health certificate indicating:

a. Eartag number.

b. Negative brucellosis buffered antigen test for sows and boars six months of age and over.

c. Any other requirements of a state of destination.

6. All swine for breeding and further feeding removed from public stockyards to points in Minnesota shall be quarantined until sent to slaughter.

7. Sheep, goats, horses, mules, and other species may be removed when a health certificate certifying compliance with the state of destination requirements have been met.

F. Tuberculosis test requirements for cattle.

1. All cattle shall be tested for tuberculosis except:

a. Cattle for immediate slaughter.

b. Cattle originating in Minnesota.

c. Cattle from states having tuberculosis reciprocity agreement with Minnesota.

d. Female feeding and grazing cattle leaving the public stockyards on permit.

e. Steers, spayed heifers, beef cattle under 8 months of age, and dairy cattle under 6 months of age.

f. Cattle leaving on permit to approved drylot feeding premises.

G. Brucellosis requirements for cattle and swine.

1. The test for and diagnosis of brucellosis responding cattle and swine shall be in accordance with ~~3 MCAR § 2.011~~ LSB 11 and 3 MCAR § 2.021. LSB 11

2. The requirements for transfer of ownership for cattle, as embodied in ~~3 MCAR § 2.011~~ LSB 11 Eradication of bovine brucellosis in Minnesota, shall apply to all cattle removed from the public stockyards except that:

a. Cattle of all classes may be sold to leave the public stockyards to enter a Minnesota approved drylot feeding premises provided:

(1) A permit is secured.

(2) The cattle are branded with the letter "F" on the right jaw.

(3) Individual identification for each animal is listed on the health certificate.

3. The requirements for transfer of ownership for removal of breeding swine six months of age and over, except for immediate slaughter, shall be a negative brucellosis test.

Ag copy. Rule As Adopted

3 MCAR § 2.052 Cleaning and disinfection of vehicles used as carriers.

A. Vehicles used as carriers for livestock which are affected with or suspected of being affected with a contagious, infectious, or communicable disease shall be cleaned and disinfected before use for transportation of other livestock.

B. Procedures for cleaning and disinfection.

1. The vehicles shall first be thoroughly cleaned by the removal of all litter, manure and refuse.

2. Provision shall be made for the disposition of all manure, litter and refuse removed from the vehicles, into an area where other livestock cannot come in contact with it.

3. The floors, interior walls and chassis of the vehicles shall then be disinfected with a disinfectant approved by the USDA.

AG copy. Rule #5 Adopted

3 MCAR § 2.061 Isolation and quarantining of livestock and poultry for infectious and dangerous communicable diseases.

A. All livestock and poultry affected with or which shows symptoms of, or has been exposed to a disease determined by the board to be a dangerous, infectious communicable disease, shall be quarantined and isolated from all other unexposed livestock or poultry until the board, its executive officer, or agent shall release the quarantine.

B. No person except the owner, attendants or medical advisers shall enter any enclosures where any livestock or poultry quarantined and isolated are being kept.

APPROVED AS TO FORM AND LEGALITY

MAY 13 1980 19____

WARREN SPANNAUS, ATTORNEY GENERAL

BY Jerry S. Anderson

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
MAY 14 1980
Joan Anderson Growe
Secretary of State

3:27 PM

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

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Joanne Hinderaker
Special Assistant
Attorney General

DATE: April 24, 1980

FROM : Peder B. Hong
Special Assistant
Attorney General

PHONE: 296-0415

SUBJECT:

Enclosed for Attorney General's approval are Livestock Sanitary Board rules 3 MCAR §§ 2.007, 2.009, 2.018, 2.044, 2.052 and 2.061. Only one copy of the Secretary of State's list is enclosed. It is in the 3 MCAR § 2.007 envelope, but it applies to each of these rules as they were all handled together.

PBH:cjs
Enclosures

RECEIVED
APR 25 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

Our File #592

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 4/25 DUE DATE 5/15.

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved _____ Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓ 3mcAR 2.061
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable ✓
4. Order for Hearing ✓
5. Notice of Hearing ✓
   Sufficiency ✓
6. Secretary of State's List ✓ see 2.007 (one copy only)
7. Certificate of Acquisition of Secretary of State's List ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency ✓
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing ✓
10. Publication in State Register ✓ copy not submitted. see HExpt P2
    At least 30 days prior to hearing ✓
11. Statement of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact _____
14. Certificate of Board's Resolution Adopting Rules, where applicable ✓
15. Order Adopting ✓
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N/A
20. Petition by Public, where applicable N/A

Rules as Proposed

~~**LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infection and Dangerous Communicable Diseases**~~

~~The owner or person in charge of any domestic animal (which includes all livestock and poultry), affected with or which shows symptoms of, or has been exposed to the following diseases, viz: glanders, tuberculosis, paratuberculosis (Johne's disease), actinomycosis (lumpy jaw), infectious anemia (swamp fever), anthrax, scabies, hog cholera, necro bacillosis, swine erysipelas, epizootic lymphangitis, black leg, foot and mouth disease, Texas fever and any other dangerous, infectious, communicable disease, shall forthwith upon discovery of the existence of such disease or symptoms thereof or upon ascertainment that any such animal has been exposed to any of said diseases, cause each and every animal so affected, exposed or showing symptoms of the existence of such disease to be quarantined and isolated from all other well or unexposed domestic animals and to thereafter continue to have each such animal isolated, as aforesaid, on the premises of the owner of such animals or of the person in charge thereof until such time as the State Livestock Sanitary Board, its Executive Officer or duly authorized agent or officer of said Board, shall certify in writing to such owner or attendant that such animals are free from any such disease, or that there is no longer any reasonable necessity to keep such animals quarantined and isolated from other domestic animals.~~

~~It shall be the duty of local health officers when directed so to do by the Executive Officer of the State Livestock Sanitary Board or any officer or agent thereof, to place in a conspicuous place, or places on the premises where any such animals may be quarantined and isolated, as aforesaid, a placard or notice of the existence of such disease. No person except the owner, attendants or medical advisers shall enter any enclosures where any animal so quarantined and isolated is being kept and upon which a placard shall have been placed, as hereinbefore provided for, during the time such placard is so displayed. No person shall remove, obliterate, mutilate, or destroy any such placard so posted until the Executive Officer or a duly authorized agent or officer of the State Livestock Sanitary Board shall have certified in writing to the owner or attendant that said quarantined and isolated animal or animals referred to in the placard quarantined and isolated from other domestic animals.~~

3 MCAR § 2.061 Isolation and quarantining of livestock and poultry for infectious and dangerous communicable diseases.

A. All livestock and poultry affected with or which shows symptoms of, or has been exposed to a disease determined by the board to be a dangerous, infectious communicable disease, shall be quarantined and isolated from all other unexposed livestock or poultry until the board, its executive officer, or agent shall release the quarantine.

B. No person except the owner, attendants or medical advisers shall enter any enclosures where any livestock or poultry quarantined and isolated are being kept.

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF PROPOSED AMENDMENTS TO RULES OF THE LIVESTOCK SANITARY BOARD LSB 7 REGULATIONS PROVIDING FOR QUARANTINE OF DOMESTIC ANIMALS IMPORTED INTO MINNESOTA WITHOUT A HEALTH CERTIFICATE, LSB 18 CATTLE MANGE OR SCABIES, LSB 20 ERADICATION OF SHEEP SCABIES, LSB 44 THE ESTABLISHEMENT AND OPERATION OF PUBLIC STOCKYEARDS, LSB 52 CLEANING AND DISINFICTION OF AUTOMOBILES, TRUCKS AND OTHER VEHICLES, LSB 61 ISOLATION AND QUARANTINING OF DOMESTIC ANIMALS, INCLUDING POULTRY, FOR INFECTIOUS AND DANGEROUS COMMUNICABLE DISEASES.	ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on March 12, 1980, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Report of the Hearing Examiner made pursuant to Minn. Stat. § 15.052, subd. 3, was issued to the Livestock Sanitary Board (hereinafter "Board") on March 24, 1980; and

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

WHEREAS, the 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 Board has met all requirements of Minn. Stat. § 15.0412, subd. 4.

NOW, THEREFORE, upon receipt of this Order, the 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 22nd day
of April, 1980.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE NATALIE L. GAULL
HEARING EXAMINER

In the Matter of Amendment of Rule 3 MCAR § 2.061 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments of existing rules of the Livestock Sanitary Board. The last time the above captioned rules were amended was December, 1945. The Livestock Sanitary Board is authorized to promulgate and amend rules by Minn. Stat. § 35.03 (1978).

The need to adopt these rules arises because:

1. Specific diseases referred to in the rule have been eradicated from the United States, are covered in other rules or are no longer considered to be dangerous.

2. The requirement of the rule for placarding of infected premises has not been complied with for several years.

3. The language of the thirty-five year old rule has been updated.

The specific diseases of glanders, hog cholera, foot and mouth disease and Texas fever have been eradicated in Minnesota and the United States and should they reoccur would be treated as an exotic disease and a containment and eradication program be initiated immediately by the state and federal disease control agencies.

Other rules of the Board deal with tuberculosis, paratuberculosis, anthrax, and scabies and have provisions for quarantine of animals affected with these diseases.

Some infectious diseases such as equine infectious anemia are controlled under Board policy and provisions made for control of diseases.

Actinomycosis, necro bacillosis, swine erysipelas, epizootic lymphangitis and black leg are infectious and communicable diseases which are presently not considered to be dangerous diseases because there are effective means of treating or controlling them.

The determination of which diseases would be considered to be dangerous would be made by the Board. Some of the criteria used would be the public health implications of the disease, the economic impact of the disease on the livestock industry, the possibilities of effective control and eradication programs and the incidence of the disease in the Minnesota livestock population. Diseases which were not endemic to Minnesota and were introduced would usually be considered dangerous.

For many years the rule requirement that premises quarantined for dangerous infectious diseases be placarded has not been complied with. It has not been considered to be essential to the disease control programs of the Board. Should it be considered necessary in the future it is a procedure which could be implemented.

The language of the thirty-five year old rule has also been updated.

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

AFFIDAVIT OF MAILING

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

That on the 11th day of February, 1980, 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 addresses to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota legislature.

L. T. Christensen

Subscribed and sworn to before me

this 11th day of February, 1980.

Marian S. Comford

MARIAN S. COMFORD
Notary Public, Ramsey County, Mn.
My commission expires Sept. 16, 1986

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 31st day of January, 1980, 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 7th day of February, 1980, 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 7th day of February, 1980.

Marian S. Comford

MARIAN S. COMFORD
Notary Public, Ramsey County, Mn.
My commission expires Sept. 16, 1985

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

CERTIFICATE

I hereby certify that the enclosed 4 Sheets 338 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 10:00 o'clock, A.M., this 7th day of February, 1980, 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 Scott

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MINNESOTA STATE

HEARING EXAMINER

In the Matter of the Proposed Amendment to Rules of the Minnesota Livestock Sanitary Board, Governing 3 MCAR § 2.061, Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases

ORDER OF HEARING

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

NOW, THEREFORE, IT IS ORDERED this 21st day of January, 1980, that a public hearing on the proposed amendment to the above-captioned rules be held in the Conference Room, 500 Rice Street, St. Paul, Minnesota, on Wednesday the 12th day of March, 1980, 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 NATALIE L. GAULL

HEARING EXAMINER

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

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 the Conference Room at 500 Rice St., St. Paul, Minnesota, commencing at 9:30 a.m., or as soon thereafter as possible, Wednesday, March 12, 1980, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to amend the following rules: LSB 7 Regulations Providing for Quarantine of Domestic Animals Imported into Minnesota without a Health Certificate to provide for quarantining livestock imported with improper health certificates as well as without health certificates and to simplify the language.

LSB 18 Cattle Mange and Scabies to provide for use of more effective control measures, supervision of dipping facilities and to simplify the language.

LSB 20 Eradication of Sheep Scabies to repeal the portion of the rule which relates to sheep scabies, a disease which has been eradicated, and to place the portion of the rule which relates to importation of sheep in 3 MCAR § 2.009 Importation of sheep so it will be in the section of MCAR with other importation requirements.

LSB 44 The Establishment and Operation of Public Stockyards to eliminate reference to hog cholera, to include reference to tattooing of swine as required in 3 MCAR § 2.066 Slaughter cattle and slaughter swine identification, to clarify the health certificate requirements on livestock released for purposes other than slaughter and to allow testing of cattle and swine for brucellosis with official tests other than the card test.

LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles to require cleaning and disinfection of all carriers of infected or exposed livestock not just public carriers and to simplify the language.

LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases to eliminate the listing of specific diseases several of which have been eradicated in the United States, others which are covered in specific rules, some which are not considered dangerous by present standards and to eliminate the mandatory placarding of infested premises. To simplify the language of the rule.

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). Adoption of the amended rules will not require the expenditures of additional public monies by local public bodies.

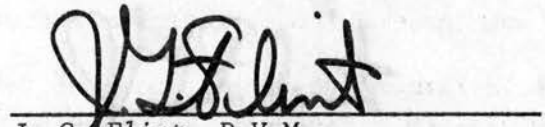
Relevant statements or written material may be submitted for the record at the hearing or to the hearing examiner, Natalie L. Gaull, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, phone 612-296-8114 before the hearing or within (5) five working days after the public hearing 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. The statute provides certain exceptions. 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 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 11th day of February, 1980

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: April 23, 1980

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 amending 3 MCAR § 2.061, Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases, 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 24 day of January, 1980.

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

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 11th day of April, 1980; 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 2.061, Isolation and quarantining of livestock and poultry for infectious and dangerous communicable diseases, 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 11th day of April, 1980.

J. G. Flint

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

Rules as Proposed

~~**LSB 52 Cleaning and Disinfection of Automobiles, Trucks and Other Vehicles**~~

~~(a) Whenever it shall be found that automobiles, trucks and other vehicles used as public carriers have contained animals which are suspected of being affected with a contagious, infectious, or communicable disease, such automobiles, trucks or other vehicles shall immediately upon unloading such animals be cleaned and then disinfected in the manner herein set forth.~~

~~(b) Automobiles, trucks and other vehicles shall be thoroughly cleaned by the removal of all scrapings, litter, manure and refuse.~~

~~(c) Suitable provision shall be made for the proper disposition of all scrapings, manure, litter and refuse removed from such vehicles, and must be disposed of in accordance with the regulations of the local health boards, and livestock shall not be allowed to come in contact with the same.~~

~~(d) The floors, interior walls and chassis of automobiles, trucks and other vehicles shall then be disinfected with four ounces of Cresol Compound U.S.P. to one gallon of water, or with a disinfectant approved by the Federal Bureau of Animal Industry. This can be accomplished by using a spray pump.~~

3 MCAR § 2.052 Cleaning and disinfection of vehicles used as carriers.

A. Vehicles used as carriers for livestock which are affected with or suspected of being affected with a contagious, infectious, or communicable disease shall be cleaned and disinfected before use for transportation of other livestock.

B. Procedures for cleaning and disinfection.

1. The vehicles shall first be thoroughly cleaned by the removal of all litter, manure and refuse.

2. Provision shall be made for the disposition of all manure, litter and refuse removed from the vehicles, into an area where other livestock cannot come in contact with it.

3. The floors, interior walls and chassis of the vehicles shall then be disinfected with a disinfectant approved by the USDA.

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 amending 3 MCAR § 2.052, Cleaning and Disinfection of Automobiles, Trucks and Other Vehicles, 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 24 day of January, 1980.

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MINNESOTA STATE

HEARING EXAMINER

In the Matter of the Proposed Amendment
to Rules of the Minnesota Livestock
Sanitary Board, Governing 3 MCAR § 2.052,
Cleaning and Disinfection of Automobiles,
Trucks and Other Vehicles

ORDER OF HEARING

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

NOW, THEREFORE, IT IS ORDERED this 21st day of January, 1980, that a public hearing on the proposed amendment to the above-captioned rules be held in the Conference Room, 500 Rice Street, St. Paul, Minnesota, on Wednesday the 12th day of March, 1980, 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

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

AFFIDAVIT OF MAILING

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

That on the 11th day of February, 1980, 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 addresses to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota legislature.

L. T. Christensen

Subscribed and sworn to before me
this 11th day of February, 1980.

Marian S. Comford

MARIAN S. COMFORD
Notary Public, Ramsey County, Mn.
My commission expires Sept. 16, 1986

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 31st day of January, 1980, 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 7th day of February, 1980, 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 7th day of February, 1980.

Notary Public
My commission expires

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

CERTIFICATE

I hereby certify that the enclosed 4 Sheets 338 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 10:00 o'clock, A.M., this 7th day of February, 1980, 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 Joanne Scott

LSB-80-001-PE

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:30 a.m. on Wednesday, March 12, 1980, in the conference room at 500 Rice Street, St. Paul, Minnesota.

Peder Hong, Special Assistant Attorney General, Appeared on behalf of the Livestock Sanitary Board (LSB). Dr. L. T. Christensen, Assistant Secretary, and Dr. R. G. Pyle, Director of the Imports and Markets Division, appeared and testified in support of the proposed rules on behalf of the Board. The hearing continued until all interested persons or groups had had an opportunity to be heard regarding the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five days. Thereafter, the Livestock Sanitary 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. § 15.052, subd. 4 (1978). 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. § 15.0412 (1978) 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

Procedural Requirements

1. On January 17, 1980, the Livestock Sanitary 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.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.

2. On February 11, 1980, a Notice of Hearing and a copy of the proposed rules were published at 4 State Register 1246.

3. On February 11, 1980, the Livestock Sanitary Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On February 12, 1980, the Board filed the following documents:

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

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

5. The record remained open through March 19, 1980 for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. § 35.03 (1978).

7. The current rule regarding the quarantining of livestock, LSB 7, was adopted in December, 1945. The proposed rewritten rule, 3 MCAR § 2.007, clarifies the intent of the rule and revises the rule structure.

8. The LSB proposes to delete current LSB 18 and substitute a revised version, 3 MCAR § 2.018, Scabies. The Board asserts that there is a need to adopt this amended rule because:

1. There is a nation-wide program to eradicate Psoroptes scabies from cattle, sheep and goats.
2. More effective treatments for scabies have been and will be developed.
3. There is a need to establish a means of monitoring dipping facilities doing official dipping.

In response to written comments submitted by Joel Bennett, President of the Saint Paul Union Stockyards, the LSB proposed to amend § 2.018 D. by adding the language: ". . . or until cleaned and disinfected under supervision of the board." Additionally, the LSB proposed to strike the word "cattle" in § 2.018 E. and substitute in place thereof the word animals in response to comments from Gary Schnell regarding rule consistency.

9. The LSB proposes to delete present rule LSB 20, Eradication of Sheep Scabies, and replace it with a new rule, 3 MCAR § 2.009, Importation of Sheep. The Board contends that deletion of the current rule is appropriate because sheep scabies has been eradicated in the United States since 1965. The new rule will effectively prevent importation of diseased sheep and will not increase the cost of services to the public.

Subsequent to hearing, the LSB proposed the following amendment which clarifies an apparent inconsistency in the rules:

We wish to propose the following addition to part B of this rule to clarify the means by which sheep can be removed from markets and public stockyards. The addition will address a concern expressed by Mr. Joel Bennett of the South St. Paul Stockyard Company. Our agency would support the addition.

B. Sheep ~~for immediate slaughter~~ may be imported without a health certificate if consigned to a slaughtering establishment where the federal government maintains inspection, or to a market or stockyard operating under permit from the board for resale to such a slaughtering establishment~~.~~ or removal when accompanied by a health certificate meeting requirements of the state of destination.

10. The LSB proposes to amend LSB 44, The establishment and operation of public stockyards, as follows:

1. Eliminate references to Hog Cholera because Hog Cholera has been eradicated in the United States and is no longer a factor in disease control at Public Stockyards.

2. Provide for tattoo identification of slaughter swine to implement swine brucellosis and tuberculosis control.

3. Clarify the requirements for removal of cattle for purposes other than immediate slaughter, and to make the requirements for removal of cattle dependent on the origin of cattle.

4. Remove the requirement for a permit for swine to be removed from the Stockyards since this is no longer necessary or desirable.

5. Remove the requirement to restrict the brucellosis test to the Brucella Buffered Antigen Test thereby allowing greater flexibility and lower government costs.

6. Provide for interpretation of test results and diagnosis in accordance with standard practice and existing rules for eradication of bovine and swine brucellosis.

11. The LSB has proposed to rewrite LSB 52, which was adopted in 1945, to make the rule apply to private vehicles as well as public carriers, and to update the rule language.

12. The Board has rewritten current LSB 61 for the following reasons:

1. Specific diseases referred to in the rule have been eradicated from the United States, are covered in other rules, or are no longer considered to be dangerous.

2. The requirement of the rule for placarding of infected premises has not been complied with for several years.

3. The language of the thirty-five year old rule has been updated.

13. The Examiner finds that the proposed rules, as amended in the Findings above, are both needed and reasonable.

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

CONCLUSIONS

1. The Livestock Sanitary Board gave due, timely and adequate legal notice of the hearing. All other substantive and procedural requirements of statute or rule have been complied with.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1978), it is the duty of the Hearing Examiner to: ". . . (4) make a report on each proposed agency

action . . . taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action; (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts".

3. The Livestock Sanitary Board has documented its statutory authority to promulgate the proposed rules.

4. The Livestock Sanitary Board has demonstrated the need for and reasonableness of the proposed rules, as amended, by an affirmative presentation of facts.

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

RECOMMENDATION

That the Livestock Sanitary Board adopt the rules as proposed and amended herein.

Dated this 24 day of March, 1980.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

Our File #592

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 4/25 DUE DATE 5/15.

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved _____ Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓ 3MCAR 2.052.
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable _____
4. Order for Hearing ✓
5. Notice of Hearing ✓
   Sufficiency ✓
6. Secretary of State's List ✓ see 2.007 (one copy only)
7. Certificate of Acquisition of Secretary of State's List ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency ✓
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing ✓
10. Publication in State Register ✓ copy not submitted; see HE rpt P2
    At least 30 days prior to hearing ✓
11. Statement of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact _____
14. Certificate of Board's Resolution Adopting Rules, where applicable ✓
15. Order Adopting ✓
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N/A
20. Petition by Public, where applicable N/A

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE NATALIE L. GAULL
HEARING EXAMINER

In the Matter of Amendment of
Rule 3 MCAR § 2.052 Cleaning
and Disinfection of Automobiles,
Trucks and Other Vehicles

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments of existing rules of the Livestock Sanitary Board. The last time the above captioned rules were amended was December, 1945. The Livestock Sanitary Board is authorized to promulgate and amend rules by Minn. Stat. § 35.03 (1978).

The need to adopt these rules arises because:

1. The rules should apply to private vehicles as well as public carriers.
2. The language of the rule was updated.

The intent of the rule was to require cleaning and disinfection of vehicles used to transport animals suspected of or affected with communicable, infectious diseases. The original rule applied only to public carriers and in present practice many suspect or affected animals are moved by private carriers. To reduce the probabilities of transmission of the disease to other animals all carriers of suspect or affected animals should be properly cleaned and disinfected before being used for other purposes. Provision was made for use of any USDA approved disinfectant rather than just the Cresol Compound. Newer approved disinfectants are more effective and acceptable then the cresol preparations.

The language of the thirty-five year old rule was updated.

J. G. Flint

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

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Dr. J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Livestock Sanitary Board, a board duly authorized under the laws of the State of Minnesota, and that the following is 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 11th day of April, 1980; 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 2.052, Cleaning and disinfection of vehicles used as carriers, 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 11th day of April, 1980.

J. G. Flint

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

Our file #592

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 4/25 DUE DATE 5/15.

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved _____ Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓ 3 MCAR 2.044
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable ✓
4. Order for Hearing ✓
5. Notice of Hearing ✓
   Sufficiency ✓
6. Secretary of State's List ✓ see 2.007 (one copy only)
7. Certificate of Acquisition of Secretary of State's List ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency ✓
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing ✓
10. Publication in State Register ✓ copy not submitted; see HE rpt ¶2
    At least 30 days prior to hearing ✓
11. Statement of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact _____
14. Certificate of Board's Resolution Adopting Rules, where applicable ✓
15. Order Adopting ✓
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N/A
20. Petition by Public, where applicable N/A

Rules as Proposed

3 MCAR § 2.044 ~~LSB 44~~ The establishment and operation of public stockyards.

A. ~~(a)~~ Definitions.

1. ~~(1)~~ "Board" shall mean the Minnesota Livestock Sanitary Board acting by and through the secretary and executive officer.

2. ~~(2)~~ "Public stockyards" means an assembly point for livestock operated as a public market for livestock producers, feeders, market agencies and buyers; having facilities and providing services for those individuals or organizations who have been granted the privileges of the market by the management of the stockyards.

3. ~~(3)~~ "Shipper contract" shall mean a record indicating:

a. ~~(aa)~~ Consignor's name and address.

b. ~~(bb)~~ Identification and description of the livestock consigned.

c. ~~(cc)~~ Date and time received.

d. ~~(dd)~~ Name of the trucker or transportation agency.

e. ~~(ee)~~ Name of the individual or firm who will represent the seller.

f. ~~(ff)~~ Signature of the seller or his agent.

4. ~~(4)~~ "Veterinary services contractor" shall mean an accredited veterinarian or more than one veterinarian selected by the management and approved by the board to perform necessary services in connection with the rules of the board.

B. ~~(b)~~ Permit to operate.

1. ~~(1)~~ A permit to operate expiring June 30 following the issue date shall be issued provided:

a. ~~(aa)~~ A veterinarian or veterinarians acceptable to the board has been retained by the stockyards management to act as the veterinary services contractor.

b. ~~(bb)~~ An inspection by representatives of the board indicates compliance with the sanitation and general requirements of this ~~regulation~~ rule.

c. ~~(cc)~~ The management of the stockyards shall furnish a list of all persons and firms granted the privilege of the market.

2. ~~(2)~~ Revocation of permit.

a. ~~(aa)~~ The secretary and executive officer may suspend the permit for just cause for a period of not more than thirty (30) days pending a hearing before the board to show cause why the permit should not be revoked.

C. ~~(c)~~ General requirements.

1. ~~(1)~~ All pens, yards, alleys and livestock holding areas shall be constructed so that they may be maintained in good repair and in a sanitary condition.

2. ~~(2)~~ The veterinary services contractor shall be provided adequate space and facility to perform his duties.

3. ~~(3)~~ Separate isolation pens shall be provided for yarding reactors, suspects, and exposed livestock.

4. ~~(4)~~ Facilities shall be provided by the management for adequately cleaning and disinfecting trucks and other vehicles at a reasonable cost to the transportation agency.

5. ~~(5)~~ A[illegible]s of the board shall be allowed entry for inspection purposes upon demand at any reasonable time.

6. ~~(6)~~ The management shall maintain and cause to be maintained records of all livestock transactions for a period of one year. Such records shall be available for inspection on demand at reasonable times by agents of the board.

7. ~~(7)~~ The management shall lock and seal pens or sections of the stockyard upon demand when agents of the board detect or suspect contagious or communicable disease exists in such pens and sections of the stockyards. Such pens shall be cleaned and disinfected under board supervision before being used again.

8. ~~(8)~~ Upon disclosure of brucellosis reactors all cattle in the consignment shall be considered exposed and must be sold for immediate slaughter or returned to the farm of origin under quarantine. If sold for immediate slaughter a shipping permit shall be issued and each exposed animal shall be permanently identified with the letter "S" on the left jaw. Cattle that have been in contact with such a consignment 24 hours or more shall be considered as exposed cattle and shall be handled in the same manner.

9. ~~(9)~~ All movements into and out of the public stockyards shall be in compliance with applicable federal interstate ~~rules~~ regulations and the laws of the State of Minnesota and ~~regulations~~ rules of the ~~Minnesota Livestock Sanitary~~ board.

10. ~~(10)~~ Swine leaving the stockyards for further feeding or breeding must leave within 72 hours of arrival in the stockyards.

D. ~~(d)~~ Entry of livestock.

1. ~~(1)~~ Livestock under quarantine shall be allowed entry when properly identified and accompanied by a permit issued by a veterinarian.

2. ~~(2)~~ All livestock shall enter with a properly completed shipper contract.

3. ~~(3)~~ All reactors, suspects, and exposed livestock shall enter the stockyards through separate entryway and be yarded in the isolation area. The shipper contract shall be clearly marked with the appropriate word or words indicating such livestock.

~~4. (4) All swine entering for resale for breeding or further feeding must originate from a farm of origin in Minnesota or an adjacent state classified as hog cholera free or Phase IV of the National Hog Cholera Eradication Program.~~

E. ~~(e)~~ Removal of livestock.

1. ~~(1)~~ No livestock except livestock for immediate slaughter shall be removed from the premises until released by the veterinary services contractor or his representative.

2. ~~(2)~~ Cows and bulls two years of age and over for immediate slaughter shall be identified to the herd of origin by an official backtag, as required in rule 3 MCAR § 2.066, and shall not be released by the veterinary services contractor or his representative unless all animals are identified by official backtags.

3. Swine sold for slaughter shall be identified to the herd of origin as required in 3 MCAR § 2.066, and shall not be released by the veterinary services contractor or his representative unless identified.

4. ~~(3)~~ Cattle removed for purposes other than slaughter must be accompanied by a health certificate meeting Minnesota importation requirements if they originate from other states or Minnesota sale requirements if they originate from Minnesota or state of destination requirements if exported.

5. ~~(4)~~ Swine removed for breeding or further feeding purposes must be accompanied by a health certificate indicating:

a. ~~(aa)~~ Eartag number.

~~(b) Permit number if remaining in Minnesota or going to a state that requires a permit.~~

b. ~~(cc)~~ Negative brucellosis buffered antigen test for sows and boars six months of age and over.

c. ~~(dd)~~ Any other requirements of a state of destination.

6. ~~(5)~~ All swine for breeding and further feeding removed from public stockyards to points in Minnesota shall be quarantined until sent to slaughter.

7. ~~(6)~~ Sheep, goats, horses, mules, and other species may be removed when a health certificate certifying compliance with the state of destination requirements have been met.

F. ~~(f)~~ Tuberculosis test requirements for cattle.

1. ~~(1)~~ All cattle shall be tested for tuberculosis except:

a. ~~(aa)~~ Cattle for immediate slaughter.

b. ~~(bb)~~ Cattle originating in Minnesota.

c. ~~(cc)~~ Cattle from states having tuberculosis reciprocity agreement with Minnesota.

d. ~~(dd)~~ Female feeding and grazing cattle leaving the public stockyards on permit.

e. ~~(ee)~~ Steers, spayed heifers, beef cattle under 8 months of age, and dairy cattle under 6 months of age.

f. ~~(ff)~~ Cattle leaving on permit to approved drylot feeding premises.

G. ~~(g)~~ Brucellosis requirements for cattle and swine.

~~(1) The Brucella Buffered Antigen Test shall be used at a public stockyards.~~

1. The test for and diagnosis of brucellosis responding cattle and swine shall be in accordance with 3 MCAR § 2.021 and 3 MCAR § 2.011.

2. ~~(2)~~ The requirements for transfer of ownership for cattle, as embodied in ~~regulation LSB 11~~ 3 MCAR § 2.011 Eradication of bovine brucellosis in Minnesota, shall apply to all cattle removed from the public stockyards except that:

a. ~~(aa)~~ Cattle of all classes may be sold to leave the public stockyards to enter a Minnesota approved dry lot feeding premises provided:

1. ~~(i)~~ A permit is secured.

2. ~~(ii)~~ The cattle are branded with the letter "F" on the right jaw.

3. ~~(iii)~~ Individual identification for each animal is listed on the health certificate.

3. ~~(3)~~ The requirements for transfer of ownership for removal of breeding swine six months of age and over, except for immediate slaughter, shall be a negative brucellosis test.

LSB-80-001-PE

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:30 a.m. on Wednesday, March 12, 1980, in the conference room at 500 Rice Street, St. Paul, Minnesota.

Peder Hong, Special Assistant Attorney General, Appeared on behalf of the Livestock Sanitary Board (LSB). Dr. L. T. Christensen, Assistant Secretary, and Dr. R. G. Pyle, Director of the Imports and Markets Division, appeared and testified in support of the proposed rules on behalf of the Board. The hearing continued until all interested persons or groups had had an opportunity to be heard regarding the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five days. Thereafter, the Livestock Sanitary 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. § 15.052, subd. 4 (1978). 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. § 15.0412 (1978) 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

Procedural Requirements

1. On January 17, 1980, the Livestock Sanitary 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.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.

2. On February 11, 1980, a Notice of Hearing and a copy of the proposed rules were published at 4 State Register 1246.

3. On February 11, 1980, the Livestock Sanitary Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On February 12, 1980, the Board filed the following documents:

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

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

5. The record remained open through March 19, 1980 for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. § 35.03 (1978).

7. The current rule regarding the quarantining of livestock, LSB 7, was adopted in December, 1945. The proposed rewritten rule, 3 MCAR § 2.007, clarifies the intent of the rule and revises the rule structure.

8. The LSB proposes to delete current LSB 18 and substitute a revised version, 3 MCAR § 2.018, Scabies. The Board asserts that there is a need to adopt this amended rule because:

1. There is a nation-wide program to eradicate Psoroptes scabies from cattle, sheep and goats.
2. More effective treatments for scabies have been and will be developed.
3. There is a need to establish a means of monitoring dipping facilities doing official dipping.

In response to written comments submitted by Joel Bennett, President of the Saint Paul Union Stockyards, the LSB proposed to amend § 2.018 D. by adding the language: ". . . or until cleaned and disinfected under supervision of the board." Additionally, the LSB proposed to strike the word "cattle" in § 2.018 E. and substitute in place thereof the word animals in response to comments from Gary Schnell regarding rule consistency.

9. The LSB proposes to delete present rule LSB 20, Eradication of Sheep Scabies, and replace it with a new rule, 3 MCAR § 2.009, Importation of Sheep. The Board contends that deletion of the current rule is appropriate because sheep scabies has been eradicated in the United States since 1965. The new rule will effectively prevent importation of diseased sheep and will not increase the cost of services to the public.

Subsequent to hearing, the LSB proposed the following amendment which clarifies an apparent inconsistency in the rules:

We wish to propose the following addition to part B of this rule to clarify the means by which sheep can be removed from markets and public stockyards. The addition will address a concern expressed by Mr. Joel Bennett of the South St. Paul Stockyard Company. Our agency would support the addition.

B. Sheep ~~for immediate slaughter~~ may be imported without a health certificate if consigned to a slaughtering establishment where the federal government maintains inspection, or to a market or stockyard operating under permit from the board for resale to such a slaughtering establishment~~.~~ or removal when accompanied by a health certificate meeting requirements of the state of destination.

10. The LSB proposes to amend LSB 44, The establishment and operation of public stockyards, as follows:

1. Eliminate references to Hog Cholera because Hog Cholera has been eradicated in the United States and is no longer a factor in disease control at Public Stockyards.

2. Provide for tattoo identification of slaughter swine to implement swine brucellosis and tuberculosis control.

3. Clarify the requirements for removal of cattle for purposes other than immediate slaughter, and to make the requirements for removal of cattle dependent on the origin of cattle.

4. Remove the requirement for a permit for swine to be removed from the Stockyards since this is no longer necessary or desirable.

5. Remove the requirement to restrict the brucellosis test to the Brucella Buffered Antigen Test thereby allowing greater flexibility and lower government costs.

6. Provide for interpretation of test results and diagnosis in accordance with standard practice and existing rules for eradication of bovine and swine brucellosis.

11. The LSB has proposed to rewrite LSB 52, which was adopted in 1945, to make the rule apply to private vehicles as well as public carriers, and to update the rule language.

12. The Board has rewritten current LSB 61 for the following reasons:

1. Specific diseases referred to in the rule have been eradicated from the United States, are covered in other rules, or are no longer considered to be dangerous.

2. The requirement of the rule for placarding of infected premises has not been complied with for several years.

3. The language of the thirty-five year old rule has been updated.

13. The Examiner finds that the proposed rules, as amended in the Findings above, are both needed and reasonable.

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

CONCLUSIONS

1. The Livestock Sanitary Board gave due, timely and adequate legal notice of the hearing. All other substantive and procedural requirements of statute or rule have been complied with.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1978), it is the duty of the Hearing Examiner to: ". . . (4) make a report on each proposed agency

action . . . taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action; (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts".

3. The Livestock Sanitary Board has documented its statutory authority to promulgate the proposed rules.

4. The Livestock Sanitary Board has demonstrated the need for and reasonableness of the proposed rules, as amended, by an affirmative presentation of facts.

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

RECOMMENDATION

That the Livestock Sanitary Board adopt the rules as proposed and amended herein.

Dated this 24 day of March, 1980.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF PROPOSED AMENDMENTS TO RULES OF THE LIVESTOCK SANITARY BOARD LSB 7 REGULATIONS PROVIDING FOR QUARANTINE OF DOMESTIC ANIMALS IMPORTED INTO MINNESOTA WITHOUT A HEALTH CERTIFICATE, LSB 18 CATTLE MANGE OR SCABIES, LSB 20 ERADICATION OF SHEEP SCABIES, LSB 44 THE ESTABLISHEMENT AND OPERATION OF PUBLIC STOCKYEARDS, LSB 52 CLEANING AND DISINFICTION OF AUTOMOBILES, TRUCKS AND OTHER VEHICLES, LSB 61 ISOLATION AND QUARANTINING OF DOMESTIC ANIMALS, INCLUDING POULTRY, FOR INFECTIOUS AND DANGEROUS COMMUNICABLE DISEASES.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on March 12, 1980, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Report of the Hearing Examiner made pursuant to Minn. Stat. § 15.052, subd. 3, was issued to the Livestock Sanitary Board (hereinafter "Board") on March 24, 1980; and

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

WHEREAS, the 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 Board has met all requirements of Minn. Stat. § 15.0412, subd. 4.

NOW, THEREFORE, upon receipt of this Order, the 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 22nd day of April, 1980.

DUANE R. HARVES
Chief Hearing Examiner

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE NATALIE L. GAULL
HEARING EXAMINER

In the matter of the amendments to 3 MCAR § 2.044 The Establishment and Operation of Public Stockyards.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments to existing rules of the Minnesota Livestock Sanitary Board and are promulgated under authority vested in the Minnesota Livestock Sanitary Board by Minnesota Statute § 35.03 (1978). The last time the above captioned rules were amended was September 1975.

The need to adopt these amendments arises because of changes in other Livestock Sanitary Board Rules and advances in disease control programs in Minnesota and nationally.

1. Eliminate references to Hog Cholera because Hog Cholera has been eradicated in the United States and is no longer a factor in disease control at Public Stockyards.

2. Provide for tattoo identification of slaughter swine to implement swine brucellosis and tuberculosis control.

3. Clarify the requirements for removal of cattle for purposes other than immediate slaughter, and to make the requirements for removal of cattle dependent on the origin of cattle.

4. Remove the requirement for a permit for swine to be removed from the Stockyards since this is no longer necessary or desirable.

5. Remove the requirement to restrict the brucellosis test to the Brucella Buffered Antigen Test thereby allowing greater flexibility and lower government costs.

6. Provide for interpretation of test results and diagnosis in accordance with standard practice and existing rules for eradication of bovine and swine brucellosis.

These changes will effect economies to the state and federal governments and will remove restrictions no longer needed. Livestock producers will benefit and disease control will not be diminished.

J. G. Flint, DVM
Secretary and Executive Officer

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: April 23, 1980

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MINNESOTA STATE

HEARING EXAMINER

In the Matter of the Proposed Amendment to Rules of the Minnesota Livestock Sanitary Board, Governing 3 MCAR § 2.044, The Establishment and Operation of Public Stockyards.

ORDER OF HEARING

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

NOW, THEREFORE, IT IS ORDERED this 23rd day of January, 1980, that a public hearing on the proposed amendment to the above-captioned rules be held in the Conference Room, 500 Rice Street, St. Paul, Minnesota, on Wednesday the 12th day of March, 1980, 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

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 11th day of January, 1980, that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the Minutes of said meeting and has not been rescinded or modified:

> RESOLVED, that Dr. J. G. Flint, the Secretary and Executive Officer of the Livestock Sanitary Board, be and he hereby is granted the authority and directed to call a hearing for the purpose of amending 3 MCAR § 2.044, The Establishment and Operation of Public Stockyards, as well as perform any and all acts incidental thereto, including but without being limited thereto, signing an order of hearing and notice of hearing.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 24 day of January, 1980.

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE NATALIE L. GAULL

HEARING EXAMINER

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

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 the Conference Room at 500 Rice St., St. Paul, Minnesota, commencing at 9:30 a.m., or as soon thereafter as possible, Wednesday, March 12, 1980, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to amend the following rules: LSB 7 Regulations Providing for Quarantine of Domestic Animals Imported into Minnesota without a Health Certificate to provide for quarantining livestock imported with improper health certificates as well as without health certificates and to simplify the language.

LSB 18 Cattle Mange and Scabies to provide for use of more effective control measures, supervision of dipping facilities and to simplify the language.

LSB 20 Eradication of Sheep Scabies to repeal the portion of the rule which relates to sheep scabies, a disease which has been eradicated, and to place the portion of the rule which relates to importation of sheep in 3 MCAR § 2.009 Importation of sheep so it will be in the section of MCAR with other importation requirements.

LSB 44 The Establishment and Operation of Public Stockyards to eliminate reference to hog cholera, to include reference to tattooing of swine as required in 3 MCAR § 2.066 Slaughter cattle and slaughter swine identification, to clarify the health certificate requirements on livestock released for purposes other than slaughter and to allow testing of cattle and swine for brucellosis with official tests other than the card test.

LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles to require cleaning and disinfection of all carriers of infected or exposed livestock not just public carriers and to simplify the language.

LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases to eliminate the listing of specific diseases several of which have been eradicated in the United States, others which are covered in specific rules, some which are not considered dangerous by present standards and to eliminate the mandatory placarding of infested premises. To simplify the language of the rule.

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). Adoption of the amended rules will not require the expenditures of additional public monies by local public bodies.

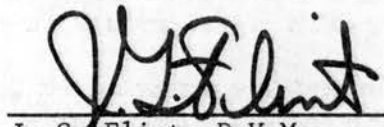
Relevant statements or written material may be submitted for the record at the hearing or to the hearing examiner, Natalie L. Gaull, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, phone 612-296-8114 before the hearing or within (5) five working days after the public hearing 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. The statute provides certain exceptions. 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 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 11th day of February, 1980

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

AFFIDAVIT OF MAILING

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

That on the 11th day of February, 1980, 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 addresses to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota legislature.

L. T. Christensen

Subscribed and sworn to before me
this 11th day of February, 1980.

Marian S. Comford

MARIAN S. COMFORD
Notary Public, Ramsey County, Mn.
My commission expires Sept. 16, 1986

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 31st day of January, 1980, 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 7th day of February, 1980, 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 7th day of February, 1980.

Notary Public

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

CERTIFICATE

I hereby certify that the enclosed 4 Sheets 338 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 10:00 o'clock, A.M., this 7th day of February, 1980, 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 Scott

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 11th day of April, 1980; 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 2.044, The Establishment and Operation of public stockyards, 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 11th day of April, 1980.

J. G. Flint

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

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

I, Dr. J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Livestock Sanitary Board, a board duly authorized under the laws of the State of Minnesota, and that the following is 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 11th day of April, 1980; 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 2.044, The Establishment and Operation of public stockyards, 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 11th day of April, 1980.

J. G. Flint

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

Our File #592

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 4/25 DUE DATE 5/15.

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved _____ Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓ 3MCAR 2.018
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable ✓
4. Order for Hearing ✓
5. Notice of Hearing ✓
   Sufficiency ✓
6. Secretary of State's List ✓ see 2.007 (one copy only)
7. Certificate of Acquisition of Secretary of State's List ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency ✓
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing ✓
10. Publication in State Register ✓ copy not submitted; see HE rpt. ¶2
    At least 30 days prior to hearing ✓
11. Statement of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact ✓
14. Certificate of Board's Resolution Adopting Rules, where applicable ✓
15. Order Adopting ✓
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N/A
20. Petition by Public, where applicable N/A

Rules as Proposed

~~**LSB 18 Cattle Mange or Scabies**~~

~~(a) Cattle affected with mange are hereby held to be affected with a contagious disease. All persons and corporations are hereby forbidden to transport such diseased cattle 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) Cattle 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 cattle or where healthy cattle are liable to be placed.~~

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

~~(d) All cattle affected with scabies or which show any inflamed condition of the skin, and all cattle 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 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 cattle are no longer infectious.~~

~~(f) Enclosures wherein cattle affected with 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 enclosure shall have been whitewashed with a lime and water solution.~~

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

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

3 MCAR § 2.018 Scabies.

A. All outbreaks of skin disease among cattle, sheep or goats suspicious of being caused by Psoroptes mites shall be reported to the board.

B. All animals affected with scabies and all animals that have been exposed to the affected animals shall be quarantined.

C. The quarantine shall be continued until satisfactory evidence is presented to the board that the quarantined animals are not affected with scabies; or until the entire herd has been dipped, sprayed or satisfactorily treated two or more times with an interval of ten to fourteen days using a dip approved by the USDA for treatment of scabies, the recommended withdrawal period observed and satisfactory evidence presented to the board that the animals are no longer affected; or the entire herd has been shipped for slaughter.

D. Enclosures in which animals affected with scabies have been confined shall not be repopulated for a period of at least 30 days after untreated quarantined animals have been shipped for slaughter.

E. Facilities used for official dipping of animals for scabies shall be approved by the board. A supervisor of the dip vat shall be authorized by the board who will be responsible for operation of the vat, for submission of vat samples and maintaining a record of all ~~cattle~~ dipped for official purposes.

deleted per public hearing

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE NATALIE L. GAULL
HEARING EXAMINER

In the Matter of Amendment of
Rule 3 MCAR § 2.018 Cattle
Mange or Scabies

STATEMENT OF NEED AND REASONABLENESS

The above captioned rules are amendments of existing rules of the Livestock Sanitary Board. The last time the above captioned rules were amended was December, 1945. The Livestock Sanitary Board is authorized to promulgate and amend rules by Minn. Stat. § 35.03 (1978).

The need to adopt these rules arises because:

1. There is a nation wide program to eradicate Psoroptes scabies from cattle, sheep and goats.
2. More effective treatments for scabies have been and will be developed.
3. There is a need to establish a means of monitoring dipping facilities doing official dipping.

Scabies in cattle has become a problem in several areas of the United States and an effort is being made to eradicate the disease by dipping all infested cattle. Minnesota has had cases in feedlots due to imported feeders. The disease has been eradicated in sheep in the United States but they and goats are included in the rule should the disease reappear. Sheep scabies had previously been covered by LSB 20 Eradication of Sheep Scabies which rule is being eliminated.

The amended rule will allow the use of treatments other than that described in 1945. Treatments developed since that time are much easier to use and as effective. Allowing use of USDA approved treatments will allow use of better treatments as they are developed. These treatments will be recognized for interstate purposes.

Private individuals are installing dipping facilities and propose to dip some animals for official purposes. The type of facility will vary but must be suitable to completely saturate the animal. There must be sampling of the dip solution used to document that adequate concentrations are used. A record of official dipping must be maintained which will include the name of the owner, number of animals dipped, the dip material used and the date.

The amended rule will be effective in the elimination of Scabies in Minnesota infested animals and will provide for monitoring dipping facilities used for official purposes.

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MINNESOTA STATE

HEARING EXAMINER

In the Matter of the Proposed Amendment
To Rules of the Minnesota Livestock
Sanitary Board, Governing 3 MCAR § 2.018
Cattle Mange or Scabies

ORDER OF HEARING

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

NOW, THEREFORE, IT IS ORDERED this 21st day of January, 1980, that a public hearing on the proposed amendment to the above-captioned rules be held in the Conference Room, 500 Rice Street, St. Paul, Minnesota on Wednesday the 12th day of March, 1980, 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 amending 3 MCAR § 2.018, Cattle Mange or Scabies, 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 24 day of January, 1980.

J. G. Flint

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

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE NATALIE L. GAULL

HEARING EXAMINER

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

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 the Conference Room at 500 Rice St., St. Paul, Minnesota, commencing at 9:30 a.m., or as soon thereafter as possible, Wednesday, March 12, 1980, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to amend the following rules: LSB 7 Regulations Providing for Quarantine of Domestic Animals Imported into Minnesota without a Health Certificate to provide for quarantining livestock imported with improper health certificates as well as without health certificates and to simplify the language.

LSB 18 Cattle Mange and Scabies to provide for use of more effective control measures, supervision of dipping facilities and to simplify the language.

LSB 20 Eradication of Sheep Scabies to repeal the portion of the rule which relates to sheep scabies, a disease which has been eradicated, and to place the portion of the rule which relates to importation of sheep in 3 MCAR § 2.009 Importation of sheep so it will be in the section of MCAR with other importation requirements.

LSB 44 The Establishment and Operation of Public Stockyards to eliminate reference to hog cholera, to include reference to tattooing of swine as required in 3 MCAR § 2.066 Slaughter cattle and slaughter swine identification, to clarify the health certificate requirements on livestock released for purposes other than slaughter and to allow testing of cattle and swine for brucellosis with official tests other than the card test.

LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles to require cleaning and disinfection of all carriers of infected or exposed livestock not just public carriers and to simplify the language.

LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases to eliminate the listing of specific diseases several of which have been eradicated in the United States, others which are covered in specific rules, some which are not considered dangerous by present standards and to eliminate the mandatory placarding of infested premises. To simplify the language of the rule.

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). Adoption of the amended rules will not require the expenditures of additional public monies by local public bodies.

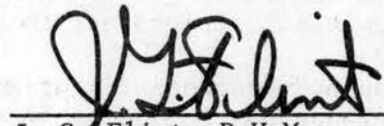
Relevant statements or written material may be submitted for the record at the hearing or to the hearing examiner, Natalie L. Gaull, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, phone 612-296-8114 before the hearing or within (5) five working days after the public hearing 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. The statute provides certain exceptions. 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 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 11th day of February, 1980

STATE OF MINNESOTA

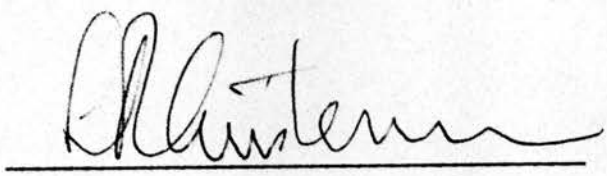
COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

AFFIDAVIT OF MAILING

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

That on the 11th day of February, 1980, 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 addresses to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota legislature.



Subscribed and sworn to before me
this 11th day of February, 1980.



MARIAN S. COMFORD
Notary Public, Ramsey County, Mn.
My commission expires Sept. 16, 1985

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 31st day of January, 1980, 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 7th day of February, 1980, 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 7th day of February, 1980.

Notary Public

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

CERTIFICATE

I hereby certify that the enclosed 4 Sheets 338 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 10:00 o'clock, A.M., this 7th day of February, 1980, 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 Scott

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 11th day of April, 1980; 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 2.018, Scabies, 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 11th day of April, 1980.

J. G. Flint, DVM
Secretary and Executive Officer

Our File #592

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 4/25 DUE DATE 5/15

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved _____ Date Sent Back to Agency _____

- -

1. Rules as Adopted 3MCAR 2.009
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable ✓
4. Order for Hearing ✓ ?
5. Notice of Hearing ✓
   Sufficiency ✓
6. Secretary of State's List ✓ see 2.007 (one copy only)
7. Certificate of Acquisition of Secretary of State's List ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency ✓
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing ✓
10. Publication in State Register ✓ copy not submitted, see HE rpt ¶ 2
    At least 30 days prior to hearing ✓
11. Statement of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact ✓
14. Certificate of Board's Resolution Adopting Rules, where applicable ✓
15. Order Adopting _____
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N/A
20. Petition by Public, where applicable N/A

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE NATALIE L. GAULL
HEARING EXAMINER

In the matter of adoption of the proposed rule 3 MCAR § 2.009 Importation of Sheep.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rule replaces rule LSB 20 entitled Eradication of Sheep Scabies. Rule LSB 20 is being dropped because sheep scabies was eradicated in the United States in 1965. The rule clarifies the requirements for importation of sheep. This rule will effectively prevent importation of diseased sheep and will not increase cost of services to the public.

J. G. Flint, DVM
Secretary and Executive Officer

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MINNESOTA STATE

HEARING EXAMINER

In the Matter of the Proposed Amendment
to Rules of the Minnesota Livestock
Sanitary Board, Governing 3 MCAR § 2.020,
Eradication of Sheep Scabies

ORDER OF HEARING

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

NOW, THEREFORE, IT IS ORDERED this 23rd day of January, 1980, that a public hearing on the proposed amendment to the above-captioned rules be held in the Conference Room, 500 Rice Street, St. Paul, Minnesota, on Wednesday the 12th day of March, 1980, 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

LSB 20 Eradication of Sheep Scabies

(a) Definitions.

(1) Board shall mean the Minnesota Livestock Sanitary Board.

(2) Owner shall mean and refer to the legal owner, his agents, and the person in possession of or caring for the sheep referred to.

(3) Veterinarian shall mean a graduate of a recognized college who has been approved by the Board and accredited by the United States Department of Agriculture.

(4) Approved dip—a dip containing an acaricide approved by the United States Department of Agriculture.

(5) Flock shall mean all sheep maintained on one premises and owned by one or more persons.

(6) Negative flock—a flock in which all sheep are apparently free of symptoms of sheep scabies.

(7) Suspicious flock—a flock in which there are symptoms indicative of sheep scabies.

(8) Exposed flock—a flock that has had possible contact with an infected flock.

(9) Infected flock—a flock in which a positive diagnosis of sheep scabies has been made by a veterinarian.

(10) Scabies free area—an area or state designated as scabies free by the United States Department of Agriculture.

(11) Agents of the Board—a person authorized to do official work for the Board.

(b) Quarantines. As of December 17, 1962, a quarantine is established by the Secretary and Executive Officer of the Minnesota State Livestock Sanitary Board, restricting and restraining all sheep to the premises where held, as of this date, until such sheep have been inspected by an agent of the Board, and found free of symptoms of sheep scabies or shipped for immediate slaughter under permit.

The quarantine may be released officially by an agent of the Board at the time of inspection of the flock.

All flocks not free of symptoms shall remain under quarantine until reinspected by a veterinarian and released; or until immediately dipped and redipped if necessary, in 10 to 14 days in an approved dip under direct supervision of a veterinarian and such dipped flocks shall remain under quarantine until reinspected by a veterinarian in not less than 30 days after required dipping.

(c) Rules and regulations for the establishment of scabies-free areas.

(1) All flocks shall remain under quarantine until inspected by an agent of the Board and found free of symptoms of sheep scabies. Quarantine may be officially released by an agent of the Board at time of inspection.

(2) All sheep infected with or exposed to scabies shall remain under quarantine for immediate dipping and redipping, if necessary, in 10 to 14 days, in an approved dip under direct supervision; or shall be shipped for immediate slaughter under permit to some point within the state where the federal government maintains inspection. Such dipped flocks shall remain under quarantine for reinspection in not less than 30 days by a veterinarian.

(3) When such sheep infected with or exposed to scabies are shipped, for slaughter only, such sheep shall be unloaded in pens and alleys not normally used for sheep. Vehicles used in transportation of such sheep shall be cleaned and disinfected under federal supervision.

(4) When sheep are required to be dipped, the owner shall present the animals to the dipping vat and assist in the dipping procedure. Dipping procedures to be conducted on premises where infected sheep are maintained.

(5) All persons, partnerships or firms engaged in shearing or dipping sheep other than their own, shall register with the Board. There shall be no charge for such registration. All equipment used in shearing sheep shall be cleaned and disinfected prior to leaving any premises where shearing has been conducted.

(6) Apparently healthy sheep may be shipped intrastate for immediate slaughter without dipping if accompanied by a written statement signed by the owner giving number in shipment and destination. The shipment shall not be diverted from destination.

(7) All sheep that are loaned, traded, exchanged or sold for any purpose other than immediate slaughter or shipment to a public stockyard or livestock auction market, shall be dipped in an approved dip under veterinary supervision within 10 days prior to movement. A certificate of dipping shall be presented to consignee.

(8) All sheep unloaded at a public stockyard or livestock auction market shall be inspected by a veterinarian. All sheep, except sheep from scabies free areas yarded in facilities approved by the Board for such sheep, shall be dipped in an approved dip under supervision prior to leaving premises, or shipped to slaughter under permit.

If sheep at any exhibition, livestock auction market, public stockyard or concentration point are found to be infected with scabies, all animals in the consignment shall be shipped for immediate slaughter only under permit or slaughter affidavit to some point within the state where the federal government maintains inspection; or shall be immediately dipped in an approved dip under veterinary supervision, and moved under permit and quarantine to premises of origin or other premises approved by the Board for redipping in 10 to 14 days, and reinspection in not less than 30 days by a veterinarian. Expenses of dipping, redipping and maintenance for the inspection period shall be borne by the consignor. All flocks of origin shall be placed under quarantine pending inspection for scabies.

All trucks, alleys and pens with which such infected sheep had contact shall be cleaned and disinfected.

(9) Sheep for exhibition purposes shall be accompanied by a health certificate certifying that the sheep have been inspected and dipped in an approved dip under veterinary supervision within ten days prior to opening date of exhibition. Such sheep shall be maintained separate and apart from balance of flock following dipping.

Sheep from scabies-free areas for exhibition purposes need not be dipped but must be accompanied by a health certificate certifying to such origin.

(10) Sheep from scabies free areas may be imported directly to farm premises or livestock auction markets without dipping if accompanied by health certificate certifying to such origin. A copy of the health certificate must be forwarded to livestock official of state of origin for approval.

(11) Apparently healthy sheep, for immediate slaughter only, may be imported into Minnesota without dipping if consigned to a public stockyard or slaughtering establishment where federal inspection is maintained. Shipment must be accompanied by a certificate, waybill, or similar document stating number in shipment and destination signed by owner. The shipment shall not be diverted from destination.

(12) Sheep from scabies-free areas consigned to a public stockyard, may be imported without dipping, if accompanied by

a certificate of inspection conducted within ten days of importation or by a waybill, or similar document or statement signed by owner. The shipment shall not be diverted.

(13) Sheep imported from scabies-free areas shall not retain their scabies-free status following first sale in Minnesota.

(14) All sheep imported into Minnesota contrary to these regulations, shall be quarantined for inspection by a veterinarian. All animals in the shipment shall be shipped for immediate slaughter under permit to a point in the state where the federal government maintains inspection; or immediately dipped and moved or sold under permit and quarantine for redipping in 10 to 14 days and reinspection in not less than 30 nor more than 60 days, by a veterinarian. The expense for redipping and reinspection to be borne by the owner. If consignor can show satisfactory evidence that the sheep originated in a scabies-free area, the sheep need not be redipped but shall be reinspected in not less than 30 days nor more than 60 days by a veterinarian at owner's expense.

(d) Maintenance of scabies-free area. Upon the State of Minnesota attaining a scabies-free status, the following rules and regulations shall apply:

(1) All sheep infected with or exposed to scabies shall be immediately reported to the State Livestock Sanitary Board by the owner, his veterinarian, or any other individual who observes the infected sheep or suspects them of being infected with scabies.

(2) When scabies is diagnosed in any flock of sheep, the flock shall be quarantined and shall either be immediately shipped for slaughter under permit to some point within the state where the federal government maintains inspection, or shall be immediately dipped and redipped in 10 to 14 days in an approved dip under veterinary supervision, and reinspected by a veterinarian in not less than 30 days following the last dipping. All movements into and from the flock shall be traced. Flocks of origin and destination of such additions to and movement from the infected flock shall be inspected. Exposed sheep shall be dipped at least once.

(3) Intrastate movement.

(aa) Sheep from flocks not under quarantine may move intrastate without restriction.

(bb) If sheep at any exhibition, livestock auction market, public stockyard or concentration point are found to be infected with scabies, all animals in the consignment shall be shipped for immediate slaughter only under permit or slaughter affidavit to some point within the state where the federal government maintains inspection; or shall be immediately dipped in an approved dip under veterinary supervision, and moved under permit and quarantine to premises of origin or other premises approved by the Board for redipping in 10 to 14 days, and reinspection in not less than 30 days by a veterinarian. Expenses of dipping, redipping and maintenance for the inspection period shall be borne by the consignor. All flocks of origin shall be placed under quarantine pending inspection for scabies.

All trucks, alleys, and pens with which such infected sheep had contact shall be cleaned and disinfected.

(4) Importation of Sheep.

(aa) If unloaded enroute for feed, water and rest in the states not designated scabies-free, sheep from scabies-free areas shall be unloaded only in pens set aside for sheep from scabies-free areas.

(bb) Sheep for immediate slaughter only, may be imported if consigned to a point where the state or federal government maintains inspection. A certificate, waybill, or similar document signed by the owner stating destination, number, age, and breed of sheep shall accompany the shipment. The shipment shall not be diverted enroute to destination.

(cc) Sheep from scabies-free areas may be imported if accompanied by a health certificate certifying to such origin. A copy of the health certificate must be forwarded to the livestock sanitary official of state of origin for approval.

(dd) When sheep from scabies-free areas are imported into a public stockyards or livestock auction market, they shall be yarded in facilities approved by the Board for such sheep. Such facilities utilized shall be for sheep from scabies-free areas only or for sheep described in the following paragraph.

(ee) Sheep from non-scabies-free areas may be imported when accompanied by a health certificate showing that the sheep have been inspected, found free of scabies and dipped in an approved dip under veterinary supervision within ten days of importation. A copy of the health certificate must be forwarded to the livestock sanitary official of the state of origin for approval.

(ff) All sheep imported into Minnesota contrary to these regulations, shall be quarantined for inspection by a veterinarian. All sheep in the shipment shall be shipped for immediate slaughter under permit to a point in the state where the federal government maintains inspection; or immediately dipped and moved or sold under permit and quarantine for redipping in 10 to 14 days and reinspection is not less than 30 nor more than 60 days by a veterinarian. The expense for redipping and reinspection shall be borne by the owner. If the consignor can show satisfactory evidence that the sheep originated in a scabies-free area, the sheep need not be redipped but shall be reinspected in not less than 30 days nor more than 60 days by a veterinarian at owner's expense.

3 MCAR § 2.009 Importation of sheep.

A. Sheep imported for purposes other than immediate slaughter shall be accompanied by a health certificate prepared by the accredited veterinarian who examined the sheep.

B. Sheep ~~for immediate slaughter~~ may be imported without a health certificate if consigned to a slaughtering establishment where the federal government maintains inspection, or to a market or stockyard operating under permit from the board for resale to such a slaughtering establishment.

note deletion in final rule

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 11th day of April, 1980; 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 2.009, Importation of Sheep, 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 11th day of April, 1980.

J. G. Flint

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

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 amending 3 MCAR § 2.020, Eradication of Sheep Scabies, 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 24 day of January, 1980.

J. G. Flint

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

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: April 23, 1980

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF PROPOSED AMENDMENTS TO RULES OF THE LIVESTOCK SANITARY BOARD LSB 7 REGULATIONS PROVIDING FOR QUARANTINE OF DOMESTIC ANIMALS IMPORTED INTO MINNESOTA WITHOUT A HEALTH CERTIFICATE, LSB 18 CATTLE MANGE OR SCABIES, LSB 20 ERADICATION OF SHEEP SCABIES, LSB 44 THE ESTABLISHEMENT AND OPERATION OF PUBLIC STOCKYEARDS, LSB 52 CLEANING AND DISINFICTION OF AUTOMOBILES, TRUCKS AND OTHER VEHICLES, LSB 61 ISOLATION AND QUARANTINING OF DOMESTIC ANIMALS, INCLUDING POULTRY, FOR INFECTIOUS AND DANGEROUS COMMUNICABLE DISEASES.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on March 12, 1980, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Report of the Hearing Examiner made pursuant to Minn. Stat. § 15.052, subd. 3, was issued to the Livestock Sanitary Board (hereinafter "Board") on March 24, 1980; and

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

WHEREAS, the 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 Board has met all requirements of Minn. Stat. § 15.0412, subd. 4.

NOW, THEREFORE, upon receipt of this Order, the 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 22nd day of April, 1980.

DUANE R. HARVES
Chief Hearing Examiner

LSB-80-001-PE

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:30 a.m. on Wednesday, March 12, 1980, in the conference room at 500 Rice Street, St. Paul, Minnesota.

Peder Hong, Special Assistant Attorney General, Appeared on behalf of the Livestock Sanitary Board (LSB). Dr. L. T. Christensen, Assistant Secretary, and Dr. R. G. Pyle, Director of the Imports and Markets Division, appeared and testified in support of the proposed rules on behalf of the Board. The hearing continued until all interested persons or groups had had an opportunity to be heard regarding the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five days. Thereafter, the Livestock Sanitary 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. § 15.052, subd. 4 (1978). 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. § 15.0412 (1978) 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

Procedural Requirements

1. On January 17, 1980, the Livestock Sanitary 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.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.

2. On February 11, 1980, a Notice of Hearing and a copy of the proposed rules were published at 4 State Register 1246.

3. On February 11, 1980, the Livestock Sanitary Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On February 12, 1980, the Board filed the following documents:

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

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

5. The record remained open through March 19, 1980 for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. § 35.03 (1978).

7. The current rule regarding the quarantining of livestock, LSB 7, was adopted in December, 1945. The proposed rewritten rule, 3 MCAR § 2.007, clarifies the intent of the rule and revises the rule structure.

8. The LSB proposes to delete current LSB 18 and substitute a revised version, 3 MCAR § 2.018, Scabies. The Board asserts that there is a need to adopt this amended rule because:

1. There is a nation-wide program to eradicate Psoroptes scabies from cattle, sheep and goats.
2. More effective treatments for scabies have been and will be developed.
3. There is a need to establish a means of monitoring dipping facilities doing official dipping.

In response to written comments submitted by Joel Bennett, President of the Saint Paul Union Stockyards, the LSB proposed to amend § 2.018 D. by adding the language: ". . . or until cleaned and disinfected under supervision of the board." Additionally, the LSB proposed to strike the word "cattle" in § 2.018 E. and substitute in place thereof the word animals in response to comments from Gary Schnell regarding rule consistency.

9. The LSB proposes to delete present rule LSB 20, Eradication of Sheep Scabies, and replace it with a new rule, 3 MCAR § 2.009, Importation of Sheep. The Board contends that deletion of the current rule is appropriate because sheep scabies has been eradicated in the United States since 1965. The new rule will effectively prevent importation of diseased sheep and will not increase the cost of services to the public.

Subsequent to hearing, the LSB proposed the following amendment which clarifies an apparent inconsistency in the rules:

We wish to propose the following addition to part B of this rule to clarify the means by which sheep can be removed from markets and public stockyards. The addition will address a concern expressed by Mr. Joel Bennett of the South St. Paul Stockyard Company. Our agency would support the addition.

B. **Sheep** ~~for immediate slaughter~~ may be imported without a health certificate if consigned to a slaughtering establishment where the federal government maintains inspection, or to a market or stockyard operating under permit from the board for resale to such a slaughtering establishment~~.~~ or removal when accompanied by a health certificate meeting requirements of the state of destination.

10. The LSB proposes to amend LSB 44, The establishment and operation of public stockyards, as follows:

1. Eliminate references to Hog Cholera because Hog Cholera has been eradicated in the United States and is no longer a factor in disease control at Public Stockyards.

2. Provide for tattoo identification of slaughter swine to implement swine brucellosis and tuberculosis control.

3. Clarify the requirements for removal of cattle for purposes other than immediate slaughter, and to make the requirements for removal of cattle dependent on the origin of cattle.

4. Remove the requirement for a permit for swine to be removed from the Stockyards since this is no longer necessary or desirable.

5. Remove the requirement to restrict the brucellosis test to the Brucella Buffered Antigen Test thereby allowing greater flexibility and lower government costs.

6. Provide for interpretation of test results and diagnosis in accordance with standard practice and existing rules for eradication of bovine and swine brucellosis.

11. The LSB has proposed to rewrite LSB 52, which was adopted in 1945, to make the rule apply to private vehicles as well as public carriers, and to update the rule language.

12. The Board has rewritten current LSB 61 for the following reasons:

1. Specific diseases referred to in the rule have been eradicated from the United States, are covered in other rules, or are no longer considered to be dangerous.

2. The requirement of the rule for placarding of infected premises has not been complied with for several years.

3. The language of the thirty-five year old rule has been updated.

13. The Examiner finds that the proposed rules, as amended in the Findings above, are both needed and reasonable.

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

CONCLUSIONS

1. The Livestock Sanitary Board gave due, timely and adequate legal notice of the hearing. All other substantive and procedural requirements of statute or rule have been complied with.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1978), it is the duty of the Hearing Examiner to: ". . . (4) make a report on each proposed agency

action . . . taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action; (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts".

3. The Livestock Sanitary Board has documented its statutory authority to promulgate the proposed rules.

4. The Livestock Sanitary Board has demonstrated the need for and reasonableness of the proposed rules, as amended, by an affirmative presentation of facts.

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

RECOMMENDATION

That the Livestock Sanitary Board adopt the rules as proposed and amended herein.

Dated this 24 day of March, 1980.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE NATALIE L. GAULL

HEARING EXAMINER

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

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 the Conference Room at 500 Rice St., St. Paul, Minnesota, commencing at 9:30 a.m., or as soon thereafter as possible, Wednesday, March 12, 1980, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to amend the following rules: LSB 7 Regulations Providing for Quarantine of Domestic Animals Imported into Minnesota without a Health Certificate to provide for quarantining livestock imported with improper health certificates as well as without health certificates and to simplify the language.

LSB 18 Cattle Mange and Scabies to provide for use of more effective control measures, supervision of dipping facilities and to simplify the language.

LSB 20 Eradication of Sheep Scabies to repeal the portion of the rule which relates to sheep scabies, a disease which has been eradicated, and to place the portion of the rule which relates to importation of sheep in 3 MCAR § 2.009 Importation of sheep so it will be in the section of MCAR with other importation requirements.

LSB 44 The Establishment and Operation of Public Stockyards to eliminate reference to hog cholera, to include reference to tattooing of swine as required in 3 MCAR § 2.066 Slaughter cattle and slaughter swine identification, to clarify the health certificate requirements on livestock released for purposes other than slaughter and to allow testing of cattle and swine for brucellosis with official tests other than the card test.

LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles to require cleaning and disinfection of all carriers of infected or exposed livestock not just public carriers and to simplify the language.

LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases to eliminate the listing of specific diseases several of which have been eradicated in the United States, others which are covered in specific rules, some which are not considered dangerous by present standards and to eliminate the mandatory placarding of infested premises. To simplify the language of the rule.

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). Adoption of the amended rules will not require the expenditures of additional public monies by local public bodies.

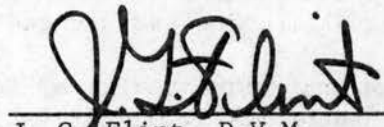
Relevant statements or written material may be submitted for the record at the hearing or to the hearing examiner, Natalie L. Gaull, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, phone 612-296-8114 before the hearing or within (5) five working days after the public hearing 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. The statute provides certain exceptions. 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 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 11th day of February, 1980

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

AFFIDAVIT OF MAILING

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

That on the 11th day of February, 1980, 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 addresses to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota legislature.

L. T. Christensen

Subscribed and sworn to before me
this 11th day of February, 1980.

Marian S. Comford

MARIAN S. COMFORD
Notary Public, Ramsey County, Mn.
My commission expires Sept. 16, 1985

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 31st day of January, 1980, 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 7th day of February, 1980, 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 7th day of February, 1980.

Notary Public
My commission expires

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

CERTIFICATE

I hereby certify that the enclosed 4 Sheets 338 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 10:00 o'clock, A.M., this 7th day of February, 1980, 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 Scott

Our File #592

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 4/25 DUE DATE 5/15

Resubmitted and Received _____

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved _____ Date Sent Back to Agency _____

- -

1. Rules as Adopted ✓ 3 McAR 2.007
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable ✓
4. Order for Hearing ✓
5. Notice of Hearing ✓ 3.12.80
   Sufficiency ✓
6. Secretary of State's List ✓ (one copy only)
7. Certificate of Acquisition of Secretary of State's List ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency ✓
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing ✓
10. Publication in State Register ✓ copy not submitted; see HE report, ¶ 2
    At least 30 days prior to hearing ✓
11. Statement of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact _____
14. Certificate of Board's Resolution Adopting Rules, where applicable ✓
15. Order Adopting ✓
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N/A
20. Petition by Public, where applicable N/A

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 11th day of April, 1980; 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 2.007, Quarantine of livestock and poultry imported into Minnesota without a health certificate or with an improper health certificate, 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 11th day of April, 1980.

J. G. Flint

J. G. Flint, DVM
Secretary and Executive Officer

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 amending 3 MCAR § 2.007 Regulations Providing for Quarantine of Domestic Animals Imported into Minnesota without a Health Certificate, 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 15 day of January, 1980.

J. G. Flint

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

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: April 23, 1980

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

AFFIDAVIT OF MAILING

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

That on the 11th day of February, 1980, 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 addresses to all persons and associations at the addresses listed on the attached Certificate of the Secretary of State as well as to all persons listed on the attached sheet as presently being members of the Minnesota legislature.

L. T. Christensen

Subscribed and sworn to before me
this 11th day of February, 1980.

Marian S. Comford

MARIAN S. COMFORD
Notary Public, Ramsey County, Mn.
My commission expires Sept. 16, 1986

STATE OF MINNESOTA

COUNTY OF RAMSEY

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

CERTIFICATE

I hereby certify that the enclosed 4 Sheets 338 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 10:00 o'clock, A.M., this 7th day of February, 1980, 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 Scott

AFFIDAVIT of Receipt

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 31st day of January, 1980, 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 7th day of February, 1980, 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 7th day of February, 1980.

Notary Public
My commission expires

STATE OF MINNESOTA

COUNTY OF RAMSEY

BEFORE MINNESOTA STATE

HEARING EXAMINER

In the Matter of the Proposed Amendment to Rules of the Minnesota Livestock Sanitary Board, Governing 3 MCAR § 2.007 Regulations Providing for Quarantine of Domestic Animals Imported into Minnesota without a Health Certificate

ORDER OF HEARING

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

NOW, THEREFORE, IT IS ORDERED this 15th day of January, 1980, that a public hearing on the proposed amendment to the above-captioned rules be held in the Conference Room, 500 Rice Street, St. Paul, Minnesota, on Wednesday the 12th day of March, 1980, 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 NATALIE L. GAULL

HEARING EXAMINER

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

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 the Conference Room at 500 Rice St., St. Paul, Minnesota, commencing at 9:30 a.m., or as soon thereafter as possible, Wednesday, March 12, 1980, and continuing until all interested or affected persons have had an opportunity to be heard.

The Livestock Sanitary Board proposes to amend the following rules: LSB 7 Regulations Providing for Quarantine of Domestic Animals Imported into Minnesota without a Health Certificate to provide for quarantining livestock imported with improper health certificates as well as without health certificates and to simplify the language.

LSB 18 Cattle Mange and Scabies to provide for use of more effective control measures, supervision of dipping facilities and to simplify the language.

LSB 20 Eradication of Sheep Scabies to repeal the portion of the rule which relates to sheep scabies, a disease which has been eradicated, and to place the portion of the rule which relates to importation of sheep in 3 MCAR § 2.009 Importation of sheep so it will be in the section of MCAR with other importation requirements.

LSB 44 The Establishment and Operation of Public Stockyards to eliminate reference to hog cholera, to include reference to tattooing of swine as required in 3 MCAR § 2.066 Slaughter cattle and slaughter swine identification, to clarify the health certificate requirements on livestock released for purposes other than slaughter and to allow testing of cattle and swine for brucellosis with official tests other than the card test.

LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles to require cleaning and disinfection of all carriers of infected or exposed livestock not just public carriers and to simplify the language.

LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases to eliminate the listing of specific diseases several of which have been eradicated in the United States, others which are covered in specific rules, some which are not considered dangerous by present standards and to eliminate the mandatory placarding of infested premises. To simplify the language of the rule.

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). Adoption of the amended rules will not require the expenditures of additional public monies by local public bodies.

Relevant statements or written material may be submitted for the record at the hearing or to the hearing examiner, Natalie L. Gaull, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, phone 612-296-8114 before the hearing or within (5) five working days after the public hearing 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. The statute provides certain exceptions. 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 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 11th day of February, 1980

Rules as Proposed

~~**LSB 7 Regulations providing for quarantine of domestic animals imported into Minnesota without a health certificate.** Be it resolved by the State Livestock Sanitary Board of the State of Minnesota, that all domestic animals imported into the State of Minnesota and not accompanied by a health certificate as required by the laws of this State and by the rules and regulations of this Board that shall be in force and effect at the time of importation, shall be and are hereby quarantined at the point or place where such animals first come to rest within the State after the completion of the interstate shipment thereof, or at such other place to which they are removed by the written permission of this Board, and such quarantine shall continue until such time as said animals have been duly inspected by a veterinarian approved by this Board and a proper health certificate, as required by the laws of this state and by the rules and regulations of this Board as shall then be in force and effect, shall be furnished to this Board by said veterinarian and this Board shall issue a release of such quarantine.~~

~~Be it further resolved that said quarantine and such inspection shall be at the owner's cost and expense.~~

3 MCAR § 2.007 Quarantine of livestock and poultry imported into Minnesota without a health certificate or with an improper health certificate.

A. The board shall quarantine at owner's expense all livestock and poultry imported into Minnesota without a health certificate if a health certificate was required by any rule of the board, or if with a health certificate which does not meet the importation requirements of the board.

B. It shall be the duty of the owner of quarantined livestock or poultry to maintain them in isolation in a manner that will prevent contact with any other livestock or poultry until the quarantine is released.

C. The board will release the quarantine when it receives a report from an accredited veterinarian indicating personal inspection of the livestock or poultry for compliance with the importation rules of the board including test results to meet all entrance requirements or when proof of slaughter of the livestock or poultry is submitted.

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE NATALIE L. GAULL
HEARING EXAMINER

In the matter of the proposed amendment to rule LSB 7 Regulations Providing for Quarantine of Domestic Animals Imported into Minnesota without a Health Certificate.

STATEMENT OF NEED AND REASONABLENESS

The above captioned rule was adopted in December 1945. The proposed changed rule 3 MCAR §§ 2.007, clarifies, and improves the format without significantly reducing the protection afforded the domestic livestock industry in Minnesota. There should be no increase in cost to the industry and the State of Minnesota.

J. G. Flint, DVM
Secretary and Executive Officer

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

IN THE MATTER OF PROPOSED AMENDMENTS TO RULES OF THE LIVESTOCK SANITARY BOARD LSB 7 REGULATIONS PROVIDING FOR QUARANTINE OF DOMESTIC ANIMALS IMPORTED INTO MINNESOTA WITHOUT A HEALTH CERTIFICATE, LSB 18 CATTLE MANGE OR SCABIES, LSB 20 ERADICATION OF SHEEP SCABIES, LSB 44 THE ESTABLISHEMENT AND OPERATION OF PUBLIC STOCKYEARDS, LSB 52 CLEANING AND DISINFICTION OF AUTOMOBILES, TRUCKS AND OTHER VEHICLES, LSB 61 ISOLATION AND QUARANTINING OF DOMESTIC ANIMALS, INCLUDING POULTRY, FOR INFECTIOUS AND DANGEROUS COMMUNICABLE DISEASES.

ORDER OF THE CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on March 12, 1980, before Peter C. Erickson, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Report of the Hearing Examiner made pursuant to Minn. Stat. § 15.052, subd. 3, was issued to the Livestock Sanitary Board (hereinafter "Board") on March 24, 1980; and

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

WHEREAS, the 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 Board has met all requirements of Minn. Stat. § 15.0412, subd. 4.

NOW, THEREFORE, upon receipt of this Order, the 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 22nd day
of April, 1980.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

LSB-80-001-PE

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE LIVESTOCK SANITARY BOARD

In the Matter of Proposed Amendments to Rules of the Livestock Sanitary Board LSB 7 Regulations providing for Quarantine of Domestic Animals imported into Minnesota without a Health Certificate, LSB 18 Cattle Mange or Scabies, LSB 20 Eradication of Sheep Scabies, LSB 44 The Establishment and Operation of Public Stockyards, LSB 52 Cleaning and Disinfection of Automobiles, Trucks and other Vehicles, LSB 61 Isolation and Quarantining of Domestic Animals, Including Poultry, for Infectious and Dangerous Communicable Diseases.

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Hearing Examiner Peter C. Erickson of the State Office of Hearing Examiners at 9:30 a.m. on Wednesday, March 12, 1980, in the conference room at 500 Rice Street, St. Paul, Minnesota.

Peder Hong, Special Assistant Attorney General, Appeared on behalf of the Livestock Sanitary Board (LSB). Dr. L. T. Christensen, Assistant Secretary, and Dr. R. G. Pyle, Director of the Imports and Markets Division, appeared and testified in support of the proposed rules on behalf of the Board. The hearing continued until all interested persons or groups had had an opportunity to be heard regarding the adoption of the proposed rules.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five days. Thereafter, the Livestock Sanitary 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. § 15.052, subd. 4 (1978). 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. § 15.0412 (1978) 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

Procedural Requirements

1. On January 17, 1980, the Livestock Sanitary 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.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.

2. On February 11, 1980, a Notice of Hearing and a copy of the proposed rules were published at 4 State Register 1246.

3. On February 11, 1980, the Livestock Sanitary Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On February 12, 1980, the Board filed the following documents:

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

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

5. The record remained open through March 19, 1980 for the receipt of written comments and statements.

6. Statutory authority to promulgate the proposed rules is contained in Minn. Stat. § 35.03 (1978).

7. The current rule regarding the quarantining of livestock, LSB 7, was adopted in December, 1945. The proposed rewritten rule, 3 MCAR § 2.007, clarifies the intent of the rule and revises the rule structure.

8. The LSB proposes to delete current LSB 18 and substitute a revised version, 3 MCAR § 2.018, Scabies. The Board asserts that there is a need to adopt this amended rule because:

1. There is a nation-wide program to eradicate Psoroptes scabies from cattle, sheep and goats.
2. More effective treatments for scabies have been and will be developed.
3. There is a need to establish a means of monitoring dipping facilities doing official dipping.

In response to written comments submitted by Joel Bennett, President of the Saint Paul Union Stockyards, the LSB proposed to amend § 2.018 D. by adding the language: ". . . or until cleaned and disinfected under supervision of the board." Additionally, the LSB proposed to strike the word "cattle" in § 2.018 E. and substitute in place thereof the word animals in response to comments from Gary Schnell regarding rule consistency.

9. The LSB proposes to delete present rule LSB 20, Eradication of Sheep Scabies, and replace it with a new rule, 3 MCAR § 2.009, Importation of Sheep. The Board contends that deletion of the current rule is appropriate because sheep scabies has been eradicated in the United States since 1965. The new rule will effectively prevent importation of diseased sheep and will not increase the cost of services to the public.

Subsequent to hearing, the LSB proposed the following amendment which clarifies an apparent inconsistency in the rules:

We wish to propose the following addition to part B of this rule to clarify the means by which sheep can be removed from markets and public stockyards. The addition will address a concern expressed by Mr. Joel Bennett of the South St. Paul Stockyard Company. Our agency would support the addition.

B. **Sheep** ~~for immediate slaughter~~ may be imported without a health certificate if consigned to a slaughtering establishment where the federal government maintains inspection, or to a market or stockyard operating under permit from the board for resale to such a slaughtering establishment~~.~~ or removal when accompanied by a health certificate meeting requirements of the state of destination. complied with

10. The LSB proposes to amend LSB 44, The establishment and operation of public stockyards, as follows:

1. Eliminate references to Hog Cholera because Hog Cholera has been eradicated in the United States and is no longer a factor in disease control at Public Stockyards.

2. Provide for tattoo identification of slaughter swine to implement swine brucellosis and tuberculosis control.

3. Clarify the requirements for removal of cattle for purposes other than immediate slaughter, and to make the requirements for removal of cattle dependent on the origin of cattle.

4. Remove the requirement for a permit for swine to be removed from the Stockyards since this is no longer necessary or desirable.

5. Remove the requirement to restrict the brucellosis test to the Brucella Buffered Antigen Test thereby allowing greater flexibility and lower government costs.

6. Provide for interpretation of test results and diagnosis in accordance with standard practice and existing rules for eradication of bovine and swine brucellosis.

11. The LSB has proposed to rewrite LSB 52, which was adopted in 1945, to make the rule apply to private vehicles as well as public carriers, and to update the rule language.

12. The Board has rewritten current LSB 61 for the following reasons:

1. Specific diseases referred to in the rule have been eradicated from the United States, are covered in other rules, or are no longer considered to be dangerous.

2. The requirement of the rule for placarding of infected premises has not been complied with for several years.

3. The language of the thirty-five year old rule has been updated.

13. The Examiner finds that the proposed rules, as amended in the Findings above, are both needed and reasonable.

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

CONCLUSIONS

1. The Livestock Sanitary Board gave due, timely and adequate legal notice of the hearing. All other substantive and procedural requirements of statute or rule have been complied with.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1978), it is the duty of the Hearing Examiner to: ". . . (4) make a report on each proposed agency

action . . . taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action; (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts".

3. The Livestock Sanitary Board has documented its statutory authority to promulgate the proposed rules.

4. The Livestock Sanitary Board has demonstrated the need for and reasonableness of the proposed rules, as amended, by an affirmative presentation of facts.

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

RECOMMENDATION

That the Livestock Sanitary Board adopt the rules as proposed and amended herein.

Dated this 24 day of March, 1980.

Peter C. Erickson

PETER C. ERICKSON
Hearing Examiner