

Minnesota Attorney General: Administrative Rules Proceedings

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STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : R. L. MERSCH, DBM
Board of Animal Health

ATTN: Jon K. Murphy

DATE: November 17, 1980

FROM : H. THEODORE GRINDAL
Special Assistant
Attorney General

PHONE: 297-3471

SUBJECT: In the Matter of Proposed Amendments to Rules L.S.B. 1 (Importation of Cattle) and L.S.B. 11 (Eradication of Bovine Brucellosis in Minnesota); and In the Matter of Proposed Rule 3 MCAR § 2.012 (Control of Anaplasmosis)

The above-entitled rules have been disapproved for the following reasons:

1. In 3 MCAR § 2.001 A. 14. The phrase "for periods of less than 24 hours" is omitted. This should appear in line two of that section. There seems to be no indication in the Hearing Examiner's Report of Finding of Fact that such an omission is intentional.

2. In 3 MCAR § 2.001 A. 16., in the third line, the word "coccygeal" is omitted between the words seventh and vertebrae. There is no indication that such an omission is intentional.

3. In 3 MCAR § 2.001 C., line one, the term "B-branded" cattle is used. Definitions in this section of the rule contain no definition of "B-branded." It appears as though a definition of this term would help an individual understand the rule.

4. Also, in 3 MCAR § 2.001 C. it seems that the wording of the last line, line three, is changed and the clause "provided a shipping permit issued by an accredited veterinarian accompanies shipment," is omitted. There seems to be no indication in the Finding of Fact nor Hearing Examiner's Report for reasons or intention to change or omit this language.

5. In 3 MCAR § 2.001 L. 2. a. (4), line two, the word "onwer" should be "owner."

6. Since the above changes and omissions are not included in the Hearing Examiner's Report, it would appear that approval by the Chief Hearing Examiner would be necessary to comply with Minnesota Statutes § 15.0412, subd. 4e. However, there is no Chief Hearing Examiner's Report included in the materials submitted.

7. There are seven separate references to federal regulations specifically part 78 Code of Federal Regulations. However, there is no Chief Hearing Examiner's Report approving such an incorporation by

Rules as Proposed + Rules as Adopted (except for AG copies) returned 11/21/80

reference that is included in the materials submitted to the Attorney General. Therefore, it would be necessary to either summarize or reprint the federal regulation referenced to or if it is long enough incorporate by reference.

8. In 3 MCAR § 2.011 A. 4., line two, USDA should be spelled out the first time it is used.

9. In 3 MCAR § 2.011 A. 9. b., line eight, the language "the Board may accept variations" is improper. Such language allows for unbridled discretion by the Board in determining which variations are acceptable. The rule should either list specific criteria to guide the Board in deciding when to accept variations or the language should be changed to a shall. This also applies to 3 MCAR § 2.011 A. 10. c., in the phrase "the Board may accept variations." This also applies to 3 MCAR § 2.011 A. 11. e. where the same language is used.

10. In 3 MCAR § 2.011 B. 6. and 7. the first line of both of these sections has a permissive "may" used. It would appear as if the "may" in these two sentences would permit the Board to "not" establish a quarantine. If this was the intent of the Board then it should remain. If in fact the intent was to be mandatory quarantine then the language should be changed to shall.

11. In 3 MCAR § 2.011 C. 3. a. (1), the phrase the Board "may" determine the size of the notification area seems to be improper. It would imply that the Board "may not" determine the size of the notification area. This would not provide a definition as to who would determine the size of the notification area. If the intent was to allow the Board mandatory authority to determine the size of the notification area then it should have a shall instead of a may.

12. In 3 MCAR § 2.011 E. 1. f., the cite Minn. Stat. § 35.245, subd. 3 (1978) is incorrect. The statute cited was rewritten by Laws 1980, ch. 467, § 17. Therefore, "(1978)," should be deleted or the cite should be referenced to the existing law.

13. In 3 MCAR § 2.011 E. 4. c., the use of the "may" in this sentence is improper. If the Board was to have this discretionary authority, then it would appear as though they may not notify the vendor and the person receiving the cattle in this section. If that was the intent of the Board in promulgating the rule then it should remain may. If it intended to have mandatory authority to notify the vendor and the person receiving cattle the may should be changed to a shall.

14. In 3 MCAR § 2.011 F. 3. d., the statute cited was rewritten by Laws 1980, ch. 467, § 10, so "1978" should be deleted or the current law should be cited.

15. In 3 MCAR § 2.012 A. 4. the cite again is improper. Minn. Stat. § 35.05 (1978) was rewritten by Laws 1980, ch. 467, § 5. Therefore, "1978" should be deleted or the statute cited as previously mentioned.

HTG:mb

Enclosure

cc: Susan Robertson
Duane Harves

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Amendment of
Rules of the Board of Animal Health,
Governing 3 MCAR § 2.011 Eradication
of bovine and bison brucellosis.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Richard Luis of the Minnesota Office of Administrative Hearings at 9:30 A.M. at 500 Rice Street, Saint 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 79-86.

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 § 2.011 Eradication of bovine and bison brucellosis, as presented to the Board of Animal Health for consideration, are adopted this 17th day of October, 1980 pursuant to authority vested in me by the Board of Animal Health.

State of Minnesota
BOARD OF ANIMAL HEALTH

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

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Amendment of Rules of the Board of Animal Health, Governing 3 MCAR § 2.001 Importation of cattle and bison, 3 MCAR § 2.011 Eradication of bovine brucellosis and 3 MCAR § 2.012 Control of anaplasmosis.

Amended

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Richard Luis of the Minnesota Office of Administrative Hearings at 9:30 A.M. at 500 Rice Street, Saint Paul, Minnesota, after proper notice required by Minnesota Statutes Section 15.0412 was served upon all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at 5 State Register pages 70-87.

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 having amended the rules to meet suggestions of the office of the Attorney General and having submitted the amended rule to the Chief Hearing Examiner who determined the amendments were not substantive changes.

NOW, THEREFORE, IT IS ORDERED that these rules identified as 3 MCAR § 2.001 Importation of cattle and bison, 3 MCAR § 2.011 Eradication of bovine brucellosis and 3 MCAR § 2.012 Control of anaplasmosis, as presented to the Board of Animal Health for consideration, are adopted this 23th day of December, 1980 pursuant to authority vested in me by the Board of Animal Health.

State of Minnesota
BOARD OF ANIMAL HEALTH

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

3 MCAR § 2.001 Importation of cattle and bison.

A. Where used in this rule the following words and terms are defined as follows:

1. "Board" means the Minnesota Board of Animal Health or its authorized agents.

2. "Cattle" means all dairy and beef animals and includes bison.

3. "Accredited veterinarian" means a veterinarian approved by the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture or its successor to perform functions required by cooperative state-federal disease control and eradication programs.

4. "Health certificate" means a certificate issued by an accredited veterinarian after a physical examination, stating that the cattle described are free from symptoms of contagious, infectious, or communicable disease and shall include a statement of the origin of the cattle and the name and address of the consignee.

5. "Official identification" of purebred cattle consists of the following:

a. Official registration number, tattoo, or complete eartag number.

b. Breed.

c. Sex.

d. Age.

e. Positive identification of brucellosis vaccinates by vaccination certificate, legible tattoo or official vaccination eartag.

6. "Official identification" of grade cattle consists of the following:

a. Complete eartag number.

b. Predominant breed characteristics or color markings.

c. Sex.

d. Age.

e. Positive identification of brucellosis vaccinates by vaccination certificate, legible tattoo or official vaccination eartag.

7. "Herd" means all cattle under common ownership or supervision that are grouped on one or more parts of any single premises, or all cattle on two or more premises geographically separated but on which the cattle have been interchanged or where there has been contact between the premises.

8. "Dairy breed" means breeds of cattle whose primary purpose is the production of milk.

9. "Beef breed" means all breeds of cattle except dairy breed.

10. "Breeding cattle" means all cattle except steers, spayed heifers and heifers of beef breeds between the ages of 8 and 18 months imported for feeding purposes, or slaughter cattle as defined in paragraph 13.

11. "Feeding cattle" means all steers, spayed heifers, and beef breed heifers under 18 months of age imported for feeding purposes to be confined to a feedlot.

12. "Feedlot" means a confined drylot area for finish feeding of cattle on concentrated feeds with no facilities for pasturing or grazing.

13. "Slaughter cattle" means cattle in channels of trade moving to a recognized slaughtering establishment with no diversion to farm or ranch.

14. "Brucellosis exposed cattle" means cattle that are part of a known infected herd or that have been in contact with brucellosis reactors in marketing channels for periods of 24 hours or periods of less than 24 hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge regardless of the blood test results. After January 1, 1982, any period of contact in marketing channels shall be considered exposed.

15. "Official calfhood vaccinate" means a female bovine animal of a dairy breed vaccinated against brucellosis with an approved Brucella vaccine while from 2 to 6 months (60 to 179 days) of age, or a female bovine animal of a beef breed vaccinated against brucellosis with an approved Brucella vaccine while from 2 to 10 months (60 to 299 days) of age, permanently identified as a vaccinate, and reported at the time of vaccination to the appropriate state or federal agency cooperating in the eradication of bovine brucellosis.

16. "S-branded cattle" means cattle that have been identified by branding with a hot iron the letter "S" at least 2 X 2 inches on the left jaw or high on the tailhead over the fourth to seventh coccygeal veterbrae.

17. "B-branded cattle" means cattle that have been identified by branding with a hot iron with the letter "B" at least 2 X 2 inches on the left jaw because they were

classified as brucellosis reactors or are brucellosis exposed cattle from a herd depopulation.

B. Cattle consigned to public stockyards, markets approved under LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets, or slaughtering establishments.

1. Cattle of any class may be consigned without a health certificate or tests to a public stockyard or market approved under LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets.

2. Cattle for immediate slaughter only may be consigned without a health certificate or tests to slaughtering establishments where the federal government maintains inspection.

C. Movement of S-branded cattle and B-branded cattle. The following cattle may move without diversion or unloading to public stockyards or to a slaughtering establishment operating under Federal inspection, provided a shipping permit issued by an accredited veterinarian accompanies the shipment.

1. Reactor cattle and B-branded exposed cattle.

2. S-branded cattle, including:

a. suspects.

b. exposed cattle in channels of trade.

c. untested test-eligible cattle from states that are not certified brucellosis free.

D. Cattle quarantined for any disease may not enter the state except that:

1. Cattle may enter the public stockyards to be unloaded at quarantine pens to be sold directly to a slaughtering establishment provided a shipping permit from the state of origin accompanies the shipment and a copy of the permit is delivered to the person receiving the shipment.

2. Cattle may enter a slaughtering establishment with federal inspection provided a shipping permit from the state of origin accompanies the shipment and a copy of the permit is delivered to inspector in charge. All such shipments shall comply with all state and federal requirements.

E. Health Certificates:

1. The following shipments of cattle do not need health certificates:

a. Cattle of any class consigned to the public stockyards or markets approved under LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets.

b. Slaughter cattle shipped directly to slaughtering establishments under federal inspection.

2. Cattle of any class consigned to individuals or to state approved markets must be accompanied by a health certificate.

3. Health certificates shall show:

a. The consignee's name and address.

b. The status of the herd and area of origin.

c. All identity numbers of the animals in the shipment where required by this rule.

d. The results of all tests required in F.

e. Date of vaccination or ear tattoo of Official Calfhood Brucellosis Vaccinated Cattle.

f. Age, sex and breed.

g. The purpose for which the cattle are to be moved.

h. Permit number where required.

4. All health certificates shall be submitted to the Animal Health Office of the state of origin for approval within one week of the issue date.

F. Tests required.

1. Brucellosis.

a. Official tests for brucellosis in the state of origin shall be used.

b. All tests shall be confirmed at a state-federal cooperative laboratory. Cattle may commence movement based on negative tests by authorized persons prior to laboratory confirmation.

c. With the exception of the following all cattle must be negative to brucellosis tests within 30 days prior to movement into Minnesota.

(1) Cattle from Certified-Brucellosis-Free Herds.

(2) Calves under 6 months of age.

(3) Cattle shipped directly to the public stockyards or markets approved under LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets.

(4) Slaughter cattle going directly to a slaughtering establishment under federal inspection.

(5) Official calfhood vaccinated dairy heifers under 20 months of age and official calfhood vaccinated beef heifers under 24 months of age.

(6) Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.

(7) Steers and spayed heifers.

2. Anaplasmosis - with the exception of the following, all cattle must be tested negative to an official anaplasmosis test at an approved laboratory within 30 days prior to movement.

a. Calves under 6 months of age.

b. Cattle shipped directly to a public stockyard or markets approved under LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets.

c. Slaughter cattle going directly to a slaughtering establishment under federal inspection.

d. Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.

e. Steers and spayed heifers.

f. Cattle that have been sampled for anaplasmosis, the results of which are pending, provided a permit has been secured from the board.

3. Tuberculosis - with the exception of the following, all cattle must be negative to an intradermal tuberculin test conducted by an accredited veterinarian within 60 days prior to movement into Minnesota.

a. Cattle from Tuberculosis-Free-Accredited Herds.

b. Cattle under 6 months of age.

c. Cattle shipped directly to a public stockyards or markets approved under LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets.

d. Slaughter cattle going directly to a slaughtering establishment under federal inspection.

e. Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.

f. Steers and spayed heifers.

g. Cattle entering to be tested within 72 hours after arrival provided a permit is secured from the board.

h. Cattle from accredited tuberculosis free states that have a reciprocity agreement with Minnesota.

G. Negative cattle tested for anaplasmosis as required in F.2. are not eligible for entry if one or more cattle in the herd of origin react greater than 3+ in the 1:5 dilution on the complement fixation test.

H. Imported cattle leaving a market approved under LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets, or imported on permit pending the laboratory results of the anaplasmosis blood test drawn at the market or in the state of origin are under quarantine until the test results are determined.

1. Negative test results shall release the quarantine.

2. Positive test results shall release the quarantine after:

a. Positive cattle have been returned to the state of origin, or

b. Positive cattle have been sent to slaughter under permit.

I. Cattle imported without health certificate except where specifically exempted in this rule, or imported when not in compliance with this rule are under quarantine. Such cattle shall be examined and tested to meet the requirements of this rule by an accredited veterinarian at owner's expense within 72 hours thereafter. Cattle

that are not negative to brucellosis, tuberculosis or anaplasmosis shall be sent to slaughter on permit or returned to the herd of origin on permit from the state of origin. Cattle with other infectious, contagious, or communicable disease shall be sent to slaughter with permit, returned to the point of origin with permit, or continued in quarantine at the direction of the board.

J. Permits.

1. The following types of cattle may be imported with a health certificate for a stated purpose provided a permit is obtained from the board prior to movement.

a. Breeding cattle not tested for tuberculosis in the state of origin, to be tested on arrival in Minnesota.

b. Calves less than two months of age.

c. Cattle from non-brucellosis free states.

d. Female feeding cattle of beef type and breed less than 18 months of age entering for feeding purposes without tests.

e. Cattle that have been sampled for anaplasmosis, the results of which are pending.

K. Cattle may be imported from states that are not certified brucellosis-free provided that:

1. Cattle from modified certified states require:

a. A permit.

b. A negative test within 30 days prior to movement.

c. A **retest** in not less than 45 nor more than 120 days following arrival.

2. Cattle from non-certified states require:

a. The cattle originate from a herd tested negative within the previous 12 months.

b. Negative test within 30 days prior to movement.

c. A permit.

d. A retest in not less than 45 nor more than 120 days following arrival.

L. Feeding cattle may be imported as follows:

1. Steers, spayed heifers, and calves under 6 months of age must be listed on

health certificate but need not be identified or tested.

2. Heifers of beef type and breed under 18 months of age must be listed on a health certificate but need not be identified or tested provided a permit is secured from the board. Such cattle must be segregated from all other cattle except steers, spayed heifers, like quarantined cattle, or cattle purchased in accordance with the provisions of a feeder affidavit quarantine as provided in 3 MCAR § 2.011. Segregation shall consist of a drylot with no pasturing and grazing and double fencing to prevent access to drainage and other cattle.

a. Such cattle may be:

(1) Retained in a feedlot for a period not to exceed 12 months.

(2) Sold for further feeding under feeder affidavit quarantine as provided in 3 MCAR § 2.011.

(3) Sold for slaughter.

(4) Upon application by the owner of such quarantined cattle, the board at its discretion may grant permission to the owner to make the necessary tests at his own expense to relieve the quarantine. In no case shall the requirements for tests be less than the tests required for breeding cattle.

(5) Moved to another state providing the movement is in compliance with state and federal regulations.

M. The rule shall be effective on January 1, 1981

3 MCAR § 2.011 Eradication of bovine and bison brucellosis.

A. Definitions:

1. "Board" means the Minnesota State Board of Animal Health or its authorized agent.

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

3. A "herd" is all cattle under common ownership or supervision that are grouped on one or more parts of any single premises or all cattle on two or more premises geographically separated but on which the cattle have been interchanged or where there has been contact of cattle between the premises.

4. "Veterinarian" means a veterinarian licensed and accredited in Minnesota or a veterinarian of the United States Department of Agriculture (USDA).

5. Test and testing.

a. Blood samples shall be collected and submitted by a veterinarian.

b. Standard plate test or other field tests approved by the board may be made by a veterinarian approved by the board to conduct field tests.

c. All blood samples accompanied by test charts in triplicate with results of field test recorded shall be submitted to a state or state-federal laboratory to confirm the field test. The laboratory test shall be the official test if there is more than one-half titer variation between the laboratory test and the field test.

d. Tests used at the state or state-federal laboratory shall include the buffered acidified plate antigen test (BAP), rapid screening test (RST), standard plate test (SPT), card test (BBA),

standard tube test (STT), rivanol test (RIV), complement fixation test (CF), and other tests approved by the Board.

6. "Ring Test" means the brucellosis agglutination test (BRT) of milk or cream.

7. "Market Cattle Test" (MCT) means a brucellosis test conducted on marketed cattle.

8. "Official brucellosis calfhood vaccinate" means female dairy cattle under 20 months of age vaccinated against brucellosis while from two through five months of age (60-179 days) and female beef cattle under 24 months of age vaccinated against brucellosis while from two through seven months of age (60-239 days) in accordance with these rules.

9. "Negative" means:

a. Official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over with brucellosis test titers not higher than complete agglutination at a 1:50 dilution on the standard plate test or standard tube test unless diagnosed suspect or reactor on basis of card test, rivanol test or complement fixation test.

b. Cattle more than six months of age when the standard plate test or standard tube test disclose reactions of not more than complete agglutination in the 1:25 dilution, if performed; are negative to the brucellosis card test, if performed; disclose 25 percent fixation or less (1 plus) at the 1:10 dilution on the complement fixation test, if performed; or disclose less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test, if performed. The board may accept variations when an epidemiological investigation indicates Brucella abortus infection is present. A diagnosis of suspect or reactor will then be accepted.

c. Cattle negative to the rapid screening test when no other tests are performed.

d. Cattle negative to the buffered acidified plate antigen test when no other tests are performed.

10. "Suspect" means:

a. Official vaccinates of dairy breeds 20 months of age or over and official vaccinates of beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or post-parturient when they disclose any standard plate test or standard tube test agglutination reactions in the dilution of 1:100 or incomplete agglutination in the 1:200 dilution.

(1) Vaccinated cattle serologically negative to the standard plate test or standard tube test but which are positive to the brucellosis card test, if it is performed.

(2) Vaccinated cattle having less than 25 percent fixation (1 plus) in a dilution of 1:40 and 50 percent (2 plus) or more in a dilution of 1:10 to the complement fixation test, if it is performed.

b. All other cattle more than six months of age when they disclose any standard plate test or standard tube test agglutination reactions in a blood titer dilution of 1:50 or incomplete agglutination in the 1:100 dilution.

(1) Cattle serologically negative to the standard plate test or standard tube test but which are positive to the brucellosis card test, if it is performed.

(2) Cattle having less than 50 percent fixation (2 plus) in a dilution of 1:20 and 50 percent fixation (2 plus) or more in a dilution of 1:10 to the complement fixation test, if it is performed.

c. The board may accept variations when an epidemiological investigation indicates Brucella abortus is not present. A diagnosis of negative will then be accepted. When an epidemiological investigation

indicates Brucella abortus infection is present, a diagnosis of reactor will be accepted.

11. "Reactor" means:

a. Official vaccinates of dairy breeds 20 months of age and over and official vaccinates of beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or post-parturient when they disclose complete standard plate test or standard tube test agglutination reactions in the blood titer dilution of 1:200 or higher.

(1) Positive to the brucellosis card test where it has been the only test conducted.

(2) Disclose titers of 25 percent fixation (1 plus) in a dilution of 1:40 or higher on the complement fixation test, if it is performed.

(3) Disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test, if it is performed.

b. All other cattle more than six months of age when they disclose a complete agglutination reaction in the blood titer dilution of 1:100 or higher on the standard plate test or standard tube test.

(1) Are positive to the brucellosis card test where it has been the only test conducted.

(2) Disclose titers of 50 percent fixation (2 plus) in a dilution of 1:20 or higher on the complement fixation test.

(3) Disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test.

c. Found infected by isolation of Brucella abortus micro-organisms.

d. Cattle which show an increasing titer on consecutive tests.

e. The board may accept variations when an epidemiological investigation indicates Brucella abortus is not present. A diagnosis of suspect will then be accepted.

12. "Exposed cattle"means those that are part of a brucellosis infected herd or have been in contact with a brucellosis reactor 24 hours, or less than 24 hours if reactor has recently aborted, calved, or has a vaginal or uterine discharge. Starting January 1, 1982 the definition of exposed cattle shall be: cattle that are part of a known affected herd or have been in contact with brucellosis reactors in marketing channels regardless of the blood test results.

13. "Negative herd" means one in which no reactors or suspects were diagnosed on the last test and which is not under an infected herd quarantine.

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

15. "Infected herd" means one in which one or more reactors were diagnosed on the last test or which is under an infected herd quarantine.

16. "Cattle" means both bovine and bison.

B. General requirements.

1. Veterinarians shall report to the board all herds infected with bovine brucellosis, or suspected of being infected with bovine brucellosis.

2. The board may demand tests of infected herds, or cattle diagnosed as a suspect, or exposed cattle, or herd of origin of market cattle test reactors, or brucellosis ring test positive herds, or any

cattle when necessary for the eradication of bovine brucellosis, and the owner or his agent shall present them and assist with the testing.

3. Testing.

a. All cattle over six months of age shall be eligible for test except:

(1) Steers.

(2) Spayed heifers.

(3) Official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age which are not parturient or post-parturient.

(4) Feeding cattle in a dry lot area without pasture or grazing facilities.

(5) Feeding cattle of beef type and breed imported into the state on special permit and maintained under quarantine.

(6) Feeding cattle of beef type and breed sold under affidavit when under 18 months of age and maintained under quarantine.

b. The board may test all cattle in infected herds.

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

d. Cattle tested shall be individually identified by an official ear tag with the Minnesota prefix inserted in the right ear, registry tattoo, registry number, or a private ear tag inserted by the owner or his agent which individually identifies each animal in the herd.

e. Suspects, exposed cattle and infected herds shall be retested at approximately 30 days intervals.

4. Reactors are to be identified and appraised upon demand within 15 days of the test date and with an official reactor tag in the left ear and a "B" hot brand at least two x two inches on the left jaw. Reactors must be sold within 15 days of appraisal for slaughter only, with a shipping permit. The time intervals may be extended by the cooperating state and federal officials for reasons mutually accepted.

5. Quarantines shall be established on all cattle in infected herds confining all cattle to the premises where tested and restraining them from water courses by fencing and from contacting adjacent herds. Cattle diagnosed suspect, or exposed cattle other than those in infected herds, or herd of origin of market cattle test reactors shall be quarantined to premises where tested or herd of origin.

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

b. Infected herd quarantines will be released after two consecutive negative herd tests, the first conducted at least 30 days after slaughter of all reactors and the second test not less than 90 days following the first negative test. An additional blood test of all test-eligible cattle in the herd shall be made not less than six months after release of an infected herd quarantine.

(1) Exception to intervals between tests are allowable when Brucella abortus Strain 19 organisms have been isolated from the reactor, or all epidemiologic evidence is consistent with Brucella abortus Strain 19 infection and not with virulent infection.

c. Suspects and exposed cattle other than those in infected herds will be released from quarantine when on the basis of test and supplemental test results a negative or vaccinate status is

allowed or when suspects or exposed cattle are shipped for slaughter with a shipping permit. If suspects requiring retest are not available a complete herd test is necessary unless it is determined on the basis of epidemiological investigation and evaluation of two or more consecutive retest and supplemental test results that the herd test is not indicated if the suspect is shipped for slaughter with a shipping permit.

d. Quarantines on herd of origin of market cattle test reactors will be released if a herd test disclosed no additional reactors and there is no evidence suggestive of Brucella infection or exposure thereto.

6. A quarantine may be established on an entire herd until a final diagnosis is made when an animal from the herd discloses a reaction to the brucellosis test.

a. An infected herd quarantine shall be established if a reactor diagnosis is made.

b. Quarantine on herd shall be released if a suspect diagnosis is made.

7. Restricted area quarantines may be established by the board when an owner refuses to comply with any part of this rule, confining all cattle to a defined area until the owner complies with the rule.

8. Movement of brucellosis quarantined reactor, exposed and suspect cattle.

a. Brucellosis quarantined cattle shall be sold only for slaughter at establishments where federal meat inspection is maintained or to public stockyards or state and federal markets approved to receive brucellosis quarantined cattle for sale to such establishments for slaughter and must be accompanied by a shipping permit.

(1) Reactors must be identified as provided in B.4. of this rule.

(2) Exposed cattle moved to slaughter or interstate must be identified with a hot "S" brand at least two x two inches on the left jaw.

(3) Brucellosis suspects or exposed cattle may be returned to their herd of origin from markets without being "S" branded if accompanied by a shipping permit.

(4) Brucellosis negative quarantined cattle may be moved to other premises of the owner if accompanied by a shipping permit issued by the board.

b. The owner shall give the shipping permit to the transporting agent, who shall give it to the consignee or his agent at time cattle are delivered, who shall receipt it and return it to the board.

c. A copy of all shipping permits issued is to be submitted to the board.

9. Infected premises shall be cleaned and disinfected under regulatory supervision within 15 days following removal of reactors. Extension and exemption may be authorized by the cooperating State and Federal officials.

10. Official vaccination:

a. Brucella vaccine shall be licensed by the United States Department of Agriculture.

(1) Vaccine shall be sold to and administered by veterinarians only.

(2) Vaccine shall be administered by the method and dosage described by the manufacturer or the board.

b. Brucella vaccine may be administered to female dairy cattle two through five months of age (60-179 days) and female beef

cattle two through seven months of age (60-239 days).

c. Cattle vaccinated must be identified with an official Minnesota vaccination tag in the right ear and a vaccination tattoo in the right ear; if already identified with an ear tag or an individual registration tattoo, an official Minnesota vaccination tag is not required. The vaccination tattoo will include U.S. Registered "Shield and V", which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year vaccination was done.

(1) Official Minnesota vaccination tags shall be applied by the veterinarian or under his direct supervision only at the time the vaccination is conducted. Vaccination tags shall not be used for retagging.

(2) Cattle shall not be retattooed with the vaccination tattoo unless a veterinarian obtains a permit from the board. Permits may be issued if the cattle have the same identification as at time of vaccination and the vaccination report is on file at the office of the board.

d. Complete reports of vaccinations shall be submitted to the board within 14 days of the vaccination on forms supplied.

e. Cattle vaccinated with Brucella abortus Strain 19 vaccine other than females of authorized ages shall not be official vaccinates, but shall be quarantined and when tested diagnosed as unvaccinated cattle.

C. Area plan participation.

1. The ring test shall be conducted at least three times per year at approximately equal intervals.

a. Herds with suspicious ring tests are to be tested within 30 days.

2. The board may collect blood samples for the brucellosis test from breeding cattle two years of age and over at concentration points, locker plants, and slaughtering establishments.

a. Reactors must be traced to herd of origin and the herd tested within 30 days or quarantined for test within six months.

3. Community notification of Brucellosis Affected Herds.

a. The board shall notify other owners and caretakers of cattle herds of an affected herd by means of an educational letter delivered through personal contact or by mail within 30 days of the issuance of the quarantine.

(1) The board shall determine the size of the notification area.

(2) When the infected herd quarantine is released, the herd owners and caretakers shall also be notified within 30 days by an educational letter delivered through personal contact or by mail.

4. Adjacent herd and epidemiologically traced herd testing.

a. The board may demand tests on adjacent herds, or herds sharing common pasture, having other contact with the affected herd, or herds containing previous purchases from or exchanges with the affected herd. Such herds may be placed under quarantine until the test is completed.

b. The board may recommend a second test of herds described in a. above. If the second test is not made, the veterinarian shall document the reasons the herd was not tested and furnish the owner a copy of such document.

D. Establishment and maintenance of Certified Brucellosis-Free Herds of cattle.

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

2. Certification. When at least two consecutive negative herd tests of all eligible cattle over six months of age are conducted not less than ten months or more than 14 months apart, the herd will be certified for a period of one year (365 days) and a Certified Herd Certificate issued.

a. Certification will be cancelled if:

(1) Additions to the herd are made contrary to the following paragraph, 3., of this Section, D., of this rule.

(2) If two or more reactors are disclosed in the herd.

(3) If only one reactor is disclosed, the certification is suspended until infected herd quarantine is released.

3. Additions to a Certified Herd.

a. No test requirements for cattle originating from Certified Brucellosis-Free Herds. Cattle originating from Certified Brucellosis-Free areas shall pass a negative test within 30 days prior to addition to a herd. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status for sale purposes until they have passed a 45-120 day post-entry retest.

b. Cattle originating from herds not under quarantine in Modified Certified Areas shall have passed a brucellosis test within 30 days prior to date of movement and then kept in isolation until they have passed a brucellosis retest made between 45 and 120 days after

being moved. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status for sale purposes until they have passed a 45-120 day post-entry retest.

c. Cattle from Noncertified areas must originate from a herd which has passed a brucellosis test within 12 months and must have passed an additional test made at least 60 days after the herd test and within 30 days prior to movement and then kept in isolation until they have passed a brucellosis retest made between 45 and 120 days after being moved. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status for sale purposes until they have passed the 45-120 day post-entry retest.

d. Non-test eligible vaccinated cattle, except cattle originating from a Certified-Brucellosis-Free Herd must be kept isolated until they have passed a brucellosis test. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status until they have passed the 45-120 day post-entry test.

4. Recertification. All test eligible cattle in the herd over six months of age are required to pass a brucellosis test within 60 days prior to the anniversary date for continuous certification. If the certification test is conducted within 60 days following the anniversary date, the certification period will be 12 months from the anniversary date and not 12 months from the date of the recertifying test.

E. Sales of Cattle and leasing or loaning cattle for breeding.

1. All dairy cattle over six months (209 days) of age and beef cattle eight months (240 days) of age and over must be tested negative for brucellosis within 30 days prior to sale or lease or loan except:

a. Cattle sold directly to a slaughtering establishment

for immediate slaughter.

b. Cattle consigned to a public stockyards or state and federal approved markets.

c. Steers and spayed heifers.

d. Cattle from a certified brucellosis-free herd.

e. Official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post-parturient.

f. Female feeding cattle under 18 months of age of beef type and breed sold in accordance with Minn. Stat. § 35.245, subd. 3 providing:

(1) The purchaser furnishes the seller and board copies of complete affidavits as furnished by the board.

(2) The board may inspect the cattle and the premises on which they are maintained at any reasonable time.

(3) There are facilities to maintain said cattle separate and apart from all other cattle except steers, spayed heifers, or other quarantined feeding cattle. The facilities shall include double fencing where the cattle are confined in such a manner as to prevent access to other cattle in adjoining yards, pastures, or fields, and such fencing as may be necessary to prevent access of the quarantined cattle to water courses or drainage ditches which flow through or discharge on such other yards, pastures, or fields.

(4) The owner shall account to the board for all quarantined feeding cattle, reporting those sold directly for slaughter, those resold for feeding (with an affidavit), those tested with permission of the board for sale as breeding stock, those which died and those which were slaughtered for consumption by the owner.

(5) If at any time it is determined that the cattle are not maintained in accordance with the terms of the affidavit or the rules of the board, the owner shall immediately correct the facilities for segregation and employ a veterinarian, at owner's expense, to test all cattle which have associated with or have been exposed to the quarantined cattle.

2. The vendor of all cattle eligible for test sold, leased, or loaned, shall provide the purchaser or lessee a certificate with a record of a negative brucellosis test, and, for official vaccinates not eligible for test, a certificate of vaccination or evidence of a legible official vaccination tattoo. Certificates are to be provided at the time possession of the cattle is transferred.

a. For cattle offered for sale at a public auction, a complete certificate of test and vaccination shall be posted in a prominent place on the sale premises on a form provided by the board and shall include the number of suspects disclosed on the sale test and not offered for sale and a statement signed by the owner showing the number of reactors and suspects in the herd within six months prior to date of the sale test. Except for vaccinates not eligible for test and without a legible official vaccination tattoo, individual certificates are not required.

3. Dealer recordkeeping. Any dealer who purchases, deals in, or sells cattle; or who acts as a commission representative or broker; or who operates and conducts an auction where cattle are sold shall maintain records for a period of two years as outlined in this section.

a. The records shall be maintained on all cattle except calves six months of age and under, steers, spayed heifers, and female

feeding cattle under 18 months of age of beef type and breed imported into Minnesota under special permit or sold in Minnesota under affidavit by:

(1) Individually identifying each animal.

(2) Showing the origin of each animal.

(3) Showing the destination of each animal.

(4) Showing the date of each transaction.

b. Dealers shall upon request furnish the board the origin and destination of any cattle handled by them when essential to determine the source and dissemination of disease.

4. Any test eligible cattle sold, leased or loaned without a negative brucellosis test within 30 days prior to sale, leasing, or loaning shall be quarantined to the premises of the person that received the cattle.

a. The quarantine will be in effect until the cattle are tested for brucellosis at the expense of the vendor.

b. Cattle which do not pass the brucellosis test shall be shipped for slaughter or returned to the premises of the vendor by permit issued by the board.

F. Complete herd condemnation, except steers, including nonreactors and exposed cattle not eligible for test:

1. The Board of Animal Health through its Secretary and Executive Officer may condemn a complete herd, except steers, after having considered recommendations from the following:

a. Field veterinarian responsible for the herd.

b. State brucellosis epidemiologist.

c. Federal veterinarian in charge.

d. Veterinarian in Charge, Brucellosis Division, Board of Animal Health.

2. The persons named in F.1. shall consider the following factors:

a. Rapidity of spread within the herd.

(1) Nonreactors and exposed cattle may be condemned after the first test of all eligible cattle in the herd when 25% or more of the cattle tested are reactors.

(2) Nonreactors and exposed cattle may be condemned when the cumulative number of reactors disclosed in the herd equals 30% of the number of cattle on the first test of all eligible cattle in the herd.

(3) Nonreactors and exposed cattle may be condemned when a herd remains infected after six tests conducted at approximately 30 day intervals.

b. Danger of transmission to other herds.

c. Results of culture attempts to isolate Brucella.

(1) A positive culture, other than Strain 19, shall support a decision to condemn but a negative culture does not prohibit herd condemnation.

d. Number and percent of abortions among reactors, suspects and negatives.

e. Supplemental test results.

f. Evaluation of management practices.

g. Vaccination history.

h. Epidemiologic investigation.

i. Status of area as determined by tests on contact herds and surveillance testing with MCT or BRT.

3. Nonreactors and exposed cattle shall not be condemned or appraised unless the owner signs an agreement which provides:

a. Owner and any other holder of an interest in the herd certifies such interest and voluntarily agrees to the condemnation of the herd.

b. All cattle, except steers, shall be condemned and appraised.

(1) Steers may be kept on the premises under quarantine in an area approved by the board.

c. No cattle, except steers, shall be brought to the premises, sooner than 30 days following shipment of the condemned herd.

d. Indemnity will be paid, if funds are available, as provided by Minn. Stat. § 35.09, subd. 2a.

e. Nonreactors and exposed cattle will be identified, appraised and sold as outlined in B.4. of this rule.

f. Premises shall be cleaned and disinfected following shipment of nonreactors and exposed cattle as outlined in B.8. of this rule.

3 MCAR § 2.012 Control of anaplasmosis

A. Definitions

1. Official anaplasmosis test -- a test for the diagnosis of anaplasmosis approved by the board and conducted in a United States Department of Agriculture (USDA) approved laboratory on samples submitted by an accredited veterinarian or a board approved field test conducted by an accredited veterinarian.

B. General requirements.

1. Veterinarians shall report all cases of anaplasmosis they diagnose in cattle and all cases suspected of being anaplasmosis.

2. All anaplasmosis tests will be at owner's expense except tests conducted to release quarantines which may be made by veterinarians of the board or United States Department of Agriculture (USDA) if personnel and funds are available.

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

4. Quarantines will be established by the board, as authorized in Minn. Stat. § 35.05, on all cattle herds in which a clinical diagnosis or a laboratory diagnosis of anaplasmosis other than a diagnosis based only on serological tests is made. The quarantine will be served on the owner.

a. Quarantines on infected herds will be released:

(1) When the entire herd has been shipped for slaughter with a shipping permit or;

(2) When all cattle in the herd six months of age and over have been tested and are negative.

(3) On all cattle negative on two tests conducted at least 30 days apart if all cattle responding on the first test were segregated when the owner was notified of the response and shipped for slaughter with a shipping permit or retained and treated under veterinary supervision at owner's expense.

5. Quarantines will be established on all cattle which have a positive response on any test for anaplasmosis. The quarantine will be served on the owner.

a. The quarantine will be released:

(1) When the responding animal is shipped for slaughter with a shipping permit.

(2) When the responding animal is tested and negative.

6. Vaccines for immunization of cattle for anaplasmosis are to be used only with prior permission of the board.

APPROVED AS TO FORM AND LEGALITY

Dec 30 19 80

WARREN SPANNAUS, ATTORNEY GENERAL

BY H Theodore Hundt

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
DEC 30 1980

Joan Anderson Growe
Secretary of State

3:20 PM

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

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : Theodore Grindal
Special Assistant Attorney General

DATE: December 30, 1980

FROM : Jon K. Murphy
Special Assistant Attorney General

PHONE: 6-0415

SUBJECT: In the Matter of Proposed Amendment to Rules LSB I; LSB II; and Proposed Rule 3 MCAR § 2.012.

As we discussed, the order adopting the above-captioned rules was signed on December 23, 1980.

The order is, in essence, an amendment to the previous Order dated October 17, 1980. Thus, it would be appropriate to designate it as an Amended Order, or as an Order adopting the Rules as amended.

You are authorized by the Board of Animal Health to make the appropriate insertions on the Order so that the date of its execution and its status are designated.

JKM/crb

RECEIVED
DEC 31 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

ADMIN 1609 (Rev. 7-78)
SF-0003[illegible]

Our File: #647

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT: ATTORNEY GENERAL

TO: R.L. MERSCH, DBM
Board of Animal Health

Attn: JON K. MURPHY
Special Assistant
Attorney General

DATE: 12/30/80

FROM: H. THEODORE GRINDAL HTG
Special Assistant
Attorney General

PHONE: 297-3471

SUBJECT: Rules as Approved In the Matter of Proposed Amendments to Rules L.S.B. 1 (Importation of Cattle) and L.S.B. 11 (Eradication of Bovine Brucellosis in Minnesota); and In the Matter of Proposed Rule 3 MCAR § 2.012 (Control of Anaplasmosis)

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.

HTG/bw
Encl.
cc: Duane Harves
Susan Robertson

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

Amendments as Proposed

3 MCAR § 2.001 ~~LSB 1~~ Importation of ~~C~~cattle and bison. ~~Pursuant to Minnesota Statutes 1973, section 35.03 the Livestock Sanitary Board hereby adopts the following rules and regulations:~~

A. ~~(a)~~ Where used in ~~these~~ this rules ~~and regulations~~ the following words and terms ~~shall be~~ are defined as follows:

1. ~~(1)~~ "Board" ~~shall~~ means the Minnesota ~~State Livestock Sanitary~~ Board of Animal Health ~~acting by and through the Secretary and Executive Officer~~ or its authorized agents.

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

2. "Cattle" means all dairy and beef animals and includes bison.

3. ~~(3)~~ "Accredited veterinarian" ~~shall~~ means a veterinarian ~~accredited~~ approved by the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture or its successor to perform ~~official services in connection with the~~ functions required by cooperative ~~animal~~ state-federal disease control and eradication programs.

4. ~~(4)~~ "Health certificate" ~~shall~~ means a certificate issued by an accredited veterinarian after a physical examination, ~~certifying~~ stating that the cattle described are free from symptoms of contagious, infectious, or communicable disease and shall include a statement of the origin of the cattle and the name and address of the consignee.

5. ~~(5)~~ "Official identification" of purebred cattle ~~shall~~ consists of the following:

a. ~~(aa)~~ Official registration number, tattoo, or complete ear tag number.

b. ~~(bb)~~ Breed.

c. ~~(cc)~~ Sex.

d. ~~(dd)~~ Age.

e. ~~(ee)~~ Positive identification of brucellosis vaccinates by vaccination certificate, legible tattoo or official vaccination ear tag. ~~or vaccination brand.~~

6. ~~(6)~~ "Official identification" of grade cattle ~~shall~~ consists of the following:

a. ~~(aa)~~ Complete ear tag number.

b. ~~(bb)~~ Predominant breed characteristics or color markings.

c. ~~(cc)~~ Sex.

d. ~~(dd)~~ Age.

e. ~~(ee)~~ Positive identification of brucellosis vaccinates by vaccination certificate, legible tattoo or official vaccination ear tag. ~~or vaccination brand~~.

7. ~~(7)~~ "Herd" ~~shall~~ means ~~any number of~~ all cattle ~~owned by one or more persons~~ under common ownership or supervision ~~on one or more~~ that are grouped on one or more parts of any single premises~~, which could readily associate with or contact one another, or are routinely cared for by the same personnel~~ or all cattle on two or more premises geographically separated but on which the cattle have been interchanged or where there has been contact of cattle between the premises.

8. ~~(8)~~ "Dairy breed" ~~shall~~ means breeds of cattle whose primary purpose is the production of milk.

9. ~~(9)~~ "Beef breed" ~~shall~~ means all breeds of cattle except dairy breed.

10. ~~(10)~~ "Breeding cattle" ~~shall~~ means all cattle except steers, spayed heifers, and heifers of beef breed between the ages of 8 and 18 months imported for feeding ~~and grazing~~ purposes, or slaughter cattle as defined in paragraph ~~(13)~~ 13.

11. ~~(11)~~ "Feeding ~~and grazing~~ cattle" ~~shall~~ means all steers, spayed heifers, and beef breed heifers ~~of beef breed between~~ under ~~the ages of 8 and~~ 18 months of age imported for feeding ~~and grazing~~ purposes to be confined to a feedlot.

~~(12) "Calves" shall mean:~~

~~(aa) All cattle of dairy breed under 6 months of age.~~

~~(bb) All cattle of beef breed under 8 months of age.~~

12. "Feedlot" means a confined drylot area for finish feeding of cattle on concentrated feeds with no facilities for pasturing or grazing.

13. ~~(13)~~ "Slaughter cattle" ~~shall~~ means ~~all types of~~ cattle ~~not used for dairy, breeding, or feeding and grazing~~ in channels of trade moving to a recognized slaughtering establishment with no diversion to farm or ranch.

~~(14) "Approved dry lot feeding premises" shall mean an area approved by the Board in accordance with the provisions of regulation LSB 57, Rules and Regulations Governing Approved Dry Lot Feeding Premises.~~

14. "Brucellosis exposed cattle" means cattle that are part of a known infected herd that have been in contact with brucellosis reactors in marketing channels for periods of 24 hours or periods of less than 24 hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge regardless of the blood test results. After January 1, 1982 any period of contact in marketing channels shall be considered exposed.

15. ~~(15)~~ "Official calfhood vaccinate "~~is~~ means a female bovine animal of a dairy b[illegible]d vaccinated against brucellosis with an approved Brucella vaccine while fro[illegible] to 6 months (60 ~~90~~ to 179 days) of age, or a fema[illegible]ovine animal of a beef breed vaccinated against brucellosis with an approved Brucella vaccine while from 2 ~~3~~ to 10 months (60 ~~90~~ to 299 days) of age, permanently identified as a vaccinate, and reported at the time of vaccination to the appropriate state or federal agency cooperating in the eradication of bovine brucellosis.

16. "S-branded cattle" means cattle that have been identified by branding with a hot iron the letter "S" at least 2 x 2 inches on the left jaw or high on the tailhead over the fourth to seventh coccygeal vertebrae.

B. ~~(b)~~ Cattle consigned to public stockyards, ~~State Federal approved~~ markets approved under Part 78 Code of Federal Regulations, or slaughtering establishments.

1. Cattle of any class maybe consigned without a health certificate or tests ~~for either tuberculosis or brucellosis~~ to a public stockyard or ~~State Federal approved~~ market approved under Part 78 Code of Federal Regulations.

2. Cattle for immediate slaughter only may be consigned without a health certificate or tests ~~for either tuberculosis or brucellosis~~ to slaughtering establishments where the ~~state or~~ federal government maintains inspection. ~~Cattle officially condemned for tuberculosis or brucellosis may be consigned to these points in compliance with federal regulations for the interstate movement of such cattle.~~

C. Movement of S-branded cattle and B-branded cattle. The following cattle may move without diversion or unloading to public stockyards or to a slaughtering establishment operating under Federal inspection, provided a shipping permit issued by an accredited veterinarian accompanies the shipment.

1. Reactor cattle and B-branded exposed cattle.

2. S-branded cattle, including:

a. suspects.

b. exposed cattle in channels of trade.

c. untested test-eligible cattle from states that are not certified brucellosis free.

D. Cattle quarantined for any disease may not enter the state except that:

1. Cattle may enter the public stockyards to be unloaded at quarantine pens to be sold directly to a slaughtering establishment provided a shipping permit from the state of origin accompanies the shipment and a copy of the permit is delivered to the person receiving the shipment.

2. Cattle may enter a slaughtering establishment with federal inspection provided a shipping permit from the state of origin accompanies the shipment and a copy of the permit is delivered to the inspector in charge. All such shipments shall comply with all state and federal requirements.

E. ~~(c)~~ Health certificates.

~~(1) All cattle imported into the state of Minnesota, with the exception of those described in section (b), shall be accompanied by a health certificate issued by an accredited veterinarian. Except where specifically exempted in the following sections, the health certificate shall include:~~

~~(aa) The official identification of each animal in the shipment.~~

~~(bb) Evidence of a negative agglutination test for brucellosis made within thirty (30) days prior to importation.~~

1. The following shipments of cattle do not need health certificates:

a. Cattle of any class consigned to the public stockyards or markets approved under Part 78 Code of Federal Regulations.

b. Slaughter cattle shipped directly to slaughtering establishments under federal inspection.

~~(2) The agglutination blood test may be conducted by a veterinarian and the results of such test shall be confirmed by a State or Federal laboratory. Cattle may be moved upon completion of the veterinarian's test. If tests are not made by the same veterinarian issuing the certificate, the name and address of such veterinarian and laboratory making the tests shall be included on the certificate.~~

2. Cattle of any class consigned to individuals or to state approved markets must be accompanied by a health certificate.

~~(3) Proof of official brucellosis vaccination when vaccinated animals are included in the shipment shall be documented on the health certificate.~~

3. Health certificates shall show:

a. The consignee's name and address.

b. The status of the herd and area of origin.

c. All identity numbers of the animals in the shipment where required by this rule.

d. The results of all tests required in F.

e. Date of vaccination or ear tattoo of Official Calfhood Brucellosis Vaccinated Cattle.

f. Age, sex and breed.

g. The purpose for which the cattle are to be moved.

h. Permit number where required.

~~(4) The health certificate shall be:~~

~~(au) Attached in two copies the waybill if cattle are moved into the State by railroad and one copy shall be delivered by the carrier to the consignee or his agent.~~

~~(bb) In the possession of driver if cattle are moved into State by vehicle other than by railroad, or~~

~~(cc) In the possession of person(s) in charge of cattle moved into the State on foot.~~

4. All health certificates shall be submitted to the Animal Health Office of the state of origin for approval within one week of the issue date.

F. Tests required.

1. Brucellosis.

a. Official tests for brucellosis in the state of origin shall be used.

b. All tests shall be confirmed at a state-federal cooperative laboratory. Cattle may commence movement based on negative tests by authorized persons prior to laboratory confirmation.

c. With the exception of the following all cattle must be negative to brucellosis tests within 30 days prior to movement into Minnesota:

(1) Cattle from Certified Brucellosis-Free Herds.

(2) Calves under 6 months of age.

(3) Cattle shipped directly to the public stockyards or markets approved under Part 78 Code of Federal Regulations.

(4) Slaughter cattle going directly to a slaughtering establishment under federal inspection.

(5) Official calfhood vaccinated dairy heifers under 20 months of age and official calfhood vaccinated beef heifers under 24 months of age.

(6) Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.

(7) Steers and spayed heifers.

2. Anaplasmosis—with the exception of the following, all cattle must be tested negative to an official anaplasmosis test at an approved laboratory within 30 days prior to movement:

a. Calves under 6 months of age.

b. Cattle shipped directly to the public stockyards or markets approved under Part 78 Code of Federal Regulations.

c. Slaughter cattle going directly to a slaughtering establishment under federal inspection.

d. Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.

e. Steers and spayed heifers.

f. Cattle that have been sampled for anaplasmosis, the results of which are pending, provided a permit has been secured from the board.

3. Tuberculosis—with the exception of the following, all cattle must be negative to an intradermal tuberculin test conducted by an accredited veterinarian within 60 days prior to movement into Minnesota.

a. Cattle from Tuberculosis-Free-Accredited Herds.

b. Cattle under 6 months of age.

c. Cattle shipped directly to a public stockyards or markets approved under Part 78 Code of Federal Regulations.

d. Slaughter cattle going directly to a slaughtering establishment under federal inspection.

e. Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.

f. Steers and spayed heifers.

g. Cattle entering to be tested within 72 hours after arrival provided a permit is secured from the board.

h. Cattle from accredited tuberculosis free states that have a reciprocity agreement with Minnesota.

G. Negative cattle tested for anaplasmosis as required in F.2., are not eligible for entry if one or more cattle in the herd of origin react greater than 3+ in the 1:5 dilution.

H. Imported cattle leaving a market approved under Part 78 Code of Federal Regulations or imported on permit pending the laboratory results of the anaplasmosis blood test drawn at the market or in the state of origin are under quarantine until the test results are determined.

1. Negative test results shall release the quarantine.

2. Positive test results shall release the quarantine after:

a. Positive cattle have been returned to the state of origin, or:

b. Positive cattle have been sent to slaughter under permit.

~~(d) Cattle for immediate slaughter.~~

~~(1) Apparently healthy cattle may be imported into Minnesota without individual identification or tests for tuberculosis or brucellosis if consigned for immediate slaughter to an establishment not under inspection by the United States Department of Agriculture, or the State of Minnesota, provided that a permit is obtained from the Secretary and Executive Officer of the Board for~~

~~each shipment. Such cattle shall be accompanied by a health certificate as provided in section (c). The health certificate shall list the permit number and the number and description of all cattle in the shipment.~~

~~(2) Cattle imported under the provisions of this section shall not be unloaded enroute at any point in Minnesota, except when required by Federal law or regulations governing feed, water, and rest. Such cattle shall be slaughtered within 5 days following the date of importation, except when the 5-day period is extended in writing by the Board. Such cattle following arrival at destination shall be held separate and apart from all other cattle, except cattle of the same class, until slaughtered. The consignee shall immediately report to the Board when such cattle are slaughtered, giving the date and place of slaughter and the number of the permit under which the cattle were imported.~~

~~(c) Calves.~~

~~(1) Unless sold or resold for immediate slaughter, no calves under two (2) months of age, unless accompanied by dam, may be imported into Minnesota for sale or resale except the permits may be obtained by Minnesota residents for importation of such calves for their own use.~~

~~(2) Calves of beef breed, over 2 and under 8 months of age, and calves of dairy breed, over 2 and under 6 months of age, may be imported into Minnesota when accompanied by a health certificate as provided in section (c) without either individual identification or tests for tuberculosis and brucellosis.~~

~~(f) Breeding cattle from accredited tuberculosis-free herds. Cattle originating directly from accredited tuberculosis-free herds may be imported into Minnesota without a tuberculosis test provided the health certificate lists the date of the last test and the accredited herd certificate number. Progeny of herd since last test need not be tested.~~

~~(g) Breeding cattle from modified accredited tuberculosis areas. Cattle from modified accredited tuberculosis areas shall originate from herds not under quarantine. Such cattle shall be accompanied by a health certificate certifying to a negative test for tuberculosis made within 60 days prior to importation. This requirement does not apply to dairy calves under six months of age or beef calves under eight months of age, nor to cattle from States having reciprocity agreements with Minnesota.~~

~~(h) Breeding cattle from certified brucellosis-free herds. Cattle originating directly from certified brucellosis-free herds may be imported into Minnesota without a brucellosis test provided the health certificate lists the date of the last test and the brucellosis-free herd certificate number. Progeny of herd since last test need not be tested.~~

~~(i) Breeding cattle from modified certified brucellosis areas.~~

~~(1) Cattle from modified certified brucellosis areas shall originate from herds not under quarantine. Such cattle shall be accompanied by a health certificate certifying to a negative test for brucellosis made within 30 days prior to importation.~~

~~(2) Official vaccinates from such herds may be imported as follows:~~

~~(aa) Official vaccinates of the beef breeds under 24 months of age and official vaccinates of the dairy breeds under 20 months of age may be imported without a test for brucellosis but shall be accompanied by proof of vaccination.~~

~~(bb) Official vaccinates of the beef breeds 24 months of age and over and official vaccinates of the dairy breeds 20 months of age and over shall be tested for brucellosis within 30 days prior to importation. The test shall show a reaction no higher than a complete agglutination in a dilution of 1:50.~~

~~(3) Cattle from states with an incidence of infection of five herds or more per thousand herds as determined by the most current statistical data of the Animal and Plant Health Inspection Service of the United States Department of Agriculture are subject to quarantine for a brucellosis test at owner's expense no less than 30 days nor more than 90 days from the date of importation.~~

~~(4) Calves are not required to be tested.~~

I. Cattle imported without health certificate except where specifically exempted in this rule, or imported when not in compliance with this rule are under quarantine. Such cattle shall be examined and tested to meet the requirements of this rule by an accredited veterinarian at owner's expense within 72 hours thereafter. Cattle that are not negative to brucellosis, tuberculosis, or anaplasmosis shall be sent to slaughter on permit or returned to the herd of origin on a permit from the state of origin. Cattle with other infectious, contagious or communicable disease shall be sent to slaughter with permit, returned to the point of origin with permit, or continued in quarantine at the direction of the board.

~~(j) No cattle shall be imported from herds from which reactors have been removed until the herd of origin has passed two consecutive negative brucellosis herd tests with the first test occurring not less than thirty (30) days following removal of the reactors and the second test not less than ninety (90) days following the first negative test.~~

J. Permits.

1. The following types of cattle may be imported with a health certificate for a stated purpose provided a permit is obtained from the board prior to movement.

a. Breeding cattle not tested for tuberculosis in the state of origin, to be tested on arrival in Minnesota.

b. Calves less than two months of age.

c. Cattle from non-brucellosis free states.

d. Female feeding cattle of beef type and breed less than 18 months of age entering for feeding purposes without tests.

e. Cattle that have been sampled for anaplasmosis, the results of which are pending.

~~(k) Importation of breeding cattle for test upon arrival.~~

~~(1) When circumstances justify the importation of cattle without test for tuberculosis or brucellosis the Board may issue a permit for importation of such cattle without such tests, provided the cattle are held in quarantine completely isolated from all other cattle until tested at owner's expense to meet the requirements of (g) and (i).~~

(2) All cattle which disclose a positive reaction to the tuberculosis test and/or reactor to brucellosis vaccinates which are not completely negative to the brucellosis test shall be identified as reactors. Official vaccinates of dairy breeds over 20 months of age and official vaccinates of beef breeds over 24 months of age which disclose a positive reaction to the brucellosis test higher than complete agglutination in a dilution of 1:50 shall be identified as reactors. All such cattle identified as reactors shall be shipped for slaughter, accompanied by a permit from the Board, to some point where the Federal government maintains inspection. Such reactors are not eligible for indemnity.

K. Cattle may be imported from states that are not certified brucellosis-free provided that:

1. Cattle from modified certified states require:

a. A permit.

b. A negative test within 30 days prior to movement.

c. A retest in not less than 45 nor more than 120 days following arrival.

2. Cattle from non-certified states require:

a. The cattle originate from a herd tested negative within the previous 12 months.

b. Negative test within 30 days prior to movement.

c. A permit.

d. A retest in not less than 45 nor more than 120 days following arrival.

L. (1) Feeding and grazing cattle [as defined in section (a), paragraph (11)] may be imported as follows:

1. (1) Steers, spayed heifers, and calves over 2 and under 6 8 months of age, originating in herds not under quarantine for tuberculosis or for brucellosis may be imported into Minnesota or removed from public stockyards without identification by ear tag and without tests for either tuberculosis or brucellosis must be listed on a health certificate but need not be identified or tested.

(2) Other feeding and grazing cattle, not included in (1) (1), may be imported into Minnesota in compliance with the provisions of one of the following:

(aa) Tested for brucellosis within 30 days prior to importation.

(bb) Under permit, providing for either test for brucellosis upon arrival in compliance with section (k), paragraph (1), or resale under affidavit and quarantine as provided in paragraph (4) of this section.

(cc) Official vaccinates of beef breed, as defined in section (a), paragraph (15), may be imported for feeding and grazing purposes when under eighteen (18) months of age.

(dd) Under SPECIAL PERMIT as outlined in paragraph (4) of this section.

(3) A tuberculosis test is not required on cattle imported from modified accredited tuberculosis areas under the provisions of section (1), paragraph (2) above. Such cattle so imported are quarantined upon arrival at destination and shall be maintained in isolation separate and apart from all other cattle except like quarantined cattle. The quarantine on such feeding and grazing cattle may be released by the Board under the following conditions:

(aa) When the Board has received satisfactory evidence that the cattle have been shipped under permit to a public stockyard or slaughtering establishment.

(bb) When such cattle have passed all tests for tuberculosis and brucellosis required by regulations and the records of such tests have been received in the office of the Board.

(4) The Board may issue a SPECIAL PERMIT providing for the importation, or movement from public stockyards, of individual shipments of female feeding and grazing cattle. Such cattle may enter under quarantine without tests for tuberculosis or brucellosis either at points of origin or destination provided:

(aa) Such cattle are accompanied by a health certificate.

(bb) Such cattle shall be immediately delivered to premises at the destination shown on the permit, and shall be segregated from all other cattle except steers, spayed heifers, or like quarantined cattle imported into Minnesota under the provisions of this section, or maintained in accordance with the provisions of a feeder cattle affidavit as provided in Minnesota Statutes 1973, section 35.245, subdivision 3. Such segregation shall include double fencing where said cattle are confined in such a manner as to prevent access to other cattle in adjoining yards, pastures, or field, and such fencing as may be necessary to prevent access of such quarantined cattle to water courses or drainage ditches which flow through or discharge onto such yards, pastures, or fields.

(cc) That all cattle in such shipment shall be maintained separate and apart from all other cattle, except steers, spayed heifers, and like quarantined cattle, from time of arrival at destination until:

(i) Shipped for slaughter under permit from the Board, or

(ii) Consigned to a public stockyard where State or Federal inspection is maintained, or

(iii) Resold for feeding purposes in accordance with Minnesota Statutes 1973, section 35.245, subdivision 3, and the rules and regulations of the Board, adopted pursuant thereto.

(iv) At the discretion of the Board, the owner of either SPECIAL PERMIT cattle or AFFIDAVIT cattle, (as provided in Minnesota Statutes 1973, section 35.245, subdivision 3), may be authorized to have all or a part of such cattle tested for tuberculosis and brucellosis on his premises at his expense to meet import requirements. Such tested cattle shall be maintained or disposed of as follows:

(aaa) If all of the SPECIAL PERMIT or AFFIDAVIT cattle are tested and found negative the quarantine will be released.

~~(bbb) If reactors are di[redacted]ed no cattle may be sold except for slaughter [redacted]ermit from the Board.~~

~~(ccc) The diagnosis of brucellosis tests shall be made in accordance with regulation LSB 11.~~

~~(ddd) If all the SPECIAL PERMIT or AFFIDAVIT cattle are tested and suspects are disclosed the suspects shall be sent to slaughter on permit from the Board or isolated from all other tested cattle and all negative cattle may be sold.~~

~~(eee) If part of the SPECIAL PERMIT or AFFIDAVIT cattle are tested and suspects are disclosed the suspects shall be sent to slaughter on permit from the Board and all negative cattle sold under quarantine for a retest no sooner than 30 not more than 60 days following the first test.~~

~~(fff) If only part of the SPECIAL PERMIT or AFFIDAVIT cattle are tested and negative then such cattle must be isolated until retested for brucellosis at owner's expense no sooner than thirty (30) days nor more than 60 days following the initial test, or sold under quarantine for retest at owner's expense no sooner than thirty (30) not more than 60 days following the initial test.~~

~~(ggg) Any animal showing a positive reaction to the tuberculosis test and all brucellosis reactors shall be identified as reactors and shipped for slaughter to a slaughtering establishment where there is Federal inspection. A permit from the Board is required and such reactors are not eligible for indemnity.~~

~~(dd) The owners of all such cattle shall permit agents of the Board to inspect and examine said cattle and the premises on which they are maintained at any reasonable time that such agents make demand therefor.~~

~~(ee) If such agents determine that said cattle are not satisfactorily confined as provided in section (1). paragraph (4). subparagraph (bb) above, the owner of said cattle shall immediately correct the facilities for segregation. The owner shall, at his own expense, employ a veterinarian to test all cattle which have either associated with or have been exposed to the quarantined cattle for tuberculosis and/or brucellosis. Steers and spayed heifers are not required to be tested for brucellosis. All such exposed cattle which are not completely negative to such tests shall be identified as reactors. All reactors shall be shipped for slaughter, accompanied by a permit, to some point where Federal inspection is maintained. Such reactors are not eligible for indemnity.~~

2. Heifers of beef type and breed under 18 months of age must be listed on a health certificate but need not be identified or tested provided a permit is secured from the board. Such cattle must be segregated from all other cattle except steers, spayed heifers, like quarantined cattle, or cattle purchased in accordance with the provisions of a feeder affidavit quarantine as provided in 3 MCAR § 2.011. Segregation shall consist of a drylot with no pasturing and grazing and double fencing to prevent access to drainage and other cattle.

a. Such cattle may be:

(1) Retained in feedlot for a period not to exceed 12 months.

(2) Sold for further feeding under feeder affidavit quarantine as provided in 3 MCAR § 2.011.

(3) Sold for slaughter.

(4) Upon application by the owner of such quarantined cattle, the board at its discretion may grant permission to the owner to make the necessary tests at his own expense to relieve the quarantine. In no case shall the requirements for tests be less than the tests required for breeding cattle.

(5) Moved to another state providing the movement is in compliance with state and federal regulations.

~~(m) Approved dry lot feeding premises.~~

~~(1) The Board may issue a permit providing for the importation or movement from public stockyards, under quarantine, to approved dry lot feeding premises of individual shipments of all types of cattle without tests for tuberculosis or brucellosis either at points of origin or destination provided.~~

~~(aa) The consignment is accompanied by a health certificate.~~

~~(bb) Each animal is individually identified by an official ear tag.~~

~~(cc) All cattle received under such permit are immediately delivered to and confined only in the approved dry lot feeding premises shown on the permit. There shall be no diversion enroute.~~

~~(dd) All cattle imported under permit into an approved dry lot feeding premises are branded with the letter "F" at least 3 inches high on the right jaw with a hot iron in such a manner that the brand shall be permanent. It shall be the responsibility of the owner or his agent(s) to brand such cattle either prior to or within 72 hours following their arrival at such premises.~~

M. This rule shall be effective on January 1, 1981.

~~(n) Cattle not accompanied by proper health certificate.~~

~~(1) All cattle imported into Minnesota in violation of State law or these rules and regulations are under quarantine. Such cattle shall be examined and tested for tuberculosis and brucellosis as required within 72 hours thereafter. Such examination and tests shall be made by a veterinarian at owner's expense. All cattle showing symptoms of any infectious, contagious, or communicable disease when so examined shall be shipped, under permit for slaughter only. All cattle which do not evidence completely negative reactions to tests for tuberculosis or brucellosis shall be immediately identified as reactors and shipped under permit, for slaughter only, to some point where Federal inspection is maintained. Official vaccinates shall be diagnosed in accordance with previous sections of this regulation.~~

3 MCAR § 2.011 ~~LSB11~~ Eradica[redacted] of Bbovine and bison Bbrucellosis ~~in Min[redacted]ta~~.

A. Definitions:

1. ~~Board means the Minnesota State Livestock Sanitary Board or its authorized agent.~~ "Board" means the Minnesota State Board of Animal Health or its authorized agent.

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

3. ~~"Herd" means any number of cattle owned by one or more persons which are maintained on one or more premises and which associate with or contact one another or are cared for by the same personnel.~~ A "herd" is all cattle under common ownership or supervision that are grouped on one or more parts of any single premises or all cattle on two or more premises geographically separated but on which the cattle have been interchanged or where there has been contact of cattle between the premises.

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

~~5. "Test and Testing" means the standard brucellosis plate (SPT) and tube (STT) blood serum agglutination test:, brucella buffered antigen (card or BBA) test or other tests approved by the Board, conducted by a veterinarian authorized by the Board to conduct the test, or by a State or U.S. State Laboratory, on blood samples collected and submitted by a veterinarian. All blood samples accompanied by three copies of the test chart and with results of tests conducted by the veterinarian, shall be submitted to the State or U.S. State Laboratory.~~

5. Test and testing.

a. Blood samples shall be collected and submitted by a veterinarian.

b. Standard plate test or other field tests approved by the board may be made by a veterinarian approved by the board to conduct field tests.

c. All blood samples accompanied by test charts in triplicate with results of field test recorded shall be submitted to a state or state-federal laboratory to confirm the field test. The laboratory test shall be the official test if there is more than one-half titer variation between the laboratory test and the field test.

d. Tests used at the state or state-federal laboratory shall include the buffered acidified plate antigen test (BAP), rapid screening test (RST), standard plate test (SPT), card test (BBA), standard tube test (STT), rivanol test (RIV), complement fixation test (CF), and other tests approved by the board.

6. "Ring Test" means the brucellosis agglutination test (BRT) of milk or cream.

7. "Market Cattle Test" (MCT) means a brucellosis test conducted on marketed cattle.

~~8. Supplement Test means an additional test for brucellosis other than the first test conducted on a blood sample in a State or U.S. State Laboratory.~~

~~9. Vaccinate means female dairy cattle under 20 months of age which have received subcutaneous injections of USDA licensed Brucella abortus Strain 19 vaccine when from two to six months of age (60-179 days) and female beef cattle under 24 months of age which have received subcutaneous injections of USDA licensed Brucella abortus Strain 19 vaccine when from two through seven months of age (60-239 days) in accordance with these rules. Official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over with brucellosis test titers not over complete agglutination at a 1:50 dilution are diagnosed vaccinate.~~

8. "Official brucellosis calfhood vaccinate" means female dairy cattle under 20 months of age vaccinated against brucellosis while from two through five months of age (60-179 days) and female beef cattle under 24 months of age vaccinated against brucellosis while from two through seven months of age (60-239 days) in accordance with these rules.

~~10. Negative cattle means cattle showing no reaction in blood serum agglutination test dilution of 1:50 or higher; cattle showing no reaction on the card test. Variations may be accepted by the Board.~~

9. "Negative" means:

a. Official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over with brucellosis test titers not higher than complete agglutination at a 1:50 dilution on the standard plate test or standard tube test unless diagnosed suspect or reactor on basis of card test, rivanol test or complement fixation test.

b. Cattle more than six months of age when the standard plate test or standard tube test disclose reactions of not more than complete agglutination in the 1:25 dilution, if performed; are negative to the brucellosis card test, if performed; disclose 25 percent fixation or less (1 plus) at the 1:10 dilution on the complement fixation test, if performed; or disclose less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test, if performed. The board may accept variations.

c. Cattle negative to the rapid screening test when no other tests are performed.

d. Cattle negative to the buffered acidified plate antigen test when no other tests are performed.

~~11. Suspect means cattle showing a reaction to a test that does not qualify as a reactor, negative or vaccinate.~~

10. "Suspect" means:

a. Official vaccinates of dairy breeds 20 months of age or over and official vaccinates of beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or post-parturient when they disclose any standard plate test or standard tube test agglutination reactions in the dilution of 1:100 or incomplete agglutination in the 1:200 dilution.

(1) Vaccinated cattle serologically negative to the standard plate test or standard tube test but which are positive to the brucellosis card test, if it is performed.

(2) Vaccinated cattle having less than 25 percent fixation (1 plus) in a dilution of 1:40 and 50 percent (2 plus) or more in a dilution of 1:10 to the complement fixation test, if it is performed.

b. All other cattle more than six months of age when they disclose any standard plate test or standard tube test agglutination reactions in a blood titer dilution of 1:100 or incomplete agglutination in the 1:100 dilution.

(1) Cattle serologically negative to the standard plate test or standard tube test but which are positive to the brucellosis card test, if it is performed.

(2) Cattle having less than 50 percent fixation (2 plus) in a dilution of 1:20 and 50 percent fixation (2 plus) or more in a dilution of 1:10 to the complement fixation test, if it is performed.

c. The board may accept variations.

~~12. Reactor means:~~

~~a. Cattle over six months of age showing a complete agglutination in a dilution of 1:100: official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over, or under these ages if parturient or post-parturient, showing a complete agglutination in a dilution of 1:200: cattle positive on the card test. Variations may be accepted by the Board.~~

~~b. Cattle showing supplemental test results which would justify a reactor diagnosis.~~

~~c. Cattle which show an increasing titer on consecutive tests.~~

~~d. Cattle from which Brucella micro-organisms, other than Strain 19, have been isolated.~~

11. "Reactor" means:

a. Official vaccinates of dairy breeds 20 months of age and over and official vaccinates of beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or post-parturient when they disclose complete standard plate test or standard tube test agglutination reactions in the blood titer dilution of 1:200 or higher.

(1) Positive to the brucellosis card test where it has been the only test conducted.

(2) Disclose titers of 25 percent fixation (1 plus) in a dilution of 1:40 or higher on the complement fixation test, if it is performed.

(3) Disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test, if it is performed.

b. All other cattle more than six months of age when they disclose a complete agglutination reaction in the blood titer dilution of 1:100 or higher on the standard plate test or standard tube test.

(1) Are positive to the brucellosis card test where it has been the only test conducted.

(2) Disclose titers of 50 percent fixation (2 plus) in a dilution of 1:20 or higher on the complement fixation test.

(3) Disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test.

c. Found infected by isolation of Brucella abortus micro-organisms.

d. Cattle which show an increasing titer on consecutive tests.

e. The board may accept variations.

~~13. Exposed cattle means those that are part of a brucellosis infected herd or have been in contact with a brucellosis reactor 24 hours, or less than 24 hours if reactor has recently aborted, calved, or has a vaginal or uterine discharge.~~

12. Exposed cattle means those that are part of a brucellosis infected herd or have been in contact with a brucellosis reactor 24 hours, or less than 24 hours if reactor has recently aborted, calved, or has a vaginal or uterine discharge. Starting January 1, 1982 the definition of exposed cattle shall be: cattle that are part of a known affected herd or have been in contact with brucellosis reactors in marketing channels regardless of the blood test results.

13. ~~14.~~ "Negative herd" means one in which no reactors or suspects were diagnosed on the last test and which is not under an infected herd quarantine.

14. ~~15.~~ "Suspect herd" means one in which one or more suspects but no reactors were diagnosed on the last test and which is not under an infected herd quarantine.

15. ~~16.~~ "Infected herd" means one in which one or more reactors were diagnosed on the last test or which is under an infected herd quarantine.

16. "Cattle" means both bovine and bison.

B. General requirements.

1. Veterinarians shall report to the board all herds infected with bovine brucellosis, or suspected of being infected with bovine brucellosis.

2. The board may demand tests of infected herds, or cattle diagnosed as a suspect, or exposed cattle, or herd of origin of market cattle test reactors, or brucellosis ring test positive herds, or any cattle when necessary for the eradication of bovine brucellosis, and the owner or his agent shall present them and assist with the testing.

3. Testing.

~~a. All cattle over 12 months of age shall be eligible for test except:~~

a. All cattle over six months of age shall be eligible for test except:

(1) Steers.

(2) Spayed heifers.

(3) Official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age which are not parturient or post-parturient.

(4) Feeding cattle in a d[redacted]t area without pasture or grazing facilities.

~~(5) Feeding and grazing cattle imported into the State on special permit and quarantined in compliance with Section (1) of LSB 1, Importation of Cattle and Minn. Stat. § 35.245, subd. 3 (1974).~~

(5) Feeding cattle of beef type and breed imported into the state on special permit and maintained under quarantine.

~~(6) Female feeding and grazing cattle under 18 months of age of beef type and breed sold under affidavit and maintained under quarantine in compliance with Section E. 1. f. of this rule and Minn. Stat. § 35.245, subd. 3(1974).~~

~~The Board may test all cattle in infected herds.~~

(6) Feeding cattle of beef type and breed sold under affidavit when under 18 months of age and maintained under quarantine.

b. The board may test all cattle in infected herds.

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

~~c. Cattle tested shall be individually identified by an official ear tag with the Minnesota prefix inserted in the right ear, tattoo, or other permanent identification.~~

d. Cattle tested shall be individually identified by an official ear tag with the Minnesota prefix inserted in the right ear, registry tattoo, registry number, or a private ear tag inserted by the owner or his agent which individually identifies each animal in the herd.

e. ~~d.~~ Suspects, exposed cattle and infected herds shall be retested at approximately 30 days intervals.

4. Reactors are to be identified and appraised upon demand within 15 days of the test date and with an official reactor tag in the left ear and a "B" hot brand at least two x two inches on the left jaw. Reactors must be sold within 15 days of appraisal for slaughter only, with a shipping permit. The time intervals may be extended by the cooperating state and federal officials for reasons mutually accepted.

5. Quarantines shall be established on all cattle in infected herds confining all cattle to the premises where tested and restraining them from water courses by fencing and from contacting adjacent herds. Cattle diagnosed suspect, or exposed cattle other than those in infected herds, or herd of origin of market cattle test reactors shall be quarantined to premises where tested or herd of origin.

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

~~b. Infected herd quarantines will be released after two consecutive negative herd tests, the first conducted at least 30 days after slaughter of all reactors and the second test not less than 90 days following the first negative test. A third test may be required 90 days after the quarantine is released.~~

b. Infected herd quarantines will be released after two consecutive negative herd tests, the first conducted at least 30 days after slaughter of all reactors and the second test not less than 90 days following the first negative test. An additional blood test of all test-eligible cattle in the herd shall be made not less than six months after release of an infected herd quarantine.

(1) Exception to intervals between tests are allowable when Brucella abortus Strain 19 organisms have been isolated from the reactor, or all epidemiologic evidence is consistent with Brucella abortus Strain 19 infection and not with virulent infection.

c. Suspects and exposed cattle other than those in infected herds will be released from quarantine when on the basis of test and supplemental test results a negative or vaccinate status is allowed or when suspects or exposed cattle are shipped for slaughter with a shipping permit. If suspects requiring retest are not available a complete herd test is necessary unless it is determined on the basis of epidemiological investigation and evaluation of two or more consecutive retest and supplemental test results that the herd test is not indicated if the suspect is shipped for slaughter with a shipping permit.

d. Quarantines on herd of origin of market cattle test reactors will be released if a herd test disclosed no additional reactors and there is no evidence suggestive of Brucella infection or exposure thereto.

6. A quarantine may be established on an entire herd until a final diagnosis is made when an animal from the herd discloses a reaction to the brucellosis test.

a. An infected herd quarantine shall be established if a reactor diagnosis is made.

b. Quarantine on herd shall be released if a suspect diagnosis is made.

7. ~~6.~~ Restricted area quarantines may be established by the board when an owner refuses to comply with any part of this rule, confining all cattle to a defined area until the owner complies with the rule.

8. ~~7.~~ Movement of brucellosis quarantined reactor, exposed and suspect cattle.

a. Brucellosis quarantined cattle shall be sold only for slaughter at establishments where federal meat inspection is maintained or to public stockyards or state and federal markets approved to receive brucellosis quarantined cattle for sale to such establishments for slaughter and must be accompanied by a shipping permit.

(1) Reactors must be identified as provided in B.4. of this rule.

(2) Exposed cattle moved to slaughter or interstate must be identified with a hot "S" brand at least two x two inches on the left jaw.

(3) Brucellosis suspects or exposed cattle may be returned to their herd of origin from markets without being "S" branded if accompanied by a shipping permit.

(4) Brucellosis negative quarantined cattle may be moved to other premises of the owner if accompanied by a shipping permit issued by the board.

b. The owner shall give the shipping permit to the transporting agent, who shall give it to the consignee or his agent at time cattle are delivered, who shall receipt it and return it to the board.

c. A copy of all shipping permits issued is to be submitted to the board.

9. ~~8.~~ Infected premises shall be cleaned and disinfected under regulatory supervision within 15 days following removal of reactors. Extension and exemption may be authorized by the cooperating State and Federal officials.

10. ~~9.~~ Official vaccination:

~~a. Brucella abortus Strain 19 vaccine shall be sold only to accredited veterinarians.~~

a. Brucella vaccine shall be licensed by the United States Department of Agriculture.

(1) Vaccine shall be sold to and administered by veterinarians only.

(2) Vaccine shall be administered by the method and dosage described by the manufacturer.

~~b. Female dairy cattle two to six months of age (60-179 days) and female beef cattle two through seven months of age (60-239 days) may be vaccinated with approved Brucella abortus Strain 19 vaccine by accredited veterinarians.~~

b. Brucella vaccine may be administered to female dairy cattle two through five months of age (60-179 days) and female beef cattle two through seven months of age (60-239 days).

~~c. Cattle vaccinated must be identified by an official ear tag with the Minnesota prefix inserted in the right ear, tattoo, or other permanent identification and an official vaccination tattoo consisting of the U.S. Registered "Shield and V" preceded by the number indicating the quarter of the year and followed by the last digit of the year in which vaccinated.~~

c. Cattle vaccinated must be identified with an official Minnesota vaccination tag in the right ear and a vaccination tattoo in the right ear; if already identified with an ear tag or an individual registration tattoo, an official Minnesota vaccination tag is not required. The vaccination tattoo will include U.S. Registered "Shield and V," which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year vaccination was done.

(1) Official Minnesota vaccination tags shall be applied by the veterinarian or under his direct supervision only at the time the vaccination is conducted. Vaccinations tags shall not be used for retagging.

(2) Cattle shall not be retattooed with the vaccination tattoo unless a veterinarian obtains a permit from the board. Permits may be issued if the cattle have the same identification as at time of vaccination and the vaccination report is on file at the office of the board.

d. Complete reports of vaccinations shall be submitted to the board within 14 days of the vaccination on forms supplied.

e. Cattle vaccinated with Brucella abortus Strain 19 vaccine other than females of authorized ages shall not be official vaccinates, but shall be quarantined and when tested diagnosed as unvaccinated cattle.

C. Area plan participation:

1. The ring test shall be conducted at least three times per year at approximately equal intervals.

a. Herds with suspicious ring tests are to be tested within 30 days.

~~2. The market cattle test shall cover at least 10 percent per year of the breeding cows over two years of age from herds not covered by the ring test.~~

2. The board may collect blood samples for the brucellosis test from breeding cattle two years of age and over at concentration points, locker plants, and slaughtering establishments.

a. Reactors must be traced to herd of origin and the herd tested within 30 days or quarantined for test within six months.

3. Community notification of Brucellosis Affected Herds.

a. The board may notify other owners and caretakers of cattle herds of an affected herd by means of an educational letter delivered through personal contact or by mail within 30 days of the issuance of the quarantine.

(1) The board may determine the size of the notification area.

(2) When the infected herd quarantine is released, the herd owners and caretakers shall also be notified within 30 days by an educational letter delivered through personal contact or by mail.

4. Adjacent herd and epidemiologically traced herd testing.

a. The board may demand tests on adjacent herds, or herds sharing common pasture, having other contact with the affected herd, or herds containing previous purchases from or exchanges with the affected herd. Such herds may be placed under quarantine until the test is completed.

b. The board may recommend a second test of herds described in a. above. If the second test is not made, the veterinarian shall document the reasons the herd was not tested and furnish the owner a copy of such document.

D. Establishment and maintenance of Certified Brucellosis-Free Herds of cattle.

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

~~2. Certification: When at least two consecutive negative herd tests of all eligible cattle over 12 months of age are conducted not less than ten months or more than 14 months apart or when three consecutive negative ring tests conducted at 90 day intervals are followed by a negative herd blood test within 90 days of the last ring test, the herd will be certified for a period of one year (365 days) and a Certified Herd Certificate issued.~~

2. Certification. When at least [redacted] consecutive negative herd tests of all eligible cattle [redacted] over six months of age are conducted not less than ten months or more than 14 months apart, the herd will be certified for a period of one year (365 days) and a Certified Herd Certificate issued.

a. Certification will be cancelled if:

(1) Additions to the herd are made contrary to the following paragraph, 3., of this Section, D., of this rule.

(2) If two or more reactors are disclosed in the herd.

(3) If only one reactor is disclosed, the certification is suspended until infected herd quarantine is released.

~~3. Additions to a Certified Herd shall be reported to the Board and be:~~

3. Additions to a Certified Herd.

~~a. From a Certified Brucellosis-Free Herd.~~

a. No test requirements for cattle originating from Certified Brucellosis-Free Herds. Cattle originating from Certified Brucellosis-Free areas shall pass a negative test within 30 days prior to addition to a herd. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status for sale purposes until they have passed a 45-120 day post-entry retest.

~~b. From a herd which had a negative herd blood test within 12 months and the additions have had a negative retest not less than 60 days after the negative herd test and within 30 days of addition to the certified herd except official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post-parturient which may be added without test if with a certificate of official brucellosis vaccination.~~

b. Cattle originating from herds not under quarantine in Modified Certified Areas shall have passed a brucellosis test within 30 days prior to date of movement and then kept in isolation until they have passed a brucellosis retest made between 45 and 120 days after being moved. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status for sale purposes until they have passed a 45-120 day post-entry retest.

~~c. From negative herds in Certified Free or Modified Certified Brucellosis-Free Areas the addition must have a negative or vaccinate status when tested within 30 days prior to entry and be segregated from the herd until retested and diagnosed negative or vaccinate on a test approximately 120 days after entry except official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post-parturient which may be added without test if with a certificate of official brucellosis vaccination and segregated from the herd until tested negative or vaccinate on the standard plate or tube test.~~

c. Cattle from Noncertified areas must originate from a herd which has passed a brucellosis test within 12 months and must have passed an additional test made at least 60 days after the herd test and within 30 days prior to movement and then kept in isolation until they have passed a brucellosis retest made between 45 and 120 days after being moved. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status for sale purposes until they have passed the 45-120 day post-entry retest.

~~d. Cattle added under b. and c. above are not eligible for sale with certified herd status until in the herd at least 30 days and included on a negative complete herd test.~~

d. Non-test eligible vaccinated cattle, except cattle originating from a Certified Brucellosis-Free Herd must be kept isolated until they have passed a brucellosis test. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status until they have passed the 45-120 day post-entry test.

~~4. Recertification: A negative herd test on all cattle 24 months of age or over or post-parturient within 60 days prior to each anniversary of the certification date is required for continuous Certified Herd status. If the negative recertification test is conducted within 60 days following the anniversary date, the recertification is for 12 months from the anniversary date.~~

4. Recertification. All test eligible cattle in the herd over six months of age are required to pass a brucellosis test within 60 days prior to the anniversary date for continuous certification. If the certification test is conducted within 60 days following the anniversary date, the certification period will be 12 months from the anniversary date and not 12 months from the date of the recertifying test.

E. Sales of cattle and leasing or loaning cattle for breeding.

~~1. All dairy cattle over six months (209 days) of age and beef cattle eight months (240 days) of age and over must be tested negative or vaccinate for brucellosis within 30 days prior to sale or lease or loan except:~~

1. All dairy cattle over six months (209 days) of age and beef cattle eight months (240 days) of age and over must be tested negative for brucellosis within 30 days prior to sale or lease or loan except:

a. Cattle sold directly to a slaughtering establishment for immediate slaughter.

b. Cattle consigned to a public stockyards or state and federal approved markets.

c. Steers and spayed heifers.

d. Cattle from a certified brucellosis-free herd.

e. Official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post-parturient.

f. Female feeding ~~and grazing~~ cattle under 18 months of age of beef type and breed sold in accordance with Minn. Stat. § 35.245, subd. 3 ~~(1974)~~ (1978) providing:

(1) The purchaser furnishes the seller and board copies of complete affidavits as furnished by the board.

(2) The board may inspect the cattle and the premises on which they are maintained at any reasonable time.

(3) There are facilities to maintain said cattle separate and apart from all other cattle except steers, spayed heifers, or other quarantined feeding ~~and grazing~~ cattle. The facilities shall include double fencing where the cattle are confined in such a manner as to prevent access to other cattle in adjoining yards, pastures, or fields, and such fencing as may be necessary to prevent access of the quarantined cattle to water courses or drainage ditches which flow through or discharge on such other yards, pastures, or fields.

(4) The owner shall account to the board for all quarantined feeding ~~and grazing~~ cattle, reporting those sold directly for slaughter, those resold for feeding ~~and grazing~~ (with an affidavit), those tested with permission of the board for sale as breeding stock, those which died and those which were slaughtered for consumption by the owner.

(5) If at any time it is determined that the cattle are not maintained in accordance with the terms of the affidavit or the rules of the board, the owner shall immediately correct the facilities for segregation and employ a veterinarian, at owner's expense, to test all cattle which have associated with or have been exposed to the quarantined cattle.

2. The vendor of all cattle eligible for test sold, leased, or loaned, shall provide the purchaser or lessee a certificate with a record of a negative ~~or vaccinate~~ brucellosis test, and, for official vaccinates not eligible for test, a certificate of vaccination or evidence of a legible official vaccination tattoo. Certificates are to be provided at the time possession of the cattle is transferred.

a. For cattle offered for sale at a public auction, a complete certificate of test and vaccination shall be posted in a prominent place on the sale premises on a form provided by the board and shall include the number of suspects disclosed on the sale test and not offered for sale and a statement signed by the owner showing the number of reactors and suspects in the herd within six months prior to date of the sale test. Except for vaccinates not eligible for test and without a legible official vaccination tattoo, individual certificates are not required.

3. Dealer recordkeeping. Any dealer who purchases, deals in, or sells cattle; or who acts as a commission representative or broker; or who operates and conducts an auction where cattle are sold shall maintain records for a period of two years as outlined in this section.

a. The records shall be maintained on all cattle except calves six months of age and under, steers, spayed heifers, and female feeding cattle under 18 months of age of beef type and breed imported into Minnesota under special permit or sold in Minnesota under affidavit by:

(1) Individually identifying each animal.

(2) Showing the origin of each animal.

(3) Showing the destination of each animal.

(4) Showing the date of each transaction.

b. Dealers shall upon request furnish the board the origin and destination of any cattle handled by them when essential to determine the source and dissemination of disease.

4. Any test eligible cattle sold, leased or loaned without a negative brucellosis test within 30 days prior to sale, leasing, or loaning shall be quarantined to the premises of the person that received the cattle.

a. The quarantine will be in effect until the cattle are tested for brucellosis at the expense of the vendor.

b. Cattle which do not pass the brucellosis test shall be shipped for slaughter or returned to the premises of the vendor by permit issued by the board. upon further review - was not other direction existed

c. The board may notify the vendor and the person receiving the cattle of the provisions of this section in person or by letter.

delete

F. Complete herd condemnation, except steers, including nonreactors and exposed cattle not eligible for test:

1. The ~~Livestock Sanitary Board~~ Board of Animal Health through its Secretary and Executive Officer may condemn a complete herd, except steers, after having considered recommendations from the following:

a. Field veterinarian responsible for the herd.

b. State brucellosis epidemiologist.

c. Federal veterinarian in charge.

d. Veterinarian in Charge, Brucellosis Division, ~~Livestock Sanitary Board~~ Board of Animal Health.

2. The persons named in F.1. shall consider the following factors:

a. Rapidity of spread within the herd.

(1) Nonreactors and exposed cattle may be condemned after the first test of all eligible cattle in the herd when 25% or more of the cattle tested are reactors.

(2) Nonreactors and exposed cattle may be condemned when the cumulative number of reactors disclosed in the herd equals 30% of the number of cattle on the first test of all eligible cattle in the herd.

(3) Nonreactors and exposed cattle may be condemned when a herd remains infected after six tests conducted at approximately 30 day intervals.

b. Danger of transmission to other herds.

c. Results of culture attempts to isolate Brucella.

(1) A positive culture, other than Strain 19, shall support a decision to condemn but a negative culture does not prohibit herd condemnation.

d. Number and percent of abortions among reactors, suspects and negatives.

e. Supplemental test results.

f. Evaluation of management practices.

g. Vaccination history.

h. Epidemiologic investi[redacted]n.

i. Status of area as determined by tests on contact herds and surveillance testing with MCT or BRT.

3. Nonreactors and exposed cattle shall not be condemned or appraised unless the owner signs an agreement which provides:

a. Owner and any other holder of an interest in the herd certifies such interest and voluntarily agrees to the condemnation of the herd.

b. All cattle, except steers, shall be condemned and appraised.

(1) Steers may be kept on the premises under quarantine in an area approved by the board.

c. No cattle, except steers, shall be brought to the premises, sooner than 30 days following shipment of the condemned herd.

d. Indemnity will be paid, if funds are available, as provided by Minn. Stat. § 35.09, subd. 2a ~~(1976)~~ (1978).

e. Nonreactors and exposed cattle will be identified, appraised and sold as outlined in B.4. of this rule.

f. Premises shall be cleaned and disinfected following shipment of nonreactors and exposed cattle as outlined in B.8. of this rule.

Rule as Proposed (all new material)

3 MCAR § 2.012 Control of anaplasmosis.

A. Definitions.

1. "Official anaplasmosis test"—a test for the diagnosis of anaplasmosis approved by the board and conducted in a United States Department of Agriculture (USDA) approved laboratory on samples submitted by an accredited veterinarian or a board-approved field test conducted by an accredited veterinarian.

B. General requirements.

1. Veterinarians shall report all cases of anaplasmosis they diagnose in cattle and all cases suspected of being anaplasmosis.

2. All anaplasmosis tests will be at owner's expense except tests conducted to release quarantines which may be made by veterinarians of the board or United States Department of Agriculture (USDA) if personnel and funds are available.

3. All cattle tested shall be individually identified by ear tag, tattoo, registration number or other identification which makes individual cattle readily identifiable and the identification entered on the test charts.

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

a. Quarantines on infected herds will be released:

(1) When the entire herd has been shipped for slaughter with a shipping permit or;

(2) When all cattle in the herd six months of age and over have been tested and are negative.

(3) On all cattle negative on two tests conducted at least 30 days apart if all cattle responding on the first test were segregated when the owner was notified of the response and shipped for slaughter with a shipping permit or retained and treated under veterinary supervision at owners expense.

5. Quarantines will be established on all cattle which have a positive response on any test for anaplasmosis. The quarantine will be served on the owner.

a. The quarantine will be released:

(1) When the responding animal is shipped for slaughter with a shipping permit.

(2) When the responding animal is tested and negative.

6. Vaccines for immunization of cattle for anaplasmosis are to be used only with prior permission of the board.

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the matter of proposed amendments to rules of the Board of Animal Health 3 MCAR § 2.001 Importation of cattle and bison, 3 MCAR § 2.011 Eradication of bovine and bison brucellosis and 3 MCAR § 2.012 Control of anaplasmosis.

FINDINGS OF FACT

The above-entitled matter came on for hearing before Hearing Examiner Richard Luis of the Office of Administrative Hearings at 9:30 A.M. Thursday August 28, 1980 at 500 Rice, St. Paul, Minnesota after proper notice required by Minnesota Statutes (1978) section 15.0412 was served on all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at State Register Volume 5 pages 70-87.

Having afforded interested persons an opportunity to present written and oral data, statements and arguments, having heard all testimony, having considered all of the evidence adduced and upon the records, files and procedures herein, and applicable standards or criteria, having confirmed the need and reasonableness for the above-captioned rules, having considered the report of the Hearing Examiner dated October 9, 1980 and received on October 9, 1980 having amended the rules to meet the suggestions of the Office of the Attorney General, having submitted these amendments to members of the Board, having submitted the amended rules to the Chief Hearing Examiner on December 8, 1980 for his determination if the amendments constituted a substantive change, having received the Chief Hearing Examiners report dated December 17, 1980 and received on December 18, 1980 the Board makes the following findings:

Findings of Fact

1. The findings and conclusions in the reports of the Hearing Examiner and Chief Hearing Examiner dated October 9, 1980 and December 17, 1980 are hereby adopted.

2. The amendments adopted are essential so the State can meet the minimum standards outlined in the Uniform Methods and Rules for Brucellosis Eradication as published by Animal Plant Health Inspection Service of USDA and progress in eradication of bovine brucellosis and to provide for the testing of breeding cattle for anaplasmosis prior to importation as mandated by the legislature.

3. Changes proposed in 3 MCAR § 2.001 at the public hearing, recommended by the hearing examiner and adopted by the board would add the word "or" between the word "herd" and "that" in the first sentence of A. 14. as it is necessary in conveying the intent of the statement and the words "on the complement fixation test" are added in G. to identify the test to be used when prohibiting importation of certain cattle. The rule was futher amended to meet the suggestions of the Office of the Attorney General. The term "B-branded" was defined in A. 17. A previously adopted rule of the Board LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets was used to define those markets which had been defined by the language "Part 78 Code of Federal Regulations." The rule LSB 43 was adopted to implement and set up the markets which complied with a portion of Part 78 CFR.

4. Changes proposed at the public hearing, recommended by the hearing examiner and adopted by the board would add the words "or the board" to B. 10. a. (2) to allow the board to prescribe a reduced dosage of vaccine if this becomes an approved method for immunizing calves. In C. 3. a. The word "may" after The board is changed to "shall." This will make it mandatory that the board inform cattle owners near an infected herd of the potential for exposure to brucellosis of their herds. Amendments of the rule made to meet the suggestions of the Attorney General have eliminated the discretion granted the Board in making some decisions and in other instances where some discretion is essential to protect the health of the livestock of Minnesota, as directed by statute, the limits of that discretion is documented.

5. 3 MCAR § 2.012 Control of anaplasmosis is believed to be necessary to control anaplasmosis when it occurs in Minnesota cattle and to protect other cattle from the disease.

The Board believes that in adopting these rules with the amendments suggested at the public hearing and amendments proposed at the suggestion of the Office of the Attorney General the rules are needed for the control and eradication of animal disease in Minnesota and are reasonable.

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

BAH-81-001-RL

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF ANIMAL HEALTH

In the Matter of Proposed Amendments to Rules LSB 1 (Importation of Cattle) and LSB 11 (Eradication of Bovine Brucellosis in Minnesota); and

In the Matter of Proposed Rule 3 MCAR § 2.012 (Control of Anaplasmosis)

REPORT OF THE HEARING EXAMINER

The above-entitled matter came on for hearing before Richard C. Luis, Hearing Examiner assigned by the Chief Hearing Examiner, at 9:30 a.m. on Thursday, August 28, 1980, in the Conference Room of the Cable Communications Board, 500 Rice Street, St. Paul, Minnesota.

This Report is part of a rulemaking procedure pursuant to Minn. Stat. Ch. 15 to determine whether certain amendments to LSB 1 (to be redesignated as 3 MCAR § 2.001), Importation of Cattle, and LSB 11 (to be redesignated as 3 MCAR § 2.011), Eradication of Bovine Brucellosis in Minnesota should be adopted; and whether 3 MCAR § 2.012, Control of Anaplasmosis, a new rule, should be adopted.

Jon K. Murphy, Special Assistant Attorney General, appeared on behalf of the Board of Animal Health (hereinafter "Board"). The Board's panel consisted of Dr. J. G. Flint, D.V.M., Secretary and Executive Officer of the Board, Dr. L. T. Christensen, D.V.M., Assistant Secretary of the Board, and Board staff members Dr. Robert Pyle, D.V.M., and Dr. George Keller, D.V.M.

Ten persons signed the hearing register as members of the general public, and four of those persons spoke at the hearing. Public speakers included Dr. Rolin Dennistoun, Ph.D., Deputy Commissioner, Minnesota Department of Agriculture, Dr. Robert Page, D.V.M., of the United States Department of Agriculture's Animal and Plant Health Inspection Service, Dr. R. K. Anderson, D.V.M., of the University of Minnesota, and Dr. Ralph Jore, D.V.M. Witnesses Dennistoun and Page were solicited prior to the hearing by the Board to appear on its behalf. Eighteen exhibits were received from the Board. Additional proposed amendments were filed by the Board at the hearing and prior to the close of the record in response to suggestions made by members of the public and the Hearing Examiner. One written comment was received from the general public prior to the close of the record. Jon K. Murphy, representing the Board, submitted a letter prior to the close of the record, clarifying the nature of the Uniform Methods and Rules for Brucellosis Eradication. The record closed on September 12, 1980.

Pursuant to Minn. Stat. § 15.0412, subds. 4d and 4e (Minn. Laws 1980, Ch. 615, §§ 6 and 7), this Report shall be available for review to all affected individuals upon request for at least five working days. Thereafter, the Board shall, if it proposes to adopt the rules as recommended herein, submit the rules, together with the complete hearing record to the Attorney General and shall be responsible for notifying persons who have indicated that they wish to be notified of such filing. If the Board makes changes in the rules other

than those recommended herein, it shall submit the rules with the complete hearing record to the Chief Hearing Examiner for a review of the changes prior to adopting them and submitting them to the Attorney General for review.

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

FINDINGS OF FACT

Procedural Requirements

1. On July 1, 1980, the Livestock Sanitary Board (renamed Board of Animal Health, effective August 1, 1980), filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed amendments and a copy of the proposed new rule.
(b) The Orders for Hearing proposed to be issued, with proposed resolutions of the Board authorizing the Board's executive officer to proceed with this hearing process.
(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 Board's presentation.

2. On July 28, 1980, a Notice of Hearing and a copy of the proposed amendments and a copy of the proposed new rule were published at 5 State Register 70.

3. On July 28, 1980, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such Notice and to all members of the Minnesota Legislature.

4. On July 29, 1980, the Board filed the following documents:

(a) The Orders for Hearing and authorizing resolutions.
(b) The Notice of Hearing as mailed.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) An Affidavit of mailing the Notice to all persons on the Secretary of State's list and to all members of the Minnesota Legislature.
(e) The Statements of Need and Reasonableness.
(f) The names of Board personnel who would represent the Board at the hearing, together with the names of other witnesses solicited by the Board to appear on its behalf.

The Notice of Hearing as mailed and as published in the State Register made reference to "a Minnesota statute passed in 1980" which required an anaplasmosis test on breeding cattle imported into Minnesota. Laws of Minnesota 1980, Chapter 467, § 35, gives the Board specific authority to adopt rules to implement anaplasmosis testing. This citation was not given in the Notice of Hearing, which only cites Minn. Stat. § 35.03 (1978) as authority for the adoption of the proposed rules. The Hearing Examiner finds that citation of the general rulemaking authority granted in Minn. Stat. § 35.03 (1978), wherein the Board is authorized to ". . . protect the health of the domestic animals of the state, and carry out the provisions of this chapter, making rules it may deem expedient to that end.", constitutes sufficient public notice of the Board's statutory authority to adopt the proposed rules. As the Minnesota Supreme Court recently commented:

> ". . . We note at the outset that the law does not mandate in all cases strict and literal compliance with all procedural requirements. Technical defects in compliance which do not reflect bad faith, undermine the purposes of the procedures, or prejudice the rights of those intended to be protected by the procedures, will not suffice to overturn governmental action . . ." City of Minneapolis v. Wurtele, et al, 291 N.W.2d 386, 391 (Minn. 1980).

The Board's Statement of Need and Reasonableness contains a citation to the 1980 legislation. No one inquired with the Hearing Examiner desiring to inspect the preliminary filings, and no complaint has been made about a lack of notice. There is no evidence of bad faith or prejudice to the rights of individuals intended to be protected in the course of this rulemaking proceeding as a result of the Board's failure to mention specific statutory authority to adopt rules governing anaplasmosis testing. The purpose of the rulemaking proceeding has not been undermined.

5. The above-discussed documents were available for inspection at the Office of Administrative Hearings from the date of filing to the date of the hearing.

6. The record remained open through September 12, 1980 for the receipt of written comments and statements. Three documents were received - a letter from the Luverne Livestock Auction expressing concern that the adoption of 3 MCAR § 2.012 would result in the illegal importation of cattle; a letter from Jon K. Murphy, Counsel to the Board, clarifying the authority of the Uniform Methods and Rules and containing an attachment of the 1978 Report of the Brucellosis Technical Commission; and a letter from Dr. J. G. Flint containing proposed additional amendments to the rules which were based upon suggestions made at the hearing.

Statutory Authority

7. The Board of Animal Health cites Minn. Stat. § 35.03 (1978), as the statutory authority for adoption of the proposed rule amendments, as well as Minn. Laws 1980, Chapter 467, § 35. Minn. Stat. § 35.03 (1978) provides, in relevant part:

> "The board shall protect the health of the domestic animals in the state, and carry out the provisions of this chapter; employing such means and making such rules as it may deem expedient to that end."

Chapter 467 of the Laws of Minnesota 1980, § 35, provides in relevant part:

> "All breeding cattle entering Minnesota shall have a health certificate evidencing a negative test for anaplasmosis conducted at a state or federal laboratory within 30 days of entry . . . . The livestock sanitary board is authorized to adopt rules to implement the provisions of this section."

National Program for Eradication of Brucellosis and Minnesota Protection Against Importation of Anaplasmosis.

8. Brucellosis is a communicable disease of cattle, swine and goats and is caused by bacteria - Brucella abortus in cattle, Brucella suis in swine, and Brucella melitensis in goats. The main symptoms in cattle are the abortion of fetuses, reduced milk supply, and difficulty in breathing. The disease does not kill the animals, but the usefulness of the animals is reduced and reproductive capabilities are lost. Humans can contract the disease, which, in humans, is similar to malaria - long and chronic in duration, fevers, chills and aches. The best method to control the disease in humans is to remove the disease in animals.

Anaplasmosis is an infectious blood disease of cattle and deer which does not affect humans. The disease, which is not native to Minnesota, is caused by one-celled parasites (Anaplasma marginale) in the bloodstream which attack

and destroy the red blood cells, resulting in anemia and sometimes death. Vectors (often insects) transmit the disease, which is not communicated directly from animal to animal.

9. Efforts to eradicate brucellosis have been organized on a national level with the initial step being taken by a private organization - the United States Animal Health Association. A Brucellosis Committee of that organization formulated rules for the control and eradication of brucellosis. These rules were later approved by the executive committee of the Animal Health Association. The United States Department of Agriculture's Animal and Plant Health Inspection Service reviewed the work of the Animal Health Association and adopted the "Uniform Methods and Rules" for brucellosis eradication. These Uniform Methods and Rules have been adopted as minimum standards for maintaining "certified herd and area status" by the United States Department of Agriculture at 9 C.F.R. § 78.1(j) (through incorporation by reference). The rules discussed herein have been proposed to attempt to assure retention of Minnesota's present "brucellosis-free" status in comformance with the December, 1979 revision of the Uniform Methods and Rules for the eradication of brucellosis. This 1979 revision provides for changes in testing and test requirements for interstate movement of cattle and bison.

Recertification as a brucellosis-free state occurs on an annual basis and provides to Minnesota exporters of cattle the advantage that their cattle may be shipped into most states without brucellosis testing or retesting.

Loss of the brucellosis-free status would have an adverse effect upon the exporting of cattle from Minnesota to other states and could result in the United States Department of Agriculture's utilizing economic pressure to assure conformity with the Uniform Methods and Rules. Dr. Robert Page, an employee of the United States Department of Agriculture's Animal and Plant Health Inspection Service, testified that withdrawal of funds would be a possible sanction should Minnesota not adopt the Uniform Methods and Rules standards as revised in December of 1979. The United States Department of Agriculture presently provides cooperating personnel to the State of Minnesota, indemnity funds to cover the condemnation of reactors, and seven or eight field personnel who operate as agents for the Board of Animal Health. Dr. Page's comments were advisory as to the nature of the relationship between the State of Minnesota and the United States Department of Agriculture with regard to the Uniform Methods and Rules and were not intended to reflect the Department's official intentions should the State fail to adopt the methods proposed therein.

10. The control of anaplasmosis is not presently the subject of a nationwide program such as the United States Department of Agriculture's brucellosis eradication program. However, the Minnesota Legislature mandated that all breeding cattle imported into Minnesota after January 1, 1981, shall have a health certificate evidencing a negative test for anaplasmosis. See Minn. Laws 1980, Chapter 467, § 35 (to be codified as Minn. Stat. § 35.251).

Dr. L. T. Christensen, Assistant Secretary of the Board of Animal Health, testified that the disease of anaplasmosis has been followed by the Board from the time of its first known appearance in Minnesota in 1961. In 1979, there were 21 herds under quarantine because of anaplasmosis. As of June 30, 1980, ten herds remained under quarantine.

Dr. Ralph Jore, a Doctor of Veterinary Medicine from Caledonia, Minnesota, expressed concern that the requirements of the anaplasmosis test would impede market trading because of the length of time testing will require. Dr. Christensen pointed out that, as of the present time, there have not been a great number of tests for anaplasmosis and that future testing may be speedier as it is expedited at the laboratory. Dr. Christensen also pointed out that animals could be moved subject to the results of the tests and that the state would retest any animal responding positively.

Discussion of Proposed 3 MCAR § 2.001 (formerly LSB 1) Importation of Cattle and Bison)

11. The amendments to this rule have been proposed to bring Minnesota's regulations for importation of cattle and bison into conformity with the United States Department of Agriculture's Animal and Plant Health Inspection Service Uniform Methods and Rules for the eradication of brucellosis, as revised in December of 1979; and the Minnesota Legislature's requirement for anaplasmosis testing of breeding cattle entering the state after January 1, 1981. These proposed amendments set out in detail the conditions under which testing is required, when quarantines may be imposed and lifted, the effect of quarantines, the tests required for brucellosis, anaplasmosis and tuberculosis, the exceptions to the requirement that animals respond negative to the above tests, permit requirements, and importation requirements from states that are not certified as "brucellosis free" states. The Board's Statement of Need and Reasonableness regarding this Rule establishes an intent to coordinate the proposed amendments and the requirements of the Uniform Methods and Rules as well as an intention to adopt amendments made necessary by the Minnesota Legislature's mandate for anaplasmosis testing under Minn. Laws 1980, Chapter 467, § 35. Bison are brought into the purview of the Rule in conformity with the Uniform Methods and Rules. In view of the advantages of Minnesota's maintaining a "brucellosis free" status, and the statutory requirement for anaplasmosis testing, the Hearing Examiner finds that the proposed amendments to LSB 1 (proposed to be designated as 3 MCAR § 2.001, Importation of Cattle and Bison), are needed and reasonable. The Board's Statement of Need and Reasonableness regarding this Rule provides an adequate presentation of facts supporting the proposed amendments, and is hereby incorporated herein by reference.

12. At the hearing, the Board proposed that the language "on the complement fixation test", be added after "the 1:5 dilution" in 3 MCAR § 2.001 G. The additional language was proposed in order to define the specfic test to be used in making the determination that all cattle in an importation be refused entry because of the level of test reaction. In view of the statutory mandate that the anaplasmosis test be conducted "at a state or federal laboratory...", Minn. Laws 1980, Chapter 467, § 35, and since the only other test available is a "card test" which would not meet the statutory requirement of a laboratory test, the Board's proposed additional language is needed and reasonable and does not constitute a substantial change in the meaning and intent of the rule or amendments as published.

13. In its comments prior to the close of the record, the Board proposed insertion of the word "or" between the words "herd" and "that" in the first sentence of 3 MCAR § 2.001 A.14. The Hearing Examiner finds the proposed addition to be clarifying in nature and not a substantial change in the Rule or

amendments as originally published. The Hearing Examiner finds this clarifying proposal to be necessary and reasonable.

Proposed 3 MCAR § 2.011 (formerly LSB 11), Eradication of Bovine and Bison Brucellosis.

14. The amendments to this Rule are proposed for the purpose of maintaining Minnesota's status as a brucellosis-free state. These amendments will bring Minnesota into compliance with the minimum requirements of the Uniform Methods and Rules. The proposed amendments set out in detail the general requirements for assuring the eradication of brucellosis in Minnesota, a plan for area participation, establishment and maintenance of Certified Brucellosis-Free Herds of cattle, conditions for sale or lease of cattle, and the basis for condemnation of cattle. The Board's Statement of Need and Reasonableness adequately demonstrates the need for and reasonableness of the proposed rules by a clear and affirmative explanation of the bases for amendment and compliance with the Uniform Methods and Rules. That Statement of Need and Reasonableness is incorporated herein by reference.

15. The proposed plan for area participation granted the Board discretionary authority to contact other owners and caretakers of cattle herds in the vicinity of an affected herd. During the hearing, Dr. R. K. Anderson of the University of Minnesota stressed the need to make this notification process mandatory. Dr. Anderson expressed the view that the notification process of the Uniform Methods and Rules was mandatory and not discretionary. The Board agreed with this opinion and recommended, in comments received prior to the close of the record, that the word "may" in 3 MCAR § 2.011 C.3.a. be changed to "shall". This would require the Board to notify herd owners which might be endangered by the presence of brucella-infected cattle in their community of the possible danger to their cattle and themselves. The Hearing Examiner finds that this change is necessary and reasonable in view of the Board's intention to comply with the Uniform Methods and Rules and does not constitute a substantial change in the meaning or intent of the rule or amendments as published. changed p. 11

16. At the hearing, the Board recommended that the words "or the Board" be added after the words ". . . by the manufacturer." in 3 MCAR § 2.011 B.10.a. (2). This addition will provide a means of instructing veterinarians in the methods of using presently available brucella vaccine at a reduced dose. This is necessitated because the manufacturers of the vaccine will not be supplying a reduced dosage vaccine for 12 to 24 months. The Board will have laboratory capability to do the necessary cell counts to set up dilution schedules for veterinarians to use the vaccines available to them. Research has shown that the reduced dosage will provide an adequate level of protection, create less stress on the calves vaccinated, and result in fewer residual titers which confuse diagnoses when the vaccinates are tested as adults. The Hearing Examiner finds this change to be needed and reasonable and not a substantial change in the meaning and intent of the Rule or the amendments as published. changed p. 9

3 MCAR § 2.012, Control of Anaplasmosis

17. In response to legislation mandating the testing of imported breeding cattle for anaplasmosis, the Board of Animal Health has proposed this Rule to provide a program of detection and eradication of the disease in Minnesota. While there is no national program for the eradication of anaplasmosis, such

as that for brucellosis, this program would prevent the transmission of anaplasmosis to other cattle within the state of Minnesota from affected cattle already within the state. The proposed rule sets out the requirements for reporting by veterinarians of all cases of anaplasmosis diagnosed, the tagging of tested cattle, and the establishment of quarantines and lifting of quarantines. The Board's Statement of Need and Reasonableness adequately demonstrates the need for and the reasonableness of the proposed rules by an affirmative presentation of facts. That Statement of Need and Reasonableness is incorporated herein by reference.

Board's Exhibit 18 was submitted in support of the rule for the eradication of anaplasmosis in Minnesota. It is a resolution by the Minnesota Guernsey Breeders Association adopted by that organization in 1979. It reads:

> Be It Hereby Resolved that the Minnesota Guernsey Breeders Association supports any proposed legislation requiring an anaplasmosis test for all breeding cattle entering the state of Minnesota.

The Hearing Examiner notes the endorsement of the anaplasmosis test by an organization intimately involved in the cattle industry of Minnesota. The test is to be one approved by the United States Department of Agriculture and adopted by the Board as the "official anaplasmosis test". At present, that test is the complement fixation test. However, test procedures may be varied where the United States Department of Agriculture approves other types of tests. The Hearing Examiner finds that this basis for the determination of proper testing is needed and reasonable.

The Hearing Examiner recommends one grammatical change. In 3 MCAR § 2.012 B.4.a.(3), the second to the last word "owners" should be in the possessive form "owner's". Complied p-2

CONCLUSIONS

1. That due, timely and legally adequate notice of the hearing in this matter was properly served and published by the Board. The irregularity in the Notice of Hearing noted at Finding 4 is technical in nature and no corrective action is needed in the absence of any evidence of prejudice to interested parties.

2. That the Board has met the procedural requirements of Minn. Laws 1980, Ch. 615, § 6, subds. 4-4f (to be codified as Minn. Stat. § 15.0412, subds. 4-4f), and all other procedural requirements of law or rule.

3. That the Board has demonstrated its statutory authority to adopt the proposed amendments and proposed rule within the meaning of Minn. Laws 1980, Ch. 615, § 6, subd. 4c (to be codified as Minn. Stat. § 15.0412, subd. 4c); Minn. Stat. § 15.0412, subd. 1 (1978), and has met all other substantive requirements of law.

4. That the Board has demonstrated the need for and reasonableness of the proposed rule amendments and proposed rule by an affirmative presentation of facts in the record within the meaning of Minn. Laws 1980, Ch. 615, § 6, subd. 4c (to be codified as Minn. Stat. § 15.0412, subd. 4c).

5. That the additions to the proposed rule amendments which were proposed after publication of the rules in the State Register are not substantially different from the rules as published in the State Register within the meaning of Minn. Laws 1980, Ch. 615, § 6, subd. 4d (to be codified as Minn. Stat. § 15.0412, subd. 4d).

6. That any Findings which might properly be termed Conclusions, and any Conclusions which might properly be termed Findings are hereby adopted as such.

RECOMMENDATION

IT IS HEREBY RECOMMENDED that the proposed rule amendments and proposed rule be adopted consistent with the Findings and Conclusions made above.

Dated this 9th day of October, 1980.

Richard C. Luis

RICHARD C. LUIS
Hearing Examiner

BAH-81-001-RL

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF ANIMAL HEALTH

In the Matter of Proposed Amendments to Rules LSB 1 (Importation of Cattle) and LSB 11 (Eradication of Bovine Brucellosis in Minnesota); and

In the Matter of Proposed Rule 3 MCAR § 2.012 (Control of Anaplasmosis).

ORDER OF THE CHIEF HEARING EXAMINER

On October 9, 1980, Richard C. Luis, Hearing Examiner, issued his Report in the above-referenced matter. The Board of Animal Health subsequently adopted the Rules and submitted them to the Attorney General for review as to form and legality pursuant to Minn. Laws 1980, Ch. 615, § 6, subd. 4e (to be codified as Minn. Stat. § 15.0412, subd. 4e). On November 17, 1980, the rules were disapproved by the Attorney General for reasons stated in a written memorandum issued that day. On December 8, 1980, the Board of Animal Health submitted changes in the rules other than those recommended by the Hearing Examiner for review by the Chief Hearing Examiner pursuant to the provisions of Minn. Laws 1980, Ch. 615, § 6, subd. 4e (to be codified as Minn. Stat. § 15.0412, subd. 4e) in order for the Chief Hearing Examiner to determine whether the proposed final rule is substantially different from that which was proposed at the public hearing.

In 3 MCAR §§ 2.001 A.14., A.16., and C., words or clauses that were omitted from the rules as adopted have been re-inserted. These re-insertions bring the rules into conformity with the proposals published in the State Register and are therefore not substantial changes.

A definition of "B-branded cattle" has been added as 3 MCAR § 2.001 A.17. This addition is clarifying in nature and not a substantial change in that the scope of the term "B-branded cattle" as contemplated by the rules originally published in the State Register has not been changed.

At 3 MCAR § 2.001 L.2.a.(4), line two, the misspelling of the word "owner" has been corrected. This is a clerical change and not a substantial change.

The references to "Part 78 Code of Federal Regulations" have been changed to "LSB 43 The Establishment of State-Federal Approved Markets for Cattle and Sale of Cattle at Such Markets" at 3 MCAR §§ 2.001 B., B.1., E.1.a., F.1.c.(3), F.2.b., F.3.c., and H. The markets and/or stockyards approved under the state rule are the same as those approved under the federal regulation. The change does not go to a new subject matter or result in a substantial change from the originally-published proposal.

At 3 MCAR § 2.011 A.4., "USDA" has been changed to "United States Department of Agriculture (USDA)". This change is clarifying and not substantial in nature.

In 3 MCAR §§ 2.011 A.9.b., A.10.c., and A.11.e., additional clarifying language has been inserted after the phrase, "The board may accept variations" to delineate appropriate circumstances under which testing variations can be accepted. The qualifying criterion in each case involves an "epidemiological investigation", the results of which will be analyzed by the Board in deciding whether to accept variations on a case-by-case basis. The inclusion of the criteria where noted does not impact on the scope of the rule as originally proposed, nor does it change the fundamental decision-making process provided under the rule as published in the State Register. The additional language finally proposed is not substantially different from that proposed on the hearing record.

In 3 MCAR § 2.011 C.3.a.(1), the Board proposes to change the word "may" to "shall". This change would be consistent with the same change adopted at 3 MCAR § 2.011 C.3.a. pursuant to the recommendation of the Hearing Examiner, and does not result in a rule fundamentally different from that which was proposed at the public hearing.

The proposed deletion of "(1978)" after the statutory citations in 3 MCAR §§ 2.011 E.1.f., F.3.d., and 2.012 A.4. are clerical changes only and do not result in a rule fundamentally different from that which was proposed at the public hearing.

The Board finally proposes to delete 3 MCAR § 2.011 E.4.c. as originally published and proposed at the public hearing. The Board's discretion to notify persons of the provisions of any of its rules is inherent in Minn. Stat. § 35.03, so deletion of the rule as originally proposed has no substantive impact and does not result in a rule fundamentally different from that which was proposed at the public hearing.

NOW, THEREFORE, the Board of Animal Health shall have the responsibility of filing the rules and the entire record with the Attorney General upon adoption and complying with all other pertinent requirements of Minn. Stat. § 15.0412.

Dated: December 17th, 1980.

Duane R. Harves

DUANE R. HARVES
Chief Hearing Examiner

Our File #647

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 10/28 DUE DATE 11/17

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 ✓ A) .001 B) .011 C) .012
2. Rules as Proposed ✓ A) .001 B) .011 C) .012
3. Certificate of Board's Authorizing Resolution, where applicable A) .001 ✓ B) .011 ✓ C) .012 ✓
4. Order for Hearing ✓
5. Notice of Hearing ✓ 8.28.80
   Sufficiency ✓ see HE P4
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 ✓ 7.28.80
10. Publication in State Register ✓
    At least 30 days prior to hearing ✓ 7.28.80
11. Statement of Need and Evidence A) .001 ✓ B) .011 ✓ C) .012 ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact A) .001 ✓ B) .011 ✓ C) .012 ✓
14. Certificate of Board's Resolution Adopting Rules, where applicable A) .001 ✓ B) .011 ✓ C) .012 ✓
15. Order Adopting A) .001 ✓ B) .011 ✓ C) .012
16. Report of Chief Hearing Examiner ?
17. Order Approving Incorporation by Reference, where applicable ?
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

RECEIVED
JUL 29 1980
OFFICE OF HEARING
EXAMINERS

A

CERTIFICATE

OF

BOARD'S AUTHORIZING RESOLUTION

I, J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Livestock Sanitary Board, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Livestock Sanitary Board duly and properly called and held on the 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 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 LSB 1 Importation of Cattle, 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 11th day of July, 1980.

J. G. Flint

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

Board Exhibit No. 3
File No.
Date

CERTIFICATE

OF

BOARD'S AUTHORIZING RESOLUTION

(C)

I, J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Livestock Sanitary Board, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Livestock Sanitary Board duly and properly called and held on the 11th day of July, 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 promulgating 3 MCAR § 2.012 Control of Anaplasmosis, 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 11th day of July, 1980.

J. G. Flint

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

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Promulgation of
Rules of the Board of Animal Health,
Governing 3 MCAR § 2.012 Control of
anaplasmosis.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Richard Luis of the Minnesota Office of Administrative Hearings at 9:30 A.M. 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 86-87.

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 § 2.012 Control of anaplasmosis, as presented to the Board of Animal Health for consideration, are adopted this 17th day of October, 1980 pursuant to authority vested in me by the Board of Animal Health.

State of Minnesota
BOARD OF ANIMAL HEALTH

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

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

(C)

I, Dr. J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Board of Animal Health, 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 Board of Animal Health duly and properly called and held on the 17th day of October, 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 § 2.012 Control of anaplasmosis, 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 Board of Animal Health, be and hereby is authorized to sign an order adopting these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17th day of October, 1980.

J. G. Flint

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

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the matter of proposed amendments to
rules of the Board of Animal Health 3
MCAR § 2.012 Control of anaplasmosis.

FINDINGS OF FACT (C)

The above-entitled matter came on for hearing before Hearing Examiner Richard Luis of the Office of Administrative Hearings at 9:30 A.M. Thursday August 28, 1980 at 500 Rice, St. Paul, Minnesota after proper notice required by Minnesota Statutes (1978) section 15.0412 was served on all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at State Register Volume 5 pages 70 - 87.

Having afforded interested persons an opportunity to present written and oral data, statements and arguments, having heard all testimony, having considered all of the evidence adduced and upon the records, files and procedures herein, and applicable standards or criteria, having confirmed the need and reasonableness for the above-captioned rules, having considered the report of the Hearing Examiner dated October 9, 1980 and received on October 9, 1980 the Board makes the following findings:

Findings of Fact

1. The findings and conclusions in the report of the Hearing Examiner date October 9, 1980 are hereby adopted.

2. The rule as adopted is believed to be necessary to control anaplasmosis when it occurs in the State and to protect other cattle from the disease.

The board believes the rule to be needed and reasonable.

October 22, 1980

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

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the matter of promulgation
of Rule 3 MCAR § 2.012 Control
of anaplasmosis.

STATEMENT OF NEED AND REASONABLENESS (C)

The above-captioned rules are new rules proposed by the Board of Animal Health.

The need to adopt these rules arises because of the need to control the spread of anaplasmosis in Minnesota. Because anaplasmosis is not a disease native to Minnesota and most infection results from introduction of cattle from states with a high incidence of the disease the 1980 legislature passed a statute (35.250) which requires a negative anaplasmosis test on breeding cattle imported into Minnesota. The board believes that if we propose to limit the introduction of anaplasmosis reacting cattle into Minnesota there should be a program for the control of anaplasmosis when it is detected within the state. The proposed rule identifies the official test to be used in detection of anaplasmosis responding cattle. Provisions are made for the quarantining of cattle herds in which clinically affected cattle are diagnosed and of cattle tested which show a test response other than negative. Quarantines on infected herds will be released when responding cattle have been shipped for slaughter or have been segregated and treated and the balance of the herd has been tested and found to be negative. Quarantines on individual test positive cattle will be released when they have been shipped for slaughter or tested and found to be negative. The rule prohibits the use of anaplasmosis vaccines except with prior permission of the board. The vaccine would result in cattle which would respond when tested and the response couldn't be differentiated from actual infection. Since the disease is imported into the state and an effective treatment is available the vaccine is contra indicated.

Implementation of the proposed rule should provide adequate control over infected herds and test positive cattle to prevent the transmission of anaplasmosis to other cattle in the state.

The Board of Animal Health is authorized to promulgate rules by Minn. Stat. § 35.03 (1978).

J. G. Flint, D.V.M.
Secretary & Executive Officer
Board of Animal Health

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Amendment of
Rules of the Board of Animal Health,
Governing 3 MCAR § 2.001 Importation
of cattle and bison.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Richard Luis of the Minnesota Office of Administrative Hearings at 9:30 A.M. at 500 Rice Street, Saint 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 71-79.

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 § 2.001 Importation of cattle and bison, as presented to the Board of Animal Health for consideration, are adopted this 17th day of October, 1980 pursuant to authority vested in me by the Board of Animal Health.

State of Minnesota
BOARD OF ANIMAL HEALTH

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

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 Board of Animal Health, 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 Board of Animal Health duly and properly called and held on the 17th day of October, 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 § 2.001 Importation of cattle and bison, 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 Board of Animal Health, be and hereby is authorized to sign an order adopting these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17th day of October, 1980.

J. G. Flint

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

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the matter of proposed amendments to rules of the Board of Animal Health 3 MCAR § 2.001 Importation of cattle and bison.

FINDINGS OF FACT A

The above-entitled matter came on for hearing before Hearing Examiner Richard Luis of the Office of Administrative Hearings at 9:30 A.M. Thursday August 28, 1980 at 500 Rice, St. Paul, Minnesota after proper notice required by Minnesota Statutes (1978) section 15.0412 was served on all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at State Register Volume 5 pages 70 - 87.

Having afforded interested persons an opportunity to present written and oral data, statements and arguments, having heard all testimony, having considered all of the evidence adduced and upon the records, files and procedures herein, and applicable standards or criteria, having confirmed the need and reasonableness for the above-captioned rules, having considered the report of the Hearing Examiner dated October 9, 1980 and received on October 9, 1980 the Board makes the following findings:

Findings of Fact

1. The findings and conclusions in the report of the Hearing Examiner date October 9, 1980 are hereby adopted.

2. The amendments adopted are essential so the State can meet the minimum standards outlined in the Uniform Methods and Rules for Brucellosis Eradication as published by Animal Plant Health Inspection Service of USDA and progress in eradication of bovine brucellosis and to provide for the testing of breeding cattle for anaplasmosis prior to importation as mandated by the legislature.

3. Changes proposed at the public hearing, recommended by the hearing examiner and adopted by the board would add the word "or" between the word "herd" and "that" in the first sentence of A. 14. as it is necessary in conveying the intent of the statement and the words "on the complement fixation test" are added in G. to identify the test to be used when prohibiting importation of certain cattle.

The board believes the rule to be needed and reasonable.

October 22, 1980

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

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the matter of Proposed Amendments
of the Rule relating to LSB 1 Importation
of Cattle.

STATEMENT OF NEED AND REASONABLENESS A

The above-captioned rules are amendments to existing rules of the Board of Animal Health. These rules were last amended June 24, 1976. The Board of Animal Health is authorized to promulgate and amend rules by Minnesota Statute § 35.03 (1978).

The need to adopt these rules arises because the Laws of Minnesota 1980 Chapter 467 Section 35 require a negative anaplasmosis test of all breeding cattle imported into Minnesota effective January 1, 1981. Further, the Uniform Methods and Rules for the eradication of brucellosis, revised December 1979, and adopted by the United States Department of Agriculture, Animal and Plant Health Inspection Service provides minimum standards for brucellosis programs in the states. In order to retain the present brucellosis status Minnesota enjoys, changes in testing and test requirements for interstate movement must be reflected in entry requirements for cattle and bison.

The Uniform Methods and Rules require the inclusion of bison because bison represent a reservoir of Brucella abortus bacteria that will prevent total eradication of brucellosis in the United States. All definition changes reflect definition requirements of the Uniform Methods and Rules. The definition of "herd" is changed to allow the Board to control movement of cattle owned by one person between premises.

The definition of feeding cattle is changed to eliminate a provision for pasturing and grazing of feeder cattle as required by the Uniform Methods and Rules. A new definition of feedlot was also provided to comply with the Uniform Methods and Rules.

The definition of slaughter cattle provides that there shall be no diversion to farm or ranch.

Reference to approved dry lot feeding premises is removed because approved dry lot feeding premises in Minnesota do not meet the requirements of the Uniform Methods and Rules.

The definition of brucellosis exposed cattle is added and is the same as that of the Uniform Methods and Rules.

The definition of official calfhood vaccinate is changed to reflect the lowered age of vaccination of the Uniform Methods and Rules.

A definition of "S" branded cattle is added to reflect a change in the Uniform Methods and Rules and to allow movement of untested test-eligible cattle to slaughter from states that are not certified free.

Provision is made for movement of "S" branded and "B" branded cattle in a new section to meet the requirements of the Uniform Methods and Rules for movement to slaughter.

Provision is made for the sale of quarantined livestock to the public stockyards and to slaughtering establishments under permit. Previously there was no provision for this in the rule.

The requirements for information on the health certificate are increased and clarified resulting in a more complete and usable certificate.

The brucellosis lower age limit for tests is lowered to six months for all cattle to establish uniformity and simplify the rule.

Anaplasmosis test requirements for breeding cattle mandated by the Laws of Minnesota 1980 Chapter 467 Section 35 are implemented. Exceptions to the test requirements closely follow the requirements for brucellosis tests. Provision is made for movement of cattle pending the results of the laboratory test for anaplasmosis in the state of origin. This is to facilitate the movement of cattle since the anaplasmosis test is a laboratory test and requires more time than the brucellosis test.

Restrictions are placed on negative cattle from herds where anaplasmosis reactions are disclosed higher than 3+ at the 1:5 dilution to further guard against the introduction of anaplasmosis.

Provision is made to allow cattle to leave State Federally approved markets under quarantine until the results of the anaplasmosis test are determined so that marketing procedures will be interupted as little as possible. The rule provides for releasing the quarantine.

The criteria for the diagnosis of brucellosis is deleted and replaced with that used in 3 MCAR § 2.011 and the Uniform Methods and Rules.

Provision is made for handling cattle imported without health certificates or not in compliance with the rule.

The previous requirement for quarantining for a brucellosis retest cattle from certain high incidence brucellosis states is deleted. This provision is replaced by a permit system and retest requirement as required by the Uniform Methods and Rules.

The rule provides for importations from non-modified certified states and modified certified states and details the requirements for such importations. The requirements will be the same as in the Uniform Methods and Rules.

All amendments are expected to increase the effectiveness of the disease control functions of the Board of Animal Health with respect to anaplasmosis and brucellosis and are within the authority of Minnesota Statute (1978) § 35.03.

J. G. Flint

J. G. Flint, D.V.M.
Secretary & Executive Officer
Board of Animal Health

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Amendment of
Rules of the Board of Animal Health,
Governing 3 MCAR § 2.011 Eradication
of bovine and bison brucellosis.

ORDER ADOPTING RULES

The above-entitled matter came on for hearing before Hearing Examiner Richard Luis of the Minnesota Office of Administrative Hearings at 9:30 A.M. at 500 Rice Street, Saint 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 79-86.

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 § 2.011 Eradication of bovine and bison brucellosis, as presented to the Board of Animal Health for consideration, are adopted this 17th day of October, 1980 pursuant to authority vested in me by the Board of Animal Health.

State of Minnesota
BOARD OF ANIMAL HEALTH

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

CERTIFICATE OF BOARD'S

ADOPTION OF RULES RESOLUTION

(B)

I, Dr. J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Board of Animal Health, 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 Board of Animal Health duly and properly called and held on the 17th day of October, 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 § 2.011 Eradication of bovine and bison brucellosis, 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 Board of Animal Health, be and hereby is authorized to sign an order adopting these rules.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 17th day of October, 1980.

J. G. Flint

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

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the matter of proposed amendments to rules of the Board of Animal Health 3 MCAR § 2.011 Eradication of bovine and bison brucellosis.

FINDINGS OF FACT

The above-entitled matter came on for hearing before Hearing Examiner Richard Luis of the Office of Administrative Hearings at 9:30 A.M. Thursday August 28, 1980 at 500 Rice, St. Paul, Minnesota after proper notice required by Minnesota Statutes (1978) section 15.0412 was served on all persons, associations and other interested groups registered with the Secretary of State for that purpose and was published at State Register Volume 5 pages 70 - 87.

Having afforded interested persons an opportunity to present written and oral data, statements and arguments, having heard all testimony, having considered all of the evidence adduced and upon the records, files and procedures herein, and applicable standards or criteria, having confirmed the need and reasonableness for the above-captioned rules, having considered the report of the Hearing Examiner dated October 9, 1980 and received on October 9, 1980 the Board makes the following findings:

Findings of Fact

1. The findings and conclusions in the report of the Hearing Examiner date October 9, 1980 are hereby adopted.

2. The amendments adopted are essential for the State to maintain its status as a Cerified Brucellosis Free State.

3. Changes proposed at the public hearing, recommended by the hearing examiner and adopted by the board would add the words "or the board" to B. 10. a. (2) to allow the board to prescribe a reduced dosage of vaccine if this becomes an approved method for immunizing calves. In C. 3. a. The word "may" after The board is change to "shall". This will make it mandatory that the board inform cattle owners near an infected herd of the potential for exposure to brucellosis of their herds.

The board in adopting the rule with the suggested changes believes the rule to be needed and reasonable.

October 22, 1980

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

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the matter of Proposed Amendments of the
Rule relating to LSB 11 Eradication of
Bovine Brucellosis in Minnesota.

STATEMENT OF NEED AND REASONABLENESS (B)

The above-captioned rules are amendments to existing rules of the Board of Animal Health. These rules were last amended September 21, 1976. The Board of Animal Health is authorized to promulgate and amend rules by Minnesota Statute § 35.03 (1978).

The need to adopt these rules arises because of: The Uniform Methods and Rules recommended by the United States Animal Health Association and adopted by the United States Department of Agriculture are the minimum requirements for each state for the eradication of brucellosis which is a nationwide program. The United States Department of Agriculture could not give the State of Minnesota a certified status unless the minimum requirements are met. The primary reason for amending this rule is to meet the standards of the Uniform Methods and Rules.

A few months ago there were zero brucellosis infected herds in the State of Minnesota. Brucellosis has been recently introduced into eleven herds. This demonstrates that the brucellosis eradication rules must be strengthened so the disease can again be eradicated and not again introduced into the state. The following proposed changes will aid the eradication program.

The definition of Board is changed as the Livestock Sanitary Board became the Board of Animal Health on August 1, 1980. Other definitions have been changed to make them more easily understood and to meet the requirements of the Uniform Methods and Rules.

The term cattle is defined as both bovine and bison so this rule will apply to both. Brucellosis is interchangeable between cattle and bison so the disease must also be eradicated from bison.

The age of test eligible cattle has been lowered to six months of age and over from over 12 months of age. This change is needed because younger animals may be infected and react to a brucellosis test. The word grazing has been deleted from the term feeding and grazing cattle because cattle of the beef breed under 18 months of age imported into the state will not be permitted to graze. This change will strengthen the program.

The proposed rule describes exactly how cattle tested for brucellosis shall be identified. This clarifies the present rule.

Infected herds will be required to pass three consecutive negative tests before they are released from supervisinn, however, the quarantine will be released after two tests. This will strengthen the program as the incubation period is often long.

The proposed rule will permit a temporary quarantine on herds until a final diagnosis is made. Laboratory studies in addition to a herd test are sometimes needed to make a final diagnosis. The temporary quarantine will protect other herds if the herd is found to be infected. The quarantine can be released quickly if the herd is found not to be infected.

Calves vaccinated against brucellosis must be identified with an official vaccination tag unless a registry tattoo or a tag is already present. The vaccination tag must be inserted at time the calf is vaccinated and an animal may never be retagged with an official vaccination tag. No animal may be retattooed with the vaccination tattoo unless a permit is obtained from the Board. A permit may be issued if the animal has the original tag recorded on the vaccination report filed with the Board.

The proposed rule names the places that the Board may collect blood samples for the market cattle test. This is for clarification as market cattle tests are now part of the program.

The community notification provision gives the Board authority to notify other herd owners in the community when an infected herd is found. This provision will help the other owners protect their herds and the disease is less likely to spread to them.

When an infected herd is located, the source of infection must be determined. Tests on adjacent herds and on contact herds are needed to make this determination. This provision gives the Board authority to require tests on such herds.

The brucella ring test has been deleted as a tool to establish certified brucellosis-free herds. This deletion was made as the Board of Animal Health keeps no record of herds negative to the ring test. The balance of the changes in the Certified Brucellosis-Free Herd section is to bring the rule in line with the Uniform Methods and Rules.

Livestock dealers buy and sell cattle very rapidly. They sometimes buy cattle from states with a high incidence of brucellosis and resell them in Minnesota. If brucellosis is found in cattle purchased from a dealer, it is essential to the eradication program to know the origin of the infected cattle and to know the destination of all cattle in the shipment so the exposed cattle can be tested. Brucellosis reactors may be disclosed in cattle held on the dealer's premises. When this occurs, it is essential to test all cattle sold from the dealer's premises within a specified time. For these reasons dealers must keep a record of the origin and destination of all test eligible cattle that they handle. The Board will request this information only when necessary for disease tracebacks. Dealer record keeping is a must for the brucellosis eradication program.

Test eligible cattle must be negative to a brucellosis test within 30 days prior to sale and the seller must furnish the buyer a certificate of test. If cattle should be sold without test, the cattle will be quarantined on the premises of the buyer until tested at the seller's expense. This is a reasonable way to handle sale requirement violations as it only asks the seller to correct his mistake and it gives the buyer the health status of the cattle purchased.

The proposed rule will meet requirements of the Uniform Methods and Rules, will strengthen the brucellosis eradication program, and will clarify some sections of the present rule.

J. G. Flint

J. G. Flint, D.V.M.
Secretary and Executive Officer
Board of Animal Health

RECEIVED
JUL 29 1980
OFFICE OF HEARING
EXAMINERS

B

CERTIFICATE

OF

BOARD'S AUTHORIZING RESOLUTION

I, J. G. Flint, do hereby certify that I am Secretary and Executive Officer of the Livestock Sanitary Board, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Livestock Sanitary Board duly and properly called and held on the 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 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 LSB 11 Eradication of Bovine Brucellosis in Minnesota, 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 11th day of July, 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 Jon Murphy, 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.

Special Assistant Attorney General

Dated: 10/24/85

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

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : JERRY ANDERSON
Special Assistant
Attorney General
Administration Building

DATE: October 27, 1980

FROM : JON K. MURPHY
Special Assistant
Attorney General

PHONE: 6-0415

SUBJECT:

Enclosed for review please find documents for 3 MCAR § 2.001, 3 MCAR § 2.011 and 3 MCAR § 2.012. These three rules were heard at one hearing with one notice. Thus the mailing list is enclosed only with § 2.001. The tape of the hearing is being submitted to you directly by the Board of Animal Health.

JKM/dw

Enclosure

RECEIVED
OCT 2 [illegible]
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

RECEIVED
OCT 28 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA
LIVESTOCK SANITARY BOARD
(Effective August 1, 1980 Board of Animal Health)

In the Matter of the Proposed Amendments to Rules LSB 1 Importation of Cattle, LSB 11 Eradication of Bovine Brucellosis in Minnesota and promulgation of rules for control of anaplasmosis.

NOTICE OF HEARING

A public hearing concerning the proposed rule amendments and proposed rule will be held at 500 Rice Street, Saint Paul, Minnesota, on Thursday August 28, 1980 commencing at 9:30 AM. The proposed rule amendments and proposed rule may be modified as a result of the hearing process. Therefore, if you are affected in any manner by the proposed amendments, you are urged to participate in the rule hearing process.

Following the agency's presentation at the hearing, all interested (or affected) persons will have an opportunity to ask questions and make comments. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted to Richard Luis, Hearing Examiner, Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota, 55104, phone 612-296-8114 either before the hearing or within five working days after the close of the hearing. The hearing examiner may, at the hearing, order that the record be kept open for a longer period not to exceed 20 calendar days. The rule hearing procedure is governed by Minn. Stat. §§ 15.0411 - 15.052 and by 9 MCAR §§ 2.101 - 2.112 (Minnesota Code of Agency Rules). If you have any questions about the procedure, call or write the hearing examiner.

Notice is hereby given that twenty-five days prior to the hearing, a Statement of Need and Reasonableness will be available for review 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 amendments and proposed rule. Copies of the Statement of Need and Reason-

ableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Amendments to LSB 1 Importation of Cattle will define feedlots, exposed cattle and "S" branded cattle. Importation tests will be required on bison. Prior permits will be necessary on some cattle imported and all cattle imported from some states. Retests will be required on cattle from certain areas. Beef type heifers eight to 18 months of age imported for feeding will be restricted to feedlots. A test for anaplasmosis will be required on breeding cattle imported into Minnesota effective January 1, 1981.

Amendment to the rule LSB 1 Importation of Cattle are made necessary by a Minnesota statute passed in 1980 which requires an anaplasmosis test on breeding cattle imported into Minnesota effective January 1, 1981 and to meet the minimum requirements for Brucellosis Eradication, published by United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) as Uniform Methods and Rules effective September 1979.

Amendments to LSB 11 Eradication of Bovine Brucellosis in Minnesota will redefine reactors, suspects, negative cattle and cattle herds. The test eligible age will be lowered. Provision is made for community notification of infected herds. Herds with test responses could be quarantined pending a diagnosis. Rules on retagging and retattooing of vaccinates are included. Cattle dealers are required to keep certain records of cattle purchased and sold.

Amendments to the rule LSB 11 Eradication of Bovine Brucellosis in Minnesota are necessary to meet the minimum requirements for Brucellosis Eradication, published by United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS) as Uniform Methods and Rules effective September 1979 and to adopt rules for certain procedures necessary for eradication of bovine brucellosis.

The proposed rule on control of anaplasmosis would define an official test for anaplasmosis, require reporting of the disease and identification of cattle tested. Provisions are made for quarantine and release from quarantine of clin-

ically affected herds and for individual responders to an official test. Use of anaplasmosis vaccines are restricted. The rule as proposed is similar to the present policy of the board for the control of anaplasmosis.

Statutory authority to promulgate the proposed rules is vested in the Livestock Sanitary Board by Minn. Stat. § 35.03 (1978). Pursuant to Laws of Minnesota (1980) Chapter 467 Section 2, effective August 1, 1980 the Livestock Sanitary Board will be renamed the Board of Animal Health.

The agency estimated that there will be no cost to local public bodies in the State to implement the amendments or rule for the two years immediately following its adoption, within the meaning of Minn. Stat. § 15.0412, subd. 7 (1978).

Copies of the proposed rule amendments and proposed rule are now available and at least one free copy may be obtained by writing to Board of Animal Health, LL70 Metro Square Building, 7th and Robert Streets, Saint Paul, Minnesota 55101, telephone (612)296-2942. Additional copies will be available at the hearing.

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).

Minn. Stat. Ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11 (1979 Supp.) as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues,

in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota, 55155, telephone (612)296-5615.

July 28, 1980

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

STATE OF MINNESOTA

LIVESTOCK SANITARY BOARD

In the Matter of the Proposed Amendment and Promulgation of Rules of the Minnesota Livestock Sanitary Board, Governing LSB 1 Importation of Cattle, LSB 11 Eradication of Bovine Brucellosis in Minnesota and Promulgation of 3 MCAR § 2.012 Control of anaplasmosis.

ORDER FOR HEARING

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

NOW, THEREFORE, IT IS ORDERED this 15th day of July, 1980, that a public hearing on the proposed amendment and promulgation of the above-captioned rules be held at 500 Rice Street, Saint Paul, Minnesota, 55155, on Thursday the 28th day of August, 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, 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

LIVESTOCK SANITARY BOARD

RECEIVED
JUL 29 1980
OFFICE OF HEARING
EXAMINERS

In the Matter of the Proposed Amendments to Rules LSB 1 Importation of Cattle, LSB 11 Eradication of Bovine Brucellosis in Minnesota and promulgation of rules for control of anaplasmosis.

AFFIDAVIT OF MAILING

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

That on the 28th day of July, 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 28th day of July, 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 18th day of July, 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 24th day of July, 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 24th day of July, 1980.

Notary Public
My commission expires

STATE OF MINNESOTA

LIVESTOCK SANITARY BOARD

In the Matter of the Proposed Amendments to Rules LSB 1 Importation of Cattle, LSB 11 Eradication of Bovine Brucellosis in Minnesota and promulgation of rules for control of anaplasmosis.

CERTIFICATE

I hereby certify that the enclosed 4 sheets with 345 labels with the list for the Livestock Sanitary Board constitute the complete list of persons, associations, and other interested groups who as of 10:50 o'clock, A.M., this 24th day of July, 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 Dianne M. Leatt

Rule as Adopted.
AG copy

3 MCAR § 2.001 Importation of cattle and bison.

A. Where used in this rule the following words and terms are defined as follows:

1. "Board" means the Minnesota Board of Animal Health or its authorized agents.

2. "Cattle" means all dairy and beef animals and includes bison.

3. "Accredited veterinarian" means a veterinarian approved by the Animal and Plant Health Inspection Service, Veterinary Services, United States Department of Agriculture or its successor to perform functions required by cooperative state-federal disease control and eradication programs.

4. "Health certificate" means a certificate issued by an accredited veterinarian after a physical examination, stating that the cattle described are free from symptoms of contagious, infectious, or communicable disease and shall include a statement of the origin of the cattle and the name and address of the consignee.

5. "Official identification" of purebred cattle consists of the following:

a. Official registration number, tattoo, or complete eartag number.

b. Breed.

c. Sex.

d. Age.

e. Positive identification of brucellosis vaccinates by vaccination certificate, legible tattoo or official vaccination eartag.

6. "Official identification" of grade cattle consists of the following:

a. Complete eartag number.

b. Predominant breed characteristics or color markings.

c. Sex.

d. Age.

e. Positive identification of brucellosis vaccinates by vaccination certificate, legible tattoo or official vaccination eartag.

7. "Herd" means all cattle under common ownership or supervision that are grouped on one or more parts of any single premises, or all cattle on two or more premises geographically separated but on which the cattle have been interchanged or where there has been contact be-

tween the premises.

8. "Dairy breed" means breeds of cattle whose primary purpose is the production of milk.

9. "Beef breed" means all breeds of cattle except dairy breed.

10. "Breeding cattle" means all cattle except steers, spayed heifers and heifers of beef breeds between the ages of 8 and 18 months imported for feeding purposes, or slaughter cattle as defined in paragraph 13.

11. "Feeding cattle" means all steers, spayed heifers, and beef breed heifers under 18 months of age imported for feeding purposes to be confined to a feedlot.

12. "Feedlot" means a confined drylot area for finish feeding of cattle on concentrated feeds with no facilities for pasturing or grazing.

13. "Slaughter cattle" means cattle in channels of trade moving to a recognized slaughtering establishment with no diversion to farm or ranch.

14. "Brucellosis exposed cattle" means cattle that are part of a known infected herd or that have been in contact with brucellosis reactors in marketing channels for periods of 24 hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge regardless of the blood test results. After January 1, 1982, any period of contact in marketing channels shall be considered exposed.

15. "Official calfhood vaccinate" means a female bovine animal of a dairy breed vaccinated against brucellosis with an approved Brucella vaccine while from 2 to 6 months of (60 to 179 days) of age, or a female bovine animal of a beef breed vaccinated against brucellosis with an approved Brucella vaccine while from 2 to 10 months (60 to 299 days) of age, permanently identified as a vaccinate, and reported at the time of vaccination to the appropriate state or federal agency cooperating in the eradication of bovine brucellosis.

16. "S-branded cattle" means cattle that have been identified by branding with a hot iron the letter "S" at least 2 X 2 inches on the left jaw or high on the tailhead over the fourth to seventh vertebrae.

B. Cattle consigned to public stockyards, markets approved under Part 78 Code of Federal Regulations, or slaughtertering establishments.

1. Cattle of any class may be consigned without a health certificate or tests to a public stockyard or market approved under Part 78 Code of Federal Regulations.

2. Cattle for immediate slaughter only may be consigned without a health certificate or tests to slaughtering establishments where the federal government maintains inspection.

C. Movement of S-branded cattle and B-branded cattle. The following cattle may move without diversion or unloading to public stockyards or to a slaughtering establishment where the federal government maintains inspection.

1. Reactor cattle and B-branded exposed cattle.

2. S-branded cattle, including:

a. suspects.

b. exposed cattle in channels of trade.

c. untested test-eligible cattle from states that are not certified brucellosis free.

D. Cattle quarantined for any disease may not enter the state except that:

1. Cattle may enter the public stockyards to be unloaded at quarantine pens to be sold directly to a slaughtering establishment provided a shipping permit from the state of origin accompanies the shipment and a copy of the permit is delivered to the person receiving the shipment.

2. Cattle may enter a slaughtering establishment with federal inspection provided a shipping permit from the state of origin accompanies the shipment and a copy of the permit is delivered to inspector in charge. All such shipments shall comply with all state and federal requirements.

E. Health certificates.

1. The following shipments of cattle do not need health certificates:

a. Cattle of any class consigned to the public stockyards or markets approved under Part 78 Code of Federal Regulations.

b. Slaughter cattle shipped directly to slaughtering establishments under federal inspection.

2. Cattle of any class consigned to individuals or to state approved markets must be accompanied by a health certificate.

3. Health certificates shall show:

a. The consignee's name and address.

b. The status of the herd and area of origin.

c. All identity numbers of the animals in the shipment where required by this rule.

d. The results of all tests required in F.

e. Date of vaccination or ear tattoo of Official Calfhood Brucellosis Vaccinated Cattle.

f. Age, sex and breed.

g. The purpose for which the cattle are to be moved.

h. Permit number where required.

4. All health certificates shall be submitted to the Animal Health Office of the state of origin for approval within one week of the issue date.

F. Tests required.

1. Brucellosis.

a. Official tests for brucellosis in the state of origin shall be used.

b. All tests shall be confirmed at a state-federal cooperative laboratory. Cattle may commence movement based on negative tests by authorized persons prior to laboratory confirmation.

c. With the exception of the following all cattle must be negative to brucellosis tests within 30 days prior to movement into Minnesota:

(1) Cattle from Certified-Brucellosis-Free Herds.

(2) Calves under 6 months of age.

(3) Cattle shipped directly to the public stockyards or markets approved under Part 78 Code of Federal Regulations.

(4) Slaughter cattle going directly to a slaughtering establishment under federa inspection.

(5) Official calfhood vaccinated dairy heifers under 20 months of age and official calfhood vaccinated beef heifers under 24 months of age.

(6) Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.

2. Anaplasmosis - with the exception of the following, all cattle must be tested negativ to an official anaplasmosis test at an approved laboratory within 30 days prior to movement.

a. Calves under 6 months of age.

b. Cattle shipped directly to a public stockyard or markets approved under Part 78 Code of Federal Regulations.

c. Slaughter cattle going directly to a slaughtering establishment under federal inspection.

d. Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.

e. Steers and spayed heifers.

f. Cattle that have been sampled for anaplasmosis, the results of which are pending, provided a permit has been secured from the board.

3. Tuberculosis - with the exception of the following, all cattle must be negative to an intradermal tuberculin test conducted by an accredited veterinarian within 60 days prior to movement into Minnesota.

a. Cattle from Tuberculosis-Free-Accredited Herds.

b. Cattle under 6 months of age.

c. Cattle shipped directly to a public stockyards or markets approved under Part 78 Code of Federal Regulations.

d. Slaughter cattle going directly to a slaughtering establishment under federal inspection.

e. Beef type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board.

f. Steers and spayed heifers.

g. Cattle entering to be tested within 72 hours after arrival provided a permit is secured.

h. Cattle from accredited tuberculosis free states that have a reciprocity agreement with Minnesota.

G. Negative cattle tested for anaplasmosis as required in F.2. are not eligible for entry if one or more cattle in the herd of origin react greater than 3+ in the 1:5 dilution on the complement fixation test. HE 12

H. Imported cattle leaving a market approved under Part 78 Code of Federal Regulations or imported on permit pending the laboratory results of the anaplasmosis blood test drawn at the market or in the state of origin are under quarantine until the test results are determined.

1. Negative test results shall release the quarantine.

2. Positive test results shall release the quarantine after:

a. Positive cattle have been returned to the state of origin, or

b. Positive cattle have been sent to slaughter under permit.

I. Cattle imported without health certificate except where specifically exempted in this rule or imported when not in compliance with this rule are under quarantine. Such cattle shall be examined and tested to meet the requirements of this rule by an accredited veterinarian at owner's expense within 72 hours thereafter. Cattle that are not negative to brucellosis, tuberculosis or anaplasmosis shall be sent to slaughter on permit or returned to the herd of origin on permit from the state of origin. Cattle with other infectious, contagious, or communicable disease shall be sent to slaughter with permit, returned to the point of origin with permit, or continued in quarantine at the direction of the board.

J. Permits.

1. The following types of cattle may be imported with a health certificate for a stated purpose provided a permit is obtained from the board prior to movement.

a. Breeding cattle not tested for tuberculosis in the state of origin, to be tested on arrival in Minnesota.

b. Calves less than two months of age.

c. Cattle from non-brucellosis free states.

d. Female feeding cattle of beef type and breed less than 18 months of age entering for feeding purposes without tests.

e. Cattle that have been sampled for anaplasmosis, the results of which are pending.

K. Cattle may be imported from states that are not certified brucellosis-free provided that:

1. Cattle from modified certified states require:

a. A permit.

b. A negative test within 30 days prior to movement.

c. A retest in not less than 45 nor more than 120 days following arrival.

2. Cattle from non-certified states require:

a. The cattle originate from a herd tested negative within the previous 12 months.

b. Negative test within 30 days prior to movement.

c. A permit.

d. A retest in not less than 45 nor more than 120 days following arrival.

L. Feeding cattle may be imported as follows:

1. Steers, spayed heifers and calves under 6 months of age must be listed on a health certificate but need not be identified or tested.

2. Heifers of beef type and breed under 18 months of age must be listed on a health certificate but need not be identified or tested provided a permit is secured from the board. Such cattle must be segregated from all other cattle except steers, spayed heifers, like quarantined cattle, or cattle purchased in accordance with the provisions of a feeder affidavit quarantine as provided in 3 MCAR §§ 2.011. Segregation shall consist of a drylot with no pasturing and grazing and double fencing to prevent access to drainage and other cattle.

a. Such cattle may be:

(1) Retained in a feedlot for a period not to exceed 12 months.

(2) Sold for further feeding under feeder affidavit quarantine as provided in 3 MCAR §§ 2.011.

(3) Sold for slaughter.

(4) Upon application by the owner of such quarantined cattle, the board at its discretion may grant permission to the owner to make the necessary tests at his own expense to relieve the quarantine. In no case shall the requirements for tests be less than the tests required for breeding cattle.

(5) Moved to another state providing the movement is in compliance with state and federal regulations.

M. This rule shall be effective on January 1, 1981.

Rule as Adopted HG copy.

3 MCAR § 2.011 Eradication of bovine and bison brucellosis.

A. Definitions:

1. "Board" means the Minnesota State Board of Animal Health or its authorized agent.

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

3. A "herd" is all cattle under common ownership or supervision that are grouped on one or more parts of any single premises or all cattle on two or more premises geographically separated but on which the cattle have been interchanged or where there has been contact of cattle between the premises.

4. "Veterinarian" means a veterinarian licensed and accredited in Minnesota or a veterinarian of the USDA. - spell out

5. Test and testing.

a. Blood samples shall be collected and submitted by a veterinarian.

b. Standard plate test or other field tests approved by the board may be made by a veterinarian approved by the board to conduct field tests.

c. All blood samples accompanied by test charts in triplicate with results of field test recorded shall be submitted to a state or state-federal laboratory to confirm the field test. The laboratory test shall be the official test if there is more than one-half titer variation between the laboratory test and the field test.

d. Tests used at the state or state-federal laboratory shall include the buffered acidified plate antigen test (BAP), rapid screening test (RST), standard plate test (SPT), card test (BBA),

standard tube test (STT), rivanol test (RIV), complement fixation test (CF), and other tests approved by the Board.

6. "Ring Test" means the brucellosis agglutination test (BRT) of milk or cream.

7. "Market Cattle Test" (MCT) means a brucellosis test conducted on marketed cattle.

8. "Official brucellosis calfhood vaccinate" means female dairy cattle under 20 months of age vaccinated against brucellosis while from two through five months of age (60-179 days) and female beef cattle under 24 months of age vaccinated against brucellosis while from two through seven months of age (60-239 days) in accordance with these rules.

9. "Negative" means:

a. Official dairy vaccinates 20 months of age and over and beef vaccinates 24 months of age and over with brucellosis test titers not higher than complete agglutination at a 1:50 dilution on the standard plate test or standard tube test unless diagnosed suspect or reactor on basis of card test, rivanol test or complement fixation test.

b. Cattle more than six months of age when the standard plate test or standard tube test disclose reactions of not more than complete agglutination in the 1:25 dilution, if performed; are negative to the brucellosis card test, if performed; disclose 25 percent fixation or less (1 plus) at the 1:10 dilution on the complement fixation test, if performed: or disclose less than complete agglutination at the 1:25 dilution on the rivanol plate agglutination test, if performed. The board may accept variations. When? Criteria ?

c. Cattle negative to the rapid screening test when no other tests are performed.

d. Cattle negative to the buffered acidified plate antigen test when no other tests are performed.

10. "Suspect" means:

a. Official vaccinates of dairy breeds 20 months of age or over and official vaccinates of beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or post-parturient when they disclose any standard plate test or standard tube test agglutination reactions in the dilution of 1:100 or incomplete agglutination in the 1:200 dilution.

(1) Vaccinated cattle serologically negative to the standard plate test or standard tube test but which are positive to the brucellosis card test, if it is performed.

(2) Vaccinated cattle having less than 25 percent fixation (1 plus) in a dilution of 1:40 and 50 percent (2 plus) or more in a dilution of 1:10 to the complement fixation test, if it is performed.

b. All other cattle more than six months of age when they disclose any standard plate test or standard tube test agglutination reactions in a blood titer dilution of 1:50 or incomplete agglutination in the 1:100 dilution.

(1) Cattle serologically negative to the standard plate test or standard tube test but which are positive to the brucellosis card test, if it is performed.

(2) Cattle having less than 50 percent fixation (2 plus) in a dilution of 1:20 and 50 percent fixation (2 plus) or more in a dilution of 1:10 to the complement fixation test, if it is performed.

c. The board may accept variations.

11. "Reactor" means:

a. Official vaccinates of dairy breeds 20 months of age and over and official vaccinates of beef breeds 24 months of age and over (as evidenced by the presence of the first pair of permanent incisor teeth) or official vaccinates under these ages that are parturient (springers) or post-parturient when they disclose complete standard plate test or standard tube test agglutination reactions in the blood titer dilution of 1:200 or higher.

(1) Positive to the brucellosis card test where it has been the only test conducted.

(2) Disclose titers of 25 percent fixation (1 plus) in a dilution of 1:40 or higher on the complement fixation test, if it is performed.

(3) Disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test, if it is performed.

b. All other cattle more than six months of age when they disclose a complete agglutination reaction in the blood titer dilution of 1:100 or higher on the standard plate test or standard tube test.

(1) Are positive to the brucellosis card test where it has been the only test conducted.

(2) Disclose titers of 50 percent fixation (2 plus) in a dilution of 1:20 or higher on the complement fixation test.

(3) Disclose a complete agglutination reaction in the 1:25 dilution or higher on the rivanol test.

c. Found infected by isolation of Brucella abortus micro-organisms.

d. Cattle which show an increasing titer on consecutive tests.

e. The board may accept variations. when? / criteria ?

12. Exposed cattle means those that are part of a brucellosis infected herd or have been in contact with a brucellosis reactor 24 hours, or less than 24 hours if reactor has recently aborted, calved, or has a vaginal or uterine discharge. Starting January 1, 1982 the definition of exposed cattle shall be: cattle that are part of a known affected herd or have been in contact with brucellosis reactors in marketing channels regardless of the blood test results.

13. "Negative herd" means one in which no reactors or suspects were diagnosed on the last test and which is not under an infected herd quarantine.

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

15. "Infected herd" means one in which one or more reactors were diagnosed on the last test or which is under an infected herd quarantine.

16. "Cattle" means both bovine and bison.

B. General requirements.

1. Veterinarians shall report to the board all herds infected with bovine brucellosis, or suspected of being infected with bovine brucellosis.

2. The board may demand tests of infected herds, or cattle diagnosed as a suspect, or exposed cattle, or herd of origin of market cattle test reactors, or brucellosis ring test positive herds, or any

cattle when necessary for the eradication of bovine brucellosis, and the owner or his agent shall present them and assist with the testing.

3. Testing.

a. All cattle over six months of age shall be eligible for test except:

(1) Steers.

(2) Spayed heifers.

(3) Official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age which are not parturient or post-parturient.

(4) Feeding cattle in a dry lot area without pasture or grazing facilities.

(5) Feeding cattle of beef type and breed imported into the state on special permit and maintained under quarantine.

(6) Feeding cattle of beef type and breed sold under affidavit when under 18 months of age and maintained under quarantine.

b. The board may test all cattle in infected herds. OK discretion

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

d. Cattle tested shall be individually identified by an official ear tag with the Minnesota prefix inserted in the right ear, registry tattoo, registry number, or a private ear tag inserted by the owner or his agent which individually identifies each animal in the herd.

e. Suspects, exposed cattle and infected herds shall be retested at approximately 30 days intervals.

4. Reactors are to be identified and appraised upon demand within 15 days of the test date and with an official reactor tag in the left ear and a "B" hot brand at least two x two inches on the left jaw. Reactors must be sold within 15 days of appraisal for slaughter only, with a shipping permit. The time intervals may be extended by the cooperating state and federal officials for reasons mutually accepted.

5. Quarantines shall be established on all cattle in infected herds confining all cattle to the premises where tested and restraining them from water courses by fencing and from contacting adjacent herds. Cattle diagnosed suspect, or exposed cattle other than those in infected herds, or herd of origin of market cattle test reactors shall be quarantined to premises where tested or herd of origin.

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

b. Infected herd quarantines will be released after two consecutive negative herd tests, the first conducted at least 30 days after slaughter of all reactors and the second test not less than 90 days following the first negative test. An additional blood test of all test-eligible cattle in the herd shall be made not less than six months after release of an infected herd quarantine.

(1) Exception to intervals between tests are allowable when Brucella abortus Strain 19 organisms have been isolated from the reactor, or all epidemiologic evidence is consistent with Brucella abortus Strain 19 infection and not with virulent infection.

c. Suspects and exposed cattle other than those in infected herds will be released from quarantine when on the basis of test and supplemental test results a negative or vaccinate status is

allowed or when suspects or exposed cattle are shipped for slaughter with a shipping permit. If suspects requiring retest are not available a complete herd test is necessary unless it is determined on the basis of epidemiological investigation and evaluation of two or more consecutive retest and supplemental test results that the herd test is not indicated if the suspect is shipped for slaughter with a shipping permit.

d. Quarantines on herd of origin of market cattle test reactors will be released if a herd test disclosed no additional reactors and there is no evidence suggestive of Brucella infection or exposure thereto.

criteria?

6. A quarantine may be established on an entire herd until a final diagnosis is made when an animal from the herd discloses a reaction to the brucellosis test.

a. An infected herd quarantine shall be established if a reactor diagnosis is made.

b. Quarantine on herd shall be released if a suspect diagnosis is made.

criteria?

7. Restricted area quarantines may be established by the board when an owner refuses to comply with any part of this rule, confining all cattle to a defined area until the owner complies with the rule.

8. Movement of brucellosis quarantined reactor, exposed and suspect cattle.

a. Brucellosis quarantined cattle shall be sold only for slaughter at establishments where federal meat inspection is maintained or to public stockyards or state and federal markets approved to receive brucellosis quarantined cattle for sale to such establishments for slaughter and must be accompanied by a shipping permit.

(1) Reactors must be identified as provided in B.4. of this rule.

(2) Exposed cattle moved to slaughter or interstate must be identified with a hot "S" brand at least two x two inches on the left jaw.

(3) Brucellosis suspects or exposed cattle may be returned to their herd of origin from markets without being "S" branded if accompanied by a shipping permit.

(4) Brucellosis negative quarantined cattle may be moved to other premises of the owner if accompanied by a shipping permit issued by the board.

b. The owner shall give the shipping permit to the transporting agent, who shall give it to the consignee or his agent at time cattle are delivered, who shall receipt it and return it to the board.

c. A copy of all shipping permits issued is to be submitted to the board.

9. Infected premises shall be cleaned and disinfected under regulatory supervision within 15 days following removal of reactors. Extension and exemption may be authorized by the cooperating State and Federal officials.

10. Official vaccination:

a. Brucella vaccine shall be licensed by the United States Department of Agriculture.

(1) Vaccine shall be sold to and administered by veterinarians only.

(2) Vaccine shall be administered by the method and dosage described by the manufacturer or the board. HE 16

b. Brucella vaccine may be administered to female dairy cattle two through five months of age (60-179 days) and female beef

cattle two through seven months of age (60-239 days).

c. Cattle vaccinated must be identified with an official Minnesota vaccination tag in the right ear and a vaccination tattoo in the right ear: if already identified with an ear tag or an individual registration tattoo, an official Minnesota vaccination tag is not required. The vaccination tattoo will include U.S. Registered "Shield and V", which will be preceded by a number indicating the quarter of the year and will be followed by a number corresponding to the last digit of the year vaccination was done.

(1) Official Minnesota vaccination tags shall be applied by the veterinarian or under his direct supervision only at the time the vaccination is conducted. Vaccination tags shall not be used for retagging.

(2) Cattle shall not be retattooed with the vaccination tattoo unless a veterinarian obtains a permit from the board. Permits may be issued if the cattle have the same identification as at time of vaccination and the vaccination report is on file at the office of the board.

d. Complete reports of vaccinations shall be submitted to the board within 14 days of the vaccination on forms supplied.

e. Cattle vaccinated with Brucella abortus Strain 19 vaccine other than females of authorized ages shall not be official vaccinates, but shall be quarantined and when tested diagnosed as unvaccinated cattle.

C. Area plan participation.

1. The ring test shall be conducted at least three times per year at approximately equal intervals.

a. Herds with suspicious ring tests are to be tested within 30 days.

2. The board may collect blood samples for the brucellosis test from breeding cattle two years of age and over at concentration points, locker plants, and slaughtering establishments.

a. Reactors must be traced to herd of origin and the herd tested within 30 days or quarantined for test within six months.

3. Community notification of Brucellosis Affected Herds.

a. The board shall HE 15 notify other owners and caretakers of cattle herds of an affected herd by means of an educational letter delivered through personal contact or by mail within 30 days of the issuance of the quarantine.

(1) The board may determine the size of the notification area.

(2) When the infected herd quarantine is released, the herd owners and caretakers shall also be notified within 30 days by an educational letter delivered through personal contact or by mail.

4. Adjacent herd and epidemiologically traced herd testing.

a. The board may demand tests on adjacent herds, or herds sharing common pasture, having other contact with the affected herd, or herds containing previous purchases from or exchanges with the affected herd. Such herds may be placed under quarantine until the test is completed.

b. The board may recommend a second test of herds described in a. above. If the second test is not made, the veterinarian shall document the reasons the herd was not tested and furnish the owner a copy of such document.

D. Establishment and maintenance of Certified Brucellosis-Free Herds of cattle.

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

2. Certification. When at least two consecutive negative herd tests of all eligible cattle over six months of age are conducted not less than ten months or more than 14 months apart, the herd will be certified for a period of one year (365 days) and a Certified Herd Certificate issued.

a. Certification will be cancelled if:

(1) Additions to the herd are made contrary to the following paragraph, 3., of this Section, D., of this rule.

(2) If two or more reactors are disclosed in the herd.

(3) If only one reactor is disclosed, the certification is suspended until infected herd quarantine is released.

3. Additions to a Certified Herd.

a. No test requirements for cattle originating from Certified Brucellosis-Free Herds. Cattle originating from Certified Brucellosis-Free areas shall pass a negative test within 30 days prior to addition to a herd. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status for sale purposes until they have passed a 45-120 day post-entry retest.

b. Cattle originating from herds not under quarantine in Modified Certified Areas shall have passed a brucellosis test within 30 days prior to date of movement and then kept in isolation until they have passed a brucellosis retest made between 45 and 120 days after

being moved. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status for sale purposes until they have passed a 45-120 day post-entry retest.

c. Cattle from Noncertified areas must originate from a herd which has passed a brucellosis test within 12 months and must have passed an additional test made at least 60 days after the herd test and within 30 days prior to movement and then kept in isolation until they have passed a brucellosis retest made between 45 and 120 days after being moved. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status for sale purposes until they have passed the 45-120 day post-entry retest.

d. Non-test eligible vaccinated cattle, except cattle originating from a Certified-Brucellosis-Free Herd must be kept isolated until they have passed a brucellosis test. Cattle added to a Certified Brucellosis-Free Herd under this provision shall not receive new herd status until they have passed the 45-120 day post-entry test.

4. Recertification. All test eligible cattle in the herd over six months of age are required to pass a brucellosis test within 60 days prior to the anniversary date for continuous certification. If the certification test is conducted within 60 days following the anniversary date, the certification period will be 12 months from the anniversary date and not 12 months from the date of the recertifying test.

E. Sales of Cattle and leasing or loaning cattle for breeding.

1. All dairy cattle over six months (209 days) of age and beef cattle eight months (240 days) of age and over must be tested negative for brucellosis within 30 days prior to sale or lease or loan except:

a. Cattle sold directly to a slaughtering establishment

for immediate slaughter.

b. Cattle consigned to a public stockyards or state and federal approved markets.

c. Steers and spayed heifers.

d. Cattle from a certified brucellosis-free herd.

e. Official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or post-parturient.

f. Female feeding cattle under 18 months of age of beef type and breed sold in accordance with Minn. Stat. § 35.245, subd. 3 (1978) providing:

(1) The purchaser furnishes the seller and board copies of complete affidavits as furnished by the board.

(2) The board may inspect the cattle and the premises on which they are maintained at any reasonable time.

(3) There are facilities to maintain said cattle separate and apart from all other cattle except steers, spayed heifers, or other quarantined feeding cattle. The facilities shall include double fencing where the cattle are confined in such a manner as to prevent access to other cattle in adjoining yards, pastures, or fields, and such fencing as may be necessary to prevent access of the quarantined cattle to water courses or drainage ditches which flow through or discharge on such other yards, pastures, or fields.

(4) The owner shall account to the board for all quarantined feeding cattle, reporting those sold directly for slaughter, those resold for feeding (with an affidavit), those tested with permission of the board for sale as breeding stock, those which died and those which were slaughtered for consumption by the owner.

(5) If at any time it is determined that the cattle are not maintained in accordance with the terms of the affidavit or the rules of the board, the owner shall immediately correct the facilities for segregation and employ a veterinarian, at owner's expense, to test all cattle which have associated with or have been exposed to the quarantined cattle.

2. The vendor of all cattle eligible for test sold, leased, or loaned, shall provide the purchaser or lessee a certificate with a record of a negative brucellosis test, and, for official vaccinates not eligible for test, a certificate of vaccination or evidence of a legible official vaccination tattoo. Certificates are to be provided at the time possession of the cattle is transferred.

a. For cattle offered for sale at a public auction, a complete certificate of test and vaccination shall be posted in a prominent place on the sale premises on a form provided by the board and shall include the number of suspects disclosed on the sale test and not offered for sale and a statement signed by the owner showing the number of reactors and suspects in the herd within six months prior to date of the sale test. Except for vaccinates not eligible for test and without a legible official vaccination tattoo, individual certificates are not required.

3. Dealer recordkeeping. Any dealer who purchases, deals in, or sells cattle; or who acts as a commission representative or broker; or who operates and conducts an auction where cattle are sold shall maintain records for a period of two years as outlined in this section.

a. The records shall be maintained on all cattle except calves six months of age and under, steers, spayed heifers, and female

feeding cattle under 18 months of age of beef type and breed imported into Minnesota under special permit or sold in Minnesota under affidavit by:

(1) Individually identifying each animal.

(2) Showing the origin of each animal.

(3) Showing the destination of each animal.

(4) Showing the date of each transaction.

b. Dealers shall upon request furnish the board the origin and destination of any cattle handled by them when essential to determine the source and dissemination of disease.

4. Any test eligible cattle sold, leased or loaned without a negative brucellosis test within 30 days prior to sale, leasing, or loaning shall be quarantined to the premises of the person that received the cattle.

a. The quarantine will be in effect until the cattle are tested for brucellosis at the expense of the vendor.

b. Cattle which do not pass the brucellosis test shall be shipped for slaughter or returned to the premises of the vendor by permit issued by the board.

c. The board may notify the vendor and the person ~~receiving~~ the cattle of the provisions of this section in person or by letter.

F. Complete herd condemnation, except steers, including nonreactors and exposed cattle not eligible for test:

1. The Board of Animal Health through its Secretary and Executive Officer may condemn a complete herd, except steers, after having considered recommendations from the following:

a. Field veterinarian responsible for the herd.

b. State brucellosis epidemiologist.

c. Federal veterinarian in charge.

d. Veterinarian in Charge, Brucellosis Division, Board of Animal Health.

2. The persons named in F.1. shall consider the following factors:

a. Rapidity of spread within the herd.

(1) Nonreactors and exposed cattle may be condemned after the first test of all eligible cattle in the herd when 25% or more of the cattle tested are reactors.

(2) Nonreactors and exposed cattle may be condemned when the cumulative number of reactors disclosed in the herd equals 30% of the number of cattle on the first test of all eligible cattle in the herd.

(3) Nonreactors and exposed cattle may be condemned when a herd remains infected after six tests conducted at approximately 30 day intervals.

b. Danger of transmission to other herds.

c. Results of culture attempts to isolate Brucella.

(1) A positive culture, other than Strain 19, shall support a decision to condemn but a negative culture does not prohibit herd condemnation.

d. Number and percent of abortions among reactors, suspects and negatives.

e. Supplemental test results.

f. Evaluation of management practices.

g. Vaccination history.

h. Epidemiologic investigation.

i. Status of area as determined by tests on contact herds and surveillance testing with MCT or BRT.

3. Nonreactors and exposed cattle shall not be condemned or appraised unless the owner signs an agreement which provides:

a. Owner and any other holder of an interest in the herd certifies such interest and voluntarily agrees to the condemnation of the herd.

b. All cattle, except steers, shall be condemned and appraised.

(1) Steers may be kept on the premises under quarantine in an area approved by the board.

c. No cattle, except steers, shall be brought to the premises, sooner than 30 days following shipment of the condemned herd.

d. Indemnity will be paid, if funds are available, as provided by Minn. Stat. § 35.09, subd. 2a (1978).

e. Nonreactors and exposed cattle will be identified, appraised and sold as outlined in B.4. of this rule.

f. Premises shall be cleaned and disinfected following shipment of nonreactors and exposed cattle as outlined in B.8. of this rule.

Rule as Adopted. AG copy

All new material

3 MCAR § 2.012 Control of anaplasmosis

A. Definitions

1. Official anaplasmosis test -- a test for the diagnosis of anaplasmosis approved by the board and conducted in a United States Department of Agriculture (USDA) approved laboratory on samples submitted by an accredited veterinarian or a board approved field test conducted by an accredited veterinarian.

B. General requirements.

1. Veterinarians shall report all cases of anaplasmosis they diagnose in cattle and all cases suspected of being anaplasmosis.

2. All anaplasmosis tests will be at owner's expense except tests conducted to release quarantines which may be made by veterinarians of the board or United States Department of Agriculture (USDA) if personnel and funds are available.

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

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

a. Quarantines on infected herds will be released:

(1) When the entire herd has been shipped for slaughter with a shipping permit or;

(2) When all cattle in the herd six months of age and over have been tested and are negative.

(3) On all cattle negative on two tests conducted at least 30 days apart if all cattle responding on the first test were segregated when the owner was notified of the response and shipped for slaughter with a shipping permit or retained and treated under veterinary supervision at owner's HE IT expense.

5. Quarantines will be established on all cattle which have a positive response on any test for anaplasmosis. The quarantine will be served on the owner.

a. The quarantine will be released:

(1) When the responding animal is shipped for slaughter with a shipping permit.

(2) When the responding animal is tested and negative.

6. Vaccines for immunization of cattle for anaplasmosis are to be used only with prior permission of the board.