

Minnesota Attorney General: Administrative Rules Proceedings

Copyright Notice:

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

Version 3
August 20, 2018

MJM
10-16-92

RULE REVIEW CHECKLIST

File No. 1957
DATE RECEIVED 10-15-92
REVIEW DATE ~~10-24-92~~ 10-26-92
DUE DATE 10-29-92
~~(DIS)~~APPROVED 10-28-92
WITHDRAWN

Docket No. 05 0009 0098
ADOPTED W/O HEARING
EMERGENCY RULE
TO REVISOR ON 10-16-92
REVISOR (DIS)APPROVED 10-20-92
FILED W/SEC. OF STATE 10-28-92
RETURNED TO AGENCY 10-28-92

✓ Rule as adopted (4 copies)

___ Notice to Solicit Outside Information/Opinion (if applicable)
___ Date published in State Register
___ Comments

___ Petition for Adoption of a Rule

✓ Board's Authorizing Resolution
September 13, 1992 Date adopted

✓ Proposed Rule
✓ Revisor's Certificate

✓ Notice of Intent to Adopt Rule
35.03, 35.251 Statutory Authority 35.245
✓ Small Business Statement
___ Expenditure of public money statement
August 31, 1992 Signature Poor and confusing

___ Statement of Need and Reasonableness (if applicable)
✓ Small Business Statement
___ Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule
September 14, 1992 Dated 30/25 days before adoption
___ Notice attached indicates it is attached
___ Copy of rule or summary attached

✓ Publication in State Register
September 14, 1992 Date 30/25 days before adoption

✓ 180-day deadline from:
✓ Effective date of law requiring rule (14.12) (both rules) amendments don't apply
✓ end of comment period (§ 14.26) (rules without hearing)
___ effective date of statutory authority (§ 14.29) (emergency rules)

✓ Resolution Adopting
September 25, 1992 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting
Oct 14, 1992 Date

NA Written Requests, Submissions or Comments

___ Declaration of Attorney
Paul Strandberg Name of SAAG representing agency

___ Notice of Submission to Attorney General (if applicable)

___ Affidavit of Mailing Notice to Attorney General (if applicable)

STATE OF MINNESOTA

Office of the Attorney General

TO : WILLIAM L. HARTMAN DVM, MS
Minnesota Board of Animal Health
Room 119
90 West Plato Boulevard
St. Paul

DATE : October 28, 1992

FROM : MARY JO MURRAY
Special Assistant
Attorney General

PHONE : 296-3258

SUBJECT : In the Matter of the Adopted Rule Relating to Disease Control

The above-referenced rule has been approved as to its legality by the Attorney General on October 28, 1992.

Enclosed is your copy of the approved rule. This office has already filed two copies with the Secretary of State, who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submissions or comments along with any extra copies of documents which you submitted to the Attorney General.

Your next step is to arrange for publication of the Notice of Adoption in the State Register. In a day or two, you should receive from the Revisor's Office three copies of the notice of adoption of your rule. You should submit two copies of the Notice of Adoption to the State Register for publication. A permanent rule without a hearing does not become effective until five days after a notice of adoption is published in the State Register in accordance with Minn. Stat. § 14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. § 14.34.

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

Enclosures
cc: Paul Strandberg
William Brown, Chief Judge
MaryAnn Hruby

MJM:jj.rules.bc5

Board of Animal Health

Adopted Permanent Rules Relating to Disease Control

Rules as Adopted

IMPORTATION OF CATTLE AND BISON

1700.0100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to this chapter.

[For text of subps 2 to 5, see M.R.]

Subp. 6. **Breeding cattle.** "Breeding cattle" means all cattle except steers, spayed heifers, and heifers of beef breed between the ages of six and 18 months imported for feeding purposes, or slaughter cattle as defined in subpart 17.

[For text of subps 7 and 8, see M.R.]

Subp. 8a. **Certificate of veterinary inspection.** "Certificate of veterinary inspection" 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 must include a statement of the origin of the cattle and the name and address of the consignee.

[For text of subps 9 to 11, see M.R.]

Subp. 12. [See repealer.]

[For text of subp 13, see M.R.]

Subp. 14. **Official calfhood vaccinate.** "Official calfhood vaccinate" means a female bovine animal vaccinated against brucellosis with an approved Brucella vaccine while from four to ten months (120 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.

[For text of subp 15, see M.R.]

Subp. 16. **S-branded cattle.** "S-branded cattle" means cattle that have been identified by branding with a hot iron the

letter "S" at least two by two inches on the left jaw or high on the tailhead over the fourth to seventh coccygeal vertebrae.

[For text of subp 17, see M.R.]

1700.0200 CATTLE CONSIGNED TO PUBLIC STOCKYARDS, APPROVED MARKETS, OR SLAUGHTERING ESTABLISHMENTS.

Cattle of any class may be consigned without a certificate of veterinary inspection or tests to a public stockyard or market approved under parts 1715.0780 to 1715.1250.

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

1700.0500 SHIPMENTS OF CATTLE NOT NEEDING CERTIFICATES OF VETERINARY INSPECTION.

The shipments of cattle in items A and B do not need certificates of veterinary inspection:

A. cattle of any class consigned to the public stockyards or markets approved under parts 1715.0780 to 1715.1250; and

B. slaughter cattle shipped directly to slaughtering establishments under federal inspection.

1700.0550 CATTLE RETURNED TO MINNESOTA FROM PASTURE.

Cattle not under quarantine owned by Minnesota residents who are not livestock dealers may be returned to the herd of origin from pastures in other states without tests or certificates of veterinary inspection if a permit is secured from the board prior to movement.

Permits for return from pasture may be issued by the executive secretary or a designee if the pasture is owned, leased, or operated by the Minnesota resident, the pasture is contiguous to Minnesota land owned by the applicant, only the applicant's cattle are in the pasture, and the pasture has been inspected by a representative of the board.

1700.0600 CERTIFICATES OF VETERINARY INSPECTION FOR CATTLE.

Cattle of any class consigned to individuals or to state approved markets must be accompanied by a certificate of veterinary inspection. Certificates of veterinary inspection must 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 parts 1700.0100 to 1700.1500;

D. the results of all tests required in parts 1700.0700 to 1700.1050;

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; and

H. permit number where required.

All certificates of veterinary inspection must be submitted to the animal health office of the state of origin for approval within one week of the issue date.

1700.0700 REQUIREMENT FOR BRUCELLOSIS TEST.

Official tests for brucellosis in the state of origin must be used. All tests must be confirmed at a state-federal cooperative laboratory. Cattle may commence movement based on negative tests by authorized persons prior to laboratory confirmation.

With the exception of items A to G, all cattle must be negative to brucellosis tests within 30 days prior to movement into Minnesota:

A. cattle from certified brucellosis-free herds or certified brucellosis-free states not going through cattle concentration points, as defined in part 1705.0060, subpart 2a;

B. calves under six months of age;

C. cattle shipped directly to the public stockyards or markets approved under parts 1715.0780 to 1715.1250;

D. slaughter cattle going directly to a slaughtering

establishment under federal inspection;

E. official calfhood vaccinated dairy heifers under 20 months of age and official calfhood vaccinated beef heifers under 24 months of age;

F. beef-type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board; and

G. steers and spayed heifers.

1700.0800 REQUIREMENT FOR ANAPLASMOSIS TEST.

With the exception of items A to G, all cattle must be tested negative to an official anaplasmosis test at an approved laboratory within 30 days prior to movement:

A. calves under six months of age;

B. cattle shipped directly to a public stockyard or markets approved under parts 1715.0780 to 1715.1250;

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 from Canada, states adjacent to Minnesota, and the low incidence states determined by United States Department of Agriculture annual survey; and

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

1700.1050 REQUIREMENT FOR TUBERCULOSIS TEST.

All bison six months of age and over must be negative to a caudal fold tuberculin test within 60 days prior to movement into Minnesota.

1700.1200 CATTLE UNDER QUARANTINE.

Cattle imported without a certificate of veterinary inspection except where specifically exempted in parts 1700.0100

to 1700.1500, or imported when not in compliance with parts 1700.0100 to 1700.1500 are under quarantine. The cattle must be examined and tested to meet the requirements of parts 1700.0100 to 1700.1500 by an accredited veterinarian at owner's expense within 72 hours thereafter. Cattle that are not negative to brucellosis or anaplasmosis must 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 must be sent to slaughter with permit, returned to the point of origin with permit, or continued in quarantine at the direction of the board.

1700.1300 PERMITS.

The types of cattle in items A to D may be imported with a certificate of veterinary inspection for a stated purpose provided a permit is obtained from the board prior to movement:

A. calves less than two months of age;

B. cattle from class B and class C states;

C. female feeding cattle of beef type and breed less than 18 months of age entering for feeding purposes without tests; or

D. cattle that have been sampled for anaplasmosis, the results of which are pending.

1700.1400 CATTLE IMPORTED FROM STATES NOT CERTIFIED BRUCELLOSIS-FREE.

Cattle may be imported from states that are not certified brucellosis-free if the requirements in items A and B are met. Cattle originating in Minnesota that are out of Minnesota for less than 30 days for an exhibition or as embryo donors or recipients are exempt.

A. Cattle from class A states require a negative test within 30 days prior to movement.

B. Cattle from class B or class C states require a permit, a negative test within 30 days prior to movement, and a retest in not less than 45 nor more than 120 days following arrival.

1700.1500 IMPORTING FEEDING CATTLE.

Feeding cattle may be imported as follows: steers, spayed heifers, and calves under six months of age must be listed on a certificate of veterinary inspection but need not be identified or tested; heifers of beef type and breed under 18 months of age must be listed on a certificate of veterinary inspection but need not be identified or tested provided a permit is secured from the board. Cattle of this class imported from states classified with "B" or "C" status by Veterinary Services, United States Department of Agriculture, must be branded on the jaw with a hot iron with the letter "F" at least two inches high. The cattle must be segregated from all other cattle except steers, spayed heifers, like quarantined cattle, or cattle purchased in accordance with a feeder affidavit quarantine as provided in parts 1705.0060 to 1705.0540. Segregation must consist of a drylot with no pasturing and grazing and double fencing to prevent access to drainage and other cattle. The cattle may be: retained in a feedlot for a period not to exceed 12 months; sold for further feeding under feeder affidavit quarantine as provided in parts 1705.0060 to 1705.0540; sold for slaughter; or moved to another state if the movement is in compliance with state and federal regulations.

Upon application by the owner of quarantined cattle that originated in states classified "A" or "Free" by Veterinary Services, United States Department of Agriculture, the board at its discretion may grant permission to the owner to make the necessary tests at the owner's expense to relieve the quarantine. The requirements for tests must not be less than the tests required for breeding cattle.

IMPORTATION OF DOGS AND CATS

1700.1600 CERTIFICATES OF VETERINARY INSPECTION FOR IMPORTATION OF DOGS AND CATS.

All dogs and cats imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian except:

A. performing dogs and cats in professional animal acts;

B. dogs and cats for exhibition which are covered by parts 1715.0010 to 1715.0190;

C. dogs and cats for research at educational and scientific institutions; and

D. dogs and cats entering a veterinary facility for treatment, surgery, or diagnostic procedures.

1700.1700 CONTENTS OF CERTIFICATES OF VETERINARY INSPECTION.

A certificate of veterinary inspection must certify that the dog or cat has been inspected and is free of visible signs of infectious, contagious, or communicable disease and certify that if the dog or cat is three months of age or over, it has a current rabies vaccination with a United States Department of Agriculture licensed rabies vaccine according to the package insert directions. The name of the vaccine, vaccine serial number, and date of vaccination or revaccination are to be entered on the certificate of veterinary inspection. A copy must be forwarded to the Board of Animal Health by the approving agency of the state of origin.

IMPORTATION OF GOATS

1700.1900 CERTIFICATE OF VETERINARY INSPECTION FOR GOATS.

All goats imported into Minnesota for purposes other than slaughter must be accompanied by a certificate of veterinary inspection showing individual identification by ear tag number, tattoo, or registration number for all goats six months of age and over.

A copy of the certificate of veterinary inspection approved by the animal health official of the state of origin must be immediately forwarded to the Board of Animal Health.

IMPORTATION OF HORSES, MULES, AND ASSES

1700.2100 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.2100 to 1700.2550.

[For text of subps 2 to 5, see M.R.]

Subp. 5a. **Official test.** "Official test" means the Coggins test or other tests approved by the United States Department of Agriculture conducted at a United States Department of Agriculture approved laboratory.

Subp. 6. **Reactor.** "Reactor" means any horse which discloses a positive reaction to an EIA test.

1700.2200 CERTIFICATES OF VETERINARY INSPECTION FOR HORSES.

All horses imported into Minnesota must be accompanied by a certificate of veterinary inspection issued by an accredited veterinarian within 30 days prior to date of importation except:

A. performing horses used by rodeos, circuses, and as animal acts;

B. horses brought into the state for participation in trail rides, exhibitions, and horse shows where the horses are examined by an official veterinarian;

C. horses consigned to slaughtering establishments under federal inspection; and

D. reactors consigned to a federally inspected slaughtering establishment operated under the Federal Meat Inspection Act that are officially identified and accompanied by a shipping permit issued at the point of origin by a state or federal veterinarian or an accredited veterinarian.

A test is not required for horses listed as exceptions in this part or suckling foals accompanying a negative dam.

1700.2300 CONTENTS OF CERTIFICATE OF VETERINARY INSPECTION.

The certificate of veterinary inspection must certify that the horses have been examined by an accredited veterinarian within 30 days prior to importation and must include an accurate and complete description of each horse in the shipment including age, sex, color, and markings. Registered horses may be identified by registration name and number.

The certificate of veterinary inspection must certify that all horses in this shipment were negative to an approved test for EIA conducted at an approved laboratory within 12 months

prior to date of importation. The test date and the name of the laboratory must be recorded on the certificate of veterinary inspection.

A copy of the certificate of veterinary inspection approved by the chief livestock regulatory official of the state of origin must be mailed to the board.

1700.2310 PERMITS.

If a blood sample has been drawn but there is insufficient time to obtain the laboratory results of the EIA test prior to the importation, a permit for the importation of horses without final laboratory results may be obtained from the board if the veterinarian requesting the permit agrees to submit the laboratory results promptly to the board.

1700.2400 SALES.

Horses imported into Minnesota for sale or resale must be accompanied by a certificate of veterinary inspection and must be tested and negative for EIA before leaving the sale premises if sold to remain in Minnesota, unless the certificate of veterinary inspection certifies to a negative test for EIA conducted at an approved laboratory within 12 months prior to the date of sale.

1700.2450 REACTORS.

Reactors must be quarantined, destroyed, consigned for slaughter to a slaughtering establishment under federal inspection, or returned to the state of origin under a permit issued by the state of origin. Reactors may not be moved intrastate except on a permit issued by the board. Reactors may only be moved interstate in accordance with Code of Federal Regulations, part 75.

1700.2500 HORSES IMPORTED WITHOUT THE REQUIRED TEST FOR EIA.

Horses imported without the required test for EIA must be quarantined for an immediate test at the owner's expense. The test must be completed within 30 days of entry into Minnesota.

IMPORTATION OF POULTRY

1700.3110 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.3110 to 1700.4500.

Subp. 2. **Backyard chickens.** "Backyard chickens" means chickens of any breed in a flock that contains less than 1,000 birds.

Subp. 3. **Board.** "Board" means the Board of Animal Health.

Subp. 4. **Control program.** "Control program" means one or more of the state or state and federal cooperative programs for the control or eradication of poultry diseases.

Subp. 5. **Disease control classification.** "Disease control classification" means the negative status of a flock as pertaining to one or more of the control program diseases.

Subp. 6. **Other domesticated fowl.** "Other domesticated fowl" means fancy, exhibition, and game chickens, waterfowl, and game birds maintained in captivity, excluding pigeons and doves.

Subp. 7. **Poultry.** "Poultry" means turkeys, chickens, and other domesticated fowl.

1700.3400 POULTS, CHICKS, AND HATCHING EGGS.

Hatching eggs and poultry under five months of age may be imported under the conditions in items A to C.

A. The importer must have a certificate of veterinary inspection or National Poultry Improvement Plan Form VS 9-3.

B. The importer must have a permit from the board. Annual permits are available. The application for a permit must be endorsed by the official disease control agency of the state of origin and must indicate the disease control classifications of the flock of origin.

C. The flocks of origin must have the disease control classifications as follows:

(1) turkeys, including wild and exhibition turkeys: salmonella pullorum-typhoid, salmonella typhimurium, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored;

(2) egg-type chickens: salmonella

pullorum-typhoid, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored;

(3) meat-type chickens: salmonella pullorum-typhoid, mycoplasma gallisepticum, and mycoplasma synoviae; and

(4) backyard chickens, exhibition, game, and waterfowl: salmonella pullorum-typhoid.

1700.3600 SHIPPING CONTAINERS.

Only new or cleaned and disinfected poultry boxes or containers may be used to ship poultry into Minnesota. The name and address of the consignor and consignee, the breed, the disease control classifications, and the Minnesota permit number must be on the container or on the invoice that accompanies the container.

1700.3700 EXCEPTIONS.

The board may waive the requirement for certain disease classifications for obtaining a poultry importation permit if the classification is no longer available.

Birds imported for immediate slaughter are exempt from parts 1700.3400 and 1700.3800.

1700.3800 ADULT POULTRY.

Poultry over five months of age may be imported only under the conditions in items A to C.

A. The importer must have an official certificate of veterinary inspection certifying that the poultry are free from evidence of any infectious, contagious, or communicable disease and have not been exposed to such a disease.

B. The poultry must be tested for or have the following disease control classifications:

(1) turkeys, including wild and exhibition turkeys: salmonella pullorum-typhoid, salmonella typhimurium, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored;

(2) egg-type chickens: salmonella

pullorum-typhoid, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored;

(3) meat-type chickens: salmonella pullorum-typhoid, mycoplasma gallisepticum, and mycoplasma synoviae; and

(4) backyard chickens, exhibition, game, and waterfowl: salmonella pullorum-typhoid.

C. Upon arrival, all birds must be kept separate from other poultry for at least 30 days. Retesting for their respective disease control classifications is recommended.

IMPORTATION OF CERVIDAE

1700.4900 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.4900 to 1700.5300.

Subp. 2. **Cervidae.** "Cervidae" means all mammals of the family Cervidae, including deer, elk, moose, caribou, and reindeer.

1700.5000 REQUIREMENT FOR IMPORT PERMIT.

A permit must be obtained prior to the importation of any Cervidae.

1700.5100 REQUIREMENT FOR CERTIFICATE.

All Cervidae imported into Minnesota must be accompanied by a certificate issued by an accredited veterinarian.

1700.5200 REQUIREMENT FOR BRUCELLOSIS TEST.

All Cervidae six months of age and over must be negative to a brucellosis test within 30 days prior to movement into Minnesota.

1700.5300 REQUIREMENT FOR TUBERCULOSIS TEST.

All Cervidae six months of age and over must be negative to a test for tuberculosis approved by the board within 90 days prior to movement into Minnesota.

ERADICATION OF BOVINE AND BISON BRUCELLOSIS

1705.0060 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1705.0060 to 1705.0510.

Subp. 1a. **Board.** "Board" means the Minnesota Board of Animal Health or its authorized agent.

Subp. 2. **Cattle.** "Cattle" means both bovine and bison.

Subp. 2a. **Cattle concentration point.** "Cattle concentration point" means a facility or location where cattle are assembled for sale or resale for feeding, breeding, or slaughter purposes and where contact may occur between groups of cattle from various sources. Cattle concentration point includes, without limitation, a public stockyard, auction market, state or federal market, consignment sale location, and livestock dealer's yard, truck, and facilities.

Subp. 3. **Exposed cattle.** "Exposed cattle" means 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.

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Market cattle test or MCT.** "Market cattle test" or "MCT" means a brucellosis test conducted on marketed cattle.

Subp. 7. **Official brucellosis calfhood vaccinate.** "Official brucellosis calfhood vaccinate" means female dairy cattle under 20 months of age and female beef cattle under 24 months of age vaccinated against brucellosis using Brucella abortus vaccine, strain 19, live culture, reduced dose while they are from four to ten months (120 to 299 days) of age.

Subp. 8. **Owner.** "Owner" means the legal owner, the owner's agents, and the person in possession of or caring for the cattle.

[For text of subps 9 to 15, see M.R.]

Subp. 16. **Veterinarian.** "Veterinarian" means a veterinarian licensed and accredited in Minnesota or a veterinarian of the United States Department of Agriculture.

1705.0260 OFFICIAL VACCINATION.

Brucella vaccine must be licensed by the United States

Department of Agriculture. Vaccine must be sold to and administered by veterinarians only. Vaccine must be administered by the method and dosage described by the manufacturer or the board.

Brucella abortus vaccine, strain 19, live culture, reduced dose, may be administered to female dairy and beef cattle while they are from four to ten months (120 to 299 days) of age.

1705.0310 CATTLE VACCINATED WITH BRUCELLA ABORTUS STRAIN 19 VACCINE.

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

1705.0320 AREA PLAN PARTICIPATION.

The ring test must be conducted at least twice a year at approximately equal intervals. Herds with suspicious ring tests must be investigated within 30 days.

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. Reactors must be traced to herd of origin and the herd investigated within 30 days.

1705.0430 SALES OF CATTLE AND LEASING OR LOANING CATTLE FOR BREEDING.

All cattle over six months (209 days) of age passing through a cattle concentration point 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. official dairy vaccinates under 20 months of age and beef vaccinates under 24 months of age not parturient or

postparturient;

E. female feeding cattle under 18 months of age of beef type and breed sold in accordance with Minnesota Statutes, section 35.245, subdivision 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; and

(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 must 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.

1705.0460 CERTIFICATES.

The vendor of all cattle passing through a cattle concentration point and 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 must be provided at the time possession of the cattle is transferred.

1705.0510 TEST ELIGIBLE CATTLE WITHOUT NEGATIVE BRUCELLOSIS TEST.

Any test eligible cattle, passing through a cattle concentration point, sold, leased, or loaned without a negative brucellosis test within 30 days prior to sale, leasing, or loaning must be quarantined to the premises of the person that received the cattle. The quarantine must be in effect until the cattle are tested for brucellosis at the expense of the vendor. Cattle which do not pass the brucellosis test must be shipped

for slaughter or returned to the premises of the vendor by permit issued by the board.

ERADICATION OF BOVINE TUBERCULOSIS

1705.0840 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1705.0840 to 1705.1085.

Subp. 1a. **Board.** "Board" means the Minnesota Board of Animal Health or its authorized agent.

Subp. 1b. **Cervidae.** "Cervidae" means all mammals of the family Cervidae, including deer, elk, moose, caribou, and reindeer.

[For text of subps 2 to 11, see M.R.]

1705.1040 ESTABLISHMENT AND MAINTENANCE OF TUBERCULOSIS-FREE ACCREDITED CATTLE HERD.

An agreement to comply with parts 1705.0840 to 1705.1085 must be signed and filed with the board by the owner.

1705.1081 ESTABLISHMENT AND MAINTENANCE OF TUBERCULOSIS-FREE ACCREDITED CERVIDAE HERD.

An agreement to comply with parts 1705.0840 to 1705.1085 must be signed and filed with the board by the owner.

1705.1082 ACCREDITATION.

If all Cervidae over six months of age have been found negative on an initial test for tuberculosis approved by the board and on two retests at intervals of ten to 14 months on all Cervidae over six months of age and all herd additions other than natural additions have been found negative on a test for tuberculosis approved by the board, the herd must be accredited for a period of 24 months (730 days) and a certificate of accreditation must be issued.

1705.1083 CANCELLATION OR SUSPENSION OF ACCREDITATION.

Accreditation must be canceled if additions are made contrary to part 1705.1084 or an isolation of mycobacterium bovis is made. Accreditation must be suspended if an animal in

the herd is positive to a test for bovine tuberculosis. This suspension must end if a determination is made that the animal is not infected with bovine tuberculosis.

1705.1084 ADDITION TO ACCREDITED HERDS.

Additions to accredited herds must be from an accredited herd. Individual Cervidae from an untested herd that are to be added to an accredited herd must be negative to a test for tuberculosis approved by the board within 90 days prior to entry and be kept isolated from all Cervidae in the accredited herd until negative to a test for tuberculosis approved by the board conducted at least 90 days after entry. Cervidae added under the immediately preceding category must not receive accredited herd status for sale purposes until they have been members of the herd at least 90 days and included in a herd retest.

1705.1085 REACCREDITATION.

Herds must be reaccredited for 24 months from the anniversary date of the accreditation if all animals over six months of age and all additions other than natural additions have been found negative to a test for tuberculosis approved by the board and all natural additions have been individually identified and recorded on the report of the test as members of the herd at the time of the reaccreditation test. The test for reaccreditation must be within a period of 22 to 26 months of the anniversary date of the accreditation.

PUBLIC EXHIBITION OF LIVESTOCK AND POULTRY IN MINNESOTA

1715.0005 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1715.0005 to 1715.0162.

[For text of subps 2 and 3, see M.R.]

Subp. 3a. **Other domesticated fowl.** "Other domesticated fowl" means fancy, exhibition, and game chickens, waterfowl, and game birds maintained in captivity, excluding pigeons and doves.

Subp. 3b. **Poultry.** "Poultry" means turkey, chickens, and other domesticated fowl.

[For text of subps 4 and 5, see M.R.]

Subp. 6. [See repealer.]

Subp. 7. **Turkeys.** "Turkeys" means domestic, exhibition, and wild turkeys maintained in captivity.

1715.0072 EXHIBITION OF CATTLE.

Cattle must be examined by the official veterinarian on the day they are admitted to the exhibition.

1715.0105 SWINE PSEUDORABIES.

All swine, except swine entered in a slaughter class pursuant to part 1715.0060, must:

A. have had a negative pseudorabies test conducted within 30 days prior to the opening date of the exhibition, a record of which and the result must be entered on a test chart or certificate of veterinary inspection and presented to the official veterinarian at the time of entry; or

B. originate from a qualified pseudorabies negative herd or a pseudorabies-controlled vaccinated herd pursuant to parts 1705.2480 and 1705.2490, with the qualified herd number or pseudorabies-controlled vaccinated herd number and date of last qualifying test reported to the official veterinarian at the time of entry.

1715.0110 EXHIBITION OF SHEEP.

Sheep must be examined by the official veterinarian on the day they are admitted to the exhibition.

1715.0115 EXHIBITION OF GOATS.

Goats must be examined by the official veterinarian on the day they are admitted to the exhibition.

1715.0130 EXHIBITION OF HORSES.

Horses must be examined by the official veterinarian on the day they are admitted to the exhibition. Trail rides are exempt from the requirements of part 1715.0040, items C and D, and this part. Those horse shows which are programmed to be completed within a period of 12 hours and at which horses are not stabled

overnight are exempt from the requirements of part 1715.0040, items C and D, and this part. The commission veterinarian shall enforce the provisions of this part on horses brought to a racetrack licensed by the Minnesota Racing Commission. If no commission veterinarian has been appointed, the management shall employ an official veterinarian as defined in part 1715.0005, subpart 3.

1715.0140 EXHIBITION OF POULTRY.

Poultry, except waterfowl and pigeons, must be individually identified with a leg or wing band and accompanied by a form approved by the board to show compliance with one of the following: negative test for pullorum-typhoid disease conducted within 90 days prior to the opening date of the exhibition; originate directly from parent stock tested and found negative for pullorum-typhoid disease within the last 12 months. In addition, turkeys must be negative for salmonella typhimurium, mycoplasma gallisepticum, and mycoplasma synoviae.

ENTRANCE REQUIREMENTS FOR LIVESTOCK AND POULTRY ORIGINATING OUTSIDE MINNESOTA

1715.0160 CATTLE, GOATS, SWINE, POULTRY, AND SHEEP.

All cattle, goats, swine, poultry, and sheep must meet all requirements in parts 1715.0005 to 1715.0162 for livestock and poultry originating in Minnesota and must also meet the board's importation requirements of parts 1700.0100 to 1700.1500, 1700.1800 to 1700.2000, 1700.2600 to 1700.3010, 1700.3100 to 1700.3800, 1700.4600, and 1700.4700. Certificates of veterinary inspection and required tests, except pseudorabies tests for swine which must be made within 30 days, must be accepted if issued and conducted within 90 days prior to the opening date of the exhibition.

APPROVED MARKETS FOR CATTLE

1715.0780 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1715.0780 to 1715.1180.

[For text of subps 2 to 6, see M.R.]

Subp. 6a. **Certificate of veterinary inspection.** "Certificate of veterinary inspection" means a certificate issued by a veterinarian, on an official form of the state of origin, certifying that the animals are free from visible signs of contagious, infectious, or communicable disease. Statements with reference to brucellosis status of area of origin and name and address of consignee shall be included. Record of tests or vaccination and individual identification must be recorded when required.

[For text of subp 7, see M.R.]

Subp. 8. [See repealer.]

[For text of subps 9 and 10, see M.R.]

Subp. 11. **Official vaccinate.** "Official vaccinate" means a female bovine animal vaccinated against brucellosis with an approved Brucella vaccine while from four to ten months (120 to 299 days) of age, permanently identified as a vaccinate, and reported at the time of vaccination to the appropriate state or federal agency.

[For text of subp 12, see M.R.]

1715.0850 CERTIFICATES OF VETERINARY INSPECTION.

The official veterinarian shall examine and accept or refuse certificates of veterinary inspection of all cattle consigned to the sale, and prohibit the sale of cattle not accompanied by proper certificates of veterinary inspection until necessary examinations and required tests are completed.

1715.0870 MASTER TEST SHEET AND OTHER MARKET RECORDS.

Cattle moving through the market accompanied by certificates of veterinary inspection must be listed on the master test sheet, and along with data as to the certificate of veterinary inspection. Certificates of veterinary inspection accompanying cattle must be maintained with other market records.

1715.0960 PAVING WITH IMPERVIOUS MATERIALS.

Sales rings, alleys, testing chutes, and pens used for all

livestock, must be paved with cement or other impervious materials.

1715.1100 CATTLE FROM OTHER STATES.

Cattle originating in other states may be consigned to the market when accompanied by a certificate of veterinary inspection complying with the Minnesota importation requirements and certifying to origin in a modified certified brucellosis area, or a certificate of veterinary inspection showing individual identification, certifying to origin in a modified certified brucellosis area, or a declaration signed by the owner showing address of origin, description and number of cattle in shipment, destination, and further stating cattle are not under quarantine because of disease.

1715.1130 CERTIFICATE OF VETERINARY INSPECTION.

Cattle entering market accompanied by a certificate of veterinary inspection certifying to origin in a modified certified brucellosis area are subject to tests at the market.

1715.1140 CATTLE SOLD WITHOUT FURTHER TESTING.

Cattle entering market accompanied by certificate of veterinary inspection with necessary tests for brucellosis conducted within 30 days prior to date of importation and recorded thereon, and certifying to origin in modified certified brucellosis area, may be sold without further testing.

1715.1180 BRUCELLOSIS TEST EXCEPTIONS.

All dairy cattle over six months of age and all beef cattle eight months of age and over must pass a negative test for brucellosis prior to release from the market, except:

A. steers;

B. cattle from certified brucellosis-free herds;

C. cattle accompanied by a record of a brucellosis test signed by a veterinarian showing the cattle have been tested for brucellosis and found negative less than 30 days before the date of sale while owned by the consignor;

D. official vaccinates of dairy breeds under 20

months of age and beef breeds under 24 months of age;

E. female cattle of beef type, under 18 months of age sold for feeding and grazing purposes under permit or affidavit and quarantine; and

F. cattle for immediate slaughter, identified with an official backtag.

REPEALER. Minnesota Rules, parts 1700.0100, subpart 12; 1700.2000; 1700.3100; 1705.0470; 1715.0005, subpart 6; 1715.0070; 1715.0080; 1715.0100; 1715.0120; 1715.0180; 1715.0780, subpart 8; 1720.0820; 1720.0830; 1720.0840; and 1720.0850, are repealed.

APPROVED AS TO FORM AND LEGALITY

Oct 28 1992

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 28 1992

Joan Anderson Growe
Secretary of State

10:42a

Stat Authority 35.03
The board shall protect the health of Minnesota domestic ... The board shall make rules necessary to protect the health of domestic animals.

35.251 Anaplasmosis Testing
Breeding cattle entering MN must have a health certificate evidencing a negative test ... The board may adopt rules to implement this section.

35.245 Cattle, Sale Lease Loan
Untested, unvaccinated cattle
subd 2 Tests and vaccination
subd 3 Female cattle; sale without test or vaccination etc.

Findings of Fact
No statement about comments

Rules - SONAR
didn't list
reflects changes explained in 0100 def.
What about reasons for 1700.0200 and 1700.0500, 1700.0550, 1700.0600

~~what about the cats — 1700.1600 why new~~

SONAR

~~What about the Horses, mules, and asses~~
~~(1700.2100, 1700.2200 -~~
what about 1700.2100 5a in SONAR it is on 1st page but not specifically ID'd + is sup'd -

what in the world is a sucking foals ~~accompl~~ accompanying a negative dam.
(, 1700.2200 D.)

If mom is negative, kid doesnt need test. not adeq. explained not new? E.?

1700.2450 - they are adding new material
1700.4800 ~~pbd~~ explanation is in the SONAR but not the rules - O.K. they are moving them to another part I do not believe this sonar is awful.

~~What about 1705.0840 - 1705.1081~~

Revisor change
1705.1082
not addressed
1705.1081

~~What about 1715.0072~~

Bill Hartman
6-2942
ex. 27
Agriculture

1700.0820 - .050 -
stated in SONAR that they are repealed but they aren't
1720.0820 - .0850 are repealed

no one requested a SONAR
- Thank Goodness

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

AUTHORIZING RESOLUTION

I, Dr. Sharon Hurley, do hereby certify that I am a member and the President of the Board of Animal Health, 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 Board of Animal Health duly and properly called and held on the 13th day of September, 1991, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that Dr. T. J. Hagerty, the Executive Secretary of the Board of Animal Health, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to amend the following rules without a Public Hearing to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto. The rules involved are governing:

1. Importation of Cattle and Bison

   Part 1700.0100
   This part changed and a new rule part 1700.1050 will be written.

2. Importation of Bison and Elk

   Part 1700.4800
   This part is to be repealed and a new rule, beginning with Part 1700.4900 will be written.

3. Importation of Dogs

   Part 1700.1700
   This part is to be changed to include cats.

4. Importation of Poultry

   Part 1700.3100
   This part is to be repealed and a new rule Part 1700.3110 will be written.

   Part 1700.3600
   This part is to be repealed.

   Part 1700.3700 - 1700.3800
   These parts are to be changed."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of September, 1991.

Sharon L. Hurley
Sharon Hurley, President
Board of Animal Health

Henry L Banal
Attest by one other Board Member

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

AUTHORIZING RESOLUTION

I, Dr. Sharon Hurley, do hereby certify that I am a member and the President of the Board of Animal Health, 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 Board of Animal Health duly and properly called and held on the 13th day of September, 1991, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that Dr. T. J. Hagerty, the Executive Secretary of the Board of Animal Health, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to amend the following rules without a Public Hearing to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto. The rules involved are governing:

1. IMPORTATION OF POULTRY.

   Parts 1700.3100 through 1700.3800.

   These parts are to be repealed or changed so that the Import Rule complies with the new poultry rule for Minnesota flocks.

2. IMPORTATION OF HORSES, MULES, AND ASSES.

   Parts 1700.2100 through 1700.2500.

   These parts are to be changed to:

   (a) Add other tests, approved by the USDA as official tests;

   (b) Establish a time limit of 30 days to test horses that have entered Minnesota without a test; and

   (c) Rearrange some of the parts to make them easier to read.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 13th day of December, 1991.

Sharon L. Hurley
Sharon Hurley, President
Board of Animal Health

Henry L Bassal
Attest by one other Board Member

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

AUTHORIZING RESOLUTION

I, Dr. Sharon Hurley, do hereby certify that I am a member and the President of the Board of Animal Health, 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 Board of Animal Health duly and properly called and held on the 10th day of April, 1992, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that Dr. T. J. Hagerty, the Executive Secretary of the Board of Animal Health, is hereby grated the authority and directed to sign and to give the Notice of the Board's Intent to amend the following rules without a Public Hearing to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto. The rules involved are governing:

1. Eradication of Bovine and Bison Brucellosis

   Parts 1705.0060 through 1705.0540
   These parts are to be repealed or changed to reflect the changes in the law.

2. Public Exhibition of Livestock and Poultry in Minnesota

   Parts 1715.0005 through 1715.0190
   These parts are to be repealed or changed to reflect the changes in the law.

3. Eradication of Bovine Tuberculosis in Minnesota

   Part 1705.1040
   This part to be changed and a new rule, beginning with part 1705.1081 will be written.

4. Importation of Cattle and Bison

   Parts 1700.0100 through 1700.1500
   These parts to be changed to reflect the changes in the law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 10th day of April, 1992.

Sharon D. Hurley
Sharon Hurley, President
Board of Animal Health

Patricia Christenson
Attest by one other Board Member

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

AUTHORIZING RESOLUTION

I, Dr. Henry Banal, do hereby certify that I am a member and the President of the Board of Animal Health, 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 Board of Animal Health duly and properly called and held on the 29th day of July, 1992, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that Dr. T. J. Hagerty, the Executive Secretary of the Board of Animal Health, is hereby grated the authority and directed to sign and to give the Notice of the Board's Intent to amend the following rules without a Public Hearing to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto. The rules involved are governing:

1. Importation of Goats

   Parts 1700.1900 and 1700.2000
   These parts are to be changed or repealed.

2. Approved Markets for Cattle

   Parts 1715.0780, 1715.0850, 1715.0870, 1715.0960, 1715.1100, 1715.1130, 1715.1140, 1715.1180
   These parts are to be changed.

3. Quarantined Feedlots

   Parts 1720.0820 through 1720.0850
   These parts are to be repealed.

IN WITNESS WHEREOF, I have hereunto subscribed my name this 29th day of July, 1992.

Henry L Banal

Henry Banal, President
Board of Animal Health

Attest by one other Board Member

Board of Animal Health

In the Matter of the Proposed Rule of the State Board of Animal Health Governing Importation of Cattle, Bison, Goats, Cervidae, Elk, Dogs, Cats, Horses, Mules, Asses and Poultry; Eradication of Bovine and Bison Brucellosis, Eradication of Bovine Tuberculosis, Quarantined Feedlots, Public Exhibition of Livestock and Poultry in Minnesota, and Approved Markets for Cattle

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

(1) Notice is hereby given that the Minnesota Board of Animal Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22-14.28. The statutory authority to adopt this rule is Minnesota Statutes, sections 35.03, 35.251 and 35.245.

(2) All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. (3) Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. (4) If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. (6) Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rule addressed,

the reason for the request, and any proposed change. If a public hearing is required, the board will proceed according to Minnesota Statutes, sections 14.131-14.20.

Comments or written requests for a public hearing must be submitted to: William L. Hartmann DVM, MS, Minnesota Board of Animal Health, Room 119, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-4138.

The proposed rule may be modified if the modifications are supported by the data and views submitted to the board and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Dr. Hartmann.

The board has determined that this rule will have no significant negative impact on small businesses.

If no hearing is required, upon adoption of the final rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Dr. Hartmann.

August 31, 1992

T.J. Hagerty, DVM
Executive Secretary
MINNESOTA BOARD OF ANIMAL HEALTH

N:\BILL\INTENT

Board of Animal Health

In the Matter of the Proposed Rules of the State Board of Animal Health Governing Importation of Cattle, Bison, Goats, Cervidae, Elk, Dogs, Cats, Horses, Mules, Asses and Poultry; Eradication of Bovine and Bison Brucellosis, Eradication of Bovine Tuberculosis, Quarantined Feedlots, Public Exhibition of Livestock and Poultry in Minnesota, and Approved Markets for Cattle

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING.

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

EUGENE KIRCHOFF, being sworn, says:

That on the fourteenth day of September, 1992, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota Central Mail System for United States mailing a copy thereof, with postage prepaid, to all persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the Minnesota Board of Animal Health rulemaking mailing list.

Eugene Kirchoff

Subscribed and sworn to before me
this 30 day of September, 1992.

MARIAN S. COMFORD
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1993

N:\BILL\AFFIDAVT

Board of Animal Health

In the Matter of the Proposed Rules of the State Board of Animal Health Governing Importation of Cattle, Bison, Goats, Cervidae, Elk, Dogs, Cats, Horses, Mules, Asses and Poultry; Eradication of Bovine and Bison Brucellosis, Eradication of Bovine Tuberculosis, Quarantined Feedlots, Public Exhibition of Livestock and Poultry in Minnesota, and Approved Markets for Cattle

CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) SS.
COUNTY OF RAMSEY)

WILLIAM L. HARTMANN, being sworn, says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a, and 14.22 or 14.30, that their names be placed on the Minnesota Board of Animal Health rulemaking mailing list is accurate, complete and current as of this fourteenth day of September, 1992.

W L Hartmann

William L. Hartmann, DVM, MS
Cattle and Ruminant Diseases/Markets Division

Subscribed and sworn to before me
this 17 day of September, 1992.

Marian S. Comford

MARIAN S. COMFORD
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JANUARY 29, 1993

N:\BILL\MAILLIST.CER

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Animal Health

Proposed Permanent Rules Relating to Disease Control

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Animal Health intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedures Act for adopting rules without a public hearing in *Minnesota Statutes*, sections 14.22-14.28. The statutory authority to adopt this rule is *Minnesota Statutes*, sections 35.03, 35.251 and 35.245.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rule within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state their name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any proposed change. If a public hearing is required, the board will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

Comments or written requests for a public hearing must be submitted to: William L. Hartmann DVM, MS, Minnesota Board of Animal Health, Room 119, 90 West Plato Boulevard, St. Paul, MN 55107, (612) 296-4138.

The proposed rule may be modified if the modifications are supported by the data and views submitted to the board and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule has been prepared and is available upon request from Dr. Hartmann.

The board has determined that this rule will have no significant negative impact on small businesses.

If no hearing is required, upon adoption of the final rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rule must submit a written request to Dr. Hartmann.

Dated: 31 August 1992

T.J. Hagerty, DVM
Executive Secretary
Minnesota Board of Animal Health

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

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH
119 AGRICULTURE BLDG.
90 W. PLATO BLVD.
ST. PAUL, MN 55107
(612) 296-2942

CERTIFICATE OF THE MINNESOTA BOARD OF ANIMAL HEALTH RESOLUTION ADOPTING THE RULES

I, Henry Banal, do hereby certify that I am a member and the President of the Board of Animal Health, 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 Board, duly and properly called and held on the 25th day of September, 1992, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "Resolved, that the rules relating to Importation of Cattle and Bison (1700.0100 - 1700.1500), Importation of Dogs (1700.1600 - 1700.1700), Importation of Goats (1700.1800 - 1700.2000), Importation of Horses, Mules, and Asses (1700.2100 - 1700.2500), Importation of Poultry (1700.3100 - 1700.3800), Importation of Bison and Elk (1700.4800), Importation of Cervidae (1700.4900 - 1700.5300), Eradication of Bovine and Bison Brucellosis (1705.0060 - 1705.0540), Eradication of Bovine Tuberculosis in Minnesota (1705.0840 - 1705.1080), Public Exhibition of Livestock and Poultry in Minnesota (1715.0005 - 1715.0190), Approved Markets for Cattle (1715.0780 - 1715.1260), Quarantined Feedlots (1720.0820 - 1720.0850), are approved and adopted on the 28th day of October 1992 provided no substantial changes need to be made after the comment period and no public hearing is requested. This is done pursuant to authority vested in the Board by Minnesota Statutes 35.03.
>
> Dr. T. J. Hagerty, the Executive Secretary, of the Board of Animal Health, is authorized to sign the findings of fact, conclusions, and order adopting the rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the Attorney General and to perform the necessary acts to provide that the rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 25th day of September, 1992.

Henry Banal
Henry Banal, President
Minnesota Board of Animal Health

Patty Christensen
Attested by: Board Member

N:\BILL\RESOLUTN

PRINTED ON RECYCLED PAPER AN EQUAL OPPORTUNITY EMPLOYER

Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Disease Control

AGENCY: Board of Animal Health

MINNESOTA RULES: Chapters 1700; 1705; 1715

APPROVED AS TO FORM AND LEGALITY
_____ 19__
HUBERT H. HUMPHREY, III
ATTORNEY GENERAL
BY _____
SPECIAL ASSISTANT ATTORNEY GENERAL

The attached rules are approved for
publication in the State Register

Craig E. Lindeke
Senior Assistant Revisor

Board of Animal Health

Proposed Permanent Rules Relating to Disease Control

Rules as Proposed

IMPORTATION OF CATTLE AND BISON

1700.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~Where used in this rule the following words and terms are defined as follows~~ The definitions in this part apply to this chapter.

[For text of subps 2 to 5, see M.R.]

Subp. 6. **Breeding cattle.** "Breeding cattle" means all cattle except steers, spayed heifers, and heifers of beef breed between the ages of ~~eight~~ six and 18 months imported for feeding purposes, or slaughter cattle as defined in subpart 17.

[For text of subps 7 and 8, see M.R.]

Subp. 8a. **Certificate of veterinary inspection.** "Certificate of veterinary inspection" 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 must include a statement of the origin of the cattle and the name and address of the consignee.

[For text of subps 9 to 11, see M.R.]

Subp. 12. [See repealer.]

[For text of subp 13, see M.R.]

Subp. 14. **Official calfhood vaccinate.** "Official calfhood vaccinate" means a female bovine animal ~~of a dairy breed~~ vaccinated against brucellosis with an approved Brucella vaccine while from ~~two to six 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~~ ~~two~~ four to ten months (~~60~~ 120 to 299 days) of age, permanently identified as a vaccinate, and reported at the time of vaccination to the appropriate state or federal agency

Approved by Revisor CEL / Pmm

cooperating in the eradication of bovine brucellosis.

[For text of subp 15, see M.R.]

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

[For text of subp 17, see M.R.]

1700.0200 CATTLE CONSIGNED TO PUBLIC STOCKYARDS, APPROVED MARKETS, OR SLAUGHTERING ESTABLISHMENTS.

Cattle of any class may be consigned without a ~~health~~ certificate of veterinary inspection or tests to a public stockyard or market approved under parts 1715.0780 to 1715.1250.

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

1700.0500 SHIPMENTS OF CATTLE NOT NEEDING ~~HEALTH~~ CERTIFICATES OF VETERINARY INSPECTION.

The ~~following~~ shipments of cattle in items A and B do not need ~~health~~ certificates of veterinary inspection:

A. cattle of any class consigned to the public stockyards or markets approved under parts 1715.0780 to 1715.1250; and

B. slaughter cattle shipped directly to slaughtering establishments under federal inspection.

1700.0550 CATTLE RETURNED TO MINNESOTA FROM PASTURE.

Cattle not under quarantine owned by Minnesota residents who are not livestock dealers may be returned to the herd of origin from pastures in other states without tests or ~~health~~ certificates of veterinary inspection if a permit is secured from the board prior to movement.

Permits for return from pasture may be issued by the executive secretary or a designee if the pasture is owned,

Approved
by Revisor _____

leased, or operated by the Minnesota resident, the pasture is contiguous to Minnesota land owned by the applicant, only the applicant's cattle are in the pasture, and the pasture has been inspected by a representative of the board.

1700.0600 ~~HEALTH~~ CERTIFICATES OF VETERINARY INSPECTION FOR CATTLE.

Cattle of any class consigned to individuals or to state approved markets must be accompanied by a ~~health~~ certificate of veterinary inspection. ~~Health~~ Certificates ~~shall~~ of veterinary inspection must 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 ~~these rules~~ parts 1700.0100 to 1700.1500;

D. the results of all tests required in parts 1700.0700 to ~~1700.0900~~ 1700.1050;

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; and

H. permit number where required.

All ~~health~~ certificates ~~shall~~ of veterinary inspection must be submitted to the animal health office of the state of origin for approval within one week of the issue date.

1700.0700 REQUIREMENT FOR BRUCELLOSIS TEST.

Official tests for brucellosis in the state of origin ~~shall~~ must be used. All tests ~~shall~~ must be confirmed at a state-federal cooperative laboratory. Cattle may commence movement based on negative tests by authorized persons prior to laboratory confirmation.

With the exception of ~~the following~~ items A to G, all cattle must be negative to brucellosis tests within 30 days prior to movement into Minnesota:

Approved by Revisor _____

A. cattle from certified brucellosis-free herds or certified brucellosis-free states not going through cattle concentration points, as defined in part 1705.0060, subpart 2a;

B. calves under six months of age;

C. cattle shipped directly to the public stockyards or markets approved under parts 1715.0780 to 1715.1250;

D. slaughter cattle going directly to a slaughtering establishment under federal inspection;

E. official calfhood vaccinated dairy heifers under 20 months of age and official calfhood vaccinated beef heifers under 24 months of age;

F. beef-type heifers under 18 months of age for feeding purposes entering a Minnesota feedlot under permit from the board; and

G. steers and spayed heifers.

1700.0800 REQUIREMENT FOR ANAPLASMOSIS TEST.

With the exception of ~~the following~~ items A to G, all cattle must be tested negative to an official anaplasmosis test at an approved laboratory within 30 days prior to movement:

A. calves under six months of age;

B. cattle shipped directly to a public stockyard or markets approved under parts 1715.0780 to 1715.1250;

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 from Canada, states adjacent to Minnesota, and the low incidence states determined by United States Department of Agriculture annual survey; and

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

1700.1050 REQUIREMENT FOR TUBERCULOSIS TEST.

Approved by Revisor _____

All bison six months of age and over must be negative to a caudal fold tuberculin test within 60 days prior to movement into Minnesota.

1700.1200 CATTLE UNDER QUARANTINE.

Cattle imported without ~~health~~ a certificate of veterinary inspection except where specifically exempted in ~~this rule~~ parts 1700.0100 to 1700.1500, or imported when not in compliance with ~~this rule~~ parts 1700.0100 to 1700.1500 are under quarantine. ~~Such~~ The cattle ~~shall~~ must be examined and tested to meet the requirements of ~~this rule~~ parts 1700.0100 to 1700.1500 by an accredited veterinarian at owner's expense within 72 hours thereafter. Cattle that are not negative to brucellosis or anaplasmosis ~~shall~~ must 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~~ must be sent to slaughter with permit, returned to the point of origin with permit, or continued in quarantine at the direction of the board.

1700.1300 PERMITS.

The ~~following~~ types of cattle in items A to D may be imported with a ~~health~~ certificate of veterinary inspection for a stated purpose provided a permit is obtained from the board prior to movement:

A. calves less than two months of age;

B. cattle from ~~nonbrucellosis-free~~ class B and class C states;

C. female feeding cattle of beef type and breed less than 18 months of age entering for feeding purposes without tests; or

D. cattle that have been sampled for anaplasmosis, the results of which are pending.

1700.1400 CATTLE IMPORTED FROM STATES NOT CERTIFIED BRUCELLOSIS-FREE.

Cattle may be imported from states that are not certified

Approved by Revisor _____

brucellosis-free ~~provided that~~ if the requirements in items A and B are met. Cattle originating in Minnesota that are out of Minnesota for less than 30 days for an exhibition or as embryo donors or recipients are exempt.

A. Cattle from ~~modified certified~~ class A states require a ~~permit, a~~ negative test within 30 days prior to movement~~, a retest in not less than 45 nor more than 120 days following arrival, and~~.

B. Cattle from ~~noncertified~~ class B or class C states require ~~the cattle originate from a herd tested negative within the previous 12 months~~ a permit, a negative test within 30 days prior to movement, ~~a permit,~~ and a retest in not less than 45 nor more than 120 days following arrival.

1700.1500 IMPORTING FEEDING CATTLE.

Feeding cattle may be imported as follows: steers, spayed heifers, and calves under six months of age must be listed on a ~~health~~ certificate of veterinary inspection but need not be identified or tested; heifers of beef type and breed under 18 months of age must be listed on a ~~health~~ certificate of veterinary inspection but need not be identified or tested provided a permit is secured from the board. Cattle of this class imported from states classified with "B" or "C" status by Veterinary Services, United States Department of Agriculture, must be branded on the jaw with a hot iron with the letter "F" at least two inches high. The cattle must be segregated from all other cattle except steers, spayed heifers, like quarantined cattle, or cattle purchased in accordance with a feeder affidavit quarantine as provided in parts 1705.0060 to 1705.0540. Segregation ~~shall~~ must consist of a drylot with no pasturing and grazing and double fencing to prevent access to drainage and other cattle. The cattle may be: retained in a feedlot for a period not to exceed 12 months; sold for further feeding under feeder affidavit quarantine as provided in parts 1705.0060 to 1705.0540; sold for slaughter; or moved to another state ~~providing~~ if the movement is in compliance with state and

Approved
by Revisor _____

federal regulations.

Upon application by the owner of quarantined cattle that originated in states classified "A" or "Free" by Veterinary Services, United States Department of Agriculture, the board at its discretion may grant permission to the owner to make the necessary tests at the owner's expense to relieve the quarantine. ~~In no case shall~~ The requirements for tests must not be less than the tests required for breeding cattle.

IMPORTATION OF DOGS AND CATS

1700.1600 ~~HEALTH~~ CERTIFICATES OF VETERINARY INSPECTION FOR IMPORTATION OF DOGS AND CATS.

All dogs and cats imported into Minnesota ~~shall~~ must be accompanied by a ~~health~~ certificate of veterinary inspection issued by an accredited veterinarian except:

A. performing dogs and cats in professional animal acts;

B. dogs and cats for exhibition which are covered by parts 1715.0010 to 1715.0190;

C. dogs and cats for research at educational and scientific institutions; and

D. dogs and cats entering a veterinary facility for treatment, surgery, or diagnostic procedures.

1700.1700 CONTENTS OF ~~HEALTH~~ CERTIFICATES OF VETERINARY INSPECTION.

~~Health certificates shall~~ A certificate of veterinary inspection must certify that the dog or ~~dogs have~~ cat has been inspected and ~~are~~ is free of visible signs of infectious, contagious, or communicable disease and certify that ~~all dogs~~ if the dog or cat is three months of age ~~and~~ or over ~~have been vaccinated and/or revaccinated against~~, it has a current rabies vaccination with a ~~USDA~~ United States Department of Agriculture licensed rabies vaccine according to the package insert directions. ~~Manufacturer's name, product~~ The name of the vaccine, vaccine serial number, and date of vaccination or revaccination are to be entered on the ~~health~~ certificate of

Approved by Revisor _____

veterinary inspection. A copy ~~shall~~ must be forwarded to the ~~Minnesota~~ Board of Animal Health by the approving agency of the state of origin.

IMPORTATION OF GOATS

1700.1900 ~~HEALTH~~ CERTIFICATE OF VETERINARY INSPECTION FOR GOATS.

All goats imported into Minnesota for purposes other than slaughter ~~shall~~ must be accompanied by a ~~health~~ certificate of veterinary inspection showing~~:~~ individual identification by ear tag number, tattoo, or registration number for all goats six months of age and over~~;-results-of-tests-required-in-part 1700.2000;-certified-brucellosis-free-herd-number-and-date-of last-herd-test;-and-accredited-tuberculosis-free-herd-number-and date-of-last-herd-test;-if-originating-from-such-herds~~.

A copy of the ~~health~~ certificate of veterinary inspection approved by the animal health official of the state of origin ~~shall~~ must be immediately forwarded to the Board of Animal Health.

IMPORTATION OF HORSES, MULES, AND ASSES

1700.2100 DEFINITIONS.

Subpart 1. **Scope.** ~~Where-used-in-these-rules-the-following words-and-terms-shall-be-defined-as-follows~~ The definitions in this part apply to parts 1700.2100 to 1700.2550.

[For text of subps 2 to 5, see M.R.]

Subp. 5a. **Official test.** "Official test" means the Coggins test or other tests approved by the United States Department of Agriculture conducted at a United States Department of Agriculture approved laboratory.

Subp. 6. **Reactor.** "Reactor" means any horse ~~over-nine months-of-age~~ which discloses a positive reaction to ~~the-Coggins~~ an EIA test.

1700.2200 ~~HEALTH~~ CERTIFICATES OF VETERINARY INSPECTION FOR HORSES.

All horses imported into ~~the-state-of~~ Minnesota ~~shall~~ must

Approved by Revisor _____

be accompanied by a ~~health~~ certificate of veterinary inspection issued by an accredited veterinarian within 30 days prior to date of importation except:

A. performing horses used by rodeos, circuses, and as animal acts;

B. horses brought into the state for participation in trail rides~~,~~, exhibitions, and horse shows where the horses are examined by an official veterinarian;

C. horses consigned to slaughtering establishments under federal inspection; and

D. reactors consigned to a federally inspected slaughtering establishment operated under ~~the provisions of~~ the Federal Meat Inspection Act that are officially identified and accompanied by a shipping permit issued at the point of origin by a state or federal veterinarian or an accredited veterinarian.

A test is not required for horses listed as exceptions in this part or suckling foals accompanying a negative dam.

1700.2300 CONTENTS OF ~~HEALTH~~ CERTIFICATE OF VETERINARY INSPECTION.

The ~~health~~ certificate ~~shall~~ of veterinary inspection must certify that the horses have been examined by an accredited veterinarian within 30 days prior to importation and ~~shall~~ must include an accurate and complete description of each horse in the shipment including age, sex, color, and markings. Registered horses may be identified by registration name and number.

The ~~health~~ certificate ~~shall~~ of veterinary inspection must certify that all horses in this shipment were negative to ~~a~~ an approved test for EIA conducted at an approved laboratory within 12 months prior to date of importation. The test date and the name of the laboratory ~~shall~~ must be recorded on the ~~health~~ certificate of veterinary inspection.

~~A test is not required for horses listed as exceptions in part 1700.2200 or suckling foals accompanying a negative dam.~~

~~Where a blood sample has been drawn but there is~~

Approved
by Revisor _____

~~insufficient-time-to-obtain-the-laboratory-results-of-the Coggins-test-prior-to-the-importation,-a-permit-for-the importation-of-horses-without-final-laboratory-results-may-be obtained-from-the-board-if-the-veterinarian-requesting-the permit-agrees-to-submit-the-laboratory-results-promptly-to-the board.~~

A copy of the ~~health~~ certificate of veterinary inspection approved by the chief livestock regulatory official of the state of origin ~~shall~~ must be mailed to the board.

1700.2310 PERMITS.

If a blood sample has been drawn but there is insufficient time to obtain the laboratory results of the EIA test prior to the importation, a permit for the importation of horses without final laboratory results may be obtained from the board if the veterinarian requesting the permit agrees to submit the laboratory results promptly to the board.

1700.2400 SALES.

Horses imported into Minnesota for sale or resale ~~shall~~ must be accompanied by a ~~health~~ certificate of veterinary inspection and ~~shall~~ must be tested and negative for EIA before leaving the sale premises if sold to remain in Minnesota, unless the ~~health~~ certificate of veterinary inspection certifies to a negative test for EIA conducted at an approved laboratory within 12 months prior to the date of sale. ~~Suckling-foals accompanying-a-negative-dam-are-not-required-to-be-tested.~~

~~Reactors-shall-be-quarantined-and-shall-not-be-moved intrastate-except-on-a-permit-issued-by-the-board.--Reactors-may be-moved-interstate-in-accordance-with-the-provisions-of-Code-of Federal-Regulations,-part-75,-revised-as-of-January-1,-1974.~~

~~Reactors-shall-be-destroyed,-consigned-for-slaughter-to-a slaughtering-establishment-under-federal-inspection,-or-returned to-the-state-of-origin-under-a-permit-issued-by-the-state-of origin.~~

1700.2450 REACTORS.

Approved
by Revisor _____

Reactors must be quarantined, destroyed, consigned for slaughter to a slaughtering establishment under federal inspection, or returned to the state of origin under a permit issued by the state of origin. Reactors may not be moved intrastate except on a permit issued by the board. Reactors may only be moved interstate in accordance with Code of Federal Regulations, part 75.

1700.2500 HORSES IMPORTED WITHOUT THE REQUIRED TEST FOR EIA.

Horses imported without the required test for EIA ~~shall~~ must be quarantined for an immediate test at the owner's expense. ~~Reactors shall be quarantined and may be moved only in accordance with the provisions of the second and third paragraphs of part 1700.2400.~~ The test must be completed within 30 days of entry into Minnesota.

IMPORTATION OF POULTRY

1700.3110 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.3110 to 1700.4500.

Subp. 2. **Backyard chickens.** "Backyard chickens" means chickens of any breed in a flock that contains less than 1,000 birds.

Subp. 3. **Board.** "Board" means the Board of Animal Health.

Subp. 4. **Control program.** "Control program" means one or more of the state or state and federal cooperative programs for the control or eradication of poultry diseases.

Subp. 5. **Disease control classification.** "Disease control classification" means the negative status of a flock as pertaining to one or more of the control program diseases.

Subp. 6. **Other domesticated fowl.** "Other domesticated fowl" means fancy, exhibition, and game chickens, waterfowl, and game birds maintained in captivity, excluding pigeons and doves.

Subp. 7. **Poultry.** "Poultry" means turkeys, chickens, and other domesticated fowl.

1700.3400 POULTS, CHICKS, AND HATCHING EGGS.

Approved by Revisor _____

~~Turkeys under four months of age, chickens and other domesticated fowl under five months of age, and~~ Hatching eggs ~~produced by turkeys, chickens, and other domesticated fowl~~ and poultry under five months of age may be imported under the ~~following~~ conditions: in items A to C.

A. ~~originate in flocks or are distributed from hatcheries or premises participating in the~~ The importer must have a certificate of veterinary inspection or National ~~Turkey (or~~ Poultry~~)~~ Improvement Plan ~~or are operating under the disease control agency of the state of origin, and~~ Form VS 9-3.

B. ~~have obtained:~~

~~(1) all National Turkey Improvement Plan disease classifications, especially for pullorum-typhoid, salmonella typhi-murium, and mycoplasma gallisepticum disease; or~~

~~(2) all National Poultry Improvement Plan disease classifications, especially for pullorum-typhoid disease; or~~

~~(3) comparable status for the same diseases from the state of origin disease control agency, and~~ The importer must have a permit from the board. Annual permits are available. The application for a permit must be endorsed by the official disease control agency of the state of origin and must indicate the disease control classifications of the flock of origin.

C. ~~obtain a permit from the executive secretary of the Board of Animal Health. Application for such permit shall be made on a form furnished by the board. This application shall be approved by the official disease control agency of the state of origin and shall indicate the disease control classification or classifications of the flock, hatchery, or other premises from which the birds or hatching eggs originate. The permit shall include the date of expiration.~~ The flocks of origin must have the disease control classifications as follows:

(1) turkeys, including wild and exhibition turkeys: salmonella pullorum-typhoid, salmonella typhimurium, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored;

Approved by Revisor _____

(2) egg-type chickens: salmonella pullorum-typhoid, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored;

(3) meat-type chickens: salmonella pullorum-typhoid, mycoplasma gallisepticum, and mycoplasma synoviae; and

(4) backyard chickens, exhibition, game, and waterfowl: salmonella pullorum-typhoid.

1700.3600 SHIPPING CONTAINERS.

~~Each container used in which the birds or hatching eggs are shipped shall bear an official label showing the name and address of consignor and consignee, the disease control classification or classifications, and the number of the Minnesota permit.~~ Only new or cleaned and disinfected poultry boxes or containers may be used to ship poultry into Minnesota. The name and address of the consignor and consignee, the breed, the disease control classifications, and the Minnesota permit number must be on the container or on the invoice that accompanies the container.

1700.3700 EXCEPTIONS.

~~Waterfowl and waterfowl hatching eggs may be imported without meeting the above requirements unless consigned to a national plan hatchery or a hatchery handling domesticated fowl and hatching eggs other than waterfowl only.~~

The board may waive the requirement for certain disease classifications for obtaining a poultry importation permit if the classification is no longer available.

Birds imported for immediate slaughter are exempt from parts 1700.3400 and 1700.3800.

1700.3800 ADULT POULTRY.

~~Turkeys over four months of age, chickens, waterfowl, and other domesticated fowl~~ Poultry over five months of age may be imported only under the ~~following~~ conditions in items A to C. ~~If apparently healthy, such poultry may be imported for the~~

Approved by Revisor _____

~~purpose-of-immediate-slaughter-without-health-certificates-or other-requirements.--For-purposes-other-than-immediate slaughter,-such-poultry-must-be-accompanied-by-an-official health~~

A. The importer must have an official certificate of veterinary inspection certifying ~~they~~ that the poultry are free from evidence of any infectious, contagious, or communicable disease and have not been exposed ~~thereto~~ to such a disease.

B. The poultry must be tested for or have the following disease control classifications:

(1) turkeys ~~must-have-a-disease-classification for~~, including wild and exhibition turkeys: salmonella pullorum-typhoid, salmonella typhimurium, mycoplasma gallisepticum, mycoplasma synoviae, and ~~salmonella-typhi-murium.~~ sanitation monitored;

(2) egg-type chickens ~~and-other-domesticated-fowl excepting-waterfowl-must-be-classified-as-U.S.~~: salmonella pullorum-typhoid ~~clean-or-of-comparable-status.~~, mycoplasma gallisepticum, mycoplasma synoviae, and sanitation monitored;

(3) meat-type chickens: salmonella pullorum-typhoid, mycoplasma gallisepticum, and mycoplasma synoviae; and

(4) backyard chickens, exhibition, game, and waterfowl: salmonella pullorum-typhoid.

C. Upon arrival, all ~~such-chickens-and-other domesticated-fowl-excepting-waterfowl-shall-be-quarantined-on arrival,-separate-and-apart-from-all-other-poultry,-until-tested for-pullorum-and-typhoid-diseases-and-found-negative-at-least-30 days-after-importation.--If-such-tests-are-positive,-all-birds in-the-shipment-shall-be-immediately-sold-for-slaughter~~ birds must be kept separate from other poultry for at least 30 days. Retesting for their respective disease control classifications is recommended.

IMPORTATION OF CERVIDAE

1700.4900 DEFINITIONS.

Approved by Revisor _____

Subpart 1. **Scope.** The definitions in this part apply to parts 1700.4900 to 1700.5300.

Subp. 2. **Cervidae.** "Cervidae" means all mammals of the family Cervidae, including deer, elk, moose, caribou, and reindeer.

1700.5000 REQUIREMENT FOR IMPORT PERMIT.

A permit must be obtained prior to the importation of any Cervidae.

1700.5100 REQUIREMENT FOR CERTIFICATE.

All Cervidae imported into Minnesota must be accompanied by a certificate issued by an accredited veterinarian.

1700.5200 REQUIREMENT FOR BRUCELLOSIS TEST.

All Cervidae six months of age and over must be negative to a brucellosis test within 30 days prior to movement into Minnesota.

1700.5300 REQUIREMENT FOR TUBERCULOSIS TEST.

All Cervidae six months of age and over must be negative to a test for tuberculosis approved by the board within 90 days prior to movement into Minnesota.

ERADICATION OF BOVINE AND BISON BRUCELLOSIS

1705.0060 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1705.0060 to 1705.0510.

Subp. 1a. **Board.** "Board" means the Minnesota Board of Animal Health or its authorized agent.

Subp. 2. **Cattle.** "Cattle" means both bovine and bison.

Subp. 2a. **Cattle concentration point.** "Cattle concentration point" means a facility or location where cattle are assembled for sale or resale for feeding, breeding, or slaughter purposes and where contact may occur between groups of cattle from various sources. Cattle concentration point includes, without limitation, a public stockyard, auction market, state or federal market, consignment sale location, and

Approved
by Revisor _____

livestock dealer's yard, truck, and facilities.

Subp. 3. **Exposed cattle.** "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 the 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.

[For text of subps 4 and 5, see M.R.]

Subp. 6. **Market cattle test or MCT.** "Market cattle test" ~~(MCT)~~ or "MCT" means a brucellosis test conducted on marketed cattle.

Subp. 7. **Official brucellosis calfhood vaccinate.** "Official brucellosis calfhood vaccinate" means female dairy cattle under 20 months of age and female beef cattle under 24 months of age vaccinated against brucellosis ~~by the product and at the age indicated in item A or B:~~

~~A. Brucella abortus vaccine, strain 19, live culture, standard dose:~~

~~(1) female dairy cattle vaccinated while they are from two through five months of age;~~

~~(2) female beef cattle vaccinated while they are from two through seven months of age;~~

~~B.~~ using Brucella abortus vaccine, strain 19, live culture, reduced dose~~: female dairy and beef cattle vaccinated~~ while they are from four ~~through~~ to ten months (120 to 299 days) of age.

Subp. 8. **Owner.** "Owner" means the legal owner, ~~his~~ the owner's agents, and the person in possession of or caring for the cattle ~~referred to~~.

[For text of subps 9 to 15, see M.R.]

Subp. 16. **Veterinarian.** "Veterinarian" means a veterinarian licensed and accredited in Minnesota or a veterinarian of the United States Department of Agriculture

Approved by Revisor _____

~~(USDA)~~.

1705.0260 OFFICIAL VACCINATION.

Brucella vaccine ~~shall~~ must be licensed by the United States Department of Agriculture. Vaccine ~~shall~~ must be sold to and administered by veterinarians only. Vaccine ~~shall~~ must be administered by the method and dosage described by the manufacturer or the board.

~~Brucella abortus vaccine, strain 19, live culture, standard dose, may be administered to female dairy cattle while they are from two through five months of age and female beef cattle while they are from two through seven months of age.~~ Brucella abortus vaccine, strain 19, live culture, reduced dose, may be administered to female dairy and beef cattle while they are from four ~~through~~ to ten months (120 to 299 days) of age.

1705.0310 CATTLE VACCINATED WITH BRUCELLA ABORTUS STRAIN 19 VACCINE.

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

1705.0320 AREA PLAN PARTICIPATION.

The ring test ~~shall~~ must be conducted at least ~~three times per~~ twice a year at approximately equal intervals. Herds with suspicious ring tests ~~are to~~ must be ~~tested~~ investigated within 30 days.

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

1705.0430 SALES OF CATTLE AND LEASING OR LOANING CATTLE FOR BREEDING.

All ~~dairy~~ cattle over six months (209 days) of age ~~and beef~~

Approved by Revisor _____

~~cattle-eight-months-(240-days)-of-age-and-over~~ passing through a cattle concentration point 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 postparturient;

~~F.~~ E. female feeding cattle under 18 months of age of beef type and breed sold in accordance with Minnesota Statutes, section 35.245, subdivision 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; and

(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~~ must 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.

1705.0460 CERTIFICATES.

The vendor of all cattle passing through a cattle concentration point and 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

Approved by Revisor _____

or evidence of a legible official vaccination tattoo. Certificates ~~are to~~ must be provided at the time possession of the cattle is transferred.

1705.0510 TEST ELIGIBLE CATTLE WITHOUT NEGATIVE BRUCELLOSIS TEST.

Any test eligible cattle, passing through a cattle concentration point, sold, leased, or loaned without a negative brucellosis test within 30 days prior to sale, leasing, or loaning ~~shall~~ must be quarantined to the premises of the person that received the cattle. The quarantine ~~will~~ must be in effect until the cattle are tested for brucellosis at the expense of the vendor. Cattle which do not pass the brucellosis test ~~shall~~ must be shipped for slaughter or returned to the premises of the vendor by permit issued by the board.

ERADICATION OF BOVINE TUBERCULOSIS ~~IN MINNESOTA~~

1705.0840 DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1705.0840 to 1705.1085.

Subp. 1a. **Board.** "Board" means the Minnesota Board of Animal Health or its authorized agent.

Subp. 1b. **Cervidae.** "Cervidae" means all mammals of the family Cervidae, including deer, elk, moose, caribou, and reindeer.

[For text of subps 2 to 11, see M.R.]

1705.1040 ESTABLISHMENT AND MAINTENANCE OF TUBERCULOSIS-FREE ACCREDITED CATTLE HERD.

An agreement to comply with ~~these rules shall~~ parts 1705.0840 to 1705.1085 must be signed and filed with the board by the owner.

1705.1081 ESTABLISHMENT AND MAINTENANCE OF TUBERCULOSIS-FREE ACCREDITED CERVIDAE HERD.

An agreement to comply with parts 1705.0840 to 1705.1085 must be signed and filed with the board by the owner.

1705.1082 ACCREDITATION.

Approved
by Revisor _____

If all Cervidae over six months of age have been found negative on an initial test for tuberculosis approved by the board and on two retests at intervals of ten to 14 months on all Cervidae over six months of age and all herd additions other than natural additions have been found negative on a test for tuberculosis approved by the board, the herd must be accredited for a period of 24 months (730 days) and a certificate of accreditation must be issued.

1705.1083 CANCELLATION OR SUSPENSION OF ACCREDITATION.

Accreditation must be canceled if additions are made contrary to part 1705.1084 or an isolation of mycobacterium bovis is made. Accreditation must be suspended if an animal in the herd is positive to a test for bovine tuberculosis. This suspension must end if a determination is made that the animal is not infected with bovine tuberculosis.

1705.1084 ADDITION TO ACCREDITED HERDS.

Additions to accredited herds must be from an accredited herd. Individual Cervidae from an untested herd that are to be added to an accredited herd must be negative to a test for tuberculosis approved by the board within 90 days prior to entry and be kept isolated from all Cervidae in the accredited herd until negative to a test for tuberculosis approved by the board conducted at least 90 days after entry. Cervidae added under the immediately preceding category must not receive accredited herd status for sale purposes until they have been members of the herd at least 90 days and included in a herd retest.

1705.1085 REACCREDITATION.

Herds must be reaccredited for 24 months from the anniversary date of the accreditation if all animals over six months of age and all additions other than natural additions have been found negative to a test for tuberculosis approved by the board and all natural additions have been individually identified and recorded on the report of the test as members of the herd at the time of the reaccreditation test. The test for

Approved by Revisor _____

reaccreditation must be within a period of 22 to 26 months of the anniversary date of the accreditation.

PUBLIC EXHIBITION OF LIVESTOCK AND POULTRY IN MINNESOTA

1715.0005 DEFINITIONS.

Subpart 1. **Scope.** ~~As used in~~ The definitions in this part apply to parts 1715.0005 to 1715.0162~~, the terms defined in this part have the meanings given~~.

[For text of subps 2 and 3, see M.R.]

Subp. 3a. **Other domesticated fowl.** "Other domesticated fowl" means fancy, exhibition, and game chickens, waterfowl, and game birds maintained in captivity, excluding pigeons and doves.

Subp. 3b. **Poultry.** "Poultry" means turkey, chickens, and other domesticated fowl.

[For text of subps 4 and 5, see M.R.]

Subp. 6. [See repealer.]

Subp. 7. **Turkeys.** "Turkeys" means domestic, exhibition, and wild turkeys maintained in captivity.

1715.0072 EXHIBITION OF CATTLE.

Cattle must be examined by the official veterinarian on the day they are admitted to the exhibition.

1715.0105 SWINE PSEUDORABIES.

All swine, except swine entered in a slaughter class pursuant to part 1715.0060, must:

A. have had a negative pseudorabies test conducted within 30 days prior to the opening date of the exhibition, a record of which and the result must be entered on a test chart or ~~health~~ certificate of veterinary inspection and presented to the official veterinarian at the time of entry; or

B. originate from a qualified pseudorabies negative herd or a pseudorabies-controlled vaccinated herd pursuant to parts 1705.2480 and 1705.2490, with the qualified herd number or pseudorabies-controlled vaccinated herd number and date of last qualifying test reported to the official veterinarian at the time of entry.

Approved by Revisor _____

1715.0110 EXHIBITION OF SHEEP.

Sheep ~~shall~~ must be examined by the official veterinarian on the day they are admitted to the exhibition.

1715.0115 EXHIBITION OF GOATS.

Goats must be examined by the official veterinarian on the day they are admitted to the exhibition.

1715.0130 EXHIBITION OF HORSES.

Horses must be examined by the official veterinarian on the day they are admitted to the exhibition. Trail rides are exempt from the requirements of part 1715.0040, items C and D, and this part. Those horse shows which are programmed to be completed within a period of 12 hours and at which horses are not stabled overnight are exempt from the requirements of part 1715.0040, items C and D, and this part. The commission veterinarian shall enforce the provisions of this part on horses brought to a racetrack licensed by the Minnesota Racing Commission. If no commission veterinarian has been appointed, the management shall employ an official veterinarian as defined in part 1715.0005, subpart 3.

1715.0140 EXHIBITION OF POULTRY.

Poultry, except waterfowl and pigeons, must be individually identified with a leg or wing band and accompanied by a form approved by the board to show compliance with one of the following: negative test for pullorum-typhoid disease conducted within 90 days prior to the opening date of the exhibition; originate directly from parent stock tested and found negative for pullorum-typhoid disease within the last 12 months. In addition, turkeys must be negative for salmonella typhimurium, mycoplasma gallisepticum, and mycoplasma synoviae.

ENTRANCE REQUIREMENTS FOR LIVESTOCK AND POULTRY ORIGINATING OUTSIDE MINNESOTA

1715.0160 CATTLE, GOATS, SWINE, POULTRY, AND SHEEP.

All cattle, goats, swine, poultry, and sheep must meet all

Approved by Revisor _____

requirements in parts 1715.0005 to 1715.0162 for livestock and poultry originating in Minnesota and must also meet the board's importation requirements of parts 1700.0100 to 1700.1500, 1700.1800 to 1700.2000, 1700.2600 to ~~1700.3000~~ 1700.3010, 1700.3100 to 1700.3800, 1700.4600, and 1700.4700. ~~Health~~ Certificates of veterinary inspection and required tests, except pseudorabies tests for swine which must be made within 30 days, ~~will~~ must be accepted if issued and conducted within 90 days prior to the opening date of the exhibition.

APPROVED MARKETS FOR CATTLE

1715.0780 DEFINITIONS.

Subpart 1. **Scope.** The ~~following words and terms shall be defined as follows where used in these rules~~ definitions in this part apply to parts 1715.0780 to 1715.1180.

[For text of subps 2 to 6, see M.R.]

Subp. 6a. **Certificate of veterinary inspection.** "Certificate of veterinary inspection" means a certificate issued by a veterinarian, on an official form of the state of origin, certifying that the animals are free from visible signs of contagious, infectious, or communicable disease. Statements with reference to brucellosis status of area of origin and name and address of consignee shall be included. Record of tests or vaccination and individual identification must be recorded when required.

[For text of subp 7, see M.R.]

Subp. 8. [See repealer.]

[For text of subps 9 and 10, see M.R.]

Subp. 11. **Official vaccinate.** "Official vaccinate" ~~shall mean~~ means a female bovine animal ~~of dairy breed~~ vaccinated against brucellosis with an approved Brucella vaccine while from ~~three to six months (90 to 179 days) of age, or a female bovine animal of beef breed vaccinated against brucellosis with an approved Brucella vaccine while from three~~ four to ten months (~~90~~ 120 to 299 days) of age, permanently identified as a vaccinate, and reported at the time of vaccination to the

Approved by Revisor _____

appropriate state or federal agency.

[For text of subp 12, see M.R.]

1715.0850 ~~HEALTH~~ CERTIFICATES OF VETERINARY INSPECTION.

The official veterinarian shall examine and accept or refuse ~~health~~ certificates of veterinary inspection of all cattle consigned to the sale, and prohibit the sale of cattle not accompanied by proper ~~health~~ certificates of veterinary inspection until necessary examinations and required tests are completed.

1715.0870 MASTER TEST SHEET AND OTHER MARKET RECORDS.

Cattle moving through the market accompanied by ~~health~~ certificates ~~shall~~ of veterinary inspection must be listed on the master test sheet, and along with data as to the ~~health~~ certificate ~~thereon recorded~~ of veterinary inspection. ~~Health~~ Certificates of veterinary inspection accompanying cattle ~~are to~~ must be maintained with other market records.

1715.0960 PAVING WITH IMPERVIOUS MATERIALS.

Sales rings, alleys, testing chutes, and pens used for all livestock, ~~and pens used for swine and sheep shall~~ must be paved with cement or other impervious materials. ~~Annual permits shall not be issued after July 1, 1972 unless all pens, including cattle pens located on the sales premises, are paved with cement or other impervious materials except that sales premises certified in accordance with part 1715.0800, item C prior to July 1, 1972 shall be recertified provided: 20 percent by area of existing unpaved pens have been paved prior to July 1, 1973; 40 percent by area of existing unpaved pens have been paved prior to July 1, 1974; 60 percent by area of existing unpaved pens have been paved prior to July 1, 1975; 80 percent by area of existing unpaved pens have been paved prior to July 1, 1976.~~

~~No sales premises shall be certified after June 30, 1977 unless all pens have been paved.~~

1715.1100 CATTLE FROM OTHER STATES.

Cattle originating in other states may be consigned to the

Approved by Revisor _____

market when accompanied by a ~~health~~ certificate of veterinary inspection complying with the Minnesota importation requirements and certifying to origin in a modified certified brucellosis area, or a ~~health~~ certificate of veterinary inspection showing individual identification, certifying to origin in a modified certified brucellosis area, or a declaration signed by the owner showing address of origin, description and number of cattle in shipment, destination, and further stating cattle are not under quarantine because of disease.

1715.1130 ~~HEALTH~~ CERTIFICATE OF VETERINARY INSPECTION.

Cattle entering market accompanied by a ~~health~~ certificate of veterinary inspection certifying to origin in a modified certified brucellosis area are subject to tests at the market.

1715.1140 CATTLE SOLD WITHOUT FURTHER TESTING.

Cattle entering market accompanied by ~~health~~ certificate of veterinary inspection with necessary tests for brucellosis conducted within 30 days prior to date of importation and recorded thereon, and certifying to origin in modified certified brucellosis area, may be sold without further testing.

1715.1180 BRUCELLOSIS TEST EXCEPTIONS.

All dairy cattle over six months of age and all beef cattle eight months of age and over ~~shall~~ must pass a negative test for brucellosis prior to release from the market, except:

A. steers;

B. cattle from certified brucellosis-free herds;

C. cattle accompanied by a record of a brucellosis test signed by a veterinarian showing the cattle have been tested for brucellosis and found negative less than 30 days before the date of sale while owned by the consignor;

D. official vaccinates of dairy breeds under 20 months of age and beef breeds under 24 months of age;

E. female cattle of beef type, under 18 months of age sold for feeding and grazing purposes under permit or affidavit and quarantine; and

Approved
by Revisor _____

F. cattle for immediate slaughter, identified with an official backtag~~;-and~~

~~G.--cattle-sold-to-dry-feed-lot-permit-holders, provided-such-cattle-are-branded-at-the-market-with-the-letter "P"-three-inches-high-on-the-right-jaw-with-a-hot-iron-and provided-a-health-certificate-is-issued-listing-the identification-numbers.~~

REPEALER. Minnesota Rules, parts 1700.0100, subpart 12; 1700.2000; 1700.3100; 1705.0470; 1715.0005, subpart 6; 1715.0070; 1715.0080; 1715.0100; 1715.0120; 1715.0180; 1715.0780, subpart 8; 1720.0820; 1720.0830; 1720.0840; and 1720.0850, are repealed.

Approved by Revisor _____

Board of Animal Health

In the Matter of the Proposed Adoption of the Rule of the State Board of Animal Health Governing Importation of Cattle, Bison, Goats, Cervidae, Elk, Dogs, Cats, Horses, Mules, Asses and Poultry; Eradication of Bovine and Bison Brucellosis, Eradication of Bovine Tuberculosis, Quarantined Feedlots, Public Exhibition of Livestock and Poultry in Minnesota, and Approved Markets for Cattle

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT PUBLIC HEARING

(1) Notice of the Board's intent to adopt the above entitled rule was published in the State Register on September 14, 1992 and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on September 14, 1992. (2) The statement of need and reasonableness was prepared before the notice of intent to adopt a rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

(4) All persons were given the opportunity to submit comment on the rule for 30 days after the notice of proposed rulemaking. (5) The agency received no requests for a public hearing. Therefore, the agency did not receive requests for a public hearing from twenty-five or more persons which were not withdrawn.

(7) No requests for notice of submission to the attorney general were received by the department.

(8) The above-captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as the rule governing Importation of Cattle, Bison, Goats, Cervidae, Elk, Dogs, Cats, Horses, Mules, Asses and Poultry; Eradication of Bovine and Bison Brucellosis, Eradication of Bovine Tuberculosis, Quarantined Feedlots, Public Exhibition of Livestock and Poultry in Minnesota, and Approved Markets for Cattle is adopted this fourteenth day of October, 1992, pursuant to authority vested in me by Minnesota Statutes, section 35.03. (9)

T. J. Hagerty, DVM
Executive Secretary

N:\BILL\FINDINGS

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING IMPORTATION OF CATTLE AND BISON (MN RULES PARTS 1700.0100 THROUGH 1700.1500).

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (l990) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. Further, Minn. Stat. Section 35.251, as amended by the 1992 Legislature allows the Board to designate the states and countries from which anaplasmosis testing of breeding cattle must be done for importation into Minnesota. The Board has determined that the proposed rule is non-controversial and that it is not only necessary to comply with the changed law, but to most efficiently and effectively control animal disease. The proposed changes are supported by members of the cattle industry and others affected by the rule.

Further, the Board has determined that the changes are effective for the protection of public health and the control of livestock diseases. Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Section 14.22 - .28 and this statement of need and reasonableness was completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The Board has existing rules governing importation of cattle and bison in Minn. R. pts. 1700.0100 - .1500 and 1700.4800. These rules are being changed to reflect the new legislation, to respond to the decreasing prevalence of brucellosis in the United States, and to combine the rules governing the importation of cattle and bison in one rule.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1700.0100 DEFINITIONS

Subparts 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 13, 15, 16, 17 are unchanged, except for changes in form made by the revisor.

Subpart 6. Breeding Cattle. The age for exempting heifers of beef breed exempt from testing under this definition is changed from 8 - 18 months to 6 - 18 months to remain consistent with other rules, regulating breeding cattle, in chapters 1700 - 1720(see, e.g. part 1700.0800 D).

Subpart 8a. Certificate of veterinary inspection. This is a new definition to replace subpart 12 which is repealed. The definition has not changed but the name of the document defined has changed from "health certificate" to "certificate of veterinary inspection" to more accurately reflect the nature of the document. The same change is made throughout the rules and will not be further noted. Likewise changes in form made by the revisor will not be further addressed.

Subpart 14. Official Calfhood Vaccinate. This definition is changed to be consistent with the definition in other parts of chapters 1700 - 1720. Vaccination of animals less than four months old is not effective.

1700.0700 REQUIREMENT FOR BRUCELLOSIS TEST.

In addition to a change in form by the revisor, this section is modified to allow cattle from brucellosis-free states, not going through a cattle concentration point, to be imported into Minnesota without a brucellosis test. This is necessary to remain consistent with the National Brucellosis Eradication Uniform Methods and Rules. It is reasonable due to the declining prevalence of bovine brucellosis in the United States. It is also reasonable in that it decreases the costs involved with importing cattle into Minnesota.

1700.0800 REQUIREMENT FOR ANAPLASMOSIS TEST.

In addition to a change in form by the revisor, this section is modified to allow the Board to designate low risk anaplasmosis states and countries in accordance with a change to Minnesota Statutes, Section 35.251, by the 1992 legislature. When this modification becomes effective, cattle imported into Minnesota from low risk states and countries are not required to be tested for anaplasmosis prior to importation. This is reasonable in that the risk of purchasing an anaplasmosis infected animal from these states or countries is no greater than the risk of purchasing an anaplasmosis infected animal in Minnesota, and no greater precautions are necessary. The low risk anaplasmosis states and countries are determined by USDA surveys done to determine the prevalence of bluetongue disease. Both diseases are transmitted by insect vectors. Other states have used this method to determine low risk anaplasmosis areas and have found it to be effective in controlling the introduction of anaplasmosis.

1700.1050 REQUIREMENT FOR TUBERCULOSIS TEST.

This section is taken from 1700.4800 which is repealed. No change is made in the requirements for importation of bison. This section is moved to make the rules easier to understand.

1700.1400 CATTLE IMPORTED FROM STATES NOT CERTIFIED BRUCELLOSIS-FREE.

This section is modified to allow Minnesota cattle, leaving the state for exhibition or as embryo donors and recipients, to return, if out of state for less than 30 days, without meeting the import requirements. Also the terminology to classify a state's brucellosis status is changed to reflect changes made in the National Brucellosis Eradication Uniform Methods and Rules. Such compliance is necessary for Minnesota to conduct an effective and rational control program. The requirements for a permit and brucellosis retest from class A states is removed. The requirement that cattle from class B or class C states originate from a herd tested negative within the previous 12 months is removed. All changes are necessary to remain consistent with the National Brucellosis Eradication Uniform Methods and Rules. It is reasonable in that the prevalence of brucellosis in the United States has declined greatly in the last few years. It is also reasonable in that it decreases the costs involved with importing cattle into Minnesota.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULES

The effect of these proposed changes is a decrease in the restrictions on the importation of cattle and bison into Minnesota. There would be no new compliance or reporting requirements for small businesses. The small businesses that will be affected have been notified of the proposed changes.

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING IMPORTATION OF DOGS AND CATS. (MN RULES 1700.1600 AND 1700.1700.

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990), authorizes and requires the Minnesota Board of Animal Health, (hereinafter referred to as the "Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. The subject of this rule amendment is the proposed adoption of the rule governing the Importation of Dogs and Cats. The Board has determined that the proposed rule is non-controversial because it helps to protect both the domestic animals in the state and the public's health by requiring imported cats to have a Certificate of Veterinary Inspection and to be vaccinated against rabies before entering Minnesota. Because of the non-controversial nature of this rule, the Board is proceeding according to Minnesota Statutes, Sections 14.22 to 14.28 and this Statement of Need and Reasonableness was prepared and completed prior to the date that the proposed rule was published in the State Register.

II. GENERAL OVERVIEW

There are three major reasons for the proposed change in the rule that will require cats to have a Certificate of Veterinary Inspection and a current rabies vaccination. They are: (1) For the last several years, there has been more rabies in cats then there has been in dogs, both in Minnesota and nationally; (2) Minnesota, especially the metropolitan area, has a very large raccoon population. Unvaccinated cats imported from the southeastern section of the United States, where rabies in raccoons is very prevalent, have the potential to bring raccoon rabies here, thus creating a very serious public health problem; and (3) Minnesota is one of the few states that does not require this now, so most people transporting cats are accustomed to these procedures.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1700.1600 CERTIFICATES OF VETERINARY INSPECTION FOR IMPORTATION OF DOGS AND CATS.

The addition of cats under this proposed rule is necessary and reasonable for the protection of domestic animals and the safety of public health for the reasons listed in the General Overview. The term "health certificate" is being changed to Certificate of Veterinary Inspection because the name of the health certificate form has been changed to Certificate of Veterinary Inspection both in Minnesota and nationally.

1700.1700 CONTENTS OF CERTIFICATE OF VETERINARY INSPECTION.

The proposed terminology "a current rabies vaccination" is necessary and reasonable to replace "been vaccinated and/or revaccinated against rabies" because with the current terminology, an animal could have been vaccinated five years ago and therefore no longer current or protected and yet still qualify to be imported. "The name of the vaccine" is replacing the "Manufacturer's name" and "product name" because many of the vaccines are produced by a few manufacturers and relabeled by different companies. The veterinarians issuing the Certificates of Veterinary Inspection do not know who the manufacturer is and the product name is simply Rabies Vaccine. Therefore, the current requirement is unknown or useless so it is necessary and reasonable to require information that is available and meaningful.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

In assessing the economic impact of the proposed changes, the Board considered them to have no effect on small businesses. The reasons for this are that the requirements are for people out of the state bringing cats into Minnesota. Dealers and pet shops usually deal only with kittens that are less than three months old and therefore are exempt. People traveling with their pets already need a Certificate of Veterinary Inspection and rabies vaccination to travel to most other states. The only people who are affected are those who go to another state and buy a cat that is older than three months and then return to Minnesota.

Since no small businesses are known to exist, none were contacted in the rulemaking process. There are no reporting requirements, deadlines, or operation standards in the rule.

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING IMPORTATION OF GOATS (MN RULES PARTS 1700.1800 THROUGH 1700.2000).

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. The Board has determined that the proposed rule is non-controversial and that it is necessary to most efficiently and effectively control animal disease. The proposed changes are supported by members of the goat industry and others affected by the rule.

Further, the Board has determined that the changes are effective for the protection of public health and the control of livestock diseases. Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Section 14.22 - .28 and this statement of need and reasonableness was completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The Board has existing rules governing importation of goats in Minn. R. pts. 1700.1800 - .2000. These rules are being changed to reflect changes in the prevalence of brucellosis and tuberculosis in goats in the United States. There is no known brucellosis or tuberculosis in goats in the United States at this time.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1700.1900 HEALTH CERTIFICATE FOR GOATS.

In addition to a change in form by the revisor, the name of a document has changed from "health certificate" to "certificate of veterinary inspection" to more accurately reflect the nature of the document. The requirement to record the results of brucellosis and tuberculosis testing on the health certificate has been deleted from this section. This was done because the requirement for testing in Part 1700.2000 has been deleted.

1700.2000 IMPORTED GOATS SIX MONTHS OF AGE AND OVER.

This entire part has been repealed. This was done to delete the requirement for brucellosis and tuberculosis testing of goats prior to importation into Minnesota. This is being done at the request of the goat industry in Minnesota. It is reasonable in that currently there is no known brucellosis or tuberculosis in goats in the United States.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULES

The effect of these proposed changes is a decrease in the restrictions on the importation of goats into Minnesota. There would be no new compliance or reporting requirements for small businesses. The small businesses that will be affected have been notified of the proposed changes.

4

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING IMPORTATION OF HORSES, MULES, AND ASSES. (MN RULES PARTS 1700.2100 THROUGH 1700.2500)

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990) authorizes and requires the Minnesota Board of Animal Health (hereinafter referred to as the "Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. The subject of this rule amendment is the proposed adoption of the rule governing the Importation of Horses, Mules, and Asses. The Board has determined that the proposed rule is non-controversial because it better protects the horses within the state allowing new tests, that are approved by the USDA, to be used and by requiring a horse imported without the required Equine Infectious Anemia (EIA) test to be tested within 30 days of entry. These proposals were sent to the three major equine associations that are listed in the Directory of Minnesota Producer Associations and Agricultural Organizations. There were no comments against the proposals. Because of the non-controversial nature of this rule, the Board is proceeding according to Minnesota Statutes, Sections 14.22 to 14.28 and this Statement of Need and Reasonableness was prepared and completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The current rule is outdated because it only allows the Coggins Test for diagnosis of Equine Infectious Anemia. The USDA has recently approved the Elisa Test use with interstate movement of horses. These tests must be conducted at an approved laboratory by trained personnel. The proposed rule allows any test that would be approved by the USDA to be used. This will allow the use of new approved tests without the necessity of a rule change.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1700.2100 DEFINITIONS.

Subpart 6. Any horse, no matter what age, that has a positive reaction is considered a reactor. A horse under nine months of age may be a reactor from maternal antibodies. If this is the case, it may become negative on a future test and then would not be considered a reactor. The proposed definition is necessary for disease control because a young horse could also be infected with EIA. It is reasonable because this is what is being done now.

Subpart 7. The official test for Equine Infectious Anemia is defined as the Coggins Test or other tests approved by the USDA. This is necessary for the reasons listed in the General Overview and the fact that, for the importation of horses, a certificate of Veterinary Inspection is made out in the state of origin, where most likely any USDA approved test is recognized. It is reasonable to update the language of our rules as needed for new technologies.

1700.2200 CERTIFICATES OF VETERINARY INSPECTION FOR HORSES.

The term "Health Certificate", in this section and sections 1700.2300 and 1700.2400, is being changed to Certificate of Veterinary Inspection because the name of the health certificate form has been changed to Certificate of Veterinary Inspection.

The proposed paragraph E. is not new but is moved from 1700.2300 and from 1700.2400. This is necessary and reasonable to make the rule easier to understand.

1700.2300 CONTENTS OF THE CERTIFICATE OF VETERINARY INSPECTION.

The two paragraphs that are deleted from this section were only moved. The first paragraph went to 1700.2200 as described above and the other went to the new section 1700.2310.

1700.2310 PERMITS.

This section is moved from 1700.2300 and is unchanged. The need for this to be a new and separate section is that it is hard for people to find where a permit is required in the current rule. It is reasonable that the rules be understandable and easy to read.

1700.2400 SALES.

The sentence that was deleted is a repeat of the paragraph that was moved from 1700.2300 to 1700.2200. It is unnecessary, confusing and unreasonable to have this repeated.

1700.2450 REACTORS.

This is a new section and is just the combination of the second and third paragraphs of the current 1700.2400. This is necessary and reasonable to make the rule easier to understand.

1700.2500 HORSES IMPORTED WITHOUT THE REQUIRED TEST FOR EIA.

The proposed new part of this section is to give a definite time in which a test has to be completed. This is necessary to make sure the required testing is completed and thirty days is a reasonable time for the owner to accomplish this.

The sentence that was deleted is just a repeat of section 1700.2450 and is unnecessary.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

The board included the equine industry in the rulemaking process by sending an advance copy of the proposed rule to all the major equine associations listed with the Minnesota Department of Agriculture. No requests for change in the proposed rules were received from them.

In assessing the economic impact of the proposed changes, the board considered them to have no significant effect on small businesses.

The operation standards are less restrictive because the proposed rule allows a choice of approved official tests instead of being restricted to the one test by the present rule.

The deadline for testing within 30 days after import is for horses that came into Minnesota illegally, ie; without the required testing.

S. / /

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING IMPORTATION OF POULTRY (MN RULES PARTS 1700.3100 through 1700.3800).

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990) authorizes and requires the Minnesota Board of Animal Health (hereinafter referred to as the "Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. The subject of this rule amendment is the proposed adoption of the rule governing the Importation of Poultry. The Board has determined that the proposed rule is non-controversial because it is necessary to require imported poultry to meet the disease classifications and requirements that the Minnesota poultry industries must meet. Because of the non-controversial nature of this rule, the Board is proceeding according to Minnesota Statutes, Sections 14.22 to 14.28 and this Statement of Need and Reasonableness was prepared and completed prior to the date that the proposed rule was published in the State Register.

II. GENERAL OVERVIEW

On January 1, 1992, new rules went into effect that control poultry diseases. These rules were requested by the poultry industries because they had been voluntarily testing their poultry for several diseases and had eradicated these diseases from all of their flocks. The rules made testing for these diseases and quarantining any reactor flocks mandatory. The proposed changes in the Poultry Import Rule are to protect Minnesota poultry flocks from these diseases by requiring that any poultry brought into Minnesota be of the same classification and testing.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1700.3110 DEFINITIONS.

All the definitions are from the new Poultry Disease Rule, 1710.1300 to 1710.1530 except Subpart 2, Backyard Chickens. It is necessary and reasonable to keep these definitions the same. "Backyard Chickens" is a new term in the rules to exempt the small chicken producer from having to meet the same testing requirements as the large integrated producer by putting them into the classification with exhibition and hobby-type poultry. Since they only sell to other hobby-type producers and not to the large integrators, the more stringent testing levels are not required or necessary. It is reasonable to allow them to stay in business with this proposed classification.

1710.3400 POULTS, CHICKS, AND HATCHING EGGS.

It was necessary to make the rule easier to read and less confusing to have one age level for all poultry. This has no disadvantages to the producers because it allows turkeys to enter Minnesota under the flock of origin status until five months of age instead of four months. The clean flock of origin still provides for disease control and therefore is reasonable.

Paragraphs A and B of the proposed rule are taken from Paragraphs A, B and C of the current rule. They have been reworded and the terminology updated (there is no longer a National Turkey Improvement Plan). The proposed rule is necessary and reasonable because it states in an easier to understand form what is being done now.

Paragraph C is necessary because it requires imported poultry to meet the same disease control classifications as Minnesota poultry and this is a reasonable rule to protect Minnesota poultry from diseases.

1700.3600 SHIPPING CONTAINERS.

This section was changed for two reasons. The first was for disease control requiring poultry boxes to be new or cleaned and disinfected. This is required for Minnesota poultry and is necessary and reasonable. The second, was to allow the required data to be on the invoice instead of each box. This was necessary and reasonable because with the size of today's poultry operations, often 500 to 1,000 boxes of poultry are in the same truck going to the same place. Demanding a label on each box is redundant, unnecessary and unreasonable when this information on the invoice is more useful and less expensive.

1700.3700 EXCEPTIONS.

The paragraph exempting waterfowl was deleted because it is no longer used and therefore not necessary. The reasons for this are almost all of the waterfowl hatcheries in Minnesota belong to the National Poultry Improvement Plan and/or handle a mixture of other poultry also. We have not had a request for such an exemption in over ten years. Therefore, it is reasonable to delete it so the rule will be less confusing.

An exemption was added for birds imported for immediate slaughter because the testing is unnecessary and unreasonable for these birds.

1700.3800 ADULT POULTRY.

This section is reworded and changed to meet the new poultry rule for the same reasons given in Section 1700.3400. The only difference is that the adult poultry must be tested for the diseases instead of being under the status of their flock of origin. This is necessary and reasonable to protect the domestic poultry of Minnesota.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

In assessing the economic impact of the proposed changes, the Board considered them to have no effect on small businesses. If there is any effect, it would be favorable to backyard chicken producers who would be able to purchase from small hatcheries outside of Minnesota if they desire to. See the "Definitions" section of this Statement of Need and Reasonableness for the explanation.

This rule is for out-of-state producers wanting to ship poultry into Minnesota. There are no new reporting requirements, deadlines, or operation standards in the proposed rules that are not required of producers in the state of Minnesota.

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING IMPORTATION OF BISON AND ELK (MN RULES PART 1700.4800).

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. The Board has determined that the proposed rule is non-controversial and that it is necessary to most efficiently and effectively control animal disease. The proposed changes are supported by members of the affected industry and others affected by the rule.

Further, the Board has determined that the changes are effective for the protection of public health and the control of livestock diseases. Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Section 14.22 - .28 and this statement of need and reasonableness was completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The Board has existing rules governing importation of bison and elk in Minn. R. pt. 1700.4800. This rule is being repealed and the requirements are being moved to other parts.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULE

1700.4800 IMPORTATION OF BISON AND ELK.

This rule is being repealed and the requirements are being moved to other parts. This is being done to consolidate all requirements for the importation of bison and the importation of elk in one part of the rules. This is reasonable since it will make the rules easier to understand.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

Since there will be no changes in the importation requirements for bison or elk there will be no new compliance or reporting requirements for small businesses. The small businesses that will be affected have been notified of the proposed changes.

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING IMPORTATION OF CERVIDAE (MN RULES PARTS 1700.4900 THROUGH 1700.5300).

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. The Board has determined that the proposed rule is non-controversial and that it is necessary to most efficiently and effectively control animal disease. The proposed changes are supported by members of the deer and elk industry and others affected by the rule.

Further, the Board has determined that the changes are effective for the protection of public health and the control of livestock diseases. Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Section 14.22 - .28 and this statement of need and reasonableness was completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The Board has existing rules governing importation of elk in Minn. R. pt. 1700.4800. This rule is being repealed and new rules Minn. R. pts. 1700.4300 - .5300 are being written to include all cervidae(elk, deer, moose, caribou, reindeer).

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1700.4900 DEFINITIONS.

Subpart 3. Cervidae. This portion of the rules is necessary to define the types of animals covered. It is reasonable in that all of these animals are in the same family of mammals and are equally susceptible to tuberculosis and brucellosis.

1700.5000 REQUIREMENT FOR IMPORT PERMIT.

This portion of the rule requires the examining veterinarian in the state of origin to call for a permit to import cervidae into Minnesota. This is necessary to track the movement of cervidae into Minnesota. The same method is used to track the movement of other livestock into Minnesota.

1700.5100 REQUIREMENT FOR CERTIFICATE OF VETERINARY INSPECTION.

This portion of the rule requires the exporter to have the cervidae examined by a veterinarian prior to entrance into Minnesota. This is necessary to assure that only healthy animals are allowed into Minnesota. The same method is used to assure the health of other livestock imported into Minnesota.

1700.5200 REQUIREMENT FOR BRUCELLOSIS TEST.

This portion of the rule requires a negative test for brucellosis prior to importation of cervidae into Minnesota.
This is necessary because cervidae are susceptible to this disease and the disease is a threat not only to farmed deer and elk, but also to the cattle industry.

1700.5300 REQUIREMENT FOR TUBERCULOSIS TEST.

This portion of the rule requires a negative test for tuberculosis prior to importation of cervidae into Minnesota. An increasing prevalence of tuberculosis in cervidae in the United States has made this test requirement necessary. There is no effective treatment for tuberculosis in cervidae. This disease is transmissible to people and poses a significant threat to the cattle industry.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

The small businesses affected by this rule are not in Minnesota. There would be no new compliance or reporting requirements for small businesses in Minnesota. The small businesses that will be affected have been notified of the proposed changes.

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING ERADICATION OF BOVINE AND BISON BRUCELLOSIS(MN RULES PARTS 1705.0060 THROUGH 1705.0540).

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. Further, Minn. Stat. Section 35.245, as amended by the 1992 Legislature, allows the Board to change the requirement for brucellosis testing of cattle that are leased, loaned or sold. The Board has determined that the proposed rule is non-controversial and that it is necessary to most efficiently and effectively control animal disease. The proposed changes are supported by members of the cattle industry and others affected by the rule.

Further, the Board has determined that the changes are effective for the protection of public health and the control of livestock diseases. Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Section 14.22 - .28 and this statement of need and reasonableness was completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The Board has existing rules governing eradication of bovine and bison brucellosis in Minn. R. pts. 1705.0060 - .0540. These rules are being changed to reflect the new legislation and to respond to the decreasing prevalence of brucellosis in the United States.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1705.0060 DEFINITIONS

Subpart 2a. Cattle concentration point. This definition is necessary since a distinction will be made on the requirement for a brucellosis test depending on whether the cattle have passed through a concentration point. Concentration points are places where cattle are congregated from various sources and disease transmission is more likely.

Subpart 3. Exposed cattle. The portion of this definition that was used prior to January 1, 1982 will be deleted.

Subparts 6, 7, 8, 16 are unchanged, except for changes in form made by the revisor.

1705.0260 OFFICIAL VACCINATION.

The portion of this rule referring to "Brucella abortus vaccine, strain 19, live culture, standard dose" will be deleted because this product is no longer manufactured.

1705.0310 CATTLE VACCINATED WITH BRUCELLA ABORTUS STRAIN 19 VACCINE.

The portion of this rule that provides for quarantine of improperly brucellosis vaccinated cattle will be deleted. These cattle do not pose a public health threat, nor are they a threat to other livestock.

1705.0320 AREA PLAN PARTICIPATION.

The ring test is a method of surveillance for brucellosis. The number of times the ring test is done on all dairies in Minnesota will be changed from three times per year to two. USDA has determined that this is sufficient surveillance in a brucellosis free state.

It will no longer be mandatory to test herds with suspicious ring tests or MCI reactor herds. Instead an investigation will be mandatory and a herd test will be done if epidemiologic evidence indicates that it is necessary. This change is important to stop the unnecessary testing and disruption of Minnesota's farming operations. This change is reasonable because of the decline in the prevalence of brucellosis in the United States.

1705.0430 SALES OF CATTLE AND LEASING OR LOANING CATTLE FOR BREEDING.

A brucellosis test will no longer be required on cattle sold, leased or loaned within Minnesota unless they pass through a cattle concentration point. This is done in accordance with a change to Minnesota Statutes, Section 35.245, by the 1992 Legislature. This is reasonable in that Minnesota has been brucellosis free since October 1, 1984 and the prevalence of brucellosis in the United States has declined greatly in the past few years.

1705.0460 CERTIFICATES.

The change in this portion of the rules is done to remain consistent with the changes made in part 1705.0460.

1705.0510 TEST ELIGIBLE CATTLE WITHOUT NEGATIVE BRUCELLOSIS TEST.

The change in this portion of the rules is done to remain consistent with the changes made in part 1705.0460.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

The effect of these proposed changes is a decrease in the restrictions on the movement of cattle and bison within Minnesota. There would be no new compliance or reporting requirements for small businesses. The small businesses that will be affected have been notified of the proposed changes.

9

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING ERADICATION OF BOVINE TUBERCULOSIS (MN RULES PARTS 1705.0840 THROUGH 1705.1085).

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. The Board has determined that the proposed rule is non-controversial and that it is necessary to most efficiently and effectively control animal disease. The proposed changes are being drafted at the request of members of the deer and elk industries.

Further, the Board has determined that the changes are effective for the protection of public health and the control of livestock diseases. Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Section 14.22 - .28 and this statement of need and reasonableness was completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The Board has existing rules governing eradication of bovine tuberculosis in Minn. R. pts. 1705.0840 - .1085. Currently these rules deal with this disease only in cattle. Recently there has been a dramatic increase in the incidence of this disease in deer and elk in the United States and Canada. These rules are being changed to provide deer and elk farmers with a method to accredit that their herds are free of tuberculosis. This allows for easier interstate marketing of deer and elk. It also is an effective method of surveillance for bovine tuberculosis in deer and elk.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1705.1082 ACCREDITATION.

This portion of the rule states the requirements for initial accreditation of a herd of deer or elk. The requirements were written to follow the current national guidelines. This is necessary so that other states accept the status of Minnesota herds and interstate movement of deer and elk is allowed based on this status.

1705.1083 CANCELLATION OR SUSPENSION OF ACCREDITATION.

This portion of the rule states the guidelines to be followed in canceling or suspending the accredited status of a herd. This is necessary because a herd cannot continue to have this status if there is evidence that there is tuberculosis in the herd. It is reasonable because these are the guidelines for suspension or cancellation of the accredited status of other species.

1705.1084 ADDITION TO ACCREDITED HERDS.

This portion of the rule establishes the guidelines to be followed when adding deer or elk to an accredited herd. This is necessary to prevent the introduction of tuberculosis into an accredited herd. It is reasonable because these are the requirements for additions to accredited herds of other species.

1705.1085 REACCREDITATION.

This portion of the rule states the requirements for reaccreditation of a herd of deer or elk. The requirements were written to follow the current national guidelines. This is necessary so that other states accept the status of Minnesota herds and interstate movement of deer and elk is allowed based on this status.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

The accreditation process provided for in this proposed rule is voluntary and is being done at the request of the affected small businesses. There would be no new mandatory compliance or reporting requirements for small businesses.

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING PUBLIC EXHIBITION OF LIVESTOCK AND POULTRY IN MINNESOTA (MN RULES PARTS 1700.0005 THROUGH 1700.0190).

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (l990) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. The Board has determined that the proposed rule is non-controversial and that it is necessary to most efficiently and effectively control animal disease.

Further, the Board has determined that the changes are effective for the protection of public health and the control of livestock diseases. Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Section 14.22 - .28 and this statement of need and reasonableness was completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The Board has existing rules governing public exhibition of livestock and poultry in Minnesota in Minn. R. pts. 1700.1800 - .2000. These rules are being changed to update testing requirements for livestock and poultry to remain current with changes in the prevalence of certain diseases.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1715.0005 DEFINITIONS.

Subpart 3a. Other domesticated fowl.
Subpart 3b. Poultry.
Subpart 7. Turkeys.

These definitions are being changed so that they have the same meanings as they do in the rules governing diseases of poultry (Minn. R. pts. 1710.0010 - .1290) which were changed last year.

1715.0072 EXHIBITION OF CATTLE.

This portion of the rule is new and was written to replace parts 1715.0070 and 1715.0080 which are being repealed. Currently cattle from Minnesota are required to be identified and tested for brucellosis prior to exhibition. The proposed changes would eliminate these requirements. This is reasonable because Minnesota has been bovine brucellosis free since 1984.

1715.0100 SWINE BRUCELLOSIS.

Under this part pigs from Minnesota are required to be tested for brucellosis prior to exhibition. The proposed changes would repeal this part. This is reasonable because Minnesota has been swine brucellosis free since 1975.

1715.0115 EXHIBITION OF GOATS.

This portion of the rule is new and was written to replace parts 1715.0120 which is being repealed. Currently goats from Minnesota are required to be tested for brucellosis prior to exhibition. The proposed changes would eliminate this requirement. This is reasonable since there is no known brucellosis in goats in the United States at this time.

1715.0140 EXHIBITION OF POULTRY.

This portion of the rule is being amended to require additional testing of turkeys from Minnesota prior to exhibition. This is necessary to prevent the dissemination of disease at poultry exhibitions and to remain consistent with the changes that were made in the rules governing diseases of poultry (1710.0010 - .1290) last year.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

The effect of these proposed changes is a decrease in the testing requirements for livestock and poultry from Minnesota to be exhibited. There would be no new compliance or reporting requirements for small businesses. The small businesses that will be affected have been notified of the proposed changes.

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING APPROVED MARKETS FOR CATTLE (MN RULES PARTS 1715.0780 THROUGH 1715.1260).

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. The Board has determined that the proposed rule is non-controversial and that it is necessary to most efficiently and effectively control animal disease. The proposed changes are supported by members of the cattle industry and others affected by the rule.

Further, the Board has determined that the changes are effective for the protection of public health and the control of livestock diseases. Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Section 14.22 - .28 and this statement of need and reasonableness was completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The Board has existing rules governing approved markets for cattle, Minn. R. pts. 1700.1800 - .2000. These rules are being changed to update terminology used in the industry and to update the age at which calves can be vaccinated for brucellosis.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

1715.0780 DEFINITIONS.

Subpart 6a. Certificate of veterinary inspection. This is a new definition to replace subpart 8 which is being repealed. The definition has not changed, but the name of the document defined has changed from "health certificate" to "certificate of veterinary inspection" to more accurately reflect the nature of the document. The same change is made throughout the rules and will not be further noted.

Subpart 11. Official vaccinate. This definition is being change to be consistent with the definition in other parts of chapters 1700 - 1720. Vaccination of animals less than four months old is not effective.

1715.0960 PAVING WITH IMPERVIOUS MATERIALS.

The provisions for exempting cattle pens from being paved with impervious materials is being deleted. This exemption, as defined by the rule, was no longer in effect after June 30, 1977. Therefore, there is no longer any need for this language to be in the rule.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

The proposed changes will not have any affect on small businesses. There will be no new compliance or reporting requirements for small businesses.

STATE OF MINNESOTA
BOARD OF ANIMAL HEALTH

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE RULES OF THE BOARD OF ANIMAL HEALTH, GOVERNING QUARANTINED FEEDLOTS (MN RULES PARTS 1720.0820 THROUGH 1720.0850).

STATEMENT OF NEED AND REASONABLENESS

I. INTRODUCTION

Minnesota Statutes, Section 35.03 (1990) requires the Minnesota Board of Animal Health ("Board") to adopt rules necessary to protect the health of Minnesota's domestic animals. The Board has determined that repealing this rule is non-controversial and that it is necessary to most efficiently and effectively control animal disease. The proposed change is supported by owners of quarantined feedlots and others affected by the rule.

Further, the Board has determined that the changes are effective for the protection of public health and the control of livestock diseases. Because of the non-controversial nature of this rule, the Board is proceeding under Minnesota Statutes, Section 14.22 - .28 and this statement of need and reasonableness was completed prior to the date that the proposed rule was published by the State Register.

II. GENERAL OVERVIEW

The Board has existing rules governing quarantined feedlots in Minn. R. pts. 1720.0820 - .0850. These rules are being repealed since they are obsolete.

III. NEED FOR AND REASONABLENESS OF THE PROPOSED RULES

The rules to provide for the establishment of quarantined feedlots were originally promulgated to allow adult cattle from other states to enter qualifying Minnesota feedlots without being tested for brucellosis, tuberculosis and anaplasmosis. Since that time the prevalence of these three diseases of cattle has been reduced dramatically in the north central portion of the United States. In response to the decreased prevalence of these diseases the Board has stopped requiring adult cattle to be tested prior to entry into Minnesota feedlots. Therefore, the original reason for having quarantined feedlots no longer exists.

IV. SMALL BUSINESS IMPACT OF THE PROPOSED RULE

The effect of these proposed changes is a decrease in the restrictions on the importation of cattle and bison into Minnesota. There would be no new compliance or reporting requirements for small businesses. The small businesses that will be affected have been notified of the proposed changes. There are currently six quarantined feedlots in Minnesota. All of the owners of the quarantined feedlots have been contacted and agree that there is no longer a need for quarantined feedlots in Minnesota.

Board of Animal Health

In the Matter of the Proposed Rules of the State Board of Animal Health Governing Importation of Cattle, Bison, Goats, Cervidae, Elk, Dogs, Cats, Horses, Mules, Asses and Poultry; Eradication of Bovine and Bison Brucellosis, Eradication of Bovine Tuberculosis, Quarantined Feedlots, Public Exhibition of Livestock and Poultry in Minnesota, and Approved Markets for Cattle

DECLARATION OF COUNSEL

I, Paul Strandberg, Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rules and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes, the four-digit docket client code is 0098.

Paul Strandberg
Special Assistant Attorney General

Dated: 10/14/92

N:\BILL\DECLRATN