

STATE OF MINNESOTA

BOARD OF ANIMAL HEALTH

In the Matter of the Proposed Amendments to
the Rules of the State Board of Animal Health,
Governing:

Control of Pseudorabies - Parts 1705.2400
to 1705.2530

Importation of Swine - Parts 1700.2590 to
1700.3010

**STATEMENT OF NEED
AND REASONABLENESS**

The Minnesota Board of Animal Health has authority granted by Minnesota Statute Section 35.03 to promulgate rules to protect the health of the domestic animals of this state. Minnesota Statute 35.255 requires the Board of Animal Health to control pseudorabies and allows the promulgation of rules to that end. The Board has determined that certain tests, inspections and other procedures are necessary to protect the health of livestock in Minnesota.

Therefore, the Board of Animal Health proposes to amend the rules for the importation of swine into the state of Minnesota and the Pseudorabies control rule in order to safeguard the domestic swine in Minnesota. The reasons and need for amendments to the swine importation rule follow:

INTRODUCTION -

Pseudorabies (PRV) is a serious viral disease that attacks the central nervous system (CNS) of most species of warm blooded animals, except man. It is a fatal disease in most species and is most commonly seen in swine. The disease has been known for hundreds of years in Europe and the U.S.A. However, until 1975, it was rarely seen in Minnesota. The disease began to manifest itself as a serious problem 20 years ago in Europe and in the early 1970's in the U.S.A. This serious, high incidence of the disease began about the time man began the confinement raising of swine. The disease has increased in incidence and severity since that time.

In 1975, in order to stop the spread of pseudorabies in Minnesota, the Board of Animal Health began a program of quarantining of known infected herds. This quarantine procedure involves the prevention of the sale of breeding stock as well as limiting the sale of feeder pigs from that herd. It does not mean, however, that quarantined herd owners cannot raise market hogs which are to be sold for slaughter.

Since 1975, when 4 pseudorabies infected herds were disclosed, the disease has increased steadily in Minnesota. In 1990, we have in excess of 594 herds under quarantine for this disease. Several serious implications of this rising incidence rate in Minnesota becomes obvious when we consider the fact that over 24% of the purebred seedstock herds have contracted pseudorabies at tremendous loss to them and to the livestock industry. A second area of concern to many is the loss of our feeder pig markets. Minnesota is a feeder pig exporter, we sell over 400,000 feeder pigs to other states each year. A number of neighboring states have, or are considering, establishing embargoes on Minnesota feeder pigs because of the potential spread of pseudorabies from our pigs to their livestock.

CHANGE IN ATTITUDE TOWARD PSEUDORABIES ERADICATION:

Prior to 1986, a wide divergence of opinion existed in the Minnesota livestock industry relative to what to do about this disease problem. Many in the industry felt that the disease was not a serious problem and that the industry could live with it.

In 1986 and 1987, a number of things happened that indicated the livestock industry was ready to become involved in serious efforts to control and eradicate pseudorabies. They are as follows:

- _____ The Minnesota Pork Producers Association passed a resolution endorsing the goal of a nationwide Pseudorabies Eradication Plan.
- _____ The Minnesota Livestock Breeders Association passed a resolution endorsing pseudorabies eradication.
- _____ The Pseudorabies Advisory Committee voted to endorse the 7th draft Pseudorabies Eradication plan proposed by the National Pork Producers Council, Livestock Conservation Institute (LCI) and U.S. Department of Agriculture (USDA).
- _____ The 1987 Minnesota Legislature appropriated \$185,000.00 to fund pseudorabies control and clean up projects.
- _____ The 1989 Minnesota Legislature appropriated \$1.1 million to fund pseudorabies, control, clean up and research.

PSEUDORABIES ADVISORY COMMITTEE RECOMMENDATIONS:

Because the Board of Animal Health believes that the livestock industry must have input to the development of disease control rules that affect their industry, the Board proposed a Pseudorabies Advisory Committee made up of members of the industry. This 25 member committee consists of 13 swine producers and representatives of the Livestock Producers Associations, the Livestock Marketing Agencies, the Livestock Packing Industry, the U.S. Department of Agriculture, the University of Minnesota and the Board of Animal Health.

The Advisory Committee met for 7 day-long meetings; they very thoroughly debated the pseudorabies situation and proposed the following: that a Control/Eradication program be carried out in phased steps, beginning in the northern 2/3 of Minnesota, and moving into the southern PRV endemic areas. The program would consist of five major components:

- I. Education
- II. Surveillance
- III. Feeder pig herd monitoring
- IV. Control of feeder pig imports
- V. Infected herd cleanup

The Pseudorabies Advisory Committee approved a proposed set of pseudorabies control amendments which they presented to the Board of Animal Health. The Board of Animal Health reviewed these proposed regulations and made several minor changes and has endorsed the version which is being presented at this rule hearing.

LEGISLATIVE AUTHORITY TO PROMULGATE AND CARRY OUT PSEUDORABIES CONTROL REGULATIONS:

Minnesota Statutes 35.03, Powers and Duties of the Board of Animal Health, states, "The Board shall protect the health of Minnesota domestic animals and shall make rules necessary to accomplish this." In addition, in 1983 the legislature passed a law, Minnesota Statutes 35.255, Pseudorabies Program Rules, that states;

"The Board of Animal Health shall adopt rules to implement a program to control pseudorabies in swine, including pseudorabies testing of breeding swine and restricted movement of feeder pigs."

OBJECTIVES OF PROPOSED RULE AMENDMENTS:

PSEUDORABIES CONTROL RULE - PARTS 1705.2400 to 1705.2530:

1. General housekeeping changes - To clarify the meaning and intent of the current rule.
2. Parts 1705.2400 - To add and clarify the definitions necessary to make this rule easier to understand.
3. Parts 1705.2410 - To clarify the rule on how a quarantined herd can be disposed of or moved.
4. Parts 1705.2434 - To change the name "Quarantined Feedlots" to "Approved Premises" and define where they can be located.

5. Parts 1705.2440 - To provide for other methods of quarantine herd release to bring our rule into agreement with national program standards.
6. Parts 1705.2460 - To provide for the sale of a PRV vaccinated herd.
7. Parts 1705.2472 - To clarify the legal movement of feeder pigs within the state.
8. Parts 1705.2476 - To mandate herd monitoring and herd clean up to comply with the wishes of the Minnesota Pork Producers Association.
9. Parts 1705-2480 - To spell out new bleeding schedules for qualified herds and breeding swine sales centers.

PARTS 1705.2400 - DEFINITIONS

Subpart 5A Low-prevalence pseudorabies area; Stage III area:

Minnesota is participating in a 5-stage National Pseudorabies Eradication Program. A Stage III area is defined here because it is the goal of the northern zone to become a Stage III area for purposes of selling feeder pigs without excessive testing restrictions.

The other definitions are there for further rule clarifications.

PARTS 1705.2430 INFECTED HERD QUARANTINE AND DISPOSAL PROCEDURES

Subpart 2C - In the past the rule allowed the sale of a quarantined breeding herd only to slaughter. This caused some hardship on a few quarantined herd owners who wished to retire or to dispose of their herds for other reasons. In order to reduce the spread of PRV from the sale of quarantined herds we say that they can be sold if the buyer agrees to maintain them on the same premise and sign a herd clean up agreement. The pork industry seems to be agreeable to this compromise.

Subpart 4 - On occasions a quarantined herd outgrew its home quarantined premise so we did allow them to move to what we termed an "extension herd." When such a herd was moved into a neighborhood it caused some unease among the neighboring herd owners. To ease this concern this rule put some restrictions on such moves. These include location restrictions, vaccination and herd clean up provisions. These changes were requested by the industry and should not put an undue hardship on the quarantined herd owner.

PARTS 1705.2434 - "APPROVED PREMISE" PROCEDURES:

This rule change basically only changes the name "Quarantined Feedlots" to "Approved Premises." The reasons for this are complex and are as follows:

A "Quarantined Feedlot" is a lot set up to buy and feed out feeder pigs from the many quarantined herds that make a living selling feeder pigs. After we inspect and authorize such a feedlot we notify the neighbors. Many people object to infected hogs coming into their neighborhood. They object to anything with the word "Quarantine" attached to it. However, if we did not allow quarantined feedlots we would be putting many quarantined herds out of business.

A number of other states, including Iowa call such feedlots "Approved Premises" and that doesn't seem to alarm neighbors as much, thus the name change. We also put a restriction that they cannot be located in a Stage III area or within 2 miles of a qualified herd.

PARTS 1705.2440 - RELEASE OF QUARANTINE:

The State of Minnesota is currently involved in the National Pseudorabies Eradication Program in cooperation with the US Department of Agriculture. The USDA has set up guidelines on how eradication program should be carried out, including guidelines on how herds should be released from quarantine. These guidelines are called "The Program Standards".

Subpart 1,B - Was changed to bring the Minnesota quarantine release procedures in line with those in the program standards. Instead of requiring a complete negative test of the entire breeding herd we are proposing several random sample tests to get the herd released from quarantine. This should reduce the expense of herd clean up.

PARTS 1705.2460 - INTRASTATE MOVEMENT OF BREEDING SWINE

These are mostly housekeeping changes.

Subpart 9 - In our current rule it is illegal to sell vaccinated breeding swine except to slaughter. This is because they often carry a vaccination blood titer. This causes much hardship on some producers.

This change allows the sale of vaccinated breeding swine under certain restrictions designed to control the spread of pseudorabies.

PART 1705.2472 - CONTROL AND ERADICATION OF PSEUDORABIES

Subpart 2 - Under our current rule a few producers found ways to move feeder pigs without any testing. These changes are designed to clarify the fact that feeder pigs moved for any purpose should be from known clean sources.

Subpart 3 - (All New material) This subpart was added to clarify how the northern zone can become a Stage III area. It also states that infected herds in the northern zone must begin a herd clean up process.

PARTS 1705.2476 - PSEUDORABIES SURVEILLANCE AND CONTROL OF SPREAD

In 1988 the Minnesota Pork Producers Association passed a resolution saying that all swine herds in Minnesota should be required to be monitored for pseudorabies by July 1, 1991, not just the feeder pig selling herds.

Subpart 7 - MANDATORY HERD MONITORING

In consideration of the logistic problems associated with a statewide test, this subpart suggests that this be phased over a 2 year period.

Subpart 8 - QUARANTINED HERD CLEAN UP

In order to move the state ahead in cooperation with the National Pseudorabies Eradication program this subpart says that all infected herds must begin a clean up program. This will be a phased approach and done at state expense to cover the testing costs.

PARTS 1705.2480 - QUALIFIED PSEUDORABIES - NEGATIVE HERD PROCEDURES

The Qualified Pseudorabies - Negative herd program is designed to facilitate the sales of breeding swine from known clean herds. These changes require that a sample of the offspring also be tested in addition to the breeding swine.

Subpart 3 - This gives the qualified herd owners the option to test 10% each month or 25% every 90 days.

Subpart 9 - This section spells out how breeding swine sales centers can maintain their qualified status.

The above changes are designed to satisfy the concerns of the livestock industry and facilitate their marketing of breeding swine.

STATEMENT OF NEED AND REASONABLENESS REGARDING A SECOND RULE CHANGE UNDER CONSIDERATION AT THIS PUBLIC HEARING - PARTS 1700.2590 TO 1700.3010- IMPORTATION OF SWINE:

The provision to be changed is a requirement for isolation of breeding swine imported into Minnesota and added to Minnesota herds. Such swine were to be isolated until retested negative to pseudorabies, not less than 30 nor more than 60 days following importation. This change was recommended by the pseudorabies advisory subcommittee on rule changes that met on September 15, 1989, at North Mankato, Minnesota. State/federal industry program standards for eradication of pseudorabies require that breeding swine imported and added to herds within the state be isolated and retested at the destination 30 to 60 days following importation.

A statistical sampling for the retest, the same as for pseudorabies herd monitoring, was selected because large numbers of gilts are frequently brought in for breeding purposes and a statistical sampling on large groups of imported swine is practically and economically acceptable.

Exception was made to the breeding stock sales centers, also frequently known as boar stores. The exception was made because the requirements for the breeding stock sales centers are different than requirements for other sales. At sales centers, the swine are tested on a monthly basis. The Board feels that this will detect latent pseudorabies infection.

Pseudorabies is becoming an increasing threat to the Minnesota Livestock Industry. The Minnesota Pork Producers Association and the Minnesota Pseudorabies Advisory Committee have both urged the Board of Animal Health to cooperate in the National Pseudorabies Eradication program. The 1989 Minnesota Legislature appropriated \$1.1 million for pseudorabies research and control. The Board of Animal Health feels that the time is right to move ahead with these rule changes.

EXPENDITURE OF PUBLIC MONEY:

For the purpose of compliance with Minnesota Statute Section 14.11, the Board of Animal Health estimates that there will be no expenditure of money by local public bodies and there will be no impact on agricultural land in Minnesota.

IMPACT ON SMALL BUSINESS:

Minnesota Statute 14.115 requires the agency to consider the impact on small business.

The Saint Paul Union Stockyards is the only business that operates under this rule. The definition of a small business in MS14.115 excludes the Saint Paul Stockyards because, (a) it is a subsidiary of Canal Randolph, Inc., (b) it is dominant in its field, and (c) it employs more than 50 employees and has gross sales of more than \$4,000,000.00.

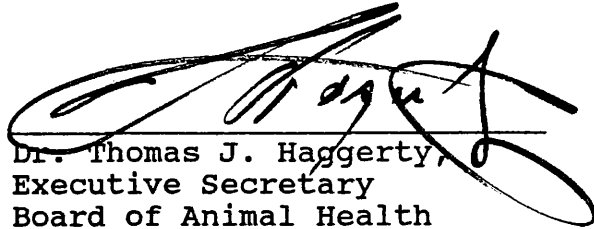
The Board of Animal Health concludes that there will be no impact on small business.

The amendment of Rule 1705.2400 to 1705.2530, Control of Pseudorabies, and the need for these amendments is within the authority of Minnesota Statutes ~35.03 (1982) and ~35.255 (1984).

Date

3-16-90

Signed


Dr. Thomas J. Haggerty,
Executive Secretary
Board of Animal Health