

9/14/92

**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 (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 35.251, 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 This is a new definition to replace subpart 12 which is repealed.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 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.

**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.

**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
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. 1700.0820 - .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.

**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 (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.

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
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 than 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 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.

**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.