

LCB File No. T035-00

**ADOPTED TEMPORARY REGULATION OF THE
STATE DEPARTMENT OF AGRICULTURE**

(Effective December 12, 2000)

**NOTICE AND INTENT TO ADOPT REGULATIONS
THE NEVADA DEPARTMENT OF AGRICULTURE**

PROPOSED CHANGES TO NAC 571.040; 571.045; 571.095; 571.355; AND 576.200.
PERTAINING TO ANIMAL HEALTH REQUIREMENTS FOR IMPORTING LIVESTOCK
AND ALTERNATIVE LIVESTOCK INTO AND THROUGH NEVADA.

Need and purpose of the proposed changes.

The animal health subcommittee of the Livestock Issues Committee of the Nevada Cattlemen's/Woolgrowers Association passed a motion to request consideration by the Nevada Board of Agriculture for the following changes in livestock regulations. These modifications to current animal health rules reflect the success of Nevada producers in eradicating certain diseases while assuring continued vigilance aimed at minimizing the possibility of further exposure. The proposed changes also expand the restriction-free movement options available to ranch managers.

#1. NAC 571.040(3)

This allows the chief livestock health official to modify specific animal import regulations when, in his judgment, the overall intent of the regulation is not compromised.

The proposal is to add another specific exemption available for his consideration by adding the option of waiving the requirement for Brucellosis vaccination under certain circumstances.

There are presently three possibilities for exempting livestock from import requirements under #571.040(3a,b,&c). The addition of #571.040(3d) would recognize the Brucellosis free status of other western states, which do not currently require calfhod vaccination, while expanding the market for Nevada seasonal pastures. It would read as follows:

(d) Cattle from the calfhod Brucellosis vaccination requirement that are imported for seasonal grazing purposes from an area designated as Brucellosis free by the USDA. These animals must test negative to Brucellosis within 30 days prior to entry. In addition, they may not change ownership nor commingle with other cattle except for movement directly to slaughter, while in Nevada.

The risk of this class of livestock introducing Brucellosis into Nevada is minimal because they originate in a free area, are tested negative before being shipped in, cannot change ownership while here, and must leave the state at a designated time.

#2. NAC571.045

This regulation was originally adopted to accommodate Nevada ranchers controlling properties on both sides of the state boundary line in their normal ranching operation. It allows movement of livestock across state lines without meeting the requirements for health certificates and entry permits. It is titled “Grazing permit for cattle or bison” and is commonly called a pasture-to-pasture permit. In recent years livestock operators from other states not owning property in Nevada have been using the pasture-to-pasture permit for seasonal grazing purposes. The proposal is to tighten up this permit process by identifying those native Nevada cattle moving across state lines in the course of normal ranching operations as being exempt from entry permits and health certification, and placing the seasonal grazers from other states in a “commuter” category subject to import regulations.

The wording of NAC 571.045 would be changed to read as follows:

Grazing permit for cattle or bison.

- 1. An owner of cattle or bison who has his principal base of operation in Nevada and owner or controls property in an adjoining state may apply for a permit to move native livestock between these premises without obtaining an entry permit and certificate of veterinary inspection for each movement. Native livestock are defined as animals bearing a registered Nevada brand.***

- 2. An owner of cattle or bison who has his principal base of operation in another state may apply for a commuter permit to move livestock into Nevada for grazing purposes in variance with animal health import regulations under such conditions as the Administrator may specify.***
 - a) The commuter permit must be approved by the chief animal health official of each state in which the livestock graze.***
 - b) The commuter permit is valid for one grazing season only and must not exceed twelve calendar months in duration.***

#3. NAC 571.355

This regulation, “Vaccination of female cattle before change of ownership” was enacted when Brucellosis was a problem in Nevada. It allows no flexibility to accommodate changes of ownership for other than breeding purposes. The rule also prohibits the sale of vaccination-age eligible heifers that are not vaccinated. The status of the Brucellosis situation has changed in the United States. There are now only six infected herds in the country, and the entire western area is bangs free other than in the greater Yellowstone Elk & Bison herds. This regulation needs to be modified to allow the sale of vaccination eligible calves, animals destined for finish feeding, or neutered females headed for grass prior to finishing.

The wording of NAC 571.355 is proposed to be changed to read as follows:

***Vaccination of female cattle or bison before change of ownership
Female cattle or bison more than twelve (12) months of age must be vaccinated against
Brucellosis before any change of ownership occurs in Nevada unless:***

1. *identified in an approved manner as spayed females,*
2. *sold directly or through an approved salesyard for slaughter,*
3. *sold and immediately transported to a destination out of state,*
4. *consigned to a finish feedlot registered with the Department of Agriculture; these animals shall only be moved from the feedlot directly to slaughter.*

#4. NAC 571.095, Transportation of livestock.

This regulation requires that a person who is transporting livestock in Nevada shall carry health certificates for the livestock. It exempts, (a) livestock being transported only within Nevada, (b) livestock entering the state if the driver has in his possession a grazing or commuter permit issued by the Bureau Chief, and (c) animals coming into Nevada only for slaughter. It does not exempt livestock being transported through Nevada originating in another state and destined to another state. This has in the past, resulted in Nevada livestock inspectors issuing citations to persons transiting Nevada with livestock when, in fact, no violation of regulations occurred.

Rule 571.090 states “livestock may be transported through the state without restriction if no part of the shipment is diverted within this state or unloaded for feed and rest for not more than 48 hours.” In addition, not all states require health certificates on all classes of livestock being imported into their state.¹

To avoid future confusion and misunderstanding, it is proposed that a fourth exemption be added to NAC#571.095

NAC 571.095.3 (d)

(d) Livestock being transported through Nevada where the state of destination has no requirement for a health certificate.

The above changes were endorsed by the affected Industries and approved by the Board of Agriculture at its February 2000 meeting in Reno. The additional following changes are necessitated by new & emerging animal disease threats.

Changes in Michigan and Mexico’s tuberculosis status necessitate the change in NAC 571.040 (2d) and NAC 571.040 (3c) to include all classes of cattle rather than limiting them to “Dairy” cattle .The wording in each would be changed to read as follows.

#5 NAC 571.040 (2d) **All cattle and bison that are 12 months of age or older, unless exempted by NAC 571.040 (3), must react negatively to a test for tuberculosis within 30 days prior to entry and must be retested after arrival at 90-120 days and again at 180-210 days.**

#6 NAC 571.040 (3c) **All cattle and Bison from the requirement of testing for tuberculosis if the cattle or bison originate from a State that is recognized as**

free of tuberculosis by the United States Department of Agriculture.

The addition of a restriction on importing sexually intact cattle from Mexico into Nevada is now needed because the U.S.D.A. is permitting this class of livestock entry into the United States under the terms of N.A.F.T.A. These animals do not meet Nevada's animal health standards for entry. Intact Mexican-origin cattle have never been allowed into the state. The new regulation would read as follows:

#7 NAC 571.040 (4) **All sexually intact Mexican- origin cattle are denied entry into the state of Nevada except under such conditions as the Chief Livestock Health Officer may specify.**

#8 NAC 576.200

This regulation lists the prerequisites for importing alternative livestock into Nevada. The proposal is to require an additional statement on the certificate of veterinary inspection noting the absence of Chronic Wasting Disease in the herd of origin. The reason this is necessary stems from the emergence of this condition in Rocky Mountain Elk as a serious disease entity since NAC 576 was enacted. The addition of NAC 576.200(7) would read as follows.

NAC 576.200(7). **If the alternative livestock are Rocky Mountain elk (*Cervus elaphus nelsoni*), each animal is certified by an accredited veterinarian to originate from a herd participating in an official Chronic Wasting Disease monitoring program and that no Chronic Wasting Disease has been diagnosed in that herd for the preceding five years. If an official ante mortem test for Chronic Wasting Disease becomes available the Administrator may wave this requirement if the animals are negative to an official test.**

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NOTICE OF WORKSHOP

A workshop will be held on proposed Temporary Amendments to the following Nevada Administrative Codes: NAC 571.040; 571.045; 571.095; 571.355; and 576.200 pertaining to animal health requirements for importing livestock and alternative livestock into and through Nevada.

Date: November 9, 2000
Time: 4 p.m. till 6 p.m.
Location: Winnemucca Convention Center
Winnemucca, Nevada

The workshop will be held during the Livestock Issues Committee meeting of the Nevada Cattlemen's Association.

For further information on, or to obtain a copy of these proposed amendments, please contact: Dr. David Thain in Reno at 775-688-1180 ext. 261.

Copies of the text of the proposed temporary amendments can be inspected and copied at the following addresses: Nevada State Library in Carson City; all Nevada main county libraries; and the Nevada Department of Agriculture offices listed below from 8a.m. to 5p.m. Monday through Friday.

NV Dept. of Agriculture
350 Capitol Hill Ave.
Reno, NV 89502

NV Dept. of Agriculture
2150 Frazier Street
Sparks, NV 89431

NV Dept. of Agriculture
1550 S. Wells Ave
Reno, NV 89502

NV Dept. of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445

NV Dept. of Agriculture
1351 Elm Street
Elko, NV 89801

NV Dept. of Agriculture
2300 Mcleod
Las Vegas, NV 89104

Note: We are pleased to make reasonable accommodations for disabled people who wish to attend. If special accommodations are necessary call Dr. David Thain at 775-688-1181 ext. 261 as soon as possible.

Upon adoption of the Amendments, the Department, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal

reasons for and against adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

Paul Iverson, Director

Date

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NOTICE OF INTENT TO ACT UPON A REGULATION

Notice of Hearing for the Temporary Amendment of Regulations of the
Nevada Department of Agriculture

The Nevada Department of Agriculture will hold public hearings at the locations, times and dates below. The purpose of the hearings is to receive comments from all interested persons regarding the amendment of regulations that pertain to the health requirements for importing livestock and alternative livestock into and through Nevada in Chapters 571 and 576 of the Nevada Administrative Code.

1. These amendments are necessary to bring regulations into compliance with the needs of the livestock industry and the Department of Agriculture.
2. The changes relate to the licensing, standards of practice, administrative complaints relating to animal health requirements.
3. Economic effects of the proposed amendments on the businesses regulated:

Adverse, immediate and long term. None

Beneficial, immediate and long term. These modifications to current animal health rules reflect the success of Nevada producers in eradicating certain diseases while assuring continued vigilance aimed at minimizing the possibility of further exposure.

4. Economic effects on the public:

Adverse, immediate and long term. None

Beneficial, immediate and long term. The proposed changes expand the restriction-free movement options available to ranch managers.

5. There is no additional cost to the Department for enforcement of the proposed amendments.
6. No fee is increased or established by these amendments.

Persons wishing to comment on the proposed amendments may appear at the scheduled public hearing or may submit written comments, views, data, or arguments to the Department prior to the hearing at the hearing address. All written and oral testimony will be in the record of the hearing.

HEARING INFORMATION

Date: December 5, 2000
Time: 10 a.m.

Location: NV Dept. of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502
Conference room

For further information on, or to obtain a copy of these proposed amendments please contact Dr. David Thain in Reno at 775-688-1180 ext. 261.

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Upon adoption of the Amendments, the Department, if requested to do so by an interested person before adoption, or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against adoption, and incorporate therein its reasons for overruling the consideration urged against its adoption.

Paul Iverson, Director

Date

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NOTICE OF ADOPTION OF TEMPORARY REGULATION

December 12, 2000

MEMORANDUM

To: Secretary of State

From: Dr. David S. Thain
State Veterinarian

Subject: Adopting of Temporary Regulations

On November 9, 2000, a workshop was held regarding adoption of proposed amendments to the enclosed regulations, NAC 571.040; 571.045; 571.095; 571.355, and 576.200.

The workshop was held in Winnemucca, Nevada during the Nevada Cattlemen's Association annual convention. The Livestock Issues Committee of the Nevada Cattlemen's Association attended the workshop. No comments were received.

A hearing was held December 5, 2000 at the Nevada Department of Agriculture conference room. No one attended this hearing, and no written comments were received.

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INFORMATIONAL STATEMENT

**NEVADA DEPARTMENT OF AGRICULTURE
SMALL BUSINESS IMPACT DISCLOSURE PROCESS
PURSUANT TO 233B Nevada Administrative Procedures Act**

The purpose of this Small Business Impact Form is to provide a frame work pursuant to NRS 233B.0608 to determine where a small business impact statement is required for submittal of a proposed regulation before the Nevada Department of Agriculture. If questions one (1) and two (2) are answered No, then a small business impact statement is not required. If question one (1) or two (2) is answered with a YES, then a small business impact statement is required prior to conducting a public workshops by the Department. (This form must be submitted with the proposed regulation when submitted for drafting by LCB and adoption by the Nevada State Board of Agriculture.)

Proposed regulation:

Part 1

1. Does this proposed regulation impose a direct and significant economic burden upon a small business ? **No**
2. Does this proposed regulation restrict the formation, operation or expansion of a small business ? **No**

Note: Small Business is defined as a business conducted for profit which employs fewer than 150 full-time or part-time employees@ (NRS 233B.0382).

3. If **YES** to either of questions 1& 2, the following action must be taken:
 - a. Was a small business impact statement prepared and was it available at the public workshop ? **Yes**
 - b. Attach the small business impact statement (part 2) as part of this form upon submission for drafting by LCB and adoption by the Nevada Board of Agriculture.

SMALL BUSINESS IMPACT STATEMENT
Small Business Impact Form- Part 2
(NRS 233B.0609)

1. Describe the manner in which comments were solicited from affected small businesses, a summary of the response from small businesses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

These changes were proposed to the Nevada Department of Agriculture, Division of Animal Industry by the livestock Issues Committee of the Nevada Cattlemen's Association.

2. The estimated economic effect of the proposed regulation on small business:

- a. Both adverse and beneficial effects
- b. Both direct and indirect effects

None

3. The description of the methods that the agency considered to reduce the impact of the proposed regulation on small businesses.

- a. Simplification of the proposed regulation.
- b. Establishment of different standards of compliance for a small business.
- c. Modification of fees or other monetary interests that a small business is authorized to pay at a lower fee.

Not applicable

4. The estimated cost to the agency for enforcement of the proposed regulation.

No change

5. If this regulation provides for a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.

Not applicable

6. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards relating to the same activity, provide an explanation of why the proposed regulation is duplicative or more stringent and why it is necessary.

Not applicable