

LCB File No. R208-08

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

**NOTICE OF INTENT TO ACT UPON
AMENDING AN EXISTING REGULATION**

Notice of Workshop/Hearing for the Adoption of Regulations for the Nevada Department of Agriculture

The Nevada Department of Agriculture will hold a public hearing/workshop on

August 12th, 2008 from 3pm to 5pm at Great Basin Community College, 1500 College Pkwy, Elko,
Greenhaw Technical Arts Building, Rm 130.

This meeting will be broadcast by video to the following locations:
Nye Coop Extension Office, 475 St. Patrick, Tonopah
WPC Coop Extension Office, 995 Campton St, Ely
Coop Extension Office, 701 S Main St, Eureka:

August 13th, 2008 at 10 am at 1085 Fairgrounds, Winnemucca

August 13th, 2008 from 4:30pm at 111 Sheckler Rd, Fallon

The purpose of this hearing is to receive the comments from all interested parties regarding the amendment of regulation that pertain to Chapter 571 of the Nevada Administrative Code.

A regulation relating to cattle; providing identification, testing and quarantine procedures for cattle to help control and eradicate trichomonosis; revising provisions governing the entry of cattle into this State and providing other matters properly relating thereto.

The following information is provided pursuant to NRS 233B.0603:

1. The need for and the proposed regulation or amendment.

NAC 571.600 to 600 has been enforced since July 1st, 2007. The purpose of the regulation is to aid in the control of the venereal disease trichomonosis in Nevada Beef herds caused by the protozoan *Trichomonas foetus*. The purpose of this amendment is to modify sections of NAC 571.600 – 660 in order to obtain better beef cattle population coverage of control measures and facilitate administrative processes associated with the regulation.

2. Terms or substance of the regulations to be amended.

The current regulation relates to cattle; providing identification, testing and quarantine procedures for cattle to help control and reduce the incidence of trichomonosis; supply provisions governing the entry of cattle into Nevada; and providing other matters properly relating thereto.

The proposed amendment will add lease bulls and stray bulls to the population of animals regulated under this NAC. It also proposes a terminology change from 'Quarantine' to 'Hold Order'. Remove the VS1-27 requirement for movement of infected and exposed cattle, remove confidentiality requirement for T. fetus laboratory test results and change the mandatory testing age from 8 months to 18 months.

3. Estimated economic effect on the business which it is to regulate and on the public.

Beneficial effects on Nevada Cattle herds: Range beef operators can request mandatory testing for lease bulls and stray bulls can be tested at the expense of the bull's owner. Removal of the VS 1-27 requirement will facilitate shipping of infected animals and save costs for the affected herd owner. Increase of testing age will reduce testing costs per operation.

The economic impact of trichomonosis on the state's beef cattle herd is estimated to be a financial loss of between \$2 and \$3 million.

Adverse effects on Nevada Cattle herds: Lease bull operators and owners of stray bull will have to absorb costs of at least \$35 per bull per year.

Immediate effects: Moderate savings to some cattle producers.

Long term effects: Moderate or major income increases of cost savings to some cattle producers.

Direct effects: Increased calf crop and decreased loss of bulls and cows due to culling. Increased costs to those not already testing for the disease.

Indirect effects: Increased income by industry will add \$6-9 million to Nevada's rural economies.

4. The estimated costs of the agency for enforcement of the proposed regulations.

All costs associated with implementation and enforcement have been absorbed by the Division of Animal Industry.

5. A description of and citation to any regulation of other state or local governmental agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the proposed regulation overlaps or duplicates a federal regulation, the notice must include the name of the overlapping federal agency.

NONE.

- 6. If the regulation is required pursuant to federal law, a citation and description of the federal law.**

NONE.

- 7. If the regulation includes provisions which are more stringent than a federal regulation that regulates the same activity, a summary of such provisions.**

NONE.

- 8. Whether the proposed regulation establishes a new fee or increases an existing fee.**

NO.

Persons wishing to comment upon the proposed action of the Nevada Department of Agriculture may appear at the scheduled public hearings/workshops and the video transmission locations or may address comments, data, views or arguments in written form to the State Veterinarian, Nevada Department of Agriculture, 350 Capitol Hill Avenue, Reno, NV 89502. Written submissions must be received by the Nevada Department of Agriculture on or before September 12th, 2008. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Nevada Department of Agriculture may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, 100 Stewart Street, Carson City, NV for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted will be available at Nevada Department of Agriculture offices at 350 Capitol Hill Avenue, Reno, NV and 4780 E. Idaho Street, Elko NV and at all Nevada County Public Libraries. They will be available for inspection and copying by members of the public during normal business hours. The text of the amended regulation is also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Council Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed amendment will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

For further information please contact Dr. Phil LaRussa, State Veterinarian, Nevada Department of Agriculture, 350 Capitol Hill Avenue, Reno, NV 89502; or by telephone at 775-688-1180 ext 261.

PROPOSED REGULATION OF THE STATE QUARANTINE OFFICER

NRS 571.160 Confidentiality requirements

NRS 571.160 Notice to State Quarantine Officer of animal infected with disease; confidentiality of notice. If any animal becomes infected with any infectious, contagious or parasitic disease as defined by rules and regulations adopted by the State Quarantine Officer, the owner or agent in charge of the infected animal, or any inspector of the Department or any practicing veterinarian who has knowledge of the infected animal, shall immediately notify the State Quarantine Officer. Except as otherwise provided in NRS 239.0115, a notification of disease received pursuant to this section must be kept confidential unless:

1. The reported disease is specifically regulated pursuant to NRS 571.130 for mandatory control and eradication to protect the public health, other animals or wildlife; or
2. The State Quarantine Officer determines that a public health emergency exists.; or
3. *The reported disease is Trichomonosis in cattle.*

NAC 571.600 Definitions. (NRS 571.120, 571.150) As used in NAC 571.600 to 571.668, inclusive, unless the context otherwise requires, the words and terms defined in NAC 571.602 to 571.638, inclusive, have the meanings ascribed to them in those sections.

NAC 571.602 “Accredited veterinarian” defined. (NRS 571.120, 571.130, 571.150) “Accredited veterinarian” means a licensed veterinarian approved by the Administrator and the Veterinary Services of the Animal and Plant Health Inspection Service of the United States Department of Agriculture in accordance with the provisions of 9 C.F.R. Part 161.

NAC 571.604 “Exposed to female cattle” defined. (NRS 571.120, 571.150) “Exposed to female cattle” means left sufficiently free from restraint such that breeding is a possibility.

NAC 571.606 “Herd” defined. (NRS 571.120, 571.150) “Herd” means a group of cattle that is:

1. Under common ownership or supervision; and
2. Grouped on one or more parts of any single parcel of land or on two or more parcels of land which are geographically separated but under common ownership or supervision.

NAC 571.608 “Negative test result” defined. (NRS 571.120, 571.150) “Negative test result” means that a specimen taken from a bull by an accredited veterinarian or veterinary technician is determined not to contain trichomonas organisms.

NAC 571.610 “Neighboring herd” defined. (NRS 571.120, 571.150) “Neighboring herd” means a herd that:

1. Is separated by a single fence from another herd;
2. Shares a common pasture or range with another herd; or
3. Contains cattle exchanged from another herd, *including stray or estray cattle.*

NAC 571.612 “Official laboratory” defined. (NRS 571.120, 571.150) “Official laboratory” means a laboratory that is approved by the Department and follows official protocol:

1. To conduct a culture test on a specimen for the presence of trichomonas organisms; or
2. To confirm by polymerase chain reaction testing whether a specimen is positive for Tritrichomonas foetus.

NAC 571.614 “Official protocol” defined. (NRS 571.120, 571.150) “Official protocol” means operating procedures set forth by the Administrator that a laboratory must follow to maintain its status as an official laboratory.

NAC 571.616 “Official tag” defined. (NRS 571.120, 571.150) “Official tag” means a tag authorized by the Department and approved by the Administrator that is usually placed in the right ear of a bull by an accredited veterinarian or veterinary technician to indicate the status of the bull with respect to trichomonosis.

NAC 571.618 “Official test for trichomonosis” defined. (NRS 571.120, 571.150) “Official test for trichomonosis” means a test for trichomonosis that is performed on a bull in this State where:

1. The test is performed by an accredited veterinarian or veterinary technician who is registered with the Department pursuant to NAC 571.640;
2. The specimen collected from the bull is tested in an official laboratory; ~~and~~
3. The testing complies with the provisions of NAC 571.664 and 571.666; *and.*
4. *The test conforms to the testing protocols approved by the Administrator.*

NAC 571.620 “Positive test result” defined. (NRS 571.120, 571.150) “Positive test result” means that a specimen collected from a bull by an accredited veterinarian or veterinary technician is determined to contain trichomonas organisms.

NAC 571.622 “Qualified feedlot” defined. (NRS 571.120, 571.150) “Qualified feedlot” means a feedlot that:

1. Is approved by the Administrator to house cattle temporarily for upgrade or finish feeding; and
2. Confines the cattle to the premises of a dry lot area.

NAC 571.624 “Slaughter channel” defined. (NRS 571.120, 571.150) “Slaughter channel” means the sale, transfer or direct movement of cattle to a:

1. Slaughter facility;
2. Qualified feedlot for direct movement to a slaughter facility; or
3. Stockyard that is approved by the Administrator for sale to a slaughter facility or a qualified feedlot.

NAC 571.626 “Slaughter facility” defined. (NRS 571.120, 571.150) “Slaughter facility” means a facility that is approved by the Administrator to slaughter cattle.

NAC 571.628 “Specimen” defined. (NRS 571.120, 571.150) “Specimen” means a sample taken from the preputial cavity of a bull by an accredited veterinarian or veterinary technician.

NAC 571.630 “Stockyard” defined. (NRS 571.120, 571.150) “Stockyard” means a facility where an auction or similar trading in livestock is conducted and where:

1. Yarding, feeding and watering places are provided by the stockyard or a transportation company; or
2. Livestock associations or similar companies maintain corrals for feeding, shearing, dipping and separating animals.

NAC 571.632 “Test chart” defined. (NRS 571.120, 571.150) “Test chart” means an official document signed by an accredited veterinarian or veterinary technician which certifies that a bull has been subjected to an official test for trichomonosis and indicates the results of the test.

NAC 571.635 “Test eligible bull” defined. (NRS 571.120, 571.150) “Test eligible bull” means an intact male bovine which is 18 months of age, or older, as evidenced by the loss of one, or both, of the temporary central incisors.

NAC 571.634 “Total confinement operation” defined. (NRS 571.120, 571.150) “Total confinement operation” means a dry lot feeding operation where none of the sexually active cattle are allowed access to pasture or to mingle with other cattle outside the confines of the premises of the operation.

NAC 571.636 “Trichomonosis” defined. (NRS 571.120, 571.150) “Trichomonosis” means a sexually transmitted disease of cattle caused by the protozoan parasite *Tritrichomonas foetus*.

NAC 571.638 “Veterinary technician” defined. (NRS 571.120, 571.150) “Veterinary technician” has the meaning ascribed to it in NRS 638.013.

NAC 571.640 Registration of accredited veterinarian or veterinary technician to perform official tests for trichomonosis. (NRS 571.120, 571.150) An accredited veterinarian or veterinary technician may register with the Department to perform official tests for trichomonosis if he has completed a training program approved by the Department on trichomonosis and how properly to perform an official test for trichomonosis on a bull, or demonstrates adequate knowledge of such matters to the satisfaction of the Director.

NAC 571.642 Prerequisites to movement of bull into State; exemption from requirements. (NRS 571.120, 571.150, 571.210)

1. Except as otherwise provided in subsection 2 and NAC 571.644, a person shall not ship, transport or otherwise move into this State any ***Test Eligible*** bull ~~[that is 8 months of age or older]~~ unless the bull:

(a) Has ~~[been tested]~~ ***received a negative test result*** for trichomonosis by an accredited veterinarian within ~~[3]~~ 60 days ***from the date of the collection of the specimen*** before entering this State; and

(b) Is accompanied by a health certificate issued by the accredited veterinarian which specifies the date of the testing and which:

(1) Verifies that trichomonosis has not been diagnosed in the herd of origin of the bull during the previous 12 months; or

(2) If the bull is from a herd that has tested positive for trichomonosis during the previous 12 months, verifies that the bull has tested negative for trichomonosis in each of its three most

recent tests before entering this State and that each such test was performed at least 1 week apart *and is an official test in the state of origin.*

2. The Administrator may exempt from the requirements of subsection 1 a person who wishes to ship, transport or otherwise move into this State:

- (a) A bull bearing a tag issued by an accredited veterinarian of another state that has an official program to test for trichomonosis;
- (b) A bull moving directly to slaughter or to a qualified feedlot;
- (c) A feeder bull;
- (d) A rodeo bull for the purpose of exhibition so long as the bull will not:
 - (1) Have access to grazing;
 - (2) Be exposed to female cattle; or
 - (3) Be offered for sale *or lease*; or
- (e) A bull for the purpose of exhibition at a livestock show so long as the bull will be returned to its state of origin upon the completion of the exhibition and will not:
 - (1) Have access to grazing;
 - (2) Be exposed to female cattle; or
 - (3) Be offered for sale, *or lease*.

3. As used in this section, “feeder bull” means a bull that is:

- (a) Sufficiently restrained from female cattle such that breeding is not a possibility; and
- (b) Kept in a total confinement operation for the purpose of feeding and eventual slaughter.

NAC 571.644 Testing of commuter bull; application for commuter permit. (NRS 571.120, 571.150, 571.210)

1. The owner, *or lessee*, of a commuter *Test Eligible* bull shall ensure that the bull has been tested for trichomonosis by an accredited veterinarian or veterinary technician:

- (a) Annually, between October 1 and the following May 31; and
- (b) Except as otherwise provided in subsection 2, before it is exposed to female cattle.

2. If the commuter bull is from an infected herd, the owner, *or lessee*, of the bull shall ensure that the bull is not exposed to female cattle unless:

- (a) The bull has received a negative test result in each of its three most recent tests for trichomonosis that were performed at least 7 days apart; and
- (b) The sample for each test was collected at least 7 days apart and ~~cultured~~ tested for trichomonosis.

3. An application for a commuter permit must be accompanied by a copy of the results of the required testing with respect to each commuter bull covered by the permit.

4. As used in this section:

- (a) “Commuter bull” means a bull that is traveling across state lines for grazing purposes pursuant to a commuter permit.
- (b) “Commuter permit” means a permit that is issued pursuant to NAC 571.045.

NAC 571.646 Testing of bull before sale *or lease* for reproductive purposes. (NRS 571.120, 571.150) No *Test Eligible* bull ~~[which is 8 months of age or older]~~ may be offered for sale *or lease* in this State for reproductive purposes unless the bull has received *a negative test result on* an official test for trichomonosis within ~~[30]~~ 60 days *from collection of the specimen* before the sale, *or lease* and bears an official tag, except that such a bull must be retested before the sale *or lease* if the bull is exposed to female cattle after the official test for trichomonosis.

NAC 571.648 Written declaration required before sale of bull at stockyard; exceptions. (NRS 571.120)

1. Before a **Test Eligible** bull may be sold at a stockyard in this State, the owner or his agent must declare in writing whether or not the bull is positive for trichomonosis, except that if the bull is an untested bull it may be sold for slaughter or for direct movement to a qualified feedlot or total confinement operation without such a written declaration.

2. As used in this section, “untested bull” means a bull that does not bear an official tag.

NAC 571.650 Testing of **an** estray **or stray** bull. (NRS 571.120, 571.150, 571.170) The Administrator may require:

1. A **Test Eligible** bull ~~{which is 8 months of age or older and}~~ which is found estray **or stray** and commingling with a cow belonging to another person to receive an official test for trichomonosis; and

2. The owner of the bull to pay all costs associated with the test.

NAC 571.652 Official tags: Use; designation of color. (NRS 571.120, 571.150)

1. An accredited veterinarian or veterinary technician who performs an official test for trichomonosis on a bull in this State shall tag the bull in its right ear with an official tag.

2. An accredited veterinarian may tag a bull entering this State with an official tag if he receives a trichomonosis test chart for the bull from an accredited veterinarian who tested the bull for trichomonosis outside of this State.

3. The Administrator will designate a different color for official tags each year.

NAC 571.654 Procedure upon receipt of positive test result to official test for trichomonosis. (NRS 571.120, 571.150, 571.160, 571.170)

1. An accredited veterinarian who performs an official test for trichomonosis on a bull in this State shall, within 48 hours after his receipt of a positive test result with respect to the bull:

(a) Report the result to the Administrator, the Director and the owner of the bull; and

(b) Classify the bull as an infected bull and its herd as an infected herd.

2. The Director will immediately place an infected bull and its infected herd under ~~{quarantine}~~ **a hold order** and ensure that the Administrator or a federal animal health official conducts an epidemiological investigation of the infected herd.

3. As used in this section, “federal animal health official” means an employee of the Veterinary Services of the Animal and Plant Health Inspection Service of the United States Department of Agriculture who is authorized to perform animal health activities.

NAC 571.656 Infected herd: Release from ~~{quarantine}~~ **hold order**; transfer of ownership; release to slaughter channel. (NRS 571.120, 571.150, 571.170)

1. Before the Director releases an infected herd from ~~{quarantine}~~ **a hold order**, an accredited veterinarian must ensure that:

(a) Each **Test Eligible** bull in the infected herd receives ~~{an}~~ **the first of three** official tests for trichomonosis within 12 months after the herd is ~~{quarantined}~~ **placed under a hold order**;

(b) Each bull is certified to be clear of trichomonosis or is released to a slaughter channel;

(c) Each bull receives and bears an official tag; and

(d) The official tag number and classification of each bull is recorded on a test chart.

2. Before a bull may be certified to be clear of trichomonosis pursuant to subsection 1:

(a) The bull must have received a negative test result in each of its three most recent official tests for trichomonosis, with each such test being performed at least 7 days apart; and

(b) The sample for each test must have been collected at least 7 days apart and ~~cultured~~ tested for trichomonosis.

3. Except as otherwise provided in subsection 4, the owner of an infected herd shall not *lease or* transfer ownership of any bull or cow, or any heifer that is 20 months of age or older, from the herd ~~until each bull in the herd has received an official test for trichomonosis~~ *while under a Hold Order for trichomonosis*.

4. The owner *or lessee* of an infected herd may release any cattle from the herd to a slaughter channel *if documentation, approved by the Administrator, is provided to the Department establishing that the cattle arrived in slaughter channels*.

NAC 571.658 Exposed herd: Classification; placement under and release from ~~quarantine~~ *hold order*; transfer of ownership; release to slaughter channel. (NRS 571.120, 571.150, 571.170)

1. If, through an epidemiological investigation, a trichomonosis epidemiologist determines that a neighboring herd has had contact with an infected bull, the Director will classify the herd as an exposed herd and place it under ~~quarantine~~ *a hold order*.

2. Before the Director releases an exposed herd from ~~quarantine~~ *a hold order*, an accredited veterinarian must ensure that:

(a) Each *Test Eligible* bull in the exposed herd receives an official test for trichomonosis within 12 months after the herd is ~~quarantined~~ *placed under a hold order*;

(b) Each bull is determined to be clear of trichomonosis or is released to a slaughter channel;

(c) Each bull receives and bears an official tag; and

(d) The official tag number and classification of each bull is recorded on a test chart.

3. Before a bull may be certified to be clear of trichomonosis pursuant to subsection 2, the bull must have received a negative test result in its most recent official test for trichomonosis.

4. Except as otherwise provided in subsection 5, the owner of an exposed herd shall not *lease or* transfer ownership of any bull or cow, or any heifer that is 20 months of age or older, from the herd ~~until each bull in the herd has received an official test for trichomonosis~~ *while under a hold order for trichomonosis*.

5. The owner *or lessee* of an exposed herd may release any cattle from the herd to a slaughter channel *if documentation, approved by the Administrator, is provided to the Department establishing that the cattle arrived in slaughter channels*.

NAC 571.660 Duties of owner of herd or qualified feedlot regarding bull receiving positive test result to official test for trichomonosis. (NRS 571.120, 571.150, 571.170) Except as otherwise provided in NAC 571.662:

1. The owner of a herd shall ensure that each bull from the herd that receives a positive test result to an official test for trichomonosis:

(a) Is branded with a hot iron to the left of its tail with the letter “V” in a size not less than 2 inches by 3 inches to signify that it is infected with trichomonosis; and

(b) Is sent by direct movement within 30 days after the owner receives the positive test result to a slaughter channel and ~~is accompanied by a Veterinary Services Form 1-27, “Permit for Movement of Restricted Animals,” issued by the accredited veterinarian who performed the test~~ *documentation, approved by the Administrator, is provided to the Department establishing that the cattle arrived in slaughter channels*.

2. The owner of a qualified feedlot which has a bull that has received a positive test result to an official test for trichomonosis shall:

- (a) Segregate the bull from every breeding cow and heifer housed at the qualified feedlot; and
- (b) Confine the bull to a dry lot area that is used to upgrade or finish feed the bull before it goes to slaughter.

NAC 571.662 Additional testing after bull receives positive test result to official test for trichomonosis. (NRS 571.120, 571.150, 571.170)

1. The owner *or lessee* of a bull that receives a positive test result to an official test for trichomonosis may request the accredited veterinarian or veterinary technician who performed the test to submit the specimen of the bull which was found to contain trichomonas organisms to an official laboratory to confirm the presence of trichomonas organisms by polymerase chain reaction testing. As a prerequisite to exercising this option, the specimen must arrive at the laboratory within 48 hours after being found to contain trichomonas organisms.

2. If polymerase chain reaction testing determines that the specimen of the bull:

- (a) Is positive or inconclusive for *Tritrichomonas foetus*, the bull will be considered positive for trichomonosis.
- (b) Is negative for *Tritrichomonas foetus*, the bull will be considered negative for trichomonosis.

~~[3. If polymerase chain reaction testing determines that the specimen of the bull is negative for *Tritrichomonas foetus*, the owner of the bull shall not lease or transfer ownership of the bull unless the bull receives a negative test result to an official test for trichomonosis that is performed not earlier than 1 month after the bull is considered negative for trichomonosis pursuant to subsection 2.]~~

NAC 571.664 Handling of specimen collected from bull. (NRS 571.120, 571.150) An accredited veterinarian or veterinary technician shall:

- 1. Only use an official laboratory to culture a specimen collected from a bull; and
- 2. Ensure that the specimen:
 - (a) Arrives at an official laboratory for testing within 48 hours after it is collected; *and*
 - (b) Is transported *and maintained according to official testing protocols approved by the Administrator* ~~[on a media acceptable to the Department; and~~
 - ~~—(c) Is maintained at a constant temperature between 65 degrees and 90 degrees Fahrenheit].~~

NAC 571.666 Official laboratory: Duties of operator; annual inspection. (NRS 571.120, 571.150)

1. The operator of an official laboratory shall ensure that ~~[:]~~ *the laboratory is administered in accordance with official protocol as approved by the administrator.*

~~[(a) Any inoculated media containing the specimen of a bull is incubated at 37 degrees Centigrade and monitored for growth at 24-hour intervals for 120 hours; and~~
~~—(b) The laboratory is administered in accordance with official protocol.]~~

2. A laboratory must pass an annual inspection conducted by the Administrator to maintain its status as an official laboratory.

NAC 571.668 Penalties. (NRS 571.120, 571.150, 571.170, 571.250) A person who violates any provision of NAC 571.600 to 571.668, inclusive, is subject to the penalties set forth in NRS 571.250.