

**ADOPTED REGULATION OF THE
STATE QUARANTINE OFFICER**

LCB File No. R060-06

Effective June 28, 2006

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1-25, NRS 562.250 and 571.130; §§26-28, NRS 562.250; §§29 and 30, NRS 562.250 and 571.210.

A REGULATION relating to animals; providing identification procedures for certain goats and sheep to help control and eradicate scrapie; revising provisions governing the entry of goats and sheep into this State; and providing other matters properly relating thereto.

Section 1. Chapter 571 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 27, inclusive, of this regulation.

Sec. 2. *“Approved laboratory” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 3. *“Breeding animal” means any sexually intact goat or sheep that is not moving through slaughter channels to slaughter.*

Sec. 4. *“Exposed animal” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 5. *“Exposed flock” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 6. *“Flock” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 7. *“Genetically less susceptible exposed sheep” has the meaning ascribed to it in Part I of the Uniform Methods and Rules.*

Sec. 8. *“Genetically resistant exposed sheep” has the meaning ascribed to it in Part I of the Uniform Methods and Rules.*

Sec. 9. *“Genetically susceptible exposed animal” has the meaning ascribed to it in Part I of the Uniform Methods and Rules.*

Sec. 10. *“High-risk animal” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 11. *“Inconsistent state” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 12. *“Infected flock” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 13. *“Low-risk commercial flock” has the meaning ascribed to it in Part I of the Uniform Methods and Rules.*

Sec. 14. *“Low-risk commercial goat” has the meaning ascribed to it in Part I of the Uniform Methods and Rules.*

Sec. 15. *“Low-risk commercial sheep” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 16. *“Low-risk exposed animal” has the meaning ascribed to it in Part I of the Uniform Methods and Rules.*

Sec. 17. *“Noncompliant flock” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 18. *“Official scrapie identification” means a method of identification approved by the United States Department of Agriculture as set forth in 9 C.F.R. § 79.2.*

Sec. 19. *“Scrapie” means a nonfebrile, transmissible, insidious degenerative disease affecting the central nervous system of goats and sheep.*

Sec. 20. *“Scrapie-positive animal” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 21. *“Slaughter channels” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 22. *“Source flock” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 23. *“Suspect animal” has the meaning ascribed to it in 9 C.F.R. § 79.1.*

Sec. 24. *“Test-positive animal” means a goat or sheep that tests positive to an official test for scrapie.*

Sec. 25. *“Uniform Methods and Rules” means the Scrapie Eradication Uniform Methods and Rules, published by the Animal and Plant Health Inspection Service of the United States Department of Agriculture on June 1, 2005, which is hereby adopted by reference. A copy of this publication may be obtained free of charge at the Internet address <http://aphisweb.aphis.usda.gov/vs/nahps/scrapie/umr.pdf>.*

Sec. 26. 1. *A person who exhibits a goat or sheep at an exhibition, show or fair shall provide for the goat or sheep official scrapie identification to its flock of birth.*

2. A person who transfers ownership of a goat or sheep within Nevada shall provide for the goat or sheep official scrapie identification to its flock of birth if the goat or sheep is:

(a) A goat or sheep that is not in slaughter channels, excluding:

(1) A low-risk commercial goat; or

(2) A low-risk commercial sheep that is under 18 months of age from a low-risk commercial flock;

(b) A sheep that is 18 months of age or older;

(c) An exposed animal;

(d) A suspect animal;

(e) A test-positive animal;

(f) A high-risk animal;

(g) A low-risk exposed animal;

(h) A genetically susceptible exposed animal;

(i) A genetically less susceptible exposed sheep;

(j) A genetically resistant exposed sheep; or

(k) A goat or sheep from a noncompliant flock.

3. *A person shall not remove a goat or sheep from slaughter channels unless the animal:*

(a) *Has official scrapie identification to its flock of birth;*

(b) *Is not from an inconsistent state; and*

(c) *Is not an:*

(1) *Exposed animal;*

(2) *Animal from an infected flock; or*

(3) *Animal from a source flock.*

Sec. 27. *The owner of a goat or sheep which is a high-risk animal and which is female and has given birth, a scrapie-positive animal or a suspect animal, upon the death or destruction of the animal, shall:*

1. *Submit tissue from the animal to an approved laboratory; and*

2. *If the animal is a scrapie-positive animal or suspect animal, dispose of the carcass of the animal in accordance with NRS 571.200.*

Sec. 28. NAC 571.002 is hereby amended to read as follows:

571.002 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 571.0025 to 571.018, inclusive, *and sections 2 to 25, inclusive, of this regulation* have the meanings ascribed to them in those sections.

Sec. 29. NAC 571.035 is hereby amended to read as follows:

571.035 A person shall not ship, transport or otherwise move sheep into Nevada unless:

1. Each sheep is ~~accompanied~~ :

(a) *Accompanied by an entry permit;*

(b) *Individually identified using official scrapie identification; and*

(c) *Specified on a health certificate ~~and an entry permit;~~ that includes:*

(1) A statement by the issuing veterinarian that the sheep is not exhibiting clinical signs associated with scrapie at the time of examination;

(2) A statement by the owner verifying that the sheep is not a scrapie-positive animal, suspect animal, high-risk animal or exposed animal and that the sheep did not originate from an infected flock, source flock, exposed flock or noncompliant flock;

(3) For a breeding animal, the flock of birth of the sheep; and

(4) A unique identifying number for the sheep that is consistent with official scrapie identification.

2. All breeding rams that are 6 months of age or older are tested for *Brucella ovis* on the Enzyme Linked ~~Immunoabsorbent~~ *Immunosorbent* Assay (ELISA) test and react negatively to that test within 30 days before entry into this State. ~~[-; and]~~

3. The person complies with any additional rules *and regulations* governing the importation of sheep adopted by the State ~~[Board of Sheep Commissioners. The State Board is located at 339 West Rockwood, Elko, Nevada 89801, telephone number 775.753.8233.]~~ *Quarantine Officer.*

Sec. 30. NAC 571.060 is hereby amended to read as follows:

571.060 1. A person shall not ship, transport or otherwise move goats into Nevada unless each goat is ~~[accompanied]~~ :

(a) Accompanied by an entry permit;

(b) Individually identified using official scrapie identification; and

(c) Specified on a health certificate ~~[and an entry permit.]~~ that includes:

(1) A statement by the issuing veterinarian that the goat is not exhibiting clinical signs associated with scrapie at the time of examination;

(2) A statement signed by the owner certifying that the goat is not a scrapie-positive animal, suspect animal, high-risk animal or exposed animal and that the goat did not originate from an infected flock, source flock, exposed flock or noncompliant flock; and

(3) A unique identifying number for the goat that is consistent with official scrapie identification.

2. In addition to the requirements of subsection 1, a goat imported into Nevada for dairy or breeding purposes must have reacted negatively to tests for tuberculosis and brucellosis within the 30 days before the date of entry.

NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R060-06

The State Quarantine Officer adopted regulations assigned LCB File No. R060-06 which pertain to chapter 571 of the Nevada Administrative Code on May 26, 2006.

Notice date: 3/27/2006

Date of adoption by agency: 5/26/2006

Hearing date: 4/26/2006 and 5/2/2006

Filing date: 6/28/2006

INFORMATIONAL STATEMENT

INFORMATIONAL STATEMENT (NRS 233B.066) regarding workshops and hearings held to amend regulations regarding Chapter 571 of NAC by adding thereto sections 2 to 27, section 28 (NAC 571.002 hereby amended), section 29 (NAC 571.035 hereby amended) and section 30 (NAC 571.060 hereby amended). The amended changes concern providing identification procedures for certain goats and sheep to help control and eradicate scrapie; revising provisions governing the entry of goats and sheep into this State; and providing other matters properly relating thereto.

1. A public workshop was held in Elko, Nevada on April 26, 2006 in regard to amending scrapie regulations. The workshop was held at Great Basin College. Another public workshop was held in Reno on May 2, 2006 at the Nevada Department of Agriculture, 350 Capitol Hill Avenue.
2. Public hearings were held on April 26, 2006 and May 2, 2006 in both Elko and Reno, Nevada in regard to the proposed amendments to the state scrapie regulations. The hearing in Elko was held at Great Basin College and the hearing in Reno was held at the Nevada Department of Agriculture, 350 Capitol Hill Avenue.

Notice of workshops and notice of hearings were posted at all six Department offices, the Nevada State Library in Carson City, Nevada, and all Nevada county libraries. Copies could be requested from the Nevada Department of Agriculture, Division of Animal Industry by writing to 350 Capitol Hill Avenue, Reno, Nevada 89502, calling 775-688-1182, contacting all other Department offices, the Nevada State Library in Carson City, and all Nevada county libraries. Notification was sent to all persons requesting to be notified of the amendment on April 3, 2006.

3. Workshop held April 26, 2006 Elko, Nevada
Number Attended: 23
Number Testified: 3
Number of Written Statements: 0

Summary of comments: Mr. Hank Vogler had questions concerning ID requirements for breeding ewe lambs that were sold within the state of Nevada. Mr. Joseph Legarza had a question concerning ID requirements when shipping to Idaho and the NAIS program. Mr.

Tom Klein had a question concerning ID requirements for wethers. All questions were answered to their satisfaction.

4. Workshop held May 2, 2006 Reno, Nevada
Number Attended: 0
Number Testified: 0
Number of Written Statements: 0
Summary of comments: No comments given.
5. Hearing held April 26, 2006 Elko, Nevada
Number Attended: 20
Number Testified: 0
Number of written statements: 0
Summary of comments: The Nevada Woolgrowers Association unanimously supported the amendments discussed.
6. Hearing held May 2, 2006 Reno, Nevada
Number attended: 0
Number testifying: 0
Number of written comments: 0
Summary of comments: No comments given.
7. Comments were solicited from businesses and the public by posting in public locations and through direct mail (Nevada Woolgrowers Association) as outlined in #2 above. A copy of comments and oral and written testimony may be obtained by calling the Nevada Department of Agriculture office, 775-688-1180, ext 284.
8. The Nevada Department of Agriculture adopted the amendments as outlined in documents LCB File # RO60-06.
9. The economic effects of the proposed amendments on the businesses that it is to regulate include:
 - a. Adverse effects: none (**An unlimited number of official scrapie eartags are available, free of charge, from USDA-APHIS-VS so there would be no expense for producers to obtain these tags for identifying their sheep and goats.**)
 - b. Beneficial effects: **Will hopefully help eradicate scrapie disease in this country sooner than anticipated and will also allow producers to ship animals to other states with minimal requirements.**
 - c. Immediate and long-term economic effects: **With the eradication of scrapie in this country other markets overseas will be open to US producers.**

10. The economic effects of the proposed amendments on the public include:
 - a. Adverse effects: none
 - b. Beneficial effects: none
 - c. Immediate and long-term economic effects: none
11. Economic cost to the agency for the enforcement of the regulation: There will not be any additional cost to the agency to enforce the amendments when adopted.
12. There are no state or federal agency regulations that the adopted amendments overlap or duplicate.
13. The proposed amendments do not include any provisions more stringent than any federal regulation with the same activity.
14. The amended regulations will not create a new fee or increase an existing fee.