

LCB File No. R060-06

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

**Notice of Workshop and Hearing
OF INTENT TO ADOPT AND AMEND REGULATIONS**

WORKSHOP AND HEARING

Details of the workshops and hearings appear below:

Times: Workshop 3:00 pm Hearing 4:00 pm

Date: Wednesday, April 26, 2006

**Location: Great Basin College
 1500 College Parkway
 High Tech Center, Rm. 120
 Elko, Nevada 89801**

Times: Workshop 9:00 am Hearing 10:00 am

Date: Tuesday, May 2, 2006

**Location: Nevada Department of Agriculture
 350 Capitol Hill Avenue
 Reno, Nevada 89502**

Written comments and testimony may be submitted prior to the hearing date and will be included with any testimony presented at the hearing. All oral and written testimony will be in the record of the hearing.

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

The purpose of the proposed adoption of additional regulations and amendments to existing regulations in Chapter 571 are to enable the state of Nevada to maintain its Consistent state status in regards to the national scrapie program. All states in the US are required to have in place permanent regulations that align themselves with the minimum requirements set forth by the national scrapie program (Code of Federal Regulations [CFR] Part 79 Sec. 5 and 6) administered by USDA-APHIS-Veterinary Services to remain a Consistent, or in other words, compliant, state with regards to scrapie disease. The proposed regulations and changes deal mainly with identification requirements upon change of ownership for sheep and goats within the state and

statements that need to be present on health certificates for animals entering the state. If these standards are not in place permanently, Nevada risks losing its Consistent state status which would place additional burdens on producers trying to move sheep and goats interstate. With these permanent regulations and changes in place, these requirements would be less cumbersome. The additional costs to the agency for enforcement of the proposed regulations and changes would be minimal. The only provision within these changes that is more stringent than the federal regulation is the requirement for all animals to be officially identified before going to an exhibition. No new fees or increase in existing fees will occur pursuant to these regulation changes.

Economic effect of the proposed adoption on the businesses which they are intended to regulate:

- 1) Adverse effect: None
- 2) Beneficial effect: Will allow easier movement of sheep and goats in interstate commerce.
- 3) Immediate and long term effect: Same.

Economic effect of both the proposed amendments on the businesses which they are intended to regulate:

- 1) Adverse effect: None
- 2) Beneficial effect: Will aid in preventing known scrapie infected and exposed sheep and goats from entering the state.
- 3) Immediate and long term effect: Same.

Persons wishing to comment upon the proposed action of the Nevada Department of Agriculture may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written form to the Nevada Department of Agriculture, 350 Capitol Hill Ave., Reno, NV 89502. Written submissions must be received by the Nevada Department of Agriculture on or before May 4, 2006. 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 regulations to be adopted and amended will be on file at the State Library, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulations to be adopted and amended will be available at the Nevada Department of Agriculture offices located in Reno, Carson City, Las Vegas, Winnemucca, and Elko and in all counties in which an office of the agency is not maintained, at the main public library, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653 and on the Internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary. This does not apply to a public body subject to the Open Meeting Law.

This notice of hearing has been posted at the following locations:

Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno, NV 89502

Nevada Department of Agriculture
2150 Frazer Street
Sparks, NV 89431

Nevada Department of Agriculture
1550 S. Wells Avenue
Reno, NV 89502

Nevada Department of Agriculture
1200 E. Winnemucca Blvd.
Winnemucca, NV 89445

Nevada Department of Agriculture
1351 Elm Street
Elko, NV 89801

Nevada Department of Agriculture
2300 McLeod
Las Vegas, NV 89104

Churchill County Library 553 South Maine Street Fallon, NV 89406	Las Vegas – Clark County Library 833 Las Vegas Blvd North Las Vegas, NV 89101	Elko County Library 720 Court Street Elko, NV 89801
Esmeralda County Library P.O. Box 430 Goldfield, NV 89013-0430	Eureka Branch Library 10190 Monroe Street Eureka, NV 89316-0293	Humboldt County Library 85 East 5 th Street Winnemucca, NV 89445
Lincoln County Library 93 Main Street Pioche, NV 89043-0330	Lyon County Library 20 Nevin Way Yerington, NV 89447	Mineral County Library First & A Street Hawthorne, NV 89415-1390
Goldfield Public Library Forth & Crook Street Goldfield, NV 89013-0430	Tonopah Public Library 171 Central Street Tonopah, NV 89049-0449	Pershing County Library 1125 Central Avenue Lovelock, NV 89419-0781
Storey County Library 95 South R Street Virginia City, NV 89440-0014	Washoe County Library 301 South Center Reno, NV 89505-2151	White Pine County Library 950 Campton Street Ely, NV 89301
Battle Mountain Branch Library Battle Mountain, NV 89820-0141	Carson City Library 900 N. Roop Street Carson City, NV 89701	Douglas County Library 1625 Library Lane Minden, NV 89423-0337

State Library 100 North Stewart Street Carson City, NV 89701-4285	Smith Valley Library 22 Day Lane Smith, NV 89430	
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NOTE: We are pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, call Keith Forbes at the Nevada Department of Agriculture, (775) 688-1182 Ext. 284 as soon as possible.

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

These proposed amendments and adoption are submitted by the authority of the State Quarantine Officer.

LCB File No. R060-06

**PROPOSED REGULATION OF THE
STATE QUARANTINE OFFICER**

PROPOSED ADOPTION TO NAC 571

Chapter 571 of NAC is hereby amended by adding thereto the provisions set forth as sections .036 to .039, inclusive, of this regulation.

The language of the new section being added to the NAC is italicized.

NAC 571.036 Definitions. As used in NAC 571.036, NAC 571.037, NAC 571.038, NAC 571.039.

- 1. Administrator means the Administrator of the Animal and Plant Health Inspection Service (APHIS) or any employee of the United States Department of Agriculture (USDA) authorized to act for the Administrator.*
- 2. Breeding sheep or goat means any sexually intact sheep or goat that is not moving directly to slaughter, through slaughter channels to slaughter, or to a feedlot to enhance its condition for movement to slaughter.*
- 3. Exposed animal means any animal that has been in a flock or in an enclosure off the premises of the flock with a scrapie-positive female animal or that has resided on the premises of a flock before or while it was designated as an infected or source flock before it had completed a flock plan.*
- 4. Exposed flock means any flock in which a scrapie-positive or suspect animal was born or lambed or any flock that currently contains a female high-risk, exposed, or suspect animal, or that once contained a female high-risk, exposed, or suspect animal that lambed in the flock and from which tissues were not submitted for official testing and found negative.*
- 5. Genetically susceptible animal means any goat or goat embryo, a QQ sheep or embryo, a sheep or embryo of undeterminable genotype, or a genetically susceptible exposed animal.*
- 6. Genetically susceptible exposed animal means any exposed animal or embryo other than a low-risk exposed animal that is one of the following:*
 - * A goat or goat embryo;*
 - * A QQ sheep or embryo;*

** An AV QR sheep or sheep embryo that is epidemiologically linked to a scrapie-positive RR, QR, AV QQ, or VV QQ sheep;*

** An AA QR sheep or sheep embryo that is epidemiologically linked to a scrapie-positive RR or AA QR sheep; or*

** An RR sheep or sheep embryo that is epidemiologically linked to a scrapie-positive RR sheep.*

**Note: AV QR sheep or sheep embryo epidemiologically linked to a positive animal for which the 136 codon type either cannot be determined or is unavailable at time of depopulation may also be removed.*

7. Genetically less susceptible exposed sheep:

- Any exposed AA QR sheep or embryo unless it is epidemiologically linked to a scrapie- positive RR or AA QR sheep;*
- Any exposed AV QR sheep or embryo unless it is epidemiologically linked to a scrapie- positive RR, QR, AV QQ, or VV QQ sheep.*

8. Genetically resistant exposed sheep means any exposed RR sheep or embryo unless it is epidemiologically linked to a scrapie- positive RR sheep.

9. Genotyping means official genetic tests of sheep to determine genotype.

10. Genotypes of sheep means which amino acids are coded for on codons 136 and 171 in sheep

11. High-risk animal means any female genetically susceptible exposed animal or the female offspring of a scrapie-positive female animal. Also, any female genetically less susceptible exposed animal that is determined to be a potential risk based on the epidemiology of the flock, including genetics of the positive sheep, the prevalence of scrapie in the flock, any history of recurrent infection, or other characteristics.

12. Infected animal means any animal that tests positive to an official test for scrapie.

13. Infected flock means any flock in which a State or APHIS representative has determined that a scrapie-positive female animal has resided unless an epidemiologic investigation conducted by a State or APHIS representative shows that the animal did not lamb or abort in the flock. A flock will no longer be considered an infected flock after it has completed the requirements of a flock plan.

14. Low-risk commercial goat means a low risk goat from a herd in which animals are moved directly to slaughter or through slaughter channels or any animal raised only for meat or fiber production and not registered with a sheep or goat registry or used for exhibition.

- 15. Low-risk commercial sheep means commercial whitefaced, whitefaced cross, or commercial hair sheep from a flock with no known risk factors for scrapie, including any exposure to female blackfaced sheep, that are identified with a permanent brand or ear notch pattern registered with an official brand registry or with an official premises identification eartag, and that are not scrapie-positive, suspect, high-risk, or exposed animals and are not animals from an infected, source, or exposed flock. Low risk commercial sheep may only exist in a state where scrapie has not been diagnosed in the previous 10 years in commercial whitefaced, whitefaced cross, or commercial hair sheep that were not commingled with female blackfaced sheep.*
- 16. Low-risk commercial flock means a flock composed of low-risk commercial sheep.*
- 17. Low-risk goat means a goat that is not a scrapie-positive, suspect, high-risk, or exposed animal; that has not been commingled with sheep other than sheep from low-risk commercial flocks; and that is from a state in which scrapie has not been identified in a goat during the previous 10 years; from a state in which scrapie has been identified in a goat during the previous 10 years, but the scrapie-positive goat was not born in the state, resided in the state for less than 72 months, and did not kid while in the state; or, from a state in which scrapie has been identified in a goat during the previous 10 years and the scrapie-positive goat was commingled with sheep but in which flock records allowed a complete epidemiologic investigation to be completed and all resulting infected, source, and exposed goat herds had completed flock plans and were in compliance with post-exposure monitoring and management plans.*
- 18. Noncompliant flock means any source or infected flock whose owner declines to enter into a flock plan or post-exposure management and monitoring plan (PEMMP) agreement within 60 days of being so designated or whose owner is not in compliance with either agreement; any exposed flock or flock under investigation whose owner fails to make animals available for testing within 60 days of notification, or as mutually agreed, or whose owner fails to submit required postmortem samples as directed in the PEMMP; any flock whose owner has misrepresented, or who employs a person who has misrepresented, the scrapie status of an animal or any other information on a certificate, permit, owner statement, or other official document within the last five years; or any flock whose owner or manager has moved, or who employs a person who has moved, an animal in violation of 9 CFR part 79 within the last 5 years.*
- 19. Owner Statement is a written statement by the owner that includes the owner's name, signature, address, and phone number, date the animals left the flock of origin, the identification number assigned to the premises, the number of animals, the premises portion of the premises identification if premises identification is used, and a statement that the animals were either born or were used for breeding purposes on the premises to which the premises identification is assigned.*
- 20. Premises Identification means an APHIS approved eartag or legible tattoo bearing the premises identification number, or a legible permanent brand or ear notch pattern registered with an official brand registry.*

21. *Slaughter channels means any animal that is sold, transferred, or moved either (1) directly to a slaughter facility, (2) to an individual for custom slaughter, or (3) for feeding for the express purpose of improving the animal's condition for movement to slaughter.*
22. *Slaughter sheep or goat means any sheep or goat moving directly to a slaughter facility, to an individual for custom slaughter, through slaughter channels, or at a feed lot improving its condition for slaughter.*
23. *Source flock means a flock in which a State or APHIS representative has determined that at least one animal was born that was diagnosed as a scrapie-positive animal at an age of seventy two (72) months or less, or in which a scrapie-positive animal has resided throughout its life. A flock will no longer be a source flock after it has completed the requirements of a flock plan.*
24. *Test-positive animals means any animal that tests positive to an official test for scrapie.*

NAC 571.037 Official scrapie identification.

1. *An APHIS-approved tattoo or identification ear tag, approved by APHIS as sufficiently tamper-resistant for the intended use, which provides unique identification for each animal.*
2. *Voluntary Scrapie Flock Certification Program (VSFCP) identification ear tags, tattoos, or electronic ID (EID). The owner must carry a functioning reader. An electronic certificate or a health certificate containing the EID information must accompany the animal(s).*
3. *Legible registry or breed association tattoos that have been recorded in the book of record when the animal is accompanied by either a registration certificate or a health certificate containing registry information. American Dairy Goat Association registration tattoos that have a unique premise ID and a unique individual animal ID number may be used in place of a state code and individual ID number.*
4. *Registered legible brands or ear notches when combined with a flock eartag and accompanied by an official brand inspection certificate and owner statement.*
5. *Premises identification eartags or legible tattoos, if the premises identification method includes a unique animal number or is combined with a flock eartag that has a unique animal number and the animal is accompanied by an owner statement.*

NAC 571.038 Requirements for scrapie identification.

All sheep and goats for exhibition and any sheep over 18 months of age are required to have Official scrapie identification to flock of birth. The following sheep and goats involved with change of ownership within Nevada will be required to have official scrapie identification:

- 1. All sheep and goats of any age not in slaughter channels, except low-risk commercial goats and low-risk commercial sheep under 18 months of age from low-risk commercial flocks.*
- 2. All scrapie exposed, suspect, test-positive, high risk sheep and goats including all low risk exposed, genetically susceptible exposed, genetically less susceptible exposed, and genetically resistant exposed sheep along with animals from non-compliant flocks.*

An animal may be removed from slaughter channels as long as they are identified to the flock of birth, not from an inconsistent State, and is not scrapie-exposed or from an infected or source flock.

NAC 571.039 Testing of tissues from all scrapie-positive or suspect animals and female high-risk animals.

Tissues from all scrapie-positive or suspect animals and female high-risk animals that have lambed (when they have died or have been destroyed) must be submitted to a laboratory authorized by the Administrator to conduct scrapie tests and requires complete destruction of the carcasses of scrapie-positive and suspect animals.

PROPOSED AMENDMENTS TO NAC 571.

The new amended language added to a section from the NAC is italicized.

NAC 571.035 is hereby amended to read as follows: NAC 571.035 (NRS 571.210) Sheep. A person shall not ship, transport or otherwise move sheep into Nevada unless:

- 1. Each sheep is individually identified using Official scrapie identification (NAC 571.037) and is accompanied by a health certificate that includes: (1) A statement by the issuing veterinarian that the animal is not exhibiting clinical signs associated with scrapie at the time of examination, (2) a statement by the owner verifying that the animal is not a scrapie-positive, suspect, high-risk, or exposed animal and that the animal did not originate from an infected, source, exposed or noncompliant flock, (3) for breeding sheep, the flock of birth for all sheep listed on the health certificate, and 4) the Official scrapie identification number for each animal is listed on the health certificate, and an entry permit;*

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

NAC 751.060 is hereby amended to read as follows: NAC 571.060 Goats. (NRS 571.210)

1. A person shall not ship, transport or otherwise move goats into Nevada unless each goat is *individually identified using Official scrapie identification (NAC 571.037) and is accompanied by a health certificate that includes: (1) A statement by the issuing veterinarian that the animals were not exhibiting clinical signs associated with scrapie at the time of examination, (2) a statement by the owner verifying that the animal is not a scrapie-positive, suspect, high-risk, or exposed animal and that the animal did not originate from an infected, source, exposed or noncompliant flock, and 3) the Official scrapie identification number for each goat is listed on the health certificate,* and an entry permit.
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 30 days before the date of entry.

SMALL BUSINESS IMPACT STATEMENT

The purpose of this Small Business Impact Form is to provide a framework 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 question two (2) is answered with a **Yes**, then a small business impact statement is required prior to conducting a public workshop(s) 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: NAC 571, pertaining to Official scrapie identification requirements.

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

Proposed amendment: NAC 571, pertaining to statements on health certificates for sheep.

- 1) Does the 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**

Proposed amendment: NAC 571, pertaining to statements on health certificates for goats.

- 1) Does the 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).