

**ADOPTED REGULATION OF
THE STATE QUARANTINE OFFICER**

LCB File No. R135-06

Effective March 23, 2007

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

AUTHORITY: §§1-22 and 24-36, NRS 571.120, 571.150 and 571.170; §23, NRS 571.120, 571.150 and 571.210.

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.

Section 1. Chapter 571 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 36, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 36, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 to 21, inclusive, of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“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.*

Sec. 4. *“Exposed to female cattle” means left sufficiently free from restraint such that breeding is a possibility.*

Sec. 5. *“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.*

Sec. 6. *“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.*

Sec. 7. *“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.*

Sec. 8. *“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.*

Sec. 9. *“Official protocol” means operating procedures set forth by the Administrator that a laboratory must follow to maintain its status as an official laboratory.*

Sec. 10. *“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.*

Sec. 11. *“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 section 22 of this regulation;*
2. *The specimen collected from the bull is tested in an official laboratory; and*

3. *The testing complies with the provisions of sections 34 and 35 of this regulation.*

Sec. 12. *“Positive test result” means that a specimen collected from a bull by an accredited veterinarian or veterinary technician is determined to contain trichomonas organisms.*

Sec. 13. *“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.*

Sec. 14. *“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.*

Sec. 15. *“Slaughter facility” means a facility that is approved by the Administrator to slaughter cattle.*

Sec. 16. *“Specimen” means a sample taken from the preputial cavity of a bull by an accredited veterinarian or veterinary technician.*

Sec. 17. *“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.*

Sec. 18. *“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.*

Sec. 19. *“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.*

Sec. 20. *“Trichomonosis” means a sexually transmitted disease of cattle caused by the protozoan parasite Tritrichomonas foetus.*

Sec. 21. *“Veterinary technician” has the meaning ascribed to it in NRS 638.013.*

Sec. 22. *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.*

Sec. 23. 1. *Except as otherwise provided in subsection 2 and section 24 of this regulation, a person shall not ship, transport or otherwise move into this State any bull that is 8 months of age or older unless the bull:*

(a) Has been tested for trichomonosis by an accredited veterinarian within 30 days 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.

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

(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.

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.

Sec. 24. 1. *The owner of a commuter 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 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 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.

Sec. 25. *No bull which is 8 months of age or older may be offered for sale in this State for reproductive purposes unless the bull has received an official test for trichomonosis within 30 days before the sale and bears an official tag, except that such a bull must be retested before the sale if the bull is exposed to female cattle after the official test for trichomonosis.*

Sec. 26. 1. *Before a 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.

Sec. 27. *The Administrator may require:*

1. A bull which is 8 months of age or older and which is found estray 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.

Sec. 28. *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.

Sec. 29. *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 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.*

Sec. 30. 1. *Before the Director releases an infected herd from quarantine, an accredited veterinarian must ensure that:*

(a) *Each bull in the infected herd receives an official test for trichomonosis within 12 months after the herd is quarantined;*

(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 for trichomonosis.*

3. *Except as otherwise provided in subsection 4, the owner of an infected herd shall not 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.*

4. *The owner of an infected herd may release any cattle from the herd to a slaughter channel.*

Sec. 31. 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.*

2. *Before the Director releases an exposed herd from quarantine, an accredited veterinarian must ensure that:*
 - (a) *Each bull in the exposed herd receives an official test for trichomonosis within 12 months after the herd is quarantined;*
 - (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 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.*
5. *The owner of an exposed herd may release any cattle from the herd to a slaughter channel.*

Sec. 32. *Except as otherwise provided in section 33 of this regulation:*

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.

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.

Sec. 33. 1. The owner 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 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.

Sec. 34. *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;

(b) Is transported on a media acceptable to the Department; and

(c) Is maintained at a constant temperature between 65 degrees and 90 degrees

Fahrenheit.

Sec. 35. *1. The operator of an official laboratory shall ensure that:*

(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.

Sec. 36. *A person who violates any provision of sections 2 to 36, inclusive, of this regulation is subject to the penalties set forth in NRS 571.250.*

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB FILE No. R135-06**

The State Quarantine Officer submits the following statement. The Officer adopted regulations assigned LCB File R135-06, which pertain to Chapter 482 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.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and explanation how other interested persons may obtain a copy of the summary.

Notices were sent to and displayed in all County Libraries and Nevada Department of Agriculture offices. Additionally workshops were advertised through Cooperative Extension News release and publications, Nevada Farm Bureau publications, a state wide press release from the Department of Agriculture, and a producer/extension email network called 'Extension Coffee Shop'.

All meetings were held at extension offices in the respective towns. Local extension agents helped to advertise the meetings using additional means as they saw fit.

A summary can be obtained by contacting the office of the:
Nevada State Veterinarian
Nevada Department of Agriculture
350 Capitol Hill Avenue
Reno NV 89502

Copies of the proposed regulation can be viewed at and downloaded from:
http://agri.nv.gov/index_Animal2.htm

2. The number of persons who: (a) attended each hearing; (b) testified at each hearing; and (c) submitted to the agency written statement.

Five informational workshops were conducted in Fallon, Winnemucca, Tonopah, Ely and Elko, respectively.

(a) Fallon (4), Winnemucca (12), Tonopah (8), Ely (6) and Elko (16)

(b) Questionnaires were handed out at each location to those in attendance. Questionnaires were either returned immediately or mailed to the State Veterinarian's office at a later date.

(c) A total of 29 mostly completed questionnaires were returned to the office of the State Veterinarian.

3. **A description of how comment was solicited from affected businesses, a summary of their response and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited through public meetings and press releases which were picked up by trade journals as well as local news media throughout the state. The proposed regulations were available for review and comment on the Department's webpage since June 2006.

A summary can be obtained by contacting the office of the:

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4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

NA.

5. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

(a) Both adverse and beneficial effects;

Beneficial effects on NV Cattle herds: potential increased industry income of two to three million dollars by reducing infection rates and associated economic losses from lost calf crop; increased culling of bulls and culling of non pregnant cows. It will give opportunity to properly access where infected bulls are located and reduce the opportunity for an infected premises of infected neighbor to re-infect a herd undergoing trichomonis eradication.

Adverse effects on NV Cattle herds: herds that are infected or exposed and do not want to test their bulls will be placed under quarantine and unable to sell their cows or bulls unless into slaughter channels. There will be associated testing costs to producers who would not normally test. Tests will run from \$25 to \$35 per test plus veterinary costs.

(b) Both immediate and long-term effects;

Immediate effects: Moderate income increase or savings to some cattle producers.

Long term effects: Major income increase or savings to some cattle producers.

Direct effects: Increased calf crop and decreased loss of bulls and cows due to culling. Increased costs to those now already testing for disease.

Indirect effects: Increased income by industry will add six to nine million dollars to rural economies.

6. The estimated cost to the agency for enforcement of the adopted regulation.

With full compliance enforcement costs will be minimal. A high level of non-compliance could require the hire of a full time compliance officer (up to \$75,000 per annum).

7. A description of any regulation of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

None.

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

None.

9. If the regulation provides 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.

No.