

**ADOPTED REGULATION OF
THE STATE QUARANTINE OFFICER**

LCB File No. R208-08

Effective February 11, 2009

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

AUTHORITY: §§1, 3-6, 9, 17 and 18, NRS 571.120 and 571.150; §§2 and 11-16, NRS 561.295, 571.120, 571.150 and 571.170, §§7 and 8, NRS 571.120, 571.150 and 571.210; §10, NRS 571.120.

A REGULATION relating to cattle; revising provisions governing the prevention of and testing for trichomonosis in cattle; 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 and 3 of this regulation.

Sec. 2. *“Hold order” means an order issued pursuant to NRS 561.295 for infection with trichomonosis.*

Sec. 3. *“Test eligible bull” means an intact male bovine that is 12 months of age or older.*

Sec. 4. NAC 571.600 is hereby amended to read as follows:

571.600 As used in NAC 571.600 to 571.668, inclusive, *and sections 2 and 3 of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 571.602 to 571.638, inclusive, *and sections 2 and 3 of this regulation* have the meanings ascribed to them in those sections.

Sec. 5. NAC 571.610 is hereby amended to read as follows:

571.610 “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 ~~and~~; *or*
4. *Contains cattle that were found estray or stray, as defined in NAC 571.650.*

Sec. 6. NAC 571.618 is hereby amended to read as follows:

571.618 “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~~; *and*
4. *The testing is performed in accordance with any testing procedures approved by the Administrator.*

Sec. 7. NAC 571.642 is hereby amended to read as follows:

571.642 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 *test eligible* bull:

(a) Has ~~been~~ tested *negative* for trichomonosis, *as evidenced by a test performed on a specimen taken from the test eligible bull* by an accredited veterinarian within ~~[30]~~ 60 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 *collection of the specimen and* which:

(1) Verifies that *the test eligible bull has tested negative for trichomonosis and that* trichomonosis has not been diagnosed in the herd of origin of the *test eligible* bull during the previous 12 months; or

(2) If the *test eligible* bull is from a herd that has tested positive for trichomonosis during the previous 12 months, verifies that the *test eligible* 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~~ *and complied with the official program to test for trichomonosis in the state of origin of the test eligible bull.*

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 *test eligible* bull bearing a tag issued by an accredited veterinarian of another state that has an official program to test for trichomonosis;

(b) A *test eligible* 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 ~~and~~ *or lease*; or

(e) A *test eligible* bull for the purpose of exhibition at a livestock show so long as the *test eligible* 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~~ *or lease*.

3. As used in this section, “feeder bull” means a *test eligible* 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. 8. NAC 571.644 is hereby amended to read as follows:

571.644 1. The owner *or lessee* of a commuter bull *that is a test eligible bull* shall ensure that the *commuter* 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 *commuter* bull shall ensure that the *commuter* bull is not exposed to female cattle unless:

(a) The *commuter* 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.

Sec. 9. NAC 571.646 is hereby amended to read as follows:

571.646 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 *test eligible* bull ~~[has received]~~ :

1. *Tested negative for trichomonosis, as evidenced by* an official test for trichomonosis *on a specimen taken from the test eligible bull* within ~~[30]~~ 60 days before the sale ~~[and bears]~~ *or lease, except that a test eligible bull must be retested before the sale or lease if the test eligible bull is exposed to female cattle after the official test for trichomonosis; and*

2. *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. 10. NAC 571.648 is hereby amended to read as follows:

571.648 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 *test eligible* bull is positive for trichomonosis, except that if the *test eligible* 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 *test eligible* bull that does not bear an official tag.

Sec. 11. NAC 571.650 is hereby amended to read as follows:

571.650 1. The Administrator may require:

~~[1.]~~ (a) A *test eligible* bull ~~[which is 8 months of age or older and which]~~ *to receive an official test for trichomonosis if the test eligible bull* is found estray *or stray* and *is found* commingling with a cow belonging to another person . ~~[to receive an official test for trichomonosis; and]~~

~~—2.]~~ (b) The owner of ~~[the]~~ *a test eligible* bull *described in subsection 1* to pay all costs associated with the *official* test ~~[.]~~ *for trichomonosis.*

2. As used in this section:

(a) *“Estray” means any test eligible bull showing signs of domestication, running at large upon public or private lands in the State, whose owner is unknown in the section where the test eligible bull is found.*

(b) *“Stray” means any test eligible bull showing signs of domestication, running at large upon public or private lands in the State, whose owner is known in the section where the test eligible bull is found.*

Sec. 12. NAC 571.654 is hereby amended to read as follows:

571.654 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.

Sec. 13. NAC 571.656 is hereby amended to read as follows:

571.656 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 ~~test]~~ *tests* for trichomonosis within 12 months after the herd is ~~quarantined;]~~ *placed under the hold order*;

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

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

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

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

(a) The *test eligible* 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 *or lessee* 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.]~~ *during a period in which the herd is under a hold order.*

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

channel, the owner or lessee must provide documentation, on a form approved by the Administrator, to the Department that the cattle arrived at the slaughter channel.

Sec. 14. NAC 571.658 is hereby amended to read as follows:

571.658 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;]~~ *was placed under a hold order.*

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

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

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

3. Before a *test eligible* bull may be certified to be clear of trichomonosis pursuant to subsection 2, the *test eligible* 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 *or lessee* 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.]~~ *during a period in which the herd is under a hold order.*

5. The owner *or lessee* of an exposed herd may release any cattle from the herd to a slaughter channel. *If an owner or lessee releases any cattle from the herd to a slaughter channel, the owner or lessee must provide documentation, on a form approved by the Administrator, to the Department that the cattle arrived at the slaughter channel.*

Sec. 15. NAC 571.660 is hereby amended to read as follows:

571.660 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.]~~

The owner shall provide documentation, on a form approved by the Administrator, to the Department that the cattle arrived at the slaughter channel.

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. 16. NAC 571.662 is hereby amended to read as follows:

571.662 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 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. 17. NAC 571.664 is hereby amended to read as follows:

571.664 An accredited veterinarian or veterinary technician shall:

1. Only use an official laboratory to ~~[culture]~~ *test* 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 ~~[on a media acceptable to the Department; and~~

~~—(c) Is maintained at a constant temperature between 65 degrees and 90 degrees Fahrenheit.]~~

and maintained pursuant to official protocol.

Sec. 18. NAC 571.666 is hereby amended to read as follows:

571.666 1. The operator of an official laboratory shall ensure that ~~the~~:

~~—(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] *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.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB File No. R208-08**

The State Quarantine Officer adopted regulations assigned LCB File No. R208-08 which pertains to chapter 571 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

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

The Nevada Department of Agriculture held public hearings/workshops on:

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

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

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

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

The purpose of this hearing was 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 **first modification proposal** was to raise the test eligible age for bulls from 8 months to 18 months of age.

Hearing comments:

Five individuals believed the NAC requirement should remain with a test eligible age of 8 months, eighteen preferred to modify the proposal to 12 months, and three were in favor of the 18 months. Two participants abstained since they felt the trichomonosis program to be unwarranted and that it created an unnecessary burden on the industry.

The majority of personnel providing input to the hearing process (69%) desired to modify test eligible age from the current 8 months to a new standard of 12 months. This would fall-in-line with neighboring States where 7 of 13 (54%) include 12 months as the

requirement or a portion of the program. **The Department of Agriculture agrees to modify the “test eligible age” as 12 months within the proposed change to the NAC.**

Proposals two through five were to:

- Include lease bulls in the regulation in such a manner that every lease transaction is treated like a sale in terms of testing requirements. Hearing results were 27 for the proposal and 1 against.

- Provide testing requirements for stray bulls in addition to estray bulls. Hearing results were 26 for the proposal and 2 against.

- Change the terminology in the regulation from “Quarantine” to “Hold Order”. Hearing results were 25 for the proposal and 3 against.

- Replace the requirement for movement of infected and exposed animals under VS form 1-27 to brand inspection and sales receipts. Hearing results were 27 for the proposal and 1 against.

Summary:

The Department of Agriculture concurred with the majority opinions of hearing participants for these modifications of the NAC and requested approval from the Board of Agriculture for said modifications.

The Director, Department of Agriculture and the Board of Agriculture unanimously voted to accept the modifications to NAC 571.600-571.668 as discussed above.

Persons desiring a copy of this summary may receive the same by request to: Nevada Department of Agriculture, Division of Animal Industry, 350 Capitol Hill Avenue, Reno, NV 89502.

2. The number of persons who:

- (a) Attended each hearing:**
- (b) Testified at each hearing:**
- (c) Submitted written comments:**

There were eleven participants in Elko, one in Ely, one in Eureka, four in Fallon, three in Tonopah and three in Winnemucca. Written and/or telephonic comments were solicited from interested parties. There were five written comments received. All participants provided verbal and/or written testimony at the hearings.

Some of the participants represented multiple categories. The breakdown of personnel present included: twenty-one cow/calf producers, three government legislators, three veterinarians, and three industry representatives.

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

Businesses were invited and participated in the hearing process listed above. Their responses are included with the general hearing comments in section 1.

- 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.**

Not Applicable

- 5. The estimated economic effect of the regulation on the business 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; and**
 - (b) Both immediate and long-term effects.**

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.

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

All costs associated with implementation and enforcement of the initial regulation were absorbed by the Division of Animal Industry. There are no additional estimated costs due to this proposed modification to that regulation.

- 7. A description of any regulations of other State or governmental agencies which the regulation overlaps or duplicates and a statement explaining why the duplication or**

overlap is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.

Not Applicable

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

Not Applicable

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.

Not Applicable

10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

Not Applicable