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**TITLE 345 INDIANA STATE BOARD OF
ANIMAL HEALTH**

Proposed Rule
LSA Document #05-177

DIGEST

Amends 345 IAC 2.5-3-2 to reduce from six months to 60 days the period following a whole herd test for tuberculosis during which animals may be moved into the state from modified accredited or accreditation preparatory states or zones without an individual tuberculin test. Makes other technical changes in the law of tuberculosis control. Effective 30 days after filing with the Secretary of State.

IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses

Description of Affected Industry:

The rule will affect persons moving cattle into the state from states or zones with a United States Department of Agriculture designation of modified accredited or accreditation preparatory tuberculosis status.

Reporting, Record Keeping, and Other Administrative Costs:

The proposed changes do not impose any new reporting, record keeping, or other administrative costs.

Estimated Total Annual Economic Impact on Small Businesses:

Currently ten (10) counties in Northeast Michigan are the only area in the United States designated as a modified accredited or accreditation preparatory zone. The change in requirements will apply only to cattle herds in the modified accredited counties in Michigan that have conducted a whole herd test and then choose to move animals into Indiana. The change will impose an additional tuberculosis test on cattle from these Michigan counties if the movement occurs more than sixty (60) days from the date of the whole herd test.

The number of cattle moving from the ten (10) counties in the Michigan modified accredited zone into Indiana may change over time. As of the date this document is prepared, the Board of Animal Health (BOAH) records indicate that no shipments from the Michigan modified accredited counties occurred in 2005.

The agency estimates the economic impact on small businesses to be negligible.

Justification for Costs:

The proposed rule changes are in response to a change in federal interstate movement regulations. 70 FR 29579. The change is necessary to avoid a conflict between BOAH rules and USDA regulations.

Supporting Data, Studies, or Analyses:

The Board did not rely on any studies in reaching this estimate.

Regulatory Flexibility Analysis:

The requirements in the proposed rule changes are necessary to avoid a conflict with federal regulations. Rules that are less strict than the federal standard are in conflict with the federal standard. Therefore, alternative methods were not selected.

345 IAC 2.5-3-2

SECTION 1. 345 IAC 2.5-3-2, AS ADDED AT 28 IR 2679, SECTION 3, IS AMENDED TO READ AS FOLLOWS:

345 IAC 2.5-3-2 Moving cattle and bison into the state

Authority: IC 15-2.1-3-19

Affected: IC 15-2.1-3-13

Sec. 2. (a) A person may move cattle and bison into the state only if the requirements of this rule and 345 IAC 1-3 are met. The following apply to all cattle and bison entering the state:

- (1) Before cattle or bison are moved into the state, the owner must obtain a permit from the board under 345 IAC 1-3-4. Permits may be obtained by calling the board at (317) 227-0316.
- (2) Cattle and bison entering the state must be accompanied by a certificate as required in 345 IAC 1-3-4. Certificates

accompanying cattle and bison must indicate the following:

(A) The name and address of the **following**:

(i) **The** owner of the herd of origin.

~~(B) The name and address of~~ (ii) The destination.

~~(C) (B)~~ The permit number issued by the state veterinarian.

~~(D) (C)~~ A description of the animals.

~~(E) (D)~~ The official identification of each animal.

~~(F) (E)~~ The date ~~conducted or~~ **dates** and results of any tests for diseases, including tuberculosis, conducted on the animals.

~~(G) (F)~~ The herd status, if any, of the herd of origin including the date or dates of any herd tests.

~~(H) (G)~~ Any other health information:

(i) relevant to the shipment of the animals; or

(ii) otherwise required by law.

(3) Cattle and bison must be individually identified **prior to before** movement into the state as specified in 345 IAC 1-3-3.

(b) Reactor cattle and bison may not be moved into the state unless they are moved directly to an approved slaughtering establishment in a manner that meets the requirements for reactors in 9 CFR 77.17. Exposed cattle and bison may not be moved into the state unless they are moved directly to an approved slaughtering establishment in a manner that meets the requirements for exposed animals in 9 CFR 77.17. Suspect cattle and bison may not be moved into the state unless they are moved directly to an approved slaughtering establishment in a manner that meets the requirements for suspect cattle and bison in 9 CFR 77.17.

(c) A person may move into the state sexually intact female cattle of dairy breeds, including dairy cross breeds, that are six (6) months of age or older that originate from an accredited-free state or zone or a modified accredited advanced state or zone only under one (1) of the following conditions:

(1) The animals are moved:

(A) directly to an approved slaughtering establishment for slaughter; or ~~are moved~~

(B) through one (1) approved livestock facility;
and then ~~direct~~ **directly** to slaughter.

(2) The animals originate from an accredited herd ~~and the accredited herd that~~ has completed the tuberculosis testing necessary for accredited status with negative results within one (1) year **prior to before** the date of movement into the state.

(3) If the animals are moved:

(A) into the state to an exhibition; and ~~are moved~~

(B) back out of the state within ten (10) days of arrival;
the requirements in subsections (d) through (h) apply.

(4) The animals are moved in accordance with a commuter herd agreement under subsection (i).

(5) Each animal, without regard to its age, has tested negative for tuberculosis on an official test conducted within the sixty (60) days immediately **prior to before** the ~~animal~~ **animal's** entering the state. ~~But,~~ Animals to be moved need not be retested if they were tested negative for tuberculosis as a part of a herd tuberculosis test at their herd of origin within the six (6) months **prior to before** the movement into the state.

(d) A person may move into the state cattle and bison other than animals described in subsection (c) that originate from accredited-free states or zones.

(e) A person may move into the state cattle and bison other than animals described in subsection (c) that originate from modified accredited advanced states or zones if the animals are not infected with and have not been exposed to tuberculosis and one (1) of the following conditions is met:

(1) The animals are moved:

(A) directly to an approved slaughtering establishment for slaughter; or ~~are moved~~

(B) through one (1) approved livestock facility;
and then ~~direct~~ **directly** to slaughter only.

(2) The cattle or bison are **as follows**:

(A) Steers or spayed heifers. ~~and are~~

(B) Officially identified or officially identified by premises of origin identification.

(3) The cattle or bison originate from an accredited herd ~~and the accredited herd that~~ has completed the tuberculosis testing necessary for accredited status with negative results within two (2) years **prior to before** the date of movement into the state.

(4) The cattle and bison are sexually intact animals that are not from an accredited herd, and each animal has tested negative for

tuberculosis on an official test conducted within the sixty (60) days immediately ~~prior to before~~ the ~~animal~~ animal's entering the state. ~~But~~; Animals to be moved need not be retested if they were tested negative for tuberculosis as a part of a herd tuberculosis test at their herd of origin within the six (6) months ~~prior to before~~ the movement into the state.

(f) A person may move into the state cattle and bison that originate from modified accredited states or zones if the animals are not infected with and have not been exposed to tuberculosis and one (1) of the following conditions is met:

(1) The animals are moved:

(A) directly to an approved slaughtering establishment for slaughter; or ~~are moved~~

(B) through one (1) approved livestock facility;

and then ~~direct~~ directly to slaughter only.

(2) The cattle or bison are **as follows**:

(A) Steers or spayed heifers. ~~that are~~

(B) Officially identified or identified by official premises of origin identification. ~~and each animal has~~

(C) Tested negative for tuberculosis on an official test within the sixty (60) days immediately ~~prior to before~~ the ~~animal~~ animal's entering the state.

(3) The cattle and bison originate from an accredited herd ~~and the accredited herd that~~ has completed the tuberculosis testing necessary for accredited status with negative results within one (1) year ~~prior to before~~ the date of movement into the state.

(4) The cattle and bison are sexually intact animals that are not from an accredited herd and meet each of the following requirements:

(A) The animal originated from a herd that tested negative for tuberculosis to a herd test of animals twelve (12) months of age and older conducted within one (1) year ~~prior to before~~ the date of movement into the state.

(B) Each animal that is two (2) months of age or older has tested negative for tuberculosis on an official test conducted within the sixty (60) days immediately ~~prior to before~~ the ~~animal~~ animal's entering the state. ~~But~~; Animals to be moved need not be retested if they were tested negative for tuberculosis as a part of a herd tuberculosis test at their herd of origin within the ~~six (6) months prior to sixty (60) days before~~ the movement into the state.

(g) A person may move into the state cattle and bison that originate from accreditation preparatory states or zones if the animals are not infected with and have not been exposed to tuberculosis and one (1) of the following conditions is met:

(1) The animals are moved:

(A) directly to an approved slaughter establishment for slaughter; or ~~are moved~~

(B) through one (1) approved livestock facility;

and then ~~direct~~ directly to slaughter only.

(2) The cattle or bison are **as follows**:

(A) Steers or spayed heifers. ~~that are~~

(B) Officially identified or identified by official premises of origin identification. ~~that~~

(C) Originate from a herd that tested negative for tuberculosis to a herd test conducted within one (1) year ~~prior to before~~ the date of movement into the state. ~~and each animal has~~

(D) Tested negative for tuberculosis on an official test within the sixty (60) days immediately ~~prior to before~~ the ~~animal~~ animal's entering the state. ~~But~~;

Animals to be moved need not be retested if they were tested negative for tuberculosis as a part of a herd tuberculosis test at their herd of origin within the six (6) months ~~prior to before~~ the movement into the state.

(3) The cattle and bison:

(A) originate from an accredited herd ~~the accredited herd that~~ has completed the tuberculosis testing necessary for accredited status within one (1) year ~~prior to before~~ the date of movement; and ~~each animal in the shipment has~~

(B) **have** tested negative for tuberculosis on an official test within the sixty (60) days immediately ~~prior to before~~ the ~~animal~~ animal's entering the state.

(4) The cattle and bison are sexually intact animals that are not from an accredited herd and meet each of the following requirements:

(A) The herd from which the animals originated tested negative for tuberculosis to a herd test conducted within one (1) year ~~prior to before~~ the date of movement into the state.

(B) Each animal has tested negative for tuberculosis twice on official tests conducted between sixty (60) and one hundred eighty (180) days apart, with the second test conducted not more than sixty (60) days immediately ~~prior to before~~ the ~~animal~~ animal's entering the state. ~~But~~; The second test is not required if the animals are moved interstate within ~~six (6) months sixty (60) days~~ following the herd of origin test. ~~and one (1) additional negative test of the animal is conducted after the herd test and within sixty (60) days of the movement.~~

(h) A person may move into the state cattle and bison that originate from a nonaccredited state or zone if the animals are **as follows:**

- (1) Not infected with and have not been exposed to tuberculosis.
- (2) Moved directly to an approved slaughter establishment for slaughter. ~~and~~
- (3) Accompanied by a permit. ~~and~~
- (4) Moved in a conveyance that has been sealed with an official seal.

(i) Cattle or bison that are members of a recognized and approved commuter herd may be moved interstate in accordance with the applicable commuter herd agreement. Animals must move directly from without commingling with animals from outside the production system under the terms of an approved herd commuter agreement. The state veterinarian may accept applications for commuter herd recognition and issue approvals for commuter herd movements under an approved commuter herd agreement as follows:

(1) Movements must be **as follows:**

(A) Without change of ownership.

~~(2) Movements must be~~ (B) A part of and within the normal operations of a production system.

~~(3)~~ (2) The commuter herd agreement must address and may waive or alter **the following:**

(A) The requirements in 345 IAC 1-3 for **the following:**

(i) Permits to enter the state.

(ii) Animal identification. ~~and~~

(iii) Certificates of veterinary inspection. ~~and~~

(B) The requirements in this article for tuberculosis testing.

~~(4)~~ (3) The owner must **do the following:**

(A) Keep records of all movements for at least five (5) years.

(B) Present the records to state or federal officials for inspection upon request. ~~and~~

(C) Submit reports as required by the commuter herd agreement.

Commuter herd agreements shall be for a period of one (1) year and must be reviewed and renewed annually to remain in effect.

(j) The state veterinarian may permit the movement of any animal, including reactor, exposed, or quarantined cattle and bison, into the state:

(1) for the purpose of research or disposal; or

(2) to further the purposes of this article.

(Indiana State Board of Animal Health; 345 IAC 2.5-3-2; filed Apr 13, 2005, 12:30 p.m.: 28 IR 2679)

Notice of Public Hearing

Under IC 4-22-2-24, notice is hereby given that on January 19, 2006 at 9:40 a.m., at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50, Indianapolis, Indiana the Indiana State Board of Animal Health will hold a public hearing on a proposed amendment to 345 IAC 2.5-3-2 to reduce from six (6) months to sixty (60) days the period following a whole herd test for tuberculosis during which animals may be moved into the state from modified accredited or accreditation preparatory states or zones without an individual tuberculin test and to make other technical changes in the law of tuberculosis control.

The proposed changes are necessary to resolve a conflict with federal tuberculosis regulations governing interstate movement of animals in 9 CFR 77.12 and 9 CFR 77.14.

Copies of these rules are now on file at the Indiana State Board of Animal Health, 805 Beachway Drive, Suite 50 Indianapolis, Indiana and Legislative Services Agency, One North Capitol, Suite 325, Indianapolis, Indiana and are open for public inspection.

Bret D. Marsh, D.V.M.
Indiana State Veterinarian
Indiana State Board of Animal Health