

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 32.3.104 subject diseases or) AMENDMENT
conditions and 32.4.502 pertaining to)
importation of restricted or prohibited) NO PUBLIC HEARING
alternative livestock) CONTEMPLATED

TO: All Concerned Persons

1. The Department of Livestock proposes to amend the above-stated rules.

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on July 1, 2019, to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: 1 (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

3. The rules as proposed to be amended provide as follows, new matter underlined, deleted matter interlined:

32.3.104 SUBJECT DISEASES OR CONDITIONS (1) Diseases or conditions affecting multiple species that require reporting, and quarantine when indicated, under department rules are:

- (a) ~~Anthrax (Bacillus anthracis) (quarantine);~~
- (b) ~~Bluetongue;~~
- (c) ~~Brucellosis, bovine (Brucella abortus) (quarantine);~~
- (d) ~~Brucellosis, caprine and ovine (Brucella melitensis) (quarantine);~~
- (e) ~~Brucellosis, porcine (Brucella suis) (quarantine);~~
- (f) ~~Crimean Congo hemorrhagic fever (quarantine);~~
- (g) ~~Echinococcosis/hydatidosis;~~
- (h) ~~Foot and mouth disease (FMD) (quarantine);~~
- (i) ~~Heartwater (Cowdria ruminantium) (quarantine);~~
- (j) ~~Heartworm;~~
- (k) ~~Japanese encephalitis (quarantine);~~
- (l) ~~Leishmaniasis;~~
- (m) ~~Leptospirosis;~~
- (n) ~~Listeriosis;~~
- (o) ~~Mange, psoroptic (Psoroptes ovis) (quarantine);~~
- (p) ~~Mange, chorioptic (Chorioptes bovis);~~
- (q) ~~Mange, sarcoptic (Sarcoptes scabiei bovis);~~
- (r) ~~New and Old World Screwworm (Cochliomya [Callitroga] hominivorax Chrysomya bezziana) (quarantine);~~

- ~~(s) Paratuberculosis (Johne's Disease, *Mycobacterium paratuberculosis*);~~
- ~~(t) Plague (*Yersinia pestis*);~~
- ~~(u) Pseudorabies (Aujeszky's disease) (quarantine);~~
- ~~(v) Q-Fever (*Coxiella burnetti*);~~
- ~~(w) Rabies (quarantine);~~
- ~~(x) Rift Valley fever (quarantine);~~
- ~~(y) Rinderpest (quarantine);~~
- ~~(z) Salmonellosis (*Salmonella enteritidis enteritidis*);~~
- ~~(aa) Trichinellosis (*Trichinella spiralis*);~~
- ~~(ab) Tuberculosis (*Mycobacterium bovis*) (quarantine);~~
- ~~(ac) Tularemia (*Francisella tularensis*);~~
- ~~(ad) Vesicular stomatitis (VS) (quarantine);~~
- ~~(ae) West Nile fever/encephalitis (WNV).~~
- ~~(2) Diseases or conditions affecting bovines that require reporting, and quarantine when indicated, under department rules are:~~
 - ~~(a) Bovine anaplasmosis (*Anaplasma marginale*, *A. centrale*);~~
 - ~~(b) Bovine babesiosis (*Babesia bovis*, *B. bigemina*) (quarantine);~~
 - ~~(c) Bovine genital campylobacteriosis (*Campylobacter fetus venerealis*);~~
 - ~~(d) Bovine spongiform encephalopathy (BSE) (quarantine);~~
 - ~~(e) Bovine viral diarrhea (BVD);~~
 - ~~(f) Contagious bovine pleuropneumonia (*Mycoplasma mycoides mycoides*) (quarantine);~~
 - ~~(g) Enzootic bovine leukosis (BLV);~~
 - ~~(h) Hemorrhagic septicemia (*Pasteurella multocida*, serotypes B/Asian or E/African);~~
 - ~~(i) Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis (IBR/IPV);~~
 - ~~(j) Lumpy skin disease (quarantine);~~
 - ~~(k) Malignant catarrhal fever (MCF, Bovine malignant catarrh, wildebeest associated);~~
 - ~~(l) Theileriosis (*Theileria annulata*, *T. parva*) (quarantine);~~
 - ~~(m) Trichomoniasis (*Tritrichomonas* [*Trichomonas*] *foetus*) (quarantine);~~
 - ~~(n) Trypanosomiasis (Tse-tse borne, *Trypanosoma congolense*, *T. vivax*, *T. brucei brucei*) (quarantine).~~
- ~~(3) Diseases or conditions affecting caprines or ovines that require reporting, and quarantine when indicated, under department rules are:~~
 - ~~(a) Caprine arthritis/encephalitis (CAE);~~
 - ~~(b) Contagious agalactia (*Mycoplasma agalactiae*, *M. capricolum*, *M. putrefaciens*, *M. mycoides mycoides*, *M. mycoides mycoides* LC) (quarantine);~~
 - ~~(c) Contagious caprine pleuropneumonia (*Mycoplasma capricolum capripneumoniae*) (quarantine);~~
 - ~~(d) Contagious footrot (*Bacteroides nodosus* and *Fusobacterium necrophorum*) (quarantine);~~
 - ~~(e) Enzootic abortion of ewes (Ovine psittacosis, *Chlamydia psittaci*);~~
 - ~~(f) Nairobi sheep disease (quarantine);~~
 - ~~(g) Ovine epididymitis (*Brucella ovis*);~~
 - ~~(h) Ovine progressive pneumonia/Maedi-Visna (OPP);~~

- ~~(i) Pediculosis (*Linognathus ovillus*, *L. pedalis*, *L. oviformis*, *L. stenopsis*, *Damalinia ovis*, *D. caprae*, *D. limbatus*, or *Holokartikos crassipes*) (quarantine);~~
- ~~(j) Peste des petits ruminants (quarantine);~~
- ~~(k) Salmonellosis (*Salmonella abortusovis*);~~
- ~~(l) Scrapie (quarantine);~~
- ~~(m) Sheep pox and goat pox (quarantine).~~
- ~~(4) Diseases or conditions affecting equines that require reporting, and quarantine when indicated, under department rules are:~~
 - ~~(a) African horse sickness (quarantine);~~
 - ~~(b) Contagious equine metritis (*CEM*, *Taylorella equigenitalis*) (quarantine);~~
 - ~~(c) Dourine (*Trypanosoma equiperdum*) (quarantine);~~
 - ~~(d) Equine encephalomyelitis (Eastern [EEE] or Western [WEE]);~~
 - ~~(e) Equine infectious anemia (EIA) (quarantine);~~
 - ~~(f) Equine influenza (Virus Type A);~~
 - ~~(g) Equine piroplasmiasis (*Babesiosis*, *Babesia* [*Piroplasma*] *equi*, *B. caballii*) (quarantine);~~
 - ~~(h) Equine rhinopneumonitis (EHV-1 and EHV-4);~~
 - ~~(i) Equine viral arteritis (EVA) (quarantine);~~
 - ~~(j) Glanders (*Pseudomonas mallei*) (quarantine);~~
 - ~~(k) Surra (*Trypanosoma evansi*) (quarantine);~~
 - ~~(l) Venezuelan equine encephalomyelitis (VEE) (quarantine).~~
- ~~(5) Diseases or conditions affecting porcines that require reporting, and quarantine when indicated, under department rules are:~~
 - ~~(a) African swine fever (quarantine);~~
 - ~~(b) Classical swine fever (Hog cholera) (quarantine);~~
 - ~~(c) Nipah virus encephalitis (quarantine);~~
 - ~~(d) Porcine cysticercosis (*Cysticercus cellulosae*);~~
 - ~~(e) Porcine reproductive and respiratory syndrome (PRRS);~~
 - ~~(f) Swine vesicular disease (quarantine);~~
 - ~~(g) Transmissible gastroenteritis (TGE).~~
- ~~(6) Diseases or conditions affecting avians that require reporting, and quarantine when indicated, under department rules are:~~
 - ~~(a) Avian chlamydiosis (*Ornithosis* and *psittacosis*, *Chlamydia psittaci*);~~
 - ~~(b) Avian infectious bronchitis;~~
 - ~~(c) Avian infectious laryngotracheitis (ILT);~~
 - ~~(d) Avian mycoplasmosis (*Mycoplasma gallisepticum* or *M. synoviae*);~~
 - ~~(e) Duck virus hepatitis (DVH);~~
 - ~~(f) Exotic Newcastle disease (END) (quarantine);~~
 - ~~(g) Fowl cholera (*Avian pasteurellosis*, *Pasteurella multocida*);~~
 - ~~(h) Fowl typhoid (*Salmonella gallinarum*) (quarantine);~~
 - ~~(i) Highly pathogenic avian influenza (HPAI, fowl plague) (quarantine);~~
 - ~~(j) Infectious bursal disease (Gumboro disease);~~
 - ~~(k) Marek's disease;~~
 - ~~(l) Pullorum disease (*Salmonella pullorum*) (quarantine);~~
 - ~~(m) Turkey rhinotracheitis (*Avian pneumovirus*).~~
- ~~(7) Diseases or conditions affecting aquaculture (commercial food fish) that require reporting, and quarantine when indicated, under department rules are:~~

- ~~(a) Viral hemorrhagic septicemia;~~
- ~~(b) Spring viremia of carp;~~
- ~~(c) Infectious hematopoietic necrosis;~~
- ~~(d) Epizootic hematopoietic necrosis;~~
- ~~(e) Oncorhynchus masou virus disease.~~
- ~~(8) Diseases and conditions affecting cervids that require reporting, and quarantine when indicated, under department rules are:~~
- ~~(a) Chronic wasting disease (CWD) (quarantine).~~
- ~~(9) Diseases and conditions affecting lagomorphs that require reporting, and quarantine when indicated, under department rules are:~~
- ~~(a) Myxomatosis;~~
- ~~(b) Rabbit hemorrhagic disease (quarantine).~~
- ~~(10) Other diseases or conditions may become subject to the rules of this subchapter by the order of the state veterinarian.~~
- ~~(11) Diseases or conditions listed above requiring procedures which are specifically covered elsewhere in department rules are subject to the rules of this subchapter upon the order of the state veterinarian.~~
- (a) Akabane virus;
- (b) Anthrax (Bacillus anthracis) (quarantine);
- (c) Bluetongue;
- (d) Brucellosis, bovine (Brucella abortus) (quarantine);
- (e) Brucellosis, caprine and ovine (Brucella melitensis) (quarantine);
- (f) Brucellosis, porcine (Brucella suis) (quarantine);
- (g) Crimean Congo hemorrhagic fever (quarantine);
- (h) Echinococcosis/hydatidosis;
- (i) Foot and mouth disease (FMD) (quarantine);
- (j) Heartwater (Cowdria ruminantium) (quarantine);
- (k) Heartworm;
- (l) Japanese encephalitis (quarantine);
- (m) Leishmaniasis;
- (n) Longhorned tick;
- (o) Mange, psoroptic (Psoroptes ovis) (quarantine);
- (p) Mange, chorioptic (Chorioptes bovis);
- (q) Mange, sarcoptic (Sarcoptes scabiei bovis);
- (r) Melioidosis;
- (s) New and Old World Screwworm (Cochliomya [Callitroga] hominivorax Chrysomya bezziana) (quarantine);
- (t) Paratuberculosis (Johne's Disease, Mycobacterium paratuberculosis);
- (u) Plague (Yersinia pestis);
- (v) Pseudorabies (Aujeszky's disease) (quarantine);
- (w) Q-Fever (Coxiella burnetti);
- (x) Rabies (quarantine);
- (y) Rift Valley fever (quarantine);
- (z) Rinderpest (quarantine);
- (aa) Salmonellosis (Salmonella enteritidis enteritidis);
- (ab) Trichinellosis (Trichinella spiralis);
- (ac) Tuberculosis (Mycobacterium bovis) (quarantine);

- (ad) Tularemia (*Francisella tularensis*);
- (ae) Vesicular stomatitis (VS) (quarantine);
- (af) West Nile fever/encephalitis (WNV).

(2) Diseases or conditions affecting bovines that require reporting, and quarantine when indicated, under department rules are:

- (a) Bovine anaplasmosis (*Anaplasma marginale*, *A. centrale*);
- (b) Bovine babesiosis (*Babesia bovis*, *B. bigemina*) (quarantine);
- (c) Bovine genital campylobacteriosis (*Campylobacter fetus venerealis*);
- (d) Bovine spongiform encephalopathy (BSE) (quarantine);
- (e) Bovine viral diarrhea (BVD);
- (f) Cattle fever tick (*Boophilus annulatus*, *B. microplus*) (quarantine);
- (g) Contagious bovine pleuropneumonia (*Mycoplasma mycoides mycoides*) (quarantine);
- (h) Enzootic bovine leukosis (BLV);
- (i) Hemorrhagic septicemia (*Pasteurella multocida*, serotypes B/Asian or E/African);
- (j) Infectious bovine rhinotracheitis/infectious pustular vulvovaginitis (IBR/IPV);
- (k) Lumpy skin disease (quarantine);
- (l) Malignant catarrhal fever (MCF, Bovine malignant catarrh, wildebeest associated) (quarantine);
- (m) Theileriosis (*Theileria annulata*, *T. parva*) (quarantine);
- (n) Trichomoniasis (*Trichomonas* [*Trichomonas*] *foetus*) (quarantine);
- (o) Trypanosomiasis (Tse-tse borne, *Trypanosoma congolense*, *T. vivax*, *T. brucei brucei*) (quarantine).

(3) Diseases or conditions affecting caprines or ovines that require reporting, and quarantine when indicated, under department rules are:

- (a) Caprine arthritis/encephalitis (CAE);
- (b) Contagious agalactia (*Mycoplasma agalactiae*, *M. capricolum*, *M. putrefaciens*, *M. mycoides mycoides*, *M. mycoides mycoides* LC) (quarantine);
- (c) Contagious caprine pleuropneumonia (*Mycoplasma capricolum capripneumoniae*) (quarantine);
- (d) Contagious footrot (*Bacteroides nodosus* and *Fusobacterium necrophorum*) (quarantine);
- (e) Enzootic abortion of ewes (*Ovine psittacosis*, *Chlamydia psittaci*);
- (f) Nairobi sheep disease (quarantine);
- (g) Ovine epididymitis (*Brucella ovis*);
- (h) Ovine progressive pneumonia/Maedi-Visna (OPP);
- (i) Peste des petits ruminants (quarantine);
- (j) Salmonellosis (*Salmonella abortusovis*);
- (k) Scrapie (quarantine);
- (l) Sheep pox and goat pox (quarantine).

(4) Diseases or conditions affecting equines that require reporting, and quarantine when indicated, under department rules are:

- (a) African horse sickness (quarantine);
- (b) Contagious equine metritis (CEM, *Taylorella equigenitalis*) (quarantine);
- (c) Dourine (*Trypanosoma equiperdum*) (quarantine);

- (d) Equine encephalomyelitis (Eastern [EEE] or Western [WEE]) (quarantine);
- (e) Equine infectious anemia (EIA) (quarantine);
- (f) Equine influenza (Virus Type A);
- (g) Equine piroplasmiasis (Babesiosis, Babesia [Piroplasma] equi, B. caballi) (quarantine);
- (h) Equine rhinopneumonitis (EHV-1 and EHV-4);
- (i) Equine viral arteritis (EVA) (quarantine);
- (j) Glanders (Pseudomonas mallei) (quarantine);
- (k) Hendra virus (quarantine);
- (l) Surra (Trypanosoma evansi) (quarantine);
- (m) Strangles;
- (n) Pigeon fever;
- (o) Venezuelan equine encephalomyelitis (VEE) (quarantine).
- (5) Diseases or conditions affecting porcines that require reporting, and quarantine when indicated, under department rules are:
 - (a) African swine fever (quarantine);
 - (b) Classical swine fever (Hog cholera) (quarantine);
 - (c) Delta corona virus;
 - (d) Nipah virus encephalitis (quarantine);
 - (e) Porcine cysticercosis (Cysticercus cellulosae);
 - (f) Porcine epidemic diarrhea;
 - (g) Porcine reproductive and respiratory syndrome (PRRS);
 - (h) Seneca Valley virus/Seneca virus A (quarantine);
 - (i) Swine influenza;
 - (j) Swine vesicular disease (quarantine);
 - (k) Transmissible gastroenteritis (TGE);
 - (l) Vesicular exanthema (quarantine).
- (6) Diseases or conditions affecting avians that require reporting, and quarantine when indicated, under department rules are:
 - (a) Avian chlamydiosis (Ornithosis and psittacosis, Chlamydia psittaci);
 - (b) Avian infectious bronchitis;
 - (c) Avian infectious laryngotracheitis (ILT);
 - (d) Avian mycoplasmosis (Mycoplasma gallisepticum or M. synoviae);
 - (e) Exotic Newcastle disease (END) (quarantine);
 - (f) Fowl typhoid (Salmonella gallinarum) (quarantine);
 - (g) Highly pathogenic avian influenza (HPAI, fowl plague) (quarantine);
 - (h) Low pathogenic avian influenza (quarantine);
 - (i) Infectious bursal disease (Gumboro disease);
 - (j) Pullorum disease (Salmonella pullorum) (quarantine);
 - (k) Turkey rhinotracheitis (Avian pneumovirus).
- (7) Diseases or conditions affecting aquaculture (commercial food fish) that require reporting, and quarantine when indicated, under department rules are:
 - (a) Epizootic hematopoietic necrosis;
 - (b) Epizootic ulcerative syndrome;
 - (c) Gyrocactylosis;
 - (d) Infectious hematopoietic necrosis;

- (e) Infectious salmon anemia;
- (f) Koi herpesvirus disease;
- (g) Red sea bream iridoviral disease;
- (h) Salmonid alphavirus;
- (i) Spring viremia of carp;
- (j) Viral hemorrhagic septicemia (quarantine).
- (8) Diseases and conditions affecting cervids that require reporting, and quarantine when indicated, under department rules are:
 - (a) Chronic wasting disease (CWD) (quarantine);
 - (b) Epizootic hemorrhagic disease.
- (9) Diseases and conditions affecting lagomorphs that require reporting, and quarantine when indicated, under department rules are:
 - (a) Myxomatosis;
 - (b) Rabbit hemorrhagic disease (quarantine).
- (10) Diseases and conditions affecting canids that require reporting, and quarantine when indicated, under department rules are:
 - (a) Brucella canis.
- (11) Other diseases or conditions may become subject to the rules of this subchapter by the order of the state veterinarian.
- (12) Diseases or conditions listed above requiring procedures which are specifically covered elsewhere in department rules are subject to the rules of this subchapter upon the order of the state veterinarian.

AUTH: 81-2-102, 81-2-103, 81-20-101, MCA
IMP: 81-2-102, 81-20-101, MCA

REASON: The department proposes necessary changes to ARM 32.3.104 that will allow the department to track and manage diseases of special interest to Montana's livestock industries.

The proposed changes will also assist the department with reporting responsibilities to national and international animal health officials.

32.4.502 IMPORTATION OF RESTRICTED OR PROHIBITED ALTERNATIVE LIVESTOCK (1) through (1)(b) remain the same.

~~(c) Wild or captive elk, mule deer, and whitetail deer may not be imported or transported from a geographic area or alternative livestock farm where chronic wasting disease is endemic or has been diagnosed unless they meet all importation requirements, transportation requirements and any other requirements mandated by statute, rule or order of the state veterinarian under the authority of Title 81, chapter 2, MCA.~~ Importation of wild or captive elk, mule deer, and whitetail deer into Montana, except direct to slaughter, is restricted except pursuant to a diagnostic technique and test protocol for the antemortem detection of chronic wasting disease that is approved by the state veterinarian. No animal may be imported from a geographic area or alternative livestock area where chronic wasting disease is endemic or has been diagnosed.

(2) through (4) remain the same.

AUTH: 87-4-422, MCA
IMP: 87-4-422, MCA

REASON: Due to the increasing numbers of detections of chronic wasting disease and the percentage of these detections in certified herds, the department is proposing that the importation of cervids to Montana for reasons other than slaughter be prohibited until an acceptable antemortem test for CWD is available, to protect both alternative livestock and wildlife in Montana.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., July 5, 2019.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., July 5, 2019.

6. If the department receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the businesses who are directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a public hearing will be held at a later date. Notice of the public hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 4, based upon those current producers who hold an active alternative livestock license and 71 active veterinarians who would be required to report and quarantine animals having the diseases listed in ARM 32.3.104.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the department.

8. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

9. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rules will not significantly and directly impact small businesses.

BY: /s/ Michael S. Honeycutt
Michael S. Honeycutt
Board of Livestock
Department of Livestock

BY: /s/ Cinda Young-Eichenfels
Cinda Young-Eichenfels
Rule Reviewer

Certified to the Secretary of State May 28, 2019.