

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 32.3.217 special requirements) AMENDMENT
for poultry and 32.3.221 special)
requirements for alternative livestock) NO PUBLIC HEARING
) 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 August 28, 2020, 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: (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:

32.3.217 SPECIAL REQUIREMENTS FOR POULTRY (1) Poultry, including hatching eggs, may enter the state of Montana provided they are transported or moved in conformity with ARM 32.3.201 through 32.3.211 and are accompanied by ~~a permit or an~~ official health certificate or other approved documentation ~~as herein specified.~~

~~(2) Baby chicks and turkey poult~~s 14 days of age, or younger, and hatching eggs:

~~(a) Any person, firm or corporation shipping baby chicks and/or turkey poult~~s 14 days of age, or younger, or hatching eggs into the state of Montana shall first obtain a permit from the state veterinarian of Montana.

~~(b) A permit will authorize shipments during the season for which the permit is issued, unless revoked for cause.~~

~~(c) A permit will not be granted to ship baby chicks or turkey poult~~s 14 days of age or younger, which have been vaccinated or exposed to a live virus vaccine.

~~(d) A permit will be issued only if the baby chicks, turkey poult~~s, or hatching eggs (except waterfowl eggs) originate in flocks, and are distributed from hatcheries or premises, participating in the national poultry improvement plan or national turkey improvement plan or operating under the supervision of the poultry disease control authority of the state of origin and are officially classified as pullorum typhoid clean or of equal status, and are free of infectious, contagious or communicable disease or exposure thereto.

~~(e) Each container of baby chicks or turkey poults 14 days of age, or younger or hatching eggs, shipped into the state of Montana shall bear the official label or certificate showing the name and address of the shipper, the authority under which the Pullorum Typhoid tests were done, the Pullorum Typhoid clean classification of the product, and the Montana shipping permit number. The official label or certificate must be approved by the official state agency or, the livestock sanitary official of the state of origin.~~

~~(3) Started chicks, turkey poults, and poultry, except for immediate slaughter, over 14 days of age, must be accompanied by an official health certificate of the state of origin attesting that they are:~~

~~(a) free of infectious, contagious, or communicable disease or exposure thereto; and~~

~~(b) officially Pullorum Typhoid tested with negative results within 30 days or originate directly from an official pullorum typhoid clean flock, hatchery, and premise or a flock, hatchery, and premise of equal status as determined by the livestock sanitary official of the state of origin; and~~

~~(c) not vaccinated or exposed to a live virus vaccine within 30 days of the date of shipment into Montana.~~

~~(4) Shipping crates in which poultry and hatching eggs are shipped into the state of Montana must be new or thoroughly cleaned and disinfected before using for shipment.~~

(2) Poultry and hatching eggs originating from hatcheries or premises participating in the national poultry improvement plan may be accompanied by a VS Form 9-3 in lieu of an official health certificate.

(3) Poultry and hatching eggs not originating from hatcheries or premises participating in the national poultry improvement plan:

(a) must be accompanied by an import permit, an official health certificate of the state of origin attesting that they are free of infectious, contagious, or communicable disease or exposure thereto; and

(b) all poultry older than four months of age must be officially Pullorum tested with negative results within 30 days.

(4) Poultry must not be vaccinated or exposed to a live virus vaccine within 30 days of the date of shipment into Montana.

(5) Shipping crates in which poultry and hatching eggs are shipped into the state of Montana must be new or thoroughly cleaned and disinfected before using for shipment.

AUTH: 81-2-102, ~~81-20-404~~, 81-2-707, MCA

IMP: 81-2-102, ~~81-20-404~~, 81-2-703, 81-2-707, MCA

REASON: The department proposes to amend this rule to provide consistency with the National Poultry Improvement Plan (NPIP) guidance. NPIP is a nationally recognized poultry program, run by USDA, that focuses on health and biosecurity. Many states, including Montana, allow NPIP participation to satisfy their import requirements. The proposed changes will bring consistency to the age of testing and will assure that poultry not enrolled in the NPIP program still satisfy disease testing requirements.

Additionally, much of the paperwork associated with the NPIP program has transitioned to an electronic format which negates the need for an import permit for participants. The proposed changes to this rule will streamline the import process for the department and poultry producers, while maintaining health standards that are consistent with the USDA and other states.

32.3.221 SPECIAL REQUIREMENTS FOR ALTERNATIVE LIVESTOCK

(1) All sexually intact alternative livestock six months of age and older imported into Montana from states with a Designated Surveillance Area for brucellosis must be either test-negative for brucellosis within 30 days prior to importation ~~or originate from a brucellosis-certified free herd.~~

(a) through (6) remain the same.

AUTH: 81-2-102, 81-2-103, 81-2-707, MCA

IMP: 81-2-102, 81-2-103, 81-2-703, 81-2-707, MCA

REASON: The department is proposing to amend ARM 32.3.221 eliminating the interstate Brucellosis testing requirements for interstate movement of alternative livestock, outside of the Greater Yellowstone Area (GYA). At the 2017 United States Animal Health Association (USAHA) annual meeting, a resolution was passed supporting the elimination of this requirement. There have been no confirmed cases of brucellosis in alternative livestock outside of the GYA in the previous twenty years. The risk of disease in this population is low and therefore an interstate movement test is not required to protect the livestock population of 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., September 4, 2020.

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., September 4, 2020.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons 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 hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 10 persons based on 15 producers that are currently eligible to import alternative livestock and 84 NPIP participants and 5 non-NPIP participants.

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
Executive Officer
Board of Livestock
Department of Livestock

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

Certified to the Secretary of State July 28, 2020.