



Board of Livestock Meeting

Agenda Request Form

From: Leslie Doely		Division/Program: Brands Enforcement Division			Meeting Date: 5/23/2018		
<u>Agenda Item:</u> WSLIA Report							
Background Info: Report from out-of-state travel to the Western States Livestock Investigators Association Conference in Reno, NV, March 2018							
Recommendation:							
Time needed: Consent Agenda	Attachments:	Yes	No	Board vote required:	Yes	No	
<u>Agenda Item:</u> 2018 YTD Market Stats Update							
Background Info: Comparison of 2017 and 2018 Year-to-date cattle sold at MT livestock markets.							
Recommendation:							
Time needed: Consent Agenda	Attachments:	Yes	No	Board vote required:	Yes	No	
<u>Agenda Item:</u> 2018 Brand Lien Online Renewal							
Background Info: Successful launch of an online service for lenders with brand liens was used for the 2018 lien renewal.							
Recommendation:							
Time needed: consent agenda	Attachments:	Yes	No	Board vote required	Yes	No	
<u>Agenda Item:</u> Request to Hire Market Inspectors (3)							
Background Info: Requesting to fill two vacant market inspector positions in Billings, and one vacant market inspector position in Miles City. No changes to current positions.							
Recommendation:							
Time needed: consent agenda	Attachments:	Yes	No	Board vote required	Yes	No	
<u>Agenda Item:</u>							
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No	

WSLIA Report

Travis Elings and I traveled to Reno, NV March 5, 2018 through March 9, 2018. While there I had a lot of opportunities to network with people from other states. I visited with Cody James from Utah about the cattle buyer buying bulls on the internet and not paying for them. Later I talked with Garth Woods from Saskatchewan about his new computer program for brand inspection. Along those same lines I talked with Cody Burlile from Idaho about his new brand inspection program. I visited with the numerous investigators around the western United States about investigations and how their states are doing things.

Some of the speakers we had at the conference were a presentation on computer investigations, booby traps in rural areas, money laundering in agriculture, legal updates from former judges in Idaho, as well as the use of polygraph in hiring employees. I also had the opportunity to sit in on a case study of the Las Vegas shooting with the Western States Sheriffs Association who were also having their conference down there at the same time. This year Travis Elings moved up to Secretary of the Board for the WSLIA which is very exciting for our state.

BRANDS ENFORCEMENT DIVISION

CONSENT AGENDA ITEMS

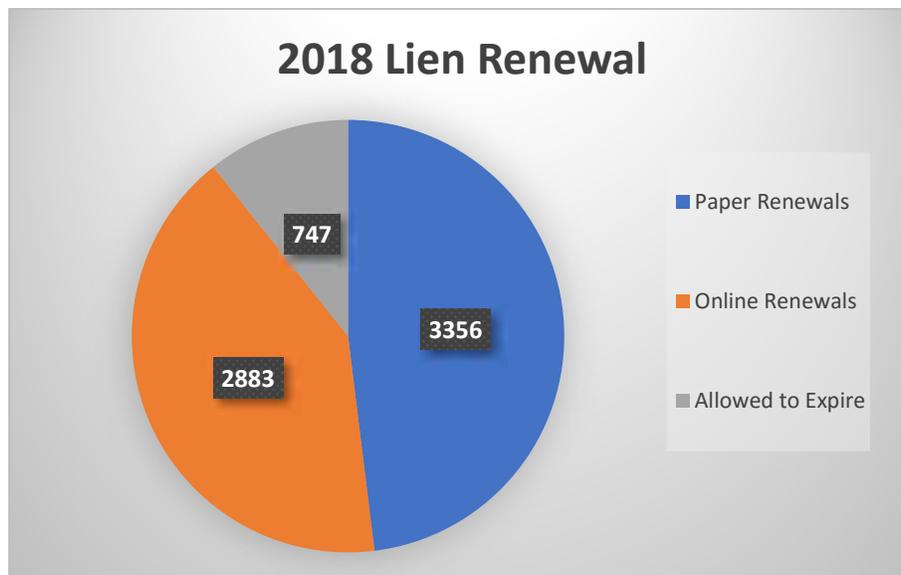
May 23, 2018 BOARD OF LIVESTOCK MEETING

Market Status Report

See attached PDF

Brand Lien Online Renewal

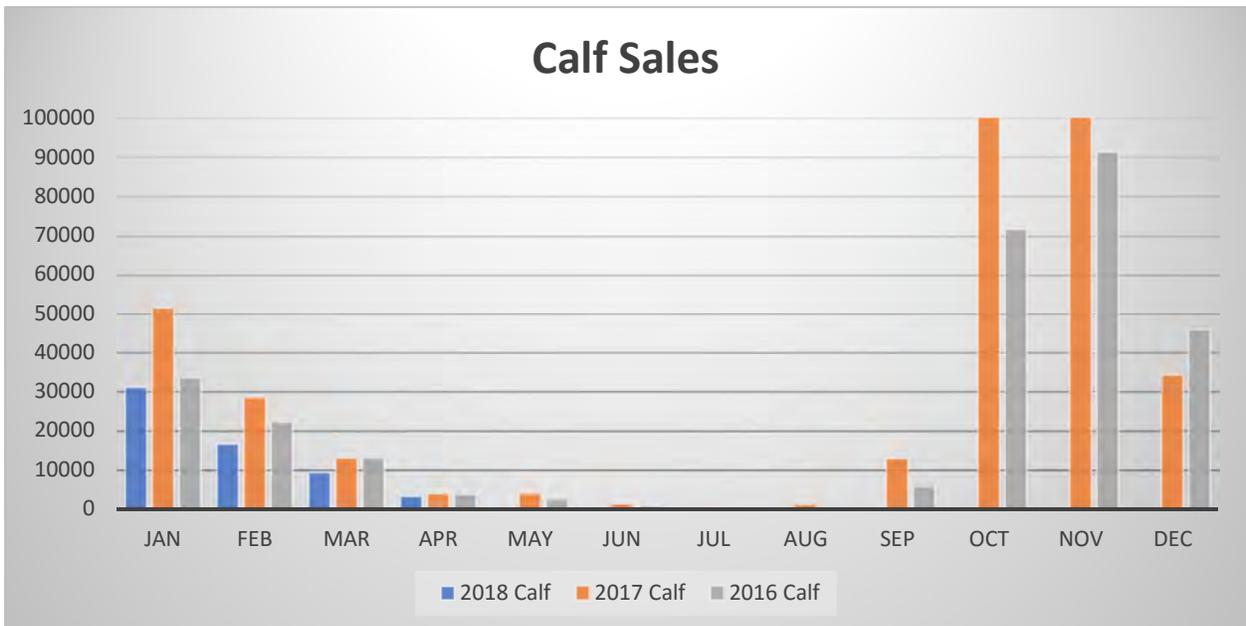
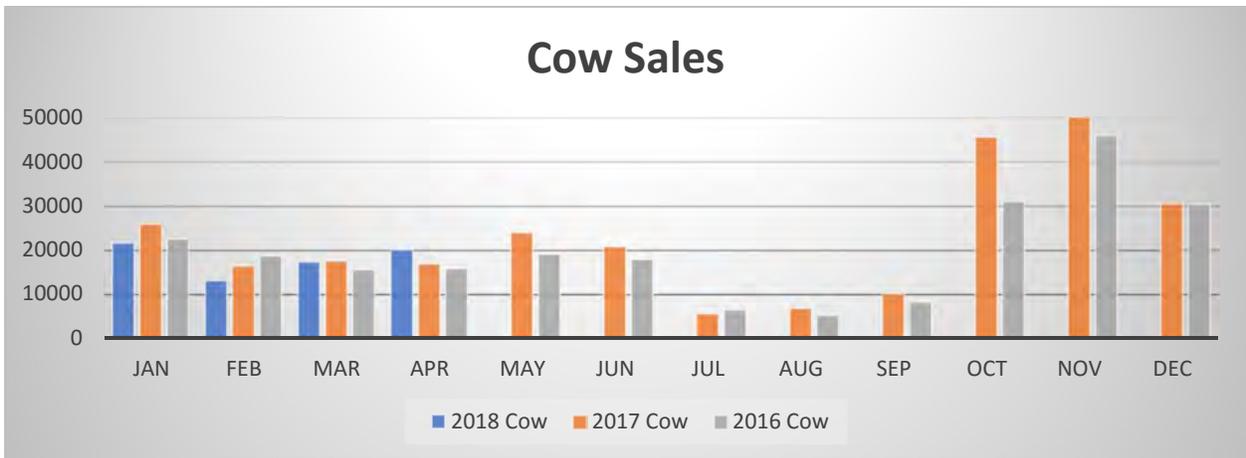
On December 1, 2017, Brands Enforcement launched an online portal built by Montana Interactive, Inc. This online portal allows lenders to access their brand lien information, create, renew, continue, and terminate liens online. During the 2018 lien renewal period, lenders renewed 46% of brand liens online, saving considerable processing time for staff. The fees for the online service are higher than paper transactions, which deterred some lenders from using the portal. Despite this, BE received overwhelmingly positive feedback from portal users.



Request to Hire: Market Inspectors

Brands Enforcement requests to fill 3 vacant market inspector positions: two in Billings, one in Miles City. These positions are vital to the functionality of the markets. Positions must be filled in advance of fall run to provide adequate time for training.

2018 YTD MONTANA MARKET DATA



**Montana Department of Livestock
Board of Livestock Meeting Report
Veterinary Diagnostic Laboratory – Dr. Steve Smith
May 23, 2018 (Composed 5/11/18)**

Pathology Contractors and workload.

As stated in my most recent weekly report, April was a high caseload period, and the pathology contractors helped significantly in keeping cases moving and reports going out. Dr. Marshall has now returned from medical leave and the cases are beginning to taper off for the summer, so I am not currently sending cases to consultants, though we are retaining contact with both, so that we can utilize their services as needed in the future. So far, we have only needed to expend about 2/3 of the sum initially approved for contract work.

Laboratory building study.

The architectural and engineering consultants for the HB 661 study will be returning for another three days of meetings 5/22-24. I will be participating in nearly all of these meetings, which is why I will not be traveling to Helena for the board meeting on the 23rd. Preliminary room lists and square footage estimates have already been established, and the primary purpose of these meetings will be to refine these estimates, ensure that they fit well with our current and future needs, and pave the way for the final step of cost analysis.

Current Building Issues.

Over the past few weeks, there has been construction on the south side of the Marsh Lab building to install an ADA entrance (this primarily affects the portion of the building that we do not occupy). In speaking with some of the individuals involved with both this project and the previously proposed rekey project (discussed at a previous board meeting), I have had the opportunity to discuss the issues of biosecurity and biocontainment in our current facility. These discussions are leading towards potential changes in the re-key project to install additional doors and locks in certain hallways to isolate our laboratory within Marsh lab and significantly enhance our level of security and public safety. Although the details remain undetermined, it is possible that these changes could result in decreased overall cost to us, while also establishing better security.

Staffing and open positions.

Our staffing situation at present is unchanged from my report at the last board meeting. We have three open positions, a fourth opening on June 8, and a fifth likely opening on July 28. As stated previously, I am in the process of reorganizing lab FTE's to better meet our actual needs. I am currently finalizing two new position descriptions to be submitted for classification. Although it had been my intent to present these to the board for approval in May, the process was delayed, and I should be able to attend in person to further discuss these positions if there is a board meeting in June.

ARMAR/NAHLN FMD Exercise.

The diagnostic laboratory participated in the multi-state ARMAR/NAHLN exercise for Foot-and-Mouth disease that occurred May 7-10. From the standpoint of the laboratory, I believe that the exercise was a success, in that it identified areas of need, provided the opportunity to troubleshoot spontaneous issues, and gave staff the chance to practice working through chains of communication and thinking about how to handle issues related to a serious animal disease outbreak. One of the most significant areas of concern for the laboratory is our facility. We do not have internal Biosafety Level 3 space in our laboratory, which would be a requirement for testing once confirmation of a serious foreign animal disease occurred. We could perform initial testing of the very first specimens in our existing lab space, but once diagnosis was confirmed by the national Foreign Animal Disease Diagnostic Laboratory (FADDL) in Plum Island, New York, testing would need to move to a BSL-3 lab. Although there is a rather dated agreement with MSU for use of an adjacent BSL-3 facility, practical use of this facility would be severely hindered by the need to move all of our equipment to another building, MSU's requirements and restrictions on training and use, and the fact that we do not have a good way to set up a separate, secure receiving area for outbreak associated specimens. Obviously, the need for BSL-3 space is primarily a concern for new building design, but in the short-term, I also intend to revisit our agreement with MSU. As stated previously, this is by no means an optimal solution in the face of a real outbreak, but I believe that we may be able to negotiate more favorable and practical terms of use, including planning for adjacent sample receiving.

The exercise also highlighted the need for more thoroughly considered policies and plans for action in the event of a foreign animal disease outbreak. The NAHLN has prepared useful information on communication chains and steps of action, but these could be built upon in internal policy, to achieve better sharing of information with all individuals and agencies involved. In regard to communication, one area of concern from the laboratory was a lack of communication from field staff. We were often unaware that field investigations were taking place or that samples were being sent to the lab. Some of this was certainly attributable to the artificiality of the exercise, as I have been assured by FADDL staff that communication from the field is typically excellent in real-life MT FAD investigations, but I believe that there is still room for improvement in the communication between field staff and the lab in these types of situations.

During the exercise, we reported results to various state and federal entities and individuals via multiple routes of communication. First, initial positive results were verbally reported to Dr. Zaluski, Dr. Linfield, Dr. Loiacono at the NAHLN program office, and FADDL by me. Results were also sent via VADDS generated fax and email reports, and by electronic messaging directly into the NAHLN system. Although we had previously been approved for electronic messaging, early in the exercise we made changes to the format of our printed Foot-and-Mouth disease report, and inadvertently altered the formatting of the electronic message, resulting in failure to transmit the needed information. This provided the opportunity for rapid troubleshooting of the issue, and the lab technician tasked with message programming had the message fixed and sending successfully again within a matter of hours.

Otherwise, our testing and internal operations during the exercise went relatively smoothly. Obviously, this strongly highlights our need for an updated and more secure facility with internal BSL-3 space, as well as the need for development of better communication practices and procedures between laboratory and field staff. I appreciated the chance to practice implementing the various chains of communication with the NAHLN program office, state and federal regulatory officials, and FADDL, and I look forward to using this experience to make us more prepared for a real-life event.



Board of Livestock Meeting

Agenda Request Form

From: Gary Hamel	Division/Program: Meat and Poultry Inspection	Meeting Date: May 23, 2018												
<u>Agenda Item:</u> Out-of-State Travel Request														
Background Info:														
Request to send an individual from the state Meat and Poultry Inspection Bureau to the upcoming meeting in Minnesota. Due to timing with the federal audit, I am requesting to send another staff member.														
Meeting dates and time: June 11, June 12.														
Location: Bloomington, MN														
Registration fee: It is expected that there will be no registration fee.														
Costs include Flight – approximately \$700, Hotel -- approximately \$450, Shuttle, etc. -- \$50 for a total cost of approximately \$1,200. This funding is in the budget.														
Recommendation:														
Time needed: Consent Agenda	Attachments:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Yes</td> <td style="width: 10%;">X</td> <td style="width: 10%;">No</td> <td style="width: 10%;">Board vote required?</td> <td style="width: 10%;">Yes</td> <td style="width: 10%;">No</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td>X</td> <td></td> </tr> </table>	Yes	X	No	Board vote required?	Yes	No					X	
Yes	X	No	Board vote required?	Yes	No									
				X										
<u>Agenda Item:</u>														
Background Info:														
Recommendation:														
Time needed:	Attachments:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Yes</td> <td style="width: 10%;">No</td> <td style="width: 10%;">Board vote required</td> <td style="width: 10%;">Yes</td> <td style="width: 10%;">No</td> </tr> </table>	Yes	No	Board vote required	Yes	No							
Yes	No	Board vote required	Yes	No										
<u>Agenda Item:</u>														
Background Info:														
Recommendation:														
Time needed:	Attachments:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Yes</td> <td style="width: 10%;">No</td> <td style="width: 10%;">Board vote required:</td> <td style="width: 10%;">Yes</td> <td style="width: 10%;">No</td> </tr> </table>	Yes	No	Board vote required:	Yes	No							
Yes	No	Board vote required:	Yes	No										
<u>Agenda Item:</u>														
Background Info:														
Recommendation:														
Time needed:	Attachments:	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 10%;">Yes</td> <td style="width: 10%;">No</td> <td style="width: 10%;">Board vote required:</td> <td style="width: 10%;">Yes</td> <td style="width: 10%;">No</td> </tr> </table>	Yes	No	Board vote required:	Yes	No							
Yes	No	Board vote required:	Yes	No										
<u>Agenda Item:</u>														
Background Info:														

Department of Livestock	1) Division Meat & Poultry Insp. Bureau
--------------------------------	---

2) Employees Traveling

Request to send an individual from the state Meat and Poultry Inspection Bureau to the upcoming meeting in Minnesota. Due to timing with the federal audit, I am requesting to send another staff member

3) Justification

4) Itinerary

Meeting dates and time: June 11, June 12.

Location: Bloomington, MN

Registration fee: It is expected that there will be no registration fee.

Costs include Flight – approximately \$700, Hotel -- approximately \$450, Shuttle, etc. -- \$50 for a total cost of approximately \$1,200. This funding is in the budget.

5) Submitted By

Requested By
Gary Hamel

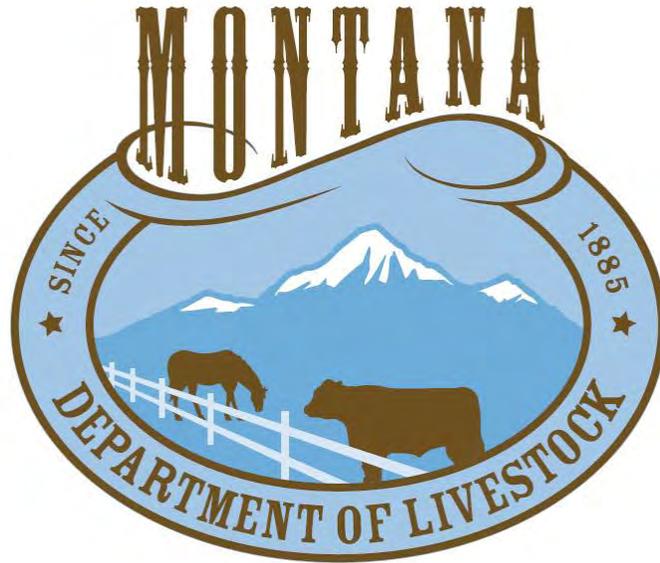
Title
Bureau Chief

Date
5/11/2018

Approval - to be Completed by Agency Authorized Personnel

Date Approved by Board	Board Chair / EO	Date
------------------------	------------------	------

NOTE: A travel expense voucher form must be filed within three months after incurring the travel expenses, otherwise the right to reimbursement will be waived.



BOARD OF LIVESTOCK PROCEDURES AND GUIDELINES

**DEPARTMENT OF LIVESTOCK
BOARD OF LIVESTOCK PROCEDURES AND GUIDELINES**

CHAPTER I

BOARD OF LIVESTOCK

1. As used in these procedures and guidelines
 - A. "Board" means the Montana Board of Livestock.
 - B. "Executive Officer" means the executive officer to the Board of Livestock.

2. The Board, as head of the Department of Livestock, has the duties and powers of a department head, as provided in Section 2-15-112, MCA.
It may:
 - A. Supervise, direct, account for, organize, plan, administer, and execute the functions vested in the department by this title or other law. ~~with the first consideration being to foster, promote, and protect the Montana livestock industry.~~
 - B. Establish guidelines and policy to be followed by the department and employees.
 - C. Compile and submit reports and budgets for the department as required by law or requested by the governor.
 - D. Provide the governor with any information that is required at any time on the operation of the department.
 - E. Represent the department in communications with the governor.
 - F. Prescribe rules, consistent with law and rules established by the legislature, for the administration of the department; the conduct of the employees; the distribution and performance of business; and the custody, use, and preservation of the records, documents, and property pertaining to department business.
 - G. Establish the internal organizational structure of the department and allocate the functions of the department to units to promote the economic and efficient administration and operation of the department. The internal structure of the department shall be established in accordance with section 2-15-104(2), MCA.
 - H. Subject to the law and rules, select and approve the hiring of the executive officer, state veterinarian, and administrators. Review and authorize necessary subordinate positions, and/or abolish unnecessary positions.
 - I. Maintain a central office in Helena for the department, and such other facilities throughout the state as may be required for the effective and efficient operation of the department.

- (4).J. Except as otherwise provided by law, the Board may:
- (a). Subject to law and rules, transfer employees between positions, remove persons appointed to positions, and change the duties, titles, and compensation of employees within the department.
 - (b). Apply for, accept, administer, and expend funds, grants, gifts, and loans from the federal government or any other source in administering the department's functions.
 - (c). Enter into agreements with federal, state, and local agencies necessary to carry out the department's functions.
 - (d). Delegate any of the functions vested in the department to the administrator or bureau chief. ~~head to subordinate employees.~~

- 3. Employees of the department have authority to exercise the functions described in number 2 above, to the extent, such functions are delegated to an employee by this procedure and guidelines or by other action of the Board.
- 4. The Board shall establish procedure for the department. Except as statutorily authorized, it shall be the sole rule making body of the department, making such rules as are necessary and consistent with law, and shall establish departmental priorities and goals which best serve the needs of the livestock industry.
- 5. The Board shall direct the preparation of all departmental budgets and budget amendments and shall approve such before submission to the governor or to legislative bodies.
- 6. The Board may appoint an Executive Officer to the Board. The Executive Officer, when appointed, shall be evaluated by the board annually.
- 7. The Board shall establish departmental legislative policy, and shall present to the legislature proposals which are in the best interest of the department and livestock industry.
 - A. The Board may appear before the legislature on matters which affect the well-being of the livestock industry.
 - B. The chairperson shall determine what person shall represent it before any legislative hearing or committee.
- 8. Individual Board members shall comply with the rules and policies established by the Board.

9. Written agreements with any state, federal, or private agency or individual, as permitted by law, shall be entered into only when they foster and promote the well-being of the livestock industry and are advantageous to the goals and objectives of the department. *The Board, in accordance with 81-1-301 through 81-1-303, may authorize the Executive Officer to conduct negotiation on such agreements, but the agreement shall become effective only upon approval of the Board.
10. The Board shall approve the creation of any new permanent or part-time positions and dissolve all positions no longer necessary to the operation of the department and shall approve all changes of position status on the pay plan or in the organizational chart prior to final implementation.
 - A. New positions permitted by a budget shall be filled only after approval of the Board.
 - B. Changes in any district position boundaries may be made only after approval of the Board.
11. Equipment, capital purchases, and all leases, including software in excess of \$5,000.00 shall be made by the Executive Officer only after authorization by the Board.
12. The Board or any individual member may bring to the attention of the Executive Officer any information pertinent to the operation of the department. *An individual Board member shall not supervise, discipline, direct, employ, or discharge any employee of the department.
13. The Board may meet with the Governor on a regular basis. The Board and Executive Officer will keep the Governor informed of the activities of the department.
14. The Board shall suggest one or two of its members to the governor for his/her consideration for appointment as chairperson. 2-15-3102, MCA
15. In dealing with the public and with the livestock industry, members of the Board shall comply with the policy decisions adopted by the Board.
16. Upon petition of aggrieved employee who has not achieved satisfaction in consultations with his/her supervisors and/or the Executive Officer, the Board may act as a board of review and attempt to settle the grievance, in accordance with Department of Administration procedures.
17. The Board shall be nonpartisan in the exercise of its duty to the department, industry, and state.

CHAPTER II

BOARD PROCEDURE

1. The officers of the Board shall consist of a chairperson, and a vice chairperson.
 - A. The chairperson is appointed by the Governor of the State of Montana as provided by law, and serves at his/her pleasure per 2-15-3102, MCA.
 - B. The vice chairperson shall be elected by and from the members of the Board and shall serve until his/her successor is elected. The Board will designate a department staff member to serve as the administrative assistant to the Board.

2. The chairperson shall preside at all meetings of the Board.
 - A. He/she shall see that all rules, policies and procedures, orders, and directives are faithfully and promptly executed by the Executive Officer and shall perform such other duties as may be delegated to him/her by these procedures and guidelines or from time to time by the Board.
 - B. When the Board is not in session, the chairperson may make policy decisions, which necessitate action before the next meeting of the Board, so long as they are consistent with prior Board action, and shall work closely with the Executive Officer.
 - C. All actions by the chairperson shall be reviewed by the Board at the next regular meeting and such actions may be approved, modified, or rejected by Board action.

3. The vice chairperson, in the absence of the chairperson, shall perform the duties of the latter.
 - A. In the event both the chairperson and the vice chairperson are absent, a chairperson pro-tem shall be elected provide there is a quorum of the Board present.

4. The administrative assistant to the Board shall keep accurate notes of board meetings, prepare minutes there from, serve as assistant to the Board, and perform such other functions as directed by the chairperson or the Executive Officer.
 - A. The minutes shall be reviewed by the Executive Officer and administrators, and signed by the chairperson upon Board approval.
 - B. All board records ~~shall~~ may be kept in the office of the Executive Officer, or other identified location.

5. A quorum of the Board for the transaction of business or changes in the policy and procedures shall consist of four members.
~~A.~~

6. The chairperson or any three members of the Board may call for a board meeting at any time.

- ~~6.~~ 7. Unless a special meeting is called, the Board shall meet on such day and at such place as the Board may select.
- ~~A. The activities of the Executive Officer shall be reviewed and evaluated annually.~~
- ~~B. These procedures and guidelines shall be placed on the agenda annually for thorough Board review.~~
- ~~7.~~ 8. The order of business at meetings of the Board shall be as follows:
- A. Call to order.
- B. Call the roll.
- C. Review and approve of minutes and/or actions of previous meeting.
- D. Review and approve/revoke the interim actions of the chairperson.
- E. Review reports of the executive officer and consider approval. ~~and consider approval of the reports of the Executive Officer.~~
- F. Unfinished business.
- G. General business.
- H. Public opportunity to speak.
- I. Adjournment.
- (1) The agenda order may be changed to accommodate industry input.
- ~~8.~~ 9. At least one week prior to each meeting the chairperson and the Executive Officer shall, with member inclusion, submit a tentative agenda in writing to the Board for consideration at the meeting.
- A. The purpose of this time frame is to allow for adequate posting and notification to the public.
- B. Final agendas shall be available to the public prior to the meeting date including all pertinent documentation associated with those agenda items.
10. All motions made at the meeting shall be recorded, fully written, and restated by the Board's assistant, before such motion shall be voted on.
- A. All motions shall be passed or rejected by voice vote unless a roll call vote is requested by any member or the chairperson.
- B. Any abstaining member must do so prior to the vote.
11. All members of the Board shall make an earnest effort to attend all meetings and once present shall not leave the meeting until the same shall be recessed or adjourned except in cases of utmost importance.
12. All members shall make every effort to review pertinent documents supplied prior to the meeting and be ready to comment or take action as necessary.
13. Amendments of, adoptions to, or deletions from Board procedures and policies guidelines may be done by: ~~A~~ a five member vote of the full membership of the Board making the motion at one meeting.

~~B. A full membership vote in favor of the action at the following meeting.~~

CHAPTER III

DEPARTMENT STRUCTURE

1. The Department of Livestock consists of three divisions:
 - A. Animal Health and Food Safety Division;
 - B. Brands Enforcement Division;
 - C. Centralized Services Division

Department divisions include bureaus, programs, and administratively attached boards as described below:

- a. Animal Health and Food Safety Division:
 1. Animal Health Bureau,
 2. Meat & Poultry Inspection Bureau,
 3. Milk & Egg Bureau,
 4. Veterinary Diagnostic Laboratory Bureau.
 - b. Brands Enforcement Division:
 1. Livestock Investigation Bureau,
 2. Brands Administration Bureau,
 3. Market Operations Bureau
 - c. Centralized Services:
 1. Executive Office,
 2. Fiscal Bureau,
 3. Information Technology Bureau
 - d. Boards administratively attached:
 1. Board of Milk Control and
 2. Livestock Loss Board.
 - e. Reference ARM 32.1.101
2. Animal Health and Food Safety Division functions to:
 - A. Animal Health Bureau
 - 1) Provide coordination for the diagnosis, prevention, control, and eradication of animal diseases;
 - 2) Monitor and enforce import/export requirements applied to livestock;
 - 3) Enforce state and federal animal health laws and rules;
 - 4) Monitor and enforce sanitary standards and animal inspection at livestock auction markets;
 - 5) Maintain an animal disease surveillance system in cooperation with the diagnostic laboratory division;
 - 6) Provide education and information on animal diseases to the livestock industry, the veterinary profession, and the public at large;

- 7) Assist the Department of Public Health and Human Services in the control of animal diseases transmissible to man; and
 - 8) Provide such services and information as may be required by the Board.
- B. Meat & Poultry Inspection Bureau functions to ensure that meat and poultry products processed, manufactured, and sold in Montana are fit for human consumption through:
- 1) Licensing;
 - 2) Premise inspection;
 - 3) Product inspection and sampling; and
 - 4) Laboratory testing thereby assuring a clean and wholesome product.
 - a. The bureau works in cooperation with other state and federal agencies.
 - b. The bureau enforces state and federal law.
- C. Milk and Egg Inspection Bureau functions to ensure that the eggs, milk, and milk products sold or manufactured in Montana are fit for human consumption through:
- (1) Licensing;
 - (2) Sampling;
 - (3) Laboratory testing; and
 - (4) Produce and site inspection.
 - a. This is done in cooperation with other state and federal agencies.
 - b. The bureau enforces state and federal law.
- D. The Diagnostic Laboratory Division's functions are to
- 1) Provide laboratory support for the Animal Health Division and Meat, Milk & Egg Inspection Division;
 - 2) Provide laboratory diagnostic support to veterinarians and livestock producers;
 - 3) Protect the public health by testing dairy products and by performing diagnostic tests on suspected rabies and other zoonotic diseases;
 - 4) Provide laboratory test services to enhance the marketability of livestock; and
 - 5) Provide part of the data base for the Animal Health Division's surveillance system.
 - a. The order of priorities in this division is:
 - i. Cooperation with the Animal Health Division for diagnosis, prevention, control, and eradication of animal disease
 - ii. Cooperation with the Meat, Milk & Egg Inspection programs of insuring the public health

- iii. Cooperation with practicing veterinarians, medical doctors, and state health agencies in the control of zoonotic diseases.
- iv. Investigation of diseases of companion animals and wildlife as requested by practicing veterinarians, animal owners, and other state agencies, and
- v. Provide such further services and information as required by the Board.

3. The Brands Enforcement Division functions to:

A. Livestock Investigation Bureau

- 1) Conduct livestock theft, fraud or civil investigations;
- 2) Conduct stray livestock investigations
- 3) Conduct field brand inspections and oversees local inspectors

B. Brands Administration Bureau

- 1) Officially records livestock brands
- 2) Conduct filing of livestock security interests
- 3) Oversees Dealer and market licensing
- 4) Performs compliance checks on field and market brand inspections
- 5) Ensures all inspection data is properly recorded in inspection database
- 6) The Livestock Crimestoppers Commission is attached administratively to this Bureau.

C. Market Operations Bureau

- 1) Conducts market brand inspections prior to sale
- 2) Maintains positive relationships with market owners and staff
- 3) Ensures market sale of livestock complies with all applicable state laws

4. The Centralized Services Division functions to:

A. Fiscal Operations Bureau

- 1) Performs all accounting of revenues and expenses by putting in place proper internal controls
- 2) Compiles reports for Board and management to make sound financial decisions
- 3) Manages the financials and reporting for all federal cooperative agreements to ensure obligations are met and funds are used consistently with the programs of work
- 4) Performs the department's biweekly payroll processing
- 5) Manages all procurement processes and fiscal contracts for supplies and services
- 6) Ensures that MDOL is in compliance with all state accounting policies, rules and statutes

7) Shall provide such further services and information as required by the Board.

B. Information Technology Bureau

- 1) Maintains an IT strategic plan for the Board and department
- 2) Conducts business analysis with department managers to help find and support the best technology solutions to recordkeeping, communication and service issues
- 3) Provides desk top support to all staff concerning hardware and software issues
- 4) Maintains an inventory and replacement schedule for all department IT equipment and software; ensures commitments within service agreements and contracts are met by vendors
- 5) Works with SITSD to ensure MDOL is following all state IT policies

C. Attached agencies assigned to the Central Services Division function to:

- 1) The Board of Milk Control, as part of Centralized Services, is responsible for:
 - a. Supervising; regulating; and controlling the milk industry of this state.
 - b. Investigation of all matters pertaining to production; processing; storage distribution; and the sale of milk in this state.
 - c. Coordinates logistics of a uniform monthly statewide payment to milk producers;
 - d. Performs a statistical reporting service; and a licensing and assessment collecting function.
 - e. Funds for administering the bureau are derived solely from the milk industry of this state, and
 - f. Earmarked specifically for that purpose unless otherwise authorized by the Board of Livestock.
- (2) The Livestock Loss Board, as part of Centralized Services, is responsible for:
 - a. Pay reimbursements to livestock producers for validated depredation loss by grizzly bears, wolves and mountain lions
 - b. Award grants by qualifying partners aimed at mitigating conflict between wildlife and livestock that would result in depredation

5. The following programs, and positions are assigned directly to the Executive Office for oversight and supervision.

A. The Predator Control Program.

- (1) Offers relief to livestock producers by controlling certain types of predators that harass domestic livestock;
- (2) Is also designed to alleviate problems caused by species that may endanger human health or safety.
- (3) Manage cooperative agreements with USDA/Wildlife Services.

B. Positions:

- (1) EO/BOL Administrative Assistant
- (2) Human Resources
- (3) Agency Legal Services Assigned Counsel

CHAPTER IV

EMPLOYEE RIGHTS AND DUTIES

1. Each administrator, bureau chief, or program supervisor shall be prepared to give a full report of his/her activities to the Board and Executive Officer.
2. Each employee of the department shall deliver to his/her successor all books, papers, monies, and other properties in his/her possession, belonging to the Board, department, or state of Montana.
3. Each employee shall see that orders, policies, and rules of the Board and Executive Officer are carried out and shall fulfill the duties required and prescribed by law, these policies and procedures, and the Board.
4. All personnel shall be hired/appointed by the administrator of each division subject to confirmation by the board and by the Executive Officer if the budget includes the funding and the FTEs for all positions considered.
5. Only employees in the positions of a bureau chief, administrator, the Executive Officer or the Board shall employ; discharge; or discipline employees.
6. It is the intent of the Board that the state grievance policy 3-0125 as contained in the Montana Operations Manual is adopted as part of the policy and will apply to all employees except the Executive Officer. [Per MCA 81-1-102\(5\)](#).
****new MCA here.**
7. The state veterinarian shall serve as the chief disease control officer and shall be the administrative officer of the Animal Health Division.
~~A. — The assistant state veterinarian shall serve in a position that includes — part-time district veterinarian duties as required or directed.~~
8. The provisions of number 11, Chapter V (Duties of Executive Officer) shall also apply to any report given by any employee.

CHAPTER V

DUTIES OF EXECUTIVE OFFICER

1. In accordance with the laws, rules, and regulations of the state of Montana the Executive Officer serves at the direction of the Board, and is an at-will hire pursuant to, MCA 81-01-102(5).
2. The duty of the Executive Office is to ensure that the department functions in a manner consistent with the directives, policies, and rules of the Board and the laws of Montana.
3. The Executive Officer shall consult with administrators, bureau chiefs, supervisors, and employees to ensure that concerns, suggestions, and requests are brought before the Board.
4. The Executive Officer shall have authority consistent with these policies and procedures to act on behalf of the Board, and shall consult with the Board on pertinent matters.
5. The Executive Officer shall review the budget and present it to the Board in ample time for its review and approval prior to submitting the proposed budget to the Governor's Budget Office. The Executive Officer shall provide information on the status of the financing and management of the approved budget, expenses, and revenues at each regular meeting or as requested by the Board.
6. The Executive Officer shall direct the activities of the department and comply with all orders, rules, and policy directives of the Board and all livestock laws of the state of Montana. It shall also be his/her responsibility to ensure similar compliance from all other departmental employees.
7. The Executive Officer shall cooperate with the governor, other state and federal agencies, and the legislature in providing technical assistance when necessary and shall refer partisan political requests to the Board.
8. The Executive Officer may represent the department on policy matters approved by the Board and shall seek advice of the chairperson or the appropriate member when needed to obtain further interpretation of Board intent.
9. The Executive Officer shall see that annual evaluations of all employees are conducted prior to June 15 of each year.

10. The Executive Officer shall establish in-service training programs to train and retrain department employees to improve their usefulness to the department as authorized by the Board. In addition to in-service training for employees, the Executive Officer shall hold regularly scheduled staff meetings with division administrators.
11. Reports to the Board:
 - A. The Executive Officer shall provide reports to the Board on a monthly basis unless circumstances dictate or a special report is requested. Reports shall be in such detail as to fully inform Board members of all actions taken by the Executive Officer in implementation of board policy; and of action taken by the Executive Officer in exercise of **their** discretionary powers.
 - B. The Executive Officer shall promptly provide information to any individual Board member when requested and copy other board members as requested or required. Information directed to the Executive Officer for Board information shall be distributed to each Board member in a timely **fashion manner**.
 - C. Full non-conditional approval of the Executive Officer's report, by a majority of a quorum of the Board shall constitute full approval of all individual acts specified in the report.
 - D. On any item contained within an Executive Officer's report, either the Executive Officer or any Board member may request a vote, which shall be taken before adjournment of the Board.

~~12. The Executive Officer supervises the Predator Control Program.~~

12. The Executive Officer shall proactively and effectively communicate with individuals, industry, and organizations regarding current industry trends, topics, and requests.

13. The Executive Officer shall be reviewed and evaluated annually prior to June 15th.

Montana Department of Livestock Meat and Poultry Inspection Food Recall Information and Procedures

Who regulates meat and poultry products in Montana?

The Food Safety Inspection Service (FSIS) within the United States Department of Agriculture inspects and regulates meat and poultry products in federally inspected plants. The Montana Department of Livestock Meat and Poultry Inspection Bureau regulates small and very small establishments that sell their product only within the state of Montana. This program is allowed under federal and state law through a cooperative agreement between the Montana Department of Livestock and USDA. The state controlled program must be operated in a manner that meets or exceeds all federal regulations for meat and poultry products. The recall process and procedures used by the MDOL meat and Poultry Inspection Bureau must conform to the most recent version of USDA FSIS Directive 8080.1.

What is a food recall?

A food recall is a voluntary action by a manufacturer or distributor to protect the public from products that may cause health problems or possible death. A recall is intended to remove food products from commerce when there is reason to believe the products may be adulterated or misbranded. Inspected establishments are required to have a recall plan to implement in these circumstances and should regularly test and update their plan as necessary.

Who decides when a recall is necessary?

Recalls are initiated by the manufacturer or distributor of the meat or poultry, sometimes at the recommendation of the MDOL Meat and Poultry Inspection Bureau. All recalls are voluntary. However, if a company refuses to recall its products when recommended, then the MDOL Meat and Poultry Inspection Bureau has the legal authority to detain and seize those products in commerce if necessary.

If an establishment wishes to engage the recall committee in a preliminary investigation to gain a recommendation on if a recall may be necessary they can do so by contacting their In Plant Personnel (IPP) and making a written request. The IPP should immediately send that request to their area supervisor and bureau chief so the process can begin in a timely manner.

How are unsafe products discovered?

There are four primary means by which unsafe or improperly labeled meat and poultry products come to the attention of the MDOL Meat and Poultry Inspection Bureau:

- The company that manufactured or distributed the food informs the Bureau of the potential hazard;
- Test results received by the Bureau as part of a sampling program indicate that the products are adulterated, or, in some situations, misbranded;
- MDOL Meat and Poultry Inspection Bureau field inspectors and program investigators, in the course of their routine duties, discover unsafe or improperly labeled foods; and
- Epidemiological data submitted by State or local public health departments, or other Federal agencies, such as the Food and Drug Administration (FDA) or the Centers for Disease Control and Prevention (CDC) reveal unsafe, unwholesome or inaccurately labeled food.

As soon as the Bureau learns that a potentially unsafe or mislabeled meat or poultry product is in commerce, the Agency conducts a preliminary investigation to determine whether there is a need for a recall.

What occurs during a preliminary investigation?

The preliminary investigation may include some or all of the following steps:

- Contacting the manufacturer of the food for more information;
- Interviewing any consumers who allegedly became ill or injured from eating the suspect food;
- Collecting and analyzing food samples;
- Collecting and verifying information about the suspected food;
- Discussions with Bureau field inspection and compliance personnel;
- Contacting State and local health departments; and
- Documenting a chronology of events.

How does the MDOL Meat and Poultry Bureau notify the public when a product is recalled?

MDOL Meat and Poultry Inspection notifies the public through a Recall Release for Class I and Class II recalls, and issues a Recall Notification Report (RNR) for Class III recall issues. (The RNR provides substantially the same information as the Recall Release; however, it is not distributed to media wire services or media outlets.) The Recall Release is issued to media outlets in the areas where the product was distributed. When possible, MDOL Meat and Poultry Inspection also includes pictures of the recalled product labels as part of the Recall Release posting.

For every Class I recall, the MDOL Meat and Poultry Bureau develops a list of retail consignees that have, or have had, the recalled products in their possession. The list of retail consignees includes the name, street address, city and state of each retail consignee and is posted within approximately 3 to 10 days of the date of the recall. The retail consignee list is updated periodically as additional retail consignee information becomes available.

What is the MDL meat and Poultry Inspection Bureau's role during a recall?

When there is reason to believe that adulterated or misbranded product has entered commerce, the MDOL Meat and Poultry Inspection Bureau convenes the Recall Committee. The Committee evaluates all available information and then makes recommendations to the company about the need for a recall. The committee should consist of 5-7 members representing the following types of individuals:

- Meat Science Specialist (This may be obtained from an appropriate entity outside of MDOL)
- Microbiologist (This may be obtained from an appropriate entity outside of MDOL)
- Montana Board of Livestock member or MDOL Executive Officer
- MDOL Animal Health and Food Safety Division Administrator or MDOL meat and Poultry Inspection Bureau Chief

- MDOL Meat and Poultry Inspection Bureau Enforcement, Investigations and Analysis Officer (EIAO) or equivalent.

If the Recall Committee recommends a recall, the Committee classifies the recall based on the relative health risk, as follows:

- Class I - A Class I recall involves a health hazard situation in which there is a reasonable probability that eating the food will cause health problems or death.
- Class II - A Class II recall involves a potential health hazard situation in which there is a remote probability of adverse health consequences from eating the food.
- Class III - A Class III recall involves a situation in which eating the food will not cause adverse health consequences.

In addition to determining the class of the recall, the Recall Committee verifies that the company has identified production and distribution information to facilitate the recall.

The Recall Committee advises the company of its recommendation. The firm has 48 hours to declare its intent to accept or deny the recommendation in writing to the MDOL Meat and Poultry Inspection Bureau Chief.

How does the MDOL Meat and Poultry Bureau ensure that a recall is effective?

Meat and Poultry Bureau field personnel conduct “effectiveness checks” to ensure that the recalling firm makes all reasonable efforts to notify the consignees of the recalled product that there is a need to remove the product from commerce. The Bureau conducts a sufficient number of effectiveness checks throughout the distribution chain to verify that the recalling firm has been diligent in notifying the consignees of the need to retrieve and control recalled product, and that the consignees responded accordingly.

If the Bureau determines that the recalling firm has been successful in contacting its consignees, and has made all reasonable efforts to retrieve and control products, the Agency notifies the firm that the recall is complete and no further action is expected.

Does the MDOL Meat and Poultry Bureau keep documentation on recalls?

The Bureau maintains comprehensive case files for all recalls coordinated by the Agency. Information on open and closed cases can be requested in accordance with state law.

How can consumers identify recalled products?

All containers of meat, poultry, and egg products must be labeled with a state mark of inspection and establishment (EST) number, which is assigned to the plant where the product was produced.

The establishment number may appear on the package within the state mark of inspection. It may also appear elsewhere on the exterior of the package container or package labeling (for example, on the lid of a can) if shown in a prominent and legible manner and in a size sufficient to insure easy visibility and recognition.

Related Item

FSIS Directive 8080.1, "Recall of Meat and Poultry Products" (PDF Only)
[<http://www.fsis.usda.gov/OPPDE/rdad/FSISDirectives/8080.1Rev5.pdf>]

**STATE OF MONTANA
DEPARTMENT OF ADMINISTRATION
STATE PERSONNEL DIVISION**

**POSITION
DESCRIPTION**

Allocation: To be completed after final classification approval by the State Personnel Division or by agencies with delegated classification authority:

<u>Class Code</u>	<u>Title</u>	<u>Grade</u>

*** PART I: Identification ***

CURRENT CLASSIFICATION:

Class Code:	131756	Title:	Band:
<u>AGENCY:</u>	Agency Code:	563	Working title: EIAO
			Position No: 00181
<u>Department</u>	<u>Bureau</u>		
Livestock	Meat Inspection		

ADDRESS:

<u>Building & Street</u>	<u>City</u>	<u>Zip</u>	<u>Business</u>
Scott Hart Building	Helena	59620-2001	<u>Telephone</u>
P.O. Box 202001			

FUNCTIONAL DESCRIPTION OF THE WORK UNIT:

The Department of Livestock is responsible for the control and eradication of animal diseases, the prevention of the transmission of animal disease to humans and for the protection of the livestock industry from theft and predatory animals.

The Meat & Poultry Inspection Bureau's function is to ensure that meat & poultry products processed in Montana meet state and federal requirements through product and site inspections, licensing, and laboratory testing. This work is done in cooperation with other state and federal agencies.

*** Part II: Job Description ***

Position Overview:

This position is an Enforcement Investigation, and Analysis Officer (EIAO), Trainer, and Meat Grader for the Meat Inspection Bureau of the Department of Livestock. EIAOs perform Public Risk Evaluations (PHRE) and Food Safety Assessments (FSAs) and are responsible for the comprehensive assessment of the food safety systems in different types of commercial meat and poultry establishments, including slaughter and processing facilities. EIAOs conduct on-site scientific food safety verification activities, and plant microbiological verification sampling strategies. The position is responsible for formal training of department meat inspectors; training/technical assistance for producers/processors; and performing meat grading to certify meat products for national sale, USDA commodities, and other product certification programs. The position reports to the Meat & Poultry Inspection Bureau Chief.

A. Enforcement Investigations and Analysis Officer 85%

The EIAO conducts comprehensive food safety assessments (FSA) at establishments in which they consider all food safety aspects that relate to that establishment and its products, the nature and source of all materials received, the establishment's processes, and the environment of the establishment. The EIAO primarily focuses on the design and validity of the hazard analysis, Hazard Analysis Critical Control Point (HACCP) plan; Sanitation Standard Operating Procedures (Sanitation SOPs), pre-requisite programs: BSE/SRM, Listeria Environmental Sampling Program, testing programs, Generic E. coli written procedures; and any other programs that constitute the establishment's food safety system. To properly train the EIAO, FSIS offers an intense four-week classroom course that covers a wide variety of topics, many of which are delivered by subject matter experts from outside FSIS.

When a new establishment requests a Grant of Inspection, the EIAO will conduct an "Initial FSA" ensuring that the food safety system meets the basic requirements of Title 9 Code of Federal Regulations. The EIAO will encourage the new establishment to start keeping records for validation before the bureau chief issues the grant of inspection.

1. Duties:

On-site Assessment Duties:

Provides agency verification in official establishments focusing on the design of establishment food safety systems. Before going on site, obtains all information available through PHIS or other means. This includes historical compliance information, scientific test data, consumer complaints, or other relevant information.

Upon initial visit to an establishment, reviews establishment control plans with the inspector in charge (IIC), establishment management and technical or scientific staff (microbiologists, chemists or Food Processing Authorities)

Performs a complete assessment of the design of an establishment's control systems individually, and then makes an overall, integrated food safety assessment of the establishment and its products. These systems include HACCP, SSOP procedures, Generic *E. coli* procedures, *Salmonella* data, Generic *Listeria Monocytogenes* Environmental Sampling, and all pre-requisite programs.

This comprehensive assessment involves consideration of all food safety aspects relating specifically to the establishment and its products. These include the nature and sources of all items coming into the establishment, and the products, processes, and include chemical, microbiological, and physical hazards, and the hazards specific to each of the establishment's products that are inherent in the distribution systems. In order to make an overall determination that the establishment is meeting its responsibilities for producing safe food, the EIAO must apply knowledge of microbiology, industry practices and food safety issues in each of these non-plant environments as they affect the safety of the plant's products. Prepares an assessment report explaining the plant's control systems on initial visits, and collects documents and information to demonstrate their effectiveness. Incumbent ensures that the establishment is meeting all regulatory compliance as per the Federal Meat Inspection and Poultry Product Inspection Acts (FMIA and PPIA respectively), Title 9 CFR, Food Safety and Inspection Service (FSIS) Directives, FSIS Notices, state law, and other pertinent information.

Identifies and evaluates conditions affecting the growth of microorganisms. Reviews the establishment's laboratory analytical methods and confirms that they are as stated in the plans and appropriate to the plant's products and processes. As appropriate, observes the plant taking product and environmental samples and send the samples to a laboratory for verification analysis. Collects and submits sample for analysis – either of the product and/or environment.

Reviews, understands, and is able to explain from a food safety perspective, specific chemical, microbiological, laboratory analysis, and technological aspects of records, processes, control systems and test data as well as related industry practices with establishment's scientific and technical staff and employee, supervisors, and managers. Uses considerable tact and persuasiveness to obtain the necessary documentation and information to assess compliance, and to negotiate voluntary compliance actions with plant managers who are not always fully cooperative.

Determine relevance of data and documentation identified in establishment plans and records, including laboratory test data, and observed activities for compliance with the regulations and programs of the Agency, with an emphasis on food safety, and provides information to the Helena office.

The EIAO independently determines if an establishment's proposed written corrective action addresses critical limit deviations, direct product contamination/adulteration, is scientifically sound, and complies with regulatory requirements. The EIAO advises the bureau chief of the determination and initiates appropriate enforcement actions. Potential criminal cases will be referred to the appropriate officials (Compliance Investigator) via the bureau chief. Includes in reports summaries of satisfactory voluntary corrective actions negotiated with plant management, and includes more detail and documentation when voluntary corrective actions are not clearly and fully satisfactory. Provides thorough reports and documentation to provide useful and complete evidence when cases have the potential to be referred for legal action. Decides whether there is a need to collect expensive or difficult to obtain evidence and documentation, and determines when the evidence and documentation gathered are sufficient.

2. Investigations

Conducts complex inquiries into alleged or apparent irregularities associated with in plant administrative matters, in particular those related to the safety of meat and poultry products produced at official establishments. In the course of these inquiries, collects evidence and testimony to support the basis for the Helena office when issuing a Notice Of Intended Enforcement (NOIE) to an establishment operating

under a grant of state inspection, suspending the assignment of state meat inspectors at the plant which, as necessary would be used in formal administrative proceedings.

Independently prepares reports of investigative findings concerning violations of FMIA, and PPIA and associated regulations and advises the bureau chief of his/her determinations. Makes recommendations to the bureau chief in the preparation of enforcement related documentation such as NOIE, suspensions letters, deferral letters and letters of warning. Ensure that enforcement notices and letters adhere to FSIS enforcement policies and procedures and the Rules of Practice as per Title 9 CFR.

3. Analysis

Based on the EIAO's knowledge of regulatory requirements associated with HAACP, sanitation, microbiology, and establishment microbiological verification sampling strategies, conducts a comprehensive analysis of the corrective action submitted by plant officials in response to NOIE plans and suspension actions. Evaluates the relevance of data and documentation identified in establishment plans and records, including laboratory test data. Determines if a plant's proposed written corrective action adequately addresses the noncompliance discovered during the course of an investigation.

Serves as team leader regarding the analysis of an establishment's investigation reply. Coordinates the joint review of information by the team which may consist of other agency personnel employees involved in the technical and scientific review of an establishment's response. Provides recommendations to the bureau chief regarding the adequacy of the establishment's response and additional information needed to make a determination.

4. Small Business Regulatory Enforcement and Fairness Act (SBREFA):

Under SBREFA, supports in-plant food safety and inspection activities and helps small and very small establishments to identify resources for the design and implementation of HAACP plans, SSOP's, *E. coli* testing, *Listeria* environmental sampling and microbiological control strategies.

5. Supervisory Controls

The EIAO is under the direct supervision of the bureau chief. The bureau chief provides general guidance regarding objectives and priorities, and the EIAO works independently. The bureau chief reviews work conformance with general program policies and soundness of judgment. The EIAO resolves most investigative problems encountered, referring only the most sensitive or controversial matters such as potential criminal violations to the bureau chief and based on knowledge of sanitation, microbiology, knowledge of HACCP and food systems, and regulations; is often required to develop new approaches or methodologies to in-plant assessments, investigation, or enforcement action, in the absence of clear guidelines or policy.

6. Other Considerations:

The EIAO maintains an awareness of current scientific and technological research findings, and of food safety related trends and practices throughout the district and nationally, and applies this awareness in performance of assignments.

B. Training/technical assistance

5%

Provide formal training for department meat inspectors and training/technical assistance for producers/processors to ensure statewide compliance with state and federal regulations. This work

requires advanced knowledge of the principles and practices of adult education; research and analysis; employee development needs assessment methodologies; communication; public relations; the mission and objectives of the Department of Livestock; instructional methods and evaluation processes; curricula design and development; state and federal laws and rules regulating the slaughter and processing of meat and poultry; current methodology, techniques, and processes available to the meat and poultry industry; and of laboratory methods of testing meat and poultry and meat and poultry products.

1. Monitor external trends in meat inspection, sanitation, and meat processing that may affect job performance or processes within the department. This involves reviewing current management practices and theories, having discussions with meat inspector supervisors and employees to identify topics of concern and interest, and developing approaches to improve organizational effectiveness. Research and analyze available courses, providers, reference materials, trends, and various formats of training and development services available on-line to remain current with meat inspection and processing theory and practice. Preview literature and materials on a variety of media to determine their applicability to Department of Livestock (DOL) needs. Develop reading lists, reference libraries and other reference sources. Maintain current state-of-the-art knowledge of meat industry changes and changes in state and federal laws and regulations. This includes attending federally sponsored training sessions.
2. Design and implement training plan through a variety of approaches including discussions with management and employees; reviewing new technology, legislation, programs and other factors; personal observation; etc. Develop customized training curricula to meet the needs of target audiences including classroom presentation, workshops, practical exercises, tests, etc. The position must tailor the course to the audience's level of understanding, ensure participants have the ability to provide input, and determine the type and format of materials for the course.
3. Design and develop course materials to enhance, document and communicate training curricula and a broad range of information to a wide variety of audiences. This involves advanced understanding of microbiology, food production systems, HACCP and regulations governing food production. Core principles of instructions must be followed including tailoring the material for the audience, and utilizing course evaluations to ensure the training is meeting pre-established objectives.
4. Provide education and training to processors and plant operators on best practices for handling and processing, legal requirements, changes in technology, and upcoming issues (e.g., new statutory requirements). Examples include developing an education and training program for implementation of HACCP. The intent is to develop a proactive program that emphasizes education and training along with regulatory enforcement obligations. This includes working with other state, federal and local groups and agencies (e.g., local HACCP groups, MSU Extension and School of Agriculture) to develop and coordinate food safety training activities.

C. Grading

5%

Perform meat grading to certify meat products for national sale and USDA commodities. This involves determining the age and sex of the animal, evaluating grade, determining yield, certifying meat for United States Department of Agriculture (USDA) commodities, and verifying meat quality. The position is responsible for tracking and billing costs incurred for federal reimbursement. This work is performed with a great deal of independence as the employee reports directly to the USDA regional supervisor, and direct supervisory contact is limited to an annual meeting and subsequent correspondence. This work requires knowledge of USDA grading and certification principles and regulations, animal physiology, meat inspection practices and standards, mathematics including algebraic formulas, bookkeeping, and federal accounting and record keeping requirements.

1. Determine the age and sex of animals by evaluating carcasses to discern bone structure and other physiological characteristics indicative of sex and age.
2. Determine the grade of meat (prime, choice, select) based on evaluation of marbling, texture, leanness, and other factors. The position must determine yield grade based on factors such as the size of the ribeye, thickness of fat, and kidney fat.
3. Certify meat for USDA commodities (e.g., the school lunch program) to ensure meat products meet established standards for quality and nutrition. This involves observing processing operations to ensure proper ingredients are included and quality standards are met; taking samples of meat products and any foreign objects discovered for laboratory analysis; etc.
4. Verify the quality of meat products to ensure compliance with Institutional Meat Purchaser's Specifications (IMPS), Black Angus specifications and other meat product certification requirements. This includes evaluating meat products to ensure quality and purity standards are met; evaluating storage facilities and practices to ensure compliance (e.g., boxes/bags, freezing to 0 degrees within 24 hours, etc.); and taking samples for submission to the Agricultural Marketing Service.
5. Provide outreach and training to processors, producers, meat inspectors and other interested parties on meat grading and related standards and criteria. This includes assessing audience interest and information needs through interaction with industry representatives and government officials; preparing and delivering training sessions and workshops; and providing technical assistance and direction on grading issues as requested.
6. Track and account for all grading expenditures to ensure proper accounting and reimbursement from the federal government. This involves compiling all expenditures according to approved federal guidelines (e.g., per diem, mileage, hours worked, etc.); preparing reimbursement reports for submission to the department and federal government; and reconciling reimbursements to ensure accuracy.

D. Other Duties

5%

1. Provides relief inspection to the program on an as-needed basis.
2. Compiles, reports, documents, and other materials as needed for federal self-assessments and on-site audits. This position provides expert advice to the bureau chief and program staff when needed to complete self-assessments and on-site audits.
3. Other duties as assigned

2. **WORKING CONDITIONS AND PHYSICAL DEMANDS:**

The position will travel more than 20,000 miles per year to various plants throughout the state. The position also involves exposure to potential hazardous pathogens when conducting training on inspections of carcasses, as well as threat of injury while inspecting/working around unpredictable live animals. The work also involves continued exposure to unpleasant sights, sounds and odors while training or working in slaughter and processing operations. Additional hazardous include exposure to sterilizers, steam lines, hoists, hanging meat, slick floors, knives, hooks, etc. and possible job hazards relating to other equipment used in a meat processing.

3. **KNOWLEDGE, SKILLS, AND ABILITIES:**

Required KSAs:

Knowledge

- a) Extensive knowledge of all aspects of meat processing, food safety hazards, food safety control systems, labeling, and regulations governing the meat processing industry.
- b) Considerable knowledge of the microbial, chemical, or physical hazards that can threaten the safety of meat products.
- c) Ability to critically evaluate study design and methods, validity of results, and significance of research articles and other technical materials.
- d) Considerable knowledge of food safety control systems and the scientific principles associated with these systems and related sanitation processes.
- e) Comprehensive knowledge of program planning and evaluation.
- f) Ability to analyze data and present information and reports from the data in a logical and organized manner.
- g) Strong ability to communicate orally and in writing and to teach the regulatory requirements, food safety, and technical aspects of meat inspection and meat processing to inspection staff, industry personnel and the consuming public.
- h) This position requires very sound judgement and decision-making, advanced problem identification and problem-solving skills. Works well with a wide range of people inside and outside the Bureau.
- i) This position requires some knowledge of food processing facility maintenance, chemicals approved for food and sanitation purposes, and sanitary requirements for equipment approved for processing.
- j) Mathematical skills are required to determine the accuracy of product formulations and laboratory sampling results. This position requires considerable skill in communication with all levels of the meat industry, other agency employees, and consuming public.
- k) One must have the ability to make classroom presentations and prepare for items for the news media.

Incumbent must complete two intensive, four-week training courses to fulfill requirements to meet educational requirements for the position. Those courses include EIAO school and Inspection Methods. The

incumbent must complete courses within one year after his/her start date. Management may extend this time frame to allow for variations in course offerings.

Skills:

Skill in the use of meat inspection supplies and devices and related tools; Department of Livestock vehicles; instruments and necropsy equipment; and testing and sample collection equipment & supplies. Extensive skill in reading, understanding and applying the concepts outlined in complex scientific support documents. Ability to present complex scientific data and concepts in an understandable way to members of the meat industry, meat inspectors and DOL management.

Abilities:

Ability to communicate effectively, both verbally and in writing; inform public and private groups of program regulations, procedures and objectives; establish and sustain working relationships with diverse groups of people; conduct meetings; evaluate and select technical and professional individuals for the various programs; design and conduct investigations of violations and reviews of applications; set objectives and evaluate program and personnel performance; supervise and direct the work of subordinates by providing planning, direction and training.

Education and Experience: The necessary knowledge, skills and abilities are typically acquired through a combination of education and experience equivalent to a bachelor's degree in sanitation, food or animal science, meat science, or a related field. Preferred education includes a Master's Degree in public health or a Doctor of Veterinary Medicine or equivalent. Two years of experience in a food science or sanitation field is desirable.

Equipment used:

Car or pickup; calculator; gauges; thermometer; knives; steel; personal computer; fat analyzer.

4. **MANAGEMENT and SUPERVISION of OTHERS:**

This position does not supervise other staff.

5. **SUPERVISION RECEIVED:**

Work is assigned based on requirements of state and federal laws and rules by bureau chief. Work methods, procedures, and priorities are determined by requirements of state and federal laws and rules. Guidelines are available in Montana Code Annotated (MCA), Administrative Rules of Montana (ARM) and the federal register. The bureau chief evaluates overall performance on an annual basis.

6. **SCOPE & EFFECT:**

Decisions and commitments are based on state and federal laws and rules governing inspection requirements under which meat & poultry must be processed and sold for human consumption. The incumbent is responsible for conducting food safety assessments and related activities that have the potential for affecting public health. The decisions made by the incumbent affect the statewide enforcement of laws and rules that are designed to protect the public from contaminated or poor-quality meat/poultry or meat/poultry products, and program compliance with state and federal regulations.

This position plays a key role in carrying out the objectives of the Bureau with responsibility for training program administration. including recommending staff participation in federal training programs. Each training session is unique based on a variety of factors including content, audience level of understanding, and instruction style.

Grading responsibilities directly affect producers because appropriate grading and certification is required for national sale of products, and for sale of products as USDA commodities for institutions and schools. Decisions made by this position directly affect the grade and quality certification of meat and poultry products on a statewide basis.

7. **PERSONAL CONTACTS:**

The position involves contacts with meat inspectors and clerical staff on a daily basis to assign tasks, to explain, to provide or gather information. The position involves contacts with management, the public, and private business to explain, elicit cooperation, to solve problems, advise, persuade, and provide information. The position also involves contact with local, state and federal government groups to explain, advise, persuade, solve problems, defend, provide and gather information. Contact with the USDA Federal/State Audit Branch (FSAB) will occur on a regular basis. The purpose of these contacts is to justify and defend the EIAO's contribution toward meeting an "at least equal to" status.

The position provides training and outreach on meat grading and related standards and criteria. The position also involves contacts with the USDA, IMPS, the Agricultural Marketing Service and other entities to discuss grading methods and criteria.

The position participates in management meetings to provide training and development representation and to provide expertise and advice regarding employee development issues and agency needs. The position involves contacts to mediate disputes and resolve conflicts which requires skill in speaking persuasively, conciliating, discerning other's underlying concerns and in diffusing volatile situations.

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) AMENDED NOTICE OF PROPOSED
ARM 32.2.102 pertaining to board) AMENDMENT
oversight of agency actions)

TO: All Concerned Persons

1. On February 23, 2018, the Department of Livestock published MAR Notice No. 32-18-289 pertaining to the proposed amendment of the above-stated rule at page 391 of the 2018 Montana Administrative Register, Issue Number 4.

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 April 6, 2018 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. Mistakenly, the original proposal notice stated the number of days that a person must appeal the action of the employee in writing to the employee's immediate supervisor was from 30 days of the action. The correct number of days should have been from 60 days of the action. The reasonable necessity statement and the authorization and implementation citations remain as proposed. The following correction for (1) is shown below:

32.2.102 BOARD OVERSIGHT OF AGENCY EMPLOYEE ACTIONS

~~(1) When a private citizen feels~~ person can demonstrate that a decision an
action of an agent employee of the Department of Livestock is unfair and if carried to
completion will result in unnecessary inconvenience or harm to him, ~~he may seek~~
~~the reversal of the decision by requesting the board of livestock in writing to stop the~~
~~implementation of the decision, or to otherwise modify its impact. Upon receipt of the~~
~~letter, the matter must be placed upon the agenda of the next regular meeting of the~~
~~board~~ them, that person must appeal the action of the employee in writing to the
employee's immediate supervisor within 60 days of the action. Any subsequent
appeal must be made to each successive immediate supervisor, up to an appeal to
the board.

~~(2) If the action complained of must be halted immediately in order to prevent~~
~~irreparable harm, the person seeking relief must so state in his letter. In the event~~
~~the board is not in session at the time the letter is received, the administrator of the~~
~~division at which the complaint is directed must immediately contact the chairman of~~
~~the board, or in his absence the vice chairman, who must appoint a member of the~~
~~board to investigate the act upon the matter as follows:~~

~~(a) He must meet as soon as possible with the person seeking relief and the division administrator at a time and place convenient to the parties involved. At the board member's option the meeting may be by conference telephone call.~~

~~(b) To the extent that the action taken is discretionary and not required by law, the board member may, if satisfied the action is unfair and will cause unnecessary inconvenience or harm, suspend implementation of the action until the next regular meeting of the board, at which time the full board must consider the matter. In the event the administrator wishes to challenge the decision at the next regular board meeting, he must immediately notify the person seeking relief so he may be present if he desires.~~

~~(c) When an administrator whose decision has been reversed by the board member feels the reversal will result in an immediate and serious peril to the public health, welfare or safety he may request an immediate meeting of the board to consider the action. The person seeking relief may also request a meeting with the board if he is dissatisfied with the board member's decision. Such a meeting may be conducted by conference telephone call, provided the person seeking relief is given the opportunity to participate.~~

AUTH: 2-4-201, MCA
IMP: 2-4-201, 2-15-3101, MCA

REASON: The department proposes to amend the rule to ensure that the department employees most familiar with the circumstances of an appeal will evaluate the appeal first. The amendment would provide that an appeal proceed up the chain of command prior to reaching the board, creating a record for the board to review. Providing an appeal up the chain of command is anticipated to reduce the department's initial response time to an appeal. Providing a timeline for filing the appeal is anticipated to ensure that appeals are presented timely. The requirement that appeals be in writing is retained from the current rule.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Department of Livestock, 301 N. Roberts St., Room 306, 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., April 13, 2018.

/s/ Michael S. Honeycutt
Michael S. Honeycutt
Executive Officer
Board of Livestock
Department of Livestock

BY: /s/ Donna Wilham
Donna Wilham
Rule Reviewer

Certified to the Secretary of State March 6, 2018.

Per Capita Enforcement Penalty Legal Research

The Board of Livestock asked for legal research about the penalties available when livestock owners fail to meet their obligations for the per capita fee established in Title 15, chapter 24, part 9 of the MCA. These statutes are administered by the Department of Revenue (DOR); thus, interpretation of the statutes and any enforcement action under the statutes are both within DOR's authority. This e-mail summarizes the research Tiffany Hoffman, my paralegal, and I performed on that topic.

Failure to Report

Summary: DOR must assess a penalty of \$25 for deposit in the general fund for a livestock owner's failure to report livestock by March 1.

Livestock owners have a duty to report by March 1 each year their number and location of livestock by filing a statement with DOR. § 15-24-903, MCA. The failure to report subjects the owner to a penalty, as provided in § 15-24-904, MCA, which states:

If a person, company, or corporation who is the owner or is in charge of livestock within this state fails to make the statement or statements as provided in 15-24-903, the department shall, after 10 days' notice to the person who failed to file the report, assess the penalty provided in 15-8-309 on the per capita fee, as provided in 15-24-921.

DOR must assess the penalty provided in § 15-8-309, MCA, which states:

A person who fails for any reason to file or return the statement required by 15-8-301 must be assessed a \$25 penalty. The department shall deposit the penalty to the credit of the state general fund.

This penalty statute does not specifically address reporting for the per capita fee, but it applies to the failures to report through its reference in § 15-24-904, MCA. Section 15-24-904, MCA, also references another statute when it states at the end "as provided in 15-24-921." The purpose of this reference is unclear as the per capita statutes already provide a basis for a penalty.

Failure to Pay

Summary: DOR must assess a penalty of \$50 and interest of 0.5% per month for a livestock owner's failure to pay the per capita fee by May 31, subject to certain waivers and exceptions.

Section 15-24-921(2), MCA, provides for a penalty and interest when an individual fails to pay the per capita fee by May 31 each year, stating:

The per capita fee is due on May 31 of each year. The penalty and interest provisions contained in 15-1-216 apply to late payments of the fee.

DOR must assess the penalty provided in § 15-1-216, MCA, a lengthy statute addressing mandatory penalties and interest for late payment of taxes, including certain waivers and exceptions that DOR applies. However, the basic interest and penalty provisions in the statute are as follows:

- (1) ... The penalty is the greater of \$50 or 5% of the tax due for each month during which there is a failure to file the return or report, not to exceed an amount up to 25% of the tax due. ...
- (2)(a)(i) ... [A] person who fails to pay a tax when due must be assessed a late payment penalty of 0.5% a month on the unpaid tax. The penalty may not exceed 12% of the tax due.

The application of waivers and exception in this statute is beyond the scope of this summary. However, DOR provides additional information about calculation of penalties, interest, and waivers on its website at mtrevenue.gov/taxes/penalty-and-interest.

Conclusion

DOR has the authority to interpret and enforce the per capita fee statutes, including the application of penalties and interest. DOR must assess a penalty of \$25 for deposit in the general fund for a livestock owner's failure to report livestock by March 1. DOR must assess a penalty of \$50 and interest of 0.5% per month for a livestock owner's failure to pay the per capita fee by May 31, subject to certain waivers and exceptions.

If you have additional questions, would like additional clarification, or would like this research presented in a formal legal memo, please let me know.

Regards,
Rob

Robert Stutz
Assistant Attorney General
Agency Legal Services Bureau
State of Montana Department of Justice
1712 Ninth Ave
PO Box 201440
Helena, MT 59620-1440
406-444-2071



Board of Livestock Meeting

Agenda Request Form

From: George Edwards		Division/Program: Livestock Loss Board		Meeting Date: 5/23/18		
<u>Agenda Item:</u>						
Background Info: Discuss the NCDE grizzly bear meeting						
Recommendation:						
Time needed: 10-15 minutes	Attachments:	Yes		Board vote required?		No
<u>Agenda Item:</u>						
Background Info:						
Recommendation:						
Time needed:	Attachments:	Yes	No	Board vote required	Yes	No
<u>Agenda Item:</u>						
Background Info:						
Recommendation:						
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No
<u>Agenda Item:</u>						
Background Info:						
Recommendation:						
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No
<u>Agenda Item:</u>						
Background Info:						
Recommendation:						
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No

NCDE Subcommittee Spring Meeting

Posted on [May 10, 2018](#) by [Trina Bradley](#)

By Trina Jo Bradley
Vice President, Marias River Livestock Association

Wednesday, May 9 I traveled to Kalispell for the spring meeting of the Northern Continental Divide Ecosystem Subcommittee of the Interagency Grizzly Bear Committee.

The meeting started with an update from Gary Bertelotti, Montana Fish, Wildlife and Parks Region 4 Supervisor. He said the grizzlies came out early this spring, and they have already been in ten conflicts with livestock on the Front, which resulted in the removal of one male bear and the relocation of one female bear from Rockport Colony to the Sun River Game Range.

Bertelotti also reported that the carcass removal program is in full swing in Pondera and Teton Counties, and to date the service had removed 40 sheep, 120 calves, 10 cows and one horse to the Valier landfill. Grizzly Biologist Mike Madel is also redistributing carcasses from various farms and ranches to the Sun River Game Range, Blackleaf Wildlife Management Area and Ear Mountain.

Scott Jackson, National Carnivore Program Leader for the US Forest Service's Northern Region office in Missoula, talked about the NCDE Draft Conservation Strategy updates that have been made to the 2013 draft after receiving and responding to over 2,000 public comments. He said the Strategy was updated chapter by chapter, mostly to reduce redundancy and move different things around to different chapters to make the Strategy easier to read. Since five years have passed since the first draft, the science was also updated to more clearly show the modern statistics of the grizzly bears.

None of the additions or changes really stood out to me until John Waller, wildlife biologist with Glacier National Park, stood up to talk about updates to Chapter Four of the Strategy – Conflict Prevention.

Waller said, “At some point producers are going to have to accept a certain amount of damage.”

Yep. ACCEPT. You can imagine what was going through my head. So, during public comment I addressed the situation. Here's an excerpt from my “speech.”

“When John was talking about revisions for Chapter Four of the Conservation Strategy, he said, ‘At some point producers are going to have to accept a certain amount of damage.’ As soon as I heard that, my blood pressure went through the roof. I don't have to ACCEPT anything. Livestock producers COPE with damage from deer and elk. We COPE with damage and losses from grizzlies. But we have never, and WILL never, ACCEPT those losses. Would you ACCEPT me taking your paycheck? People need to realize that our livestock is our livelihood. We don't do this for fun. I have pointed out to you before that these bears – especially on the Front – would not have a place

to live, eat and survive if it weren't for livestock producers such as myself. That said, I would hope you would realize how ridiculous the idea of us ACCEPTING damage and losses sounds. Instead, I would expect the strategy to include a stepped up effort from US Fish and Wildlife and MT Fish, Wildlife and Parks to work with ranchers to prevent conflict."

When the meeting was adjourned, John Waller introduced himself to me and we had a discussion about the word ACCEPT and why it wasn't the best choice of words in this situation. In the end, he understood where I was coming from and said he would change the sentence to be more suitable.

Here's the thing – had I not been at that meeting, and had I not spoken up for our industry, that sentence would have been in the NCDE Conservation Strategy forever, and there would be nothing we could do about it. You know how many livestock producers were in that room yesterday? TWO. Nina Baucus and myself. It is imperative that we show up to defend our way of life. We cannot sit back and do nothing and expect things to change for the better.

The Interagency Grizzly Bear Committee is meeting June 19-21 at the KwaTaqNuk in Polson, Montana. I strongly encourage each and every one of you to attend and represent our beloved agricultural community.



Board of Livestock Meeting

Agenda Request Form

From: Evan Waters		Division/Program: Centralized Services			Meeting Date: 04/03/2018		
<u>Agenda Item:</u> May 2018 through June 2018 Expenditure Projections							
Background Info: Background Info: Report expenditure projections by division and/or bureau and attached boards.							
Recommendation: n/a							
Time needed: 15 min	Attachments:	Yes X	No	Board vote required?	Yes	No X	
<u>Agenda Item:</u> April 28, 2018 Budget Status report							
Background Info: Report expenditure to budget comparison report by division and/or bureau and attached boards. This report also compares current YTD expenditures to prior same-period expenditures.							
Recommendation: n/a							
Time needed: 10 min	Attachments:	Yes X	No	Board vote required	Yes	No X	
<u>Agenda Item:</u> Year-to-Date as of April 28, 2018 Revenue comparison							
Background Info: Report YTD revenues and compare to prior same-period revenues							
Recommendation: n/a							
Time needed: 5 Min	Attachments:	Yes X	No	Board vote required:	Yes	No X	
<u>Agenda Item:</u> Per Capita Fee collection update							
Background Info: Evan will provide an update on headcounts reported and estimated, amount of PCF collected and the amount owed for the 2018 reporting period.							
Recommendation: n/a							
Time needed: 5 min	Attachments:	Yes	No X	Board vote required:	Yes	No X	
<u>Agenda Item:</u>							
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No	



Board of Livestock Meeting

Agenda Request Form

From: Chad Lee		Division/Program: Milk Control Bureau			Meeting Date: 5/23/2018		
<u>Agenda Item:</u> Milk Control Bureau - General Updates							
Background Info: Update on Milk Market Regulation Study and April 30, 2018 Board of Milk Control Meeting							
Recommendation:							
Time needed: 15 minutes	Attachments:	Yes	No X	Board vote required?	Yes	No X	
<u>Agenda Item:</u>							
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required	Yes	No	
<u>Agenda Item:</u>							
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No	
<u>Agenda Item:</u>							
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No	
<u>Agenda Item:</u>							
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No	



Board of Livestock Meeting

Agenda Request Form

From: Dan Turcotte		Animal Health & Food Safety Division – Milk & Egg Bureau			Meeting Date: 5/23/18			
<u>Agenda Item:</u> Training for Preventive Controls for Grade A Dairy Plant Regulators								
Background Info: Required training course for Dan Turcotte and Rosemary Hickey, August 20-23, 2018 in Newport Beach, California. FDA will be paying for travel expenses								
Recommendation: N/A								
Time needed: 10 minutes		Attachments:	<u>Yes</u>		Board vote required?		<u>No</u>	
<u>Agenda Item:</u>								
Recommendation:								
Time needed:		Attachments:	<u>Yes</u>		Board vote required		<u>No</u>	
<u>Agenda Item:</u>								
Background Info:								
Recommendation:								
Time needed:		Attachments:	Yes	No	Board vote required:		Yes	No
<u>Agenda Item:</u>								
Background Info:								
Recommendation:								
Time needed:		Attachments:	Yes	No	Board vote required:		Yes	No
<u>Agenda Item:</u>								
Background Info:								
Recommendation:								
Time needed:		Attachments:	Yes	No	Board vote required:		Yes	No

Department of Livestock**1) Division**
Milk & Egg Bureau**2) Employees Traveling**

Dan Turcotte, Rosemary Hickey

3) Justification

Training for Preventive Controls for Grade A Dairy Plant Regulators - SRequired training course for Dan Turcotte and Rosemary Hickey, August 20-23, 2018 in Newport Beach, California. FDA will be paying for travel expenses

4) Itinerary

See attached

5) Submitted ByRequested By
Dan TurcotteTitle
Bureau ChiefDate
5/11/2018**Approval - to be Completed by Agency Authorized Personnel**

Date Approved by Board

Board Chair / EO

Date

NOTE: A travel expense voucher form must be filed within three months after incurring the travel expenses, otherwise the right to reimbursement will be waived.



Board of Livestock Meeting

Agenda Request Form

From: Gary Hamel		Division/Program: Meat and Poultry Inspection			Meeting Date: May 23, 2018		
<u>Agenda Item:</u> General Updates							
Background Info: General information on audit preparation							
Recommendation:							
Time needed: 15 min	Attachments:	Yes	No X	Board vote required?	Yes X	No	
<u>Agenda Item:</u>							
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required	Yes	No	
<u>Agenda Item:</u>							
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No	
<u>Agenda Item:</u>							
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No	
<u>Agenda Item:</u>							
Background Info:							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No	



Board of Livestock Meeting

Agenda Request Form

From: Tahnee Szymanski	Division/Program: Animal Health Bureau	Meeting Date: May 21, 2018
------------------------	--	----------------------------

Agenda Item: Request for permission to pursue changes to administrative rules

Background Info: The Animal Health Bureau has recently completed a review of all administrative rules for our Bureau and have compiled a list of recommended changes. The following rules will be presented to the Board for their consideration:

<u>RULE #</u>	<u>Rule Title</u>
32.3.212	Additional Requirements for Cattle
32.3.224	Domestic Bison
32.3.433	Designated Surveillance Area
32.3.436	Vaccination within the Counties in which the DSA is Located
32.3.108	Quarantine - Who May Issue
32.3.201	Definitions
32.3.206	Official Health Cert
32.3.207	Permits
32.3.216	Horses, Mules, and Assess
32.3.217	Special Requirements for Poultry
32.3.307	Department Ordered Pseudorabies Testing
32.3.311	Procedure upon Detection of Pseudorabies
32.3.407	Department Ordered Brucellosis Testing of Animals
32.3.411	Procedure upon Detection of Brucellosis
32.3.412	Memorandum of Understanding
32.3.430	Quarantine and Restest of Suspect Animals in Negative Herd
32.3.1003	Contaminated Premises
32.3.2002	Swine Identification Code: Assignment of Codes
32.4.101	Definitions
32.4.202	Identification of Omnivores and Carnivores
32.4.701	Transport Within and Into Montana

Recommendation: Allow publication with SOS to initiate rulemaking process.

Time needed: 60 minutes	Attachments: Yes	Board vote required? Yes
-------------------------	-------------------------	---------------------------------

Agenda Item: Update on 2018 Montana ARMAR Exercise

Background Info: The Department recently completed a 4 day full scale exercise simulating a foot and mouth disease outbreak in Montana. The Animal Health Bureau will provide a brief update on the exercise. An after action review and corrective action plan will be presented at a future meeting.

Recommendation:

Time needed: 10 minutes	Attachments:	<u>Yes</u>		Board vote required		<u>No</u>
-------------------------	--------------	-------------------	--	---------------------	--	------------------

Agenda Item:

Background Info:

Recommendation:

Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No
--------------	--------------	-----	----	----------------------	-----	----

Agenda Item:

Background Info:

Recommendation:

Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No
--------------	--------------	-----	----	----------------------	-----	----

Agenda Item:

Background Info:

Recommendation:

Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No
--------------	--------------	-----	----	----------------------	-----	----

Rule No.	Rule Title	Reason for Revision
32.3.212	Additional Requirements for Cattle <u>and Domestic Bison</u>	<p>The Animal Health Bureau proposes that import requirements for domestic bison reflect USDA regulations and treat bison as a program animal with the same import requirements as outlined for cattle for both brucellosis and tuberculosis. Trichomoniasis regulations will not extend to bison.</p> <p>(1) Female cattle <u>and domestic bison</u> over the age of four months imported into the state of Montana for any purpose other than immediate slaughter must be official vaccinates except as follows:</p> <p>(a) cattle <u>and domestic bison</u> being transported or moved through Montana with no intent to unload in the state. In an emergency situation, they may be unloaded in compliance with quarantine rules promulgated by the Department of Livestock under 81-2-102, MCA;</p> <p>(b) spayed cattle <u>and domestic bison</u>;</p> <p>(c) nonvaccinated female cattle <u>and domestic bison</u> placed under a hold order for brucellosis vaccination or spaying within 30 days of arrival; or</p> <p>(d) nonvaccinated cattle <u>and domestic bison</u> from a:</p> <p>(i) state, area, or territory that has been brucellosis class free for ten years or more; or</p> <p>(ii) brucellosis free state, area, or territory as designated by the Board of Livestock.</p> <p>(2) U.S. origin nonvaccinated female cattle <u>and domestic bison</u>, 12 months of age and older, must have a negative brucellosis test no more than 30 days prior to arrival, unless originating from an area as defined in (1)(d).</p> <p>(3) All non-U.S. origin sexually intact cattle <u>and domestic bison</u> 12 months of age and older must have a negative brucellosis test no more than 30 days prior to arrival.</p> <p>(4) <u>Tuberculosis test</u>-eligible cattle <u>and domestic bison</u> originating from a tuberculosis accredited free U.S. state or zone require a negative tuberculosis test within 60 days prior to importation if they:</p> <p>(a) are M-branded; or</p> <p>(b) are Mx-branded; or</p>

		<p>(c) have been in contact or exposed to M-branded, Mx-branded, or other cattle originally from Mexico; or</p> <p>(d) are sexually intact dairy cattle, except:</p> <p>(i) dairy cattle who originate directly from an accredited tuberculosis free herd; or</p> <p>(ii) dairy cattle less than six months of age accompanied by a tuberculosis test-negative dam.</p> <p>(5) Sporting bovines originating from a tuberculosis accredited free U.S. state or zone require a negative tuberculosis test within twelve months prior to importation if they:</p> <p>(a) are six months of age and older; or</p> <p>(b) have attended at least a single sporting event; or</p> <p>(c) are being imported for a specific sporting event.</p> <p>(6) <u>Tuberculosis test</u>-eligible cattle that are dairy cattle, sporting bovines, or sexually intact beef cattle, <u>and sexually intact domestic bison</u> originating from a tuberculosis modified accredited advanced U.S. state or zone must meet one of the following:</p> <p>(a) one negative tuberculosis test within 60 days prior to importation; or</p> <p>(b) one negative tuberculosis test within six months and part of a whole herd test; or</p> <p>(c) originate directly from an accredited tuberculosis free herd; or</p> <p>(d) less than six months of age and accompanied by a tuberculosis test-negative dam.</p> <p>(7) <u>Tuberculosis test</u>-eligible cattle that are dairy cattle, sporting bovines, or sexually intact beef cattle, <u>and sexually intact domestic bison</u> originating from a tuberculosis modified accredited U.S. state or zone must meet one of the following requirements:</p> <p>(a) two negative tuberculosis tests 60-120 days apart, with the second test occurring within 60 days prior to importation into Montana; or</p> <p>(b) one negative tuberculosis test within 60 days prior to importation into Montana and part of a whole herd test within the last 12 months; or</p>
--	--	---

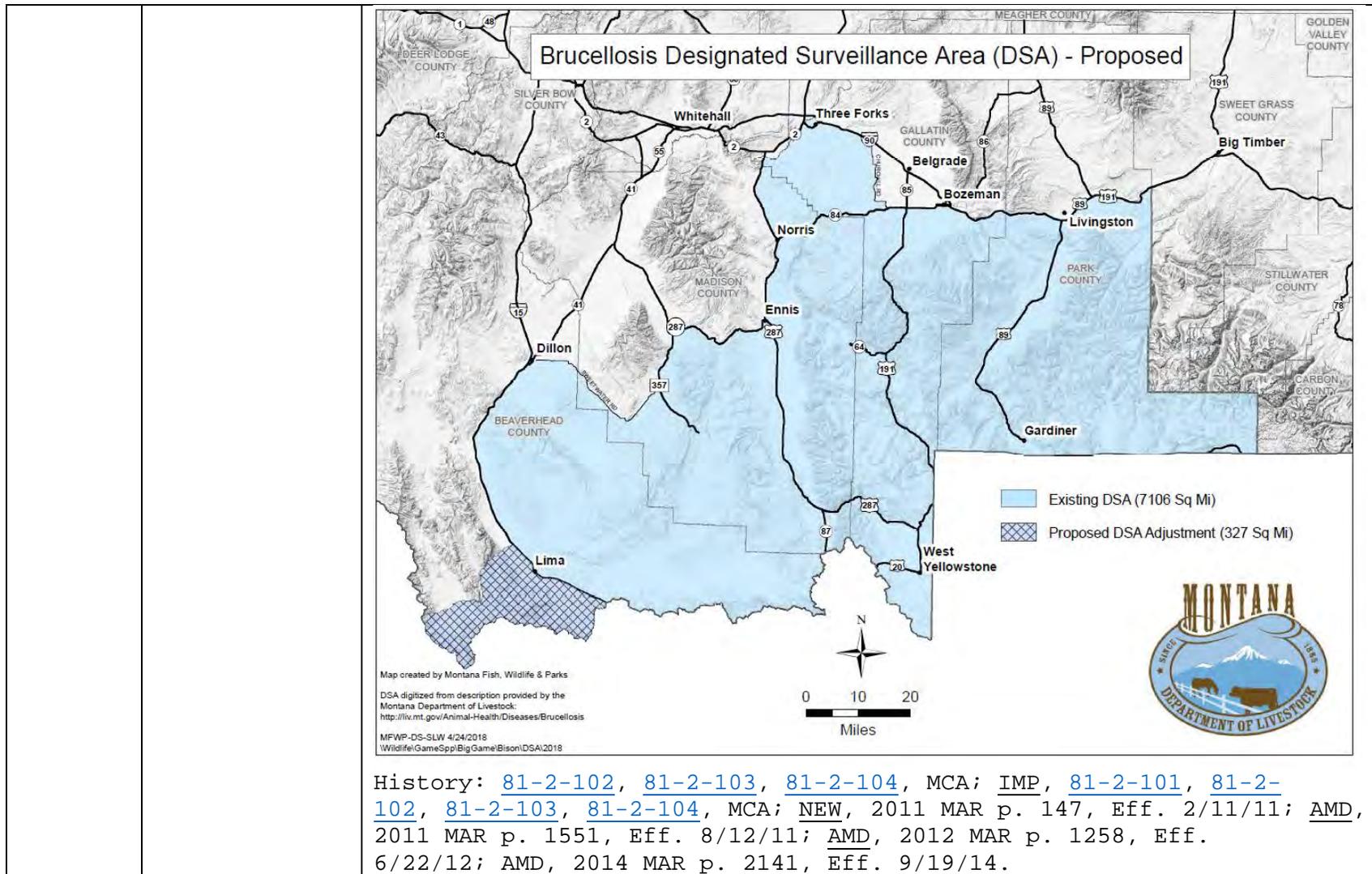
		<p>(c) one negative tuberculosis test within 60 days prior to importation into Montana and originate directly from an accredited tuberculosis free herd.</p> <p>(8) <u>Tuberculosis test</u>-eligible cattle that are sexually intact dairy cattle, sporting bovines, or sexually intact beef cattle, <u>and sexually intact domestic bison</u> originating from outside of the United States must have one negative tuberculosis test within 60 days prior to importation. Cattle originating directly from Mexico must meet the requirements set forth in ARM 32.3.212B.</p> <p>(9) Cattle <u>and domestic bison</u> less than two months of age originating from a tuberculosis modified accredited U.S. state or zone must be quarantined for testing between two and four months of age.</p> <p>(10) All sexually intact male cattle entering Montana must meet the trichomoniasis testing and certification requirements set forth in ARM 32.3.502, except as provided below:</p> <p>(a) those being transported through Montana with no intent to unload in the state. In an emergency situation, the cattle may be unloaded in compliance with quarantine rules promulgated by the department at ARM 32.3.106 through 32.3.111;</p> <p>(b) those consigned directly to a licensed slaughtering establishment or to a licensed livestock market and then directly to a licensed slaughtering establishment;</p> <p>(c) those consigned directly to a feedlot approved by the state veterinarian and then directly to either a licensed slaughtering establishment or to a licensed livestock market and then directly to a licensed slaughtering establishment;</p> <p>(d) virgin bull as defined in ARM 32.3.201;</p> <p>(e) those imported on a Certificate of Veterinary Inspection for exhibition or rodeo purposes, held in confined facilities, and destined to return to their home state within 30 days. They shall not be used for semen collection or natural breeding;</p> <p>(f) those imported to a Montana bull stud;</p> <p>(g) sexually intact male cattle imported as part of state veterinarian approved seasonal grazing operations without changing ownership may be subject to herd specific testing and certification requirements as determined by the state veterinarian, following a risk assessment.</p>
--	--	---

		<p>(11) Any trichomoniasis test-eligible cattle used for sporting or exhibition purposes that breaches a fence and commingles with other cattle shall be tested for trichomoniasis. The owner of the trespassing cattle shall bear the testing costs including confinement, feed, veterinary, and laboratory.</p> <p>(12) Any trichomoniasis test-eligible bull that remains in Montana for breeding purposes, change of ownership, or grazing must adhere to the conditions in ARM 32.3.502.</p> <p>(13) Animals must not have originated from a trichomoniasis positive herd.</p> <p>(14) All calves less than 30 days of age imported into the state of Montana without their dams must be:</p> <p>(a) held in isolation and cannot be resold for 30 days after entry; and</p> <p>(b) individually identified by an official ear tag at the state of origin.</p> <p><u>(15) Domestic bison imported under this rule shall be officially identified prior to importation and listed on the official health certificate.</u></p> <p><u>(16) Domestic bison imported into Montana must meet the interstate requirements set forth in Title 9 CFR.</u></p> <p>History: 81-2-102, 81-2-103, 81-2-707, MCA; IMP, 81-2-102, 81-2-703, 81-2-704, MCA; Eff. 12/31/72; AMD, Eff. 11/4/75; AMD, Eff. 6/5/76; AMD, Eff. 5/5/77; AMD, 1977 MAR p. 962, Eff. 11/26/77; EMERG, AMD, 1/20/78; AMD, 1978 MAR p. 579, Eff. 4/25/78; AMD, 1978 MAR p. 1179, Eff. 8/11/78; AMD, 1979 MAR p. 844, Eff. 8/17/79; AMD, 1980 MAR p. 1713, Eff. 6/27/80; AMD, 1982 MAR p. 604, Eff. 3/26/82; AMD, 1984 MAR p. 267, Eff. 1/27/84; AMD, 1986 MAR p. 794, Eff. 5/16/86; AMD, 1996 MAR p. 2300, Eff. 8/23/96; AMD, 1998 MAR p. 656, Eff. 3/13/98; AMD, 2007 MAR p. 204, Eff. 2/9/07; AMD, 2010 MAR p. 413, Eff. 2/12/10; AMD, 2010 MAR p. 2974, Eff. 12/24/10; AMD, 2011 MAR p. 2632, Eff. 12/9/11; AMD, 2012 MAR p. 1262, Eff. 6/22/12; AMD, 2012 MAR p. 2069, Eff. 10/12/12; AMD, 2013 MAR p. 1343, Eff. 7/26/13; AMD, 2013 MAR p. 2308, Eff. 12/13/13; AMD, 2014 MAR p. 1096, Eff. 5/23/14; AMD, 2014 MAR p. 3069, Eff. 12/25/14; AMD, 2015 MAR p. 445, Eff. 5/1/15; AMD, 2016 MAR p. 223, Eff. 2/6/16.</p>
--	--	--

<p>32.3.224</p>	<p>Domestic Bison</p>	<p>The Animal Health Bureau is proposing that import requirements for domestic bison be consolidated with those for cattle and therefore this rule can be repealed.</p> <p>(1) Domestic bison may enter the state of Montana provided they enter in conformity with ARM 32.3.201 through 32.3.211.</p> <p>(2) Domestic bison must be officially tested negative for Brucellosis within 30 days prior to entry except the following:</p> <ul style="list-style-type: none"> _____ (a) steers, spayed heifers, and calves under 12 months of age; _____ (b) domestic bison consigned directly to an official slaughtering establishment for immediate slaughter; _____ (c) an official calfhood vaccinate less than 24 months of age (the first pair of permanent incisors has not fully erupted) and which is not parturient, post parturient, or in the last trimester of pregnancy; and _____ (d) domestic bison originating in an official certified Brucellosis free bison herd. <p>(3) Domestic bison required to be tested for Brucellosis prior to entry may be quarantined for a 45 to 120 day Brucellosis retest, at owner's expense, after arrival in Montana. Included here will be all female domestic bison from states or areas with Brucellosis classification of A, B, or lower.</p> <p>(4) Female domestic bison must be officially calfhood vaccinated by an accredited veterinarian prior to entry into Montana, with a Brucella abortus vaccine approved by the administrator of the Animal and Plant Health Inspection Service, U.S. Department of Agriculture except the following:</p> <ul style="list-style-type: none"> _____ (a) spayed domestic bison; _____ (b) domestic bison consigned directly to an official slaughtering establishment for immediate slaughter; _____ (c) nonvaccinated domestic bison 4 to 11 months of age placed under quarantine upon arrival, for official calfhood vaccination or spaying by a deputy state veterinarian, within 30 days of their entry; and _____ (d) nonvaccinated domestic bison less than four months of age, imported without their dams, placed under quarantine upon arrival, for official calfhood vaccination or spaying by a deputy state veterinarian, within six months of their entry.
---------------------------------	-----------------------	---

		<p>(5) Test eligible domestic bison originating from a tuberculosis accredited free U.S. state or zone require a negative tuberculosis test within 60 days prior to importation if they have been in contact or exposed to M-branded, Mx-branded, or other cattle originally from Mexico.</p> <p>(6) Test eligible domestic bison originating from a tuberculosis modified accredited advanced U.S. state or zone must meet one of the following requirements:</p> <ul style="list-style-type: none"> — (a) one negative tuberculosis test within 60 days prior to importation; or — (b) one negative tuberculosis test within six months and part of a whole herd test; or — (c) originate directly from an accredited tuberculosis free herd; or — (d) less than six months of age and accompanied by a tuberculosis test negative dam. <p>(7) Test eligible domestic bison originating from a tuberculosis modified accredited U.S. state or zone must meet one of the following requirements:</p> <ul style="list-style-type: none"> — (a) two negative tuberculosis tests 60-120 days apart, with the second test occurring within 60 days prior to importation into Montana; or — (b) one negative tuberculosis test within 60 days prior to importation into Montana and part of a whole herd test within the last 12 months; or — (c) one negative tuberculosis test within 60 days prior to importation into Montana and originate directly from an accredited tuberculosis free herd. <p>(8) Test eligible domestic bison originating from outside of the United States must have one negative tuberculosis test within 60 days prior to importation. Bison originating directly from Mexico must meet the requirements set forth in ARM 32.3.212B.</p> <p>(9) Domestic bison less than two months of age originating from a tuberculosis modified accredited U.S. state or zone must be quarantined for testing between two and four months of age.</p>
--	--	---

		<p>(10) Domestic bison imported under this rule shall be officially identified prior to importation and listed on the official health certificate.</p> <p>(11) Domestic bison imported into Montana must meet the interstate requirements set forth in Title 9 CFR. (History: 81-2-102, 81-2-103, MCA; IMP, 81-2-102, 81-2-103, MCA; NEW, 1990 MAR p. 300, Eff. 2/9/90; AMD, 2004 MAR p. 1326, Eff. 6/4/04; AMD, 2010 MAR p. 2974, Eff. 12/24/10; AMD, 2011 MAR p. 2541, Eff. 11/26/11; AMD, 2014 MAR p. 326, Eff. 2/14/14.)</p>
<p>32.3.433</p>	<p>Designated Surveillance Area</p>	<p>The current DSA boundary should be changed to include southwest Beaverhead County as supported by elk surveillance and the DSA boundary decision matrix. Continued elk surveillance around the boundary is necessary. The ability to rapidly respond to expanding risk is a strength of the program and promotes trading partner confidence.</p> <p>(1) The designated surveillance area (DSA) of Montana is described as:</p> <p>(a) Park County - south of Interstate 90;</p> <p>(b) Gallatin County - south of Interstate 90 from the Park-Gallatin County line to U.S. Highway 191 at Bozeman, then south of U.S. Highway 191 to Highway 84, then south of Highway 84 to Churchill Road, then west of Churchill Road to Interstate 90 at Manhattan, then all other areas in Gallatin County south of Interstate 90, but west of Churchill Road;</p> <p>(c) Madison County - east of Highway 287 from its northern crossing of the Gallatin-Madison County line to Ennis, then south of State Highway 287 from Ennis to Alder, then east of State Rd. 357 (Upper Ruby Road) to Sweetwater Road, then south of Sweetwater Road to the Madison-Beaverhead County line; and</p> <p>(d) Beaverhead County - from Madison-Beaverhead County line, south of Sweetwater Road to East Bench Road near Dillon, then south of East Canal Bench Road to White Lane, then south of White Lane to Blacktail Road, then south of Blacktail Road to Highway 91, then west of Highway 91 to Interstate 15 business loop, then south of Interstate 15 business loop to Interstate 15, then east of Interstate 15, <u>then south of Dell Airport Road, then east of Westside Frontage Road, then south of Big Sheep Creek Road, then south of Meadow Creek</u> to the Montana/Idaho border.</p> <p>(2) A map of the designated surveillance area follows:</p>



<p>32.3.436</p>	<p><u>Brucellosis</u> Vaccination Within the Counties in Which the DSA is Located</p>	<p>The basis for brucellosis vaccination requirements in areas outside of Montana’s DSA was to provide a buffer to prevent the spread of brucellosis in domestic livestock. Due to the inability to control and predict the movement of brucellosis positive elk, the Animal Health Bureau is recommending that vaccination requirements include those counties that border a DSA, including DSA’s in adjacent states. In addition to the current counties of Beaverhead, Gallatin, Madison, and Park Counties, this change would add Big Horn, Broadwater, Carbon, Jefferson, Stillwater, and Sweet Grass.</p> <p>(1) Within the entirety of counties in which the DSA is located All sexually intact female cattle and domestic bison 12that are four months of age or older as of January 1 of any year must be Official Calfhood Vaccinates (OCV). within the entirety of counties in a county that borders or contains DSA on or within which a DSA is located all sexually intact female cattle and domestic bison that are four months of age or older as of January 1 of any year must be Official Calfhood Vaccinates (OCV).</p> <p>(a) Female cattle or domestic bison that are not OCV eligible may become Official Adult Vaccinates (AV).</p> <p>(ab) Variances or exceptions to requirements will be considered on an individual basis by the administrator.</p> <p>History: 81-2-102, 81-2-103, 81-2-104, MCA; <u>IMP</u>, 81-2-101, 81-2-102, 81-2-103, 81-2-104, 81-2-105, 81-2-110, 81-2-111, MCA; <u>NEW</u>, 2011 MAR p. 147, Eff. 2/11/11.</p>
---------------------------------	--	--

<p>32.3.108</p>	<p>Quarantine and Release of Quarantine</p>	<p>HOUSEKEEPING - Remove specification that quarantines be issued on Department of Livestock approved quarantine blanks. MDOL specifies what must be included in the designation of a quarantine, but no longer produces quarantine blanks for field use. Additionally, remove reference to the Animal Health Division which no longer exists due to departmental restructure.</p> <p>(1) Animals subject to quarantine shall be, as soon as it is practicable, quarantined separate and apart from other susceptible animals. If possible, they shall be quarantined in an inside enclosure.</p> <p>(2) Quarantined animals shall be identified by brand, tattoo, dye mark, eartag, or other identification acceptable to the Montana Department of Livestock.</p> <p>(3) The person who issues the quarantine shall designate on the Department of Livestock approved quarantine blank the number of animals quarantined, their approximate age, breed class, species, sex, a description of the mark or brand identifying the animals, and a clear and distinct identification of the area in which they are to be quarantined.</p> <p>(4) The person issuing the quarantine shall deliver personally or forward through the United States mail, by registered mail return receipt requested with instructions to deliver to the addressee only, the notice of quarantine to the owner or agent of the animals quarantined.</p> <p>(5) The person issuing the quarantine shall also immediately deliver notice personally or by mail to the state veterinarian.</p> <p>(6) Where quarantined animals are shipped for immediate slaughter under permit from the Montana Department of Livestock, Animal Health Division, the veterinarian issuing the permit will use the approved federal and state form.</p> <p>(7) Quarantine may be removed by or with the approval of the deputy state veterinarian issuing the quarantine or by any authorized quarantine agent of the Department of Livestock when he is satisfied that, according to generally accepted veterinary practice, the animals are not affected with or have not been directly exposed to a quarantinable disease. (History: 81-2-102, 81-20-101, MCA; <u>IMP</u>, 81-2-102, <u>81-2-103</u>, 81-20-101, MCA; <u>NEW</u>, 1982 MAR p. 603, Eff. 3/26/82; <u>AMD</u>, 2010 MAR p. 2974, Eff. 12/24/10.)</p>
---------------------------------	---	--

<p>32.3.201</p>	<p>Definitions</p>	<p>HOUSEKEEPING - To be consistent with federal regulations, MDOL would like to incorporate the term certificate of veterinary inspection in Montana's definition of a health certificate. To encompass llamas, alpacas, and camelids, MDOL would like to replace the term llama with camelid. To address that permits are not always issued in paper format, MDOL would like to revise the definition of permit. Because the test eligible age for different diseases is variable, MDOL would like to add the word tuberculosis to the term test-eligible bison.</p> <p>(1) In this subchapter:</p> <p>(a) "Animals" means livestock, dogs, cats, rabbits, rodents, game animals, furbearing and wild mammals, poultry, and other birds.</p> <p>(b) "Brucellosis test-eligible goat" means all sexually intact goats six months of age or older.</p> <p>(c) "Dairy cattle" means cattle of dairy breeds or dairy types that may at some time be used for the production of milk or milk products for human consumption.</p> <p>(d) "Dairy goats" means goats of dairy breeds or dairy types that may at some time be used for the production of milk or milk products for human consumption.</p> <p>(e) "Health certificate" means a <u>certificate of veterinary inspection issued legible record written</u> on an official health certificate form of the state of origin or an equivalent form of the U.S. Department of Agriculture attesting that the animals described thereon have been visually inspected and found to meet the entry requirements of the state of Montana. In addition, the health certificate shall conform to the requirements of ARM 32.3.206.</p> <p>(f) "Licensed equine-approved feedlot" means a facility with specific exemptions to the equine import requirements in ARM 32.3.216 and that has on file with the department an approved and signed MOU.</p> <p>(g) "Livestock" means cattle, horses, mules, asses, sheep, swine, goats, domestic bison, <u>llamas camelids</u>, and ratites.</p> <p>(h) "Montana-approved bull stud" means a licensed facility that meets the requirements in ARM 32.3.220.</p> <p>(i) "Originate from" means animals have resided for 60 days or more in the state or zone from which they are being shipped into Montana.</p> <p>(j) "Permit" means an official <u>document number</u> issued by the Montana Department of Livestock after proper application which allows</p>
---------------------------------	--------------------	--

		<p>the movement of animals or biologics into Montana. In addition, the permit shall conform to the requirements of ARM 32.3.207.</p> <p>(k) "Poultry" means domesticated birds including, but not limited to, chickens, turkeys, ducks, geese, guinea fowl, pigeons, and pheasants.</p> <p>(l) "Sporting bovine" means bucking bull, steer-wrestling steer, or roping bovine.</p> <p>(m) "<u>Tuberculosis</u> test-eligible bison" means all domestic bison two months of age and over.</p> <p>(n) "Tuberculosis test-eligible cattle" means all cattle two months of age and older.</p> <p>(o) "Tuberculosis test-eligible goat" means all sexually intact goats two months of age and older.</p> <p>(p) "Virgin bull" means a sexually intact male bovine less than 12 months of age or a sexually intact male bovine 12 to 24 months of age that is accompanied by a signed affidavit from the owner or manager as having had no potential breeding contact with sexually intact female cattle. (History: 81-2-102, 81-2-103, 81-20-101, MCA; <u>IMP</u>, 81-2-102, 81-2-103, 81-20-101, MCA; Eff. 12/31/72; <u>AMD</u>, Eff. 11/4/75; <u>AMD</u>, Eff. 6/5/76; <u>AMD</u>, Eff. 5/5/77; <u>AMD</u>, 1977 MAR p. 962, Eff. 11/26/77; <u>EMERG</u>, <u>AMD</u>, 1/20/78; <u>AMD</u>, 1978 MAR p. 579, Eff. 4/25/78; <u>AMD</u>, 1978 MAR p. 1179, Eff. 8/11/78; <u>AMD</u>, 1979 MAR p. 844, Eff. 8/17/79; <u>AMD</u>, 1980 MAR p. 1713, Eff. 6/27/80; <u>AMD</u>, 1990 MAR p. 300, Eff. 2/9/90; <u>AMD</u>, 1996 MAR p. 2300, Eff. 8/23/96; <u>AMD</u>, 2007 MAR p. 204, Eff. 2/9/07; <u>AMD</u>, 2011 MAR p. 2541, Eff. 11/26/11; <u>AMD</u>, 2011 MAR p. 2632, Eff. 12/9/11; <u>AMD</u>, 2012 MAR p. 1262, Eff. 6/22/12; <u>AMD</u>, 2013 MAR p. 1343, Eff. 7/26/13; <u>AMD</u>, 2013 MAR p. 1446, Eff. 8/9/13; <u>AMD</u>, 2013 MAR p. 2308, Eff. 12/13/13; <u>AMD</u>, 2014 MAR p. 1096, Eff. 5/23/14.)</p>
32.3.206	Official Health Cert	<p>HOUSEKEEPING - Revision of the required elements of a valid health certificate, consistent with federal standards, to exclude requiring transporter information. Revision of requirements on sending a paper copy of completed health certificates to MDOL. USDA standards require that the health certificate reach the state of origin within 7 business days and the state of origin must distribute the certificate to the state of destination within an additional 7 business days. As states move more towards electronic options for capturing this movement data, fewer certificates are transferred by mail.</p>

		<p>(1) Health certificates are valid for not more than 30 days after the date of inspection, except where otherwise noted in this rule, and may not be issued unless the animals described thereon comply with Montana entry requirements, and the health certificate contains: names and addresses of the consignor and consignee, place of origin of shipment, its final destination, accurate description and identification of each animal, purpose for which they are shipped, and method of transportation, and identification of the transporter.</p> <p>(2) It must indicate the health status of the animals involved, including dates and results of inspections, tests and vaccinations required by the state of Montana. A copy of the health certificate must be sent to the state veterinarian of Montana mailed immediately to the state veterinarian of Montana, P.O. Box 202001, Helena, Montana 59620-2001.</p> <p>(3) The accredited veterinarian issuing the health certificate must certify that the animals shown thereon are free from evidence of any infectious, contagious, or communicable disease or known exposure thereto.</p> <p>(4) The state veterinarian may waive requirements for animals imported into Montana on a case-by-case basis if granting the waiver does not create a threat of disease to livestock or to the public.</p> <p>(5) Accredited veterinarians who are approved by the chief livestock sanitary official of the state of origin and accredited veterinarians in the employ of the U.S. Department of Agriculture may inspect animals for entry into the state of Montana. (History: 81-2-102, 81-2-703, 81-2-707, 81-20-101, MCA; <u>IMP</u>, 81-2-102, 81-2-703, 81-20-101, MCA; Eff. 12/31/72; <u>AMD</u>, Eff. 11/4/75; <u>AMD</u>, Eff. 6/5/76; <u>AMD</u>, Eff. 5/5/77; <u>AMD</u>, 1977 MAR p. 962, Eff. 11/26/77; <u>EMERG</u>, <u>AMD</u>, 1/20/78; 1978 MAR p. 579, Eff. 4/25/78; <u>AMD</u>, 1978 MAR p. 1179, Eff. 8/11/78; <u>AMD</u>, 1979 MAR p. 844, Eff. 8/17/79; <u>AMD</u>, 1980 MAR p. 1713, Eff. 6/27/80; <u>AMD</u>, MAR 2010 p. 2974, Eff. 12/24/10; <u>AMD</u>, 2015 MAR p. 936, Eff. 7/17/15.)</p>
32.3.207	Permits	HOUSEKEEPING - Consistent with the proposed revision of the required elements of a valid health certificate in 32.3.206, and consistent with federal standards, remove transporter information as a

		<p>requirement for obtaining an import permit. To address that permits are not always issued in paper format, MDOL would like to remove provisions referencing mailing issued permits.</p> <p>(1) Permits are issued by the Montana Department of Livestock. Persons applying for permits shall provide the following information: names and addresses of the consignor and consignee, number and kind of animals, origin of shipment, final destination, purpose of shipment, method of transportation, including names of transporter, and such other information as the state veterinarian may require.</p> <p>(2) Permits are valid for no longer than ten days from the date of issuance unless otherwise specified as follows:</p> <ul style="list-style-type: none"> (a) blanket: <ul style="list-style-type: none"> (i) permanent market, until rescinded; (ii) temporary market, up to 30 days; (b) cross border grazer, nine months; (c) entry extended, 30 days; (d) equine annual, yearly; (e) NPIP poultry, yearly; (f) re-entry, up to 30 days; (g) semen: <ul style="list-style-type: none"> (i) equine, annual; (ii) bovine, domestic, annual; (iii) bovine, international, annual; and (h) six-month horse passport, six months. (i) biologics, conditional, up to 2 years; and (j) biologics, permanent, 5 years. <p>(3) Permits will be issued provided the animals shown thereon are in compliance with these rules. However, in order to cope with changing disease conditions the state veterinarian may refuse to issue a permit or make such conditions not specifically set forth in these rules for its issuance as is necessary to protect livestock health in Montana.</p> <p>(4) Permits will be mailed<u>provided</u> to persons requesting them immediately upon issue. To facilitate the movement of animals or items required to enter Montana by permit, if the prerequisites have been met, a permit number may be issued by telephone. The permit number so issued must be affixed to the health certificate if</p>
--	--	--

		<p>required, waybill, brand inspection certificate and any other official documents in this fashion: "Montana Permit No." followed by the number, and may be used in lieu of the official permit.</p> <p>(5) When these rules require entry by permit, at the time the permit is issued, the department may require that an official health certificate be obtained either at the point of origin, the point of destination, or some other location within Montana designated by the department. (History: 81-2-102, 81-2-103, 81-2-707, 81-20-101, MCA; <u>IMP</u>, 81-2-102, 81-2-103, 81-2-703, 81-20-101, MCA; Eff. 12/31/72; <u>AMD</u>, Eff. 11/4/75; <u>AMD</u>, Eff. 6/5/76; <u>AMD</u>, Eff. 5/5/77; <u>AMD</u>, 1977 MAR p. 962, Eff. 11/26/77; <u>EMERG</u>, <u>AMD</u>, 1/20/78; 1978 MAR p. 579, Eff. 4/25/78; <u>AMD</u>, 1978 MAR p. 1179, Eff. 8/11/78; <u>AMD</u>, 1979 MAR p. 844, Eff. 8/17/79; <u>AMD</u>, 1980 MAR p. 1713, Eff. 6/27/80; <u>AMD</u>, 2014 MAR p. 1096, Eff. 5/23/14; <u>AMD</u>, 2015 MAR p. 936, Eff. 7/17/15; <u>AMD</u>, 2016 MAR p. 2428, Eff. 12/24/16.)</p>
<p>32.3.216</p>	<p>Horses, Mules, and Asses</p>	<p>HOUSEKEEPING - Update language referring to grazing herd plans to be consistent with language in 32.3.212 referring to seasonal grazing permit.</p> <p>(1) Horses, mules and asses, and other equidae may enter the state of Montana provided they are transported or moved in conformity with ARM 32.3.201 through 32.3.211. All animals must be tested negative for EIA within the previous 12 months as a condition for obtaining the permit required by ARM 32.3.204<u>7</u>.</p> <p>(2) Unless otherwise specifically provided in this rule all horses, asses, and other equidae that are moved into the state of Montana shall be accompanied by an official certificate of veterinary inspection or equine passport certificate from the state of origin stating that the equidae are free from evidence of any communicable disease and have completed EIA test and identification requirements as defined in ARM 32.3.1401 using procedures outlined in ARM 32.3.1402.</p> <p>(3) Entry of equidae into Montana shall not be allowed until the EIA test has been completed and reported negative. Equidae with tests pending are not acceptable. Equidae that test positive to EIA test shall not be permitted entry into Montana except by special written</p>

		<p>permission from the state veterinarian and must be branded and moved in conformity with the USDA EIA movement regulations.</p> <p>(4) A nursing foal under six months of age accompanied by the EIA negative dam is exempt from the test requirements.</p> <p>(5) Working equids used for seasonal ranching purposes may be exempt from the requirements of this rule if the animals have been included on a current grazing herd plan<u>seasonal grazing permit</u> that has received prior approval from the Department of Livestock and the chief livestock sanitary official in a western state that reciprocates with Montana in honoring grazing herd plans<u>seasonal grazing permits</u>.</p> <p>(6) Equids being moved directly to a USDA approved equine slaughter or a licensed equine-approved feedlot establishment may be exempted from EIA test requirements.</p> <p>(7) The Department of Livestock may develop cooperative reciprocal agreements with neighboring states that exempt EIA cooperating states.</p> <p>(8) Provided there is a written agreement between the Department of Livestock and the chief livestock sanitary official of the state of destination, Montana origin equids may be moved from Montana to other states or from other states to Montana for shows, rides, or other equine events and return on an equine passport certification under a state system of equine certification acceptable to the cooperating states.</p> <p>(a) Equine passport certificates cannot be used when equids are moved for the purposes of sale or change of ownership of the equid, animal breeding activities, or movements that involve stays of longer than 90 days. Equids moved for these purposes must be accompanied by a certificate of veterinary inspection.</p> <p>(b) Equine passport movement must involve short term travel to or from the state of Montana for participation in equine activities including but not limited to participation in equine events, shows, rodeos, roping, trail rides, and search and rescue activities.</p> <p>(c) Equine passport certificates shall be valid for only one animal and shall contain the following information:</p> <p>(i) the name and address of the owner;</p>
--	--	---

		<p>(ii) the location at which the animal is stabled, housed, pastured or kept, if different from that of the owner;</p> <p>(iii) an accurate description and identification of the animal as defined in ARM 32.3.1401;</p> <p>(iv) the date of veterinary inspection;</p> <p>(v) the date and results of the EIA or other required tests or vaccinations; and</p> <p>(vi) the signature of the inspecting veterinarian.</p> <p>(d) No certificate or veterinary inspection or equine passport certificate shall be issued for equine to enter Montana unless it is complete in all respects with requirements of the state of Montana.</p> <p>(e) Equine passport certificates must be properly completed with the required tests and certifications recorded on the certificate and a copy of the completed certificate must be submitted to and approved by the Department of Livestock.</p> <p>(f) Equine passport certificates shall be valid for no longer than six months from the date the EIA sample is collected if an EIA test is required, or six months from the date of inspection if no EIA test is required.</p> <p>(g) The recipients of equine passport certificates shall be required to submit a travel itinerary to the state veterinarian's office within ten working days following the date of expiration of the certificate. The travel itinerary shall include a listing of all travel that the equid made into and out of the state of Montana during the validity of the certificate.</p> <p>(h) The Department of Livestock may cancel any equine passport certificate in the event of serious or emergency disease situations or for certificate holder's failure to comply with the rules that apply to such certificates. Cancellation of the certificate may be accomplished by written or verbal notice to the certificate holder. Verbal notice shall be confirmed by written notice. The canceled certificate will become invalid on the date and at the time of notification. (History: 81-2-102, <u>81-2-703</u> MCA; <u>IMP</u>, 81-2-102, <u>81-2-707</u> MCA; Eff. 12/31/72; <u>AMD</u>, Eff. 11/4/75; <u>AMD</u>, Eff. 6/5/76; <u>AMD</u>, Eff. 5/5/77; <u>AMD</u>, 1997 MAR p. 962, Eff. 11/26/77; <u>EMERG</u>, <u>AMD</u>, 1/20/78; 1978 MAR p. 579, Eff. 4/25/78; <u>AMD</u>, 1978 MAR p. 1179, Eff. 8/11/78; <u>AMD</u>, 1979 MAR p. 844, Eff. 8/17/79; <u>AMD</u>, 1980 MAR p. 1713,</p>
--	--	---

		Eff. 6/27/80; <u>AMD</u> , 1988 MAR p. 84, Eff. 1/15/88; <u>AMD</u> , 1996 MAR p. 2300, Eff. 8/23/96; <u>AMD</u> , 1998 MAR p. 2757, Eff. 10/9/98; <u>AMD</u> , 2014 MAR p. 1096, Eff. 5/23/14.)
32.3.307	Department Ordered Pseudorabies Testing	<p>HOUSEKEEPING - Remove reference to deputy state veterinarian's ordering testing for brucellosis. These orders would be conducted by the Department.</p> <p>(1) The department may, at any time, order the official testing or retesting of animals for the presence of pseudorabies if it considers such tests necessary to prevent the introduction or spread of pseudorabies.</p> <p>(2) Orders shall state the approximate number and location of the animals and shall be signed by the state veterinarian or any designated deputy state veterinarian. (History: 81-2-102, 81-2-103, MCA; <u>IMP</u>, 81-2-102, MCA; <u>NEW</u>, 1991 MAR p. 1145, Eff. 7/12/91.)</p>
32.3.311	Procedure upon Detection of Pseudorabies	<p>HOUSEKEEPING - Remove reference to deputy state veterinarian's conducting epidemiological investigations. These investigations are conducted by the Department.</p> <p>(1) Immediately upon quarantine of a herd of animals for pseudorabies, a deputy state veterinarian <u>the Department of Livestock</u> shall conduct an epidemiological investigation of the infected herd and premises involved to determine methods and actions necessary to extirpate the disease and to determine contact herds, exposed animals, and the sum of the factors responsible for the presence of the disease.</p> <p>(2) Upon request of the owner of the infected herd, the investigation in (1) may be conducted with assistance and participation of a deputy state veterinarian selected and paid for by the owner.</p> <p>(3) An official epidemiological report must be prepared that specifies methods and timetables necessary for control and eradication of the disease. This report will be prepared by the person(s) that conducted the investigation and will be based on the findings of that investigation. (History: 81-2-102, MCA; <u>IMP</u>, 81-2-102, MCA; <u>NEW</u>, 1991 MAR p. 1145, Eff. 7/12/91; <u>AMD</u>, 2010 MAR p. 2974, Eff. 12/24/10.)</p>

32.3.407	Department Ordered Brucellosis Testing of Animals	<p>HOUSEKEEPING - Remove reference to deputy state veterinarian's ordering testing for brucellosis. These orders would be conducted by the Department.</p> <p>(1) The department, at any time, may order the official testing or retesting of animals for the presence of brucellosis if it considers such tests necessary to prevent the introduction or spreading of brucellosis.</p> <p>(2) Orders to test shall be signed by the state veterinarian or any designated deputy state veterinarian.</p> <p>(3) The order shall clearly state the number or approximate number and location of the animals. (History: 81-2-102, 81-2-103, MCA; IMP, 81-2-102, 81-2-103, MCA; NEW, 1984 MAR p. 268, Eff. 1/27/84.)</p>
32.3.411	Procedure upon Detection of Brucellosis	<p>HOUSEKEEPING - Remove reference to deputy state veterinarian's conducting epidemiological investigations. These investigations are conducted by the Department.</p> <p>(1) Immediately upon quarantine of a herd for brucellosis a deputy state veterinarian <u>the Department of Livestock</u> shall conduct an epidemiological investigation of the infected herd and premises involved to determine the specific methods and actions necessary to eradicate the disease from the herd and to determine contact herds and animals.</p> <p>(2) Upon request of the owner of the infected herd, the investigation provided for in (1) may be conducted with the assistance and participation of a deputy state veterinarian selected and paid for by the owner.</p> <p>(3) An official epidemiological report must be prepared that specifies the methods necessary to eradicate the disease and includes a time table for the accomplishment of the various tasks.</p> <p>(4) A person who is aggrieved by determination made pursuant to this section may appeal in writing to the state veterinarian within five days after notice of such determination. The state veterinarian may affirm, reverse or modify such determination after he has reviewed</p>

		the epidemiological report and the issues involved. (History: 81-2-102, MCA; <u>IMP</u> , 81-2-102, MCA; <u>NEW</u> , 1979 MAR p. 845, Eff. 8/17/79; <u>AMD</u> , 2010 <u>MAR</u> p. 2974, Eff. 12/24/10.)
32.3.412	Memorandum of Understanding	<p>HOUSEKEEPING - Corrected ARM citation. The current citation references brucellosis definitions. The proposed citation change references 32.3.411 Procedure Upon Detection of Brucellosis.</p> <p>(1) Using the epidemiological report required by ARM 32.3.401411 as its basis, a memorandum of understanding must be developed between the owner of the infected herd and the department to establish a disease eradication effort for the infected herd. The memorandum shall cover at least the following points:</p> <p>(a) herd management practices that will be employed to facilitate disease eradication or interim disease control leading to eradication,</p> <p>(b) any physical facility modification that will be required,</p> <p>(c) specific dates for accomplishing the tasks required.</p> <p>(2) This memorandum of understanding will be developed with the participation of a deputy state veterinarian selected by the owner if the owner so desires.</p> <p>(3) The memorandum of understanding is the basis for management of the quarantined herd until the quarantine is released. Any modifications of the memorandum must be made in writing and subscribed to by both parties. Any agreement to depopulate the herd is part of the memorandum of understanding.</p> <p>(a) If, in the opinion of the department emergency circumstances warrant action beyond the terms of the memorandum, the department through the Board of Livestock may take such actions as are lawful and necessary to control and eradicate this disease. This may include an ordered depopulation of the herd with or without indemnity, as authorized by law.</p> <p>(4) The memorandum of understanding shall be considered a binding agreement between the parties having the force of an order as contemplated under 81-2-102, MCA. Failure by a quarantined herd owner or his agent to come to an agreement on the memorandum of understanding within 90 days of the imposition of quarantine or to follow its terms shall be considered a violation of orders under that</p>

		section of the statutes, and shall be an emergency circumstance in which the department may immediately slaughter or cause to be slaughtered any quarantined animals. (History: 81-2-102, MCA; <u>IMP</u> , 81-2-102, MCA; <u>NEW</u> , 1979 MAR p. 845, Eff. 8/17/79; <u>AMD</u> , 1980 MAR p. 1082, Eff. 3/28/80; <u>AMD</u> , 1988 MAR p. 85, Eff. 1/15/88; <u>AMD</u> , 2010 MAR p. 2974, Eff. 12/24/10.)
32.3.430	Quarantine and Retest of Suspect Animals in Negative Herd	HOUSEKEEPING - The Department proposed repealing this section as the language is not consistent with current scientific practice. Currently MDOL manages suspect cases in consultation with USDA APHIS personnel. (1) Animals which are determined to be suspects as the result of an official test in an otherwise negative herd shall be quarantined by the department to specified premises. They shall remain under quarantine until they are determined to be negative animals as the result of an official test performed not less than 30 days from and after the initial test establishing suspect status, or two official tests performed subsequent to the initial test establishing suspect status performed not less than 30 days apart, which do not display equivocal results warranting the further classification of the animals as suspects or redesignation of the animals as reactors. Failure of the owner of such a herd, or his agent, to present suspect animals for retest pursuant to order of the department may result in a quarantine and retest of the entire herd. Suspect animals quarantined under the provisions of this rule must be moved and disposed of while under quarantine pursuant to and in accordance with ARM 32.3.425. (History: 81-2-102, 81-2-103, MCA; <u>IMP</u>, 81-2-102, MCA; Eff. 12/31/72; <u>EMERG</u>, <u>AMD</u>, Eff. 11/4/75.)
32.3.1003	Contaminated Premises	HOUSEKEEPING - Remove reference to deputy state veterinarian's supervising cleaning and disinfection of anthrax positive premises. This activity would be conducted by the Department. (1) The stalls, stables, sheds, equipment, utensils, and premises occupied or contaminated by animals that have died of anthrax must be completely cleaned and disinfected under the supervision of a deputy state veterinarian <u>the Department of Livestock</u> . (2) All litter, manure, feed and material that cannot be cleaned and disinfected must be burned. (History: 81-2-102, MCA; <u>IMP</u> , 81-2-102, MCA; Eff. 12/31/72.)

<p>32.3.2002</p>	<p>Swine Identification Code: Assignment of Codes</p>	<p>HOUSEKEEPING - The Department proposes repealing this section as this practice is no longer implemented due to the implementation of premises identification numbers at the national level. The Department no longer assigns unique code numbers for Montana swine producers.</p> <p>(1) Swine owners, dealers, or others required by federal law to identify their swine as a condition to move them interstate may be assigned federally designated code numbers by the Department of Livestock. Such numbers will be assigned upon request made to the Department of Livestock, Animal Health Division, PO Box 202001, Helena, Montana, 59602.</p> <p>(2) A list of code numbers already assigned may be obtained by contacting the Animal Health Division of the Department of Livestock.</p> <p>(History: 81-2-102, MCA; IMP, 81-2-102, MCA; NEW, 1980 MAR p. 583, Eff. 2/15/80.)</p>
<p>32.4.101</p>	<p>Definitions</p>	<p>HOUSEKEEPING - Changes necessary to correct ARM and MCA citations.</p> <p>In this subchapter the following terms have the meanings or interpretations indicated below and must be used in conjunction with and supplemental to those definitions contained in 87-4-406, MCA.</p> <p>(1) "Alternative Livestock" means the animals defined as alternative livestock and cloven hoofed ungulates in 87-4-406, MCA except domestic water buffalo (<i>Bubalus bubalis</i>).</p> <p>(2) "Alternative livestock veterinarian" means a deputy state veterinarian who has been trained and approved by the department to perform regulatory work on alternative livestock.</p> <p>(3) "Bill of sale" means the alternative livestock invoice and bill of sale form utilized by the department of livestock to document the valid transfer of ownership of alternative livestock.</p> <p>(4) "Catch pen" means a fenced enclosure used in conjunction with the handling facility to hold alternative livestock for individual inspection, marking, or treatment.</p> <p>(5) "Certificate of veterinary inspection" means the Department of Livestock inspection certificate form designed to fulfill the requirements of a certificate of inspection under ARM 32.318.201, and</p>

		<p>conforming to the requirements of the health certificate under ARM 32.3.206, for the inspection of alternative livestock. The form must include the number, species, age, sex, individual animal identification, owner, alternative livestock farm information and the reason for the inspection.</p> <p>(6) "Confirmation sample" means a second sample taken from the same animal and submitted to a laboratory to confirm the results of the original sample.</p> <p>(7) "Department" means the Department of Livestock.</p> <p>(8) "Department designated agent" means an individual empowered by the department to act on behalf of the department in performing regulatory duties strictly defined by department policy.</p> <p>(9) "Disease, communicable" means a disease that can spread from one animal to another animal or to humans.</p> <p>(10) "Disease, quarantinable" means any disease defined under ARM 32.3.104, 32.3.116 or identified by order of the state veterinarian.</p> <p>(11) "Elk-red deer hybrid" means an animal that is produced by the mating of an elk and red deer (<i>Cervus elaphus</i>) and all subsequent progeny.</p> <p>(12) "Emergency" means a sudden unexpected medical condition demanding immediate medical care not available on the alternative livestock farm whereby if medical treatment is not obtained immediately, the animal may die.</p> <p>(13) "Alternative livestock farm" means the enclosed land area upon which game farm animals may be kept, as defined by 87-4-406(3), MCA.</p> <p>(14) "Alternative livestock parts" means parts of an alternative livestock carcass that may be taken from an alternative livestock farm in accordance with the provisions of 87-4-415 and 87-4-416, MCA. Alternative livestock parts does not include the regenerable parts harvested annually from alternative livestock farm animals.</p> <p>(15) "H of A tag" means the Canadian equivalent of the United States Department of Agriculture (USDA) official eartag.</p> <p>(16) "Handling device" means a mechanical structure or animal restraining device (such as a squeeze chute) that facilitates inspection and handling of individual alternative livestock.</p> <p>(17) "Health certificate" has the meaning defined in ARM 32.3.201.</p>
--	--	--

		<p>(18) "Herd plan" means a written disease management plan that is designed by the herd owner and the state veterinarian to eradicate disease from an affected herd while reducing human exposure to the disease. The herd plan will include appropriate herd test frequencies, tests to be employed, and any additional disease or herd management practices deemed necessary to eradicate a disease from the herd in an efficient and effective manner.</p> <p>(19) "Herd tattoo" means the recorded whole herd mark or brand required by 81-3-104<u>102</u>, MCA for alternative livestock identification.</p> <p>(20) "Hybrid test" means a laboratory test recognized for the identification of elk-red deer hybrid animals.</p> <p>(21) "Members of the same family" means a group whose membership is determined by including an individual, the individual's spouse, and the individual's parents, children, grandchildren, and the spouses of each.</p> <p>(22) "Montana official eartag" means an alternative livestock identification tag provided by the Department of Livestock that meets the requirements of 87-4-414(4), MCA.</p> <p>(23) "Permit" means an official document issued by the Montana Department of Livestock after proper application which allows the movement of animals, or biologics into Montana. The permit shall conform to the requirements of ARM 32.3.207.</p> <p>(24) "Prohibited alternative livestock" means animals that are prohibited from importation for purposes of alternative livestock farming pursuant to 87-4-424, MCA.</p> <p>(25) "Quarantine facility" means a department approved enclosure, separate from the catch pen and handling device, used to isolate newly acquired or diseased alternative livestock.</p> <p>(26) "Restricted alternative livestock" means animal species, subspecies and their hybrids subject to specific importation restrictions.</p> <p>(27) "Solid wall" means a wall constructed with no visible cracks between construction units or underneath the wall unit.</p> <p>(28) "State waters" means a body of water so defined by 75-5-103, MCA.</p>
--	--	---

		<p>(29) "Transfer" means the change in ownership interest or any part of an ownership interest in an alternative livestock animal.</p> <p>(30) "Transportation" means the movement of alternative livestock to or from a licensed alternative livestock farm to another licensed alternative livestock farm, a market, or any other approved destination.</p> <p>(31) "USDA official eartag" means an identification eartag that provides unique identification for each individual animal by conforming to the alphanumeric national uniform ear tagging system.</p> <p>(32) "Whole herd mark" means an artificial mark or brand recorded by the department for the exclusive sole use of the individual in whose name the mark or brand is recorded. The whole herd mark assigned by the department for alternative livestock is the herd tattoo.</p> <p>(History: 87-4-422, MCA; <u>IMP</u>, 87-4-422, MCA; <u>NEW</u>, 1999 MAR p. 136, Eff. 1/15/99; <u>AMD</u>, 2010 MAR p. 2974, Eff. 12/24/10.)</p>
32.4.202	Identification of Omnivores and Carnivores	<p>HOUSEKEEPING - Changes necessary to correct ARM and MCA citation since code has been changed.</p> <p>(1) Omnivores and carnivores shall be tattooed as required by 87-4-2316-701, MCA.</p> <p>(2) Each omnivore and carnivore shall be identified by microchip identification. The department shall specify the brand of microchip. The owner shall provide the department the microchip number/frequency and location of insertion of the microchip for each animal.</p> <p>(3) If the animal does not qualify for a waiver under ARM 32.4.203; the animal must be fitted with a collar or other form of identification that meets the requirements of 87-4-414, MCA designated by the Department of Livestock. (History: 87-4-422, MCA; <u>IMP</u>, 87-4-422, MCA; <u>NEW</u>, 1999 MAR p. 136, Eff. 1/15/99.)</p>
32.4.601	Importation of Alternative Livestock	<p>HOUSEKEEPING - Change is necessary to include deer in the requirement that source herds must be free from signs of neurologic disease.</p> <p>(1) Alternative livestock imported into Montana must meet all requirements of ARM Title 32, chapter 3, subchapter 2; Title 81, chapter 2, part 7, MCA; and any other orders issued by the department.</p>

		<p>(2) All cervid species will be treated with an appropriate anthelmintic as determined by the state veterinarian at least 20 days prior to entry into Montana to reduce the potential of undesirable parasites.</p> <p>(3) Animals must be consigned to an alternative livestock farm licensee. The alternative livestock farm licensee must have a valid license for the species being imported.</p> <p>(4) Alternative livestock shall be accompanied by an official health certificate and a permit, which must be attached to the waybill or be in the possession of the driver of the vehicle or person in charge of the animals. When a single health certificate and/or permit is issued for animals being moved in more than one vehicle, the driver of each vehicle shall have in his/her possession a copy of the health certificate or permit.</p> <p>(a) The official health certificate must meet all of the requirements of ARM 32.3.206 and the accredited veterinarian issuing the health certificate must certify that the following conditions are true:</p> <p>(i) All elk in the shipment have been certified free from red deer gene markers as required by ARM 32.4.402. No elk-red deer hybrid may be imported. Certification must be provided to the department prior to the issuance of an import permit;</p> <p>(ii) The accredited veterinarian issuing the health certificate shall assess the herd of origin and determine if the alternative livestock have been infected by or exposed to <i>Mycobacterium paratuberculosis</i> (Johnes disease). A statement summarizing his findings shall be included on the health certificate. No animal exposed to or infected with <i>M. paratuberculosis</i> may be imported;</p> <p>(iii) For elk, tThe herd of origin must be certified as free of central nervous system (CNS) symptoms for the last five years; and</p> <p>(iv) Animals must meet all other importation requirements made by the state veterinarian under ARM Title 32, chapter 3, subchapter 2;</p> <p>(b) The importation permit must meet all of the requirements of ARM 32.3.207.</p>
--	--	---

		<p>(5) For change of ownership, a valid bill of sale must accompany the shipment. A copy of the bill of sale must be provided to the department at the time the animal is tagged and marked.</p> <p>(6) Prior to shipment, all alternative livestock with the exclusion of omnivores and carnivores must be marked with a USDA official eartag or its Canadian equivalent called an H of A tag.</p> <p>(7) All alternative livestock must be quarantined upon arrival in Montana until all testing requirements have been met and the animal is tagged and marked.</p> <p>(8) No person consigning, transporting, or receiving alternative livestock into Montana may authorize, order, or carry out diversion of such animals to a destination or consignee other than set forth on the health certificate or permit without first obtaining written authorization from the state veterinarian of Montana or his designee to make such a diversion.</p> <p>(9) Importation of gametes shall meet all requirements outlined in ARM 32.4.403.</p> <p>(10) Importation of alternative livestock semen must meet the applicable requirements of ARM 32.3.220. (History: 81-2-102, 81-2-103, 81-2-402, 81-2-707, 87-4-422, <u>IMP</u>, 81-2-102, 81-2-103, 81-2-402, 81-2-403, 81-2-703, 81-2-707, 81-3-102, 87-4-414, 87-4-422, MCA; <u>NEW</u>, 1999 MAR p. 136, Eff. 1/15/99; <u>AMD</u>, 2010 MAR p. 2974, Eff. 12/24/10; <u>AMD</u>, 2013 MAR p. 414, Eff. 3/29/13; <u>AMD</u>, 2016 MAR p. 889, Eff. 5/21/16.)</p>
--	--	--

FACT SHEET FOR DECISION MAKERS ON FOOT AND MOUTH DISEASE AND THE ARMAR EXERCISE

FMD Backgrounder:

- Foot and mouth disease (FMD) is a highly contagious virus that infects cloven hooved animals (cattle, swine, sheep, goats, bison, deer, etc.)
- The virus causes fever and blisters in the mouth and around the hooves – causes animals to stop eating and moving. The disease is often lethal in calves.
- **It is not zoonotic, and it is not related to hand, foot, and mouth disease**
- The virus can be airborne or spread on fomites (people, clothing, equipment, vehicles, etc.)
- **The US has been FMD free since 1929** – it is still common in many parts of the world (Africa, Asia, South America) which means that there is an ongoing risk of introduction into the US
- An outbreak of FMD in the US would have devastating economic consequences:
 - The 2001 FMD outbreak in the UK cost over **\$11 billion** (2017 US dollars, adjusted for inflation, per USDA fact sheet)
 - Estimates of the economic impact to the US range from **\$15-\$100 billion** depending on the size of the outbreak (USDA fact sheet).
 - **Costs are due to lost sales in the US and export markets, animal loss and production loss**
 - There are approximately **2.6 million cattle in Montana** (including calves), 225,000 sheep, and 179,000 hogs – the livestock industry in Montana generates over \$1.9 billion per year (NASS)

About the ARMAR Exercise:

- ARMAR (Agriculture Response Management and Resources) exercise was held May 7-10, 2018.
- The Department of Livestock was invited to participate because Montana is a net exporter of cattle – Montana cattle are shipped all over the country – the common denominator with all the other participating states was that they had received cattle from Montana
- The exercise occurred over 4 days and was designed to simulate the first four days of an outbreak in real time
- Montana participated with 5 other states, USDA, and FBI
- Montana DES, Department of Agriculture, FWP, DNRC, DPHHS provided staff – there were 38 state employees involved.
- USDA sent 10 members from one of their national incident management teams, a total of 29 federal employees were involved

Major Lessons Learned:

- A real response would require far more personnel – coordinating with other state agencies a priority
- We have work to do developing the resources and capabilities needed to address this type of outbreak including: depopulation of affected herds, efficient identification of additional affected herds, personnel to conduct large numbers of foreign animal disease investigations, rapid notification to other states or owners of potentially infected livestock
- There is a need for ongoing and more in-depth training of state personnel in ICS
- Our plan needs to better address communication – both within our ICS response structure, between state agencies, with external stakeholders, and between state and federal agencies





Board of Livestock Meeting

Agenda Request Form

From: Leslie Doely		Division/Program: Brands Enforcement Division			Meeting Date: 5/23/2018		
<u>Agenda Item:</u> Market Inspector Wage Consideration							
The current base pay for market inspectors is \$13.98. Raising this base wage to \$15.00 per hour would cost Brands Enforcement \$32,400 in salary (\$27,500) and benefits (\$4900) per year. This raise would affect 21 employees: 11 full-time, 3 part-time, and 7 short-term-workers. This change would assist with recruitment and retention of a group of individuals who perform a key function for the Department.							
Recommendation:							
Time needed: 20 minutes	Attachments:	Yes	No	Board vote required:	Yes	No	
<u>Agenda Item:</u> Request to Modify Position and Hire							
Background Info: Request to return the existing (vacant) Administrative Specialist position to a supervisor of Helena compliance technician staff, handling personnel management and day-to-day policy and procedural issues. Shifting the compliance tech staff under the Administrative specialist reduces the Administrator's direct reports from 11 to 5.							
Recommendation:							
Time needed: 30 minutes	Attachments:	Yes	No	Board vote required:	Yes	No	
<u>Agenda Item:</u>							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required	Yes	No	
<u>Agenda Item:</u>							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required	Yes	No	
<u>Agenda Item:</u>							
Recommendation:							
Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No	