



Board of Livestock Meeting

Agenda Request Form

From: Mike Spatz		Division/Program: New Business-Executive Officer Updates to Board		Meeting Date: 3/6/2025		
<u>Agenda Item:</u> Human Resources Updates						
Background Info: <ul style="list-style-type: none">• Staff Openings and Recruitment Updates• General Updates						
Recommendation: n/a						
Time needed: 30 min	Attachments:	Yes X	No	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



DOL Board Meeting March 6, 2025



Human Resource Update:

- Staff Openings and Recruitment**
- General Updates**

Staff Openings and Recruitment



➤ Currently, **DOL** is actively recruiting

for **6** positions:

Livestock Market Inspector- Billings

Sanitarian- Milk and Egg Inspection

Livestock Market Inspector- Sidney,
MT

Livestock Market Inspector- Roving
Position- (Eastern MT)

Livestock Market Supervisor-
Glasgow, MT

Diagnostic Laboratory Accessioner-
Bozeman

➤ OVERVIEW- JANUARY 25, 2025, TO MARCH 6, 2025

- ✓ DOL had 1 new hire since the last board meeting. (Brands)
- ✓ DOL has had 0 vacated positions
- ✓ The Department has received 0 notices of resignation.



Staffing/ Position Highlights

BRANDS DIVISION

- **Michael (Mike) McArthur-**
Hired as a Market Inspector in
Ramsay. Started on February 17,
2025.





- Other General Updates...

--Questions?

THANK YOU!!





Board of Livestock Meeting

Agenda Request Form

From: Lindsey Simon	Division/Program: Legal	Meeting Date: 3/6/2025
<u>Agenda Item:</u> Lower Valley Processing, Inc. Appeal of Hours of Operation Decision		
<p>Background Info:</p> <p>Lower Valley Processing, Inc. has filed an appeal on the Animal Health Division's decision upholding the Meat, Milk, and Egg Inspection Bureau's determination regarding hours of operation and overtime charges. Mike Honeycutt, Executive Officer, has waived the EO level appeal, making this ripe for the Board's consideration per the Appeals Guidelines.</p> <p>Recommendation:</p> <p>Legal counsel's recommendation will be provided in executive session pursuant to Mont. Code Ann. § 2-3-203(4)</p>		
Time needed: 30 minutes	Attachments:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Board vote required? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>Agenda Item:</u> Executive Session: Approval for Legal Counsel to File Civil Unlicensed Practice Action		
<p>Background Info:</p> <p>A potential unlicensed practice situation is unfolding that may require filing of a civil action by the Department.</p> <p>Recommendation:</p> <p>Legal counsel's recommendation will be provided in executive session pursuant to Mont. Code Ann. § 2-3-203(4)</p>		
Time needed: 10 minutes	Attachments:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Board vote required? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
<u>Agenda Item:</u> Administrative Rules Needed to Implement Mont. Code Ann. § 2-3-103		
<p>Background Info:</p> <p>Mont. Code Ann. § 2-3-103(2) requires all agencies and boards to adopt administrative rules regarding public participation. The Department of Livestock previously adopted the Attorney General's model procedural rules in ARM 32.2.101. However, the Secretary of State repealed the adopted rules in June of 2024, and thus the Board of Livestock needs to adopt new procedural participation rules to comply with Mont. Code Ann. § 2-3-103(2).</p> <p>Recommendation:</p> <p>Examples of how other agencies have met this requirement are provided in the Board materials. Legal counsel would like to discuss with the Board how it would prefer to implement these rules before drafting specific language for proposed rulemaking.</p>		
Time needed: 15 minutes	Attachments:	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Board vote required? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

Montana Department of Livestock

Appeal File
Board of Livestock Level

Lower Valley Processing, Inc.
Establishment No. 007

Appeal of December 5, 2024 Notice of Decision Regarding
Appeal Request

Document Index

1. June 25, 2021 - Lower Valley Processing Hours of Operation
2. December 14, 2022 - Board of Livestock Meeting MMEI Agenda Request Form and Attachments
3. December 14, 2022 – Board of Livestock Meeting Minutes Excerpt
4. February 3, 2023 - Memorandum of Interview
5. February 6, 2023 - Memorandum of Interview
6. August 1, 2023 – Board of Livestock Meeting MMEI Agenda Request Form and Attachments
7. August 1, 2023 – Board of Livestock Meeting Minutes Excerpt
8. August 25, 2023 - Email from Alicia Love to MMEI Area Supervisors
9. September 8, 2023 - Memorandum of Interview
10. October 10, 2024 - Memorandum of Interview
11. October 15, 2024 - Email from Stephen Fucci to Alicia Love
12. November 19, 2024 - Letter to Lower Valley Processing re: Hours of Operation
13. November 29, 2024 - Appeal Request by Lower Valley Processing to Animal Health Division Administrator
14. MMEI Summary in Support of Initial Decision
15. December 5, 2024 - Notice of Decision Regarding Appeal Request
16. January 24, 2025 - Written Appeal Request by Lower Valley Processing to Board of Livestock
17. January 24, 2025 - Transcript of Oral Appeal Request by Lower Valley Processing to Board of Livestock
18. February 13, 2025 - FSIS Directive 12800.1 *Inspection Coverage for Reimbursable Overtime Inspection and Operations Occurring Without Required Inspection Services*
19. 9 C.F.R. § 307.4 *Schedule of operations*

HOURS OF OPERATION

Establishment Name: Lower Valley Processing Inc Date: 6/25/21

		Slaughter	Lunch	Processing
Monday	From		12 Pm	6 Am
	To		1 Pm	5 Pm
Tuesday	From		12 Pm	6 Am
	To		1 Pm	5 Pm
Wednesday	From	6 AM	12 Pm	6 Am
	To	3 PM	1 Pm	5 Pm
Thursday	From		12 Pm	6 Am
	To		1 Pm	5 Pm
Friday	From		12 PM	6 Am
	To		1 Pm	5 Pm

307.4 Schedule of Operations.

(a) No operation requiring inspection shall be conducted except under the supervision of a Program Employee. All slaughtering of animals and preparation of products shall be done with reasonable speed, considering the official establishment's facilities.

(b) (1) Each official establishment shall submit a work schedule to the Bureau Chief for approval. In consideration of whether the approval of an establishment work schedule shall be given, the Bureau Chief shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

(2) Establishment shall maintain consistent work schedules. Any request by an establishment for a change in this work schedule involving an addition or elimination of shifts shall be submitted to the Bureau Chief at least 2 weeks in advance of the proposed change. Frequent request for change shall not be approved; provided, however, minor deviations from a daily operating schedule may be approved by the Area Supervisor, if such request is received on the day preceding the day of change.

Owner or Representative: Jonny Quinn

Inspector in Charge: [Signature]

Form MI-211

Rev: 3-11

attached

Directive allows cooking of inspected product outside of hours of operation as long as a plant personell monitors CCP's.



Board of Livestock Meeting

Agenda Request Form

From: Alicia Love, MPH, RS, Bureau Chief		Division/Program: Animal Health/ Meat, Milk and Egg Inspection Bureau		Meeting Date: December 14, 2022		
<u>Agenda Item:</u> Hours of Operation Communication to meat & poultry plants						
As discussed previously, certain plants not following their scheduled hours of operation continues to be a problem. Bureau is submitting a draft letter to establishments for Board approval.						
Recommendation: APPROVE						
Time needed: 5 min	Attachments:	Yes x	No	Board vote required:	Yes X	No
<u>Agenda Item:</u> Request to hire 2 positions						
Label Specialist. This position has become vacant as the current label specialist requested to become a field inspector.						
Compliance Technician. Bonnie Marceau left the department on November 18 th . She served our bureau for 11 years. Her role is critical in supporting Helena and field staff. Some of the critical duties include getting new employees in the federal database system, tracking all reports (slaughter sheets, weekly reports, vehicle mileage reports, lab sampling data, license renewals, etc.), answering questions from the public, sending invoices and tracking deposits, and providing support to field staff.						
Recommendation: APPROVE						
Time needed: 5 min	Attachments:	Yes	No X	Board vote required:	Yes X	No
<u>Agenda Item:</u> Request to contract an SRO for milk plant ratings						
The Billings Meadow Gold Dairy and single service container plants in Billings are due for their bi-annual State ratings to maintain their status on the NCIMS list. Typically, this would be done by one of our sanitarians. However, due to ongoing complications and travel restrictions early this year, we still only have one sanitarian with her SRO designation. Additionally, the SRO ended up doing inspections for the plants to alleviate some travel stress for our other sanitarian, and she has been inspecting and sampling the facilities while training our newest inspector. Because of this, she can no longer do the rating herself. Lynn Godfrey, of Idaho has, again, agreed to complete the ratings for us as he has previously. They have tentatively scheduled the rating for the week of January 23 rd . We estimate the cost to be around \$2000.						
Recommendation: Approve						
Time needed: 5 min	Attachments:	Yes	No X	Board vote required:	Yes x	No
<u>Agenda Item:</u> Rule Change Proposal to ARM 32.8.202						
The BOL has requested to reconsider this item from the previous meeting.						
The bureau has been made aware that two small, neighboring outlying communities have found themselves unable to procure properly dated milk due to the semi-retirement of the local jobber servicing their area, and unavailability of other jobbers or distributors to reach their area.						
The enclosed draft administrative rule would allow a local entity to petition the Board for an exemption to the "12-day rule".						
Recommendation:						
Time needed: 15 min	Attachments:	Yes X	No	Board vote required:	Yes X	No

STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

MT DEPARTMENT OF LIVESTOCK

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BRANDS ENFORCEMENT DIVISION (406) 444-2045
CENTRALIZED SERVICES DIVISION (406) 444-4994
EXECUTIVE OFFICE (406) 444-9321

December 1, 2022

Dear Establishment Owner,

As an establishment engaged in slaughter or meat processing, I want to thank you for being a critical component in animal protein food production in Montana.

The Department of Livestock (DOL), Meat Milk and Egg Inspection Bureau ensures safe meat and meat products by providing state inspection services in a professional and courteous manner while maintaining a priority on judicious use of resources. To that end, we are reaching out to remind all establishments of regulations relating to hours of operation to ensure that limited DOL inspector resources are correctly allocated.

Federal Code of Federal Regulations, 9 CFR § 307.4(d), states:

“(1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: Provided, however, minor deviations from a daily operating schedule may be approved by the inspector in charge, if such request is received on the day preceding the day of change.

(3) Request for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: Provided, That an inspector may be recalled to his assignment after completion of his daily tour of duty under the provisions of § 307.6(b).”

STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

To summarize, the department's inspectors are assigned to establishments based on the hours of operation provided by that establishment. When an establishment deviates from that schedule with no or inadequate notice, additional costs are encumbered by the department, and fewer inspection resources are available for the program. Not following these regulations may result in administrative action.

Please note:

- Please review your current hours of operation form. If updates are needed, please ask your inspector to provide a blank form so that your information may be updated.
- The department will make every effort to best accommodate establishments, however staffing limitations may require a modification from a requested schedule.
- Slaughter and processing hours need to be adhered to unless unforeseeable circumstances arise. Unforeseeable circumstances should not occur more than once every 60 days.
- A minor deviation will be interpreted as 30 minutes.
- Requests for temporary changes in addition or elimination of shifts will be denied if submitted in less than 2 weeks, outside of unforeseeable circumstances. The request should be sent in writing or via email to the Inspection Supervisor and Bureau Chief. The request must be responded to for confirmation of change.

As a "at least or equal to" state meat inspection program, the department is obligated to follow federal rules and directives including those relating to hours of operation. Thank you for helping us maintain compliance with these regulations and ensuring that our limited staffing resources are used most efficiently.

Please contact me with any questions or concerns at 406-444-5293.

Sincerely,



Alicia Love
Meat and Poultry Inspection Bureau Chief

- If Canada ever got ASF, Dr. Zaluski said that a border fence between us and them might certainly be a conversation that would occur
- Pigs were not migratory, Dr. Zaluski said, and unless they're dispersed, they stick in small areas. A poster from Germany says it, the virus is not the problem, you are
- Cooking would kill the ASF virus, Dr. Zaluski explained, but, cured meats were not cooked. To disinfect the virus, you must cook the pork to a certain level, but then, you're reducing the palatability and tenderness of the pork
- ASF was close to 100% lethal in animals that were infected, Dr. Zaluski said, although, wild boar in Europe had habituated themselves a little bit to it. The disease spreads slowly, and affected pigs, most of the time, have an opportunity to spread it before they die

(4:40:40) 1:43 PM – MEAT, MILK & EGG INSPECTION BUREAU

Alicia Love, Meat, Milk & Egg Inspection Bureau Chief, introduced herself. She attended the BOL meeting by ZOOM

(4:41:04) 1:43 PM – Hours of Operation Communication to Meat and Poultry Plants

Alicia Love said that the BOL had first discussed the Hours of Operation situation back in April and again during the November meeting and that she had composed a letter for the BOL's review, to distribute to industry regarding that situation:

- Ms. Love reported that when plants cancelled their inspection without notice, like some had, it negatively impacted her ability to manage her staff's time efficiently
- The letter Ms. Love presented to the BOL today was a rough outline of how the DOL would handle noncompliance in cases of Hours of Operation
- In reviewing the Code of Federal Regulations, Ms. Love said there was not a clear way to fine plants for lost time and resources to the State if an Inspector went for an inspection and found the facility closed during operating hours, with no notice
- Ms. Love felt that the best way to tackle those issues would be, if a plant were to not give adequate notice, but some level of notice, a violation would be issued to them, and, if that became a consistent problem they could face closure due to having so many violations of the same nature. If a plant provided no notice and was not accessible for inspection, they would be suspended for not allowing the Inspector access to the facility during operating hours
- Dr. Zaluski said that the DOL had not been consistent, or, he thought, strong enough regarding the situation which had resulted in a wastage of resources
- Jake Feddes said there was a level of distrust between a lot of plant owners and Meat & Poultry Inspection, and every time there had been a suspension, he received a call from the plant owner and others, wondering what the State was doing. He said this letter was a very important document that needed to go out because plants needed to give the DOL adequate notice if they're not going to be there for inspection

- Mr. Feddes said to be careful in using the words “suspension” and “closure” in the letter, as some plants just hear those words from the DOL and are not hearing “give them notice”
- Alicia Love listed her main goals with the letter
 - It had come to her attention that the issue hadn’t been handled consistently among her staff and that was why just some plants were just coming into the limelight with the issue. This letter would level the playing field going forward and would lay out the expectation of the DOL and that the DOL would adhere to it
 - Ms. Love also wanted to reiterate to the industry that suspension actions were not at the discretion of the Inspector or Area supervisor and were decision made by herself, oftentimes in consultation with Dr. Zaluski and Mr. Honeycutt
- Ms. Love said that part of the documentation of plant schedules came from an Hours of Operation form that all plants filled out and then that form got approved by herself to ensure that adequate staff was available to meet the schedule. She said that the DOL was supposed to get adequate notice, in writing, if a plant cancelled an inspection and then they were to put in a request for additional inspection
 - Ms. Love shared that she had developed a written process for employees on handling communications when plants needed changes to the schedule saying that the Inspectors were to submit weekly reports to her, so that there was accountability on the DOL staff side as well
- Alan Redfield suggested a cover letter be added to the letter Ms. Love had presented saying that there had been problems on both the DOL side and the industry side and this was how we want to handle it in the future
 - Mr. Honeycutt shared a story of a past Inspector’s inconsistencies with a plant cancelling a slaughter day, but the Inspector not making note of that to the DOL
- Mike Honeycutt said that the letter to the industry clearly states that the actions of the State mentioned were not a discretionary thing or being upset with someone, but something that was actually required by law, by their Grant of Inspection and something that was set forward in Federal law that the State had to meet or exceed

MOTION/VOTE

(4:52:46) 1:55 PM

Alan Redfield moved to send a letter to State-inspected Meat and Poultry plants in Montana regarding hours of operation, as presented by Alicia Love, along with an additional cover letter, formulated by Alicia Love, Dr. Marty Zaluski and Mike Honeycutt, as discussed by the BOL. Jake Feddes seconded. The motion passed.

Montana Department of Livestock Meat and Poultry Inspection Program

From: Lance Parsley

Date: 2/3/2023

Subject: Hours of Operation Letter

Meeting Date: 2/3/2023

Meeting Time: 8:00 AM

Establishment: M7MT+P7MT+V7MT - Lower Valley Processing

Reason Code:

**Other Reason
Code:**

Comments:

While conducting Establishment Meeting I discussed recent letter sent from the Department regarding hours of operation. I informed Establishment owner that previous hours of operation may have been approved that created hours exceeding no charge production hours. I explained that any production requiring inspection conducted outside of 8 hours per day needed to be requested and would be charged at an overtime rate. I informed the owner that this was in line with 9 CFR 307.4 which the letter explained.

Owner understood explanation and was going to review hours of operation and take appropriate action to remain compliant.

The Montana Department of Livestock is an equal opportunity employer.

Montana Department of Livestock Meat and Poultry Inspection Program

From: Stephen Fucci

Date: 2/6/2023

Subject: hours of operation

Meeting Date: 2/6/2023

Meeting Time: 8:30 AM

Establishment: M7MT+P7MT+V7MT - Lower Valley Processing

Reason Code:

**Other Reason
Code:**

Comments:

I, Bethany Lefner, and Stephen Fucci talked to Jeremy Plummer (owner) at Lower Valley Processing about the hours of operation at 8:30 AM on February, 06 2023. Jeremy is currently reviewing his hours of operation. Jeremy stated that he would call Alicia Love (bureau chief) about 5 questions that he would like answered. We will have a follow up meeting with Jeremy on Friday, February 10th, 2023.

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Board of Livestock Meeting

Agenda Request Form

From: Alicia Love, BC	Division/Program: Meat, Milk & Egg Inspection Bureau	Meeting Date: August 1, 2023
<u>Agenda Item:</u> Travel Requests – Meat Staff		
Background Info: Request to send both Alicia Love, BC and Jay Nelson, EIAO to the National Association of State Meat Inspection Directors conference in National Harbor, MD, October 16 & 17. This conference and meeting are essential for communication between Meat Inspection staff across the United States. This will be paid for out of the Meat and Poultry budget, as it has been previously.		
Recommendation: approve		
Time needed: 5 min.	Attachments:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Board vote required? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>Agenda Item:</u> Travel Requests – Egg Staff		
Background Info: Request to send our egg grading staff at the Montana Egg plant to USDA shell egg training in Athens, GA. Elaine Hartman will attend in September, and Terry Cavin will attend in December. This will be paid out of the Shelled Egg budget.		
Recommendation: approve		
Time needed: 5 min.	Attachments:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Board vote required <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>Agenda Item:</u> Recap of FSIS Audit		
Background Info: FSIS auditors visited the State to audit the meat program June 5 th – 16 th . A summary of findings will be provided.		
Recommendation: n/a		
Time needed: 5 min.	Attachments:	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Board vote required: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<u>Agenda Item:</u> Letter to establishments regarding HACCP plans		
Background Info: The FSIS onsite audit brought to light issues with some establishments slaughtering animals under inspection but then processing product as custom. This is a potential violation of HACCP plans and the department wishes to address the issue and provide guidance to avoid future issues. A draft of the letter we wish to send will be shared with the Board.		
Recommendation: discussion - approve		
Time needed: 10 min	Attachments:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Board vote required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<u>Agenda Item:</u> Request to hire temporary employee		
Background Info: Due to an extended absence of an employee, the Bureau requests to hire a temporary employee to perform inspection tasks at an establishment in White Sulphur Springs. This establishment operates 5 days per week and rotating inspectors for coverage from other areas is cumbersome and expensive.		
Recommendation: approve		
Time needed: 10 min	Attachments:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Board vote required: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Summary of Audit Findings

Background

The Montana Meat, Milk, and Egg Inspection Bureau had an onsite audit with USDA on June 5- June 16, 2023. The exit meeting for this audit was held on July 5, 2023. Since the Montana Meat and Poultry Inspection program holds an equal to status, these audits are scheduled routinely every three years. Due to the COVID-19 pandemic, the 2020 audit was delayed until 2021, but the 2023 audit was held on schedule.

Findings

The Montana Meat and Poultry Inspection program was granted an “At Least Equal To Status” with provisions. These provisions will be the focus on the next routine audit in 2026. The focus will have two components:

1. Food Safety Assessments (FSAs) are not being conducted every three years at all state inspected facilities. The state has offered a corrective action to USDA for the EIAO to conduct 10 FSAs per year until these are caught up. If for some reason, the EIAO cannot conduct an FSA, an additional FSA will be done in another month, or the Bureau Chief will conduct an FSA to keep the FSAs on schedule.
 - a. This is due to the EIAO position experiencing high levels of vacancy and turnover for several years. The newly hired EIAO will complete training by mid-August and will be able to begin conducting FSAs in the state.
 - b. The state currently has 26 inspected facilities. Five plants have current FSAs, five have FSAs that will be out of date by 2024, and 16 plants that are overdue for FSA.
 - c. The state will conduct For Cause FSAs to address food safety concerns when needed. This practice has been existing, even when no EIAO was employed during 2022 and early 2023.
2. The USDA determined that misbranded product has been allowed in state inspected facilities. Establishments with a grant of inspection are requesting inspection, processing animals and products under inspection, and then labeling the final product as “Not for Sale”. This is a violation of HACCP and labeling regulations and was determined to be not compliant with federal “equal to status”. To rectify this finding, the state has proposed to send a letter to all inspected facilities informing them that this practice cannot continue. Staff will be directed to enforce labeling and HACCP requirements by documenting noncompliances when inspected product is labeled as ‘Not for Sale’. Supervisors will confirm this is addressed during plant reviews. This letter is presented to the board for approval prior to sending.

Conclusion

The state will maintain its equal to status for the next three years. The auditors stated that the program overall is operating well. They gave praise to the training program and agreed with the long-term goals discussed.

STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

MT DEPARTMENT OF LIVESTOCK

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CENTRALIZED SERVICES DIVISION (406) 444-4994
EXECUTIVE OFFICE (406) 444-9321

July 12, 2023

Dear Establishment Owner,

As an establishment engaged in slaughter or meat processing, I want to thank you for being a critical component in animal protein food production in Montana.

The Department of Livestock (DOL), Meat Milk and Egg Inspection Bureau recently completed the federal on-site audit by USDA FSIS (United States Department of Agriculture Food Safety Inspection Service). During the audit, it was determined that some state-inspected facilities are incorrectly marking state-inspected products as “Not for Sale”. The regulations require that a HACCP (Hazard Analysis Critical Control Point) plan be followed in its entirety, including applying approved labels for inspected and passed products.

The USDA has clarified that products produced during official hours of operation with the benefit of inspection shall be labeled as inspected and passed to conform with federal requirements. Products that are made under custom exempt processing that do not receive the benefit of inspection shall be labeled, “Not for Sale” and returned to the owner of the animal.

To conform with these regulations, a facility has a few options for compliance:

1. Produce meat and poultry products during approved hours and label all products with the mark of inspection. Any products intended for retail sales may be dually regulated by the Montana Department of Livestock and the local health department in this option. Products intended for personal use by the owner of the animal will need to be labeled with an approved label.
2. Separate inspected and passed products from retail exempt and custom products. Products intended for retail exemption and custom use will be made outside of official hours of inspection. Retail exempt products will follow the requirements of the 2013 Model Food Code, enforced by the local health department and Department of Public Health and Human Services. Custom exempt products will be marked as Not for Sale and will not bear the inspection legend.
3. Products that will be produced for meat depots will be processed under inspection and labeled as inspected and passed, as required in ARM 32.6.713.

(6)

STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

Please note that establishments do have the ability to produce a product under one HACCP plan under inspection and then finish the product as custom exempt or retail exempt in a different HACCP plan. For example, a plant may choose to slaughter an animal under inspection, have the carcass marked as 'Inspected and Passed', and then cut the carcass under a custom exemption with the finished product marked as 'Not for Sale'.

With this correction to regulatory interpretation, I understand that current approved Hours of Operations may not accurately reflect the needs of your establishment. A copy of this form has been enclosed to assist you in modifying your inspection schedule, if needed. Please note, requests for additional inspection are not guaranteed and will be granted based on needs of the establishment demonstrated by volume of product made and availability of DOL staff.

The applicable regulations for this interpretation include Federal Code of Federal Regulations, 9 CFR 317.2 (c)(5) and 9 CFR 307.4(d).

As a "at least or equal to" state meat inspection program, the department is obligated to follow federal rules and directives including those relating to hours of operation. Thank you for helping us maintain compliance with these regulations and ensuring that our limited staffing resources are used most efficiently.

Please contact me with any questions or concerns at 406-438-6262 or Alicia.love2@mt.gov.

Sincerely,



Alicia Love, MPH, RS
Meat, Milk, and Egg Inspection Bureau Chief

(7)

(3:26:57) 1:58 PM Out-of-State Travel Requests

Dr. Szymanski said that the travel requests she had today for the Meat, Milk & Egg Inspection Bureau may have some “to be determined” info needed, as the requests were being made early and some costs, and even some destinations, were not yet known

(3:27:43) 1:58 PM National Association of State Meat Inspection Directors (NASMFID)

Dr. Szymanski said that she was requesting BOL approval for Alicia Love and Jay Nelson, the new EIAO, to travel to NASMFID:

- Dr. Szymanski said that NASMFID happened around the same time as AAVLD. Travel would be to National Harbor, Maryland, October 16-17, 2023
- This national meeting brings officials together from all the states, Dr. Szymanski said, and was a great opportunity to talk about policy and learn about current science. This meeting would also provide Ms. Love the opportunity to introduce Mr. Nelson to the process to see what they learn to bring back to Montana
- Mike Honeycutt said that, typically, the Bureau Chief does attend this meeting with one other person that the DOL feels needs to get that experience, and that the travel costs for both was in the budget

MOTION/VOTE

(3:29:02) 2:00 PM

Jake Feddes moved to approve out-of-state travel for Alicia Love and Jay Nelson to attend the NASMFID meeting, scheduled for October 16-17, 2023 in National Harbor, Maryland. William Kleinsasser seconded. The motion passed.

(3:29:32) 2:00 PM USDA Shell Egg Training

Dr. Szymanski said that she was requesting BOL approval for two individuals to attend USDA Shell Egg training in Georgia, with one traveling in September and one traveling in December:

- Mike Honeycutt said that the USDA Shell Egg Training was required every so often for Egg Graders. The dates for attendance of this training were staggered to assure there was one Egg Grader at the plant while the other was in training

MOTION/VOTE

(3:30:00) 2:01 PM

Alan Redfield moved to approve out-of-state travel for Elaine Hartman and Terry Cavin to attend USDA Shell Egg training in Athens, Georgia. One session is scheduled for September 10-13, 2023 and one session is scheduled for December 3-6, 2023. Jake Feddes seconded. The motion passed.

(3:31:33) 2:02 PM Recap of FSIS Audit

Dr. Tahnee Szymanski updated the BOL on the 2023 USDA FSIS Audit:

- Dr. Szymanski explained that the audits happened every three years, because of the requirement that the State Meat Inspection Program be on an at-least-equal to status
- Results of the 2023 USDA FSIS Audit, Dr. Szymanski said, were that the State Meat Inspection Program did meet the at-least-equal status with two provisions – Food Safety Assessments (FSAs) and HACCP Plans
- Food Safety Assessments (FSAs) were found to be starkly behind on getting those conducted
 - Food Safety Assessments, Dr. Szymanski said, were checkups at plants to look for potential contamination and were conducted every three years. With the EIAO position at the DOL being vacant over the last several years, those FSAs had fallen behind
 - Dr. Szymanski said that FSIS was okay with Alicia Love's correction to the problem, which was to get back on track with those FSAs, once Jay Nelson, the new EIAO, completed his training in August or September
- Mike Honeycutt explained to the BOL that if some Inspectors had not been holding plants accountable or not writing non-compliance, an FSA sometimes uncovered major things that could cause the plant to be suspended, and with no FSA having been done for a while, it was a perfect storm for something like that to happen. If it did happen, he said, and there was no previous record of non-compliance, the situation would have to be dealt with differently

(3:35:00) 2:06 PM Letter to Establishments Regarding HACCP Plans

Mike Honeycutt explained to the BOL about the second portion of the FSIS Audit that they said needed to be addressed and the solution the DOL planned to take to correct it:

- The USDA saw that there were some plants with a Grant of Inspection, but who had been processing the product as a custom exempt, marking the product "not for sale." Mr. Honeycutt explained that in the USDA's opinion, that was considered a misbranded product
- Jake Feddes said that in an inspected process, the Inspector is present through the process, but in a custom process, the Inspector shouldn't even be there when the animal was being processed. He added that a plant needed to specify at the beginning of the process for each animal how it was to be processed
- Dr. Szymanski said that this finding was actually listed in the 2021 FSIS Audit as well and she didn't think it had been addressed. She explained that what it really came down to was that the plants were actually not staying within the bounds of their HACCP Plans. To continue the practice of processing as a custom exempt and marking the product "not for sale," a plant would be required to have another HACCP plan in place
- To get those plants back into compliance, Alicia Love put together a draft letter to plants who did meat slaughter or processing in Montana, to address the options they had as an inspected plant or a custom plant and how those choices might affect their HACCP plan. Mike Honeycutt said that, depending on the option a plant chose, they might be in for double regulation, because the retail side was

overseen by the County Sanitarian. Ms. Love was requesting approval from the BOL before it would be sent to the plants

- Jake Feddes said that earlier, when the DOL sent out an Hours of Operation letter to plants, it turned into some pushback because some plants requested five days of inspection and only needed three, and with the Inspector there witnessing custom exempt animals getting slaughtered, it was under inspection. He said it boils down to communication, and if the hours of operations were dialed in properly, it would help some of the problem as well
- Mike Honeycutt said that for those plants under a Grant of Inspection, an Inspector needed to see the animal alive and that they were healthy and able to walk under their own power to the slaughter event; the Inspector needed to see that animal humanely slaughtered, hopefully put down with the first stun, because the DOL standard was only one stun missed out of 20; the Inspector needed to see an ante mortem inspection and if the animal came through all that okay, it would get stamped. Jake Feddes said that for further processing, the Inspector was required to be there for an hour and a half, making sure records all follow HACCP protocols
- For custom exempt, Mike Honeycutt said, the Inspector doesn't need to be present if the carcass was being cut and wrapped for someone's personal use and marked "not for sale"
- Jake Feddes said that during Fair time, was when their plant ran into trouble with Inspectors, because some counties wanted the 100% inspection on those animals that were slaughtered. And, for that meat that was going to home consumption, which most of it was, those Inspectors weren't needed. He said during Fair time, there weren't enough Inspectors available to do those 100% inspections
- Mr. Feddes complimented Alicia for the good job she did on the letter to the plants and said that he had spent about two hours on the phone with her the other day discussing its content. He said there would be some push back on the letter, so he was happy it was brought to the BOL to review before sending it

MOTION/VOTE

(3:52:51) 2:23 PM

Alan Redfield moved to approve to send out the Letter to Establishments Regarding HACCP Plans as an official notification. Jake Feddes seconded. The motion passed.

(3:53:22) 2:24 PM Request to Hire Temporary Employee

Mike Honeycutt reminded the BOL that during the HR portion that morning, the need for a temporary employee in the White Sulphur Springs area had been discussed:

- Mr. Honeycutt said that currently, there was an employee out on leave that used to service the White Sulphur Springs plant, but the DOL did not know exactly when they would be returning to the DOL. He said because of that vacancy, a Meat Inspector needed to be hired, either on a temporary basis, or perhaps they would end up staying with the DOL, as there was a geographic gap in the Inspection system right now

Simon, Lindsey

[REDACTED]

[REDACTED]



[REDACTED]

From: Love, Alicia
Sent: Friday, August 25, 2023 4:51 PM
To: Novak, Samantha <Samantha.Novak@mt.gov>; Wormgoor, Nick <Nick.Wormgoor2@mt.gov>; Fucci, Stephen <Stephen.Fucci@mt.gov>; Nelson, Jay <Jay.Nelson@mt.gov>
Cc: Szymanski, Tahnee <tszymanski@mt.gov>
Subject: SOP for Operational Hours

Good Afternoon,

Attached is the letter approved by the board to be sent to all facilities. I have also attached the SOP on how this will be enforced after this letter is presented. I will be discussing this letter on the inspector calls next week.

Please let me know if you have any questions.

Thank you,



Alicia Love, MPH, RS
Bureau Chief
Meat, Milk, and Egg Inspection Bureau
Email: Alicia.Love2@mt.gov
Office: 406.444.5293 | Cell Phone: 406.438.6262

STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

MT DEPARTMENT OF LIVESTOCK

PO BOX 202001

HELENA, MONTANA 59620-2001

(406) 444-7323/FAX (406) 444-1929

livemail@mt.gov



ANIMAL HEALTH & FOOD SAFETY DIVISION (406) 444-2043

BRANDS ENFORCEMENT DIVISION (406) 444-2045

CENTRALIZED SERVICES DIVISION (406) 444-4994

EXECUTIVE OFFICE (406) 444-9321

July 12, 2023

Dear Establishment Owner,

As an establishment engaged in slaughter or meat processing, I want to thank you for being a critical component in animal protein food production in Montana.

The Department of Livestock (DOL), Meat Milk and Egg Inspection Bureau recently completed the federal on-site audit by USDA FSIS (United States Department of Agriculture Food Safety Inspection Service). During the audit, it was determined that some state-inspected facilities are incorrectly marking state-inspected products as "Not for Sale". The regulations require that a HACCP (Hazard Analysis Critical Control Point) plan be followed in its entirety, including applying approved labels for inspected and passed products.

The USDA has clarified that products produced during official hours of operation with the benefit of inspection shall be labeled as inspected and passed to conform with federal requirements. Products that are made under custom exempt processing that do not receive the benefit of inspection shall be labeled, "Not for Sale" and returned to the owner of the animal.

To conform with these regulations, a facility has a few options for compliance:

1. Produce meat and poultry products during approved hours and label all products with the mark of inspection. Any products intended for retail sales may be dually regulated by the Montana Department of Livestock and the local health department in this option. Products intended for personal use by the owner of the animal will need to be labeled with an approved label.
2. Separate inspected and passed products from retail exempt and custom products. Products intended for retail exemption and custom use will be made outside of official hours of inspection. Retail exempt products will follow the requirements of the 2013 Model Food Code, enforced by the local health department and Department of Public Health and Human Services. Custom exempt products will be marked as Not for Sale and will not bear the inspection legend.
3. Products that will be produced for meat depots will be processed under inspection and labeled as inspected and passed, as required in ARM 32.6.713.

STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

Please note that establishments do have the ability to produce a product under one HACCP plan under inspection and then finish the product as custom exempt or retail exempt in a different HACCP plan. For example, a plant may choose to slaughter an animal under inspection, have the carcass marked as 'Inspected and Passed', and then cut the carcass under a custom exemption with the finished product marked as 'Not for Sale'.

With this correction to regulatory interpretation, I understand that current approved Hours of Operations may not accurately reflect the needs of your establishment. A copy of this form has been enclosed to assist you in modifying your inspection schedule, if needed. Please note, requests for additional inspection are not guaranteed and will be granted based on needs of the establishment demonstrated by volume of product made and availability of DOL staff.

The applicable regulations for this interpretation include Federal Code of Federal Regulations, 9 CFR 317.2 (c)(5) and 9 CFR 307.4(d).

As a "at least or equal to" state meat inspection program, the department is obligated to follow federal rules and directives including those relating to hours of operation. Thank you for helping us maintain compliance with these regulations and ensuring that our limited staffing resources are used most efficiently.

Please contact me with any questions or concerns at 406-438-6262 or Alicia.love2@mt.gov.

Sincerely,



Alicia Love, MPH, RS
Meat, Milk, and Egg Inspection Bureau Chief

IF	THEN
Plant cancels with 24 business notice	No action taken*
*Plant cancels with notice, but occurred more often than once for every 10 operational days OR less than 2 months, whichever is greater	<p>Letter is sent to plant requesting Hours of Operation form be modified to reflect business needs.</p> <p>May eventually result in enforcement action.</p>
Plant requests additional inspection with less than 2 weeks notice	Grant request if resources are available and remind plant of CFR requirement or deny if resources are not available remind plant of CFR requirement.
Plant cancels with less than 24 business hours' notice and is not "unforeseen circumstance"	<p>First occurrence in fiscal year: NR written.</p> <p>Second offense: Notice of Suspension is issued for interference with inspection.</p>
Plant does not cancel, and plant is not accessible during operation hours	Notice of Suspension is issued for interference with inspection.
Plant is operational but is not producing inspected and passed product	<p>First occurrence in fiscal year: NR written.</p> <p>Second offense: Letter is sent to plant requesting Hours of Operation form be modified to reflect business needs.</p> <p>May eventually result in enforcement action.</p>

Montana Department of Livestock Meat and Poultry Inspection Program

From: Lance Parsley

Date: 9/8/2023

Subject: Hours Of Operation/Sample Requests/Pre-Shipment vs. Record Review

Meeting Date: 9/8/2023

Meeting Time: 8:00 AM

Establishment: M7MT+P7MT+V7MT - Lower Valley Processing

Reason Code:

**Other Reason
Code:**

Comments:

While conducting Establishment Meeting with Stephen Fucci and Establishment ownership I discussed the following topics:

I discussed the Establishment's Hours of Operations in regard to product identification and inspection need. Following a Federal Audit of the State inspection, it was found the State may be inspecting product not requiring inspection and is requesting Establishment's identify inspected product and need for inspection. I passed this information on to Establishment ownership who understood and was not concerned with their current posted hours of operation. I also provided ownership with the HACCP PLANS letter and OPERATION SOP.

When asking ownership about pre-shipment review and record review, they were able to explain both were required and the importance of each. They continued by explaining the documents required to be inspected to properly complete both tasks.

I also informed ownership that MT43, MT60, MT65, and RTE samples were requested to be collected within the month of September.

With no further questions I thanked ownership for their time and closed the meeting.

The Montana Department of Livestock is an equal opportunity employer.

Montana Department of Livestock Meat and Poultry Inspection Program

From: Taryn Butts

Date: 10/11/2024

Subject: Meeting with Establishment Management- Hours of Operation

Meeting Date: 10/10/2024

Meeting Time: 11:00 AM

Establishment: M7MT+P7MT+V7MT - Lower Valley Processing

Reason Code:

**Other Reason
Code:**

Comments:

Met with Jeremy today to discuss hours of operation per the request of Steve Fucci. A new hours of operation form needed to be filled out, so I requested this from Jeremy. Jeremy let me know that he wants to keep his original approved hours but does not want to pay overtime. From his interpretation of the regulation that states plants have 8 consecutive hours of free operational time he does not think overtime would apply to his hours since the inspector is not present for the full 8 hours except on slaughter days. He requested that I send in his previous approved hours as he did not want to sign the new form. I let him know I would do this.

Also verified with Jeremy that Monday 10/14 was a holiday, and he let me know they will still be open but not processing any inspected product.

The Montana Department of Livestock is an equal opportunity employer.

HOURS OF INSPECTED OPERATIONS

Establishment Name: _____

Date: _____

		Slaughter	Lunch	Processing
Monday	From		12:00 pm	
	To			
Tuesday	From		12:00 pm	
	To			
Wednesday	From		12:00 pm	
	To		1:00 pm	
Thursday	From		12:00 pm	
	To			
Friday	From		12:00 pm	
	To			

9 CFR 307.4 Schedule of Operations.

(a) NO OPERATIONS UNDER INSPECTION shall be conducted except under the supervision of a Program Employee. All slaughtering of animals and preparation of products shall be done with reasonable speed, considering the official establishment's facilities.

(c) Official establishments shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of 307.5. The basic workweek shall consist of five consecutive days from Monday to Friday.

(d) Each establishment will submit a work schedule to the area supervisor for approval. The supervisor will take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours and lunch periods for all departments of the establishment requiring inspection.

(2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in this work schedule involving an addition or elimination of shifts shall be submitted to the Bureau Chief at least 2 weeks in advance of the proposed change. Frequent request for changes shall not be approved: provided however minor deviations from the daily operating schedule may be approved by the area supervisor, if such request is received on the day preceding the day of change.

Owner or Representative:

Area Supervisor:

Bureau Chief:

Form MI-211

Rev: 02/23

Simon, Lindsey

[REDACTED]

[REDACTED]



[REDACTED]

From: Fucci, Stephen <Stephen.Fucci@mt.gov>
Sent: Tuesday, October 15, 2024 4:36 PM
To: Love, Alicia <Alicia.Love2@mt.gov>
Cc: Nelson, Jay <Jay.Nelson@mt.gov>; Fucci, Stephen <Stephen.Fucci@mt.gov>
Subject: FW: Hours of Operation Lower Valley

Hi Alicia,

I need your help please. Jeremy would like to keep his original hours of operation from 2021. Taryn and I reviewed the regulation with Jeremy. Jeremy would like clarification about the "8 consecutive hours". Jeremy stated that the inspector is not at his plant for 8 consecutive hours on non-slaughter days. I discussed with Jeremy that he is in violation of 9 CFR 307.4. If you are processing product to bear the mark of inspection after 8 hours, this will result in a non-compliance or overtime charge. I would appreciate your guidance on this matter.

Stephen Fucci
NW District Supervisor
Meat, Milk and Egg Inspection Bureau
Email stephen.fucci@mt.gov
Cell Phone 406.594.3242



STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

MT DEPARTMENT OF LIVESTOCK

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EXECUTIVE OFFICE (406) 444-9321

November 19, 2024

Lower Valley Processing
Wes Plummer
2115 Lower Valley Road
Kalispell, MT 59901

Clarification on Hours of Operation Regulations

Dear Mr. Plummer,

It has come to my attention that there appears to confusion regarding 9 CFR 307.4(c), which states,

"Official establishments, importers, and exporters shall be provided inspection service, without charge, **up to 8 consecutive hours per shift** (emphasis added) during the basic workweek subject to the provisions of § 307.5: *Provided*, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of 5 consecutive 8-hour days within the administrative workweek Sunday through Saturday, except that, when possible, the Department shall schedule the basic workweek so as to consist of 5 consecutive 8-hour days Monday through Friday. The 8-hour day excludes the lunch period but shall include activities deemed necessary by the Agency to fully carry out an inspection program, including the time for FSIS inspection program personnel to put on required gear and to walk to a work station; to prepare the work station; to return from a work station and remove required gear; to sharpen knives, if necessary; and to conduct duties scheduled by FSIS, including administrative duties. The Department may depart from the basic workweek in those cases where maintaining such a schedule would seriously handicap the Department in carrying out its function. These provisions are applicable to all official establishments except in certain cases as provided in § 318.4(h) of this subchapter."

Specifically, there appears to be a misunderstanding that if an employee of the Department of Livestock is not actively inspecting at your facility that you may maintain a work schedule that exceeds 8 hours. This is not correct. Currently, your plant's scheduled hours are 6:00 am to 5:00 pm on processing days, with a 1-hour lunch break. If you wish to maintain this processing schedule, you will be billed for 2 hours of overtime for each processing day. This is in accordance with 9 CFR 307.4(d)(3), which states,

"Request for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: *Provided*, That an inspector may be recalled to his assignment after completion of his daily tour of duty under the provisions of § 307.6(b)"

If you do not wish to accrue two hours of overtime pay for each processing day, an Hours of Operation form is enclosed and you may update your processing hours to reflect 8 hours of processing for inspected products. As a reminder, there are activities that may occur outside of processing hours, per Directive 12,600.2 Revision 3. Overtime billing will begin December 1, 2024 if you would like to keep your existing hours of operation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alicia Love".

Alicia Love
Meat, Milk, and Egg Inspection Bureau Chief

Enclosed: Form MI-211 and Directive 12,600.2

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

12,600.2
Rev. 3

1/27/23

REIMBURSABLE OVERTIME INSPECTION SERVICES FOR MEAT, POULTRY, AND EGG PRODUCTS

I. PURPOSE

This directive provides instructions to inspection program personnel (IPP) on how to determine whether overtime inspection services are to be provided and the way IPP are to provide inspection services during reimbursable overtime periods. FSIS is reissuing this directive in accordance with Sec. 730 of the [Consolidated Appropriations Act, 2022](#), which allows FSIS to charge meat, poultry, and egg products establishments for the cost of inspection services provided outside of an establishment's approved hours of operation and for inspection services provided on Federal holidays regardless of the overtime status (i.e., regular time or overtime) of the inspectors.

KEY POINTS:

- Description of activities conducted at official establishments that require inspection coverage, including during reimbursable overtime periods
- Description of activities conducted at official establishments that do not require overtime inspection coverage
- How to uniformly and equitably provide overtime services when inspecting meat, poultry, and egg products

II. CANCELLATION

FSIS Directive 12,600.2, Rev. 2, *Reimbursable Overtime Inspection Services for Meat, Poultry, and Egg Products*, 6/4/20

III. BACKGROUND

A. FSIS regulations [9 CFR 307.4](#), [381.37](#), [533.5](#), and [590.24](#) provide that no operations requiring inspection shall be conducted except under the supervision of a program employee. FSIS provides these inspection services to official establishments without charge during approved hours of operation. These regulations further provide that each official establishment is to submit proposed hours of operation to the District Manager (DM) for approval.

B. FSIS requires establishments, importers, and exporters to reimburse the Agency for the cost of inspection services furnished on Federal holidays and outside of approved hours of operation. The Agency, in [9 CFR 307.6](#), [381.39](#), [533.7](#), and [590.130](#), sets out the basis for billing overtime services, establishes 2 hour callback requirements, and establishes that billing is performed in quarter hour increments. Inspection services in egg products plants are considered overtime as described in [1 CFR](#)

DISTRIBUTION: Electronic

OPI: OPPD

590.126 when operations in an official plant require the services of IPP beyond their regularly assigned tour of duty on any day or on a day outside the established schedule.

C. FSIS charges the establishment and provides overtime inspection coverage during the entire time that the establishment conducts activities that require overtime inspection coverage outside of the approved hours of operation (as set out in Section IV below). FSIS may pro rate these charges when multiple establishments are operating.

IV. OPERATIONS OR ACTIVITIES THAT REQUIRE INSPECTION COVERAGE, INCLUDING DURING OVERTIME PERIODS

If an establishment requests inspection service outside the approved hours of operation in accordance with 9 CFR 307.4(d)(3), 381.37(d)(3) or 590.126, IPP are to provide inspection coverage during overtime periods when an establishment:

1. Prepares meat or poultry for packaging or for further processing into meat or poultry food products. Examples of activities that require inspection include slaughtering, boning, cutting, slicing, grinding, injecting, pumping, adding ingredients through other mechanical means, formulating, assembling, packaging or labeling meat or poultry components of meat or poultry food products;
2. Processes egg products. Examples of activities that require inspection include breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing or drying or packaging egg products at plants other than where noted in Section V.A. 13 and 14 below;
3. Requests the mark of inspection to be applied to any product. This applies whether the meat, poultry, or egg products are placed in a preprinted container that bears the mark of inspection or if the mark is applied after the products are placed in the container. Placing the products in a container that will bear the mark of inspection and applying the mark of inspection to products requires inspection coverage; or
4. Marks, packages, or labels products (as required in 9 CFR 316.3(b), 381.136(a), and 590.418(b)).

V. OPERATIONS OR ACTIVITIES THAT DO NOT REQUIRE INSPECTION COVERAGE DURING OVERTIME PERIODS

A. IPP are not to provide overtime inspection services at establishments if the establishments will only be conducting the following types of activities during the period of operation:

1. Monitoring a Critical Control Point (CCP) in their Hazard Analysis and Critical Control Point (HACCP) plan as required by 9 CFR 417 (c)(4). For example, the establishment may monitor the cooking or chilling of any products with a continuous or handheld monitoring device;
2. Conducting any form of sanitation procedure. For example, the establishment may conduct pre-operational cleaning and sanitizing of food contact surfaces required by 9 CFR 416.13 (a);
3. Monitoring the implementation of procedures included in the Sanitation Standard Operating Procedures (SOPs). For example, the establishment sanitation supervisor may monitor the implementation of the pre-operational cleaning procedures as required by 9 CFR 416.13 (c);

NOTE: When an establishment wants to utilize all of the approved hours for production time and

perform pre-op and any equipment set-up before the start of the approved hours of operation, they would need to request that IPP perform pre-op verification during overtime. When an establishment requests that IPP perform pre-op verification procedures, including when IPP observe the establishment monitoring the implementation of their pre-op procedures, before the start of the establishment's approved hours of operation, then the establishment will be charged overtime on those days that IPP perform pre-op verification activities.

4. Moving products, including moving and handling post-lethality exposed ready-to-eat (RTE) products, within the establishment to physically position them for further processing or storage. For example, the establishment may transfer racks loaded with products from smokehouses to the cooler or remove raw tumbled products from the tumbler into tubs. For another example, the establishment may remove whole RTE hams from racks in the cooler and place them into carts, so that they can easily be moved to each slicer for slicing. Moving the hams from the racks to the carts and moving the carts out to the production floor are positioning for further processing and do not require inspection coverage when no other process is done;
5. Receiving meat or poultry, spices, or other ingredients from other establishments or warehouses;
6. Applying ice to products in a box or container;
7. Quartering a beef carcass to facilitate loading or making a single cut for grade determination;
8. Receiving and sorting returned products produced by the official establishment as described in [9 CFR 318.3](#);
9. Performing a verification activity as required by their HACCP plan including: the calibration of process monitoring equipment required by [9 CFR 417.5\(a\)\(2\)\(i\)](#); direct observation of the monitoring procedure required by [9 CFR 417.5\(a\)\(2\)\(ii\)](#); and the review of records generated and maintained in accordance with [9 CFR 417.5\(a\)\(3\)](#) required by [9 CFR 417.5\(a\)\(2\)\(iii\)](#);
10. Performing pre-shipment records review as required by [9 CFR 417.5\(c\)](#);
11. Performing corrective actions in accordance with its HACCP plan or Sanitation SOPs that do not include any of the activities listed under Section IV above. For example, the corrective action cannot include a reconditioning procedure that involves trimming, packaging, or labeling of products;
12. Collecting or testing samples of its products;
13. Stabilizing and de-sugaring egg products after the enzymatic or bacterial de-sugaring process commences; and
14. Heat treatment of egg products provided IPP are present at the beginning (placing the products in the hot room) and end of the heat treatment process.

B. The listing is not all inclusive. If IPP have questions regarding whether a particular activity requires inspection, they are to first discuss the type of activity with their Frontline Supervisor (FLS) to determine whether the establishment is preparing, packaging or labeling products. If the FLS is unable to make the determination, IPP are to submit a question through askFSIS or contact the Policy Development Staff (PDS) at 1-800-233-3935.

C. Additionally, the FLS may periodically direct IPP to verify monitoring of a CCP that occurs outside of an establishment's approved hours of operation through direct observation. FSIS will charge the establishment for the cost of the overtime service outside of the establishment's approved hours of operation. If the activity occurs at a time that is not contiguous with the inspector's tour of duty, IPP are to charge the establishment for a 2-hour call-back service as set out in FSIS-307.8(b). The decision will be based upon a conversation with IPP, and take into consideration the following:

1. What is the degree of variability associated with the monitoring of the CCP? In other words, is a probe inserted at the same location for every oven or is an organic acid applied at a specific strength in a specific pattern at a certain pressure? If the monitoring of the CCP is consistent and uniform, the decision may be to direct IPP to verify monitoring less often during overtime coverage than if the CCP monitoring procedure is variable;
2. Do IPP have the opportunity to verify the specific CCP and regulatory requirements during the approved hours of operation? For example, if the establishment always monitors a certain CCP outside the approved hours of operation, IPP would verify the monitoring of the CCP during overtime periods at some frequency. However, if IPP have the opportunity to verify the CCP during the approved hours of operations, there would be less need to verify it during overtime periods; and
3. What is the history of deviation from critical limits or noncompliance for the CCP? For example, if there has not been a deviation from a critical limit, the decision may be to verify at a reduced frequency.

D. Similarly, the FLS may occasionally direct IPP to verify how the establishment conducts operational Sanitation SOPs outside of an establishment's approved hours of operation through direct observation. For example, an establishment may conduct Sanitation SOP procedures during the transfer of marinated products to coolers to prevent contamination and adulteration. If needed, the FLS is to determine the frequency based upon the associated risk with the specific Sanitation SOP procedure, opportunity to verify the procedure during the approved hours of operations, and the rate of Sanitation SOP noncompliance.

VI. PROVIDING INSPECTION COVERAGE FOR ESTABLISHMENTS WORKING DURING REIMBURSABLE OVERTIME PERIODS

A. The DMs, or their designees, are to assign IPP to perform reimbursable overtime service in accordance with the Labor Management Agreement and work assignment policies.

B. IPP working overtime are to calculate the time charged, including time traveled between establishments on an equitable basis among the individual establishments. If IPP have questions about how to charge for reimbursable services, they are to direct those questions to their supervisor.

1. Supervisors are to instruct IPP to charge a quarter hour minimum charge for reimbursable overtime services and to charge additional reimbursable time in quarter hour increments;
2. Supervisors are to instruct IPP to charge a 2-hour minimum charge for reimbursable services during overtime callback situations. A callback occurs when an establishment requests that IPP work during overtime periods that require IPP to return to or travel to the establishment after they have completed their tour of duty, have traveled home, and the supervisor has instructed the inspector to return for the callback coverage; and

3. Supervisors are to instruct IPP when travel time associated with an overtime coverage assignment is reimbursable.

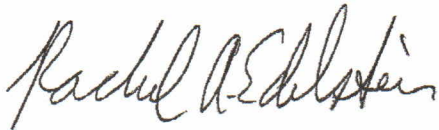
C. The DM or their designees are to make a reasonable effort to provide all requested reimbursable overtime services; however, the DM or their designees may deny overtime inspection services beyond the approved hours of operations when resources are not available. In some cases, to ensure the efficient and effective use of IPP in official establishments as directed by [9 CFR 307.4](#) and [381.37](#), the DM may, after giving prior notice to the establishment that explains the basis for the action, rescind approval where the hours of operation for establishments in an assignment result in frequent non-reimbursable overtime and request that establishments resubmit operating schedules for approval.

VII. QUESTIONS

A. IPP are to first seek guidance from their immediate supervisor for any questions associated with overtime schedules or supervisory decisions that require overtime inspection. IPP are to refer establishment appeals of overtime charges to their supervisor.

B. Refer questions regarding this directive to your supervisor or if needed to the Office of Policy and Program Development through [FSIS](#) or by telephone at 1-800-233-3935. When submitting a question, complete the [WSP](#) and select General Inspection Policy inquiry type.

NOTE: Refer to [FSIS Directive 5422](#), Using askFSIS, for additional information on submitting questions.



Assistant Administrator
Office of Policy and Program Development

11/29/24

Dear Alicia Love and other members of the Montana Department of Livestock,

I am writing this letter as a formal appeal to the content of a certified letter received from the State of Montana concerning hours of operation at Lower Valley Processing. I have attached the letter and a copy of our approved hours of operation. I have several questions that need answers before I can move forward with amending hours of operation.

#1.) My first concern is that the TIMELINE given to address this issue is a MAJOR REGULATORY OVERREACH. We received the letter November 22, 2024. Highlighting the fact that domestic cutting and wild game season peak volume for processors is this time of year, production is very busy and I didn't get to open the letter till Saturday November 23, 2024. The letter states if Lower Valley doesn't amend approved hours of operation immediately, overtime hours will begin to be billed out December 1, 2024. This only allows Lower Valley staff 4 business days (Thanksgiving week) to drastically change workload to accommodate losing 10 hours of inspected production time weekly. Lower Valley Processing slaughters approximately 50 animals every week under state inspection. These animals are often scheduled on our books 24 months in advance. Hundreds of very hard-working producers count on our services to aid them in making a portion of their living. The orchestration of timing production to uphold quality and be compliant with regulation currently works well with our hours of operation. The given timeline of 4 business days is simply inadequate and unrealistic to expect change that involves hundreds of phone conversations to small producers that started feeding animals counting on the service of Lower Valley Processing and the Department of Livestock to be able to sell product. If Lower Valley is found non-compliant because of new findings regarding this issue, we respectfully ask for an extended timeline of April first?

I also did the math if we choose to pay overtime daily at $\$56.54 \times 2$ hours, it works out to \$27,139.20 dollars annually. That also leaves Lower Valley with 4 business days to make price increases to adjust for this and that is just too short of time.

#2.) The official letter states confusion with 9 CFR 307.4 (c). – Official establishments shall be provided inspection service, without charge up to 8 consecutive hours per shift (emphasis added). The confusion comes from interpretation of eight consecutive hours. Lower Valley always pays overtime, without contest, anytime we require over 8 consecutive hours from DOL personnel. Our business has operated honoring this model of overtime payment understanding for 32 years. We are well aware of what can and cannot be produced during times of inspected coverage and non-coverage. Four out of five days in each work week only require inspection personnel to perform routine inspection on IPP and supervisor timeline. These inspections are observed taking less than one hour daily. IPP Drop in randomly during production hours. Therefore, the second question requires actual clarification on 8 consecutive hours?? CFR or Directive does not state hours of operation by area supervisor is limited to 8 hours daily. I emailed ASK FSIS? – No Regulation on pre-approval?

#3) Next question is regarding already approved hours of operation? The second paragraph of the certified letter gives specific emphasis on 9 CFR 307.4(d)(3) as justified reason to bill overtime. Request service outside APPROVED establishment work schedule be made as early as possible to inspection personnel. FSIS directive 12,600.2 REV 3 was also sent to Lower Valley accompanying the certified letter. Paragraph 3 (Background) says FSIS provides inspection services to establishments WITHOUT CHARGE during APPROVED hours of operation. Lower Valley is compliant with schedule of operations per 9 CFR 307.4 through 307.6. We give in return specific emphasis on 307.4(d)(1) – Each official establishment shall submit a work schedule to area supervisor for APPROVA. Done!!!

Also 307.4(d)(2) – Establishments shall maintain consistent work schedules. Always!!! Lower Valley's current approved hours give supervisor much needed scheduling flexibility. Question #3 definitely requires documentation explaining why MT DOL can charge Lower Valley overtime for hours declared APPROVED WITHOUT CHARGE by area supervisor Steve Fucci 6/25/2021???

#4) Lower Valley Processing was given this very same directive Friday Feb 3rd, 2023. Attached to the directive at that time was a list of penalties that would result from establishments not giving sufficient notice of not needing daily inspection services or plants operating but not producing inspected products. After much concern and research, Alicia and I had a phone conference. Conversation happened 9:00 AM Monday, February 6th. IPP Lance Parsley accompanied me in my office during the call for clarification as well. The notes I recorded that day were....

-Alicia stated the department's main concern at that time were limited staffing challenges. Over scheduled personnel were driving to plants that didn't require inspection and no notice was given.

-We discussed interpretation differences of 9 CFR 307.4(c) and I expressed my hesitation to forfeit my pre-approved hours of operation.

-Alicia instructed Lance and myself to leave hours of operation as is unless she can find authoritative documentation to support mandatory change.
Respectfully, Lower Valley is still needing actual documentation of interpretation?

There is no question that the single biggest hurdle producers face today is the lack of small inspected processing facilities. Without adequate hours of inspection services, they are unable to sell product and are definitely starved of the opportunity to expand production. COVID highlighted that fact. When the world was frantic to purchase nonexistent meat of any sort. Small processors were immediately labeled "ESSENTIAL" businesses and were instructed to operate even without inspection services? Ground beef sales alone at our plant went from 100 pounds a week to 2000 pounds a week. We were expected to maintain sanitation and production procedures already in place. Critical parameters were always met, and records were maintained. We feel inspection is necessary and understand the state inspection model. We are expected to police ourselves during the inspection personnel's absence. It's daily practice. Lower Valley takes pride in upholding our part of the necessary relationship linking producers, processors and inspection Bureau.

For the time being, we cannot see any mandatory legal reason to make hourly approval adjustments. Lower Valley hesitates to change its operational timeline for economic reasons as well. We currently employ 19 staff members. 15 of which are full time making a decent wage in flathead county. Because Lower Valley is not a fully automated processing facility, cutting hours will reflect directly on valued staff in our business diagram. Keep in mind the trickledown effecting producers and other local businesses is much greater than our own struggles. It is unlawful for farmers and ranchers to sell meat products not processed in an inspected facility. Proposed loss of 480 hours annually restricts a lot of hopeful transactions. Lower Valley sales to local bars, restaurants, grocery stores, gas stations, and schools will also be decreased. Those businesses count on local product to aid in their own version of economic stability.

Thank you for your time and consideration. We graciously ask that overtime billing not begin December 1st and will appeal that decision unless direct clarifying documentation is presented.

Jeremy Plummer
406-871-5611

1. The initial conversation regarding hours of operation began in December 2022. See attached (1 – 2022 MM&E BOL agenda items and 2 – 12.2022 Guidance on Operating Hours). Please note, initial communication did not explicitly identify hours of operation beyond 8 hours as needing addressed. No timeline or date that plants must comply included in letter.
2. February 2023 MOIs (3 – MOI LVP 2-3-23 and 4 – MOI LVP 2-6-23)) with LVP regarding the Dec 2022 letter. In both MOIs the issue regarding inspection outside of 8 hours was addressed. These MOIs led to the discussion with Alicia Love that Mr. Plummer documents in his appeal/letter dated November 29, 2024. No action was taken, existing hours of operation continued.
 - a. MOI LVP 2-3-23 - While conducting Establishment Meeting, I discussed recent letter sent from the Department regarding hours of operation. I informed Establishment owner that previous hours of operation may have been approved that created hours exceeding no charge production hours. I explained that any production requiring inspection conducted outside of 8 hours per day needed to be requested and would be charged at an overtime rate. I informed the owner that this was in line with 9 CFR 307.4 which the letter explained. Owner understood explanation and was going to review hours of operation and take appropriate action to remain compliant.
 - b. MOI LVP 2-6-23 - I, Bethany Lefner, and Stephen Fucci talked to Jeremy Plummer (owner) at Lower Valley Processing about the hours of operation at 8:30 AM on February 06, 2023. Jeremy is currently reviewing his hours of operation. Jeremy stated that he would call Alicia Love (bureau chief) about 5 questions that he would like answered. We will have a follow up meeting with Jeremy on Friday, February 10th, 2023.
3. Following the program's audit by USDA in July of 2023, an audit finding was presented to the Board (5 – BOL August 2023) along with a letter to be sent to industry that included communication regarding hours of operation. Similar to the December 22 letter, hours of operation beyond 8 hours were not specifically addressed in the letter, but the conversation about hours of operation and the audit finding are related. No timeline or date that plants must comply included in letter.
 - a. A MOU following up on the letter was conducted with the plant (6 – MOI LVP 9-8-23). Note, hours of operation beyond 8 hours were not discussed.

4. August 23, 2023 Supervisor Meeting - Follow up discussion with staff following the July letter indicating that the supervisor and inspector should be having this conversation with plant personnel (7 – Olivia's Aug-Nov Notes Supervisor Meeting).

Letter from board meeting:
Hours of operation letter: need to be doing inspected product during hours of operation. If product is inspected it needs to be labeled inspected. Because of HACCP plans. First week of Sept. is when it goes into effect. CFR 417 HACCP Hours of Operation 307.
Audit conditions: FSA needs done + HACCP labeling stuff. Have to be done + implemented by Sept. 30 (Oct. 1) Maybe have supervisor + inspector have the conversation? Build in piece (deadline for HOOP)

5. November 8, 2023 Supervisor Meeting - Follow up discussion with staff regarding Hours of Operation discussion. No mention of LVP (7 – Olivia's Aug-Nov Notes Supervisor Meeting).

Hours of operation: which the inspector is doing.
- Hours of operation:
- Terminal - half a day but he drops everything & gets it done so he's good.
- Vandy's - heard nothing
- Discount - nothing.
- Positive sample SOP will be made so everyone can

6. During an FSA of LVP in July of 2024, the hours of operation at LVP were identified as still being greater than 8 hours despite MM&E management's understanding that this issue had been resolved. **DOCUMENTATION**
7. The supervisor for the Western Circuit (including LVP) requested support from MM&E management as the owner was still resistant to the request to correct hours of operation (9 – Hours of Operation LVP). This led to the letter sent to LVP November 2024 with included documentation from USDA and CFR citation regarding the service of up to 8 consecutive hours without charge. (10 – Nov 2024 Letter to LVP)

STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

MT DEPARTMENT OF LIVESTOCK

PO BOX 202001
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ANIMAL HEALTH & FOOD SAFETY DIVISION (406) 444-2043
BRANDS ENFORCEMENT DIVISION (406) 444-2045
CENTRALIZED SERVICES DIVISION (406) 444-4994
EXECUTIVE OFFICE (406) 444-9321

December 5, 2024

Lower Valley Processing
Attn: Jeremy Plummer
2115 Lower Valley Road
Kalispell, MT 59901

Via email
jeremylvp007@outlook.com

NOTICE OF DECISION REGARDING APPEAL REQUEST

Mr. Plummer,

Thank you for submitting your appeal regarding the content of the letter dated November 18, 2024, from Meat Milk and Egg Inspection Bureau Chief Alicia Love. In reviewing your appeal submitted on November 29, 2024, you requested the following items be addressed:

- Timeline of implementation for charging overtime hours
- Clarification of CFR requirements cited.
- Clarification of FSIS Directive cited

Regarding your request for an extended timeline of April 1, 2024⁴⁵, the Department will grant your request. Prior to April 1, you will be responsible for submitting an updated Hours of Operation form to the Department or, if you do not wish to change your Hours of Operation, beginning April 1, 2024⁵⁴, the Department will begin billing overtime for hours beyond 8 hours of operation per day.

I am upholding Ms. Love's interpretation of the relevant regulations concerning operating hours and overtime charges. The regulations in 9 CFR 307 and FSIS Directive 12600.2 Rev 3 (1/27/23) establish that the provision of up to 8 hours per shift of inspection service, without charge does not require the presence of inspection personnel in plant for the entire 8 hours.

The FSIS Directive outlines what operation or activities require inspection coverage. These include when an establishment:

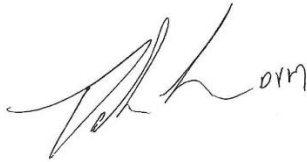
- Prepares meat or poultry for packaging or for further processing into meat or poultry food products. Examples of activities that require inspection include slaughtering, boning, cutting, slicing, grinding, injecting, pumping, adding ingredients through other mechanical means, formulating, assembling, packaging or labeling meat or poultry components of meat or poultry food products;

- Requests the mark of inspection to be applied to any product. This applies whether the meat, poultry, or egg products are placed in a preprinted container that bears the mark of inspection or if the mark is applied after the products are placed in the container. Placing the products in a container that will bear the mark of inspection and applying the mark of inspection to products requires inspection coverage; or
- Marks, packages, or labels products (as required in 9 CFR 315.3(b), 351.13S(a), and 590.41 b))).

Not all of these items require an inspector to be present but do require that the inspector is available for inspection during the scheduled hours of operation, hence the use of the term inspection “coverage.”

You are entitled to further appeal this decision in accordance with the appeals guidelines, a copy of which is enclosed here.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tahnee Szymanski, DVM'.

Tahnee Szymanski, DVM
State Veterinarian/Administrator

1/24/2025

Dear members of the Board of Livestock,

I am writing this letter as a formal appeal to the content of a certified letter received from the State of Montana concerning hours of operation at Lower Valley Processing. I understand that this is the last level of appeal, and your decision is final. Included with this appeal is a copy of the letter I received, the departments response to my original appeal, and a copy of our approved hours of operation. I have several questions that need answers before I can move forward with amending hours of operation.

#1.) My first concern is that the TIMELINE given to address this issue is a MAJOR REGULATORY OVERREACH. We received the letter November 22, 2024. Highlighting the fact that domestic cutting and wild game season peak volume for processors is this time of year, production is very busy and I didn't get to open the letter till Saturday November 23, 2024. The letter states if Lower Valley doesn't amend approved hours of operation immediately, overtime hours will begin to be billed out December 1, 2024. This only allows Lower Valley staff 4 business days (Thanksgiving week) to drastically change workload to accommodate losing 10 hours of inspected production time weekly. Lower Valley Processing slaughters approximately 50 animals every week under state inspection. These animals are often scheduled on our books 24 months in advance. Hundreds of very hard-working producers count on our services to aid them in making a portion of their living. The orchestration of timing production to uphold quality and be compliant with regulation currently works well with our hours of operation. The given timeline of 4 business days is simply inadequate and unrealistic to expect change that involves hundreds of phone conversations to small producers that started feeding animals counting on the service of Lower Valley Processing and the Department of Livestock to be able to sell product. If Lower Valley is found non-compliant because of new findings regarding this issue, we respectfully ask for an extended timeline of April first?

I also did the math if we choose to pay overtime daily at \$56.54 x 2 hours, it works out to \$27,139.20 dollars annually. That also leaves Lower Valley with 4 business days to make price increases to adjust for this and that is just too short of time.

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expected to police ourselves during the inspection personnel's absence. It's daily practice. Lower Valley takes pride in upholding our part of the necessary relationship linking producers, processors and inspection Bureau.

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Thank you for your time and consideration reviewing this information. Lower Valley is officially appealing the department's request to amend current hours of operation. We ultimately wish to continue operating under standing approved hours. I am not asking for the board to bend any regulations to accommodate Lower Valley. Instead, I am asking for official judgment (other than Alicia Loves interpretation) of whether or not Lower Valley is compliant with above referenced regulations. We feel strongly we are well within regulatory parameters highlighting the fact that Lower Valley Hours of Operation are still signed as APPROVED by the acting area supervisor 6/25/21. This matter effects our family business drastically enough to plea this appeal at the highest level. Please feel free to call if necessary.

Jeremy Plummer
406-871-5611

HOURS OF OPERATION

Establishment Name: Lower Valley Processing Inc Date: 6/25/21

		Slaughter	Lunch	Processing
Monday	From		12 Pm	6 Am
	To		1 Pm	5 Pm
Tuesday	From		12 Pm	6 Am
	To		1 Pm	5 Pm
Wednesday	From	6 AM	12 Pm	6 Am
	To	3 PM	1 Pm	5 Pm
Thursday	From		12 Pm	6 Am
	To		1 Pm	5 Pm
Friday	From		12 PM	6 Am
	To		1 Pm	5 Pm

307.4 Schedule of Operations.

(a) No operation requiring inspection shall be conducted except under the supervision of a Program Employee. All slaughtering of animals and preparation of products shall be done with reasonable speed, considering the official establishment's facilities.

(b) (1) Each official establishment shall submit a work schedule to the Bureau Chief for approval. In consideration of whether the approval of an establishment work schedule shall be given, the Bureau Chief shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

(2) Establishment shall maintain consistent work schedules. Any request by an establishment for a change in this work schedule involving an addition or elimination of shifts shall be submitted to the Bureau Chief at least 2 weeks in advance of the proposed change. Frequent request for change shall not be approved; provided, however, minor deviations from a daily operating schedule may be approved by the Area Supervisor, if such request is received on the day preceding the day of change.

Owner or Representative: Jeremy Plummer

Inspector in Charge: [Signature]

Form MI-211

Rev: 3-11

attached

Directive allows cooking of inspected product outside of hours of operation as long as a plant personell monitors CCP's.

STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

MT DEPARTMENT OF LIVESTOCK

PO BOX 202001

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BRANDS ENFORCEMENT DIVISION (406) 444-2045

CENTRALIZED SERVICES DIVISION (406) 444-4994

EXECUTIVE OFFICE (406) 444-9321

November 19, 2024

Lower Valley Processing
Wes Plummer
2115 Lower Valley Road
Kalispell, MT 59901

Clarification on Hours of Operation Regulations

Dear Mr. Plummer,

It has come to my attention that there appears to confusion regarding 9 CFR 307.4(c), which states,

"Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift (emphasis added) during the basic workweek subject to the provisions of § 307.5: *Provided*, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of 5 consecutive 8-hour days within the administrative workweek Sunday through Saturday, except that, when possible, the Department shall schedule the basic workweek so as to consist of 5 consecutive 8-hour days Monday through Friday. The 8-hour day excludes the lunch period but shall include activities deemed necessary by the Agency to fully carry out an inspection program, including the time for FSIS inspection program personnel to put on required gear and to walk to a work station; to prepare the work station; to return from a work station and remove required gear; to sharpen knives, if necessary; and to conduct duties scheduled by FSIS, including administrative duties. The Department may depart from the basic workweek in those cases where maintaining such a schedule would seriously handicap the Department in carrying out its function. These provisions are applicable to all official establishments except in certain cases as provided in § 318.4(h) of this subchapter."

Specifically, there appears to be a misunderstanding that if an employee of the Department of Livestock is not actively inspecting at your facility that you may maintain a work schedule that exceeds 8 hours. This is not correct. Currently, your plant's scheduled hours are 6:00 am to 5:00 pm on processing days, with a 1-hour lunch break. If you wish to maintain this processing schedule, you will be billed for 2 hours of overtime for each processing day. This is in accordance with 9 CFR 307.4(d)(3), which states,

"Request for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: *Provided*, That an inspector may be recalled to his assignment after completion of his daily tour of duty under the provisions of § 307.6(b)"

If you do not wish to accrue two hours of overtime pay for each processing day, an Hours of Operation form is enclosed and you may update your processing hours to reflect 8 hours of processing for inspected products. As a reminder, there are activities that may occur outside of processing hours, per Directive 12,600.2 Revision 3. Overtime billing will begin December 1, 2024 if you would like to keep your existing hours of operation.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alicia Love".

Alicia Love
Meat, Milk, and Egg Inspection Bureau Chief

Enclosed: Form MI-211 and Directive 12,600.2

STATE OF MONTANA

GREG GIANFORTE, GOVERNOR

MT DEPARTMENT OF LIVESTOCK

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December 5, 2024

Lower Valley Processing
Attn: Jeremy Plummer
2115 Lower Valley Road
Kalispell, MT 59901

Via email
jeremylvp007@outlook.com

NOTICE OF DECISION REGARDING APPEAL REQUEST

Mr. Plummer,

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- Timeline of implementation for charging overtime hours
- Clarification of CFR requirements cited.
- Clarification of FSIS Directive cited

Regarding your request for an extended timeline of April 1, 2024⁵, the Department will grant your request. Prior to April 1, you will be responsible for submitting an updated Hours of Operation form to the Department or, if you do not wish to change your Hours of Operation, beginning April 1, 2025⁴, the Department will begin billing overtime for hours beyond 8 hours of operation per day.

I am upholding Ms. Love's interpretation of the relevant regulations concerning operating hours and overtime charges. The regulations in 9 CFR 307 and FSIS Directive 12600.2 Rev 3 (1/27/23) establish that the provision of up to 8 hours per shift of inspection service, without charge does not require the presence of inspection personnel in plant for the entire 8 hours.

The FSIS Directive outlines what operation or activities require inspection coverage. These include when an establishment:

- Prepares meat or poultry for packaging or for further processing into meat or poultry food products. Examples of activities that require inspection include slaughtering, boning, cutting, slicing, grinding, injecting, pumping, adding ingredients through other mechanical means, formulating, assembling, packaging or labeling meat or poultry components of meat or poultry food products;

- Requests the mark of inspection to be applied to any product. This applies whether the meat, poultry, or egg products are placed in a preprinted container that bears the mark of inspection or if the mark is applied after the products are placed in the container. Placing the products in a container that will bear the mark of inspection and applying the mark of inspection to products requires inspection coverage; or
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Not all of these items require an inspector to be present but do require that the inspector is available for inspection during the scheduled hours of operation, hence the use of the term inspection "coverage."

You are entitled to further appeal this decision in accordance with the appeals guidelines, a copy of which is enclosed here.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tahnee Szymanski', with a stylized flourish at the end.

Tahnee Szymanski, DVM
State Veterinarian/Administrator

**TRANSCRIPT OF LOWER VALLEY PROCESSING, INC'S JANUARY 24, 2025 APPEAL
PRESENTATION TO THE BOARD OF LIVESTOCK**

Disclaimer:

This is an unofficial transcript of Jeremy Plummer's oral presentation to the Board of Livestock (Board) at the January 24, 2025 Board meeting. This transcript was prepared by Department of Livestock legal counsel solely for the Board's convenience when considering Lower Valley Processing, Inc.'s appeal.

The recording posted at <https://www.youtube.com/watch?v=KqpQ1Q535-s> is the official recording made pursuant to Mont. Code Ann. § 81-1-106.

Appellant Lower Valley Processing, Inc. has the right to contest and dispute the contents of this unofficial transcript.

[4:36:19]

Plummer: Thank you. Mr. Chairman and Board:

My name is Jeremy Plummer, and I own and operate Lower Valley Meat Processing in Kalispell. We've been state-inspected for thirty-three years. I'm a member of the Montana Meat Processors Association and the American Meat Processors Association. Accompanying me is my wife, Janelle. Along with the other affiliates, she's also the Northwest Counties Farm Bureau Secretary Treasurer.

Special thanks to Mike for getting **[4:37:00]** me on the docket here. I didn't know the protocol but I do now. So I appreciate you guys giving me time, and I'll try to keep it short. Also, your secretary Donna is a sweetheart. She helped me a lot, too.

I'm here today for three simple things. And the first time is an action item for you guys, but it's not an immediate action item. I'm going to hand an appeal in, and I realize that this is my—the end of the road on the appeal thing, but it's important to my business to make it to this step. What I am appealing is a letter from the Department of Livestock Inspection Bureau about hours of operation. The background on that—that letter came to me **[4:38:00]** Thanksgiving week this year, and it said—you know, I know you guys have been aware about the hours of operation with the Inspection Bureau, and they're trying to tighten that up. I assume it's for budget, and it came to me November—Thanksgiving week, and it said—my biggest problem is that it said that by December 1st, if I didn't change my hours of operation, which are pre-approved, that I would be getting charged overtime December 1st. That letter came to me certified mail. So, the main reason I'm appealing this is, you know, that time crunch was a big deal to us, and as I look at the agriculture industry and the industry we're in, there's no doubt that the lack of state and federal **[4:39:00]** inspected slaughterhouses is the number one hurdle to producers trying to make a premium in-state, and so a cutback in hours of operation would really be devastating for me and my family. I'm sure my wife would rather I come to more kids' ball games and other things, but it's the producers that I'm feeling the most pressure from. You know, the meat processors, we're all busy and doing fine, the producers I feel that from.

On that producer push, our plant is currently scheduled out twenty-four months for cattle. So they're not born yet, and they're on my schedule book, which is—we complain about it, but it's a

good place to be, and it actually works pretty good. The timeline of four days—four business days—to get out of ten hours a week production—I’m currently [4:40:00] pre-approved for ten hours a day, five days a week for inspection coverage. And the intention of the letter was to try to back off to eight hours, which is—ten hours a week—and that would affect a lot of producers, a whole lot of producers in my—I just can’t figure out which of the handshakes to get out of that are two years scheduled out. So, the options it left me was to decrease that production or to pay it. I said, “Well, I could just pay the Inspection Bureau two hours overtime daily to be compliant with this letter.” And I took my calculator out and added it up and it was \$27,139 annually. And there again, you know, I told my customers, “Hey, here’s what it’s going to cost.” And I’m not sure—in the four business days that it gave me, [4:41:00] I’m not sure who is going to eat the \$27,000. Our company? My kids need shoes. Do I pass it on to the producer? I don’t know. It was kind of, you know, a shock at that.

So, I did appeal it to the executive officer level. And that was my main concern—the four-day concern was a big one to me. And that appeal came back, and they did give me an April 1st extension to work those things out if need be. The rest of the certified letter, I’m appealing for some regulatory standings, and I’m going to give a copy to everybody, but there’s five references between the letter and the appeal denial that I’d like to just say real quickly [4:42:00] before I hand it to you. The least complex of them, 9 CFR 307.4(d)(2) says establishments shall maintain a constant work schedule once approved. We have a very consistent work schedule. I myself, and my wife will attest to this, we don’t skip any days of work, and I sure as don’t. 9 CFR 307.4(d)(1)—“Each establishment shall submit a work schedule to area supervisor for approval.” I have done that, and my most recent approval date was June 1st—or June of 2021—and that was done by the supervisor that’s still acting. There was also a directive that came with that letter, an FSIS directive, 12600.2 Revision 3. In paragraph 3 [4:43:00] it says, FSIS provides inspection service without charge during approved hours. So if I look at that, I have approved hours by my area supervisor, and it says without charge.

9 CFR 307.4(d)(3) says overtime is billed for inspection service outside approved hours. And we are one hundred percent compliant with that. Any time I need service outside my pre-approved hours, we pay it without contest. Anytime I go over the eight hours that’s pre-allocated, we pay it without contest.

And then the most complex CFR citing in here—and I have often referred to the Code of Federal Regulations as the Bible. A lot of [4:44:00] things come down to interpretation of what’s said, just like the Bible. So, what’s said is, in 9 CFR 307.4(c), official establishments shall provide—shall be provided inspection service without charge up to eight consecutive hours from Department of Livestock personnel. And as I broke that down, the inspection service is what I hung on to. Eight consecutive hours of inspection service. And the letter—the certified letter—that’s what it refers to the most, and my denial from the Department put emphasis on that. And I’m going to try to keep this short, but my understanding—you know, the overview of that—I’m gracious [4:45:00] that the timeline extension was granted. To be one hundred percent honest with you, I’m not sure exactly which direction we’re going to go if denied again. I will make it work and understand that this is my last chance. The denial was written by Dr. Szymanski, and the reason for that, one of them was she has chosen to uphold Mrs. Love’s interpretation of relevant regulation, and that doesn’t sit super good with me just because it comes down to Mrs. Love’s interpretation, and that’s one of the reasons I’m here right now. And it goes on to write about the Department’s view of inspection coverage, and she mentions in there coverage a few times, saying, inspection coverage shall be only eight hours because the coverage [4:46:00] is what the in-plant personnel would be able to do.

A hundred percent of the regulations say inspection service, which I would take as actual inspection service. So, that's another thing here I would like to highlight.

We are definitely well aware of the operations that can be performed during that inspection service, and what can't. I guess I feel that Alicia's and Dr. Szymanski's view was exactly that eight hours of coverage, not eight hours of service, so I would like that—you know, as the regulation says service, that's what I'm asking the Board for the final ruling on is that interpretation other than just Mrs. Love's interpretation, **[4:47:00]** respectfully.

So, ultimately, with this portion of what I came here today for, we would like to continue to operate under our current approved hours which I have attached to this, too. Keep in mind, it's already approved to me, and in thirty-two years—thirty-three years—we've been operating under hours that were approved by the supervisor, and this is kind of new.

The letter than I received was directed only to me—to Lower Valley Processing—so the Board decision really wouldn't have ramifications other directions, in my view. It was—each plant maintains its own hours of operations, but it means enough to my plant that when I'm sent this letter specifically to me, that I'm appealing it. **[4:48:02]**

UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE	12,800.1	2/13/25
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**INSPECTION COVERAGE FOR REIMBURSABLE OVERTIME INSPECTION AND
OPERATIONS OCCURRING WITHOUT REQUIRED INSPECTION SERVICES**

I. PURPOSE

This is a new directive that combines the instructions in FSIS Directive 12600.2, *Reimbursable Overtime Inspection Services for Meat, Poultry, and Egg Products*, and FSIS Directive 12700.1, *Operations Occurring Outside Approved Hours*. This directive provides instructions to inspection program personnel (IPP) on operations that require, or do not require, overtime inspection services and how to provide inspection services during reimbursable overtime periods. Additionally, this directive includes instructions for IPP and the District Manager (DM) on how to respond when an official establishment conducts operations or activities without required inspection coverage, including outside the approved hours or outside the limits of the establishment's approved premises.

KEY POINTS:

- *Describes activities conducted at official establishments that require inspection coverage, including during reimbursable overtime periods*
- *Describes activities conducted at official establishments that do not require overtime inspection coverage*
- *Instructs IPP on who to notify when an establishment operates without inspection coverage*
- *Describes appropriate control and disposition of products produced without required inspection*

II. CANCELLATION

FSIS Directive 12,600.2, Rev. 3, *Reimbursable Overtime Inspection Services for Meat, Poultry, and Egg Products*, 1/27/23

FSIS Directive 12,700.1, Rev. 1, *Operations Occurring Outside Approved Hours*, 11/25/08

III. BACKGROUND

A. The [Federal Meat Inspection Act](#) (21 U.S.C. 610(c)(2)), [Poultry Products Inspection Act](#) (21 U.S.C. 458(a)(2)(B)), and [Egg Products Inspection Act](#) (21 U.S.C. 1037(b)(2)), prohibit the sale, offering for sale or transportation, or receipt for transportation, in commerce, of any article required to be inspected, unless the article has been inspected and passed or is exempt from the inspection requirements of the statutes.

DISTRIBUTION: Electronic

OPI: OPPD

B. FSIS regulations [9 CFR 307.4](#), [381.37](#), [533.5](#), and [590.24](#) provide that no operations requiring inspection shall be conducted except under the supervision of a program employee. FSIS provides these inspection services to official establishments without charge during approved hours of operation. These regulations further provide that each official establishment is to submit proposed hours of operation to the DM for approval. Additionally, the DM, or designee, approves the limits of the official establishment's premises in accordance with [9 CFR 304.2\(a\)](#) for meat, [381.20\(b\)](#) for poultry, or [590.146\(b\)](#) for egg products.

C. FSIS requires establishments, importers, and exporters to reimburse the Agency for the cost of inspection services furnished on Federal holidays and outside of approved hours of operation. The Agency, in [9 CFR 307.6](#), [381.39](#), [533.7](#), and [590.130](#), establishes the basis for billing overtime services, 2-hour callback requirements, and that billing is performed in quarter hour increments. Inspection services in egg products establishments are considered overtime as described in [9 CFR 590.126](#) when operations in an official plant require the services of IPP beyond their regularly assigned tour of duty on any day or on a day outside the established schedule. Sec. 730 of the [Consolidated Appropriations Act, 2024](#), allows FSIS to charge meat, poultry, and egg products establishments for the cost of inspection services provided outside of an establishment's approved hours of operation and for inspection services provided on Federal holidays regardless of the overtime status (i.e., regular time or overtime) of the inspectors.

D. FSIS charges the establishment and provides overtime inspection coverage during the entire time that the establishment conducts activities that require overtime inspection coverage outside of the approved hours of operation (as set out in Section IV below). FSIS may pro-rate these charges when multiple establishments are operating.

E. IPP are to be aware that the regulations require meat and poultry establishments to make requests for inspection service outside an approved work schedule as early in the day as possible for overtime work to be performed within that same workday; or before the end of the day's operation when such a request will result in overtime service at the start of the following day ([9 CFR 307.4\(d\)\(3\)](#) for meat and [9 CFR 381.37\(d\)\(3\)](#) for poultry). The regulations require egg products establishments to make the request with reasonable advanced notice ([9 CFR 590.126](#)).

F. If operations or activities requiring inspection coverage occur without inspection coverage, such as outside the approved hours or outside the limits of the establishment's approved premises, FSIS may take a withholding action or suspend inspection without providing the establishment prior notification, as described in [9 CFR part 500](#). Products produced without inspection cannot enter commerce because they have not been inspected and found to not be adulterated and capable for use as human food as is required under [21 U.S.C. 604](#) and [606](#), [21 U.S.C. 455\(b\)](#), and [21 U.S.C. 1034\(a\)](#). These products may be considered adulterated because they are unfit for human food (21 U.S.C. [601\(m\)\(3\)](#); [453\(g\)\(3\)](#); and [1033\(a\)\(3\)](#)). Further, if products produced without inspection bear the marks of inspection, they are misbranded under [21 U.S.C. 601\(n\)\(1\)](#), [21 U.S.C. 453\(h\)\(1\)](#) and [21 U.S.C. 1036](#).

IV. OPERATIONS OR ACTIVITIES THAT REQUIRE INSPECTION COVERAGE, INCLUDING DURING OVERTIME PERIODS

If an establishment requests inspection service outside the approved hours of operation in accordance with [9 CFR 307.4\(d\)\(3\)](#), [381.37\(d\)\(3\)](#), or [590.126](#), IPP are to provide inspection coverage during overtime periods when an establishment:

1. Prepares meat or poultry for packaging or for further processing into meat or poultry food products. Examples of activities that require inspection include slaughtering, boning, cutting, slicing, grinding, injecting, pumping, adding ingredients through other mechanical means, formulating, assembling, packaging, or labeling meat or poultry components of meat or poultry food products;
2. Processes egg products. Examples of activities that require inspection include breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying or packaging egg products at establishments other than where noted in Section V.A.14 and 15 below;
3. Requests the mark of inspection to be applied to any product. This applies whether the meat, poultry, or egg products are placed in a preprinted container that bears the mark of inspection or if the mark is applied after the products are placed in the container. Placing the products in a container that will bear the mark of inspection and applying the mark of inspection to products requires inspection coverage; or
4. Marks, packages, or labels products (as required in [9 CFR 316.3\(b\)](#), [381.136\(a\)](#), and [590.418\(b\)](#)).

V. OPERATIONS OR ACTIVITIES THAT DO NOT REQUIRE INSPECTION COVERAGE DURING OVERTIME PERIODS

A. IPP are not to provide overtime inspection services at establishments if the establishments will only be conducting the following types of activities during the period of operation:

1. Monitoring a Critical Control Point (CCP) in their Hazard Analysis and Critical Control Point (HACCP) plan as required by [9 CFR 417.2\(c\)\(4\)](#). For example, the establishment may monitor the cooking or chilling of any products with a continuous or handheld monitoring device;
2. Conducting any form of sanitation procedure. For example, the establishment may conduct pre-operational cleaning and sanitizing of food contact surfaces required by [9 CFR 416.13\(a\)](#);
3. Monitoring the implementation of procedures included in the Sanitation Standard Operating Procedures (SOPs). For example, the establishment sanitation supervisor may monitor the implementation of the pre-operational cleaning procedures as required by [9 CFR 416.13\(c\)](#);

NOTE: When an establishment wants IPP to perform pre-op verification activities before the start of the approved hours of operation, they would need to request overtime. This includes when IPP observe the establishment monitoring the implementation of their pre-op procedures before the start of the establishment's approved hours of operation. The establishment will be charged overtime on those days that IPP perform pre-op verification activities.

4. Moving products, including moving and handling post-lethality exposed ready-to-eat (RTE) products, within the establishment to physically position them for further processing or storage. For example, the establishment may transfer racks loaded with products from smokehouses to the cooler or remove raw tumbled products from the tumbler into tubs. For another example, the establishment may remove whole RTE hams from racks in the cooler and place them into carts, so that they can easily be moved to each slicer for slicing. Moving the hams from the racks to the carts and moving the carts out to the production floor are positioning for further processing and do not require inspection coverage when no other process is done;
5. Receiving meat, poultry, spices, or other ingredients from other establishments or warehouses;
6. Preparing or staging non-amenable ingredients for later use in an inspected meat or poultry product. For example, the establishment may chop vegetables or cook and cool rice but may not add the non-amenable ingredients to meat or poultry products without inspection coverage;
7. Applying ice to products in a box or container;
8. Quartering a beef carcass to facilitate loading or making a single cut for grade determination;
9. Receiving and sorting returned products produced by the official establishment as described in [9 CFR 318.3](#);
10. Performing a verification activity as required by their HACCP plan including: the calibration of process monitoring equipment required by [9 CFR 417.4\(a\)\(2\)\(i\)](#); direct observation of the monitoring procedure required by [9 CFR 417.4\(a\)\(2\)\(ii\)](#); and the review of records generated and maintained in accordance with [9 CFR 417.5\(a\)\(3\)](#) required by [9 CFR 417.4\(a\)\(2\)\(iii\)](#);
11. Performing pre-shipment records review as required by [9 CFR 417.5\(c\)](#);
12. Performing corrective actions in accordance with its HACCP plan or Sanitation SOPs that do not include any of the activities listed under Section IV above. For example, the corrective action cannot include a reconditioning procedure that involves trimming, packaging, or labeling of products;
13. Collecting or testing samples of its products;
14. Stabilizing and desugaring egg products after the enzymatic or bacterial de-sugaring process commences; or
15. Heat treatment of egg products provided IPP are present at the beginning (placing the products in the hot room) and end of the heat treatment process.

B. The listing is not all inclusive. If IPP have questions regarding whether a particular activity requires inspection, they are to first discuss the type of activity with their Frontline Supervisor (FLS) to determine whether the establishment is preparing, packaging or labeling products. If the FLS is unable to make the determination, IPP are to submit a question through askFSIS or contact the Policy Development Staff at 1-800-233-3935.

C. The FLS may periodically direct IPP to verify monitoring of a CCP that occurs outside of an establishment's approved hours of operation through direct observation. FSIS will charge the establishment for the cost of the overtime service outside of the establishment's approved hours of operation. If the activity occurs at a time that is not contiguous with the inspector's tour of duty, IPP are to charge the establishment for a 2-hour call-back service as set out in [9 CFR 307.6\(b\)](#). The decision will be based upon a conversation with IPP, and take into consideration the following:

1. What is the degree of variability associated with the monitoring of the CCP? In other words, is a probe inserted at the same location for every oven or is an organic acid applied at a specific strength in a specific pattern at a certain pressure? If the monitoring of the CCP is consistent and uniform, the decision may be to direct IPP to verify monitoring less often during overtime coverage than if the CCP monitoring procedure is variable;
2. Do IPP have the opportunity to verify the specific CCP and regulatory requirements during the approved hours of operation? For example, if the establishment always monitors a certain CCP outside the approved hours of operation, IPP would verify the monitoring of the CCP during overtime periods at some frequency. However, if IPP have the opportunity to verify the CCP during the approved hours of operations, there would be less need to verify it during overtime periods; and
3. What is the history of deviation from critical limits or noncompliance for the CCP? For example, if there has not been a deviation from a critical limit, the decision may be to verify at a reduced frequency.

D. Similarly, the FLS may occasionally direct IPP to verify how the establishment conducts operational Sanitation SOPs outside of an establishment's approved hours of operation through direct observation. For example, an establishment may conduct Sanitation SOP procedures during the transfer of marinated products to coolers to prevent contamination and adulteration. If needed, the FLS is to determine the frequency based upon the associated risk with the specific Sanitation SOP procedure, opportunity to verify the procedure during the approved hours of operations, and the rate of Sanitation SOP noncompliance.

VI. PROVIDING INSPECTION COVERAGE FOR ESTABLISHMENTS WORKING DURING REIMBURSABLE OVERTIME PERIODS

A. The DM, or designee, is to assign IPP to perform reimbursable overtime service in accordance with the Labor Management Agreement and work assignment policies.

B. IPP working overtime are to calculate the time charged, including time traveled between establishments on an equitable basis among the individual establishments. If IPP have questions about how to charge for reimbursable services, they are to direct those questions to their supervisor.

1. Supervisors are to instruct IPP to charge a quarter hour minimum charge for reimbursable overtime services and to charge additional reimbursable time in quarter hour increments;
2. Supervisors are to instruct IPP to charge a 2-hour minimum charge for reimbursable services during overtime callback situations. A callback occurs when an establishment requests that IPP work during overtime periods that require IPP to return to or travel to the establishment after they have completed their tour of duty, have traveled home, and the supervisor has instructed

the inspector to return for the callback coverage; and

3. Supervisors are to instruct IPP when travel time associated with an overtime coverage assignment is reimbursable.

C. The DM, or designee, is to make a reasonable effort to provide all requested reimbursable overtime services; however, the DM or their designee may deny overtime inspection services beyond the approved hours of operations when resources are not available. In some cases, to ensure the efficient and effective use of IPP in official establishments as directed by [9 CFR 307.4](#), [381.37](#), and [590.124](#) the DM may, after giving prior notice to the establishment that explains the basis for the action, rescind approval where the hours of operation for establishments in an assignment result in frequent non-reimbursable overtime and request that establishments resubmit operating schedules for approval.

D. The DM, or designee, may suspend reimbursable overtime or holiday services if the establishment becomes delinquent on reimbursing FSIS for charges previously accrued as set out in [9 CFR 307.6\(c\)](#), [9 CFR 381.39\(c\)](#) and [9 CFR 590.130](#). The DM may still assign inspection services within the approved hours of operation.

VII. IPP RESPONSIBILITIES

A. IPP are to follow the instructions set out in [FSIS Directive 5010.1](#), *Food Safety Related Topics for Discussion During Weekly Meetings with Establishment Management*, to discuss topics at the weekly meeting with establishment management that are pertinent to an establishment's food safety system, which may include procedures for requesting inspection service outside the approved hours of operation or changes to the official premises.

B. IPP are to be aware of any procedures in place for the establishment to submit requests for overtime and for the establishment to ensure FSIS has approved overtime requests before proceeding with operations outside the approved hours of operation. IPP are to:

1. Document any agreed upon procedures for requesting inspection services outside the approved hours of operation in a memorandum of interview (MOI) in the Public Health Information System (PHIS) and include "Overtime Request Procedures" as the MOI Subject.
2. Review the most recent MOI with "Overtime Request Procedures" as the Subject in PHIS, upon entering a new assignment, to become familiar with the establishment's procedures for requesting inspection services outside the approved hours of operation. If IPP have questions about the procedures, IPP are to discuss them with the establishment at the next weekly meeting or contact their FLS.
3. Document a new MOI in PHIS and include "Overtime Request Procedures" as the Subject when the establishment notifies IPP of any changes to the procedures for requesting inspection services outside the approved hours of operation.

C. If IPP determine that operations or activities requiring inspection have occurred outside the approved hours without requesting inspection services in an official establishment, IPP are to:

1. Retain the products under [9 CFR 500.2\(a\)\(2\)](#) if the products are still at the establishment;
2. Immediately contact the District Office (DO) through supervisory channels to advise them about the situation, including whether adulterated or misbranded meat, poultry, or egg products may have entered commerce; and
3. Meet with establishment management to discuss the issue and inform the establishment that the DO will be notified and will determine if further action is warranted. IPP are to document the conversation and other pertinent facts in an MOI, cite regulations [9 CFR 307.4\(a\)](#), [381.37\(a\)](#), or [590.24](#) as appropriate, and provide a copy of the MOI to the establishment and the DO.

D. When instructed by the DO, IPP are to:

1. Verify that any marks of inspection are removed completely from products produced outside of approved hours without inspection coverage. For product produced outside the approved hours without inspection coverage which are not labeled with the marks of inspection, IPP are to verify that the product does not receive the marks of inspection; and
2. Verify that any product produced or prepared without inspection coverage is diverted to inedible material and disposed of appropriately, including denaturing for rendering or disposal at a landfill, denaturing and marking as not for human food, as required by [9 CFR 325.11](#), [381.193](#), or [590.840](#), or transport from the official establishment without denaturing under a permit required by [9 CFR 325.11\(e\)\(1\)-\(5\)](#)

NOTE: Products requiring inspection that are produced or prepared without inspection coverage are not eligible for donation into human food channels.

E. If IPP become aware through observations, a third-party complaint, or other means, that non-official establishments are producing amenable products for commerce without inspection or that an official establishment is producing amenable products for commerce outside the limits of its official premises, they are to immediately inform their FLS of this fact.

VIII. FLS RESPONSIBILITIES

A. The FLS is to ensure that IPP document findings in an MOI and follow the DM's instructions to take action, as appropriate.

B. If the FLS is advised by IPP that non-official establishments are producing amenable products for commerce without inspection or that an official establishment is producing amenable products for commerce outside the limits of its approved premises without inspection, including businesses that do not meet the requirements for an exemption from inspection as per [9 CFR 303.1](#), [381.10](#), or [590.100](#), they are to notify the DO.

IX. DM RESPONSIBILITIES

A. The DM, or designee, is to consider whether the production of products without inspection coverage warrants an enforcement action against the official establishment, as described in [9 CFR part 500](#). If the DM, or designee, determines an enforcement action is warranted based on [9 CFR part 500](#), they are to follow the instructions in [FSIS Directive 5000.1](#), *Verifying an Establishments Food Safety System*, and [FSIS Directive 5100.3](#), *Administrative Enforcement Action Decision-Making and Methodology*.

B. If the DM, or designee, determines an enforcement action against the official establishment is not warranted, they are to provide an official correspondence letter to the establishment, as described in [FSIS Directive 5100.3](#), regarding the serious nature of producing products without inspection.

C. The DM, or designee is to contact the appropriate [Office of Investigation, Enforcement and Audit \(OIEA\)](#), Regional Director (RD), or designee, in a timely manner when they become aware that an establishment is producing amenable products for commerce outside the limits of its official premises without inspection. The DM, or designee, is to coordinate with OIEA for any investigative or enforcement support, if necessary.

1. The DM or designee may take an enforcement action against the establishment, up to a withholding action or impose a suspension without providing prior notification, when products are produced outside the official premises without inspection coverage. If the DM, or designee, determines an enforcement action is warranted based on [9 CFR part 500](#), they are to follow the instructions in [FSIS Directive 5000.1](#) and [FSIS Directive 5100.3](#).
2. If the DM, or designee, determines the production of amenable products for commerce without inspection is occurring at a non-official establishment with no involvement of persons associated with the official establishment, they are to contact the appropriate OIEA RD, or designee, in a timely manner to coordinate additional actions as necessary, as described in [FSIS Directive 8080.1](#), *Managing Adulterated or Misbranded Meat, Poultry, and Egg Products*, or [FSIS Directive 8410.1](#), *Detention and Seizure*.

D. The DM, or designee, is also to follow the instructions in [FSIS Directive 8080.1](#), [FSIS Directive 8410.1](#), or [FSIS Directive 8010.5](#), *Case Referral and Disposition*, as appropriate, for product intended for distribution in commerce or that has entered commerce. This may include contacting the appropriate OIEA RD or coordinating actions with other program areas as necessary.

X. QUESTIONS

A. IPP are to first seek guidance from their immediate supervisor for any questions associated with overtime schedules or supervisory decisions that require overtime inspection. IPP are to refer establishment appeals of overtime charges to their supervisor.

B. Refer questions regarding this directive to your supervisor or, if needed, to the Office of Policy and Program Development through [askFSIS](#) or by telephone at 1-800-233-3935. When submitting a question, complete the [web form](#) and select General Inspection Policy inquiry type.

NOTE: Refer to [FSIS Directive 5620.1](#), *Using askFSIS*, for additional information on submitting questions.



Assistant Administrator
Office of Policy and Program Development

This content is from the eCFR and is authoritative but unofficial.

Title 9 —Animals and Animal Products

Chapter III —Food Safety and Inspection Service, Department of Agriculture

Subchapter A —Agency Organization and Terminology; Mandatory Meat and Poultry Products

Inspection and Voluntary Inspection and Certification

Part 307 —Facilities for Inspection

Authority: 7 U.S.C. 394, 21 U.S.C. 601-695; 7 CFR 2.17, 2.55.

Source: 35 FR 15560, Oct. 3, 1970, unless otherwise noted.

§ 307.4 Schedule of operations.

- (a) No operations requiring inspection shall be conducted except under the supervision of a Program employee. All slaughtering of animals and preparation of products shall be done with reasonable speed, considering the official establishment's facilities.
- (b) A shift is a regularly scheduled operating period, exclusive of mealtime. One lunch period is the only official authorized interruption in the inspector's tour of duty once it begins. Lunch periods may be 30 minutes, 45 minutes, or in any case may not exceed one hour in duration. Once established, the lunch period must remain relatively constant as to time and duration. Lunch periods for inspectors shall not, except as provided herein, occur prior to 4 hours after the beginning of scheduled operations nor later than 5 hours after operations begin. In plants where a company rest break of not less than 30 minutes is regularly observed, approximately midpoint between start of work and the lunch period, and the inspector is allowed this time to meet his personal needs, the lunch period may be scheduled as long as 5¹/₂ hours after the beginning of scheduled operations.
- (c) Official establishments, importers, and exporters shall be provided inspection service, without charge, up to 8 consecutive hours per shift during the basic workweek subject to the provisions of § 307.5: *Provided*, That any additional shifts meet requirements as determined by the Administrator or his designee. The basic workweek shall consist of 5 consecutive 8-hour days within the administrative workweek Sunday through Saturday, except that, when possible, the Department shall schedule the basic workweek so as to consist of 5 consecutive 8-hour days Monday through Friday. The 8-hour day excludes the lunch period but shall include activities deemed necessary by the Agency to fully carry out an inspection program, including the time for FSIS inspection program personnel to put on required gear and to walk to a work station; to prepare the work station; to return from a work station and remove required gear; to sharpen knives, if necessary; and to conduct duties scheduled by FSIS, including administrative duties. The Department may depart from the basic workweek in those cases where maintaining such a schedule would seriously handicap the Department in carrying out its function. These provisions are applicable to all official establishments except in certain cases as provided in § 318.4(h) of this subchapter.
- (d)
 - (1) Each official establishment shall submit a work schedule to the area supervisor for approval. In consideration of whether the approval of an establishment work schedule shall be given, the area supervisor shall take into account the efficient and effective use of inspection personnel. The work schedule must specify daily clock hours of operation and lunch periods for all departments of the establishment requiring inspection.

- (2) Establishments shall maintain consistent work schedules. Any request by an establishment for a change in its work schedule involving an addition or elimination of shifts shall be submitted to the area supervisor at least 2 weeks in advance of the proposed change. Frequent requests for change shall not be approved: *Provided*, however, minor deviations from a daily operating schedule may be approved by the inspector in charge, if such request is received on the day preceding the day of change.
- (3) Request for inspection service outside an approved work schedule shall be made as early in the day as possible for overtime work to be performed within that same workday; or made prior to the end of the day's operation when such a request will result in overtime service at the start of the following day: *Provided*, That an inspector may be recalled to his assignment after completion of his daily tour of duty under the provisions of § 307.6(b).

[40 FR 45799, Oct. 3, 1975, as amended at 40 FR 50719, Oct. 31, 1975; 41 FR 15401, Apr. 13, 1976; 48 FR 6893, Feb. 16, 1983; 51 FR 32304, Sept. 11, 1986; 76 FR 33980, June 10, 2011; 77 FR 59294, Sept. 27, 2012]

EXAMPLE

Department of Labor and Industry
Administrative Rules for Public Participation



ADMINISTRATIVE RULES OF MONTANA



24.2.301 POLICIES AND OBJECTIVES IN PROVIDING PUBLIC PARTICIPATION IN THE OPERATION OF THE DEPARTMENT OF LABOR AND INDUSTRY

- (1) Participation of the public is to be provided for, encouraged, and assisted with to the fullest extent practicable, consistent with other requirements of state law, and the rights and requirements of personal privacy. The department invites and encourages public participation to better identify and meet customer needs. The major objectives of public participation include:
 - (a) greater responsiveness of governmental actions to public concerns and priorities; and
 - (b) improved public understanding of official programs and actions.
- (2) The public is also advised that in accordance with 2-3-103, MCA, an opportunity for public comment on any public matter not on the agenda of the department's public meetings and that is within the department's jurisdiction is given. No action will be taken on these matters until proper notice has been given under the provisions of Montana law.
- (3) Department employees shall make decisions based on what is best for the customer, both internal and external, within the parameters of applicable laws and administrative rules.

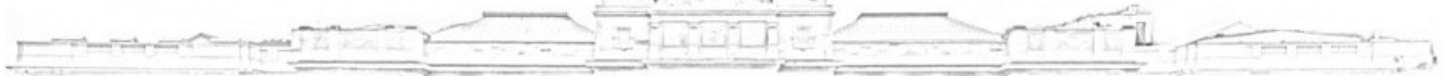
Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

History: NEW, 2022 MAR p. 907, Eff. 6/11/22.



ADMINISTRATIVE RULES OF MONTANA



24.2.305 GUIDELINES FOR DETERMINATION OF SIGNIFICANT INTEREST TO THE PUBLIC

- (1) The adoption, amendment, or repeal of any rule, regulation, standard, or statement of general applicability that implements, interprets, or prescribes law, or policy, procedure, or practice requirements of the department are considered matters of significant interest to the public and require notice and opportunity for public participation in the decision-making process.
- (2) In all other cases, whether or not the decision is one of significant interest to the public will be determined by the person within the department who is proposing the decision, according to the following considerations:
 - (a) whether the decision regards a controversial matter;
 - (b) the number of persons who will be affected by the decision;
 - (c) the fiscal impact the decision will have; or
 - (d) whether a high level of public interest has been witnessed by the department.

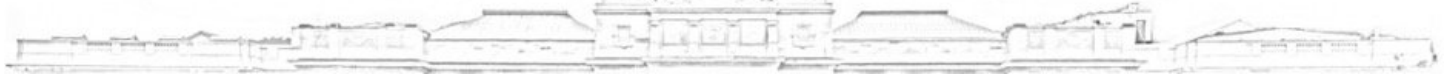
Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, 2-4-101, 2-4-102, MCA

History: NEW, 2022 MAR p. 907, Eff. 6/11/22.



ADMINISTRATIVE RULES OF MONTANA



24.2.309 NOTICE AND MEANS FOR PUBLIC PARTICIPATION

- (1) If the department determines that significant interest to the public is involved, one or more of the following steps, as applicable, shall be taken to assist public participation in decision-making:
 - (a) a proceeding or hearing shall be held in compliance with the provisions of the Montana Administrative Procedure Act, Title 2, chapter, 4, MCA;
 - (b) a public hearing, after appropriate notice is given, shall be held pursuant to any other provision, state law, local ordinance, or regulation;
 - (c) a news release, legal advertisement, or other method of publication shall be given to news media within the area to be affected, including:
 - (i) department name;
 - (ii) name of department representative most familiar with the proposed action; and
 - (iii) address, e-mail address, telephone and fax numbers where interested persons may submit their data, views, or arguments, orally or in writing, concerning the proposed action.

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, 2-3-104, MCA

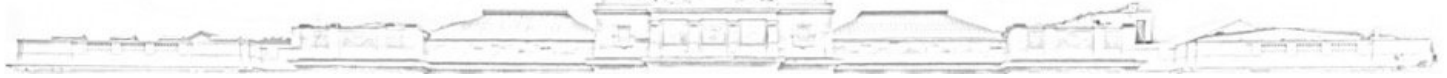
History: NEW, 2022 MAR p. 907, Eff. 6/11/22.

EXAMPLE

Department of Natural Resources and Conservation
Administrative Rules for Public Participation



ADMINISTRATIVE RULES OF MONTANA



36.2.701 POLICIES AND OBJECTIVES IN PROVIDING CITIZEN PARTICIPATION IN THE OPERATION OF THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

- (1) Participation of the public is to be provided for, encouraged, and assisted to the fullest extent practicable consistent with other requirements of state law and the rights and requirements of individual privacy. The major objectives of such participation include responsiveness of governmental actions to public concerns and priorities, and improved public understanding of official programs and actions. Prior to the adoption, amendment or repeal of a rule or policy, the board or department shall, where the decision is of significant public interest, give adequate notice that the decision is to be made and provide a means for public participation in the making of the decision.

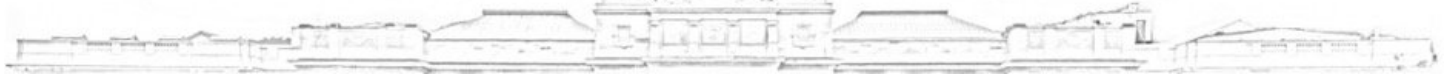
Authorizing statute(s): Sec. 2-3-102 and 2-15-112, MCA

Implementing statute(s): Sec. 2-3-103, MCA

History: NEW, Eff. 9/5/76; TRANS, 1995 MAR p. 1955, Eff. 7/1/95.



ADMINISTRATIVE RULES OF MONTANA



36.2.702 GUIDELINES FOR DEPARTMENT PROGRAMS

- (1) A continuing departmental program for public participation shall contain mechanisms of activity for each of the elements listed in this sub-chapter. The exact mechanisms of activity may vary in relation to RESOURCES available, public response, the nature of issues involved.
- (2) Each division of the department shall provide continuing policy, program, and technical information at the earliest practical times and at places easily accessible to interested or affected persons and organizations so that they can make informed and constructive contributions to department decision making. News releases and other publications may be used for this purpose as well as informational discussions and meetings with interested citizens' groups. Efforts shall be made to summarize complex technical materials for public and media use.
- (3) Each division shall have a procedure for providing technical and informational assistance to public groups for citizen education, committee workshop training, dissemination of information to concerned groups and individuals. Requests for information shall be promptly handled.
- (4) Each division of the department shall have a procedure for early consultation and exchange of views with interested or affected persons and organizations on development or revision of plans, programs, or other significant activity prior to decision making. Advisory groups, ad hoc committees or workshop meetings may serve this purpose.
- (5) Field demonstrations and public field trips may be used when there is sufficient public interest concerning programs administered by the department.
- (6) Each division shall maintain a current list of interested persons and organizations including any who have requested inclusion on such list, for the distribution of information such as that listed in subsection (2) (1) (a) of this rule. The department shall, in addition, notify any interested persons of any public hearing or other decision making proceedings prior to decision making and wherever possible shall supplement this notification with informal notice to all interested persons or groups having requested such notice in advance. The notice provisions of this subsection shall be deemed to have been complied with if:
 - (a) an environmental impact statement or preliminary environmental review is prepared and distributed in accordance with the Montana Environmental Policy Act, and the rules adopted pursuant thereto;
 - (b) a proceeding is held as required by the Montana Administrative Procedure Act;
 - (c) a public hearing, after appropriate notice is given, is held pursuant to agency discretion, any other provision of state law, or local ordinance or resolution; or

- (d) a newspaper of general circulation within the area to be affected by a decision of significant interest to the public has carried a news story, notice or advertisement concerning the decision prior to a final decision on a matter.
- (7) The department files, other than personnel files and those files required by law or requirements of individual privacy to remain confidential, are open to public inspection. These files are located at the department office in Helena. Copies of specific documents are available either free or for a reasonable copying charge.
- (8) When the department determines that a proposed decision or action is of significant interest to the public, one person shall be designated as contact person with the public on the proposed decision or action. This person should be a departmental employee familiar with the proposed decision or action.
- (9) The listing of specific measures in this section shall not preclude additional techniques for obtaining, encouraging or assisting public participation.

Authorizing statute(s): Sec. 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

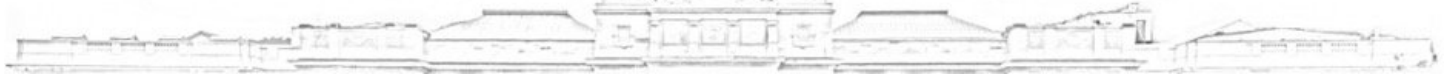
History: NEW, Eff. 9/5/76; TRANS, AMD, 1995 MAR p. 1955, Eff. 7/1/95.

EXAMPLE

Department of Fish, Wildlife, and Parks
Administrative Rules for Public Participation



ADMINISTRATIVE RULES OF MONTANA



12.2.301 POLICIES AND OBJECTIVES

- (1) Participation of the public is to be provided for, encouraged, and assisted to the fullest extent practicable, consistent with other requirements of state law and the rights and requirements of personal privacy. The major objectives of such participation include greater responsiveness of governmental actions to public concerns and priorities, and improved public understanding of official programs and actions. Although the primary responsibility for wildlife management, outdoor recreation, and other functions of the Department of Fish, Wildlife, and Parks is vested in the department, active public involvement in and scrutiny of the decision making process is desirable to accomplish these objectives. The intent of these regulations is to foster a spirit of openness and a sense of mutual trust and understanding between the public and the department in efforts to maintain and enhance Montana wildlife resources and outdoor recreation opportunities.

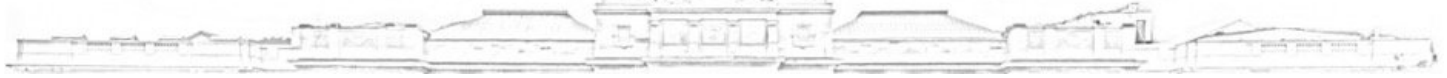
Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

History: NEW, Eff. 4/5/76.



ADMINISTRATIVE RULES OF MONTANA



12.2.302 GUIDELINES FOR DEPARTMENT PROGRAMS

- (1) A continuing departmental program for public participation shall contain mechanisms of activity for each of the elements listed in this rule. The exact mechanism and extent of activity may vary in relation to resources available, public response, and the nature of issues involved.
- (2) Informational materials. Each division and region of the department shall provide continuing policy, program, and technical information at the earliest practicable times and at places easily accessible to interested or affected persons and organizations so that they can make informed and constructive contributions to department decision making. News releases and other publications may be used for this purpose as well as information discussions and meetings with interested citizens' groups. Special efforts shall be made to summarize complex technical materials for public and media use.
- (3) Assistance to public. Each region shall have a procedure for providing technical and informational assistance to public groups for citizen education, committee workshop training, and dissemination of information to concerned groups and individuals. Requests for information shall be handled promptly.
- (4) Consultation. Each region of the department shall have a procedure for early consultation and exchange of views with interested or affected persons and organizations on development or revision of plans, programs, or other significant activity prior to decision making. Advisory groups, ad hoc committees, or workshop meetings may serve this purpose.
- (5) Demonstrations. Field demonstrations and public show-me field trips may be used when there is sufficient public interest concerning wildlife management techniques or problems in wildlife management.
- (6) Notification. Each division for its appropriate area of responsibility shall maintain a current list of interested persons and organizations including any who have requested inclusion on such list for the distribution of information such as that listed in paragraph (2) of this rule. This shall be in addition to the lists now maintained as required by the Montana Administrative Procedure Act. The department shall in addition notify any interested persons of any public hearing or other decision making proceedings prior to decision making and wherever possible shall supplement this notification with informal notice to all interested persons or groups having requested such notice in advance.
- (7) Access to information. The department files, other than personnel files and those files required by law or requirements of personal privacy to remain confidential, are open to public inspection in accordance with already established Fish, Wildlife, and Parks Commission policy. These files are located at the department office in Helena and at the seven regional offices throughout the state.

and listed in ARM 12.1.101(8) . Copies of specific documents are available either free or for a reasonable copying charge plus employee time.

- (8) Enforcement. Each region shall develop internal procedures for receiving and ensuring proper consideration of evidence and information submitted by citizens. Public effort in reporting violations of fish and game laws or regulations shall be encouraged. Alleged violations shall be promptly investigated by the department.
- (9) Rulemaking. In addition to any other requirements, the department shall comply with the requirements of the Montana Administrative Procedure Act.
- (10) Contact person. When the department or commission determines that a proposed decision or action is of significant interest to the public, one person shall be designated as contact person with the public on the proposed decision or action. This person should be a departmental employee familiar with the proposed decision or action. Upon completion of the proposed decision or action, this person shall assess the influence citizen participation had on the decision or action, and report that assessment to the director.
- (11) Other measures. The listing of specific measures in this section shall not preclude additional techniques for obtaining, encouraging, or assisting public participation.

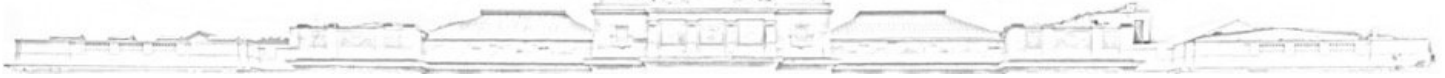
Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

History: NEW, Eff. 4/5/76.



ADMINISTRATIVE RULES OF MONTANA



12.2.303 APPOINTMENTS WITH FISH, WILDLIFE, AND PARKS COMMISSION

- (1) Any individual or group of individuals may make appointments to meet with the Fish, Wildlife, and Parks Commission regarding any matter of concern to those individuals and under the responsibility of the Fish, Wildlife, and Parks Commission or Department. Such appointments may be made by contacting the director's office in Helena (406) 444-3186.

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

History: NEW, Eff. 4/5/76.



ADMINISTRATIVE RULES OF MONTANA



12.2.305 LIST OF DEPARTMENT DECISION MAKING

- (1) The following is a nonexhaustive list of department decisions thought to be of significant interest to the public:
 - (a) adoption of wildlife management regulations including the setting of seasons and fish planting policies and priorities;
 - (b) adoption of regulations governing public use of department-controlled lands and facilities;
 - (c) acquisition of land;
 - (d) distribution and administration of federal land and water conservation fund monies;
 - (e) adoption of policies regarding the sale of licenses, including the allocation of license dealerships;
 - (f) adoption of commission policies and priorities regarding wildlife habitat and threats to it;
 - (g) development of department programs having a significant impact on the environment;
 - (h) development of a comprehensive fish, wildlife and outdoor recreation plan.
- (2) Opportunity for public participation shall be provided by rendering final decisions on these matters at commission meetings which are open to the public and which have been announced in advance or by offering the opportunity for written comments or hearing prior to decisions which are made by the department through publication of notice pursuant to the Montana Administrative Procedure Act.

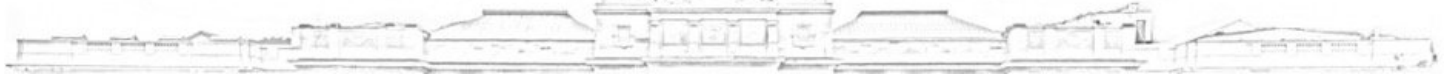
Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

History: NEW, Eff. 4/5/76; AMD, 1977 MAR p. 946, Eff. 11/26/77.



ADMINISTRATIVE RULES OF MONTANA



12.2.307 GENERAL

- (1) Citizens desiring information about anything mentioned in these rules or about anything concerning department and public participation should contact the department office in Helena or the appropriate regional supervisor. Names and addresses are listed in ARM 12.1.101(8) .

Authorizing statute(s): 2-3-103, MCA

Implementing statute(s): 2-3-103, MCA

History: NEW, Eff. 4/5/76.

[2-3-103, MCA](#)

Current through all 2023 legislation, inclusive of the final Chapter 783 of the 68th Legislature's concluded Regular session.

LexisNexis® Montana Code Annotated > Title 2 Government Structure and Administration (Chs. 1 — 89) > Chapter 3 Public Participation in Governmental Operations (Pts. 1 — 3) > Part 1 Notice and Opportunity to Be Heard (§§ 2-3-101 — 2-3-114)

2-3-103 Public participation — governor to ensure guidelines adopted — procedures for publishing notice.

(1)

(a) Each agency shall develop procedures for permitting and encouraging the public to participate in agency decisions that are of significant interest to the public. The procedures must ensure adequate notice and assist public participation before a final agency action is taken that is of significant interest to the public.

(b) The agency shall publish an agenda for a meeting, as defined in [2-3-202](#), as follows:

(i) if a newspaper of general circulation in the county where the agency is located publishes electronic notices and links to meeting agendas free of charge to the agency on the newspaper's website, the agency shall provide the notice and agenda to the newspaper to post on the newspaper's website;

(ii) if the agency does not have an option to post notices and links to meeting agendas free of charge, the agency shall provide adequate notice of a meeting by doing at least one of the following:

(A) posting a link to the meeting agenda on the agency's primary website; or

(B) posting the agenda on the social media site of the agency.

(c) The agenda must include an item allowing public comment on any public matter that is not on the agenda of the meeting and that is within the jurisdiction of the agency conducting the meeting. However, the agency may not take action on any matter discussed unless specific notice of that matter is included on an agenda and public comment has been allowed on that matter.

(d) Public comment received at a meeting must be incorporated into the official minutes of the meeting, as provided in [2-3-212](#).

(e) For purposes of this section, "public matter" does not include contested case and other adjudicative proceedings.

(2) The governor shall ensure that each board, bureau, commission, department, authority, agency, or officer of the executive branch of the state adopts coordinated rules for its programs. The guidelines must provide policies and procedures to facilitate public participation in those programs, consistent with subsection (1). These guidelines must be adopted as rules and published in a manner so that the rules may be provided to a member of the public upon request.

History

2-3-104, MCA

Current through all 2023 legislation, inclusive of the final Chapter 783 of the 68th Legislature's concluded Regular session.

LexisNexis® Montana Code Annotated > Title 2 Government Structure and Administration (Chs. 1 — 89) > Chapter 3 Public Participation in Governmental Operations (Pts. 1 — 3) > Part 1 Notice and Opportunity to Be Heard (§§ 2-3-101 — 2-3-114)

2-3-104 Requirements for compliance with notice provisions.

An agency shall be considered to have complied with the notice provisions of [2-3-103](#) if:

- (1) an environmental impact statement is prepared and distributed as required by the Montana Environmental Policy Act, Title 75, chapter 1;
- (2) a proceeding is held as required by the Montana Administrative Procedure Act;
- (3) a public hearing, after appropriate notice is given, is held pursuant to any other provision of state law or a local ordinance or resolution; or
- (4) a newspaper of general circulation within the area to be affected by a decision of significant interest to the public has carried a news story or advertisement concerning the decision sufficiently prior to a final decision to permit public comment on the matter.

History

En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(2).

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End of Document

2-3-111, MCA

Current through all 2023 legislation, inclusive of the final Chapter 783 of the 68th Legislature's concluded Regular session.

LexisNexis® Montana Code Annotated > Title 2 Government Structure and Administration (Chs. 1 — 89) > Chapter 3 Public Participation in Governmental Operations (Pts. 1 — 3) > Part 1 Notice and Opportunity to Be Heard (§§ 2-3-101 — 2-3-114)

2-3-111 Opportunity to submit views — public hearings.

- (1) Procedures for assisting public participation must include a method of affording interested persons reasonable opportunity to submit data, views, or arguments, orally or in written form, prior to making a final decision that is of significant interest to the public.
- (2) When a state agency other than the board of regents proposes to take an action that directly impacts a specific community or area and a public hearing is held, the hearing must be held in an accessible facility in the impacted community or area or in the nearest community or area with an accessible facility.

History

En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(3); amd. Sec. 1, Ch. 487, L. 1997.

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2-3-112, MCA

Current through all 2023 legislation, inclusive of the final Chapter 783 of the 68th Legislature's concluded Regular session.

LexisNexis® Montana Code Annotated > Title 2 Government Structure and Administration (Chs. 1 — 89) > Chapter 3 Public Participation in Governmental Operations (Pts. 1 — 3) > Part 1 Notice and Opportunity to Be Heard (§§ 2-3-101 — 2-3-114)

2-3-112 Exceptions.

The provisions of [2-3-103](#) and [2-3-111](#) do not apply to:

- (1) an agency decision that must be made to deal with an emergency situation affecting the public health, welfare, or safety;
- (2) an agency decision that must be made to maintain or protect the interests of the agency, including but not limited to the filing of a lawsuit in a court of law or becoming a party to an administrative proceeding; or
- (3) a decision involving no more than a ministerial act.

History

En. 82-4228 by Sec. 3, Ch. 491, L. 1975; amd. Sec. 24, Ch. 285, L. 1977; amd. Sec. 2, Ch. 452, L. 1977; R.C.M. 1947, 82-4228(4).

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Board of Livestock Meeting

Agenda Request Form

From: Evan Waters		Division/Program: Centralized Services		Meeting Date: 3/6/2025		
<u>Agenda Item:</u> Aerial Hunting						
Background Info: A report on active pilots and predator numbers taken from semi-annual aerial hunter submissions to the Department.						
Recommendation: n/a						
Time needed: 10 min	Attachments:	Yes X	No	Board vote required:	Yes	No X
<u>Agenda Item:</u> Per Capita Fee Collections Update						
Background Info: Status report on CY 2024 per capita fee Department of Revenue collections progress.						
Recommendation: n/a						
Time needed: 10 min	Attachments:	Yes X	No	Board vote required?	Yes	No X
<u>Agenda Item:</u> February 28, 2025 State Special Revenue Report						
Background Info: Report for month end comparisons of state special revenues.						
Recommendation: n/a						
Time needed: 10 min	Attachments:	Yes X	No	Board vote required:	Yes	No X
<u>Agenda Item:</u> March 2025 through June 2025 Budget Projections Report						
Background Info: Report expenditure projections by division and/or bureau and attached boards.						
Recommendation: n/a						
Time needed: 10 min	Attachments:	Yes X	No	Board vote required?	Yes	No X
<u>Agenda Item:</u> February 28, 2025 Budget Comparison Report						
Background Info: Report expenditure to budget comparison report by division and/or bureau and attached boards. This report also compares current year expenditures to prior year expenditures.						
Recommendation: n/a						
Time needed: 5 min	Attachments:	Yes X	No	Board vote required	Yes	No X

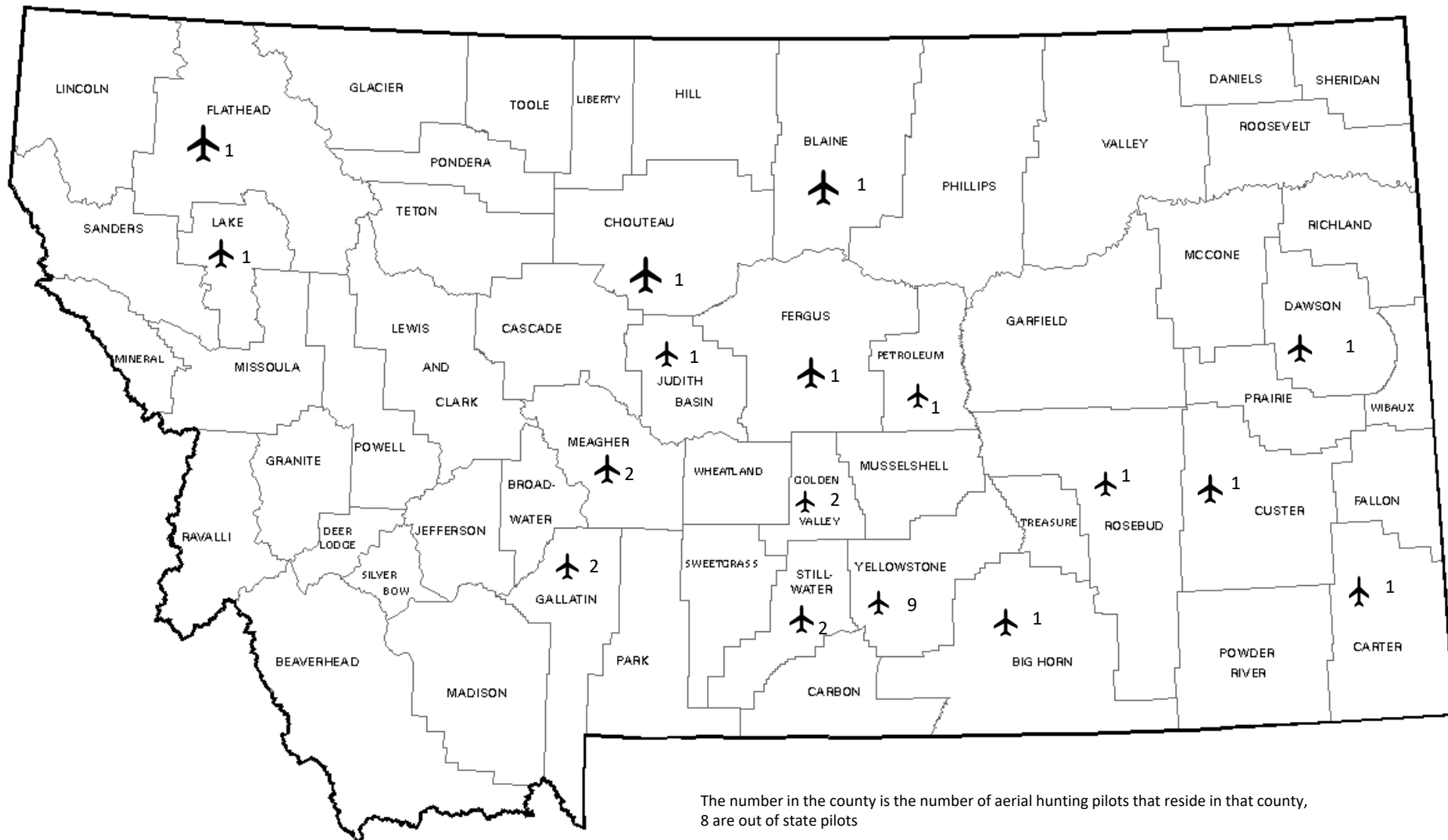
**MONTANA DEPARTMENT OF LIVESTOCK
AERIAL HUNTING
2024 HUNT REPORTS & 2025 PILOT MAP**

**DEPARTMENT OF LIVESTOCK
AERIAL HUNTING
HUNT SUMMARY REPORT
CALENDER YEAR 2024 and 2023**

2024					2023				
Total Number of Pilots (includes OOSP)	33				31				
Number of Out of State Pilots	8				6				
	Number of Pilots Flying in the County	Coyote	Fox	Total		Number of Pilots Flying in the County	Coyote	Fox	Total
BIGHORN	5	64	-	64		5	72	-	72
BLAINE	1	80	4	84		1	367	6	373
CARTER	5	438	10	448		2	345	-	345
CHOUTEAU	1	186	-	186		1	26	-	26
FERGUS	5	9	-	9		1	29	-	29
JUDITH BASIN	2	-	-	-		1	8	-	8
LAKE	1	-	-	-		1	2	-	2
MEAGHER	3	-	-	-		1	19	-	19
MUSSELSHELL	6	6	-	6		1	20	-	20
PETROLEUM	2	307	-	307		2	223	-	223
POWDER RIVER	2	438	-	438		1	376	1	377
RICHLAND	2	92	-	92		1	158	-	158
ROSEBUD	4	-	-	-		1	298	-	298
STILLWATER	4	67	2	69		2	92	-	92
WHEATLAND	2	63	-	63		1	21	-	21
YELLOWSTONE	7	4	-	4		2	29	-	29
DAWSON/PRAIRIE	-	-	-	-		1	182	-	182
County not reported	-	4	-	4		1	6	-	6
Total	59	1,758	16	1,774		26	2,273	7	2,280

***Some pilots fly multiple counties.

***5 pilots did not hunt



Updated as of 2/25/25

**MONTANA DEPARTMENT OF LIVESTOCK
PER CAPITA FEE COLLECTION REPORT
FEBRUARY 28, 2025**

**MONTANA DEPARTMENT OF LIVESTOCK
PER CAPITA FEE REPORTING AND COLLECTIONS REPORT
FEBRUARY 28, 2025**

	Feb 28, 2025	Feb 28, 2024
Livestock Reports Filed	<u>5,723</u>	<u>7,847</u>
Total Per Capita Fee reported	\$ 3,097,543	\$ 3,157,796
Amount Paid	<u>2,333,471</u>	<u>2,496,113</u>
Amount Due	<u>\$ 764,072</u>	<u>\$ 661,683</u>

Per Capita Fee Reported by Livestock Class

	Feb 28, 2025				Feb 28, 2024			
	Rate	Reporter Count	Head Count	PCF	Rate	Reporter Count	Head Count	PCF
Cattle	2.39	4,821	1,087,370	\$ 2,598,814	2.34	5,367	1,156,842	\$ 2,707,010
Horses	6.09	4,617	23,135	140,892	5.97	4,993	24,182	144,367
Sheep & Goats	0.56	705	73,267	41,030	0.55	833	75,297	41,413
Swine	0.82	114	49,573	40,650	0.80	102	49,347	39,478
Poultry	0.06	892	1,095,691	65,741	0.06	979	2,001,598	120,096
Bees	0.42	98	36,716	15,421	0.42	102	34,169	14,351
Llamas	10.12	80	840	8,501	9.92	82	471	4,672
Bison	4.52	32	40,931	185,008	4.43	37	18,718	82,921
Domestic Ungulates	27.40	2	45	1,233	26.86	4	80	2,149
Ratites	10.12	6	25	253	9.92	8	135	1,339
				<u>\$ 3,097,543</u>				<u>\$ 3,157,796</u>

As of February 28, 2025, there were 5,723 reporting forms that were filed with the Department of Revenue (DOR), which is 2,124 less than the same period last year. The total amount of revenue reported was \$3,097,543 which is \$60,253 less than same period last year. The amount of Feb 28, 2025 PCF revenue collected to date is \$2,333,471, which \$162,642 less than same period last year. Beginning in 2024, the due date of PCF fee was changed from May 31st to March 1st.

The Board of Livestock approved an approximate 2% increase for most classes of livestock 2025. The PCF rate change produced \$62,750 more than the prior rate.

**MONTANA DEPARTMENT OF LIVESTOCK
STATE SPECIAL REVENUE REPORT
FEBRUARY 28, 2025**

DEPARTMENT OF LIVESTOCK
STATE SPECIAL REVENUE/PROPRIETARY COMPARISON FY 2025 - 2024

		FY 2024 as of February 28, 2024	FY 2025 as of February 28, 2025	Difference February 28, FY24 & FY25	Budgeted Revenue FY 2024
	A	B	C	D	E
Fund Description					
02425 Brands					
New Brands & Transfers		\$ 85,021	\$ 99,934	\$ 14,913	\$ 140,000
Re-Recorded Brands		526,423	526,422	(1)	790,000
Security Interest Filing Fee		19,430	23,312	3,882	37,030
Livestock Dealers License		4,850	2,650	(2,200)	103,000
Field Inspections		129,140	107,056	(22,084)	245,000
Market Inspection Fees		965,540	986,920	21,380	1,448,000
Investment Earnings		335,021	282,185	(52,836)	405,000
Other Revenues		21,195	13,337	(7,858)	227,300
Total Brands Division Revenue		\$ 2,086,620	\$ 2,041,816	\$ (44,804)	\$ 3,395,330
02426 Per Capita Fee (PCF)					
Per Capita Fee		\$ 2,722,823	\$ 2,873,816	\$ 150,993	\$ 4,584,900
Indirect Cost Recovery		265,270	258,563	(6,707)	428,100
Investment Earnings		394,885	374,310	(20,575)	473,000
Other Revenues		10,733	42,626	31,893	15,100
Total Per Capita Fee Revenue		\$ 3,393,711	\$ 3,549,315	\$ 155,604	\$ 5,501,100
02701 Milk Inspection					
Inspectors Assessment		\$ 187,872	\$ 178,626	\$ (9,246)	\$ 284,900
Investment Earnings		3,330	1,327	(2,003)	5,290
Total Milk Inspection		\$ 191,202	\$ 179,953	\$ (11,249)	\$ 290,190
02262 EGG GRADING					
Inspectors Assessment		\$ 152,198	\$ 158,689	\$ 6,491	\$ 212,000
Total EGG GRADING		\$ 152,198	\$ 158,689	\$ 6,491	\$ 212,000
06026 Diagnostic Lab Fees					
Lab Fees		\$ 991,384	\$ 1,012,116	\$ 20,732	\$ 1,553,000
* Investment Earnings		-	4,361	\$ 4,361	12,000
Other Revenues		1,561	6,736	5,175	4,215
Total Diagnostic Lab Fees		\$ 992,945	\$ 1,018,852	\$ 30,268	\$ 1,569,215
Combined State Special Revenue Total		\$ 6,816,676	\$ 6,948,625	\$ 136,310	\$ 10,967,835

Voluntary Wolf Donation Fund - per 81-7-123 MCA

** Donations \$ 36,927 \$ 37,444 \$ 517 \$ 114,900

The security interest brands liens renewal began in January 2023. Brands liens are amortized from January 2023 to December 2027. Security Interest Filing Fee revenue will be low at the beginning of the five year cycle and will increase from year to year.

The monthly rate of return on STIP investments was 4.51% and 5.4% for February 28, 2025 and February 29, 2024, respectively. As of February 28, the fiscal year-to-date average rate of return for fiscal year 2025 and 2024 was 4.89% and 5.39%, respectively. The Department's STIP balance in all funds as of February 28, 2025 and February 29, 2024 was \$24,335,928 and \$23,848,843, respectively or \$487,084 more than last year. This includes the Proprietary STIP balance of \$330,617.

* The Department received approval to invest diagnostic lab fees in STIP beginning in FY 2025.

** Donations to the Volunteer Wolf Donation fund for the current fiscal year as of February 28, 2025 is \$37,444 or \$517 more than the same period last year. The total amount of donations received from inception of the voluntary wolf donation program is \$520,300 as of February 28, 2025. The Department has transferred \$482,997 of the voluntary wolf donations to Wild Life Services for predator control since the beginning of the program.

**MONTANA DEPARTMENT OF LIVESTOCK
EXPENSE PROJECTION REPORT
FEBRUARY 28, 2025**

MONTANA DEPARTMENT OF LIVESTOCK
PROJECTED EXPENSE TO BUDGET COMPARISON REPORT
FEBRUARY 28, 2025

DIVISION: DEPARTMENT OF LIVESTOCK
PROGRAM: DEPARTMENT OF LIVESTOCK

			Year-to-Date				
			Actual Expenses February FY 2025	Projected Expenses March to June 2025	FY 2025 Projected Year End Expense Totals	FY 2025 Budget	Projected Budget Excess/ (Deficit)
BUDGETED FTE			142.62				
A			B	C	D	E	F
61000 PERSONAL SERVICES							
1	61100	SALARIES	\$ 4,972,722	\$ 3,126,909	\$ 8,099,631	\$ 8,123,442	\$ 23,811
2	61200	OVERTIME	262,453	99,182	361,635	343,074	(18,561)
3	61300	OTHER/PER DIEM	5,500	4,500	10,000	10,600	600
4	61400	BENEFITS	2,028,150	1,092,950	3,121,100	3,240,049	118,949
5	TOTAL PERSONAL SERVICES		7,268,825	4,323,541	11,592,366	11,717,165	124,799
6	62000 OPERATIONS						
7	62100	CONTRACT	1,155,358	514,720	1,670,078	1,805,530	135,452
8	62200	SUPPLY	806,952	355,226	1,162,178	1,052,670	(109,508)
9	62300	COMMUNICATION	145,801	158,066	303,867	311,689	7,822
10	62400	TRAVEL	123,898	113,451	237,349	234,541	(2,808)
11	62500	RENT	523,358	284,809	808,167	841,163	32,996
12	62600	UTILITIES	32,027	11,759	43,786	35,104	(8,682)
13	62700	REPAIR & MAINT	179,005	107,784	286,789	265,642	(21,147)
14	62800	OTHER EXPENSES	333,428	172,172	505,600	539,109	33,509
15	TOTAL OPERATIONS		3,299,827	1,717,987	5,017,814	5,085,447	67,633
16	63000 EQUIPMENT						
17	63100	EQUIPMENT	-	97,935	97,935	97,935	-
18	TOTAL EQUIPMENT		-	97,935	97,935	97,935	-
19	67000 CLAIMS						
20	67200	DEPRECIATION REMIDIATION	150,000	-	150,000	150,000	-
21	TOTAL CLAIMS		150,000	-	150,000	150,000	-
22	68000 TRANSFERS						
23	68000	TRANSFERS	132,496	294,335	426,831	405,695	(21,136)
24	TOTAL TRANSFERS		132,496	294,335	426,831	405,695	(21,136)
25	TOTAL EXPENDITURES		\$ 10,851,148	\$ 6,433,798	\$ 17,284,946	\$ 17,456,242	\$ 171,296
26	BUDGETED FUNDS						
27	01100	GENERAL FUND	\$ 2,243,915	\$ 1,701,534	\$ 3,945,449	\$ 3,996,861	\$ 51,412
28	02262	SHIELDED EGG GRADING FEES	179,161	70,711	249,872	380,708	130,836
29	02425	BRAND INSPECTION FEES	3,036,614	587,572	3,624,186	3,624,186	-
30	02426	PER CAPITA FEE	2,589,621	2,561,247	5,150,868	5,309,921	159,053
31	02427	ANIMAL HEALTH	5,748	11,482	17,230	17,230	-
32	02701	MILK INSPECTION FEES	167,582	143,724	311,306	418,711	107,405
33	02817	MILK CONTROL	131,730	79,090	210,820	227,185	16,365
34	03209	MEAT & POULTRY INSPECTION	723,711	481,289	1,205,000	1,205,000	-
35	03032	SHELL EGG FEDERAL INSPECTION FEES	10,635	3,663	14,298	15,671	1,373
36	03427	FEDERAL UMBRELLA FFY24	611,673	46,434	658,107	658,107	-
37	03427	FEDERAL UMBRELLA FFY25	1,835	209,196	211,031	211,031	-
38	03673	FEDERAL ANIMAL HEALTH DISEASE GR/	-	21,729	21,729	21,729	-
39	06026	DIAGNOSTIC LABORATORY FEES	1,148,923	516,127	1,665,050	1,369,902	(295,148)
40	TOTAL BUDGETED FUNDS		\$ 10,851,148	\$ 6,433,798	\$ 17,284,946	\$ 17,456,242	\$ 171,296

Due to the lag in timing that expenses are able to be posted to the accounting system, projected expenses are calculated using five months to the end of the year instead of the anticipated four months.

The Department has carry forward budget authority from FY 2023 unspent funding in the amounts of \$62,988 of General Fund and \$125,825 of State Special Revenue. The FY 2023 carry forward authority is not included in the budgeted column in the table above.

MONTANA DEPARTMENT OF LIVESTOCK
PROJECTED EXPENSE TO BUDGET COMPARISON REPORT
FEBRUARY 28, 2025

DIVISION: CENTRALIZED SERVICES
PROGRAM: CENTRAL SERVICES AND BOARD OF LIVESTOCK

		Year-to-Date Actual Expenses February FY 2025	Projected Expenses March to June 2025	FY 2025 Projected Year End Expense Totals	FY 2025 Budget	Projected Budget Excess/ (Deficit)
BUDGETED FTE		14.00				
	A	B	C	D	E	F
61000 PERSONAL SERVICES						
1	61100 SALARIES	\$ 642,078	\$ 401,494	\$ 1,043,572	\$ 941,315	\$ (102,257)
2	61104 OVERTIME	7,936	3,728	11,664	15,011	3,347
3	61300 OTHER/PER DIEM	4,500	3,500	8,000	7,600	(400)
4	61400 BENEFITS	231,369	113,381	344,750	302,111	(42,639)
5	TOTAL PERSONAL SERVICES	885,883	522,103	1,407,986	1,266,037	(141,949)
62000 OPERATIONS						
7	62100 CONTRACT	65,692	22,346	88,038	135,212	47,174
8	62200 SUPPLY	68,116	1,064	69,180	109,849	40,669
9	62300 COMMUNICATION	21,203	29,280	50,483	80,762	30,279
10	62400 TRAVEL	12,275	20,128	32,403	32,651	248
11	62500 RENT	109,508	58,677	168,185	223,272	55,087
12	62700 REPAIR & MAINT	1,712	3,175	4,887	22,038	17,151
13	62800 OTHER EXPENSES	8,490	10,339	18,829	45,860	27,031
14	TOTAL OPERATIONS	286,996	145,009	432,005	649,644	217,639
68000 TRANSFERS						
16	68000 TRANSFERS	37,810	149,021	186,831	165,695	(21,136)
17	TOTAL TRANSFERS	37,810	149,021	186,831	165,695	(21,136)
18	TOTAL EXPENDITURES	\$ 1,210,689	\$ 816,133	\$ 2,026,822	\$ 2,081,376	\$ 54,554
19 BUDGETED FUNDS						
20	02426 PER CAPITA	\$ 1,210,689	\$ 816,133	\$ 2,026,822	\$ 2,081,376	\$ 54,554
21	TOTAL BUDGETED FUNDS	\$ 1,210,689	\$ 816,133	\$ 2,026,822	\$ 2,081,376	\$ 54,554

Due to the lag in timing that expenses are able to be posted to the accounting system, projected expenses are calculated using five months to the end of the year instead of the anticipated four months.

**MONTANA DEPARTMENT OF LIVESTOCK
PROJECTED EXPENSE TO BUDGET COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: CENTRALIZED SERVICES
PROGRAM: LIVESTOCK LOSS BOARD

	Year-to-Date Actual Expenses February FY 2025	Projected Expenses March to June 2025	FY 2025 Projected Year End Expense Totals	FY 2025 Budget	Projected Budget Excess/ (Deficit)
BUDGETED FTE	1.00				
A	B	C	D	E	F
61000 PERSONAL SERVICES					
1 61100 SALARIES	\$ 59,596	\$ 13,292	\$ 72,888	\$ 81,609	\$ 8,721
2 61300 OTHER/PER DIEM	-	500	500	1,500	1,000
3 61400 BENEFITS	15,305	5,593	20,898	27,068	6,170
4 TOTAL PERSONAL SERVICES	74,901	19,385	94,286	110,177	15,891
5 62000 OPERATIONS					
6 62100 CONTRACT	709	670	1,379	4,707	3,328
7 62200 SUPPLY	655	170	825	3,531	2,706
8 62300 COMMUNICATION	1,454	1,969	3,423	6,151	2,728
9 62400 TRAVEL	-	759	759	11,532	10,773
10 62500 RENT	2,279	1,139	3,418	11,268	7,850
11 62700 REPAIR & MAINT	157	39	196	459	263
12 62800 OTHER EXPENSES	654	1,137	1,791	4,764	2,973
13 TOTAL OPERATIONS	5,908	5,883	11,791	42,412	30,621
14 67000 CLAIMS					
15 67200 DEPREDEATION REMEDIATION	150,000	-	150,000	150,000	-
16 TOTAL CLAIMS	150,000	-	150,000	150,000	-
17 TOTAL EXPENDITURES	<u>\$ 230,809</u>	<u>\$ 25,268</u>	<u>\$ 256,077</u>	<u>\$ 302,589</u>	<u>\$ 46,512</u>
18 BUDGETED FUNDS					
19 01100 GENERAL FUND	<u>\$ 230,809</u>	<u>\$ 25,268</u>	<u>\$ 256,077</u>	<u>\$ 302,589</u>	<u>\$ 46,512</u>
20 TOTAL BUDGETED FUNDS	<u>\$ 230,809</u>	<u>\$ 25,268</u>	<u>\$ 256,077</u>	<u>\$ 302,589</u>	<u>\$ 46,512</u>

Due to the lag in timing that expenses are able to be posted to the accounting system, projected expenses are calculated using five months to the end of the year instead of the anticipated four months.

MONTANA DEPARTMENT OF LIVESTOCK
PROJECTED EXPENSE TO BUDGET COMPARISON REPORT
FEBRUARY 28, 2025

DIVISION: CENTRALIZED SERVICES
PROGRAM: MILK CONTROL BUREAU

	Year-to-Date Actual Expenses February FY 2025	Projected Expenses March to June 2025	FY 2025 Projected Year End Expense Totals	FY 2025 Budget	Projected Budget Excess/ (Deficit)
BUDGETED FTE	2.00				
A	B	C	D	E	F
61000 PERSONAL SERVICES					
1 61100 SALARIES	\$ 83,772	\$ 50,237	\$ 134,009	\$ 131,057	\$ (2,952)
2 61102 OVERTIME	3,212	-	3,212	-	(3,212)
3 61300 OTHER/PER DIEM	1,000	500	1,500	1,500	-
4 61400 BENEFITS	32,424	17,501	49,925	40,107	(9,818)
5 TOTAL PERSONAL SERVICES	<u>120,408</u>	<u>68,238</u>	<u>188,646</u>	<u>172,664</u>	<u>(15,982)</u>
6					
62000 OPERATIONS					
8 62100 CONTRACT	1,465	1,268	2,733	12,950	10,217
9 62200 SUPPLY	1,874	2,447	4,321	7,279	2,958
10 62300 COMMUNICATION	1,895	2,174	4,069	6,318	2,249
11 62400 TRAVEL	135	500	635	968	333
12 62500 RENT	4,984	3,256	8,240	20,191	11,951
13 62700 REPAIR & MAINT	-	176	176	454	278
14 62800 OTHER EXPENSES	969	1,031	2,000	6,361	4,361
15 TOTAL OPERATIONS	<u>11,322</u>	<u>10,852</u>	<u>22,174</u>	<u>54,521</u>	<u>32,347</u>
16 TOTAL EXPENDITURES	<u>\$ 131,730</u>	<u>\$ 79,090</u>	<u>\$ 210,820</u>	<u>\$ 227,185</u>	<u>\$ 16,365</u>
17					
18 BUDGETED FUNDS					
19 02817 MILK CONTROL	\$ 131,730	\$ 79,090	\$ 210,820	\$ 227,185	\$ 16,365
20 TOTAL BUDGETED FUNDS	<u>\$ 131,730</u>	<u>\$ 79,090</u>	<u>\$ 210,820</u>	<u>\$ 227,185</u>	<u>\$ 16,365</u>

Due to the lag in timing that expenses are able to be posted to the accounting system, projected expenses are calculated using five months to the end of the year instead of the anticipated four months.

MONTANA DEPARTMENT OF LIVESTOCK
PROJECTED EXPENSE TO BUDGET COMPARISON REPORT
FEBRUARY 28, 2025

DIVISION: ANIMAL HEALTH DIVISION - STATE VETERINARIAN
PROGRAM: STATE VETERINARIAN IMPORT OFFICE

		Year-to-Date Actual Expenses February FY 2025	Projected Expenses March to June 2025	FY 2025 Projected Year End Expense Totals	FY 2025 Budget	Projected Budget Excess/ (Deficit)
BUDGETED FTE		8.00				
	A	B	C	D	E	F
	61000 PERSONAL SERVICES					
1	61100 SALARIES	\$ 334,440	\$ 231,868	\$ 566,308	\$ 557,978	\$ (8,330)
2	61300 OTHER/PER DIEM	6,940	3,408	10,348	8,081	(2,267)
3	61400 BENEFITS	123,183	68,744	191,927	188,853	(3,074)
4	TOTAL PERSONAL SERVICES	464,563	304,020	768,583	754,912	(13,671)
5	62000 OPERATIONS					
6	62100 CONTRACT	29,060	8,406	37,466	42,810	5,344
7	62200 SUPPLY	17,002	2,013	19,015	11,231	(7,784)
8	62300 COMMUNICATION	21,717	1,316	23,033	32,895	9,862
9	62400 TRAVEL	5,518	10,646	16,164	4,484	(11,680)
10	62500 RENT	10,826	7,151	17,977	8,801	(9,176)
11	62600 UTILITIES	-	10	10	13	3
12	62700 REPAIR & MAINT	2,123	654	2,777	3,895	1,118
13	62800 OTHER EXPENSES	15,003	418	15,421	9,903	(5,518)
14	TOTAL OPERATIONS	101,249	30,614	131,863	114,032	(17,831)
15	63000 EQUIPMENT					
16	63100 EQUIPMENT	-	50,000	50,000	50,000	-
17	TOTAL EQUIPMENT	-	50,000	50,000	50,000	-
18	TOTAL EXPENDITURES	\$ 565,812	\$ 384,634	\$ 950,446	\$ 918,944	\$ (31,502)
19	BUDGETED FUNDS					
20	02426 PER CAPITA FEE	\$ 560,064	\$ 382,727	\$ 942,791	\$ 911,289	\$ (31,502)
21	02427 ANIMAL HEALTH FEES	5,748	1,907	7,655	7,655	-
22	TOTAL BUDGET FUNDING	\$ 565,812	\$ 384,634	\$ 950,446	\$ 918,944	\$ (31,502)

Due to the lag in timing that expenses are able to be posted to the accounting system, projected expenses are calculated using five months to the end of the year instead of the anticipated four months.

MONTANA DEPARTMENT OF LIVESTOCK
PROJECTED EXPENSE TO BUDGET COMPARISON REPORT
FEBRUARY 28, 2025

DIVISION: ANIMAL HEALTH DIVISION - STATE VETERINARIAN
PROGRAM: DESIGNATED SURVEILLANCE AREA (DSA) & FEDERAL ANIMAL HEALTH DISEASE GRANTS

		Year-to-Date Actual Expenses February FY 2025	Projected Expenses March to June 2025	FY 2025 Projected Year End Expense Totals	FY 2025 Budget	Projected Budget Excess/ (Deficit)
BUDGETED FTE		5.75				
	A	B	C	D	E	F
61000 PERSONAL SERVICES						
1	61100 SALARIES	\$ 189,506	\$ 145,811	\$ 335,317	\$ 399,610	\$ 64,293
2	61300 OTHER/PER DIEM	1,329	-	1,329	6,973	5,644
3	61400 BENEFITS	73,930	46,884	120,814	150,529	29,715
4	TOTAL PERSONAL SERVICES	264,765	192,695	457,460	557,112	99,652
62000 OPERATIONS						
6	62100 CONTRACT	788,062	249,686	1,037,748	1,073,899	36,151
7	62200 SUPPLY	7,486	14,869	22,355	39,902	17,547
8	62300 COMMUNICATION	3,694	6,375	10,069	12,413	2,344
9	62400 TRAVEL	5,263	4,887	10,150	14,540	4,390
10	62500 RENT	19,200	6,746	25,946	24,435	(1,511)
11	62700 REPAIR & MAINT	5,021	2,155	7,176	8,618	1,442
12	62800 OTHER EXPENSES	28,982	11,505	40,487	64,423	23,936
13	TOTAL OPERATIONS	857,708	296,223	1,153,931	1,238,230	84,299
68000 TRANSFERS						
15	68000 TRANSFERS	94,686	145,314	240,000	240,000	-
16	TOTAL TRANSFERS	94,686	145,314	240,000	240,000	-
17	TOTAL EXPENDITURES	\$ 1,217,159	\$ 634,232	\$ 1,851,391	\$ 2,035,342	\$ 183,951
18 BUDGETED FUNDS						
19	01100 GENERAL FUND	\$ 603,651	\$ 378,602	\$ 982,253	\$ 1,166,204	\$ 183,951
20	03427 FEDERAL UMBRELLA FFY2	611,673	46,434	658,107	658,107	-
21	03427 FEDERAL UMBRELLA FFY2	1,835	209,196	211,031	211,031	-
22	TOTAL BUDGETED FUNDS	\$ 1,217,159	\$ 634,232	\$ 1,851,391	\$ 2,035,342	\$ 183,951

Due to the lag in timing that expenses are able to be posted to the accounting system, projected expenses are calculated using five months to the end of the year instead of the anticipated four months.

MONTANA DEPARTMENT OF LIVESTOCK
PROJECTED EXPENSE TO BUDGET COMPARISON REPORT
FEBRUARY 28, 2025

DIVISION: ANIMAL HEALTH DIVISION
PROGRAM: DIAGNOSTIC LABORATORY

	Year-to Date Actual Expenses FY 2025	Projected Expenses March 2025 to June 2025	FY 2025 Projected Year End Expense Totals	FY 2025 Budget	Projected Excess/ (Deficit)
BUDGETED FTE	22.01				
A	B	C	D	E	F
61000 PERSONAL SERVICES					
1 61100 SALARIES	\$ 857,296	\$ 529,820	\$ 1,387,116	\$ 1,434,830	\$ 47,714
2 61102 OVERTIME	21,327	21,330	42,657	32,139	(10,518)
3 61400 BENEFITS	328,657	184,409	513,066	518,602	5,536
4 TOTAL PERSONAL SERVICES	<u>1,207,280</u>	<u>735,559</u>	<u>1,942,839</u>	<u>1,985,571</u>	<u>42,732</u>
5					
6 62000 OPERATIONS					
7 62100 CONTRACT	112,259	113,934	226,193	191,178	(35,015)
8 62200 SUPPLY	598,251	293,502	891,753	696,099	(195,654)
9 62300 COMMUNICATION	23,791	71,587	95,378	64,249	(31,129)
10 62400 TRAVEL	7,584	7,787	15,371	10,014	(5,357)
11 62500 RENT	76,252	27,978	104,230	91,578	(12,652)
12 62600 UTILITIES	26,027	11,749	37,776	28,531	(9,245)
13 62700 REPAIR & MAINT	89,457	79,331	168,788	139,138	(29,650)
14 62800 OTHER EXPENSES	51,981	3,908	55,889	36,712	(19,177)
15 TOTAL OPERATIONS	<u>985,602</u>	<u>609,776</u>	<u>1,595,378</u>	<u>1,257,498</u>	<u>(337,880)</u>
16 63000 EQUIPMENT					
17 63100 EQUIPMENT	-	19,967	19,967	19,967	-
18 TOTAL EQUIPMENT	<u>-</u>	<u>19,967</u>	<u>19,967</u>	<u>19,967</u>	<u>-</u>
19 TOTAL EXPENDITURES	<u>\$ 2,192,882</u>	<u>\$ 1,365,302</u>	<u>\$ 3,558,184</u>	<u>\$ 3,263,036</u>	<u>\$ (295,148)</u>
20					
21 BUDGETED FUNDS					
22 01100 GENERAL FUND	\$ 347,095	\$ 700,626	\$ 1,047,721	\$ 1,047,721	\$ -
23 02426 PER CAPITA FEE	696,864	126,820	823,684	823,684	-
24 03673 FEDERAL ANIMAL HEALTH DISEASE	-	21,729	21,729	21,729	-
25 06026 DIAGNOSTIC LABORATORY FEES	1,148,923	516,127	1,665,050	1,369,902	(295,148)
26 TOTAL BUDGETED FUNDS	<u>\$ 2,192,882</u>	<u>\$ 1,365,302</u>	<u>\$ 3,558,184</u>	<u>\$ 3,263,036</u>	<u>\$ (295,148)</u>

Due to the lag in timing that expenses are able to be posted to the accounting system, projected expenses are calculated using five months to the end of the year instead of the anticipated four months.

**MONTANA DEPARTMENT OF LIVESTOCK
PROJECTED EXPENSE TO BUDGET COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: MILK & EGG BUREAU
PROGRAM: MILK AND EGG / SHIELDED EGG GRADING

	Year-to-Date Actual Expenses February FY 2025	Projected Expenses March to June 2025	FY 2025 Projected Year End Expense Totals	FY 2025 Budget	Projected Excess/ (Deficit)
BUDGETED FTE	6.75				
A	B	C	D	E	F
61000 PERSONAL SERVICES					
1 61100 SALARIES	\$ 197,293	\$ 117,111	\$ 314,404	\$ 409,162	\$ 94,758
2 61200 OVERTIME	17,747	661	18,408	15,881	(2,527)
3 61400 BENEFITS	79,536	43,208	122,744	169,147	46,403
4 TOTAL PERSONAL SERVICES	294,576	160,980	455,556	594,190	138,634
5 62000 OPERATIONS					
6 62100 CONTRACT	30,835	30,230	61,065	134,081	73,016
7 62200 SUPPLY	1,636	6,160	7,796	19,206	11,410
8 62300 COMMUNICATION	1,568	6,164	7,732	7,644	(88)
9 62400 TRAVEL	6,999	5,390	12,389	13,487	1,098
10 62500 RENT	14,666	7,053	21,719	26,847	5,128
11 62700 REPAIR & MAINT	348	1,042	1,390	2,936	1,546
12 62800 OTHER EXPENSES	6,750	1,079	7,829	16,699	8,870
13 TOTAL OPERATIONS	62,802	57,118	119,920	220,900	100,980
14 TOTAL EXPENDITURES	<u>\$ 357,378</u>	<u>\$ 218,098</u>	<u>\$ 575,476</u>	<u>\$ 815,090</u>	<u>\$ 239,614</u>
15 BUDGETED FUNDS					
16 02262 SHIELDED EGG GRADING FEES	\$ 179,161	\$ 70,711	\$ 249,872	\$ 380,708	\$ 130,836
17 02701 MILK INSPECTION FEES	167,582	143,724	311,306	418,711	107,405
18 03202 SHELL EGG FEDERAL INSPECTION	10,635	3,663	14,298	15,671	1,373
19 TOTAL BUDGET FUNDING	<u>\$ 357,378</u>	<u>\$ 218,098</u>	<u>\$ 575,476</u>	<u>\$ 815,090</u>	<u>\$ 239,614</u>

Due to the lag in timing that expenses are able to be posted to the accounting system, projected expenses are calculated using five months to the end of the year instead of the anticipated four months. FY 2025 Milk Inspection Fee projected expenses of \$311,306 are \$29,789 more than the FY 2024 revenues of \$281,517. The excess of expenses over revenues is expected to expend the Milk Inspection cash balance in the last quarter of FY 2024.

MONTANA DEPARTMENT OF LIVESTOCK
PROJECTED EXPENSE TO BUDGET COMPARISON REPORT
FEBRUARY 28, 2025

DIVISION: ANIMAL HEALTH DIVISION
PROGRAM: MEAT INSPECTION

	Year-to-Date Actual Expenses February FY 2025	Projected Expenses March to June 2025	FY 2025 Projected Year End Expense Totals	FY 2025 Budget	Projected Budget Excess/ (Deficit)
BUDGETED FTE	26.50				
A	B	C	D	E	F
61000 PERSONAL SERVICES					
1 61100 SALARIES	\$ 870,491	\$ 541,459	\$ 1,411,950	\$ 1,311,323	\$ (100,627)
2 61200 OVERTIME	29,839	19,570	49,409	58,906	9,497
3 61400 BENEFITS	383,353	220,692	604,045	609,028	4,983
4 TOTAL PERSONAL SERVICES	1,283,683	781,721	2,065,404	1,979,257	(86,147)
5					
6 62000 OPERATIONS					
7 62100 CONTRACT	49,975	35,464	85,439	77,405	(8,034)
8 62200 SUPPLY	38,693	3,591	42,284	42,788	504
9 62300 COMMUNICATION	15,738	10,900	26,638	27,072	434
10 62400 TRAVEL	60,679	37,114	97,793	89,999	(7,794)
11 62500 RENT	140,198	92,470	232,668	186,360	(46,308)
12 62700 REPAIR & MAINT	5,238	1,911	7,149	4,678	(2,471)
13 62800 OTHER EXPENSES	191,867	124,731	316,598	287,363	(29,235)
14 TOTAL OPERATIONS	502,388	306,181	808,569	715,665	(92,904)
15 TOTAL EXPENDITURES	<u>\$ 1,786,071</u>	<u>\$ 1,087,902</u>	<u>\$ 2,873,973</u>	<u>\$ 2,694,922</u>	<u>\$ (179,051)</u>
16					
17 BUDGETED FUNDS					
18 01100 GENERAL FUND	\$ 1,062,360	\$ 597,038	\$ 1,659,398	\$ 1,480,347	\$ (179,051)
19 02427 ANIMAL HEALTH FEES	-	9,575	9,575	9,575	-
20 03209 MEAT & POULTRY INSPECTION	723,711	481,289	1,205,000	1,205,000	-
21 TOTAL BUDGET FUNDING	<u>\$ 1,786,071</u>	<u>\$ 1,087,902</u>	<u>\$ 2,873,973</u>	<u>\$ 2,694,922</u>	<u>\$ (179,051)</u>

Due to the lag in timing that expenses are able to be posted to the accounting system, projected expenses are calculated using five months to the end of the year instead of the anticipated four months.

MONTANA DEPARTMENT OF LIVESTOCK
PROJECTED EXPENSE TO BUDGET COMPARISON REPORT
FEBRUARY 28, 2025

DIVISION: BRANDS ENFORCEMENT
PROGRAM: BRANDS ENFORCEMENT

	Year-to-Date Actual Expenses February FY 2025	Projected Expenses March to June 2025	FY 2025 Projected Year End Expense Totals	FY 2025 Budget	Projected Budget Excess/ (Deficit)
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BUDGETED FTE	54.61
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	A	B	C	D	E	F
61000 PERSONAL SERVICES						
1 61100 SALARIES		\$ 1,738,250	\$ 1,095,817	\$ 2,834,067	\$ 2,856,558	\$ 22,491
2 61200 OVERTIME		174,123	50,485	224,608	206,083	(18,525)
3 61400 BENEFITS		760,393	392,538	1,152,931	1,234,604	81,673
4 TOTAL PERSONAL SERVICES		<u>2,672,766</u>	<u>1,538,840</u>	<u>4,211,606</u>	<u>4,297,245</u>	<u>85,639</u>
5 62000 OPERATIONS						
6 62100 CONTRACT		77,301	52,716	130,017	133,288	3,271
7 62200 SUPPLY		73,239	31,410	104,649	122,785	18,136
8 62300 COMMUNICATION		54,741	28,301	83,042	74,185	(8,857)
9 62400 TRAVEL		25,445	26,240	51,685	56,866	5,181
10 62500 RENT		145,445	80,339	225,784	248,411	22,627
11 62600 UTILITIES		6,000	-	6,000	6,560	560
12 62700 REPAIR & MAINT		74,949	19,301	94,250	83,426	(10,824)
13 62800 OTHER EXPENSES		28,732	18,024	46,756	67,024	20,268
14 TOTAL OPERATIONS		<u>485,852</u>	<u>256,331</u>	<u>742,183</u>	<u>792,545</u>	<u>50,362</u>
15 63000 EQUIPMENT						
16 63100 EQUIPMENT		-	27,968	27,968	27,968	-
17 TOTAL EQUIPMENT		<u>-</u>	<u>27,968</u>	<u>27,968</u>	<u>27,968</u>	<u>-</u>
18 TOTAL EXPENDITURES		<u>\$ 3,158,618</u>	<u>\$ 1,823,139</u>	<u>\$ 4,981,757</u>	<u>\$ 5,117,758</u>	<u>\$ 136,001</u>
19						
20 BUDGETED FUNDS						
21 02425 BRAND INSPECTION FEES		\$ 3,036,614	\$ 587,572	\$ 3,624,186	\$ 3,624,186	\$ -
22 02426 PER CAPITA FEES		122,004	1,235,567	1,357,571	1,493,572	136,001
23 TOTAL BUDGET FUNDING		<u>\$ 3,158,618</u>	<u>\$ 1,823,139</u>	<u>\$ 4,981,757</u>	<u>\$ 5,117,758</u>	<u>\$ 136,001</u>

Due to the lag in timing that expenses are able to be posted to the accounting system, projected expenses are calculated using five months to the end of the year instead of the anticipated four months.

**MONTANA DEPARTMENT OF LIVESTOCK
EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

**DIVISION: DEPARTMENT OF LIVESTOCK
PROGRAM: DEPARTMENT OF LIVESTOCK**

BUDGET TO ACTUAL EXPENSE COMPARISON REPORT		FY 2025 Budget	Year-to-Date Actual Expenses February FY 2025	Same Period Prior Year Actual Expenses February FY 2024	Year to Year Comparison	Balance of Budget Available
BUDGETED FTE		142.62				
	A	B	C	D	E	F
61000 PERSONAL SERVICES						
1	61100 SALARIES	\$ 8,123,442	\$ 4,972,722	\$ 4,467,803	\$ 504,919	\$ 3,150,720
2	61200 OVERTIME	343,074	262,453	270,290	(7,837)	80,621
3	61300 OTHER/PER DIEM	10,600	5,500	5,400	100	5,100
4	61400 BENEFITS	3,240,049	2,028,150	1,915,603	112,547	1,211,899
5	TOTAL PERSONAL SERVICES	11,717,165	7,268,825	6,659,096	609,729	4,448,340
62000 OPERATIONS						
7	62100 CONTRACT	1,805,530	1,155,358	1,219,837	(64,479)	650,172
8	62200 SUPPLY	1,052,670	806,952	780,307	26,645	245,718
9	62300 COMMUNICATION	311,689	145,801	144,769	1,032	165,888
10	62400 TRAVEL	234,541	123,898	105,180	18,718	110,643
11	62500 RENT	841,163	523,358	430,924	92,434	317,805
12	62600 UTILITIES	35,104	32,027	28,448	3,579	3,077
13	62700 REPAIR & MAINT	265,642	179,005	131,812	47,193	86,637
14	62800 OTHER EXPENSES	539,109	333,428	295,304	38,124	205,681
15	TOTAL OPERATIONS	5,085,447	3,299,827	3,136,581	163,246	1,785,620
63000 EQUIPMENT						
17	63100 EQUIPMENT	97,935	-	105,323	(105,323)	97,935
18	TOTAL EQUIPMENT	97,935	-	105,323	(105,323)	97,935
67000 CLAIMS						
21	67200 DEPREDATION REMEDIATION	150,000	150,000	115,030	34,970	-
22	TOTAL CLAIMS	150,000	150,000	115,030	34,970	-
68000 TRANSFERS						
24	68000 TRANSFERS	405,695	132,496	61,256	71,240	273,199
25	TOTAL TRANSFERS	405,695	132,496	61,256	71,240	273,199
26	TOTAL	\$ 17,456,242	\$ 10,851,148	\$ 10,077,286	\$ 773,862	\$ 6,605,094
27 BUDGETED FUNDS						
28	01100 GENDERAL FUND	\$ 3,996,861	\$ 2,243,915	\$ 1,928,209	\$ 315,706	\$ 1,752,946
29	02262 SHIELDED EGG GRADING FEES	380,708	179,161	129,036	50,125	201,547
30	02425 BRAND INSPECTION FEES	3,624,186	3,036,614	2,971,125	65,489	587,572
31	02426 PER CAPITA FEE	5,309,921	2,589,621	2,405,128	184,493	2,720,300
32	02427 ANIMAL HEALTH	17,230	5,748	-	5,748	11,482
33	02701 MILK INSPECTION FEES	418,711	167,582	213,598	(46,016)	251,129
34	02817 MILK CONTROL	227,185	131,730	102,335	29,395	95,455
35	03209 MEAT & POULTRY INSPECTION-FED	1,205,000	723,711	706,734	16,977	481,289
36	03032 SHELL EGG FEDERAL INSPECTION	15,671	10,635	12,133	(1,498)	5,036
37	03427 FEDERAL UMBRELLA FFY24	658,107	611,673	515,926	95,747	46,434
38	03427 FEDERAL UMBRELLA FFY25	211,031	1,835	-	1,835	209,196
39	03673 FEDERAL ANIMAL HEALTH DISEASE	21,729	-	18,735	(18,735)	21,729
40	06026 DIAGNOSTIC LABORATORY FEES	1,369,902	1,148,923	1,074,327	74,596	220,979
41	TOTAL BUDGET FUNDING	\$ 17,456,242	\$ 10,851,148	\$ 10,077,286	\$ 773,862	\$ 6,605,094

The Department of Livestock is budgeted for \$17,456,242 and 142.62 FTE in FY 2025. Personal services budget is 62% expended with 61% of payrolls complete. Personal services expended as of February 2025 was \$609,729 higher than February 2024. Operations are 65% expended with 59% of the budget year lapsed. Operation expenses as of February 2025 were \$163,246 higher than February 2024. Overall, Department of Livestock total expenditures were \$773,862 higher than the same period last year. As of February 28, 2025, 62% of the department's budget has been expended.

The Department had employee termination payouts of \$227,309 and \$221,251 for the period ending February 28, 2025 and February 28, 2024, respectively.

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: DEPARTMENT OF LIVESTOCK

PROGRAM: STATUTORY APPROPRIATIONS / BUDGET AMENMENTS / HOUSEBILL 10

**BUDGET TO ACTUAL EXPENSE
COMPARISON REPORT**

		Year-to-Date Actual Expenses	Same Period Prior Year Actual Expenses		
	FY 2025 Budget	February FY 2025	February FY 2024	Year to Year Comparison	Balance of Budget Available

STATUTORY APPROPRIATED, BUDGET AMENDED AND HOUSEBILL 10 EXPENDITURES

	A	B	C	D	E	F
	61000 PERSONAL SERVICES					
1	61100 SALARIES	\$ 25,671	\$ 16,468	\$ 21,390	\$ (4,922)	\$ 9,203
2	61400 BENEFITS	13,823	11,507	13,362	(1,855)	2,316
3	TOTAL PERSONAL SERVICES	39,494	27,975	34,752	(6,777)	11,519
4	62000 OPERATIONS					
5	62100 CONTRACT	1,034,929	1,043,999	712,220	331,779	(9,070)
6	62200 SUPPLY	116,633	46,865	78,513	(31,648)	69,768
7	62300 COMMUNICATION	9,614	6,975	7,841	(866)	2,639
8	62400 TRAVEL	59,759	15,286	20,241	(4,955)	44,473
9	62500 RENT	1,155	-	47,499	(47,499)	1,155
10	62700 REPAIR & MAINT	11,845	94,033	57,939	36,094	(82,188)
11	62800 OTHER EXPENSES	222,262	5,933	61,306	(55,373)	216,329
12	TOTAL OPERATIONS	1,456,197	1,213,091	985,559	227,532	243,106
13	63000 EQUIPMENT					
14	63100 EQUIPMENT	1,200,394	95,525	123,859	(28,334)	1,104,869
15	63400 INTANGIBLE ASSETS	-	-	9,137	(9,137)	-
16	TOTAL EQUIPMENT	1,200,394	95,525	132,996	(37,471)	1,104,869
17	66000 GRANTS					
18	66100 FROM STATE SOURCES	128,000	126,730	98,074	28,656	1,270
19	TOTAL GRANTS	128,000	126,730	98,074	28,656	1,270
20	67000 CLAIMS					
21	67200 DEPREDAATION REMEDIATION	300,000	30,444	-	30,444	269,556
22	67200 INDEMNITY PAYMENTS	10,000	-	1,000	(1,000)	10,000
23	TOTAL CLAIMS	310,000	30,444	1,000	29,444	279,556
24	TOTAL EXPENDITURES	\$ 3,134,085	\$ 1,493,765	\$ 1,252,381	\$ 241,384	\$ 1,640,320
25	<u>STATUTORY APPROPRIATED (SA) :: BUDGET AMENDED (BA) FUNDS :: HOUSEBILL 10 (HB10)</u>					
26	02117 PREDATOR ANIMAL CONTROL (SA)	\$ 575,000	\$ 575,000	\$ 575,000	\$ -	\$ -
27	02124 LIVESTOCK LOSS REMEDIATION (SA)	300,000	30,444	-	30,444	269,556
28	02125 LIVESTOCK LOSS REDUCTION (SA)	244,000	242,563	98,074	144,489	1,437
29	02136 WOLF MITIGATION DONATIONS (SA)	125,915	125,915	113,958	11,957	-
30	02426 PER CAPITA FEE (HB10)	-	-	9,137	(9,137)	-
31	02980 INDEMNITY FUND (SA)	10,000	-	1,000	(1,000)	10,000
32	03032 MILK INSPECTION EQUIPMENT	86,269	50,135	-	50,135	36,134
33	03209 MEAT & POULTRY INSPECTION (BA)	-	-	98,282	(98,282)	-
34	03427 SHIP (BA)	10,000	2,880	-	2,880	7,120
35	03427 FAD OUTBREAK (BA)	88,567	1,651	-	1,651	86,916
36	03427 CWD (BA)	205,616	81,276	-	81,276	124,340
37	03427 HPPI EMERGENCY PREPERADNESS	1,030	45	-	45	985
38	03673 NAHLN (BA)	233,886	115,548	232,992	(117,444)	118,338
39	03673 NAHLN (LIMS IMPROVEMENT)	170,950	132,250	-	132,250	38,700
40	03673 NAHLN ARP AWARD (BA)	1,000,000	55,036	-	55,036	944,964
41	03710 ANIMAL DISEASE TRACEABILITY (BA)	82,852	81,022	123,938	(42,916)	1,830
42	TOTAL SA, BA AND HB10 FUNDING	\$ 3,134,085	\$ 1,493,765	\$ 1,252,381	\$ 241,384	\$ 1,640,320

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT NOTES
FEBRUARY 28, 2025**

DIVISION: DEPARTMENT OF LIVESTOCK

PROGRAM: STATUTORY APPROPRIATIONS / BUDGET AMENMENTS / HOUSEBILL 10

BUDGET TO ACTUAL EXPENSE COMPARISON REPORT	Year-to-Date Actual Expenses		Same Period Prior Year Actual		Balance of Budget Available
	FY 2025 Budget	February FY 2025	Expenses FY 2024	Year to Year Comparison	

STATUTORY APPROPRIATED, BUDGET AMENDED AND HOUSEBILL 10 NOTES

NOTES TO THE BUDGETARY EXPENSES COMPARISON REPORT FOR STATUTORY APPROPRIATIONS, BUDGET AMENDMENTS AND HOUSE BILL 10

Predator animal control is funded with a transfer of per capita fees monies to the fund. The department has paid three counties \$41,290 and Wildlife Services \$523,710. The three counties do not have a cooperative agreement with Wildlife Services for predator control.

The Livestock Loss Board is statutorily budgeted with \$300,000 for livestock depredation loss remediation. From the total amount budgeted for depredation claims of \$450,000 in House Bill 02 and Statutory Appropriations, LLB has expended \$180,444 or 40% of the total depredation claims budgets, account 67200. In FY 2024, LLB paid \$115,030 for depredation claims as of February 29, 2024 or \$65,414 less than the current year.

The Livestock Loss Board is statutorily budgeted with \$244,000 for livestock depredation reductions grants. As of February 28, 2025 the Board has spend \$126,730 on livestock depredations reductions grants in FY 2025.

The Wolf Mitigation Donations fund is funded with donations, mostly from hunters and anglers, while purchasing hunting and fishing licenses. The Department collected \$125,364 and \$114,370 in FY 2024 and FY 2023, respectively, and paid those amounts to Wildlife Services in FY 2025 and FY 2024, respectively. The Department has an MOU with Wildlife Services for the monitoring and removal of wolves.

81-2-203 MCA created a statutory indemnity special revenue fund for compensation of animals for slaughter due to disease under the direction of the Department as per 81-2-201 MCA. The Department may transfer \$10,000 per year to the fund. Unspent monies are carried forward to subsequent years until the fund accumulates \$100,000 of transferred funds. Payments are limited to the cash balance in the fund after the annual transfer. The Department has paid \$5,850 as of February 28, 2025 for indemnity payments since inception of 81-2-203 MCA. There is a cash balance in the indemnity fund of \$14,601 as of February 28, 2025. The cash is invested in STIP has earned \$453 in interest since the fund was created.

The Department has five federal milk inspection grants. The first grant was awarded in FY 2024 and is for milk inspection training and supplies in the amount of \$12,613. The Department spent \$5,454 in FY 2024. \$7,159 of the unspent authority was carried over to FY 2025. The second is for milk inspection tools and equipment in the amount of \$8,308. The Department has spent \$7,887 of the equipment grant. The third federal grant is for milk testing equipment for the diagnostic laboratory. The amount of the grant is \$40,969. The fourth federal grant is for milk inspection for High Path Avian Influenza testing personal protection equipment. The amount of the grant is \$15,224. The fifth federal grant is for two milk inspectors to attend training at two out of state training seminars and for one milk inspection employee to attend two out of state conferences. The amount of the grant is \$14,589.

The Meat & Poultry budget amemdment in FY 2024 was to increase the budget to match the federal funding the Department received in the federal fiscal year 2023 which ended September 30, 2023. The BA was spent on normal operting expenses. The current fiscal year budget has been deemed adequate for the antipated federal funding that will be recieved in the federal fiscal year 2024 which ends September 30, 2025.

The Department received a federal grant for Swine Health Improvement Program (SHIP) training. This is a \$10,000 grant with an expiration date of March 31, 2025. As of February 28, 2025, the Department has spent \$2,880 of the SHIP funding.

The Department received a federal grant for Foreign Animal Disease Breakout Preparedness (FADBP) training. This is a \$88,567 grant with an expiration date of May 26, 2026. As of February 28, 2025, the Department has spent \$1,651 of the FADBP funding.

The Department received a federal grant for Cronic Wasting Disease (CWD) Management of Alternative Livestock herds. This is a \$205,616 grant with an expiration date of June 30, 2025. As of February 28, 2025, the Department has spent \$81,276 of the CWD funding.

The Department received a federal grant for Highly Pathogenic Avian Influenza in Livestock Response, Control, and Surveillance in milk. This grant is to test, monitor and communicate HPAI milk results. The amount of the grant is \$1,030.

In FY 2024, the Diagnostic Laboratory was awarded \$256,300 from the National Animal Health Laboratory Network (NAHLN) through USDA, APHIS of which \$22,414 was spent in FY 2024. \$233,886 was carried forward to FY 2025. This grant is to purchase testing supplies, travel, maintenance contracts and laboratory equipment for the Diagnostic Laboratory. As of February 28, 2025, the lab has spent \$115,548 in FY 2025 of the NAHLN grant. MVDL has until May 31, 2025 to spend the grant funding.

The Diagnostic Laboratory was awarded \$170,950 from the National Animal Health Laboratory Network (NAHLN) through USDA, APHIS. The grant is a passthrough grant in which MVDL is administering. It is for improvement of the lab's LIMS system which will be implemented by six states including Montana. The grant will pay for the implentation for the other five states. MVDL has until June 30, 2026 to spend the grant funding.

The Diagnostic Laboratory was awarded \$1,000,000 from the American Rescue Plan (ARP) through USDA, APHIS. This grant is a sub-award through the Colorado State University. This grant is to purchase equipment for the Diagnostic Laboratory including the incinerator for the new lab building. As of February 28, 2025, the lab has spent \$55,036 of the APHIS ARP grant. MVDL has until May 31, 2025 to spend the grant funding.

The Animal Health Bureau receives federal funding for animal disease traceability. Unspent federal money at State Fiscal Year (SFY) end is carried over to the next SFY. The Department received \$99,214 from APHIS USDA for animal disease traceability expenses. The Department spent \$16,362 of the grant in FY 2024. Federal grants carried over from SFY 2024 to SFY 2025 was \$82,852. As of February 28, 2025, the Department expended \$97,384 or 98% of the grant.

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: CENTRALIZED SERVICES
PROGRAM: CENTRAL SERVICES AND BOARD OF LIVESTOCK

**BUDGET TO ACTUAL
EXPENSE COMPARISON
REPORT**

	FY 2025 Budget	Year-to-Date Actual Expenses February FY 2025	Same Period Prior Year Actual Expenses February FY 2024	Year to Year Comparison	Balance of Budget Available
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BUDGETED FTE	14.00
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	A	B	C	D	E	F
61000 PERSONAL SERVICES						
1 61100 SALARIES	\$	941,315	\$	642,078	\$	511,334
2 61104 OVERTIME		15,011		7,936		8,177
3 61300 OTHER/PER DIEM		7,600		4,500		3,700
4 61400 BENEFITS		302,111		231,369		191,848
5 TOTAL PERSONAL SERVICES		1,266,037		885,883		715,059
6 62000 OPERATIONS						
7 62100 CONTRACT		135,212		65,692		73,008
8 62200 SUPPLY		109,849		68,116		80,150
9 62300 COMMUNICATION		80,762		21,203		31,069
10 62400 TRAVEL		32,651		12,275		10,154
11 62500 RENT		223,272		109,508		108,082
12 62700 REPAIR & MAINT		22,038		1,712		4,883
13 62800 OTHER EXPENSES		45,860		8,490		12,581
14 TOTAL OPERATIONS		649,644		286,996		319,927
15 68000 TRANSFERS						
16 68000 TRANSFERS		165,695		37,810		37,412
17 TOTAL TRANSFERS		165,695		37,810		37,412
18 TOTAL EXPENDITURES	\$	2,081,376	\$	1,210,689	\$	1,072,398
19 BUDGETED FUNDS						
20 02426 PER CAPITA	\$	2,081,376	\$	1,210,689	\$	1,072,398
21 TOTAL BUDGETED FUNDS	\$	2,081,376	\$	1,210,689	\$	1,072,398
22 STATUTORY APPROPRIATIONS (SA) AND HOUSEBILL 10 (HB10)						
23 62000 OPERATIONS						
24 62100 CONTRACT	\$	700,915	\$	700,915	\$	688,958
25 TOTAL OPERATIONS		700,915		700,915		688,958
26 63000 CAPITAL ASSETS						
27 63400 INTANGIBLE ASSETS		-		-		9,137
28 TOTAL CAPITAL ASSETS		-		-		9,137
29 TOTAL EXPENDITURES	\$	700,915	\$	700,915	\$	698,095
30 SA FUNDS AND HB10 FUNDS						
31 02117 PREDATOR ANIMAL CONTOL (SA)	\$	575,000	\$	575,000	\$	575,000
32 02136 WOLF MITIGATION DONATIONS (SA)		125,915		125,915		113,958
33 02426 PER CAPITA (HB10)		-		-		9,137
34 TOTAL SA AND HB10 FUNDING	\$	700,915	\$	700,915	\$	698,095

Central Services And Board Of Livestock is budgeted \$2,081,376 and 14.00 FTE in FY 2025 and is funded with per capita fees. Personal services budget is 70% expended with 61% of payrolls complete. The personal services expended through February 2025 was \$170,824 higher than February 2024. Operating expenses are 44% expended as of February 2025 and were \$32,931 lower than February 2024. Overall, CSD total expenditures were \$138,291 higher than the same period last year. As of February 28, 2025, CSD has expended 58% of the its budget.

Predator animal control is funded with a transfer of per capita fees monies to the fund. The department has paid three counties \$41,290 and Wildlife Services \$523,710. The three counties do not have a cooperative agreement with Wildlife Services for predator control.

The Wolf Mitigation Donations fund is funded with donations, mostly from hunters and anglers, while purchasing hunting and fishing licenses. The Department collected \$125,364 and \$114,370 in FY 2024 and FY 2023, respectively, and paid those amounts to Wildlife Services in FY 2025 and FY 2024, respectively. The Department has an MOU with Wildlife Services for the monitoring and removal of wolves.

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: CENTRALIZED SERVICES
PROGRAM: LIVESTOCK LOSS BOARD

BUDGET TO ACTUAL EXPENSE COMPARISON REPORT			FY 2025 Budget	Year-to-Date Actual Expenses February FY 2025	Same Period Prior Year Actual Expenses February FY 2024	Year to Year Comparison	Balance of Budget Available
	BUDGETED FTE		1.00				
	A	B	C	D	E	F	
61000 PERSONAL SERVICES							
1	61100 SALARIES	\$ 81,609	\$ 59,596	\$ 50,663	\$ 8,933	\$ 22,013	
2	61300 OTHER/PER DIEM	1,500	-	1,200	(1,200)	1,500	
3	61400 BENEFITS	27,068	15,305	17,687	(2,382)	11,763	
4	TOTAL PERSONAL SERVICES	110,177	74,901	69,550	5,351	35,276	
62000 OPERATIONS							
6	62100 CONTRACT	4,707	709	2,740	(2,031)	3,998	
7	62200 SUPPLY	3,531	655	1,164	(509)	2,876	
8	62300 COMMUNICATION	6,151	1,454	2,003	(549)	4,697	
9	62400 TRAVEL	11,532	-	5,317	(5,317)	11,532	
10	62500 RENT	11,268	2,279	2,278	1	8,989	
11	62700 REPAIR & MAINT	459	157	234	(77)	302	
12	62800 OTHER EXPENSES	4,764	654	1,229	(575)	4,110	
13	TOTAL OPERATIONS	42,412	5,908	14,965	(9,057)	36,504	
67000 BENEFITS AND CLAIMS							
15	67200 DEPREDAATION REMIDIATION	150,000	150,000	115,030	34,970	-	
16	TOTAL CLAIMS	150,000	150,000	115,030	34,970	-	
17	TOTAL EXPENDITURES	\$ 302,589	\$ 230,809	\$ 199,545	\$ 31,264	\$ 71,780	
BUDGETED FUNDS							
20	01100 GENERAL FUND	\$ 302,589	\$ 230,809	\$ 199,545	\$ 31,264	\$ 71,780	
21	TOTAL BUDGETED FUNDS	\$ 302,589	\$ 230,809	\$ 199,545	\$ 31,264	\$ 71,780	
22 STATUTORY APPROPRIATIONS (SA) AND BUDGET AMENDMENTS (BA)							
62200 OPERATIONS							
24	62100 CONTRACT	\$ 116,000	\$ 115,833	\$ -	\$ 115,833	\$ 167	
25	TOTAL OPERATIONS	116,000	115,833	-	115,833	167	
66000 GRANTS							
27	66100 DEPREDAATION REDUCTION GRANTS	128,000	126,730	98,074	28,656	1,270	
28	TOTAL GRANTS	128,000	126,730	98,074	28,656	1,270	
67000 BENEFITS AND CLAIMS							
30	67200 DEPREDAATION REMEDIATION	300,000	30,444	-	30,444	269,556	
31	TOTAL STATE SOURCES	300,000	30,444	-	30,444	269,556	
32	TOTAL EXPEDITURES	\$ 544,000	\$ 273,007	\$ 98,074	\$ 174,933	\$ 270,993	
SA FUNDS							
34	02124 LIVESTOCK LOSS REMEDIATION (SA)	\$ 300,000	\$ 30,444	\$ -	\$ 30,444	\$ 269,556	
35	02125 LIVESTOCK LOSS REDUCTION (SA)	244,000	242,563	98,074	144,489	1,437	
36	TOTAL SA FUNDS	\$ 544,000	\$ 273,007	\$ 98,074	\$ 174,933	\$ 270,993	

In FY 2025, the Livestock Loss Board is budgeted \$302,589 with 1.00 FTE funded with general fund. This includes \$150,000 of funding for depredation remediation claims. The personal services budget is 68% expended with 61% of payrolls complete. Personal services expended as of February 2025 was \$5,351 higher than February 2024. Operations are 14% expended with 59% of the budget year lapsed. Operation expenses as of February 2025 were \$9,057 lower than February 2024. In FY 2023, the Board did not have HB02 budget authority for depredation claims. As of February 28, 2025, the board has spent 100% of its HB02 depredation claims budget. LLB began paying livestock depredation claims from the statutory appropriations budget in April 2024. Overall, Livestock Loss Board total expenditures were \$31,264 higher than the same period last year, of which \$150,000 was from newly appropriated HB02 funding for depredation claims. As of February 28, 2025, LLB has expended 76% of the its budget.

The Livestock Loss Board is statutorily budgeted with \$300,000 for livestock depredation loss remediation. From the total amount budgeted for depredation claims of \$450,000 in House Bill 02 and Statutory Appropriations, LLB has expended \$180,444 or 40% of the total depredation claims budgets, account 67200. In FY 2024, LLB paid \$115,030 for depredation claims as of February 28, 2024 or \$65,414 less than the current year.

Statutory appropriated funds will allow available cash to be spent within for that program. LLB had additional cash available for the livestock loss reduction grants and cooperative work with Wild Life Services. Budget in fund 02125 Livestock Loss Reductions was increased by \$144,000.

The Livestock Loss Board is statutorily budgeted with \$244,000 for livestock depredation reductions grants. As of February 28, 2025 the Board has spend \$126,730 on livestock depredations reductions grants in FY 2025.

The Livestock Loss Board had employee termination payouts of \$26,585 for the period ending February 28, 2025.

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: CENTRALIZED SERVICES
PROGRAM: MILK CONTROL BUREAU

BUDGET TO ACTUAL EXPENSE COMPARISON REPORT	FY 2025 Budget	Year-to-Date	Same Period	Year to Year Comparison	Balance of Budget Available
		Actual Expenses February FY 2025	Prior Year Actual Expenses February FY 2024		

BUDGETED FTE	2.00
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	A	B	C	D	E	F
	61000 PERSONAL SERVICES					
1	61100 SALARIES	\$ 131,057	\$ 83,772	\$ 66,126	\$ 17,646	\$ 47,285
2	61104 OVERTIME	-	3,212	-	3,212	(3,212)
3	61300 OTHER/PER DIEM	1,500	1,000	500	500	500
4	61400 BENEFITS	40,107	32,424	25,097	7,327	7,683
5	TOTAL PERSONAL SERVICES	172,664	120,408	91,723	28,685	52,256
6						
7	62000 OPERATIONS					
8	62100 CONTRACT	12,950	1,465	1,498	(33)	11,485
9	62200 SUPPLY	7,279	1,874	298	1,576	5,405
10	62300 COMMUNICATION	6,318	1,895	2,646	(751)	4,423
11	62400 TRAVEL	968	135	-	135	833
12	62500 RENT	20,191	4,984	4,838	146	15,207
13	62700 REPAIR & MAINT	454	-	-	-	454
14	62800 OTHER EXPENSES	6,361	969	1,332	(363)	5,392
15	TOTAL OPERATIONS	54,521	11,322	10,612	710	43,199
16	TOTAL EXPENDITURES	\$ 227,185	\$ 131,730	\$ 102,335	\$ 29,395	\$ 95,455
17	BUDGETED FUNDS					
18	02817 MILK CONTROL	\$ 227,185	\$ 131,730	\$ 102,335	\$ 29,395	\$ 95,455
19	TOTAL BUDGETED FUNDS	\$ 227,185	\$ 131,730	\$ 102,335	\$ 29,395	\$ 95,455

In FY 2025, The Milk Control Bureau is budgeted \$227,185 and has 2.00 FTE. The bureau is funded with milk industry fees. The personal services budget is 70% expended with 61% of payrolls complete. Personal services expended as of February 2025 were \$28,685 higher than February 2024. Operations are 21% expended with 59% of the budget year lapsed. Operation expenses as of February 2025 were \$710 higher than February 2024. Overall, Milk Control Bureau total expenditures were \$29,395 higher than the same period last year. As of February 28, 2025, the Milk Control Bureau has expended 58% of its budget.

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: ANIMAL HEALTH DIVISION - STATE VETERINARIAN
PROGRAM: STATE VETERINARIAN IMPORT OFFICE

BUDGET TO ACTUAL EXPENSE COMPARISON REPORT		Year-to-Date Actual Expenses		Same Period Prior Year Actual Expenses		Balance of Budget Available					
		FY 2025 Budget	February FY 2025	February FY 2024	Year to Year Comparison						
BUDGETED FTE		8.00									
A		B		C		D	E	F			
61000 PERSONAL SERVICES											
1	61100 SALARIES	\$	557,978	\$	334,440	\$	266,527	\$	67,913	\$	223,538
2	61104 OVERTIME	\$	8,081		6,940		7,504		(564)		1,141
3	61400 BENEFITS		188,853		123,183		103,432		19,751		65,670
4	TOTAL PERSONAL SERVICES		754,912		464,563		377,463		87,100		290,349
5 62000 OPERATIONS											
6	62100 CONTRACT		42,810		29,060		20,798		8,262		13,750
7	62200 SUPPLY		11,231		17,002		577		16,425		(5,771)
8	62300 COMMUNICATION		32,895		21,717		13,248		8,469		11,178
9	62400 TRAVEL		4,484		5,518		2,585		2,933		(1,034)
10	62500 RENT		8,801		10,826		10,901		(75)		(2,025)
11	62600 UTILITIES		13		-		-		-		13
12	62700 REPAIR & MAINT		3,895		2,123		3,282		(1,159)		1,772
13	62800 OTHER EXPENSES		9,903		15,003		7,316		7,687		(5,100)
14	TOTAL OPERATIONS		114,032		101,249		58,707		42,542		12,783
15 63000 EQUIPMENT											
16	63100 EQUIPMENT		50,000		-		-		-		50,000
17	TOTAL EQUIPMENT		50,000		-		-		-		50,000
18	TOTAL	\$	918,944	\$	565,812	\$	436,170	\$	129,642	\$	353,132
19 FUND											
20	02426 PER CAPITA FEE	\$	911,289	\$	560,064	\$	436,170	\$	123,894	\$	351,225
21	02427 ANIMAL HEALTH FEES		7,655		5,748		-		5,748		1,907
22	TOTAL BUDGET FUNDING	\$	918,944	\$	565,812	\$	436,170	\$	129,642	\$	353,132
23 STATUTORY APPROPRIATIONS (SA)											
24 67000 BENEFITS AND CLAIMS											
25	67200 INDEMNITY PAYMENTS	\$	10,000	\$	-	\$	1,000		(1,000)		10,000
26	TOTAL STATE PAYMENTS		10,000		-		1,000		(1,000)		10,000
27	TOTAL EXPEDITURES	\$	10,000	\$	-	\$	1,000	\$	(1,000)	\$	10,000
28 SA FUNDS											
29	02980 INDEMNITY FUND (SA)	\$	10,000	\$	-	\$	1,000		(1,000)		10,000
30	TOTAL SA FUNDS	\$	10,000	\$	-	\$	1,000	\$	(1,000)	\$	10,000

The State Veterinarian Office includes Import and Alternative Livestock. In FY 2025, the State Veterinarian Import Office is budgeted with \$911,289 of per capita fees and \$7,655 of animal health fees. The personal services budget is 62% expended with 61% of payrolls complete. Personal services expended as of February 2025 was \$87,100 higher than February 2024. Operations are 89% expended with 59% of the budget year lapsed. Operation expenses as of February 28, 2025 were \$42,542 higher than February 28, 2024. Animal Health has spent \$129,642 more than the same period in FY 2024. As of February 28, 2025 the Animal Health Import Office has expended 62% of its budget.

The import office sells some supplies at cost to veterinarians. The income is in the Animal Health Fees.

The budget includes one time only funding for a pickup in the amount of \$50,000.

The Animal Health Import Office had employee termination payouts of \$361 and \$26,487 for the period ending February 28, 2025 and February 28, 2024, respectively.

81-2-203 MCA created a statutory indemnity special revenue fund for compensation of animals for slaughter due to disease under the direction of the Department as per 81-2-201 MCA. The Department may transfer \$10,000 per year to the fund. Unspent monies are carried forward to subsequent years until the fund accumulates \$100,000 of transferred funds. Payments are limited to the cash balance in the fund after the annual transfer. The Department has paid \$5,850 as of February 28, 2025 for indemnity payments since inception of 81-2-203 MCA. There is a cash balance in the indemnity fund of \$14,601 as of February 28, 2025. The cash is invested in STIP has earned \$453 in interest since the fund was created.

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: ANIMAL HEALTH DIVISION
PROGRAM: DESIGNATED SURVEILLANCE AREA (DSA) & FEDERAL ANIMAL HEALTH DISEASE GRANTS

**BUDGET TO ACTUAL
EXPENSE
COMPARISON REPORT**

	FY 2025 Budget	Year-to-Date Actual Expenses February FY 2025	Same Period Prior Year Actual Expenses February FY 2024	Year to Year Comparison	Balance of Budget Available
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BUDGETED FTE 5.75

A	B	C	D	E	F
61000 PERSONAL SERVICES					
1 61100 SALARIES	\$ 399,610	\$ 189,506	\$ 184,809	\$ 4,697	\$ 210,104
2 61104 OVERTIME	\$ 6,973	\$ 1,329	\$ 222	\$ 1,107	\$ 5,644
3 61400 BENEFITS	150,529	73,930	71,506	2,424	76,599
4 TOTAL PERSONAL SERVICES	557,112	264,765	256,537	8,228	292,347
5 62000 OPERATIONS					
6 62100 CONTRACT	1,073,899	788,062	847,712	(59,650)	285,837
7 62200 SUPPLY	39,902	7,486	16,479	(8,993)	32,416
8 62300 COMMUNICATION	12,413	3,694	4,879	(1,185)	8,719
9 62400 TRAVEL	14,540	5,263	3,230	2,033	9,277
10 62500 RENT	24,435	19,200	16,617	2,583	5,235
11 62700 REPAIR & MAINT	8,618	5,021	6,040	(1,019)	3,597
12 62800 OTHER EXPENSES	64,423	28,982	31,037	(2,055)	35,441
13 TOTAL OPERATIONS	1,238,230	857,708	925,994	(68,286)	380,522
14 68000 TRANSFERS					
15 68100 TRANSFERS	240,000	94,686	23,844	70,842	145,314
16 TOTAL TRANSFERS	240,000	94,686	23,844	70,842	145,314
17 TOTAL EXPENDITURES	\$ 2,035,342	\$ 1,217,159	\$ 1,206,375	\$ 10,784	\$ 818,183
18 BUDGETED FUNDS					
19 01100 GENERAL FUND	\$ 1,166,204	\$ 603,651	\$ 690,449	\$ (86,798)	\$ 562,553
20 03427 FEDERAL UMBRELLA FFY24	658,107	611,673	515,926	95,747	46,434
21 03427 FEDERAL UMBRELLA FFY25	211,031	1,835	-	1,835	209,196
22 TOTAL BUDGETED FUNDS	\$ 2,035,342	\$ 1,217,159	\$ 1,206,375	\$ 10,784	\$ 818,183
23 BUDGET AMENDMENTS (BA)					
24 61000 PERSONAL SERVICES					
25 61100 SALARIES	\$ 25,671	\$ 16,468	\$ 21,390	\$ (4,922)	\$ 9,203
26 61400 BENEFITS	13,823	11,507	13,362	(1,855)	2,316
27 TOTAL PERSONAL SERVICES	39,494	27,975	34,752	(6,777)	11,519
28 62000 OPERATIONS					
29 62100 CONTRACT	55,855	114,201	262	113,939	(58,346)
30 62200 SUPPLY	28,366	(1,871)	31,176	(33,047)	30,237
31 62300 COMMUNICATION	9,614	6,975	7,841	(866)	2,639
32 62400 TRAVEL	31,974	9,896	8,213	1,683	22,078
33 62500 RENT	1,155	-	99	(99)	1,155
34 62700 REPAIR & MAINT	11,345	4,610	37,078	(32,468)	6,735
35 62800 OTHER EXPENSES	210,262	5,088	6,979	(1,891)	205,174
36 TOTAL OPERATIONS	348,571	138,899	91,648	47,251	209,672
37 63000 EQUIPMENT					
38 63100 EQUIPMENT	-	-	16,632	(16,632)	-
39 TOTAL EQUIPMENT	-	-	16,632	(16,632)	-
37 TOTAL BA EXPENDITURES	\$ 388,065	\$ 166,874	\$ 143,032	\$ 23,842	\$ 221,191
38 BA FUNDS					
40 03427 SHIP (BA)	\$ 10,000	\$ 2,880	\$ 19,094	\$ (16,214)	\$ 7,120
41 03427 FAD OUTBREAK (BA)	88,567	1,651	-	1,651	86,916
42 03427 CWD (BA)	205,616	81,276	-	81,276	124,340
43 03427 HPAI EMERGENCY PREPAREDNESS	1,030	45	-	45	985
44 03710 ANIMAL DISEASE TRACEABILITY (BA)	82,852	81,022	123,938	(42,916)	1,830
45 TOTAL BA FUNDS	\$ 388,065	\$ 166,874	\$ 143,032	\$ 23,842	\$ 221,191

The Designated Surveillance Area (DSA) is budgeted for \$1,166,204 and 2.00 FTE in FY 2025 and is funded with General Funds. The Federal Umbrella is budgeted for \$869,138 and 3.50 FTE in SFY 2025 and is funded with Federal Funds. Of the \$869,138 Federal Umbrella budgeted, only \$658,107 has been awarded to the Department for the Federal Fiscal Year 2024 (FFY24) which ends March 31, 2025. The Federal Umbrella FFY25 authority is for the upcoming federal grant starting April 1, 2025. This grant has not been awarded at this time.

The personal services budget is 48% expended with 61% of payrolls complete. Personal services expended as of February 2025 was \$8,228 higher than February 2024. Operations are 69% expended with 59% of the budget year lapsed. Operation expenses as of February 2025 were \$68,286 lower than February 2024. Overall, total expenditures were \$10,784 higher than the same period last year with 60% of the budget expended.

The Department received a federal grant for Swine Health Improvement Program (SHIP) training. This is a \$10,000 grant with an expiration date of March 31, 2025. As of February 28, 2025, the Department has spent \$2,880 of the SHIP funding.

The Department received a federal grant for Foreign Animal Disease Breakout Preparedness (FADBP) training. This is a \$88,567 grant with an expiration date of May 26, 2026. As of February 28, 2025, the Department has spent \$1,651 of the FADBP funding.

The Department received a federal grant for Chronic Wasting Disease (CWD) Management of Alternative Livestock herds. This is a \$205,616 grant with an expiration date of June 30, 2025. As of February 28, 2025, the Department has spent \$81,276 of the CWD funding.

The Department received a federal grant for Highly Pathogenic Avian Influenza in Livestock Response, Control, and Surveillance in milk. This grant is to test, monitor and communicate HPAI milk results. The amount of the grant is \$1,030.

The Animal Health Bureau receives federal funding for animal disease traceability. Unspent federal money at State Fiscal Year (SFY) end is carried over to the next SFY. The Department received \$99,214 from APHIS USDA for animal disease traceability expenses. The Department spent \$16,362 of the grant in FY 2024. Federal grants carried over from SFY 2024 to SFY 2025 was \$82,852. As of February 28, 2025, the Department expended \$97,384 or 98% of the grant.

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: ANIMAL HEALTH DIVISION
PROGRAM: DIAGNOSTIC LABORATORY

**BUDGET TO ACTUAL EXPENSE
COMPARISON REPORT**

	FY 2025 Budget	Year-to-Date Actual Expenses February FY 2025	Same Period Prior Year Actual Expenses February FY 2024	Year to Year Comparison	Balance of Budget Available
BUDGETED FTE	22.01				
A	B	C	D	E	F
1 61000 PERSONAL SERVICES					
2 61100 SALARIES	\$ 1,434,830	\$ 857,296	\$ 831,023	\$ 26,273	\$ 577,534
3 61104 OVERTIME	32,139	21,327	19,381	1,946	10,812
4 61400 BENEFITS	518,602	328,657	328,512	145	189,945
5 TOTAL PERSONAL SERVICES	1,985,571	1,207,280	1,178,916	28,364	778,291
6 62000 OPERATIONS					
7 62100 CONTRACT	191,178	112,259	134,466	(22,207)	78,919
8 62200 SUPPLY	696,099	598,251	560,996	37,255	97,848
9 62300 COMMUNICATION	64,249	23,791	31,803	(8,012)	40,458
10 62400 TRAVEL	10,014	7,584	2,091	5,493	2,430
11 62500 RENT	91,578	76,252	65,508	10,744	15,326
12 62600 UTILITIES	28,531	26,027	22,448	3,579	2,504
13 62700 REPAIR & MAINT	139,138	89,457	92,241	(2,784)	49,681
14 62800 OTHER EXPENSES	36,712	51,981	43,623	8,358	(15,269)
15 TOTAL OPERATIONS	1,257,498	985,602	953,176	32,426	271,896
16 63000 EQUIPMENT					
17 63100 EQUIPMENT	19,967	-	22,163	(22,163)	19,967
18 TOTAL EQUIPMENT	19,967	-	22,163	(22,163)	19,967
19 TOTAL	\$ 3,263,036.00	\$ 2,192,882	\$ 2,154,255	\$ 38,627	\$ 1,070,154
20 BUDGETED FUNDS					
21 01100 GENERAL FUND	\$ 1,047,721	\$ 347,095	\$ 225,317	\$ 121,778	\$ 700,626
22 02426 PER CAPITA FEE	823,684	696,864	835,876	(139,012)	126,820
23 03673 FEDERAL ANIMAL HEALTH DISEASE	21,729	-	18,735	(18,735)	21,729
24 06026 DIAGNOSTIC LABORATORY FEES	1,369,902	1,148,923	1,074,327	74,596	220,979
25 TOTAL BUDGET FUNDING	\$ 3,263,036.00	\$ 2,192,882	\$ 2,154,255	\$ 38,627	\$ 1,070,154
26 BUDGET AMENDED (BA) EXPENDITURES					
27 62000 OPERATIONS					
28 62100 CONTRACT	\$ 162,159	\$ 113,050	\$ 23,000	\$ 90,050	\$ 49,109
29 62200 SUPPLY	57,076	39,090	47,337	(8,247)	17,986
30 62400 TRAVEL	13,196	5,390	12,028	(6,638)	7,806
31 62700 REPAIRS & MAINT	500	89,423	20,861	68,562	(88,923)
32 62800 OTHER EXPENSES	12,000	845	3,445	(2,600)	11,155
33 TOTAL OPERATIONS	244,931	247,798	106,671	141,127	(2,867)
34 63000 EQUIPMENT					
35 63100 EQUIPMENT	1,159,905	55,036	107,227	(52,191)	1,104,869
36 TOTAL EQUIPMENT	1,159,905	55,036	107,227	(52,191)	1,104,869
37 TOTAL BA EXPENDITURES	\$ 1,404,836	\$ 302,834	\$ 213,898	\$ 88,936	\$ 1,102,002
38 BA FUNDING					
39 03673 NAHLN (BA)	\$ 233,886	\$ 115,548	\$ 213,898	\$ (98,350)	\$ 118,338
40 03673 NAHLN (LIMS IMPROVEMENT)	170,950	132,250	-	132,250	38,700
41 03673 NAHLN ARP AWARD (BA)	1,000,000	55,036	-	55,036	944,964
42 TOTAL BA FUNDING	\$ 1,404,836	\$ 302,834	\$ 213,898	\$ 88,936	\$ 1,102,002

The diagnostic laboratory is budgeted for \$3,263,036 and 22 FTE in FY 2025. It is funded with general fund of \$1,047,721, per capita fees of \$823,684, federal funds of \$21,729, and lab testing fees of \$1,369,902. Personal services are 61% expended with 61% of payrolls complete. Personal services expended as of February 2025 were \$28,364 higher than February 2024. Operations are 78% expended with 59% of the budget year lapsed. Operation expenses as of February 2025 were \$32,426 higher than February 2024. Overall, Diagnostic Laboratory total expenditures were \$38,627 higher than the same period last year. As of February 28, 2025, the Diagnostic Lab has expended 67% of its budget.

In FY 2024, the Diagnostic Laboratory was awarded \$256,300 from the National Animal Health Laboratory Network (NAHLN) through USDA, APHIS of which \$22,414 was spent in FY 2024. \$233,886 was carried forward to FY 2025. This grant is to purchase testing supplies, travel, maintenance contracts and laboratory equipment for the Diagnostic Laboratory. As of February 28, 2025, the lab has spent \$115,548 in FY 2025 of the NAHLN grant. MVDL has until May 31, 2025 to spend the grant funding.

The Diagnostic Laboratory was awarded \$170,950 from the National Animal Health Laboratory Network (NAHLN) through USDA, APHIS. The grant is a passthrough grant in which MVDL is administering. It is for improvement of the lab's LIMS system which will be implemented by six states including Montana. The grant will pay for the implementation for the other five states. MVDL has until June 30, 2026 to spend the grant funding.

The Diagnostic Laboratory was awarded \$1,000,000 from the American Rescue Plan (ARP) through USDA, APHIS. This grant is a sub-award through the Colorado State University. This grant is to purchase equipment for the Diagnostic Laboratory including the incinerator for the new lab building. As of February 28, 2025, the lab has spent \$55,036 of the APHIS ARP grant. MVDL has until May 31, 2025 to spend the grant funding.

The Diagnostic Lab program had employee termination payouts of \$2,203 and \$83 for the period ending February 28, 2025 and February 28, 2024, respectively.

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: ANIMAL HEALTH DIVISION
PROGRAM: MILK AND EGG / SHIELDED EGG GRADING

BUDGET TO ACTUAL EXPENSE COMPARISON REPORT	FY 2025 Budget	Year-to-Date	Same Period	Year to Year Comparison	Balance of Budget Available
		Actual Expenses February FY 2025	Actual Expenses February FY 2024		

BUDGETED FTE 6.75

	A	B	C	D	E	G
61000 PERSONAL SERVICES						
1 61100 SALARIES	\$ 409,162	\$ 197,293	\$ 203,590	\$ (6,297)	\$ 211,869	
2 61102 OVERTIME	15,881	17,747	4,779	12,968	(1,866)	
61300 OTHER/PER DIEM	-	-	-	-	-	
3 61400 BENEFITS	169,147	79,536	86,506	(6,970)	89,611	
4 TOTAL PERSONAL SERVICES	594,190	294,576	294,875	(299)	299,614	
62000 OPERATIONS						
6 62100 CONTRACT	134,081	30,835	28,094	2,741	103,246	
7 62200 SUPPLY	19,206	1,636	6,270	(4,634)	17,570	
8 62300 COMMUNICATION	7,644	1,568	2,436	(868)	6,076	
9 62400 TRAVEL	13,487	6,999	2,035	4,964	6,488	
10 62500 RENT	26,847	14,666	13,603	1,063	12,181	
11 62700 REPAIR & MAINT	2,936	348	1,311	(963)	2,588	
12 62800 OTHER EXPENSES	16,699	6,750	6,143	607	9,949	
13 TOTAL OPERATIONS	220,900	62,802	59,892	2,910	158,098	
14 TOTAL	\$ 815,090	\$ 357,378	\$ 354,767	\$ 2,611	\$ 457,712	
15 BUDGETED FUNDS						
16 02262 SHIELDED EGG GRADING FEES	\$ 380,708	\$ 179,161	\$ 129,036	\$ 50,125	\$ 201,547	
17 02701 MILK INSPECTION FEES	418,711	167,582	213,598	(46,016)	251,129	
18 03032 SHELL EGG INSPECTION FEES	15,671	10,635	12,133	(1,498)	5,036	
19 TOTAL BUDGET FUNDING	\$ 815,090	\$ 357,378	\$ 354,767	\$ 2,611	\$ 457,712	
20 BUDGET AMENDED EXPENDITURES						
62000 OPERATIONS						
22 62200 SUPPLY & MINOR EQUIPMENT	\$ 31,191	\$ 9,646	\$ -	\$ 9,646	\$ 21,545	
23 62400 TRAVEL	14,589	-	-	-	14,589	
23 TOTAL OPERATIONS	45,780	9,646	-	9,646	36,134	
63000 EQUIPMENT						
25 63100 EQUIPMENT	40,489	\$ 40,489	-	40,489	0	
26 TOTAL EQUIPMENT	40,489	40,489	-	40,489	0	
27 TOTAL	\$ 86,269	\$ 50,135	\$ -	\$ 50,135	\$ 36,134	
28 BUDGETED FUNDS						
29 03032 MILK INSPECTION TRAINING	\$ 7,159	\$ -	\$ -	\$ -	\$ 7,159	
30 03032 MILK INSPECTION EQUIPMENT	8,308	7,887	-	7,887	421	
31 03032 MILK INSPECTION EQUIPMENT	40,969	40,489	-	40,489	480	
32 03032 HPPI PPE	15,244	1,759	-	1,759	13,485	
33 03032 MILK TRAINING	14,589	-	-	-	14,589	
34 TOTAL BUDGET FUNDING	\$ 86,269	\$ 50,135	\$ -	\$ 50,135	\$ 36,134	

The total Milk & Egg program is budgeted \$815,090 with 6.75 FTE in FY 2025 funded with milk inspection fees, egg grading fees and federal shell egg inspection fees. The personal services budget is 50% expended with 61% of payrolls complete. Personal services expended as of February 2025 was \$299 lower than February 2024. Operation expense budget is 28% expended with 59% of budget year lapsed. Operation expenses as of February 2025 was \$2,910 higher than February 2024. The Animal Health Division total expenditures were \$2,611 higher than the same period last year. As of February 28, 2025, the Milk & Egg program has expended 44% of its budget.

The Department has five federal milk inspection grants. The first grant was awarded in FY 2024 and is for milk inspection training and supplies in the amount of \$12,613. The Department spent \$5,454 in FY 2024. \$7,159 of the unspent authority was carried over to FY 2025. The second is for milk inspection tools and equipment in the amount of \$8,308. The Department has spent \$7,887 of the equipment grant. The third federal grant is for milk testing equipment for the diagnostic laboratory. The amount of the grant is \$40,969. The fourth federal grant is for milk inspection for High Path Avian Influenza testing personal protection equipment. The amount of the grant is \$15,224. The fifth federal grant is for two milk inspectors to attend training at two out of state training seminars and for one milk inspection employee to attend two out of state conferences. The amount of the grant is \$14,589.

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: ANIMAL HEALTH DIVISION
PROGRAM: MEAT INSPECTION

BUDGET TO ACTUAL EXPENSE COMPARISON REPORT	FY 2025 Budget	Year-to-Date	Same Period	Year to Year Comparison	Balance of Budget Available
		Actual	Prior Year		
		Expenses February FY 2025	Expenses February FY 2024		

BUDGETED FTE 28.50

	A	B	C	D	E	F
61000 PERSONAL SERVICES						
1	61100 SALARIES	\$ 1,311,323	\$ 870,491	\$ 736,565	\$ 133,926	\$ 440,832
2	61102 OVERTIME	58,906	29,839	36,557	(6,718)	29,067
3	61400 BENEFITS	609,028	383,353	349,089	34,264	225,675
4	TOTAL PERSONAL SERVICES	1,979,257	1,283,683	1,122,211	161,472	695,574
5 62000 OPERATIONS						
6	62100 CONTRACT	77,405	49,975	50,617	(642)	27,430
7	62200 SUPPLY	42,788	38,693	40,545	(1,852)	4,095
8	62300 COMMUNICATION	27,072	15,738	16,002	(264)	11,334
9	62400 TRAVEL	89,999	60,679	50,900	9,779	29,320
10	62500 RENT	186,360	140,198	82,130	58,068	46,162
11	62700 REPAIR & MAINT	4,678	5,238	1,890	3,348	(560)
12	62800 OTHER EXPENSES	287,363	191,867	155,337	36,530	95,496
13	TOTAL OPERATIONS	715,665	502,388	397,421	104,967	213,277
14	TOTAL EXPENDITURES	\$ 2,694,922	\$ 1,786,071	\$ 1,519,632	\$ 266,439	\$ 908,851
15 BUDGETED FUNDS						
16	01100 GENERAL FUND	\$ 1,480,347	\$ 1,062,360	\$ 812,898	\$ 249,462	\$ 417,987
17	02427 ANIMAL HEALTH FEES	9,575	-	-	-	9,575
18	03209 MEAT & POULTRY INSPECTION	1,205,000	723,711	706,734	16,977	481,289
19	TOTAL BUDGET FUNDING	\$ 2,694,922	\$ 1,786,071	\$ 1,519,632	\$ 266,439	\$ 908,851
20 BUDGET AMENDMENTS (BA)						
21 62000 OPERATIONS						
22	62500 RENT	\$ -	\$ -	\$ 47,400	\$ (47,400)	\$ -
23	62800 OTHER EXPENSES	-	-	50,882	(50,882)	-
24	TOTAL BA EXPENDITURES	\$ -	\$ -	\$ 98,282	\$ (98,282)	\$ -
25 BA FUNDS						
26	03209 MEAT & POULTRY INSPECTION (BA)	\$ -	\$ -	\$ 98,282	\$ (98,282)	\$ -
27	TOTAL BA FUNDS	\$ -	\$ -	\$ 98,282	\$ (98,282)	\$ -

In FY 2025, Meat Inspection is budgeted \$2,694,922 with 28.50 FTE. The bureau is funded with general fund of \$1,480,347, federal meat & poultry inspection funds of \$1,205,000 and \$9,575 of animal health fees levied from licensing as per 81-9-201(1)MCA. Personal services budget is 65% expended with 61% of payrolls complete. Personal services expended as of February FY 2025 was \$161,472 higher than February FY 2024. Operations are 70% expended with 59% of the budget year lapsed. Including the BA authority, overall operating expenses as of February FY 2025 were \$6,685 higher than February FY 2024. Overall, Meat Inspection total expenditures were \$168,157 higher than the same period last year. As of February 28, 2025 the Meat Inspection program expended 66% of its budget.

The Meat & Poultry budget amendment in FY 2024 was to increase the budget to match the federal funding the Department received in the federal fiscal year 2023 which ended September 30, 2023. The BA was spent on normal operating expenses. The current fiscal year budget has been deemed adequate for the anticipated federal funding that will be received in the federal fiscal year 2024 which ends September 30, 2025.

The Meat & Poultry Inspection program had employee termination payouts of \$34,492 and \$8,757 for the period ending February 28, 2025 and February 28, 2024, respectively.

**MONTANA DEPARTMENT OF LIVESTOCK
BUDGETARY EXPENSE COMPARISON REPORT
FEBRUARY 28, 2025**

DIVISION: BRANDS ENFORCEMENT DIVISION
PROGRAM: BRANDS ENFORCEMENT

BUDGET TO ACTUAL EXPENSE COMPARISON REPORT		FY 2025 Budget	Year-to-Date Actual Expenses February FY 2025	Same Period Prior Year Actual Expenses February FY 2024	Year to Year Comparison	Balance of Budget Available
BUDGETED FTE		54.61				
A	B	C	D	E	F	
61000 PERSONAL SERVICES						
1	61100 SALARIES	\$ 2,856,558	\$ 1,738,250	\$ 1,617,166	\$ 121,084	\$ 1,118,308
2	61200 OVERTIME	206,083	174,123	193,670	(19,547)	31,960
3	61400 BENEFITS	1,234,604	760,393	741,926	18,467	474,211
4	TOTAL PERSONAL SERVICES	4,297,245	2,672,766	2,552,762	120,004	1,624,479
5 62000 OPERATIONS						
6	62100 CONTRACT	133,288	77,301	60,904	16,397	55,987
7	62200 SUPPLY	122,785	73,239	73,828	(589)	49,546
8	62300 COMMUNICATION	74,185	54,741	40,683	14,058	19,444
9	62400 TRAVEL	56,866	25,445	28,868	(3,423)	31,421
10	62500 RENT	248,411	145,445	126,967	18,478	102,966
11	62600 UTILITIES	6,560	6,000	6,000	-	560
12	62700 REPAIR & MAINT	83,426	74,949	21,931	53,018	8,477
13	62800 OTHER EXPENSES	67,024	28,732	36,706	(7,974)	38,292
14	TOTAL OPERATIONS	792,545	485,852	395,887	89,965	306,693
15 63000 EQUIPMENT						
16	63100 EQUIPMENT	27,968	-	83,160	(83,160)	27,968
17	TOTAL EQUIPMENT	27,968	-	83,160	(83,160)	27,968
18	TOTAL	\$ 5,117,758	\$ 3,158,618	\$ 3,031,809	\$ 126,809	\$ 1,959,140
19 BUDGETED FUNDS						
20	02425 BRAND INSPECTION FEES	\$ 3,624,186	\$ 3,036,614	\$ 2,971,125	\$ 65,489	\$ 587,572
21	02426 PER CAPITA FEES	1,493,572	122,004	60,684	61,320	1,371,568
22	TOTAL BUDGET FUNDING	\$ 5,117,758	\$ 3,158,618	\$ 3,031,809	\$ 126,809	\$ 1,959,140

In FY 2025, Brands Enforcement is budgeted for \$5,117,758 with 54.61 FTE. It is funded with brand inspection fees of \$3,624,186 and per capita fees of \$1,493,572. Personal services budget is 62% expended with 61% of payrolls complete. Personal services expended as of February 28, 2025 was \$120,004 higher than February 28, 2024. Operations are 61% expended with 59% of the budget year lapsed. Operation expenses as of February 28, 2025 were \$89,965 higher than February 28, 2024. Overall, Brands Enforcement total expenditures were \$126,809 higher than the same period last year. As of February 28, 2025, the Brands Division has expended 62% of its budget.

The budget includes one-time-only funding for trailers, safety equipment and radios in the amount of \$53,857 funded with brand inspection fees with \$25,889 for minor equipment and \$27,968 for equipment. As of February 28, 2025, the department has spent \$11,747 of the one-time-only authority on radios and trailers.

The Brands Enforcement division had employee termination payouts of \$90,797 and \$152,238 for the period ending February 28, 2025 and February 28, 2024, respectively.



Board of Livestock Meeting

Agenda Request Form

From: Brian Simonson	Division/Program: Livestock Loss Board (LLB)	Meeting Date: 3/6/2025									
<u>Agenda Item:</u> LLB Report to the BOL											
<p>Background Info: Since the last BOL meeting four claims have come across the desk. Typically, prior-year claims will continue to trickle in through April.</p> <p>Communications: LIVLossBoard@mt.gov is the new public facing email address for conducting LLB business. The program will continue to use the established phone number: 406-444-5609.</p> <p>Recommendation: n/a</p>											
Time needed: 5 min	Attachments:	<table border="1"><tr><td>Yes</td><td>X</td><td>No</td></tr></table>	Yes	X	No	Board vote required:	<table border="1"><tr><td>Yes</td><td></td><td>No</td><td>X</td></tr></table>	Yes		No	X
Yes	X	No									
Yes		No	X								

2024 LLB Claims

Montana LLB
PO Box 202005
Helena MT 59620
www.llb.mt.gov

(406) 444-5609
LIVLossBoard@mt.gov

Counties	Cattle	Sheep	Goats	Guard	Horse	Llama/Swine	Totals	Payments
Big Horn	1		1				2	\$1,825
Beaverhead	16	2		1			19	\$27,142
Carbon	1		6		1		8	\$10,036
Cascade		24	4	2			30	\$6,015
Choteau	1						1	\$1,884
Glacier	20		2		1		23	\$41,824
Granite	1		4				5	\$2,586
Lake	1	7					8	\$3,634
L&C	10	17	4				31	\$23,342
Madison	31	14	1	1			47	\$65,707
Missoula	1	1	1				3	\$2,318
Park	12						12	\$24,445
Pondera	9						9	\$13,863
Powell	6						6	\$9,470
Powder River		6					6	\$1,818
Stillwater	1						1	\$1,689
Teton	7						7	\$13,068
Toole		1					1	\$166
Totals	118	72	23	4	2	0	219	\$250,830
2023 EOY	97	40	29	2	6	10	184	\$233,276
2022 EOY	127	137	3	2	3	0	272	\$227,559

Wolves

Confirmed	32	15		4		
Probable	12					
Value	\$78,360	\$3,919		\$3,000		
Owners	22	2		3		

Grizzly Bears

Confirmed	50	10	2		1	
Probable	22	12				
Value	\$130,898	\$5,807	\$210		\$5,750	
Owners	40	3	2		1	

Mtn Lion

Confirmed	1	35	18			
Probable	1		3		1	
Value	\$3,513	\$6,765	\$5,019		\$7,587	
Owners	2	6	8		1	



Board of Livestock Meeting

Agenda Request Form

From: Alicia Love, MPH, RS, Bureau Chief	Division/Program: Animal Health/ Meat, Milk and Egg Inspection Bureau	Meeting Date: March 6, 2025					
<u>Agenda Item:</u> Out of State Travel Request ASMID							
<p>Background Info:</p> <p>Alicia Love is requesting to send EIAO Jay Nelson to the Spring 2025 Association of State Meat Inspection Directors (ASMID) conference being held in Portland, Maine on April 28th-29th, 2025.</p> <p>ASMID is an informative and valuable tool that provides an excellent opportunity to ask other state inspection programs how they address issues our department is facing and to gain perspective on the challenges that other states are encountering.</p> <p>Travel expenses will be paid through meat program funding.</p> <p>Recommendation:</p>							
Time needed: 5 min	Attachments:	<table border="1"><tr><td>Yes X</td><td>No</td><td>Board vote required?</td><td>Yes X</td><td>No</td></tr></table>	Yes X	No	Board vote required?	Yes X	No
Yes X	No	Board vote required?	Yes X	No			

Department of Livestock

1) Division

Meat, Milk, and Egg Inspection

2) Employee(s) Traveling

Jay Nelson

3) Justification

Alicia Love is requesting to send EIAO Jay Nelson to the Spring 2025 Association of State Meat Inspection Directors (ASMID) conference being held in Portland, Maine on April 28th-29th, 2025.

ASMID is an informative and valuable tool that provides an excellent opportunity to ask other state inspection programs how they address issues our department is facing and to gain perspective on the challenges that other states are encountering.

Travel expenses will be paid through meat program funding.

4) Itinerary

This conference is scheduled to be held April 28th-29th, 2025 in Portland, Maine in the Courtyard Portland Downtown/Waterfront hotel.

5) Cost Estimate

Transportation: \$955.00

Meals: \$280.00

Lodging: \$456.00

Other: \$250.00

Total: \$1,941.00

6) Submitted By

Requested By

Alicia Love

Title

MPH, RS, Bureau Chief

Date

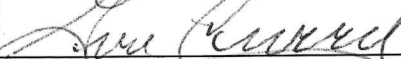
2/19/2025

Approval - to be Completed by Agency Authorized Personnel

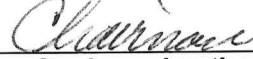
Date Approved by Board

3-6-25

Board Chair or EO



Title



Date

3-6-25

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: Greg Juda		Division/Program: MVDL		Meeting Date: 3/6/25		
Agenda Item: Operational update						
Background Info: An update on lab operations and events will be provided. <ul style="list-style-type: none">• CWD testing for the Coeur d'Alene Tribe• Building construction update						
Recommendation: N/A						
Time needed: 15 minutes	Attachments:	Yes	No X	Board vote required?	Yes	No X
Agenda Item: Request to purchase replacement hematology stainer in Clin Path						
Background Info: The hematology stainer in clin path is failing and will require replacement in the near future. The instrument is a hematology stainer used for cytology slides and blood smears for CBCs. The seal in the rotor is leaking so stain is dripping into the instrument housing. Our particular instrument is approximately 25 years old and support has been discontinued by the manufacturer. We obtained a quote for a replacement unit and it is approximately \$15K. We will need to visit with Evan and Brian to see what our prospects are for purchasing a new unit to see if it is financially possible. <p>Currently the staff has reverted to a manual staining process, a far more variable process that tends to produce a slide with more visible "debris" that can impact visualization under a microscope. Our staff is still using the failing instrument if the manual process doesn't produce a suitable stain for interpretation, but we aren't sure how long that will be a viable option.</p>						
Recommendation: BOL approval of instrument purchase contingent upon available funding						
Time needed: 10 minutes	Attachments:	Yes X	No	Board vote required	Yes X	No

Combined State Labs, Bozeman, MT
Architect's Field Report #20

Date: 2-18-25

Present at Site: Mark Harwood, Kent Jorgensen, Swank; Andy Stepp,
Zach Winter, Chris Sharp, C&E; Steve Smith VDL; Kevin Lacey, Paige
Spatz, LPW



Weather: Cloud. light snow, 10 F

Major Subcontractors On Site:

RDJ, Williams, Norpac, ESI, FICO

Work Completed Since Last Visit

- No progress has been made on exterior site work due to winter conditions.
- Stainless steel duct runs in area B appear complete and have been extended into Area C. Roof curbs have been installed on both sides of the penthouse. Duct penetrations have been established in the penthouse. Duct runs have been installed in the Necropsy area.
- Exterior steel stud framing has progressed and appears complete – steel stud soffits around Area C have been framed. Shear wall sheathing has been installed on the exterior walls and appears complete. Sheathing and nailbase has been installed on the exterior and is nearing completion. Penthouse batt insulation and vapor barrier has been completed.
- Interior wall framing has been completed in Area B. Blocking in Area B walls has been installed and looks close to complete. Interior wall framing in Area C is nearing completion and Area A interior framing appears to be about 10% complete. Bulkhead/Soffits in the lab have been framed and sheet rocked. Wall blocking has been installed and appears complete in Area B
- Interior hollow metal door and window frames have been installed in Area B
- Plumbing wall rough-in has progressed in Area B including gas valve boxes and is nearing completion.
- Sprinkler piping and sprinkler drops have been installed in approximately 90% of Area B and is getting close to completion
- Electrical rough-in including fire alarm systems has progressed in Area B and is nearing completion with the exception of BSL-3.
- Roofing has been completed over Area B and the Penthouse, with the exception of some minor detailing over the west side of Area B.
- AIB install has progressed.
- Z-furring and rigid insulation has been installed on the CMU in area C.
- A1 windows have been installed on the east side of Area B

Work in Progress

- Williams is working on wall plumbing rough-in in Area B
- ESI is roughing-in electrical conduit and setting device boxes in Area B
- Norpac is installing stainless steel duct and is extending into Area C
- RDJ is installing drywall in the penthouse
- FICO is working on control wiring

On Site Discussions

- Discussed minor deficiencies that the engineers have discovered during their inspection. They will be detailing in a report and it will generate some RFI's. One of the issues is ensuring that the duct and piping insulation is continuous and not interrupted by the supports.
- Steve Smith discussed that he has a few items that he would like verified, changed and added. He will be sending C&E & LPW an email detailing his requests.

MISC

- Roofing insulation and materials stockpiled
- Steel Studs on site
- Electrical conduit is on site
- HM frames on site
- Pictures attached

South Side Area C



South Side Area A



Area C & A interior framing



Area C



Area B Viewing Corridor



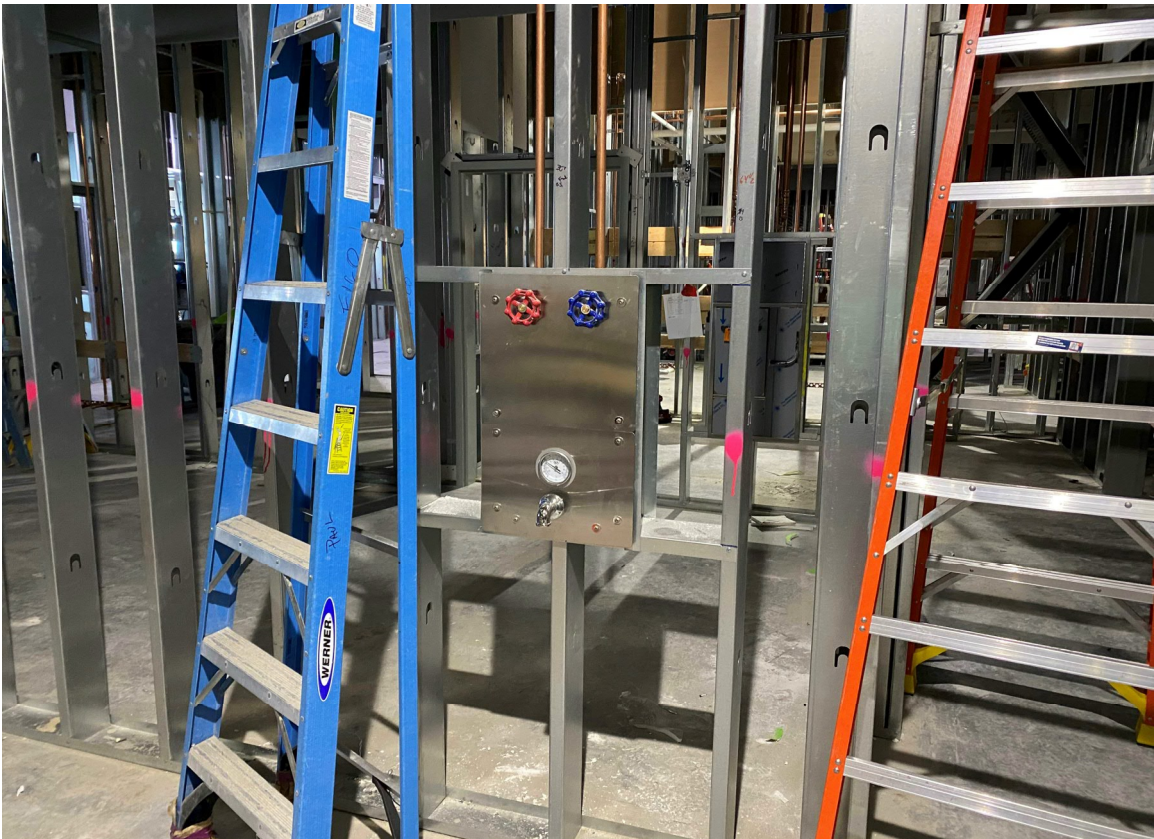
Area B Labs



Area B Plumbing, Fire Sprinkler, Spray Foam Insulation



Area B Valve Box



Area B wall blocking



Necropsy



Penthouse Interior



Penthouse Interior



East Side Area B



East Side Area C



ELITechGroup Inc.
370 West 1700 South
Logan, UT 84321 USA
Tel: (435) 752-6011
Fax: (435) 752-4127
www.elitechgroup.com



November 1, 2023

End of Life Letter

Aerospray Hematology Stainer
Model 7120 – Water-based Reagents

Your Model 7120 Aerospray® Hematology Stat Slide Stainer/Cytocentrifuge with serial number 71201021, is over fifteen years old; this particular model of stainer has been discontinued. Our product life declaration states that all instruments assigned a serial number have a minimum five year life from the date of manufacture. During this time ElitechGroup will maintain spare parts and service at a reasonable price after the initial one year warranty has expired.

Since the time we manufactured your specific instrument, we have made several modifications to the plumbing, electronics, and software. Because of these modifications, we are unable to get many parts for your instrument to repair it if needed.

We would hope that you would consider purchasing a new, Aerospray Hematology Stat Slide Stainer/Cytocentrifuge, Model 7122, which is the direct replacement for your current stainer. It uses the same carousel, rotor, and reagents as the Model 7120.

If you have any questions or need additional information, please visit our web site at <https://www.elitechgroup.com/product/aerospray-hematology-stat-series-2> or call me direct at 1-435-227-1459.

We sincerely appreciate your use of our Aerospray Hematology Slide Stainer/Cytocentrifuge and look forward to serving your needs in the future.

Sincerely,

Derek Pinnock
Aerospray Products Manager
ELITechGroup Inc.



Biomedical Systems

AEROSPRAY® HEMATOLOGY STAT

Slide Stainer / Cytocentrifuge

Series 2



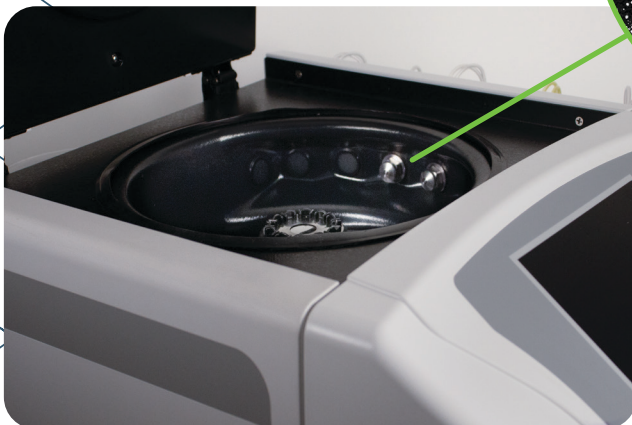
SEE WHAT YOU NEED TO SEE

AQUEOUS BASED

Provides efficient staining for all your hematology samples to facilitate enhanced clarity and debris-free slides using Thiazin and Eosin aqueous based stains.

DO MORE IN LESS TIME WITH AEROSPRAY® STAT STAINING AND CYTOCENTRIFUGE TECHNOLOGY

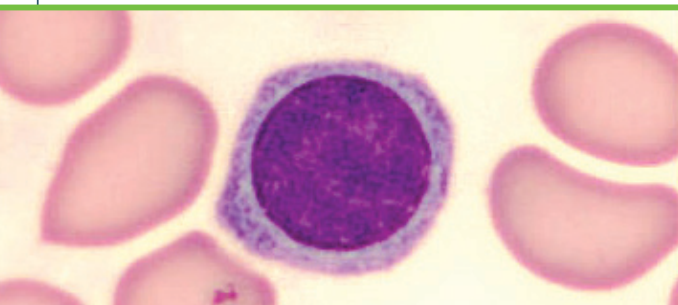
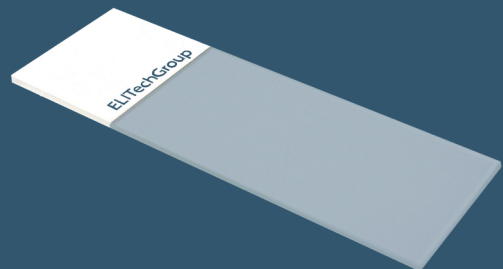
- Rapid stain cycle takes just 2-4 minutes
- Patented spray technology allows fresh application of stain with every run, eliminating cross contamination
- Convenient automated waste level detection (optional)
- Perfect for screening samples to quickly evaluate various specimens
- Low maintenance



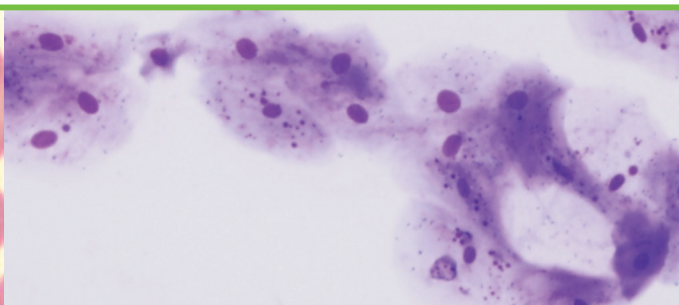
Nearly 30 Aerospray® patents

High-Quality Slides for Superior Smearing

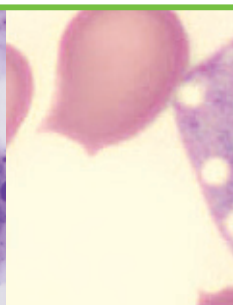
- Optimized for Aerospray Slide Stainers, Cytocentrifuges, and CellaVision® Digital Cell Morphology Analyzers
- High-quality white soda-lime glass enables smooth smears and even monolayers
- Blank or 45° clipped corner microscope slides



Blood

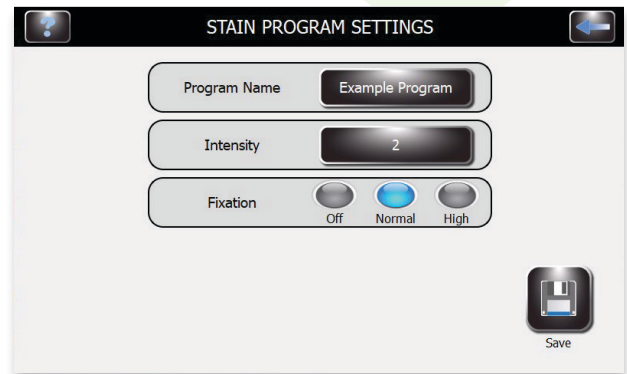


Buccal



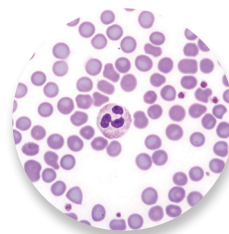
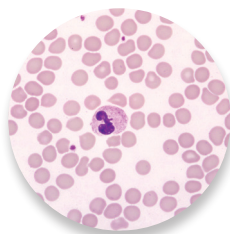
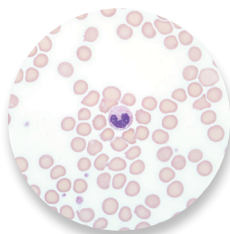
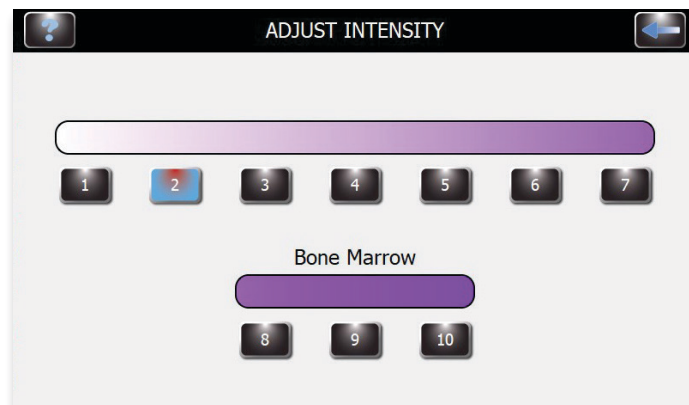
FLEXIBLE PROGRAMMING CAPABILITIES LET YOU SEE WHAT YOU NEED TO SEE

Option 1: Select preferred built-in staining program

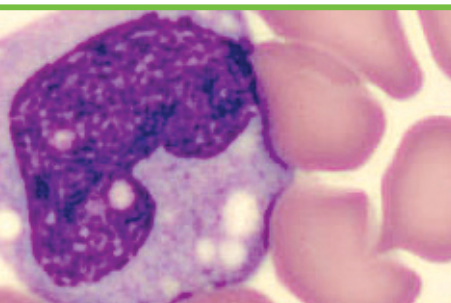


Staining Mode: Romanowsky stain method

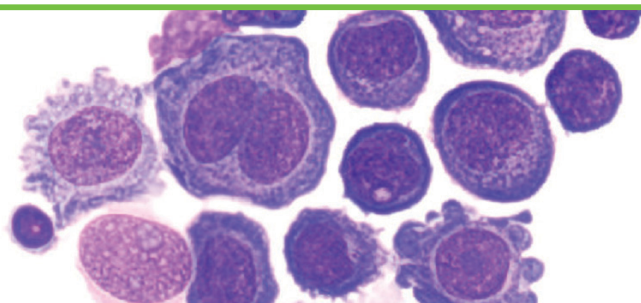
Option 2: Customize your own with easy programming capabilities



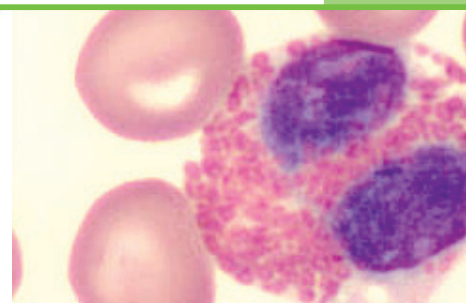
..... Intensity (How Light or Dark)



Blood



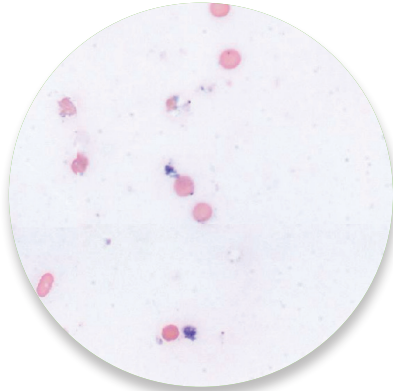
Pleural Fluids



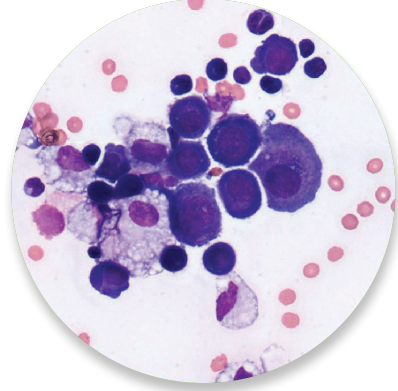
Blood

BUILT-IN CYTOCENTRIFUGE FOR INCREASED CELL CONCENTRATION

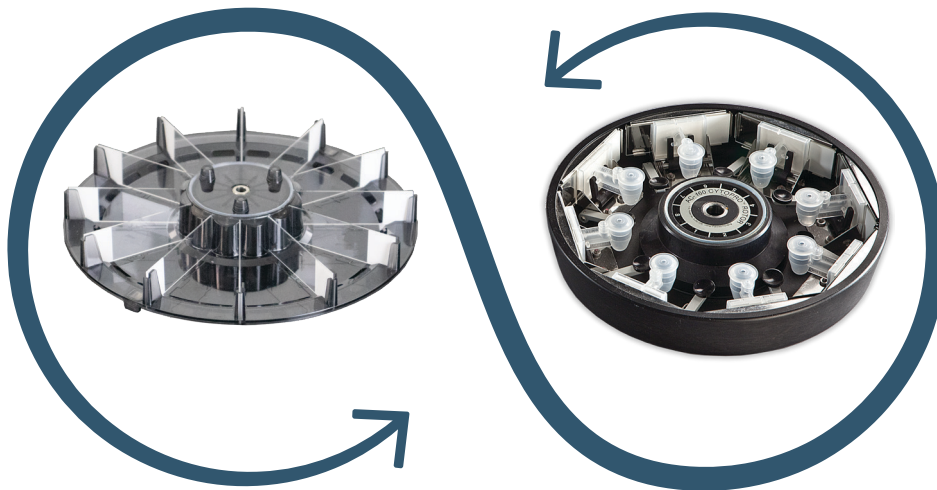
WITHOUT CYTOPRO® ROTOR



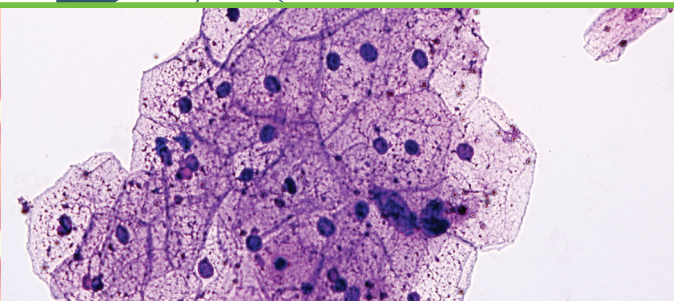
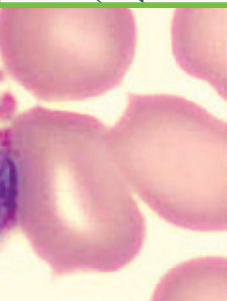
WITH CYTOPRO® ROTOR



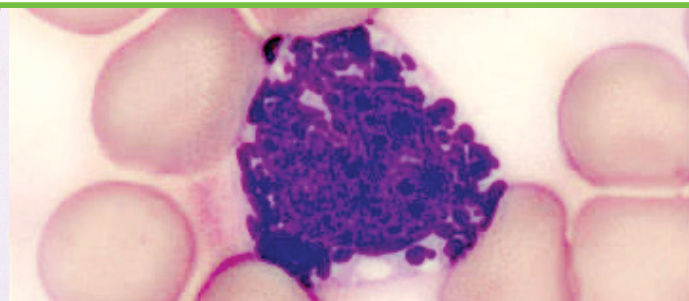
Exchange the slide carousel with the Cytopro® Rotor to transform the stainer into a superb cytocentrifuge.



No purchase of a second instrument means consolidated maintenance and a smaller lab footprint.



Urine



Blood

Aerospray® Hematology Stat Model 7122

Slide Carousel Capacity	1 to 12
Cytocentrifuge Rotor Speed	100-2000 rpm (± 5%), user programmable
Dimensions (W x H x D)	57 cm x 25 cm x 54 cm (22" x 10" x 21")
Clearance Height (lid open)	58 cm (23")
Weight	16.3 kg (35.9 lb)
Electrical Requirements	100 to 240 VAC (±10%) @ 50-60 Hz, 200 watts maximum
Drain Connection	Outlet on rear panel
Safety	Lid interlock: lid must be closed for operation, and is locked down during carousel rotation
Reagent Level Detect	Level detection on all reagent lines
Waste Level Detect	Level detection in waste bottle (optional)

Stain Consumption

Reagents	Theoretical Maximum Number Of Slides Per Bottle for a Full 12 Slide Carousel on Medium Dark Setting: #5	
	1 Clean Cycle/Daily	No Clean Cycle
Buffered Rinse 500 mL	792	996
Thiazin 500 mL	792	996
Eosin 500 mL	792	996
Fixative 500 mL	540	4200

Cytopro® Cytocentrifuge Rotor Model AC-160

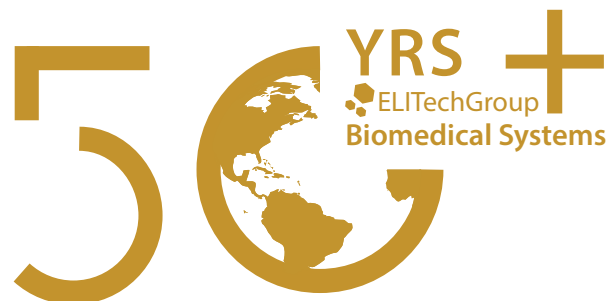
Capacity	8 chambers and 8 slides
Weight	1.1 kg (2.5 lb)
Dimensions (Dia. x H)	22.6 cm x 6.2 cm (8.9" x 2.4")

Catalog #	Description
MODEL 7122	Aerospray® Hematology Stat Slide Stainer/Cytocentrifuge
SS-029	Aerospray® Nozzle Cleaning Solution, 355 mL
SS-029C	Aerospray® Nozzle Cleaning Solution Concentrate, 250 mL
SS-035A	Hematology Stat Reagent A, Rinse, 500 mL
SS-035/049B	Hematology Stat Reagent B, Thiazin Stain, 500 mL
SS-035C	Hematology Stat Reagent C, Eosin Stain, 500 mL
SS-048	Hematology Reagent D, Aerofix® Fixative, 500 mL
SS-049A	Hematology Stat Reagent A, Basofix™ Rinse, 500 mL
SS-049C	Hematology Stat Reagent C, Basofix™ Eosin Stain, 500 mL
SS-049P	Hematology Stat Reagent P, Basofix™ Pre-dip Fixative, 500 mL
SS-135/149A	Hematology Stat Reagent A, Rinse Concentrate, 135 mL
SS-135/149B	Hematology Stat Reagent B, Thiazin Stain Concentrate, 135 mL
SS-135/149C	Hematology Stat Reagent C, Eosin Stain Concentrate, 135 mL
SS-135S	Hematology Stat Surfactant, 14 mL
SS-148	Hematology Reagent D, Aerofix® Fixative Concentrate, 135 mL
SS-149P	Hematology Stat Reagent P, Basofix™ Pre-dip Fixative Concentrate, 15 mL
SS-MeOH	Aerospray® Reagent Grade Methanol, 500 mL
AC-187	Barcode Scanner and Waste Level Detect Bundle
AC-188	12-Slide Carousel, Aerospray® Stainers

Catalog #	Description
AC-160	Cytopro Rotor
SS-111	Cytopro Cytopad, fast, white, package of 100
SS-112	Cytopro Cytopad, slow, tan, package of 100
SS-113	Sample Chambers w/ fast, white Cytopads, caps, 48pk
SS-114	Sample Chambers w/ slow, tan Cytopads, caps, 48pk
SS-117	Microscope slides, 1/2G, uncoated, for Cytopro
SS-118	Microscope slides, 1/2G, coated, for Cytopro
SS-213	Dual Sample Chambers w/ fast, white pads, caps, 48
SS-214	Dual Sample Chambers w/ slow, tan pads, caps, pk/48
SS-217	Microscope Slides, 1/2G, uncoated, Cytopro Dual
SS-218	Microscope Slides, 1/2G, coated, Cytopro Dual
SS-232	Microscope slides, 1/2G, uncoated, for Cytopro Magnum
SS-233	Microscope slides, 1/2G, coated, for Cytopro
SS-234	Cytopro Magnum Sample Chambers, caps, 24pk

*Please check additions to catalog numbers made in your country

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“Delivering innovative diagnostic solutions that enable better medical decisions.”

ELITechGroup has been in operation for over 50 years and distributes to over 100 countries. We are proud to be the world leader in staining technology and cytocentrifugation, offering the world's most reliable solutions in performance and reliability. ELITechGroup is confident that this automated technology will elevate the performance of any laboratory and facilitate superior results.

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370 West 1700 South

Logan, Utah 84321-8212
+1 435 752 6011 800 453 2725 FAX: +1 435 752 4127

Sales Quote

Page: 1
Revision 0

N. **37156**
Quote Date **02/26/24**
Print date **02/26/24**
Expire Date **12/31/24**
PO Number

Sell to : 3702-1
**Montana Dept of Livestock
Diagnostic Laboratory
1911 West Lincoln Street**

**Bozeman, MT 59718
US**

Contact
Email

Ship to : 3702-1
**Montana Dept of Livestock
Diagnostic Laboratory
1911 West Lincoln Street**

**Bozeman, MT 59718
US**

Attention **Courtney Cass**
Telephone **406-994-6376**

Salesperson **Heather Barnhart**

Terms **Net 30 Days**

Remarks

Ship Via

Ship. Meth.

LN	Item No.	Description	Qty Quoted	To Release	UM	Price	Ext Price
1	MODEL 7122	Aerospray Stat Slide	1	1	Each	15,310.00	15,310.00
2	7122 D ACC AN	7122 Domestic Accessories	1	1	Each		
	SS-287	Microscope Slides, Frosted,	1	Each			
	121006	120V POWER CORDSET	1	Each			
	AC-041	Drain tube for Aerospray	1	Each			
	AC-184-KIT	Boxed AC-184 w/o Cleaning	1	Each			
	SS-029C	Aerospray Nozzle Cleaning	1	Each			
	SS-035/049B	Hematology Reagent B	2	Each			
	SS-035A	Hematology Reagent A Rinse	2	Each			
	SS-035C	Hematology Reagent C	2	Each			
	SS-148	Hematology Aerofix	1	Each			
	SS-MEOH	Aerospray Reagent-Grade	2	Each			
	RP-500	Paper Test Slides, 3 X 1 inch	1	Each			
	RP-472	Nozzle inserts and hex	1	Each			
	RP-309	20/PK O-ring for nozzle	1	Pack			
	AC-188	12-Slide Carousel Aerospray	2	Each			
	51-0281-03	Document Pack, Aerospray	1	Each			

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department at: orders_egi@elitechgroup.com or
800-453-2725, option 2. Or fax to 435-227-1497.



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+1 435 752 6011 800 453 2725 FAX: +1 435 752 4127

Sales Quote

Page: 2
Revision 0

N. **37156**
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Sell to : 3702-1
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Diagnostic Laboratory
1911 West Lincoln Street**

**Bozeman, MT 59718
US**

Contact
Email

Ship to : 3702-1
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1911 West Lincoln Street**

**Bozeman, MT 59718
US**

Attention **Courtney Cass**
Telephone **406-994-6376**

Salesperson **Heather Barnhart**
Terms **Net 30 Days**
Remarks

Ship Via
Ship. Meth.

LN	Item No.	Description	Qty Quoted	To Release	UM	Price	Ext Price
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Delivery: 90 days after receipt of order

Warranty, 1 year parts and labor

Freight is prepaid and added to the invoice

Taxes may also be added to the invoice

Currency	USD	Subtotal:	15,310.00
		Discount	0.00
		FREIGHT	225.00
		DOCUMENTATION FEE	0.00
		SERVICE	0.00
		SPECIAL	0.00
Tax:		Total Tax:	0.00
		Total:	15,535.00



Board of Livestock Meeting

Agenda Request Form

From: Tahnee Szymanski, DVM	Division/Program: Animal Health	Meeting Date: March 6, 2025
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Agenda Item: OOS Travel Requests

The Animal Health Bureau is requesting permission for travel for:

1. Western States Livestock Health Association (WSLHA) - 1-2 vets to Tucson, AZ June 2025

The annual meeting of 19 Western state animal health officials is an opportunity to discuss current issues affecting our states and to collaborate on policy that impacts health issues in our respective states. Meetings topics include brucellosis, trichomoniasis, avian influenza, traceability, and emergency preparedness. This meeting is attended annually by 1-2 veterinarians depending on the subject matter included in final agenda.

Estimated cost of attendance \$1,806 per attendee. Costs for 2 attendees are to be covered by Federal Cooperative Agreement (ADT and Umbrella) funding.

2. Michigan NADPRP ICS O-305 - 1 vet to Lansing, MI April 7-11, 2025

This is a NADPRP opportunity that is being hosted by the Michigan Department of Agriculture. This is a week long training that will utilize an animal health scenario to practice an Incident Management Team response.

Estimated Cost of attendance: Reimbursement for travel and lodging provide via the Michigan NADPRP grant. Salary and per diem will be covered by Federal Umbrella CA.

Recommendation: Approve travel requests

Time needed: 10 minutes	Attachments:	<u>Yes</u>		Board vote required?	<u>Yes</u>	
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Agenda Item: Disease Updates

Background Info: Animal Health staff will provide updates regarding the following diseases:

- HPAI
- Brucellosis

Recommendation: N/A

Time needed: 15 minutes	Attachments:		<u>No</u>	Board vote required		<u>No</u>
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Agenda Item:

Background Info:

Recommendation:

Time needed:	Attachments:	Yes	No	Board vote required:	Yes	No
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Department of Livestock

1) Division
AH

2) Employee(s) Traveling

Tahnee Szymanski, DVM +/- Heidi Hildahl, DVM

3) Justification

Western State Livestock Health Association Annual Meeting - This annual meeting of 19 Western state veterinarians and their staff allows the state of Montana to update the group on brucellosis surveillance in the DSA, share current information on other animal health issues, and allows Montana to maintain relationships with other state animal health officials to continue the unimpeded movement of livestock from the state of Montana.

4) Itinerary

June 2025 in Tucson, Arizona. Detailed schedule of lectures/meetings/committees has not been released as of the time of this request.

5) Cost Estimate

Approximate cost is \$1,806 per attendee. Costs for attendees are expected to be covered by Federal Cooperative Agreement funds with exception of per diem and salary. (see attached spreadsheet for itemized budget)

6) Submitted By

Requested By

Title

Date

Approval - to be Completed by Agency Authorized Personnel

Date Approved by Board

Board Chair or EO

Title

Date

3-6-25

Lynne [Signature]

Chairman

3-6-25

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.

Department of Livestock

1) Division
AH

2) Employee(s) Traveling

Brenae Peterson, DVM

3) Justification

NADPRP ICS O-305 training All Hazards Incident Management Team- this is a NADPRP opportunity that is being hosted by Michigan Department of Agriculture. The course is a week long and utilizes an animal health scenario to provide an incident management team exercise.

4) Itinerary

The ICS training is April 7-11, 2025. Daily schedule is 8 am to 5 pm and on Friday will be done at 3pm. Exact details of the schedule has not been released.

5) Cost Estimate

Costs for attendance are to be re-imbursed via the MI NADPRP.

Cost will include travel flights: ~\$800.00

Hotel: ~\$800

Meals: 6 days (\$68 per day): \$408

6) Submitted By

Requested By

Tahnee Szymanski

Title

State Veterinarian

Date


2/19/2025

Approval - to be Completed by Agency Authorized Personnel

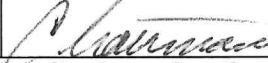
Date Approved by Board

3-6-25

Board Chair or EO



Title



Date

3-6-25

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: Jay Bodner		Division/Program: Brands Enforcement		Meeting Date: 3/6/25	
<u>Agenda Item:</u> ARM Rule 32.18.201 Brand Inspection Proposed Change					
Background Info: <ul style="list-style-type: none">The brands division proposes to allow preslaughter inspections to a licensed livestock slaughterhouse to be valid for seven days. This will extend the timeframe for preslaughter inspections from 36 hours to seven days.					
Recommendation:					
Time needed: 15 Minutes	Attachments:	Yes		Board vote required?	Yes
<u>Agenda Item:</u> Brands Division Update					
Background Info: <ul style="list-style-type: none">Google AIElectronic Brand Application Demonstration					
Recommendation:					
Time needed: 15 Minutes	Attachments:		No	Board vote required	No
<u>Agenda Item:</u>					
Background Info:					
Recommendation:					
Time needed:	Attachments:	Yes	No	Board vote required:	Yes
<u>Agenda Item:</u>					
Background Info:					
Recommendation:					
Time needed:	Attachments:	Yes	No	Board vote required:	Yes
<u>Agenda Item:</u>					
Background Info:					
Recommendation:					
Time needed:	Attachments:	Yes	No	Board vote required:	Yes

32.18.201 BRAND INSPECTION

(1) All livestock presented to a state stock inspector or a deputy stock inspector for a brand inspection must be inspected during daylight hours.

(a) Livestock may be inspected while on vehicles only when:

(i) the inspector can safely read all marks and brands; and

(ii) the animals are on an open truck or in a horse trailer.

(2) The inspection shall permit the movement of livestock from the place of inspection immediately to the destination shown on the inspection certificate.

(a) Diversion or off-loading of the livestock is not allowed without further inspection:

(i) except for purposes of feed or water; and

(ii) only if there is no livestock at the off-loading place with which the livestock on the vehicle can mix or mingle.

(3) The inspection certificate shall permit the movement of livestock identified thereon for no more than 36 hours after time of issue.

(a) Except for preslaughter inspections to slaughtering establishments licensed under [81-9-201](#) , which will be valid for seven days.

Authorizing statute(s): 81-3-202, MCA

Implementing statute(s): 81-3-203, 81-3-211, 81-3-213, 81-3-214, MCA

Written Public Comment

submitted for the March 6, 2025
Montana Board of Livestock Meeting

From: [Matt/Andrea](#)
To: [Simon, Lindsey](#)
Subject: Re: [EXTERNAL] RE: Sitz Angus Ranch sale
Date: Monday, March 3, 2025 10:16:41 AM

Hello Lindsey,

I'm requesting this be shared at the Public Meeting. I believe we're more than 48 hours out. I'm still requesting a response also.

Thanks,
Matt

On Fri, Feb 21, 2025 at 11:39 AM Matt/Andrea <6eagers@gmail.com> wrote:

Hello Lindsey,

I'm requesting a response from Gene Curry on this. Everyone wants to know why he is declining my requests for information sharing at public meetings. What is his response to the way information is filed also?

I would like answers from him regarding the other questions also. If it makes it easier, we can start with the single question of how all the Nelson Cattle made it through the Brand Inspection process at slaughter when non-owners were sending them through? Is that not a fair question?

Mr. Curry needs to understand that his reputation is on the line here. He's the man everyone sees on social media wearing his cowboy hat and holding a glass, front and center.

Apparently, folks have respected him in the past, but now he has to evade questions and deny information to be shared. Everyone can now see a crook was able to take cattle away from the titled owner. If people are in denial about that fact, they no longer should be. The undeniable bottom line is, Nelson Cattle Company holds several titles from Montana that were not supported and offered no security. Folks in the business and banks have zero tolerance for any of that. It's all out in the open. everyone sees.

For example, let's look at Jay Bodner. One of the biggest ranchers in Montana wonders why Jay Bodner is letting all this happen, he was part of the Montana Stock Growers, we thought he was a good guy they say. His reputation is tarnished now. It's just as simple as that. Nobody likes people stealing cattle. They all believe the man with the brand papers is the owner. It's a given/automatic response.

One more thing also. I would like a response to what happened at the end of the meeting. The board members can keep laughing. It's ok. They need to understand, their reputations are on the line too. When these criminals go to prison, everyone is going to look at all the board members very negatively for not having the strength to do the right thing. They all should be shouting that J.J. Nelson is the owner. They've been wrongly turned the other way and they need to start asking why. Without the board understanding fully, they have been placed on an island supporting the cattle rustler and laughing at the poor soul who paid for the cattle. It's insane, but I see exactly what is happening.

Thanks,
Matt

On Thu, Jan 23, 2025 at 10:39 PM Matt/Andrea <6eagers@gmail.com> wrote:
Hello Lindsey,

Please add Gene Curry to this email or forward to him as I respond directly below. I don't see his email/contact information on the website.

Gene Curry, I understand that you declined to include my requested information in the meeting agenda tomorrow. I was told that the requested information would be included as "Written Public Comment". The information was not included in any file or link named as such. It was placed in a file and link labeled "Requests and Attachments". The exact information I requested be shared does not fit anything else in that file. All other items within that file belong as attachments within your meeting. This is the second time this has happened. There is almost no chance at all anyone from the public or media will ever find this as it's completely out of place. I know you won't include any of it in your meeting. It's obvious to everyone watching that you don't want my information to be seen or shared. I understand that you and your folks don't want me to gain any "LEVERAGE" with the questions I ask. Next time around just tell me directly that you don't want to share the information. I don't like half truth pretend kind of deals.

I would like you to answer my questions regarding Verbal Agreements. I can't buy cattle in Montana right now if your Brand Department can't answer questions regarding "Verbal Agreements". There are over 2 million head of cattle in Montana worth Billions of dollars. Do you understand that many of those cattle are wrapped within liens with banks where the brands are listed to prove ownership? Do you understand how the banks need that security in order to lend money? How is security established if "Verbal Agreements" can supersede the brands? This is pretty big issue. Everyone can see Nelson Cattle Company is standing with a fistful of Brand Papers/titles to cattle that offered them no security at all. They are without the cattle and they are without the money. Nelsons lost their cattle when the folks entrusted with the cattle slaughtered them while effectively changing the naming on the cattle. Those same folks sold the beef for their own gain. Montana told Mr. Nelson this was only a civil act due to a "Verbal Agreement". It didn't really matter that Mr. Nelson paid for the cattle and had the title/Brand Papers. Mike Honeycutt explained some of this at recorded meeting etc. etc. etc.

Do you understand that Mr. Nelson has been recognized as the victim of a crime by the federal government now? They are offering him services and resources. Do you disagree with that? Does Montana still stand behind the crook as having a "Verbal Agreement" to protect him from any enforcement?

Mr. Curry, why did your department not work more closely with the USDA when they

came with a separate investigation? Why didn't your department realize something was wrong when Idaho came calling to tell you of issues with the same crook? They took away 23 head or more of beef at another small slaughter house. I know that you weren't included in any decision making at those times. Mike Honeycutt hadn't told you anything about the investigation from January to July of that year (that seemed strange).

Here are the other two important questions regarding Nelson Cattle Co. brand papers/titles to cattle purchased in Montana:

1. How did all the cattle make it through the brand inspections and hide certifications at the time of slaughter (numerous times)?

2. Is it more important for the Brand Inspector/Livestock investigator to support a state Senator's Nephew that signed illegal Bill of Sale over and above a man from Idaho who purchased the cattle and has the brand papers/titles issued by the Montana Department of Livestock? As you know, I found the illegal Bill of Sale.

Matt

On Wed, Jan 22, 2025 at 8:31 AM Simon, Lindsey <Lindsey.Simon3@mt.gov> wrote:

It is included in the Requests and Attachments document that is posted on the Board's website with the Agenda.

From: Matt/Andrea <6eagers@gmail.com>
Sent: Tuesday, January 21, 2025 3:36 PM
To: Simon, Lindsey <Lindsey.Simon3@mt.gov>
Subject: Re: [EXTERNAL] RE: Sitz Angus Ranch sale

Hello Lindsey,

I see the agenda is out for the meeting on the 24th. Can you tell me where you and Gene Curry decided to place the information I requested to be shared at the meeting? I don't see it. I know you said before it would be listed as "Written Public Comment". Gene Curry did refuse to add that information to the regular agenda as you recall I'm sure. Thanks again!

Thanks,

Matt

On Tue, Jan 14, 2025 at 10:47 AM 6eagers <6eagers@gmail.com> wrote:

Hi Lindsey,

Does that mean they plan to add a new file named "Written Public Comment"?

Thanks,

Matt

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Simon, Lindsey" <Lindsey.Simon3@mt.gov>

Date: 1/14/25 10:14 AM (GMT-07:00)

To: 6eagers <6eagers@gmail.com>

Subject: RE: [EXTERNAL] RE: Sitz Angus Ranch sale

As I stated in my December 10 email, it will be included as a written public comment.

From: 6eagers <6eagers@gmail.com>

Sent: Tuesday, January 14, 2025 10:04 AM

To: Simon, Lindsey <Lindsey.Simon3@mt.gov>; Bodner, Jay <Jay.Bodner@mt.gov>;
Honeycutt, Mike <MHoneycutt@mt.gov>

Cc: gene curry <genec@3rivers.net>

Subject: RE: [EXTERNAL] RE: Sitz Angus Ranch sale

Hi Lindsey,

Hope you are doing well. Can you tell me if Gene Curry plans to place the information I request to be shared within the "Requests and Attachments" file/link? Is that where it will go again?

Thanks,

Matt

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Simon, Lindsey" <Lindsey.Simon3@mt.gov>

Date: 12/18/24 3:14 PM (GMT-07:00)

To: 6eagers <6eagers@gmail.com>, "Bodner, Jay" <Jay.Bodner@mt.gov>, "Honeycutt, Mike" <MHoneycutt@mt.gov>

Cc: gene curry <genec@3rivers.net>

Subject: RE: [EXTERNAL] RE: Sitz Angus Ranch sale

Mr. Eager,

The Board of Livestock's next meeting is tomorrow, December 19, 2024. The agenda and materials for that meeting have already been posted in compliance with Mont. Code Ann. § 2-3-103(1)(b). No substantive changes—such as new agenda items—can be made at this point without the requirement for adequate notice.

Additionally, the Chair of the Board of Livestock has denied your request to make this an agenda item at the next Board meeting, the date of which has not yet been set. The email you submitted will be included as a written public comment in the next board meeting, notice of which will be posted to the Department's website [here](#) once the date is set.

Lindsey Simon

Attorney

Montana Department of Livestock

(406) 444-7631

lindsey.simon3@mt.gov

From: Geagers <6eagers@gmail.com>

Sent: Wednesday, December 18, 2024 11:15 AM

To: Bodner, Jay <Jay.Bodner@mt.gov>; Honeycutt, Mike <MHoneycutt@mt.gov>;
[REDACTED]; Simon, Lindsey <Lindsey.Simon3@mt.gov>

Subject: [EXTERNAL] RE: Sitz Angus Ranch sale

Mr, Honeycutt,

I'll address this to you and also adding Lindsey.

I feel like I need to give you all references to prove my ability and experience buying cattle and bulls outside my home state. I want the Sitz Ranch to know I am legitimate. See the following:

Sam Mahler at Baker Angus in Vale, Oregon.

Feel free to call him at 541-473-4266. He can easily confirm my integrity and the quality of Black Angus bulls I buy. Ask about all the other folks that have followed me in buying bulls from them also (Dent Ranches, Ball Farms, etc.)

Call Seven Rivers Livestock at 208-365-4401. Ask for Judy Hinman (Governor Little's sister).

I understand from a separate email, that folks within the Montana Department of Livestock are not required to answer the question I raise regarding "Verbal Agreements". That doesn't mean they can't answer the questions.

Here are the other two important questions regarding Nelson Cattle Co. brand papers/titles to cattle purchased in Montana:

1. How did all the cattle make it through the brand inspections and hide certifications at the time of slaughter (numerous times)?

2. Is it more important for the Brand Inspector/Livestock investigator to support

a state Senator's Nephew that signed illegal Bill of Sale over and above a man from Idaho who purchased the cattle and has the brand papers/titles issued by the Montana Department of Livestock? As you know, I found the illegal Bill of Sale.

I would just like to note here also. These questions circling around the "Security" of cattle purchased in Montana are huge. There are well over Two Million head of cattle in Montana. Just for an example, let's say each one is worth a low average estimate of \$1,800. That calculates to 3,600,000,000 worth of cattle. How much of that is tied to "security" and liens with banks?? A majority of it probably. The Brands are the bedrock of that security. Who is managing all this??

Lindsey,

I am requesting and trust you to show and read this entire email string within the next Public Montana Board of Livestock meeting. I request it not be placed in some secondary hidden folder this time. I want the information on the agenda and out in front of the public 100%.

Matt Eager

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: 6eagers <6eagers@gmail.com>

Date: 12/4/24 12:46 PM (GMT-07:00)

To: "Bodner, Jay" <Jay.Bodner@mt.gov>, mhoneycutt@mt.gov,
[REDACTED]

Subject: RE: Sitz Angus Ranch sale

Jay Bodner,

I need your answer today as the sale is tomorrow. Are you willing to speak with a banker to better understand the "security"

needed/expected? I can have them call you.

Matt

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: 6eagers <6eagers@gmail.com>

Date: 12/3/24 11:00 AM (GMT-07:00)

To: "Bodner, Jay" <Jay.Bodner@mt.gov>, mhoneycutt@mt.gov,
[REDACTED]

Subject: Sitz Angus Ranch sale

Mr. Jay Bodner,

I am interested in the Sitz Angus Ranch sale December 5th. As you know, I have already missed out on two separate sales. I need your confirmation that a "Verbal Agreement"

can't supersede the brand papers/titles to the cattle issued to the buyer. I need that security in the cattle I buy out of state. As you know, Nelson Cattle Company has a fist full of brand papers that offered no security with reasoning of a "Verbal Agreement". They are without the cattle and without the money. If you or Mike Honeycutt from North Carolina can guarantee that a "Verbal Agreement" can't supersede the brands, I'll be a bidder. If you still cannot do that, then I'm out.

Matt

Sent from my Verizon, Samsung Galaxy smartphone

From: [Matt/Andrea](#)
To: [REDACTED]; [Bodner, Jay](#); [Honeycutt, Mike](#); [Simon, Lindsey](#); [REDACTED]
Subject: [EXTERNAL] Re:
Date: Monday, March 3, 2025 10:54:08 AM

Hello Jay Bodner,

I haven't seen a response from you yet. I know your department says you are not legally required to answer some of these questions. Maybe that is true? Either way, I think you should answer the questions at hand and if you can't, then people need to be asking why. I want this email string shared in the next public meeting. I doubt that it will be shared though. For now, I can't buy cattle in Montana and I'm not sure who can?

Feddes Red Angus has their big sale coming up. Which Brand Papers will those buyers get? Will they be like the ones you describe within the Midwest Messenger article where the security is the same as the "deed to your house", or will they possibly be of the variety Nelson Cattle Company received from Montana where "TITLES" to the cattle offered absolutely zero security. He's holding several where this very strange new idea of a "Verbal Agreement" effectively canceled out his title to the cattle and effectively let others convert the cattle to themselves correct? There was no verbal agreement in play to ever say the crooks could change the naming on the cattle, sell the slaughtered beef in their name and keep all the money. I am sorry, but that is just the cold hard truth. Does it not bother you that the federal government recognizes J.J. Nelson as the victim of a crime with all this, but Montana never really supported Nelson. It was declared "Civil" from the onset basically and then the debate started. Do your Livestock Investigators have the right to declare Civil Vs. Criminal? Mr. Bodner, everyone expects you to stand for the strength of the brands, but you really do not with the case of Nelson Cattle Company do you? Are you going to speak to the banks? I talked with Northwest Farm Credit Services last recently. They can explain to you better how all this "security" works in the cattle business. I know you don't want to listen to my explanation. The undeniable truth is, your department has proven that not all brands/brand papers offer security. The Nelson issue is proof of that 100%. They are without the cattle and without the money. You shouldn't be telling AG publications what you are telling them should you?

1. How did all the cattle make it through the brand inspections and hide certifications at the time of slaughter (numerous times)?

2. Is it more important for the Brand Inspector/Livestock investigator to support a state Senator's Nephew that signed illegal Bill of Sale over and above a man from Idaho who purchased the cattle and has the brand papers/titles issued by the Montana Department of Livestock? As you know, I found the illegal Bill of Sale.

Matt

On Fri, Feb 21, 2025 at 12:12 PM Matt/Andrea <6eagers@gmail.com> wrote:

Mr. Jay Bodner,

I am interested in buying cattle from Eaton's (I started out with 2 Charolais cross heifers as a kid and have always known of Eaton's reputation). As you know, I have already missed out on three separate Angus sales. I need your confirmation that a "Verbal Agreement"

can't supersede the brand papers/titles to the cattle issued to the buyer. I need that security in the cattle I buy out of state. As you know, Nelson Cattle Company has a fistful of brand papers that offered no security with reasoning of a "Verbal Agreement". They are without the cattle and without the money. If you or Mike Honeycutt from North Carolina can guarantee that a "Verbal Agreement" can't supersede the brands, I'll be a potential buyer/bidder. If you still cannot do that, then I'm out.

Secondly Mr. Bodner, I read an interesting article in the Midwest Messenger where you and Wes Seward were quoted and featured. In that article you are quoted as saying a Brand acts "Like a deed to your house". I am glad you said that, but it's not really true at all

is it?? Nelson's titles to the cattle they purchased are worthless. They were overridden by others with a claim of a "Verbal Agreement". Is that correct?

I see Wes Seward's quote in there also. "Civil Dispute between two owners". I realize he likes the whole "Civil" thing (especially if all the cattle made it past inspections). Please remind him just for me. There's only one owner on the Nelson's Brand Papers and not two.

Here are the other two important questions regarding Nelson Cattle Co. brand papers/titles to cattle purchased in Montana:

1. How did all the cattle make it through the brand inspections and hide certifications at the time of slaughter (numerous times)?

2. Is it more important for the Brand Inspector/Livestock investigator to support a state Senator's Nephew that signed illegal Bill of Sale over and above a man from Idaho who purchased the cattle and has the brand papers/titles issued by the Montana Department of

Livestock? As you know, I found the illegal Bill of Sale.

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Sent: Wednesday, December 18, 2024 11:15 AM
To: Bodner, Jay <Jay.Bodner@mt.gov>; Honeycutt, Mike <MHoneycutt@mt.gov>; [REDACTED]; Simon, Lindsey <Lindsey.Simon3@mt.gov>
Subject: [EXTERNAL] RE: Sitz Angus Ranch sale

Mr, Honeycutt,

I'll address this to you and also adding Lindsey.

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Subject: RE: Sitz Angus Ranch sale

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