

BEFORE THE DEPARTMENT OF LIVESTOCK
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PROPOSED
ARM 32.3.219 special requirements) AMENDMENT
for swine)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

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

2. The Department of Livestock will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Livestock no later than 5:00 p.m. on December 11, 2020, to advise us of the nature of the accommodation that you need. Please contact the Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001; telephone: (406) 444-9321; TTD number: (800) 253-4091; fax: (406) 444-1929; e-mail: MDOLcomments@mt.gov.

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

32.3.219 SPECIAL REQUIREMENTS FOR SWINE (1) Swine may enter the state of Montana provided they are transported or moved in conformity with ARM 32.3.201 through 32.3.211 and Title 9 CFR part 85 and are accompanied by an official health certificate of the state of origin issued by an accredited veterinarian attesting that:

(a) the swine have been inspected within ~~ten~~ thirty days of the date of shipment; and

(b) through (3) remain the same.

AUTH: 81-2-102, 81-2-104, 81-2-707, ~~81-20-104~~, MCA

IMP: 81-2-102, 81-2-703, 81-2-707, ~~81-20-104~~, MCA

REASON: Administrative Rules of Montana currently requires swine to be inspected within ten days of importation into Montana. The federal standard for the issuance of certificates of veterinary inspection is inspection within ten days of certificate issuance and inspection within thirty days of movement, which is applied across all neighboring states and several midwestern states with large swine populations.

Montana is proposing to amend our import rule to be consistent with the federal standard and other states. The rule requiring inspection within ten days of shipment frequently causes a need for a second inspection of animals. Animal Health Bureau

staff researched state and federal laws to find supporting language for the use of ten days and are unable to explain the origin or intent of the rule.

The department is also proposing to update authorizing and implementing citations to accurately reflect sources of rulemaking authority and implementation.

4. Concerned persons may submit their data, views, or arguments in writing concerning the proposed action to the Executive Officer, Department of Livestock, 301 N. Roberts St., Room 308, P.O. Box 202001, Helena, MT 59620-2001, by faxing to (406) 444-1929, or by e-mailing to MDOLcomments@mt.gov to be received no later than 5:00 p.m., December 18, 2020.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make a written request for a hearing and submit this request along with any written comments they have to the same address as above. The written request for hearing must be received no later than 5:00 p.m., December 18, 2020.

6. If the agency receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed action; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those person directly affected has been determined to be 54, based upon 542 swine premises in Montana.

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

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

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

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

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

Certified to the Secretary of State November 10, 2020.