

The Department of Food and Agriculture (Department), Animal Health Branch, hereby makes the following changes to Title 3 of the California Code of Regulations on an emergency basis. The Department will be proceeding with a formal rulemaking action to adopt these changes in its regulations permanently.

- Delete subsection (c) from section 753.2 of Article 1.5 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations.
- Repeal sections 757, 759, 759.1, 759.2, 759.3, 759.4, and 759.5 of Article 2.5 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations.
- Amend Article 2 and adopt sections 755, 755.1, 755.2, 755.3, 755.4, 755.5 and 755.6 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations.
- Amend Article 2.5 and adopt sections 756, 756.1, 756.2, 756.3, 757, 758, 758.1, and 759 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations.

Article 2. Movement of Cattle into California from Mexico

Section 755. Definitions.

(a) As used in this article:

(1) “Accredited Veterinarian” means a veterinarian approved by the USDA in accordance with 9 CFR Part 161 (1/1/02 Edition) to perform functions specified in this article.

(2) “Official brucellosis test” means a test to determine the brucellosis disease status of test-eligible cattle as defined by 9 CFR Part 78, Section 78.1.1 (1/1/02 Edition).

(3) “Official tuberculosis test” is synonymous with “Official tuberculin test” as defined in 9 CFR, Part 77, Section 77.5 (1/1/02 Edition).

(4) “USDA” means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 755.1. General Requirements.

(a) The State Veterinarian may impose a quarantine pursuant to Food and Agricultural Code section 9562 if the requirements as specified in this article have not been met, or to amend the requirements for entry into California in response to a change in disease status in any location, state, territory or country as determined by the State Veterinarian.

(b) The provisions of this article are in addition to other provisions that may be required for moving animals into and within California as specified in statute or regulation.

(c) Any person transporting animals into or within California shall produce any official documents required by the Department or USDA for each load or part of a shipment upon request by the Department or other official to prove that each animal transported meets the requirements of this article. Animals in any load or part of a shipment may be inspected en route or after arrival.

NOTE: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 755.2. Certificate of Veterinary Inspection.

(a) A Certificate of Veterinary Inspection is a numbered interstate document that is a record of veterinary health inspection of one or more animals, issued on an official form of the state of origin and by an accredited veterinarian from the state of origin.

(b) A Certificate of Veterinary Inspection shall include all of the following:

- (1) Date of inspection;
- (2) Number of animals in the consignment;
- (3) Description of the animals including the species, breed, age, and sex, and the official identification number(s) or registration tattoos;
- (4) Name, address, and telephone number of the consignor, consignee, and the origin and destination of the animals;
- (5) Interstate livestock entry permit number, when required;
- (6) Statement of the purpose for which the animals are being moved;
- (7) Statement by the owner or accredited veterinarian at the point of origin as required by the Department or USDA for the interstate or intrastate movement of animals.
- (8) Signed by the accredited veterinarian who examined the animals in the shipment.

(c) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Room A-107, Sacramento, California 95814.

(d) The examining licensed and accredited veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.

(e) As an alternative to official individual identification on a Certificate of Veterinary Inspection, another animal identification document may be used if approved by the Department and USDA.

(f) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals are exempt from obtaining a Certificate of Veterinary Inspection under this article.

(g) All animals shall be transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection.

(h) A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals described.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 755.3. Interstate Livestock Entry Permits.

(a) An Interstate Livestock Entry Permit may be required for the importation of animals into California pursuant to the requirements of this article.

(b) An Interstate Livestock Entry Permit is a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California.

(c) Requests for Interstate Livestock Entry Permits shall be made to the Department's Animal Health Branch and before the animals are transported to

California. Requests for entry permits may be made by telephone, electronic transmission, or other means approved by the Department. Written application may be required when necessary to accomplish the purposes of this article.

(d) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.

(e) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.

(f) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:

(1) Name, address, and telephone number of the shipper or importer;

(2) Origin of the shipment;

(3) The number and description of the animals being shipped including species, breed, age, sex, and purpose for which the animals will be used.

(4) Name, mailing address, and telephone number of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address;

(5) Name, address, and telephone number of a contact person in California, if not the owner; and the name, address, and telephone number of the person requesting the permit;

(6) Certificate of Veterinary Inspection number, if available;

(7) Name of the herd veterinarian, if available; and

(8) Must meet the entry requirements for the type of animals entering California.

(g) An Interstate Livestock Entry Permit is required for the entire shipment of animals, which may consist of one or more loads.

(h) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.

(i) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.

(j) Interstate Livestock Entry Permits shall expire 15 days after issuance.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 755.4. Requirements for Entry into California.

(a) Cattle that have been in Mexico and are forty (40) percent or more dairy breed in appearance or genetics shall not be imported into California. This includes steers and spayed heifers.

(b) All cattle originating from Mexico and entering California shall:

(1) Comply with the requirements for entry into the United States pursuant to 9 CFR, Parts 93.400-93.416 and Parts 93.424-93.427 (1/1/02 Edition), USDA Veterinary Services Notice 02-11, and as approved by the Secretary of the Department; and

(2) Have a completed Certificate of Veterinary Inspection with individual animal identification, issued at the time of inspection in the United States. Any test result as required including the name of the laboratory conducting the test, and a representation of the calfhood brucellosis vaccination tattoo as evidence of brucellosis vaccination

when required, shall be recorded on, or attached to the Certificate of Veterinary Inspection; and

(3) Each shipment of cattle shall have an Interstate Livestock Entry Permit and meet the additional requirements as stated for the following classes of cattle:

(A) Mexico origin sexually intact cattle more than 6 months of age shall have a negative official tuberculosis and brucellosis test completed within 60 days prior to entering California from Mexico.

(B) Mexico origin female cattle shall be calfhood vaccinated for brucellosis, having a legible vaccination tattoo as evidence of vaccination, before arriving in California.

(c) All Mexico origin cattle passing through or held in another state, or states, of the United States after entry from Mexico will not be considered native to that state, or states, by California unless they have met California's entry requirements and any movement restrictions applicable to Mexican origin cattle.

(d) The Department may require copies of any document, certificate, declaration or affidavit required by the USDA for the entry of ruminants from Mexico.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 755.5. Mexico Origin Cattle Maintained in California.

(a) Mexico origin sexually intact cattle shall be quarantined and isolated pursuant to Food and Agricultural Code section 9562 at destination pending the results of an official tuberculosis and official brucellosis test conducted 60–90 days after entering California.

(1) Male cattle may be released from quarantine if negative to the brucellosis and tuberculosis tests.

(2) Female cattle shall continue to be maintained under quarantine until negative to an official brucellosis test conducted 30-60 days after calving.

(3) Animals coming from a Tuberculosis Accredited Free or Tuberculosis Modified Accredited Advanced region within Mexico as defined by the USDA are exempt from the tuberculosis test requirement.

(b) If a brucellosis or tuberculosis reactor animal is found during any testing procedures in California:

(1) The positive animal(s) shall be slaughtered in a state or federally inspected slaughter facility or laboratory, or returned to the regulatory authorities of the country of origin, and

(2) The whole herd, lot, or group shall be evaluated by the designated tuberculosis epidemiologist to determine the risk of spreading disease before release from quarantine.

(c) Mexico origin animals shall not be eligible for indemnity unless they are required to be slaughtered as a result of tests conducted after they have been released for unrestricted movement in California.

(d) Cattle discovered within California that, because of their location, physical appearance, and/or history, appear to be Mexico origin cattle of unknown disease status shall be confined and placed under quarantine until their origin has been determined. It shall be the responsibility of the owner or person in possession of the cattle to produce evidence that the cattle have met requirements to enter and move legally in California. If

satisfactory evidence cannot be produced, the cattle in question, depending on their origin and subject to approval by state or federal regulatory authorities, shall be returned directly to Mexico, returned to the state of origin or port of entry, or sold for immediate slaughter. The Department may consider it necessary to identify and/or test the cattle before their export or slaughter pursuant to sections 10382 through 10385 of the Food and Agricultural Code.

(e) All costs of individual and/or herd testing or other required procedures relating to Mexico origin cattle shall be borne by the owner or person in possession of the cattle.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 755.6. Violations.

(a) Failure to comply with any part of this article constitutes a violation.

(b) The Department shall act consistent with any existing enforcement authority concurrently or at a later date unless otherwise prohibited. Such authority includes, but is not limited to, the following:

(1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;

(2) Civil or administrative penalties;

(3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and,

(4) Reimbursement to the Department for any costs incurred due to any violation of this article.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Article 2.5. Interstate Movement of Cattle and Specified Animals into California

Section 756. Definitions.

(a) As used in this article:

(1) "Accredited Veterinarian" means a veterinarian approved by the USDA in accordance with 9 CFR Part 161 (1/1/02 Edition) to perform functions specified in this article.

(2) "Designated tuberculosis epidemiologist" means a state or federal veterinarian with knowledge of epidemiology, selected by state and federal veterinarians in charge with the concurrence of the USDA. The designated tuberculosis epidemiologist will coordinate and evaluate livestock disease eradication programs as assigned.

(3) "Official tuberculosis test" is synonymous with "Official tuberculin test" as defined in 9 CFR Part 77, Section 77.1 (1/1/02 Edition).

(4) "USDA" means the United States Department of Agriculture, Animal and Plant Health Inspection Service.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 756.1. General Requirements.

(a) The State Veterinarian may impose a quarantine pursuant to Food and Agricultural Code section 9562 if the requirements as specified in this article have not been met, or to amend the requirements for entry into California in response to a change in disease status in any location, state, territory or country as determined by the State Veterinarian.

(b) The provisions of this article are in addition to other provisions that may be required for moving animals into and within California as specified in statute or regulation.

(c) Any person transporting animals into or within California shall produce official documents, including but not limited to, a Certificate of Veterinary Inspection with the Interstate Livestock Entry Permit number as required, with attachments, for each load or part of a shipment upon request by the Department or other official to prove that each animal transported meets the requirements of this article. Animals in any load or part of a shipment may be inspected en route or after arrival.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 756.2. Certificate of Veterinary Inspection.

(a) A Certificate of Veterinary Inspection is a numbered interstate document that is a record of veterinary health inspection of one or more animals, issued on an official form of the state of origin and by an accredited veterinarian from the state of origin.

(b) A Certificate of Veterinary Inspection shall include all of the following:

- (1) Date of inspection;
- (2) Number of animals in the consignment;
- (3) Description of the animals including the species, breed, age, and sex, and the official identification number(s) or registration tattoos;
- (4) Name, address, and telephone number of the consignor, consignee, and the origin and destination of the animals;
- (5) Interstate livestock entry permit number, when required;
- (6) Statement of the purpose for which the animals are being moved;
- (7) Statement by the owner or accredited veterinarian at the point of origin as required by the Department or USDA for the interstate or intrastate movement of animals.

(8) Signed by the accredited veterinarian who examined the animals in the shipment.

(c) A copy of the completed Certificate of Veterinary Inspection shall be mailed to the Department within 15 days of examination to the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Room A-107, Sacramento, California 95814.

(d) The examining licensed and accredited veterinarian shall indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California entry requirements.

(e) As an alternative to official individual identification on a Certificate of Veterinary Inspection, another animal identification document may be used if approved by the Department and USDA.

(f) The Department may require a Certificate of Veterinary Inspection for animals entering California because of a disease condition in another state, even though the animals are exempt from obtaining a Certificate of Veterinary Inspection under this article.

(g) All animals shall be transported directly and without delay to the destination stated on the Certificate of Veterinary Inspection.

(h) A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals described.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 756.3. Interstate Livestock Entry Permits.

(a) An Interstate Livestock Entry Permit may be required for the importation of animals into California pursuant to the requirements of this article.

(b) An Interstate Livestock Entry Permit is a numbered document issued by the Department for approving the movement of animals that meet entry requirements into California.

(c) Requests for Interstate Livestock Entry Permits shall be made to the Department's Animal Health Branch and before the animals are transported to California. Requests for entry permits may be made by telephone, electronic transmission, or other means approved by the Department. Written application may be required when necessary to accomplish the purposes of this article.

(d) Each Interstate Livestock Entry Permit shall have a unique number and the number may be issued to the applicant by telephone or other electronic means approved by the Department. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.

(e) The applicant for the Interstate Livestock Entry Permit shall establish that all animals in the shipment meet California entry requirements, and possess a Certificate of Veterinary Inspection when required.

(f) The applicant for the Interstate Livestock Entry Permit shall provide the Department with the following information:

(1) Name, address, and telephone number of the shipper or importer;

(2) Origin of the shipment;

(3) The number and description of the animals being shipped including species, breed, age, sex, and purpose for which the animals will be used.

(4) Name, mailing address, and telephone number of entity receiving the animals, or a geographic destination if animals are not being received at the destination mailing address;

(5) Name, address, and telephone number of a contact person in California, if not the owner; and the name, address, and telephone number of the person requesting the permit;

(6) Certificate of Veterinary Inspection number, if available;

(7) Name of the herd veterinarian, if available; and

(8) Must meet the entry requirements for the type of animals entering California.

(g) An Interstate Livestock Entry Permit is required for the entire shipment of animals, which may consist of one or more loads.

(h) All animals shall be transported directly and without delay to the destination stated on the Interstate Livestock Entry Permit.

(i) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit pursuant to sections 9562 and 9570 of the Food and Agricultural Code.

(j) Interstate Livestock Entry Permits shall expire 15 days after issuance.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 757. Cattle Scabies.

(a) Pursuant to Food and Agricultural Code sections 9562 and 9570, the State Veterinarian may require persons importing animals into California to meet the following requirements to prevent the introduction or spread of scabies:

(1) A Certificate of Veterinary Inspection;

(2) An Interstate Livestock Entry Permit;

(3) Treatment of animals to prevent the spread of scabies.

NOTE: Authority cited: Sections 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 758. Tuberculosis - Requirements for Entry into California.

(a) All sexually intact cattle regardless of age shall have the following:

(1) An Interstate Livestock Entry Permit and

(2) A Certificate of Veterinary Inspection.

(b) All breeds of cattle, bison, goats and cervids, of any age and sex, identified as originating from or documented as having been in or at a location, state, territory, or foreign country that the State Veterinarian determines to be a threat for introducing bovine tuberculosis into California or that is documented as having a significant tuberculosis infection and entering California may be required to meet the following additional requirements:

(1) All animals more than six (6) months of age must be negative to an official tuberculosis test completed within 60 days prior to entering California, or

(2) Animals must have been part of a whole herd negative official tuberculin test (all animals more than six (6) months of age tuberculosis tested and all negative) within 12 months before departure, and have a negative official tuberculin test within 60 days before departure for California (90 days for cervids). If an animal was not tested at the last whole herd tuberculin test, documents must accompany the animal showing it: had a negative official tuberculin test before entering the herd and within 12 months of departure for California, or it was born into the herd, and

(3) All imported animals shall be quarantined and held at their destination until an official tuberculin test in California 61 to 120 days after their last test before entry (91 to 120 days for cervids) has been completed. Animals may move from that location only under written directions from the Animal Health Branch. If a suspect or a reactor is found in a shipment, the whole herd at destination will be quarantined until a designated tuberculosis epidemiologist determines the final classification. No indemnity shall be paid for imported animals classified as suspects or reactors.

(c) Individually identified animals moving directly to an officially inspected slaughter establishment shall be exempt from entry test requirements.

(d) Animals exposed to or originating from any quarantined herd, premises, county, zone, or area shall not enter California.

(e) The Department may require mitigation of risk factors OR deny the entry into California of any species of animal or any animal material if there may be a possibility of transmission of bovine tuberculosis infection.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 758.1. Tuberculosis - Designated Pens in Feedlots.

(a) Designated pens are a set of pens on a premises approved by the Department and USDA for the feeding of cattle from California herds quarantined for tuberculosis and whose movement shall be restricted only to slaughtering establishments approved by the Department or USDA.

(b) Feedlots requesting approval for designated pen status shall contact the Department's Animal Health Branch District Office containing the feedlot or the Animal Health Branch in Sacramento.

(c) Approval of designated pens may be granted when the owner or manager of the feedlot completes and submits to the Department an application for the designated pen. The application will include the following:

(1) Name and address of the feedlot,

(2) Name, address and telephone number of applicant, and the name and telephone number of the contact person such as manager or foreman,

(3) Pen numbers subject to designated pen status, and

(4) Signature of the applicant that certifies compliance with the following requirements:

(A) Designated pens shall be maintained for finish feeding of cattle in a dry lot with no provisions for pasturing or grazing,

(B) Double cattle-proof fences shall separate the designated pen from the remainder of the feedlot by a minimum of 12 feet. An alley may satisfy this separation requirement if cattle are not maintained in the alley, and

(C) Cattle entering feedlots and maintained in designated pens:

1. Shall be moved directly to designated pens without contact with cattle not destined for designated pens. Common areas may be used to process cattle held in designated pens provided the area is cleaned and disinfected with an approved disinfectant after each use and before cattle from non-designated pens are exposed to the area.

2. Shall have official individual permanent identification before entering the feedlot; and a lot tag which must be applied upon entering the designated pen.

(d) Feedlots shall apply and receive written approval from the Department prior to the initial arrival of the exposed cattle.

(e) Approval of designated pens in feedlots may be renewed every 12 months pending an annual inspection to determine if the conditions of the agreement continue to be met by the feedlot; or until:

(1) The feedlot requests deactivation, or

(2) The Department or USDA determines the status should be eliminated because of the feedlot's failure to comply with the agreement or these regulations, or

(3) Changes in Federal or State law or regulations require elimination of or change in the status.

(f) Cattle maintained in designated pens may be inspected by the Department or the USDA.

(g) Records including but not limited to any Certificate of Veterinary Inspection, test results, Interstate Livestock Entry Permits, or other official documents of incoming and outgoing cattle shall be maintained by the feedlot.

(1) Records shall be retained for a period of 5 years after cattle enter the feedlot.

(2) Records shall be available for inspection and photocopying upon request by the Department or the USDA.

(h) The Department may amend the requirements for designated pens in response to a change in disease status as determined by the State Veterinarian.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Section 759. Violations.

(a) Failure to comply with any part of this article constitutes a violation.

(b) The Department shall act consistent with any existing enforcement authority concurrently or at a later date unless otherwise prohibited. Such authority includes, but is not limited to, the following:

(1) Denial, suspension, or revocation of a license, registration, certificate, permit, exception, or other indicia of authority issued by the Department;

(2) Civil or administrative penalties;

(3) Referral to the appropriate District Attorney or the Attorney General for criminal prosecution or other appropriate remedy; and,

(4) Reimbursement to the Department for any costs incurred due to any violation of this article.

NOTE: Authority cited: Section 407 and 9932, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, and 9574, Food and Agricultural Code.

Approved by the Office of Administrative Law on July 3, 2003