

**DEPARTMENT OF FOOD AND AGRICULTURE  
ANIMAL HEALTH BRANCH  
INITIAL STATEMENT OF REASONS**

**Hearing Date**

No hearing is scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department of Food and Agriculture (herein after referred to as "Department") no later than 15 days prior to the close of the written comment period.

**Subject Matter**

Animal Disease Traceability

**Sections Affected**

Adopt sections 751, 751.1, 754.3, 754.4, 820.1, 830, 830.1, 830.2, 830.3, 830.4, 831, 831.1, 831.2, 831.3, 831.4, 831.5, 837, 838, 1302, 1303, 1304 and 1305; amend sections 752, 752.1, 752.2, 752.3, 752.4, 752.5, 752.6, 753, 753.1, 753.2, 754, 754.1, 754.2, 755, 755.1, 755.4, 756, 756.1, 758, 820, 820.3, 820.4, 820.5, 820.55, 820.6 and 820.7; repeal sections 753.3, 755.2, 755.3, 756.2, 756.3, 757, 758.1, 820.1 and 820.2 of Division 2, of Title 3 of the California Code of Regulations.

**Specified Purpose of Each Adoption, Amendment or Repeal**

The Department is responsible for promoting and protecting the agricultural industry of California. Further, the Department seeks to enhance, protect and perpetuate the ability of the agricultural industry to produce food and fiber in a way that benefits the general welfare and economy of California, and maintains the economic well-being of agriculturally dependent rural communities in California pursuant to Food and Agricultural Code sections 401 and 401.5.

Food and Agricultural Code section 9561 authorizes the State Veterinarian to establish regulations to prevent or eradicate any condition that could cause risk to animals or the health and safety of the citizens of this State.

Food and Agricultural Code section 9562 further authorizes the State Veterinarian to quarantine or restrict the movement of animals or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans. Section 9570 authorizes the Department to establish requirements for the interstate and intrastate movement of livestock. Together sections 9562 and 9570 authorize the State Veterinarian to order the quarantine of diseased animals and establish requirements for the interstate and intrastate movement of livestock or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans.

Food and Agricultural Code section 9932 authorizes the State Veterinarian to develop regulations to prevent bovine tuberculosis from entering and spreading within the State.

Food and Agricultural Code section 10326 provides the Director may adopt regulations to prevent the spread of bovine brucellosis through limitations on movement of bovine animals or through such tests or vaccinations or other means as he may find and determine to be necessary.

Food and Agricultural Code section 10610 authorizes the Secretary of the Department to adopt regulations to control and eradicate cattle diseases through limitations on intrastate and interstate movement, and by requiring permits, diagnostic testing, vaccinations, or other appropriate methods of treatment and control.

Existing regulations for the interstate and intrastate movement of cattle pursuant to specified livestock diseases are found under Article 1.5 (commencing with section 752), Article 2 (commencing with section 755), Article 2.5 (commencing with section 756) and Article 12 (commencing with section 820) of Chapter 2, Division 2, of Title 3 of the California Code of Regulations (CCR).

This proposal adopts specified requirements (cattle and bison only) of the United States Department of Agriculture's (USDA) Animal Disease Traceability rule (9 Code of Federal Regulations (CFR) Part 86, effective March 11, 2013)<sup>1</sup> which establishes official identification and documentation requirements for the traceability of livestock (cattle and bison, horses and other equine species, poultry, sheep and goats, swine, and captive cervids) moving between all states, and modifies those requirements as necessary to facilitate movement and husbandry practices unique to California's beef and dairy cattle industries.

This proposal additionally relocates existing importation, movement and identification regulations for cattle and bison pursuant to specific livestock diseases (brucellosis and tuberculosis, and trichomonosis) into those proposed new animal disease traceability requirements; and deletes outdated requirements, replacing them with updated requirements to reflect current industry practices to enhance existing prevention, control and eradication disease programs.

The Department has conducted a search of applicable existing statutes and regulations relating to the importation and movement of cattle and bison into and within California, as well as specified disease control programs and does not believe the proposed regulations are inconsistent or incompatible with existing State regulations and laws.

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<sup>1</sup> Federal Register, Volume 78, Number 6, January 9, 2013, pages 2071-2075.  
Animal Disease Traceability - ISR

## **Problem Intended to Address**

Cattle and bison imported into California from other states must comply with federal interstate movement requirements and meet specific California entry requirements for lawful entry into this State. However, due to the unique production, movement and marketing needs and practices, and disease control efforts of the beef and dairy cattle industries in this State, new federal disease traceability regulations (9 CFR Part 86) do not sufficiently provide adequate or achievable mechanisms for successful livestock disease traceability. Therefore, the Department is proposing to adopt the minimum federal disease traceability requirements and enhance those requirements to strengthen and facilitate existing State disease control and traceability efforts while remaining in compliance with federal interstate movement requirements.

## **Statement of Factual Basis and Rationale**

It is the intent and responsibility of the Department to prevent and control livestock diseases to ensure a safe, wholesome and economical food supply is available to the citizens of the State. Similarly, California ranchers and farmers work hard to protect their livelihood by keeping their animals healthy and producing meat, milk and fiber in a manner that meets consumer demands all while keeping consumers confident that their products are healthy and safe. To coordinate the goals and efforts of the Department and California producers, the Department maintains regulations for the prevention, control and eradication of livestock diseases, with regard to this proposal and, specifically as it pertains to cattle and bison, for brucellosis, tuberculosis and trichomonosis.

Bovine brucellosis is a contagious disease, caused by bacteria affecting both animals and humans. The disease mainly affects cattle, bison, and swine; however goats, sheep, horses, and humans are also susceptible. Brucellosis causes spontaneous abortion or birth of weak offspring, reduced milk production, and infertility; no treatment exists in livestock therefore, under the guidance of the USDA, states including California have implemented regulations to eradicate and control the disease under Article 1.5 (commencing with section 752) of Chapter 2, Division 2, of Title 3 of the CCR.

Bovine tuberculosis is a contagious bacterial infection affecting both animals and humans causing disability and death for people and animals in many parts of the world. Millions of State and federal dollars have been spent to control and eradicate bovine tuberculosis in the United States (US), however since it can be a silent infection that can smolder undetected for years, it maintains a persistent low-level presence in the US. The requirements for the eradication and control for bovine tuberculosis can be found in Article 2 (commencing with section 755) and Article 2.5 (commencing with section 756) of Chapter 2, Division 2 of Title 3 of the CCR.

Bovine trichomonosis is a disease of cattle causing abortion and infertility. Considered a venereal disease of cattle, it is transmitted by sexual contact with an infected mate. Prevention is the only satisfactory approach to controlling this disease, as no legally approved treatment has been identified at this time. Trichomonosis is mainly a concern for the beef cattle industry due to husbandry and production practices unique to beef operations. The requirements for the

eradication and control for bovine trichomonosis can be found in Article 12 (commencing with section 820) of Chapter 2, Division 2 of Title 3 of the CCR.

Embedded within these existing disease control regulations are livestock health restrictions and requirements for persons in other states moving cattle and bison into California. The requirements may include vaccination, pre-entry disease testing, identification and post-entry disease testing of the animals in order for them to lawfully enter the State. In the case of bovine brucellosis and tuberculosis, the requirements implement national efforts to eradicate the US of these diseases, and procedures to continue monitoring livestock populations for possible outbreaks of the disease. These USDA programs are adopted by all states, and depending on the amount of disease in a given state, the requirements become more or less stringent for cattle or bison leaving those states and entering another state.

Although traceability of animals does not prevent livestock disease events from occurring, having the tools to locate diseased and at-risk animals, and knowing where they have been and when is vital when responding to a livestock disease emergency and for continued disease control and eradication efforts. Until now, the US did not have a comprehensive livestock disease traceability program; rather components of the aforementioned livestock disease programs included aspects of identification for specific animals and animals intended for a specific purpose. For example, in the existing bovine brucellosis regulations some classes of cattle moving interstate must maintain identification and have documentation recording the location from and to which they are being moved. However, not ALL cattle or ALL movements require this documentation; therefore gaps exist in the trail of information necessary to successfully trace animals to infection sources.

Aimed to fill in these “gaps”, implementation of the USDA’s Animal Disease Traceability rule (9 CFR Part 86, effective March 11, 2013) requires official identification and documentation for the interstate movement and traceability of ALL livestock (cattle and bison, horses and other equine species, poultry, sheep and goats, swine, and captive cervids). These federal rules apply to all animals moving into California, and all California animals moving into other states. These “tools” fill in the gaps created within and by existing disease control programs, thereby promoting efficient and timely traceback investigations of potentially diseased animals.

This proposal implements the cattle and bison component of the USDA’s Animal Disease Traceability rule, however the Department is proposing to make modifications as necessary to reflect current industry practices and to meet the needs unique to California’s cattle industry, to alleviate the inadequacies of our current system of tracing animals currently established via existing disease control efforts.

The Department however is only proposing to include those parts of the federal regulations specifically for the traceability of cattle and bison as these animals are the highest priority with respect to human and livestock health and safety in California at this time, and where the greatest gap in identification and movement documentation exist. At an undetermined future date the Department will propose regulations for the identification of the remaining species (horses and other equine species, poultry, sheep and goats, swine, and captive cervids) as

existing regulations sufficiently protect and provide adequate information for successful identification and tracing.

As authority of the USDA's traceability rule only applies to the identification of animals in interstate commerce, and thus would apply to all animals moving into California regardless of the adoption of these requirements, the federal rule would not apply to movements within the State. Consequently, once an animal is traced to having been in or from California, the traceback to an actual premises or location of origin, or locating other animals that may have come into contact with a diseased animal often becomes a dead-end. Therefore, to further enhance the traceability of cattle and bison within California, we are proposing to implement intrastate movement regulations which would require the identification of specified classes of cattle and bison when moving within the State.

As previously mentioned, livestock disease programs (bovine brucellosis and tuberculosis, and trichomonosis) have embedded within the existing regulations components of identification and documentation when animals are moved interstate into California, and for disease control and eradication efforts. Because we are attempting to create a comprehensive animal disease traceability program with specific identification and documentation requirements when moving animals into the State, the Department proposes to reorganize the current structure of the regulations by removing requirements of identification and documentation from the existing disease control regulations and relocating them into the newly proposed Animal Disease Traceability regulation in Title 3, CCR, Article 14 (commencing with section 830) of Chapter 2, Division 2. We believe by centralizing all the identification and documentation requirements as they pertain to movement into new Article 14, it will be easier for the public to locate and navigate, and ultimately determine the requirements for moving cattle and bison into the State.

Additionally, because we are relocating components of the existing livestock disease programs, we are taking this opportunity to amend the existing regulations for bovine brucellosis and tuberculosis, and trichomonosis to bring the requirements up to industry and scientific standards, and to better reflect current Department policy and procedures. The Department believes these amendments will further enhance our efforts to control these diseases.

The proposal is as follows:

#### **Article 1.5. Bovine Brucellosis.**

Existing Article 1.5 pertains to the requirements to prevent, control and eradicate bovine brucellosis in California. Existing regulations rely on measures such as calfhoo vaccination to prevent brucellosis, controlled movements into the State with required pre-entry testing for brucellosis detection, and prescribed herd management practices and procedures in the event of a brucellosis outbreak. Although these existing requirements contain components of traceability (identification and documentation) to find where diseased and at-risk animals are, and where they have been and when, there are gaps in the regulations that weaken our ability to successfully trace animals suspected of having or infected with brucellosis.

As previously mentioned, the Department is proposing to implement minimum identification and documentation requirements for livestock moving interstate consistent with the USDA's recently adopted Animal Disease Traceability rule (9 CFR Part 86) which we are proposing in Article 14 of this rulemaking package. Existing Article 1.5, Bovine Brucellosis, has several components pertaining to cattle movements and identification, both integral parts of disease traceability; therefore, the Department is proposing a significant reorganization of these regulations to relocate sections concerning the identification and documentation of cattle movements into and within California to proposed Article 14, Animal Disease Traceability, of this rulemaking file.

This proposed reorganization of Article 1.5 relocates regulation text regarding traceability (identification and documentation) aimed to improve our ability to trace livestock in the event of disease to proposed Article 14, and updates the existing requirements on prevention and control of brucellosis in cattle and bison (calf vaccination, pre-entry testing, and herd management) that will remain where they are currently located in the CCR. We additionally propose to amend and update references, current industry practices and Department policy and procedures as reflected in the regulations of Article 1.5, as needed.

The Department proposes to amend Article 1.5 and sections contained therein as follows:

**1) Add new sections 751 and 751.1 to Article 1.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

**Section 751. Definitions.**

The Department is proposing to add new section 751 and subsections **(a)(1) through (28)** to define terms used in Article 1.5. Terms defined are consistent with terms used throughout this article and other articles included in this rulemaking file, and are consistent with those used within the livestock industry and veterinary communities. Proposed subsections (a)(1), (3), (7), (10), (12) and (20) have been relocated to this section from existing section 752(e), (a), (f), (g), (h) and (b), respectively, and subsections (5) and (19) have been relocated to this section from existing section 753.1(a)(3) and (a)(9), respectively, for organizational purposes and include minor punctuation changes and updated references.

**Section 751.1. General Requirements.**

The Department proposes to add new section 751.1 to establish the requirements generally pertaining to the article that are non-specific as to disease, type or class of animal, or location where the animals originate. These requirements are consistent with the "General Requirements" sections used in other articles of the chapter in this proposal.

Proposed subsection **(a)** is added to clarify that both a person moving livestock and a person receiving livestock are responsible for meeting the requirements of the article. It is necessary to make this requirement known to each person moving and receiving livestock to ensure compliance with any requirement of the article.

Proposed subsection **(b)** specifies and identifies livestock disease and disease traceability requirements that may also apply, in addition to the requirements in this article, when moving

cattle and bison into and within California. The public can make reference to the stated articles of the CCR to determine, if applicable, other disease or traceability requirements that may also apply to their animals.

Proposed subsection **(c)** is added to require the reporting of specified conditions of animals and animal products pursuant to Food and Agricultural Code section 9101 and section 797 of Title 3 of the CCR. Because the article requires testing for brucellosis which is a condition required to be reported to the Department within a specified timeframe, the Department sees it necessary to include this requirement and reference the article. The List of Reportable Conditions for Animals and Animal Products is available to the public on the Department's Internet website and is available in hard copy upon request.

Proposed subsection **(d)** references Food and Agricultural Code section 9562, which authorizes the State Veterinarian to establish a quarantine when any provision of this article has not been met, or if the entry requirements or other movement requirements are amended, as specified. Under the authority to order a quarantine, the State Veterinarian may order animals held on the premises where found, move the animals as directed, stop the importation of animals, or to segregate, isolate, treat or destroy animals should a sudden disease risk develop in California or another state. The Department believes it is necessary to inform the public that due to situations in this State or another state, the requirements as stated in this article may be changed under the authority of a quarantine by the State Veterinarian to prevent the introduction or spread of a disease or condition that could threaten the livestock population in California.

Proposed subsection **(e)** clarifies documents that the Department, or another official, may require, as specified, when moving livestock into or within the State. The subsection goes on to reference sections of the CCR where the requirements of the documents can be found. It is necessary for a person to have these documents available when moving livestock to ensure ownership or authorization to move the animals and to ensure compliance with interstate or intrastate movement requirements, as needed. Further, this information could be used to trace or track animals in the event of a livestock disease outbreak by providing the necessary documentation and identification of the animals.

Proposed subsection **(f)** includes exceptions to the requirements of the article, with Department approval prior to the movement of cattle. Situations may arise requiring the Department to make exceptions or modifications to the requirements which will be determined on a case-by-case basis. The Department is including this subsection to notify the public of the criterion which the Department will consider when making these determinations.

Proposed subsection **(g)** clarifies that the owner of cattle and bison moving into or within California is responsible for all costs associated with meeting the requirements for entry into the State. These costs may include but are not limited to vaccination, identification, and pre-entry and post-entry testing. It is necessary to inform the public that these routine animal husbandry practices are the financial responsibility of livestock owners.

**2) Amend sections 752, 752.1, 752.2, 752.3, 752.4, 752.5, 752.6, 753, 753.1 and 753.2 of Article 1.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

## **Section 752. Brucellosis Vaccine, Vaccination and Test Reagents.**

The Department proposes to amend the section heading to clarify contents of the section. A punctuation change is also shown.

Existing section 752 pertains to the requirement to vaccinate cattle against brucellosis within California. The section additionally specifies the requirements of vaccination (identification and tattooing), responsibilities and agreement between the Department and the veterinarian conducting the vaccination, and the purchasing and handling of brucellosis vaccine and test reagents.

The Department proposes to delete existing subsections (a), and (b)(1) and (2), and relocates them to proposed section 751, Definitions, (a)(3) and (20), respectively, for organizational purposes, including minor punctuation and outline formatting changes, and updated references.

Existing subsection (c) is changed to read as **(a)** with no changes to the text.

The Department added subsection designations to now read as **(a)(1) and (2)** with no changes to the text.

The Department added subsection designation to now read as **(a)(3)** which includes a nonsubstantial punctuation change, and adds “of this article” for consistent use of terms throughout the regulation.

The Department added subsection designation to now read as **(a)(4)**, and adds “calendar” to clarify the number of days within which use of vaccines and eartags must be reported to the Department, and reference to the Report of Heifer Calves Vaccinated – Brucellosis, AHB Form 76-026 (Rev. 10/15) that veterinarians may use to submit to the Department required information about the vaccinating event within 14 days. The Department is incorporating by reference, however not making the form available to the public because this form is only required to be used by veterinarians upon vaccination and for the reporting of specific information when heifer calves are vaccinated. When veterinarians order brucellosis vaccine and vaccination supplies from the Department’s Animal Health Branch, included in their shipment are pads of the multi-part form for their use when vaccinating calves. Although the Department prefers veterinarians report heifer calves vaccinated for brucellosis use this form, its use is not a requirement, however information as specified in subsection (a)(4)(A) through (J) as described below must be reported subsequent vaccination, as specified. Subsection (a)(4) additionally deletes “A” and “of”, deletes “shall” and adds “...which at minimum must...” for grammatical and clarification purposes.

Existing subsections (c)((1) through (10) is changed to read as (a)(4)(A) through (J) for organizational purposes and clarifies information requested on the Report of Heifer Calves Vaccinated – Brucellosis, AHB Form 76-026 (Rev. 10/15).

New subsection designation **(a)(4)(A)** amends the outline formatting, deletes “herd number, if available” and replaces it with “premises id;”. Herd number references an archaic system used by the AHB to identify herds; premises id numbers are the current standard identification system

used for all livestock operations in the State. This section further adds “Branch” and makes a punctuation change to correctly identify the Animal Health Branch district.

New subsection designation **(a)(4)(B)** requests specified contact information of the herd owner when reporting calves vaccinated. The Department is amending the outline formatting, adding “, mailing address and telephone number” to require the herd owner’s address and telephone number for recordkeeping purposes, along with their name.

New subsection designation **(a)(4)(C)** requests location information of where the calves were vaccinated. The Department is amending the outline formatting, making a punctuation change and deletes “P.O. Box number, city, state,” and adds “at the time of vaccination; city, state and zip”. The Department believes this is a clearer way of stating the requested “physical address” information, which may also be the location of the calves at the time of vaccination if a physical address is not available. The Department requires information on the location of the calves at the time of vaccination for recordkeeping and traceability purposes.

New subsection designation **(a)(4)(D)** amends the outline formatting and adds “, day” to the date of vaccination information.

New subsection designation **(a)(4)(E)** only amends the outline formatting.

New subsection designation **(a)(4)(F)** amends the outline formatting, clarifies by adding “Vaccination” and makes a punctuation change, to clarify that the eartag numbers recorded on the report of calves vaccinated are the vaccination eartags applied at the time of vaccination. There are several different forms of eartags being used for identification purposes; therefore Department finds it necessary to make this clarification. This subsection goes on to add “or record the existing official individual identification numbers.” The Department is adding this language to accommodate the industry practice of identifying animals at birth with an official identification number. When an official identification number is already present on a calf at the time of brucellosis vaccination, the Department accepts this form of identification instead of requiring the additional placement of a vaccination eartag. Therefore, the Department is requesting the official identification number be recorded on the report of calves vaccinated, if used, instead of the vaccination eartag number. The specific requirements of official eartags of calfhood vaccination can be found in section 752.2 as amended.

New subsection designation **(a)(4)(G)** amends the outline formatting and deletes “manufacturer,” from the required information about the vaccine used to vaccinate calves as it is no longer necessary.

New subsection designation **(a)(4)(H)** specifies the contents of a statement required by the contracting veterinarian administering the vaccination, attesting to the fulfillment of requirements for vaccinating and tattooing calves for brucellosis. The Department is amending the outline formatting and deleting “quarter of the year or” because this information is no longer necessary as it pertains to the required method of tattooing an animal when vaccinated with, what is now, an obsolete brucellosis vaccine (Strain-19). Requirements for the use of this (obsolete) vaccine and its reporting method are shown as deleted text in section 752.1(a)(1).

Proposed changes to subsection (a)(4)(H) also include the addition of text requiring the veterinarian to acknowledge the use of an Electronic Identification Device, when used, which the Department is proposing to add as an official eartag of calfhood vaccination as specified in section 752.2(a)(2). Changes made to this subsection are necessary to update the regulations to current standards and practices used within the industry and found acceptable to the Department for animal identification and brucellosis preventative measures.

New subsection designation **(a)(4)(I)** only shows an outline formatting change.

New subsection designation **(a)(4)(J)** amends the outline formatting. The intent of the subsection is to allow the owner of the herd or his agent to sign a request for the contract veterinarian to not apply vaccination eartags at the time of vaccination because the calves can be identified as vaccinates in the herd. For disease traceability purposes, the Department requires each brucellosis vaccinated animal to maintain a brucellosis vaccination eartag or an Electronic Identification Device (which is embossed with an official identification number) as proposed in section 752.2, Official Eartag of Calfhood Vaccination, of this article as evidence of brucellosis vaccination. This proposed subsection however, exempts use of the required vaccination eartag or Electronic Identification Device when the owner or owner's agent provides a statement and signature acknowledging use of other official identification verifying the animals as official vaccinates. The Department is including editorial, grammatical and punctuation changes to facilitate the addition of the above mentioned added language.

Proposed subsection **(a)(5)** is added to require an owner to maintain a record of specific information about the vaccination of calves for five (5) years which is consistent with the USDA's Animal Disease Traceability rule and the Department's proposed Animal Disease Traceability regulations in Article 14; and with all other recordkeeping requirements of the chapter.

Existing subsection (d) is changed to read as **(b)**.

The Department proposes to delete existing subsections (e) and (f) and relocates them to new section 751, Definitions, (1) and (7), respectively, for organizational purposes, where they also include updated references.

Proposed subsection **(c)** is added as an introduction to the Department's requirement for veterinarians vaccinating cattle against brucellosis to enter into a vaccination contract with the Department for authorization to vaccinate cattle and to perform other brucellosis regulatory procedures. Existing regulatory text does not provide this specific information, however only provides requirements of the contract; therefore the Department is adding this subsection to explain and provide the necessary information for initiating the contract with the Animal Health Branch district office. Veterinarians are aware which district office is their point of contact as regular communication with the staff in these locations is routine and necessary for ordering and receiving vaccination and identification supplies. (Any person uncertain as to which Animal Health Branch district office is their point of contact may refer to the Department's Internet

website for more information.) The Animal Health Branch district office map<sup>2</sup> provides the current district designations (see Materials Relied Upon).

Subsections (c)(1) through (5) establish the specific procedures and requirements of the vaccination contract entered into between the Department and the veterinarian vaccinating cattle.

In subsection **(c)(1)**, the Department proposes to add “e-mail address,” to the list of contact information the Department maintains for contracted veterinarians, and “national accreditation number,” as it was inadvertently omitted in the original regulation text. The Department believes that adding the national accreditation number to the list of information regarding veterinary qualifications is necessary in order to ensure or verify the veterinarian maintains national accreditation status. Clarification of the Animal Health “Branch” “d”istrict is further made, as well as, the inclusion of the veterinarian’s signature on the contract.

Subsection **(c)(2)** clarifies the contracting veterinarian’s agreement to vaccination, tattooing and tagging procedures; the Department proposes to add language to clarify the required location for the application of the brucellosis vaccination tag “in the right ear”, adds “either an” and deletes “the” to accommodate the use of either a brucellosis vaccination eartag or an Electronic Identification Device. The Department proposes to add to the text “or an Electronic Identification Device in the left ear” to identify its possible use. This subsection additionally makes a punctuation change with reference to “s”ection, deletes “and”, clarifies Animal Health “Branch” “d”istrict “o”ffice, clarifies “calendar” days and adds “; and maintain a record or copy of the report for five (5) years”. The added language to keep records of the vaccination event for five (5) years is consistent with record keeping requirements of the USDA’s Animal Disease Traceability rule and the Department’s proposed Animal Disease Traceability regulations in Article 14; and with all other recordkeeping requirements of the chapter.

Subsection **(c)(3)** adds “Branch” three (3) times, and makes punctuation changes to “d”istrict “o”ffice twice for consistency and clarity.

Subsection **(c)(4)** adds “business” for clarity.

Subsection **(c)(5)** has no amendments.

The Department proposes to delete existing subsections (g) and (h) and relocates them to new section 751, Definitions, (10) and (12), respectively, for organizational purposes, where they also include updated references.

Existing subsection (i) is changed to read as **(d)** organizational purposes, and includes a punctuation edit.

Subsections **(d)(1)(A) and (B)** have no amendments.

Subsection **(d)(1)(C)** makes a nonsubstantial change with reference to the USDA.

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<sup>2</sup> Animal Health Branch district office map  
Animal Disease Traceability - ISR

Subsections **(d)(2)(A)** and **(B)** show amendments to correctly make reference to the California Department of Public Health.

Subsection **(d)(3)** replaces “paragraph” with the appropriate reference to “subsections.”

### **Section 752.1. Official Tattoo of Calfhood Vaccination.**

Section 752.1 specifies the requirements for tattooing calves as evidence of brucellosis vaccination.

The Department is proposing to amend the outline format for organizational purposes by adding subsection **(a)** to the existing introductory paragraph.

Existing subsection (a) is changed to read as **(a)(1)** with no changes to the text.

Existing subsection (a)(1) is stricken because it describes the Strain 19 vaccine which is no longer used in the cattle industry to vaccinate against brucellosis. Use of Strain 19 vaccine caused false-positive test results when testing animals and therefore has been removed from the marketplace for use.

Existing subsection (a)(2) is changed to read as **(a)(1)(A)** with no amendments to the text.

Existing subsection (a)(3) is changed to read as **(a)(1)(B)** and deletes an obsolete reference to the Stain 19 vaccine.

Existing subsection (b) is changed to read as **(a)(2)** and edits the reference to the USDA for consistency.

Existing subsection (c) is changed to read as **(a)(3)**, and the Department proposes to delete the last sentence of the section referring to the description of the second and third elements of the tattoo describing the brucella vaccine used (Strain-19) which is no longer necessary because there is currently only one (1) vaccine in use for brucellosis which is RB-51.

### **Section 752.2. Official Eartag of Calfhood Vaccination.**

This section specifies the requirements for use of official brucellosis vaccination eartags as evidence of brucellosis vaccination.

Existing regulation text of this subsection presents in paragraph format; the Department proposes to amend the section into an outline format to read as subsections (a)(1) through (3), and (b) for organizational purposes.

Subsection **(a)** makes amendments to the text for organizational purposes, and grammatical and punctuation edits as necessary.

New subsection designation subsection **(a)(1)** makes a punctuation change, amends the State and vaccination designation shown on the official brucellosis eartag to read as “CA Vac”, or “CA” shown in the official eartag shield followed by “Vac.”, followed by an amended punctuation mark and the addition of “or”. See CA brucellosis vaccination tag sample<sup>3</sup> in Materials Relied Upon. The Department is making changes to the vaccination eartag designations to reflect use of updated eartag availability from manufacturers and subsequent use throughout the cattle industry.

New subsection **(a)(2)** adds the option for the industry to use an Electronic Identification Device as an official form of brucellosis calfhood vaccination eartag. Use of an Electronic Identification Device technology is becoming accepted within the cattle industry as it is a reliable, efficient and affordable way to officially identify cattle; it is recognized and currently being used throughout the cattle industry; use of such device is compliant with the USDA’s Animal Disease Traceability requirements for interstate movement of cattle in 9 CFR, Part 86 and as proposed for use in Article 14, Animal Disease Traceability, of this rulemaking file. See CA Electronic Identification Device sample<sup>4</sup> in Materials Relied Upon.

The Department is proposing to include an Electronic Identification Device as an official eartag of calfhood vaccination because it will facilitate the requirement to officially identify cattle as required by the USDA and demonstrate brucellosis vaccination as required by the Department with the application of only one (1) eartag. Electronic Identification Devices will not be provided to accredited veterinarians as with brucellosis calfhood vaccination eartags, however distributors provide Electronic Identification Devices to either producers for purchase for use as identification in their herd, or producers can purchase the tags through the veterinarian providing brucellosis vaccination services. Only Electronic Identification Devices approved for use by the Department and USDA may be used as tags are required to meet specified standards including those related to durability to ensure they can be utilized throughout the lifespan of an animal. As with the brucellosis vaccination eartags required to be reported to the Department pursuant to section 752(a)(4), the Department maintains a record of the accredited veterinarian applying the vaccination and animal identification tag numbers (embossed on the Electronic Identification Device) for disease traceability purposes.

New subsection **(a)(3)** confirms calves already officially identified, generally having had tags applied at the time of birth, are exempt from the requirement to have a brucellosis vaccination eartag applied as specified in (a)(1) or an Electronic Identification Device applied as specified in (a)(2) at the time of brucellosis vaccination. However, calves already bearing official identification must still be tattooed in accordance with proposed section 752.1 and the veterinarian applying the brucellosis tattoo must record the official individual identification number of the animal when reporting heifer calves vaccinated as specified in proposed section 752(a)(4)(F).

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<sup>3</sup> CA brucellosis vaccination tag sample.

<sup>4</sup> CA Electronic Identification Device sample.

New paragraph designation subsection **(b)** is amended for consistency with the exemption to not apply vaccination eartags as described in section 752(a)(4)(J) and as explained in the corresponding section of this document.

### **Section 752.3. Testing for Brucellosis Control.**

The Department proposes to amend the section heading to clarify contents of the section.

This section establishes the procedures for testing cattle for brucellosis which is a part of the brucellosis eradication program.

In subsection **(a)**, the Department is proposing to amend references to the Department and USDA for consistency throughout the proposal. We are adding “recognized” to the slaughter”ing” establishment reference for consistency throughout the chapter. We are adding “official” to the description of eartags to clarify that eartags used as identification must be official eartags as defined, and deleting “registration numbers” as it is no longer an accepted form of identification when correlating an animal to a test sample when testing for disease. Additionally, the Department proposes to add “animal description and identification” to the information required to be submitted with the specimen for brucellosis testing; this added information may become useful when linking a specific sample to an animal’s identity for disease traceability purposes.

Subsection **(b)** makes nonsubstantial changes with reference to the Department and USDA.

Subsection **(c)** identifies laboratories approved by the Department or USDA as proficient to conduct brucellosis testing, and shows a nonsubstantial change with reference to the USDA.

Subsection **(c)(1)** amends reference to the USDA for clarity purposes.

Subsection **(c)(2)** amends reference to the Department for clarity purposes.

Subsection **(c)(3)** is amended to correctly identify the name of the laboratory of the University of California.

No changes to subsection **(c)(4)**.

In subsection **(c)(5)**, the Department proposes to delete language authorizing brucellosis testing at a Specifically Approved Livestock Marketing Facilities (a.k.a. Specifically Approved Stockyard) because neither the Department nor USDA have employees available at these facilities to conduct the testing. However, we are adding language to support use of other laboratories that may be approved by the Department to conduct brucellosis testing as needed.

Subsection **(c)(6)** makes a change to correctly identify the State agency permitting laboratory testing.

No changes to existing subsection **(d)**.

In subsection **(e)**, the Department proposes to delete existing subsections (1)(A) through (C) as these requirements are no longer applicable because they specify the testing protocol for

animals vaccinated with Strain 19 vaccine which is no longer used. The Department, is therefore deleting all references to the use and testing of animals vaccinated with the obsolete vaccine and updates the outline format accordingly.

New subsection designation **(e)(1)** removes reference to the use of the obsolete vaccine Strain 19 and reconfigures the sentence to restate the requirement.

New subsection designation **(e)(2)** adds “are eligible for testing” for grammatical purposes.

New subsection designations **(e)(3) and (4)** only amend the outline format.

#### **Section 752.4. Brucellosis Classifications.**

The Department proposes to amend the section heading to clarify contents of the section.

Section 752.4 establishes classification categories for animals that have been tested for brucellosis.

Subsections **(a)(1)(A) and (B), (a)(2)(A) and (B) and (a)(3)(A) and (B)** make punctuation amendments for consistency and clarity purposes.

Subsections **(b)(1)** removes “Hold Order” and replaces the term with “Quarantine.” The Department no longer issues a Hold Order, however may issue the order to hold animals in place or to a specific location under the authority of Quarantine pursuant to Food and Agricultural Code section 9562 and Article 3 (commencing with section 1301) of Chapter 7, Division 2 of Title 3 of the CCR, the Department issues Quarantine (as shown in proposed section 751(a)(23)).

No changes to subsection **(b)(2)**.

Subsections **(b)(3)** removes “Hold Order” and replaces the term with “Quarantine” as discussed above in (b)(1).

The Department proposes to delete subsections **(c) and (c)(1) through (3)** which establish the procedures for issuing a Hold Order. The Department no longer issues a Hold Order as discussed above in (b)(1).

#### **Section 752.5. Brucellosis Reactors.**

The Department proposes to amend the section heading to clarify contents of the section.

Section 752.5 establishes the requirements pertaining to the identification and disposal procedures prescribed when an animal is classified as brucellosis positive.

No changes to existing subsection **(a)**.

The Department proposes to make amendments to subsection **(b)** by adding “calendar” for clarity, “and held on the premises where found” to specify the action required by the order, and deleting “Hold Order” and replacing the term with “Quarantine” as a Hold Order is no longer

used by the Department. Additionally, the Department is amending the structure of the sentence with regard to “and held” and “on the premises where found” for grammatical purposes. We are also adding “recognized” and “ing” to slaughter for the consistent use of terms and grammatical purposes. “Calendar” is added for clarity and the last sentence corrects the misspelled word “unforeseen”.

Subsection **(c)** adds “recognized” slaughtering establishment twice to correctly name the facility for consistency throughout the chapter, adds “calendar” twice for clarity and corrects the spelling of “unforeseen.”

### **Section 752.6. Brucellosis in Bison.**

The Department proposes to amend the section heading to clarify contents of the section.

The Department is making two (2) punctuation changes (“s”ection) and adding “of this article”.

### **Section 753. Brucellosis Requirements for Moving Intrastate.**

The Department proposes to amend the section heading to clarify contents of the section.

Section 753 establishes the requirements for the control of brucellosis when transporting or moving cattle within California. Existing text requires cattle to maintain evidence of brucellosis vaccination as demonstrated by a brucellosis vaccination eartag and in the case of slaughter cattle, identification in the form of a backtag when moving intrastate. The proposed amendments remove from this section only the animal identification requirements, and relocates the amended text to proposed Title 3, CCR, section 831.5 (Article 14) which is specific to only the identification requirements for cattle moving intrastate. We are proposing to keep in this section all requirements as they pertain to cattle maintaining evidence of brucellosis vaccination as demonstrated by brucellosis vaccination eartags when moving intrastate.

Existing subsection **(a)** deletes “General.” and adds language to inform any person moving cattle or bison within California that in addition to the requirements for brucellosis disease control as specified by this section, the requirements for Animal Disease Traceability as proposed in Article 14, section 831.5, Identification Requirements for Cattle and Bison Moving within California, are also applicable. The requirements of proposed Article 14 are the Department’s animal identification and documentation requirements for purposes of disease traceability, which are consistent with the USDA’s Animal Disease Traceability rule, and applicable to cattle entering into California from other states. Section 831.5 specifically proposes the identification requirements for California cattle moving within the State (intrastate movements.)

The Department is deleting existing subsections (a)(1) through (a)(6).

The requirements in deleted subsection (a)(1) and (a)(2) no longer apply as the Department, under the authority of Food and Agricultural Code section 9562 and Article 3 (commencing with section 1301) of Chapter 7, Division 2 of Title 3 of the CCR, would establish quarantine and provide specific directives as necessary to control a situation where there may be danger of

infection or spread of disease, or another emergency. Proposed section 751.1, General Requirements, subsection (d) of this article replaces these deleted requirements. Additionally, deleted subsection (a)(3) is replaced and updated in proposed section 751.1, General Requirements, subsection (e) of this article. Please refer to the corresponding locations in this document for justification of these proposed subsections.

The requirements of deleted subsection (a)(4) are relocated to proposed Article 14, section 837, Recordkeeping, subsection (e) and include amendments for consistency. Please refer to the corresponding location in this document for justification of the proposed subsection.

The requirements in deleted subsection (a)(5) specify the identification requirements for slaughter cattle when moving intrastate. We believe these requirements are better suited in proposed Article 14, Animal Disease Traceability, where the specifications for the identification of (all) cattle are located. Specifically, we are proposing an updated version of this deleted subsection in section 831.5, Identification Requirements for Cattle and Bison Moving within California, subsections (b), (c) and (d). Please refer to the corresponding location in this document for justification of these proposed subsection(s).

Deleted subsection (a)(6) states the requirements pertaining to a “Permit to Move” which the Department no longer uses. Instead, under the authorities of Food and Agricultural Code section 9562 and Article 3 (commencing with section 1301) of Chapter 7, Division 2 of Title 3 of the CCR, the Department issues Quarantine, and through this mechanism specifies any required movement given the situation. Proposed section 751.1, General Requirements, subsection (d) of this article replaces this deleted requirement.

In subsection **(b)** the Department is adding “Cattle” to the subsection heading for clarity.

The Department is proposing to add and amend the outline formatting to subsections **(b)(1)**.

Existing subsections (b)(1) through (5) are amended to read as (b)(1)(A) through (E).

Subsection **(b)(1)(A)** makes a punctuation change.

Subsection **(b)(1)(B)** makes a punctuation change, deletes “consigned for immediate slaughter” and adds text consistent with the terminology used for cattle moving for slaughter purposes. The Department believes it is necessary to add this language for consistency throughout this regulatory proposal and to clarify cattle exempted from vaccination requirements must be slaughtered within three (3) days of arrival to ensure any possible disease or condition that the cattle may have cannot be spread or transmitted to other animals in the general livestock population.

Subsection **(b)(1)(C)** makes a punctuation change.

Subsection **(b)(1)(D)** makes a punctuation change.

Subsection **(b)(1)(E)** makes a punctuation change.

Proposed subsection **(b)(1)(F)** is added to provide exemption from the requirement for dairy cattle to bear evidence of official brucellosis vaccination when moved intrastate to a registered feedlot for feeding.

Proposed subsection **(b)(1)(G)** provides for the same exemption, however exempts dairy cattle moving into terminal feedlots or moved into slaughter pens. The Department believes these exemptions are necessary as they facilitate the movement of female dairy cattle to feeding operations (registered feedlots, terminal feedlots and slaughter pens) when the animals are not vaccinated or do not bear evidence of vaccination against brucellosis. Animals maintained at these facilities are unlikely to spread brucellosis because they cannot leave; the only movement allowed is to a recognized slaughtering establishment where they are slaughtered within three (3) days of arrival, or to enter a like facility, as specified.

In existing subsection **(c)** the Department is adding “Cattle” to the subsection heading for clarity purposes.

The Department is proposing to add and amend the outline formatting to subsections **(c)(1)**.

Existing subsections (c)(1) through (4) are amended to read as (c)(1)(A) through (C).

Subsection **(c)(1)(A)** makes a punctuation change.

Subsection **(c)(1)(B)** updates the outline formatting, makes a punctuation change, and adds and amends text consistent with the terminology used for cattle moving for slaughter purposes. The Department believes it is necessary to add this language for consistency throughout this regulatory proposal and to clarify cattle exempted from vaccination requirements must be slaughtered within three (3) days of arrival to ensure any possible disease or condition that the cattle may have cannot be spread or transmitted to other animals in the general livestock population.

Subsection **(c)(1)(C)** makes a punctuation change and deletes “, in this instance,”.

The Department is proposing to delete existing subsection (c)(4) and replace it with new subsection **(c)(1)(D)** which similarly authorizes unvaccinated beef cattle to move to a registered feedlot, however the proposed new text requires slaughter within three (3) days of arrival for consistency with federal rules and the requirements of Article 14, Animal Disease Traceability, section 831.5 pertaining to the identification of cattle moving within California.

Proposed subsection **(c)(1)(E)** additionally adds that unvaccinated beef cattle may also move directly into terminal feedlots or slaughter pens when slaughtered within three (3) days as specified. The Department believes these exemptions are necessary as they facilitate the movement of female beef cattle to feeding operations (registered feedlots, terminal feedlots and slaughter pens) when the animals are not vaccinated or do not bear evidence of vaccination against brucellosis. Animals maintained at these facilities are unlikely to spread brucellosis because they cannot leave; the only movement allowed is to a recognized slaughtering establishment, or to enter a like facility, and as specified.

## **Section 753.1. Brucellosis Requirements for Interstate Entry.**

The Department proposes to amend the section heading to clarify contents of the section.

Section 753.1 establishes the interstate entry requirements for the control of brucellosis applicable to persons moving cattle or bison into California from other US states. The Department is proposing a significant reorganization to this existing section to relocate regulation text regarding traceability (identification and documentation) to proposed Article 14, Animal Disease Traceability, and update existing requirements on prevention and control of brucellosis in cattle and bison (pre-entry testing and herd management) that will remain where currently located in Title 3 of the CCR, with modifications as necessary to bring the requirements up to industry and scientific standards, and to better reflect current Department policy and procedures.

The Department proposes to delete existing subsections (a), and (a)(1) and (2). Subsection (a)(1) is no longer necessary as the Department, under the authority of Food and Agricultural Code section 9562 and 9570, would establish a quarantine pursuant to Article 3 (commencing with section 1301) of Chapter 7, Division 2 of Title 3 of the CCR, to provide specific directives as necessary to control a situation where they may be danger of infection or spread of disease, or another emergency. Proposed section 751.1, General Requirements, subsection (d) of this article replaces this deleted requirement. Additionally, we are proposing to relocate existing subsection (a)(2), with amendments, to section 751.1(b) for organizational purposes.

The Department proposes to delete existing subsection (a)(3). Subsection (a)(3) defines the term “Health Certificate” which is an outdated term; the term currently used is “Certificate of Veterinary Inspection.” The Department is proposing to define the term “Certificate of Veterinary Inspection” in section 751, Definitions, subsection (a)(5), however as stated in the proposed definition, the requirements of the document are found in section 830.3, Certificate of Veterinary Inspection of Article 14. Because a Certificate of Veterinary Inspection is a critical element of the USDA’s and Department’s Animal Disease Traceability rule pertaining to interstate movements, and sometimes may be needed to move cattle or bison intrastate, the Department is proposing to relocate the document specifications to Article 14, Animal Disease Traceability. The reorganization of Article 1.5 which the Department is proposing, does not specify the requirement to obtain the document for brucellosis control, however only references use of the document. Therefore, we believe the proposed term “Certificate of Veterinary Inspection” is better suited as a definition in this article, with reference to proposed Article 14, Animal Disease Traceability where possession of the document is required for moving cattle and bison interstate.

The Department proposes to delete existing subsection (a)(4) as the term “official certificate” is an obsolete term.

The Department proposes to delete existing subsection (a)(5) as the subsection relates to “documentation” (Health Certificate and Entry Permit) required for the interstate movement of cattle and bison. The Department is proposing to relocate this subsection, with amendments, to Article 14, Animal Disease Traceability, section 830.2, General Requirements, subsection (e)

which states the requirements to maintain documentation when moving cattle and bison. “Documentation” in proposed Article 14 refers to a Certificate of Veterinary Inspection and an Interstate Livestock Entry Permit.

Existing subsection (a)(6) is amended to read as **(a)**, adds references to the CCR for clarity, and includes grammatical and punctuation edits. The Department is proposing to refer the public to sections of the CCR where the requirements for documentation and identification for animal disease traceability of cattle moving interstate can be found.

Existing subsection (a)(7) is deleted as it relates to the recordkeeping of documents used for transportation and interstate movement of animals. The Department is proposing in Article 14, Animal Disease Traceability, section 837, Recordkeeping, to specify the recordkeeping requirements for movement and other documents for disease traceability and interstate movement requirements, therefore we are relocating the requirements of subsection (a)(7) accordingly.

Existing subsection (a)(8) is relocated to proposed section 751.1, General Requirements, subsection (g) for organizational purposes.

Existing subsection (a)(9) is a definition for the term “native animals” and is relocated to proposed section 751, Definitions, subsection (a)(19) for organizational purposes.

Existing subsection (a)(10) defines “herd” which the Department is relocating, with amendments, to proposed section 751, Definitions, subsection (a)(14).

The outline formatting of existing subsection (a)(11) is amended to read as **(b)** for organizational purposes. The Department is also making amendments to subsection (b) to include cattle and restate the requirement. We propose to strike “only” and add “cattle and”, delete and add “not”, delete “that”, add “status” and strike “...of origin is free from brucellosis infection. Federal brucellosis classifications for states for cattle shall not apply to bison or other animal species.” The proposed changes state cattle and bison originating from a herd that is known to be infected with brucellosis will not be considered for entry into California, and states test data may be required to verify the status of the herd. We are including cattle in the requirement because the Department does not want any cattle (or bison) to enter California if they could possibly have had exposure to brucellosis infection. We are also deleting the last sentence referencing federal brucellosis classifications for states as it is obsolete with respect to the amended requirement.

The Department proposes to delete existing subsections (b)(1) through (9) which pertain to the requirement for persons importing certain classes of cattle and bison into the State to obtain an Entry Permit from the Department. An Entry Permit, also known as an Interstate Livestock Entry Permit, is an important form of documentation required in proposed Article 14, Animal Disease Traceability. Therefore, existing requirements as stated, generally, are relocated to Article 14, and some are eliminated because they are no longer necessary due to the status of brucellosis infection in the US and changes to Department policy and procedures.

The (generalized) requirements of deleted subsection (b)(1) are included in proposed section 830.4, Interstate Livestock Entry Permits, subsections (b), (c), (g) and (j) of Article 14.

The (generalized) requirements of deleted subsection (b)(2) are included in proposed section 831.4, Documentation Required for Cattle and Bison Moving into California, subsection (d) of Article 14.

The (generalized) requirements of deleted subsection (b)(3) are included in proposed section 830.4, Interstate Livestock Entry Permits, subsection (d) of Article 14.

Deleted subsections (b)(4) and (5) are eliminated as they are no longer applicable due to changes in the status of brucellosis infection nationally and changes to Departmental policies and procedures. Proposed section 830.4, Interstate Livestock Entry Permits, subsection (h) replaces these deleted sections to include the authorities of Food and Agricultural Code section 9562 and 9570. In the event of situations as described in existing subsections (b)(4) and (5), the State Veterinarian would authorize quarantine of the animals to hold the animals in place or at a specified location to conduct an investigation, or prevent the animals from entering the State.

The requirements of deleted subsections (b)(6) and (7) are generally included in proposed section 838, Violations, of Article 14, because they pertain to violations of interstate movement documents which we are proposing to relocate from proposed Article 1.5, Bovine Brucellosis, to proposed Article 14, Animal Disease Traceability.

The requirements of deleted subsection (b)(8) are generally included in proposed section 830.4, Interstate Livestock Entry Permits, subsection (i).

The requirements of deleted subsection (b)(9) are generally included in proposed section 830.4, Interstate Livestock Entry Permits, subsection (e), of Article 14, which notify the public of the information requested by the Department when obtaining the permit. An explanation of the procedures for obtaining the permit can be found in the justification for proposed section 830.4 in this document.

The Department proposes to delete existing subsections (c)(1) through (7). Existing subsection (c) requires a Health Certificate with individual identification to accompany each shipment of specified cattle and bison entering California. Requirements as stated, generally, are relocated to Article 14, Animal Disease Traceability, and some are eliminated because they are no longer necessary due to the status of brucellosis infection in the US and changes to Department or USDA policy and procedures.

The requirements of deleted subsections (c)(1)(A) through (D) which state the classes of cattle requiring a Health Certificate when entering California, are eliminated pursuant to the requirements of the USDA's Animal Disease Traceability rule, and the requirements proposed by the Department in Article 14 for disease traceability. Proposed section 831.4, Documentation Required for Cattle and Bison Moving into California, subsection (a), requires all cattle to have a Certificate of Veterinary Inspection when moving interstate, unless specifically

exempted, as stated. New disease traceability rules require most classes of cattle to have interstate movement documentation to facilitate livestock disease investigations.

The requirements of deleted subsection (c)(2) are generally stated in proposed sections 831.4, Documentation Required for Cattle and Bison Moving into California, subsections (a)(1) and (5) of Article 14.

The requirements of deleted subsections (c)(3) and (4) allow for the use a Brand Inspection Certificate instead of the required individual identification on a Health Certificate when cattle are moved into California. We are proposing to delete these subsections because as a part of animal disease traceability, as generally stated in proposed section 831.4, Documentation Required for Cattle and Bison Moving into California, subsection (b) of Article 14, provides for the use of a Brand Inspection Certificate, considered “alternate documentation,” when agreed upon by both the shipping and receiving states; and again in proposed section 831.3, Identification of Cattle and Bison Moving into California, subsection (b)(3), when another form of identification may be used for interstate movement as agreed upon by both the shipping and receiving states.

The Department proposes to delete existing subsection (c)(5) which pertains to the contents of and requirement for obtaining a Health Certificate, also known as a Certificate of Veterinary Inspection, when moving livestock interstate. A Certificate of Veterinary Inspection is a critical form of documentation required for interstate movement in proposed Article 14, Animal Disease Traceability. Therefore, existing requirements as stated, generally, are relocated to proposed Article 14, section 830.3, Certificate of Veterinary Inspection, subsections (a), (d) and (h) of Article 14, and some are eliminated because they are no longer necessary due to the status of brucellosis infection in the US and/or changes to Department policy and procedures. Please refer to the justification for proposed section 830.3 of Article 14 in this document for a complete description of a Certificate of Veterinary Inspection.

The requirements of deleted subsection (c)(6) are generally included in proposed section 830.3, Certificate of Veterinary Inspection, subsection (b) of Article 14. Please refer to the justification for proposed section 830.3 of Article 14 in this document for a complete description.

The requirements of deleted subsection (c)(7) are generally included in section 830.3 Certificate of Veterinary Inspection, subsection (f) of Article 14. Please refer to the justification for proposed section 830.3 of Article 14 in this document for a complete description.

Existing subsection (d) is amended to read as **(c)** for organizational purposes. Overall, the subsection establishes the brucellosis vaccination requirements for female cattle moving into California. The existing language bases the required age of vaccination for interstate movement on the type of animal, i.e. whether the animal is “beef” or “dairy”; traditionally, this was the nationally accepted determining factor for establishing and determining brucellosis vaccination requirements when moving cattle across the US. However, more recently, other US states, including California, are solely basing vaccination requirements for interstate movement on the age of the cattle. Therefore, we are proposing to reorganize the entire subsection to establish interstate movement requirements for the vaccination of all female cattle more than four (4)

months of age as shown in subsection (1), to allow non-brucellosis vaccinated female calves (4-12 months of age) to enter the State with a Special Entry Permit as specified in subsection (2) and allow non-brucellosis vaccinated female cattle (over 12 months of age) to enter the State with a Special Entry Permit as specified in subsection (3) as detailed below.

More specifically under amended subsection (c), we are proposing to combine existing subsections (d)(1), and (d)(1)(A) and (B) to read as one (1) requirement.

Subsection **(c)(1)**, as amended states all female cattle over four (4) months of age require vaccination. Amended subsection (c)(1) incorporates components of deleted existing subsection (d)(1)(A) which requires vaccination for dairy animals over four (4) months of age and subsection (d)(1)(B) which requires vaccination for beef animals more than 12 months of age. This change, from requiring vaccination for beef cattle over 12 months existing (and requested to occur at six (6) months of age.) to now four (4) months of age is to better ensure the beef breeding cattle are vaccinated for prevention of brucellosis infection at an earlier age. California's beef cattle industry as a whole has encouraged the Department to make this change to keep brucellosis out of the beef herd populations and to keep California's beef herds equally protected from the disease as with California's dairy herds. Additionally, as stated above, the vaccination age trend across the US is all animals over 4 months of age, regardless of breed. As stated, the Department provides for exemptions from the vaccination for certain classes of female calves and cattle as identified in proposed subsections (c)(2) and (3).

The Department is proposing to combine existing subsection (d)(2) and existing subsection (d)(2)(A) to read as one (1) requirement, shown as proposed subsection **(c)(2)**, by amending the outline format for organizational purposes, and making grammatical and editorial changes as necessary. We are also deleting "dairy and beef breed" because it is not necessary to distinguish the two (2) classes of cattle, adding language to clarify the age range of the calves considered for vaccination, which is consistent with other US states, and making grammatical and punctuation edits as necessary. Therefore, the entirety of proposed subsection(c)(2) is to establish that non-brucellosis vaccinated female calves may only enter California by obtaining a Special Entry Permit as specified. In proposed subsections (c)(2)(A) through (D), which are detailed below, the Department is proposing to identify which Special Entry Permits may be issued to exempt female calves from the vaccination requirement for entry into California, and includes references to the CCR where the requirements of the special permits can be found. The Department explains the requirements for obtaining each Special Entry Permit in proposed Article 14, section 831, Special Entry Permits for Cattle and Bison, subsection (b) and provides justifications for those sections in the corresponding sections of this document.

Exemption from brucellosis vaccination for female calves entering California with a Special Entry Permit to vaccinate the animals on arrival as stated in proposed subsection **(c)(2)(A)** is acceptable for the control of brucellosis because the animals would receive the vaccination when they arrive at their destination in California as specified in section 831, subsection (b)(2) entitled "Brucellosis Vaccination on Arrival."

Exemption from brucellosis vaccination for female calves entering California with a Special Entry Permit entitled "Heifers Spayed After Arrival" as stated in proposed subsection **(c)(2)(B)** is

acceptable for the control of brucellosis because brucellosis is primarily spread during or immediately after the birthing process, therefore spaying the animals will eliminate the most probable means of spreading the disease.

Exemption from brucellosis vaccination for female calves entering California with a Special Entry Permit entitled “Cattle Entering Terminal Feedlots or Cattle Moved into Slaughter Pens” and “Heifers Entering Registered Feedlots” as stated in proposed subsections **(c)(2)(C) and (D)** respectively is acceptable for the control of brucellosis because these animals shall only be moved to terminal or registered feedlots, slaughter pens or an Approved Tagging Site with direct movement to the terminal or registered feedlot, or slaughter pen . Once an animal arrives at a terminal or registered feedlot, or moved into slaughter pens they are not allowed to leave, except only when they are moved directly to a slaughtering establishment where they are slaughtered with three (3) days of arrival. Therefore, the Department believes unvaccinated female calves at a terminal or registered feedlot, or those in slaughter pens are not a threat for spreading brucellosis.

Existing (d)(2)(B) is amended to read **(c)(3)**, and amends the requirements which specify the entry requirements for non-brucellosis vaccinated female cattle over 12 months of age. Because the Department is proposing to make changes to the outline format of existing subsections (d)(2)(A) and (B) which are prefaced as “non-brucellosis vaccinated female” calves and cattle, respectively, the Department must add “non-brucellosis vaccinated female” to proposed subsection (c)(3) to clearly state contents of the subsection. Further, the proposed subsection deletes “dairy breed”, and “over eight (8) months of age, and beef breed cattle” as this text is obsolete.

Existing subsection (d)(2)(B)1 is amended to read **(c)(3)(A)** with punctuation edits. The existing text only references that non-brucellosis vaccinated female cattle over 12 months of age will be allowed to enter California if they meet the requirements for a Special Entry Permit; it does not however specifically identify which Special Entry Permits would be applicable nor does it reference where the specifications of those permits can be found. Therefore, the Department is proposing to identify which Special Entry Permits may be issued to exempt female cattle from the vaccination requirement for entry into California as stated in proposed subsections (c)(3)(A)1 through 4, and includes references to the CCR where the requirements of the special permits can be found. The Department explains the requirements of each Special Entry Permit in proposed Article 14, section 831, Special Entry Permits for Cattle and Bison, subsection (b) and provides justifications for those sections in the corresponding sections in this document.

Exemption from brucellosis vaccination for female cattle entering California with a Special Entry Permit entitled “Purebred Registered Breeds” as stated in proposed subsection **(c)(3)(A)1** is acceptable for the control of brucellosis because typically these animals are coming from Canada where they do not vaccinate for brucellosis and there is no known brucellosis infection. Additionally, the Department requires a test of these animals in proposed subsection (d)(5) of section 753.1, Brucellosis Requirements for Interstate Entry, to further ensure these cattle are brucellosis free and therefore considers this class of animals a minimal risk for introducing or spreading brucellosis.

Exemption from brucellosis vaccination for female cattle entering California with a Special Entry Permit entitled “Heifers Spayed After Arrival” as stated in proposed subsection **(c)(3)(A)2** is acceptable for the control of brucellosis because brucellosis is primarily spread during and immediately after the birthing process, and spaying the animals will eliminate the most common means of spreading the disease.

Exemption from brucellosis vaccination for female cattle entering California with a Special Entry Permit entitled “Cattle Entering Terminal Feedlots or Cattle Moved into Slaughter Pens” and “Heifers Entering Registered Feedlots” as stated in proposed subsections **(c)(3)(A)3 and 4** respectively is acceptable for the control of brucellosis because these cattle shall only be moved to terminal or registered feedlots, slaughter pens, or an Approved Tagging Site with direct movement to the terminal or registered feedlot, or slaughter pens. Once an animal arrives at a terminal or registered feedlot, or moved into slaughter pen they are not allowed to leave, except only when they are moved directly to a slaughtering establishment where they are slaughtered within three (3) days of arrival.

Existing subsection (d)(2)(B)2 is amended to read as **(c)(3)(B)**, adds “directly to a recognized” to correctly state the type of facility adds “ing” to slaughter and adds “where they are slaughtered within three (3) days of arrival” for consistency with the requirements of the USDA’s Animal Disease Traceability rule for animals arriving at recognized slaughtering establishments.

Existing subsection (d)(3) is amended to read as **(c)(4)** with no changes to the text.

In subsection **(c)(4)(A)** “dairy breed” is deleted, as well as the entire existing subsection (c)(4)(B) because as proposed in subsection (c), all calves require brucellosis vaccination for interstate movement at four (4) months of age.

Existing subsection (d)(3)(B) is deleted because of the amendments in (c)(1).

Existing subsection (d)(3)(C) is amended to read as **(c)(4)(B)** and makes a punctuation edit.

The Department is editing the outline format of existing subsection (e) to read as **(d)** for organizational purposes.

Subsection (d) establishes the testing requirements for specified classes of cattle prior to interstate movement into California to determine whether the animals have brucellosis infection. To summarize the amendments to subsection (d), we are proposing to remove the brucellosis test requirement on non-vaccinated cattle from Minimum Risk States going into registered feedlots for finish feeding; retain a brucellosis test on all breeding cattle from non-Minimal Risk States and non-brucellosis vaccinated adult female cattle entering California as pure-bred registered cattle for breeding; and add a brucellosis test requirement on breeding cattle from states having a Designated Surveillance Area.

In subsection **(d)(1)**, the Department is adding “calendar” for clarity and amending references to a Health Certificate by replacing it with Certificate of Veterinary Inspection as “Health Certificate” is an obsolete term.

No changes to subsection **(d)(2)**.

The Department proposes to delete the entire existing subsection (e)(3)(A) through (F) which bases the brucellosis testing requirements for interstate movement on the status of brucellosis in the originating state and the classification of the animal. These stated subsections are obsolete based on the current status of brucellosis in the US and confusing for the public to determine what classes of animals require brucellosis testing prior to entry. Therefore, the Department proposes to add new subsection (d)(3) which uses current terminology and bases pre-entry testing on existing brucellosis monitoring and preventative policies and procedures.

Proposed subsection **(d)(3)** requires a pre-entry brucellosis test from all female cattle over six (6) months of age and all bulls over 18 months when originating from a non-Minimal Risk State or area. As defined in this article in proposed section 751(a)(17) Minimal Risk State, the USDA or State Veterinarian may designate a state as a minimal risk for introducing, in this case, brucellosis, into the State. The potential for animals coming from a non-Minimal Risk State to have brucellosis is much higher than for the same class of animals coming from a Minimal Risk State. Therefore, the Department finds it necessary to require a test on all female cattle six (6) months of age and older from non-Minimal Risk States to prevent any possibility of introducing the disease into California livestock populations. The requirement for bulls 18 months of age and older to also have a brucellosis test prior to entry has not changed (existing subsection (e)(3)(E)). This subsection goes on to provide an exemption from the required test when the described animals are moving directly to a recognized slaughtering establishment and slaughtered within three (3) days of arrival. The Department believes this exemption is necessary because it facilitates the movement of cattle to slaughter without a brucellosis test when the animals are coming from a non-Minimal Risk State or area. Although the animals could potentially have brucellosis because of their origin they are unlikely to spread brucellosis because they are to be slaughtered within three (3) days as specified.

In subsection **(d)(4)**, the Department is proposing to add the six (6) month age requirement for the brucellosis testing of bison from any US state, and deletes exceptions for the pre-entry test in existing subsections (4)(A) through (D) for consistency with the requirements of female cattle in the above subsection.

In subsection **(d)(5)** the Department is combining the requirement as stated in existing (e)(5) with those in subsection (e)(5)(A), and adds language to state the location in the CCR where the requirements for the Special Entry Permit can be found, with necessary punctuation changes. This proposed subsection requires brucellosis testing for Purebred Registered Breeds which are typically animals from Canada where they do not vaccinate for brucellosis. Although there is no known brucellosis infection currently in Canada, the Department must ensure these cattle are brucellosis free before entering the State.

The deleted requirement of existing subsection (e)(5)(B) is included in the proposed requirements of subsection (d)(7)(A)1,D, below.

The Department is proposing to add subsection **(d)(6)** to establish a brucellosis test requirement on any aged sexually intact cattle residing in or previously residing in a designated brucellosis

surveillance area. The USDA may classify a region or regions within a state as designated brucellosis surveillance area(s) when there is or has been brucellosis infection in animals within a concentrated area or region of the state. Establishing designated surveillance areas prevent disease testing and other movement restrictions being placed on cattle moving from a state, rather only placing necessary testing and movement restrictions on animals coming from within the specified regions. Currently there is a designated brucellosis surveillance area bordering Montana, Idaho and Wyoming as shown in the United States Bovine Brucellosis Affected Herd Investigations and Designated Surveillance Areas map<sup>5</sup>. The Department believes animals coming from this designated area pose a threat for introducing brucellosis, therefore is proposing to require a brucellosis test when animals come from this area, with exceptions as stated due to the unlikelihood of brucellosis introduction. The USDA publishes in hard copy and on their Internet website information regarding current designated brucellosis surveillance areas.

Existing subsection (e)(6) is changed to read as **(d)(7)**, and includes a punctuation change.

Subsection **(d)(7)(A)** makes a punctuation change and amends the outdated state classification to read “Minimal Risk” State. For brucellosis purposes, the USDA classifies states as “Class Free” or “Class A” however, we are proposing to replace this classification system with “Minimal Risk State” for consistency with the requirements and terminology used in proposed Article 14 for livestock disease traceability purposes which include interstate movement requirements.

Subsection **(d)(7)(A)1** makes several punctuation changes and adds “any of the following” for grammatical purposes.

We are amending (d)(7)(A)1,A and adding subsections (d)(7)(A)1,B through D to allow non-brucellosis vaccinated female calves to enter the State without a brucellosis test when entering under the requirements of specified Special Entry Permits as proposed. The Department explains the requirements of each Special Entry Permit in proposed Article 14, section 831, Special Entry Permits for Cattle and Bison, subsection (b) and provides justifications for those sections in the corresponding sections of this document.

Exemption from a brucellosis test for female calves entering California with a Special Entry Permit to vaccinate the animals on arrival as stated in subsection **(d)(7)(A)1, A**, is acceptable for the control of brucellosis because the animals would receive vaccination when they arrive at their destination in California as specified in section 831(b)(2) entitled “Brucellosis Vaccination on Arrival” of Article 14.

Exemption from brucellosis test for female calves entering California with a Special Entry Permit entitled “Heifers Spayed After Arrival” as stated in subsection **(d)(7)(A)1, B**, is acceptable for the control of brucellosis because brucellosis is primarily spread during the birthing process, and spaying the animals will eliminate the most common means of spreading the disease. The

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<sup>5</sup> United States Bovine Brucellosis Affected Herd Investigations and Designated Surveillance Areas map, September, 2015.

Department is proposing the requirements for obtaining this Special Entry Permit in section 831(b)(3) of Article 14.

Exemption from brucellosis test for female calves entering California with a Special Entry Permit entitled “Cattle Entering Terminal Feedlots or Cattle Moved into Slaughter Pens” and “Heifers Entering Registered Feedlots” as stated in subsections **(d)(7)(A)1, C and D**, respectively is acceptable for the control of brucellosis because these cattle shall only be moved to terminal or registered feedlots, slaughter pens or an Approved Tagging Site with direct movement to the terminal or registered feedlot, or slaughter pen. Once an animal arrives at a terminal or registered feedlot, or moved into slaughter pens they are not allowed to leave, except only when they are moved directly to a slaughtering establishment where they are slaughtered within three (3) days of arrival. Therefore, the Department believes a brucellosis test is unnecessary for female calves at a terminal or registered feedlot, or those moved into slaughter pens because they are not a threat for spreading brucellosis. The Department is proposing the requirements for obtaining these Special Entry Permits in sections 831(b)(4) and (5), respectively, as shown in Article 14.

Subsections **(d)(7)(A)2 and 3** have punctuation changes.

Subsection **(d)(7)(B)** shows a punctuation change.

Subsection **(d)(7)(B)1** adds “Moved directly”, “recognized” and “where they are slaughtered within three (3) calendar days of arrival” for consistency of terms used throughout the article.

Subsection **(d)(7)(B)2** deletes “dairy breed” as the Department is eliminating requirements according to breed, instead making them applicable to all cattle of specific ages as previously stated, and includes a punctuation change. Additionally, the Department is amending the age of the female calves at which brucellosis testing is not required, from less than four (4) months of age to six (6) months of age for consistency with the requirements in other sections.

Subsections (d)(7)(B)3 through 5 are deleted because the Department is proposing in subsection (d)(3) that all sexually intact female cattle over six (6) months and bulls over 18 months coming from a non-Minimal Risk State require a negative brucellosis test prior to entering California. Therefore, classifications of cattle as stated in existing subsection (d)(7)(B)3 through 5 no longer apply.

Existing subsection (d)(7)(B)6 is amended to read as **(d)(7)(B)3** and makes a punctuation change.

Existing subsection (d)(7)(B)7 is amended to read as **(d)(7)(B)4**, makes a punctuation change and amends the reference to a Certificate of Veterinary Inspection.

Existing subsection (d)(7)(B)8 is amended to read as **(d)(7)(B)5** and amends the reference to an Approved Livestock Marketing Facility; the name of this type of operation has changed from Specifically Approved Stockyard to Approved Livestock Marketing Facility.

The Department is proposing to delete existing subsection (e)(7)(B)9 to eliminate the Special Entry Permit for returning dairy heifers as it is no longer customary for the industry to move dairy heifers out of state for feeding purposes.

The Department is proposing to add subsection **(d)(8)** to inform the public there may additional brucellosis testing required prior to interstate movements into California other than the required testing as stated in this subsection if the State Veterinarian determines an animal or group of animals could potentially threaten the livestock populations with the introduction of brucellosis in this State. Additional testing may be required due to an emerging brucellosis outbreak or pattern of brucellosis infection or detection in another state or region that these regulations do not provide for any procedures to require disease testing. Therefore, the Department is proposing to add this subsection to inform persons importing cattle into California that additional testing may be required to protect California livestock populations.

The Department proposes to delete the entire existing subsection (f). Most of this subsection is being relocated, with amendments, to proposed Article 14, sections 831 as the subsection specifies the requirements for obtaining Special Entry Permits for certain classes of cattle entering the State. A Special Entry Permit, as defined in section 830 of Article 14, is a numbered document issued by the Department for approving the movement of specific classes of livestock into California when the owner, or agent of the owner, agree to meet the requirements specified for the type of movement. The Department explains the requirements of each Special Entry Permit in proposed Article 14, section 831, Special Entry Permits for Cattle and Bison, and provides justifications for those sections in the corresponding sections in this document.

Deleted existing subsection (f)(1) is deleted entirely as the practice of, and therefore requirements for, dairy heifers leaving California for feeding purposes and returning back to California, although still occurring, is absorbed through current and proposed disease control and proposed traceability efforts. Therefore, we are deleting this subsection; it will not be relocated to proposed Article 14.

Deleted existing subsection (f)(2) specifies the requirements for the use of Special Entry Permits in the form of a Pasture to Pasture Permit, and is relocated with amendments to proposed section 831(a)(1) of Article 14 for organizational purposes.

Deleted existing subsection (f)(3) specifies the requirements for the use of Special Entry Permits for Pure Bred Registered Breeds, and is relocated with amendments to proposed section 831(b)(1) of Article 14 for organizational purposes.

Deleted existing subsection (f)(4) specifies the requirements for the use of Special Entry Permits for Brucellosis Vaccination on Arrival, and is relocated with amendments to proposed section 831(b)(2) of Article 14 for organizational purposes.

Deleted existing subsection (f)(5) is deleted entirely as the practice of beef feeder heifers moving interstate for feeding purposes and back to their native state within eight (8) months no longer occurs as specified by the requirements. These existing requirements are extremely restrictive and complicated, burdening both the Department staff and owners of the cattle.

Therefore, the Department is proposing to delete this subsection as use of Special Entry Permit entitled Beef Feeder Heifer Permit is obsolete.

Deleted existing subsection (f)(6) specifies the requirements for the use of Special Entry Permits for cattle (Heifers) Entering Registered Feedlots, and is relocated with amendments to proposed section 831.(b)(5) of Article 14 for organizational purposes.

Deleted existing subsection (f)(7) is deleted entirely because the requirements of the subsection are proposed in Article 14, section 831.3, Identification of Cattle and Bison Moving into California, subsection (b)(4).

Deleted existing subsections (g)(1) through (4) are relocated with amendments to proposed Article 14, section 830.2, General Requirements, subsection (f) for organizational purposes.

### **Section 753.2. Moving Brucellosis Restricted Cattle.**

The Department proposes to amend the section heading to better reflect contents of the section.

In subsection **(a)**, the Department proposes to amend the reference for use of a Permit to Move which is no longer used by the Department. The Department no longer uses a Permit to Move; instead, under the authorities of Food and Agricultural Code section 9562 and Article 3 (commencing with section 1301) of Chapter 7, Division 2 of Title 3 of the CCR, the Department issues Quarantine and would authorize movement pursuant to the order. Amendments to this subsection are made accordingly.

Subsection **(a)(1)** amends the reference to a recognized slaughtering establishments as shown for consistency throughout the proposal.

No changes to subsection **(a)(2)**.

In subsection **(a)(3)** the Department proposes to amend the name to an Approved Livestock Marketing Facility as this is the correct title of the facility.

In subsection **(a)(4)** the Department proposes to amend the reference for use of a Permit to Move as explained above.

No changes to subsection **(b)**.

The Department is adding outline formatting to subsection **(b)(1)** for organizational purposes.

### **3) Delete section 753.3 of Article 1.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

Section 753.3. Dealer.

The Department proposes to delete the entire section and section heading, and relocates some of the requirements, with amendments to proposed Article 14, section 830(a)(19) for organizational purposes where we rename the term to “licensed dealer”. Additionally, we are relocating the specified recordkeeping requirements for “licensed” dealers, with modifications as

necessary for consistency and to correspond with current practices, in proposed Article 14, section 837, Recordkeeping.

**4) Amend sections 754, 754.1, 754.2, 754.3 and 754.4 of Article 1.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

**Section 754. Brucellosis Area Classification.**

The Department proposes to amend the section heading to better reflect contents of the section.

The Department amends and updates references to the USDA and CFR, and makes a punctuation amendment in subsection **(a)**.

In subsection **(b)**, the Department updates the reference to the USDA for consistency.

No changes to subsection **(b)(1)**.

In subsections **(b)(2)(A) and (B)** the Department makes punctuation edits for consistency.

No changes to subsection **(b)(3)**.

Subsection **(b)(4)** deletes the reference to “Hold Order” replacing it with “Quarantine” in two (2) places, makes a punctuation change, adds “(2)” as it was omitted in the original text and adds “calendar” for clarity.

Outline formatting is added and shown as subsection **(b)(4)(A)** for organizational purposes, and includes a deleted reference to “Hold Order” replacing it with “Quarantine”.

Outline formatting is added and shown as subsection **(b)(4)(B)** for organizational purposes.

Subsection **(b)(5)** amends the reference to “Hold Order” replacing it with “Quarantine” in three (3) places.

Subsection **(b)(6)** amends the reference to “Hold Order” replacing it with “Quarantine.”

Subsection **(b)(7)** makes a punctuation amendment and deletes “Regulation” and adds “article” for consistency throughout this proposal.

The Department proposes no other amendments to this section.

**Section 754.1. Brucellosis Control Areas.**

The Department proposes to amend the section heading to better reflect contents of the section.

Subsection **(a)** amends the reference to the USDA for consistency throughout the proposal.

No changes to subsection **(b)**.

Subsection **(b)(1)** makes two (2) punctuation changes, adds “of this article” to the reference to another section, and deletes “chapter” in two (2) places and adds “article” as a replacement reference.

Subsections **(b)(2) and (3)** also make punctuation changes and add “of this article” for references to another section.

### **Section 754.2. Critical Brucellosis Areas.**

We are proposing to add outline formatting to subsection **(a)** and amend the existing outline formatting to read as proposed subsections (a)(1) through (4) for organizational purposes.

Existing subsection (a) is amended to read as **(a)(1)** with no changes to the text.

Existing subsection (b) is amended to read as **(a)(2)** with no changes to the text.

Existing subsection (c) is amended to read as **(a)(3)** and adds “calendar” for clarity.

Existing subsections (c)(1) through (6) are amended to read as (a)(3)(A) through (F).

No changes to the text in subsection **(a)(3)(A)**.

Subsection **(a)(3)(B)** deletes existing text which provides exemption for cattle vaccinated with Strain 19 brucellosis from the required negative brucellosis test for movement within or outside of a Critical Brucellosis Area. As previously discussed, Strain 19 brucellosis vaccine is no longer used thereby making this subsection obsolete. The Department, however, proposes to add “Steers and spayed heifers” to the list of exempted animals. Steers and spayed heifers are not sexually intact cattle and therefore are not a threat for spreading or carrying brucellosis therefore should be exempt from the test requirement for movement out of or within a Critical Brucellosis Area.

No changes to the text in subsection **(a)(3)(C)**.

No changes to the text in subsection **(a)(3)(D)**.

Subsection **(a)(3)(E)** adds “calendar” for clarity.

No changes to the text in subsection **(a)(3)(F)**.

Existing subsection (d) is amended to read as **(a)(4)** with no changes to the text.

## **5) Add new sections 754.3 and 754.4 to Article 1.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

### **Section 754.3. Recordkeeping.**

The Department is proposing to use the repealed section number 754.3 and amend the repealed section heading as shown to implement recordkeeping requirements for the article.

The Department is proposing to adopt regulations under the amended section heading as stated above to establish the requirements for the maintaining and keeping of records used throughout the article, which are consistent with the federal rule for Animal Disease Traceability. Some documents which are currently required to be kept in various sections of the regulations as related to brucellosis control and eradication have been relocated to this proposed section for organizational purposes, and have been updated for consistency with federal interstate movement rules. In most instances, if specified at all, existing recordkeeping requirements are stated as having to be kept for two (2) years; all new federal requirements, and those proposed by the Department in this section, are specified as having a five (5) year retention.

Proposed subsection **(a)** specifies the information required to be reported to the Animal Health Branch documenting the brucellosis vaccination event pursuant to proposed section 752(a)(4) of this article, must be kept by the person applying the vaccination tag for a minimum of five (5) years. This requirement is consistent with the keeping of all records as stated in this proposal, and consistent with the USDA's Animal Disease Traceability rule.

Proposed subsection **(b)** requires the owner of any animal vaccinated for brucellosis to maintain specified information about the event for a minimum of five (5) years. This requirement is consistent with the keeping of all records as stated in this proposal, and consistent with the USDA's Animal Disease Traceability rule.

#### **Section 754.4. Violations.**

The Department is proposing to use the repealed section number 754.4 and amend the repealed section heading as shown to implement a violations section for the article.

The Department is proposing to adopt regulations under the amended section heading as stated above to establish the requirements for the notification of violations pertaining to brucellosis prevention and eradication efforts as stated in the article.

Proposed subsections **(a)** and **(b)** specify violations for any person failing to comply with the requirements of the article relating to brucellosis. The Department has determined that controlling existing disease and preventing the introduction of animals that may already be affected with a disease are efforts necessary for the protection of California's livestock populations. Should individuals violate regulations established by this proposal, thus putting California's livestock industries at great risk, the Department should be able to seek prosecution and/or impose administrative penalties. Therefore, the Department believes a section included in this proposal to explain the available remedies for violations of the article is necessary.

#### **Article 2. Movement of Cattle into California from Mexico.**

Existing Article 2 pertains to the requirements aimed to prevent and control the introduction of bovine tuberculosis and brucellosis into California from cattle entering the State from Mexico. Existing regulations rely on restricted and controlled movements into the State with required pre-entry testing for bovine brucellosis and tuberculosis; quarantine, isolation, and retesting of the cattle at prescribed intervals as specified after entering the State; and required slaughter of any animals found positive to either disease. These existing requirements contain components

of traceability (identification and documentation) to find where diseased and at-risk animals are, and where they have been and when, however, there are gaps in the regulations that weaken our ability to successfully trace animals suspected of having or infected with bovine brucellosis and/or tuberculosis.

As previously mentioned, the State is proposing to implement minimum identification and documentation requirements for livestock moving interstate consistent with the USDA's recently adopted Animal Disease Traceability rule (9 CFR Part 86) which we are proposing in Article 14 of this rulemaking package. Existing Article 2, Movement of Cattle into California from Mexico, has several components pertaining to cattle movements and identification, both of which are integral parts of disease traceability; therefore, the Department is proposing a significant reorganization of these regulations to relocate sections concerning the tracing and tracking of cattle movements into and within California to proposed Article 14, Animal Disease Traceability, of this rulemaking file.

This proposed reorganization of Article 2 will therefore relocate text regarding traceability (identification and documentation) aimed to improve our ability to trace livestock in the event of disease to proposed Article 14, and update the existing requirements as necessary for preventing the introduction of bovine brucellosis or tuberculosis (testing, slaughter, etc.) in cattle originating from Mexico, that will remain where they are currently located in Title 3 of the CCR. We additionally propose to amend and update references, current industry practices and Department policy and procedures as reflected in the regulations of Article 2, as needed.

The Department proposes to amend Article 2 and sections contained therein as follows:

**6) Amend sections 755 and 755.1 of Article 2, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

**Section 755. Definitions.**

Section 755 defines the terms used throughout the article.

No changes to subsection **(a)**.

The Department is proposing to update references to the CFR in subsection **(a)(1)** to provide the most current edition number. An additional punctuation amendment is also shown.

The Department is adding a definition for "Certificate of Veterinary Inspection" in proposed subsection **(a)(2)**. The definition describes the document and references the location in Title 3 of the CCR (section 830.3 of Article 14) where we are proposing to locate the specific requirements of the document. Existing section 755.2 of this article provides the current requirements of the Certificate of Veterinary Inspection; however we are proposing to delete section 755.2 and instead reference the proposed new location (section 830.3 of Article 14) for organizational purposes. Because a Certificate of Veterinary Inspection is a critical element of the Department's Animal Disease Traceability rule pertaining to interstate movements, and is sometimes used for moving cattle or bison intrastate, the Department is relocating the document specifications to Article 14. Additionally, as proposed, Article 2 does not specify the requirement

to obtain the document for bovine tuberculosis and brucellosis control, however only references use of the document. Therefore, we believe the proposed term “Certificate of Veterinary Inspection” is better suited as a definition in proposed Article 2, with reference to proposed Article 14 where having the document for interstate movement is a requirement.

Proposed subsection **(a)(3)** is added for clarity to define use of “Department.”

Proposed subsection **(a)(4)** is added to define an Interstate Livestock Entry Permit. The definition describes use of the document and references the location in the CCR (section 830.4 of Article 14) where we are proposing to locate the detailed description of the document. Existing section 755.3 of this article provides the current requirements of the Interstate Livestock Entry Permit; however we are proposing to delete section 755.3 and reference the proposed location in Article 14 for organizational purposes. Interstate Livestock Entry Permits are important components of the Department’s Animal Disease Traceability rule pertaining to interstate movements, and a requirement for moving cattle or bison interstate, therefore, the Department is relocating the document specifications to Article 14. Additionally, proposed Article 2, as amended, does not specify the requirement to obtain the document for bovine tuberculosis and brucellosis control, however only references use of the document. Therefore, we believe the proposed term “Interstate Livestock Entry Permit” is better suited as a definition in proposed Article 2, with reference to proposed Article 14 where having the document for interstate movement is a requirement.

Existing subsection (a)(2) is amended to read as **(a)(5)**, makes a punctuation correction and amended reference to the CFR.

Existing subsection (a)(3) is amended to read as **(a)(6)** and updates a reference to the CFR.

Existing subsection (a)(4) is amended to read as **(a)(7)** and updates a reference to the USDA, Veterinary Services.

### **Section 755.1. General Requirements.**

Section 755.1 establishes the requirements pertaining to the article that are non-specific as to disease, type of animal, or location where the animals originate. These requirements are consistent with the “General Requirements” sections used in other articles of the chapter.

In subsection **(a)** the Department is adding “or within” as it was erroneously omitted in the original text.

In subsection **(b)** the Department is proposing to delete the existing text and replace it with a modified, updated version which references specific sections of Title 3 of the CCR where specified livestock disease and disease traceability requirements that may also apply, in addition to this article, can be found. The public can make reference to the stated articles of the Title 3 of the CCR to determine, if applicable, other disease or traceability requirements that may apply to their animals.

In subsection **(c)** the Department is proposing to delete the existing text and replace it with a modified, updated version which is specific as to the documents that may be required to provide to the Department or other official, as specified, when moving livestock into or within the State. The subsection goes on to reference sections of the Title 3 of the CCR where the requirements of the documents can be found. It is necessary for a person to have these documents available when moving livestock to ensure ownership or authorization to move the animals and to ensure compliance with interstate or intrastate movement requirements, as needed. Further, this information could be used to trace or track animals in the event of a livestock disease outbreak.

Proposed subsection **(d)** is added to clarify that both a person moving livestock and a person receiving livestock are responsible for meeting the requirements of the article. It is necessary to make this requirement known to each person moving and receiving livestock to ensure compliance with any requirement of the article.

Proposed subsection **(e)** is added to require the reporting of specified conditions of animals and animal products pursuant to Food and Agricultural Code section 9101 and section 797 of Title 3 of the CCR. Because the article requires testing for bovine brucellosis and tuberculosis, which are conditions required to be reported to the Department within a specified timeframe, the Department sees it necessary to include this requirement and reference in the article. The List of Reportable Conditions for Animals and Animal Products is available to the public on the Department's Internet website and is available in hard copy upon request.

Proposed subsection **(f)** includes exceptions to the requirements of the article with Department approval prior to the movement of cattle. Situations may arise requiring the Department to make exceptions or modifications to the requirements which will be determined on a case-by-case basis. This subsection establishes the criterion which the Department shall consider when making these determinations.

Proposed subsection **(g)** clarifies that the owner of cattle moving into California is responsible for all costs associated with meeting the requirements for entry into the State. These costs may include but are not limited to vaccination, identification, and pre-entry and post-entry testing. It is necessary to inform the public that these routine animal husbandry practices are the financial responsibility of livestock owners.

#### **7) Delete sections 755.2 and 755.3 of Article 2, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

The Department is proposing to delete section 755.2, Certificate of Veterinary Inspection, and relocate the requirements to section 830.3 of Article 14 for organizational purposes as explained in the above justification of section 755(a)(2) of this document.

The Department is proposing to delete section 755.3, Interstate Livestock Entry Permits, and relocate the requirements to section 830.4 of Article 14 for organizational purposes as explained in the above justification of section 755(a)(4) of this document.

#### **8) Amend section 755.4 of Article 2, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

#### **Section 755.4. Requirements for Entry into California.**

Section 755.4 pertains to the requirements for cattle entering California from Mexico. Existing requirements contain identification, documentation and testing prior to entry to ensure cattle are free of disease.

As stated in previous sections of this proposal, we are proposing to reorganize and relocate all documentation and identification requirements which are currently embedded within existing disease control requirements, to Article 14, Animal Disease Traceability, and update and maintain mechanisms used to prevent disease introduction and spread (disease testing and retesting) in the existing disease control sections of the regulations.

Proposed subsection **(a)** adds language to inform any person moving cattle or bison into California from Mexico that in addition to the requirements for brucellosis and tuberculosis disease control as specified by this section, the requirements for Animal Disease Traceability as proposed in Article 14, section 831.3, Identification of Cattle and Bison Moving into California, and section 831.4, Documentation Required for Cattle and Bison Moving into California, are also applicable. The requirements of proposed Article 14 are the Department's animal identification and documentation requirements for purposes of disease traceability, which are consistent with the USDA's Animal Disease Traceability rule, and applicable to cattle entering into California from other states.

Existing subsection (a) is amended to read as **(b)** with no changes to the text.

Existing subsection (b) is amended to read as **(c)** with no changes to the text.

In subsection **(c)(1)** the Department is updating the CFR edition date, and deleting "the Secretary of" for consistency in the use of terms.

The Department is proposing to delete existing subsection (b)(2) which requires cattle and bison moving into California from Mexico to have a Certificate of Veterinary Inspection with individual identification at the time of inspection in the US. As a Certificate of Veterinary Inspection is required "documentation" pursuant to the requirements of the Department's Animal Disease Traceability rule as stated in section 831.4(a) of proposed Article 14, the requirement to obtain the documentation pursuant to this article is no longer necessary. Additionally, the requirement to have individual identification pursuant to this article is no longer necessary because all specified cattle and bison pursuant to section 831.3(a)(6) of proposed Article 14 require official identification before entering California. As stated in previous sections of this proposal, we are reorganizing and relocating all documentation and identification requirements which are currently embedded within existing disease control requirements, to Article 14, Animal Disease Traceability, and updating and maintaining mechanisms used to prevent disease introduction and spread (disease testing and retesting) in the existing disease control sections of the regulations which are used to prevent the introduction and spread of disease into and within the State.

Existing subsection (b)(3) is amended to read as **(c)(2)**, and deletes the requirement to obtain an Interstate Livestock Entry Permit. As a part of the Animal Disease Traceability rule (Article

14), the Department is requiring all cattle and bison (which includes those originating in Mexico) to obtain an Interstate Livestock Entry Permit pursuant to section 831.4(d), therefore stating the requirement to obtain this form of documentation in this article is no longer necessary.

In subsection **(c)(2)(A)** the Department is adding “six” and parentheses as they were omitted in the original text. Further, “calendar” is added for clarity.

No changes to subsection **(c)(2)(B)**.

Existing subsection (c) is amended to read as **(d)** with no changes to the text.

Existing subsection (d) is amended to read as **(e)** with no changes to the text.

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

Existing Article 2.5 pertains to the requirements aimed to prevent and control the introduction of tuberculosis into California from specified animals entering the State from other states. Existing regulations rely on restricted and controlled movements into the State with required pre-entry testing for tuberculosis; quarantine, isolation, and retesting of the animals at prescribed intervals as specified after entering the State; and required slaughter of any animals found positive to the disease. These existing requirements contain components of traceability (identification and documentation) to find where diseased and at-risk cattle are, and where they have been and when, however, there are gaps in the regulations that weaken our ability to successfully trace cattle suspected of having or infected with tuberculosis.

As previously mentioned, the State is proposing to implement minimum identification and documentation requirements for livestock moving interstate consistent with the USDA’s recently adopted Animal Disease Traceability rule (9 CFR Part 86) which we are proposing in Article 14 of this rulemaking package. Existing Article 2.5, Interstate Movement of Cattle and Specified Animals into California, has several components pertaining to cattle movements and identification of cattle, both of which are integral parts of disease traceability; therefore, the Department is proposing a significant reorganization of these regulations to relocate sections concerning the tracing and tracking of cattle movements into California to proposed Article 14. Animal Disease Traceability of this rulemaking file.

This proposed reorganization of Article 2.5 will therefore relocate text regarding traceability (identification and documentation) aimed to improve our ability to trace cattle in the event of disease to proposed Article 14, and update the existing requirements as necessary for preventing the introduction of tuberculosis (testing, slaughter, etc.) in cattle originating from other states, that will remain where they are currently located in Title 3 of the CCR. We additionally propose to amend and update references, current industry practices and Department policy and procedures as reflected in the regulations of Article 2.5, as needed.

The Department proposes to amend Article 2.5 and sections contained therein as follows:

#### **9) Amend the heading of Article 2.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

## **Article 2.5. Tuberculosis in Cattle and Specified Animals.**

The Department proposes to amend the article heading to better reflect contents of the article.

### **10) Amend sections 756 and 756.1 of Article 2.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

#### **Section 756. Definitions.**

Section 756 defines the terms used throughout the article.

No changes to subsection **(a)**.

The Department is proposing to update references to the CFR in subsection **(a)(1)** to provide the most current edition number. An additional punctuation amendment is also shown.

The Department is adding a definition for “Certificate of Veterinary Inspection” in proposed subsection **(a)(2)**. The definition describes the document and references the location in Title 3 of the CCR (section 830.3 of Article 14) where we are proposing to locate the specific requirements of the document. Existing section 756.2 of this article provides the current requirements of the Certificate of Veterinary Inspection; however we are proposing to delete section 756.2 and instead reference the proposed new location (section 830.3 of Article 14) for organizational purposes. Because a Certificate of Veterinary Inspection is a critical element of the Department’s Animal Disease Traceability rule pertaining to interstate movements, and a requirement for moving cattle or bison intrastate, the Department is relocating the document specifications to Article 14. Additionally, proposed Article 2.5 does not specify the requirement to obtain the document for tuberculosis control, however only references use of the document. Therefore, we believe the proposed term “Certificate of Veterinary Inspection” is better suited as a definition in proposed Article 2.5, with reference to proposed Article 14 where having the document for interstate movement is a requirement.

Proposed subsection **(a)(3)** is added for clarity to define use of “Department.”

Existing subsection (a)(2) is amended to read as **(a)(4)** with no changes to the text.

Proposed subsection **(a)(5)** is added to define an Interstate Livestock Entry Permit. The definition describes use of the document and references the location in Title 3 of the CCR (section 830.4 of Article 14) where we are proposing to locate the detailed description of the document. Existing section 756.3 of this article provides the current requirements of the Interstate Livestock Entry Permit; however we are proposing to delete section 756.3 and reference the proposed location in Article 14 for organizational purposes. Interstate Livestock Entry Permits are important components of the Department’s Animal Disease Traceability rule pertaining to interstate movements, and a requirement for moving cattle or bison interstate, therefore, the Department is relocating the document specifications to Article 14. Additionally, proposed Article 2.5, as amended, does not specify the requirement to obtain the document for tuberculosis control, however only references use of the document. Therefore, we believe the proposed term “Interstate Livestock Entry Permit” is better suited as a definition in proposed

Article 2.5, with reference to proposed Article 14 where having the document for interstate movement is a requirement.

Existing subsection (a)(3) is amended to read as **(a)(6)**, makes a punctuation edit and updates reference to the CFR.

Existing subsection (a)(4) is amended to read as **(a)(7)** and updates reference to the USDA, Veterinary Services.

### **Section 756.1. General Requirements.**

Section 756.1 establishes the requirements pertaining to the article that are non-specific as to disease, type of animal, or location where the animals originate. These requirements are consistent with the “General Requirements” sections used in other articles of the chapter.

In subsection **(a)** the Department is adding “or within” as it was erroneously omitted in the original text.

In subsection **(b)** the Department is proposing to delete the existing text and replace it with a modified, updated version which references specific sections of Title 3 of the CCR where specified livestock disease and disease traceability requirements that may also apply, in addition to this article, can be found. The public can make reference to the stated articles of Title 3 of the CCR to determine, if applicable, other disease or traceability requirements that may apply to their animals.

In subsection **(c)** the Department is are proposing to delete the existing text and replace it with a modified, updated version which is specific as to the documents that may be required to provide to the Department or other official, as specified, when moving livestock into or within the State. The subsection goes on to reference sections of Title 3 of the CCR where the requirements of the documents can be found. It is necessary for a person to have these documents available when moving livestock to ensure ownership or authorization to move the animals and to ensure compliance with interstate or intrastate movement requirements, as needed. Further, this information could be used to trace or track animals in the event of a livestock disease outbreak.

Proposed subsection **(d)** is added to clarify that both a person moving livestock and a person receiving livestock are responsible for meeting the requirements of the article. It is necessary to make this requirement known to each person moving and receiving livestock to ensure compliance with any requirement of the article.

Proposed subsection **(e)** is added to require the reporting of specified conditions of animals and animal products pursuant to Food and Agricultural Code section 9101 and section 797 of Title 3 of the CCR. Because the article requires testing for brucellosis and tuberculosis, which are conditions required to be reported to the Department within a specified timeframe, the Department sees it necessary to include this requirement and reference in the article. The List of Reportable Conditions for Animals and Animal Products is available to the public on the Department’s Internet website and is available in hard copy upon request.

Proposed subsection **(f)** includes exceptions to the requirements of the article with Department approval prior to the movement of cattle. Situations may arise requiring the Department to make exceptions or modifications to the requirements which will be determined on a case-by-case basis. This subsection establishes the criterion which the Department shall consider when making these determinations.

Proposed subsection **(g)** clarifies that the owner of cattle moving into California is responsible for all costs associated with meeting the requirements for entry into the State. These costs may include but are not limited to vaccination, identification, and pre-entry and post-entry testing. It is necessary to inform the public that these routine animal husbandry practices are the financial responsibility of livestock owners.

**11) Delete sections 756.2, 756.3 and 757 of Article 2.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

The Department is proposing to delete section 756.2, Certificate of Veterinary Inspection, and relocate the requirements to section 830.3 of Article 14 for organizational purposes as explained in the above justification of section 756(a)(2) in this document.

The Department is proposing to delete section 756.3, Interstate Livestock Entry Permits, and relocate the requirements to section 830.4 of Article 14 for organizational purposes as explained in the above justification of section 756(a)(5) in this document.

Existing section 757, Cattle Scabies, pertains to requirements that may be required for the control of cattle scabies when a person is importing cattle into California. The Department believes stating these potential requirements in the regulation are no longer necessary. Should an outbreak of scabies be reported to the Department in animals from another US state, the Department would invoke quarantine on any animal coming from that state, and require, pursuant to quarantine, that the animals undergo treatment, obtain a Certificate of Veterinary Inspection, and/or obtain an Interstate Livestock Entry Permit as needed to prevent scabies infested animal from entering the State. Because of the State Veterinarian's quarantine authority and possible subsequent specified action, we believe this section is obsolete and propose to delete the section.

**12) Amend section 758 of Article 2.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

**Section 758. Tuberculosis – Requirements for Entry into California.**

Existing section 758 pertains to the requirements for cattle entering California from other US states relating to tuberculosis. Existing regulations require documentation (Certificate of Veterinary Inspection and an Interstate Livestock Entry Permit), and may require testing prior to entry and post-entry to ensure cattle and specified animals are free of disease.

As stated in previous sections of this proposal, we are proposing to reorganize and relocate all documentation and identification requirements which are currently embedded within existing disease control requirements, to Article 14. Animal Disease Traceability, and update and

maintain mechanisms used to prevent disease introduction and spread (disease testing and retesting) in the existing disease control sections of the regulations.

The Department is proposing to delete existing subsections (a) and (a)(1) which requires sexually intact cattle entering California from another US state to obtain an Interstate Livestock Entry Permit prior to entry. As a part of the Animal Disease Traceability rule (Article 14), the Department is requiring specified cattle and bison entering California to obtain an Interstate Livestock Entry Permit pursuant to section 831.4(d), therefore stating the requirement to obtain this form of documentation in this article is no longer necessary.

The Department is also proposing to delete existing subsection (a)(2) which requires sexually intact cattle moving into California to have a Certificate of Veterinary Inspection. As a Certificate of Veterinary Inspection is required “documentation” pursuant to the requirements of the Department’s Animal Disease Traceability rule as stated in section 831.4(a) of proposed article 14, the requirement to obtain the documentation pursuant to this article is no longer necessary.

We are proposing to add subsection **(a)** to inform any person moving cattle or bison into California from another state that in addition to the requirements for tuberculosis disease control as specified by this section, the requirements for Animal Disease Traceability in proposed Article 14, section 831.3, Identification of Cattle and Bison Moving into California, and section 831.4, Documentation Required for Cattle and Bison Moving into California, are also applicable. The requirements of proposed Article 14 are the Department’s animal identification and documentation requirements for purposes of disease traceability, which are consistent with the USDA’s Animal Disease Traceability rule, and applicable to cattle entering into California from other states.

No changes to subsection **(b)**.

Subsection **(b)(1)** adds “calendar” for clarity.

Subsection **(b)(2)** adds “calendar” for clarity, twice.

Subsection **(c)** is amended to additionally include exemptions to the tuberculosis testing requirements for cattle moving into California with a Special Entry Permit pursuant to the requirements of CCR section 831(b)(4) as shown in proposed subsection **(c)(1)**, or those moving to recognized slaughtering establishments, as specified in proposed subsection **(c)(2)**. The Department considers cattle moving into California with the Special Entry Permit as high risk for potentially having and spreading disease and therefore does not allow any movement from the terminal feedlot or slaughter pens; the only movement allowable is directly to a recognized slaughtering establishment, to another terminal feedlot or to other slaughter pens. Cattle moving directly into a recognized slaughtering establishment, are although a significant risk, will be slaughtered within three (3) days as specified.

No changes to subsections **(d)** and **(e)**.

### **13) Delete section 758.1 of Article 2.5, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

We are proposing to delete section 758.1, Tuberculosis – Designated Pens in Feedlots. The intent of this section is to provide regulations for the movement and maintenance of cattle that have been removed from herds quarantined for tuberculosis into a restricted holding facility where they can be feed and allowed only to move into a slaughtering establishment. Because use of designated pens in feedlots may pertain to other livestock diseases as well as tuberculosis, we are proposing to relocate the requirements of this section to proposed new section 1302 of Article 4, Chapter 7, Division 2, of Title 3, CCR for organizational purposes. Please refer to the corresponding section in this document for a full justification of the proposed section.

## **Article 12. Bovine Trichomonosis Control Program.**

Existing Article 12 pertains to the requirements to prevent, control and eradicate bovine trichomonosis in California. Bovine trichomonosis is a disease of cattle causing abortion and infertility. Considered a venereal disease of cattle, it is transmitted by sexual contact with an infected mate. Prevention is the only satisfactory approach to controlling this disease, as no legally approved treatment has been identified at this time. Trichomonosis is mainly a concern for the beef cattle industry due to husbandry and production practice unique to beef operations.

Existing regulations for bovine trichomonosis rely on actions such as controlled movements into the State with required pre-entry testing for trichomonosis detection, documentation and identification of individual animals, and prescribed herd management practices and procedures to control spread of the disease. Although these existing requirements contain components of traceability (identification and documentation) to find where diseased and at-risk animals are, and where they have been and when, there are gaps in the regulations that weaken our ability to successfully trace animals suspected of having or infected with trichomonosis.

As previously mentioned, the State is proposing to implement minimum identification and documentation requirements for livestock moving interstate pursuant to the USDA's recently adopted Animal Disease Traceability rule (9 CFR Part 86) which we are proposing in Article 14 of this rulemaking package. Existing Article 12, Bovine Trichomonosis Control Program, has several components pertaining to cattle movements and identification, both integral parts of disease traceability. Therefore, the Department is proposing a reorganization of these regulations to relocate sections concerning the tracing and tracking of cattle movements into and within California to proposed Article 14, Animal Disease Traceability, of this rulemaking file.

This proposed reorganization of Article 12 will therefore relocate regulation text regarding traceability (identification and documentation) aimed to improve our ability to trace livestock in the event of disease to proposed Article 14, and update the existing requirements on prevention and control of trichomonosis in cattle (testing and herd management) that will remain where they are currently located, and implement the option for use of a new testing protocol for the detection of trichomonosis.

The Department is also proposing to amend specifically the existing regulations of section 820.4 regarding the sale of bulls in California as petitioned by the California Cattlemen's Association. The Department is providing all documents pursuant to the California Cattlemen's Association

petition with justification in the corresponding section of this document. Further, changes to existing regulations have been approved by the Department's Cattle Health Advisory Task Force authorized by Food and Agricultural Code, section 10610<sup>6</sup>.

**14) Amend section 820 of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

**Section 820. Definitions.**

This section defines the terms used throughout the article.

No changes to subsection **(a)**.

Subsection **(a)(1)** makes a grammatical edit.

Subsection **(a)(2)** deletes outdated text and adds new term and definition for "Bull Slaughter Agreement".

Proposed subsection **(a)(3)** adds new, updated definition of Certificate of Veterinary Inspection. The definition describes the document and references the location in Title 3 of the CCR (section 830.3 of Article 14) where we are proposing to locate the specific requirements of the document. Existing section 820.1 of this article provides the current requirements of the Certificate of Veterinary Inspection; however we are proposing to delete section 820.1 and reference the proposed location for organizational purposes. Because a Certificate of Veterinary Inspection is a critical element of the USDA's Animal Disease Traceability rule pertaining to interstate movements, and a requirement for moving cattle or bison intrastate, the Department is relocating the document specifications to Article 14. Additionally, proposed Article 12 does not specify the requirement to obtain the document for trichomonosis, however only references use of the document. Therefore, we believe the proposed term "Certificate of Veterinary Inspection" is better suited as a definition in proposed Article 12, with reference to proposed Article 14 where having the document for interstate movement is a requirement.

Existing subsection (a)(3) is changed to read as **(a)(4)** with no changes to the text.

Proposed subsection **(a)(5)** is added for clarity to define use of "Department."

Proposed subsection **(a)(6)** adds "directly" to the list of terms and definitions for clarity.

Existing subsection (a)(4) is changed to read as **(a)(7)** with no changes to the text.

Existing subsection (a)(5) is changed to read as **(a)(8)** with no changes to the text.

Existing subsection (a)(6) is changed to read as **(a)(9)** with no changes to the text.

Existing subsection (a)(7) is changed to read as **(a)(10)** and adds "12" as it was erroneously omitted in the original text.

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<sup>6</sup> Cattle Health Advisory Task Force Meeting Minutes, April 22, 2015.  
Animal Disease Traceability - ISR

Proposed subsection **(a)(11)** is added to clarify use of the term which is consistently used throughout the chapter.

Existing subsection (a)(8) is changed to read as **(a)(12)** with no changes to the text.

Proposed subsection **(a)(13)** is added to define an Interstate Livestock Entry Permit. The definition describes use of the document and references the location in Title 3 of the CCR (section 830.4 of Article 14) where we are proposing to locate the detailed description of the document. Existing section 820.2 of this article provides the current requirements of the Interstate Livestock Entry Permit; however we are proposing to delete section 820.2 and reference the proposed location in Article 14 for organizational purposes. Interstate Livestock Entry Permits are important components of the Department's Animal Disease Traceability rule pertaining to interstate movements, and a requirement for moving cattle or bison interstate, therefore, the Department is relocating the document specifications to Article 14. Additionally, proposed Article 12, as amended, does not specify the requirement to obtain the document for trichomonosis control, however only references use of the document. Therefore, we believe the proposed term "Interstate Livestock Entry Permit" is better suited as a definition in proposed Article 12, with reference to proposed Article 14 where having the document for interstate movement is a requirement.

Existing subsection (a)(9) is changed to read as **(a)(14)** and adds "calendar" for clarity..

Existing subsection (a)(10) is deleted. The term is amended for clarity and moved to new subsection (a)(11).

Proposed subsection **(a)(15)** is added to define a recognized slaughtering establishment for clarity.

Existing subsection (a)(11) is changed to read as **(a)(16)** and amended to further clarify the definition of a "specimen", deletes the requirement for the veterinarian to be a USDA accredited veterinarian, and adds that the veterinarian must be trichomonosis approved. The requirements for approval and diagnosis can be found in section 820.5 of the article.

Existing subsection (a)(12) is changed to read as **(a)(17)** with no changes to the text.

Existing subsection (a)(13) is changed to read as **(a)(18)** with no changes to the text.

Proposed subsection **(a)(19)** adds new term and definition for "trichomonosis approved tag".

Existing subsection (a)(14) is changed to read as **(a)(20)**, amends the outline format, and adds a hyphen and "category II" to further clarifying the definition of a trichomonosis approved veterinarian. Veterinarians conducting trichomonosis testing must be USDA accredited as a "category II" veterinarian. USDA accredited veterinarians have the authority to administer federal regulations related to animal health in a state that authorizes their accredited duties. "Category II" designation refers to the type of animal species a USDA "category II" veterinarians has the authority to regulate, examples of which include: food and fiber animal species (cow, pig, sheep, goat, all ruminant), horse (mule, ass, pony, zebra), all bird species and poultry, farm-

raised aquatic animal species, livestock species (bison, captive cervid, llama, alpaca, antelope, other hoofed animal), zoo animals that can transmit exotic animal diseases to livestock. The Department is updating the term to accurately state and clarify the required USDA accredited veterinary status.

The Department is also amending the definition to notify trichomonosis approved veterinarians that the approval by the Department must be renewed every two (2) years.

Existing subsection (a)(15) is deleted as the term is no longer applicable to the article.

Existing subsection (a)(16) is changed to read as **(a)(21)**, and deletes “or under the supervision of” for consistency with the definition of specimen in subsection (a)(16) above and to clarify who may conduct trichomonosis testing.

Existing subsection (a)(17) is changed to read as **(a)(22)** with no changes to the text.

**15) Delete section 820.1 of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

Section 820.1, Certificate of Veterinary Inspection, establishes the requirements required of the document entitled “Certificate of Veterinary Inspection.”

The Department is proposing to delete section 820.1, Certificate of Veterinary Inspection, and relocate the requirements to section 830.3 of Article 14 for organizational purposes and as explained in section 820(a)(3) of this document above.

**16) Add section 820.1 of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

**Section 820.1. General Requirements.**

The Department proposes to reuse section number 820.1 as deleted above. Additionally, we are proposing to add new heading “General Requirements” and contents of the section to establish the requirements generally pertaining to the article that are non-specific as to disease, type or class of animal, or location where the animals originate. These requirements are consistent with the “General Requirements” sections used in other articles of the chapter.

Proposed subsection **(a)** is added to clarify that both a person moving livestock and a person receiving livestock are responsible for meeting the requirements of the article. It is necessary to make this requirement known to each person moving and receiving livestock to ensure compliance with any requirement of the article.

Proposed subsection **(b)** specifies and identifies livestock disease and disease traceability requirements that may also apply, in addition to this article, when moving cattle and bison into and within California. The public can make reference to the stated articles of Title 3 of the CCR to determine, if applicable, other disease or traceability requirements that may apply to their animals.

Proposed subsection **(c)** is added to require the reporting of specified conditions of animals and animal products pursuant to Food and Agricultural Code section 9101 and section 797 of Title 3 of the CCR. Because the article requires testing for trichomonosis which is a condition required to be reported to the Department within a specified timeframe, the Department sees it necessary to include this requirement and reference the article. The List of Reportable Conditions for Animals and Animal Products is available to the public on the Department's Internet website and is available in hard copy upon request.

Proposed subsection **(d)** references Food and Agricultural Code section 9562, which authorizes the State Veterinarian to establish a quarantine when any provision of this article has not been met, or if the entry requirements are amended, as specified. Under the authority to order a quarantine, the State Veterinarian may order animals held on the premises where found, move the animals as directed, stop the importation of animals, or to segregate, isolate, treat or destroy animals should a sudden disease risk develop in California or another state. We believe it is necessary to inform the public that due to situations in this State or another state, the requirements as stated in this article may be changed under the authority of a quarantine by the State Veterinarian to prevent the introduction or spread of a disease or condition that could threaten the livestock population in California.

Proposed subsection **(e)** clarifies documents that the Department, or another official, may require, as specified, when moving livestock into or within the State. The subsection goes on to reference sections of Title 3 of the CCR where the requirements of the documents can be found. It is necessary for a person to have these documents available when moving livestock to ensure ownership or authorization to move the animals and to ensure compliance with interstate or intrastate movement requirements, as needed. Further, this information could be used to trace or track animals in the event of a livestock disease outbreak.

Proposed subsection **(f)** includes exceptions to the requirements of the article, with Department approval prior to the movement of cattle. Situations may arise requiring the Department to make exceptions or modifications to the requirements which will be determined on a case-by-case basis. The Department is including this subsection to notify the public of the criterion which the Department shall consider when making these determinations.

Proposed subsection **(g)** clarifies that the owner of cattle and bison moving into California is responsible for all costs associated with meeting the requirements for entry into the State. These costs may include but are not limited to vaccination, identification, and pre-entry and post-entry testing. It is necessary to inform the public that these routine animal husbandry practices are the financial responsibility of livestock owners.

#### **17) Delete section 820.2 of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

Section 820.2 specifies the requirements for obtaining an Interstate Livestock Entry Permit. The Department is proposing to delete section 820.2 and relocate the requirements to section 830.4 of Article 14 for organizational purposes as explained in proposed section 820(a)(13) of this document above.

**18) Amend sections 820.3, 820.4, 820.5, 820.55, 820.6 and 820.7 of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

**Section 820.3. Requirements for Entry of Bulls into California.**

Section 820.3 specifies the requirements pertaining to the entry of bulls into California. Existing requirements specify certain classifications of cattle must have identification, documentation and testing prior to entry to ensure cattle are free of disease. The amendments made to this section delete (and relocate) the requirements for bulls moving into California to have documentation

(Certificate of Veterinary Inspection and Interstate Livestock Entry Permit) and official individual identification. As stated in previous sections of this proposal, we are reorganizing and relocating all documentation and identification requirements which are currently embedded within existing disease control requirements, to Article 14, Animal Disease Traceability, and updating and maintaining mechanisms used to prevent disease introduction and spread (disease testing and retesting) in the existing disease control sections of the regulations which are used to prevent the introduction and spread of disease into and within the State. Additionally, this section updates the text to reflect the currently used tests to detect trichomonosis infection and makes other amendments to clarify the intent of the section which is to prevent bulls from entering California that have or may have, or are or may be a risk for bring the disease into the State.

Existing subsection **(a)** is amended to clarify the ages and classification of bulls that must meet the requirements as specified in the section. In addition to all bulls 18 months of age and older, the Department believes bulls that have already been used for breeding – “Non-virgin bulls less than 18 months of age” – are additionally at risk for carrying trichomonosis because it is a sexually transmitted disease, and therefore must meet the requirements of the section as well. Subsection (a) additionally adds “and”, makes a punctuation change and deletes “have all of the following” for grammatical purposes.

Existing subsections (a)(1) and (2) are deleted for organizational purposes.

Existing subsection (a)(3) is changed to read as **(a)(1)**. This amended subsection further adds “Have a”, adds “DNA detection or amplification-based”, adds “calendar” for clarity and makes two (2) punctuation changes to the existing text. The Department believes the existing text is too vague and believes it would be better to specify the acceptable testing protocol required for entry. Therefore, the amended text clarifies use of DNA detection or amplification-based trichomonosis tests. DNA detection or amplification-based trichomonosis tests describe a technology used to diagnose trichomonosis, giving laboratories more options for testing than the most commonly used testing protocol (real-time PCR test) which is a specific test. This category of tests can include several different specifically named tests, the use of which depends upon the laboratory conducting the sample testing. Real-time PCR tests are one type of DNA detection/amplification based trichomonosis tests. This testing protocol is widely acknowledged and used in the cattle and veterinary communities across the US for the official use of trichomonosis testing.

Proposed subsection **(a)(2)** replaces the deleted requirements as stated in existing subsections (a)(1) and (a)(2) above which require bulls entering California to have official individual identification (identification) and an Interstate Livestock Entry Permit (documentation), respectively, and existing subsection (a)(4) which requires bulls to have a Certificate of Veterinary Inspection (documentation) when entering the State. New subsection (a)(2) includes references to the specific sections of Article 14. Animal Disease Traceability where a person can find the requirements for identification and documentation when moving cattle interstate.

Existing subsection (a)(4)(A) is amended and read as **(a)(2)(A)** for organizational purposes. Subsection (a)(2)(A) deletes the requirement for the trichomonosis testing and confinement declarations to be stated on the Certificate of Veterinary Inspection. The Department has determined these declarations are no longer necessary due to the new testing protocol.

Existing subsection (a)(4)(B) is amended to read as subsection **(a)(2)(A)1** with no changes to the text.

Proposed subsection **(a)(2)(A)2** requires specific information about the test be recorded, or attached, to the Certificate of Veterinary Inspection. Because of the new testing protocol, DNA detection or amplification-based trichomonosis test, there are different named tests falling under this broad umbrella of test category. The Department finds it necessary to have this information, including the date and test results on, or attached to documentation required for entry for purposes of maintaining data about cattle movements and tests used. Listing this information on the Certificate of Veterinary Inspection, or attaching a printed version thereof, is a common industry practice.

No changes to the text in existing subsection **(b)**.

Existing subsection **(b)(1)** amends the text to require two (2) negative tests on bulls originating in a herd diagnosed with trichomonosis in the last 24 months when entering California from another state, adds “calendar” three (3) times and updates the testing protocol to specify DNA detection or amplification-based trichomonosis tests as the acceptable testing technology for diagnosis. The existing requirement specifies one (1) negative real-time PCR test or three (3) negative culture tests. We are amending the number of required negative tests to two (2) DNA detection or amplification-based test because we have found the current requirement of one (1) negative real-time PCR test has not adequately controlled residual infection in the herd; this proposed testing protocol helps to ensure these animals will not bring into or spread the disease within California’s cattle herds. With respect to no longer accepting trichomonosis culture tests as official tests, the Department believes DNA detection or amplification-based tests are more accurate and convenient tests, and are more likely being used as it provides laboratories more options for testing than culture tests.

Existing subsection **(b)(2)** changes “A” to “The”, deletes “which”, adds “must” and deletes and adds an “s” for grammatical purposes. The proposed subsection goes on to additionally require acknowledgement on the Certificate of Veterinary Inspection that the requirements of proposed subsection (a)(2) have been met. This addition is necessary to ensure the identification and

documentation requirements are being met, as well as the required testing as currently stated in (b)(1), before the cattle enter California.

Existing subsection **(c)** amends the reference to the location in the CCR where the public can find the requirements for obtaining a Pasture to Pasture permit; we are proposing to relocate the existing requirements for all Special Entry Permits to Article 14, Animal Disease Traceability, as discussed in the corresponding sections of this document for proposed Article 1.5, Bovine Brucellosis, section 753.1 and Article 14, Animal Disease Traceability, section 831(a)(1). Additionally shown are a punctuation and grammatical edit. We are also adding “(1)” as it was originally omitted, and amending the text to specify the accepted trichomonosis testing technology (DNA detection or amplification-based trichomonosis tests) accepted for trichomonosis detection in bulls moving into California. Additionally, for consistency, we are adding “test type”, “Official” when describing information required on, or attached to, the Certificate of Veterinary Inspection and replacing “may” with “must”.

The Department is proposing to add subsection **(c)(1)** to require breeding bulls entering California as a part of a Pasture to Pasture Permit herd meet the official identification requirements as specified. This specific requirement cross-references with the requirements of the Pasture to Pasture Permit as stated in Title 3, CCR section 831(a)(1)(E)5. The Department is proposing to add this requirement to further enhance the Department’s ability to trace animals for the protection of California. The proposed requirement for breeding bulls to have identification when moving into California when a part of commuter herd (Pasture to Pasture Permit Herd as discussed on the page corresponding to the abovementioned section in this document) is not included in the USDA’s Animal Traceability rule; therefore California’s requirement is more restrictive than federal laws. The addition of this requirement helps to ensure cattle can be traced, located and identified to an owner, and that preventative measures have been taken (pre-entry testing and follow-up testing if required) to prevent the introduction and/or spread of trichomonosis. Further, the inclusion of the official identification requirement is necessary because cattle requiring an official test must bear official individual identification; this requirement officially links an animal to a test result which is necessary for disease control purposes and subsequently successful disease traceability.

No changes to the text in existing subsection **(d)**.

In existing subsection **(d)(1)** the Department is making a grammatical edit.

No changes to the text in existing subsection **(d)(2)**.

In existing subsection **(d)(3)**, the Department is adding clarification to the exemption for consistent use of terminology and procedures as proposed in Article 14, Animal Disease Traceability, and for consistency with the requirements of the USDA’s Animal Traceability rule.

The Department is proposing to add subsection **(d)(4)** to exempt bulls from the trichomonosis test when entering a feedlot for feeding and subsequent movement to slaughter, as specified. These animals will not be leaving the feedlot as they are destined for slaughter nor will they have exposure to female cattle; therefore the Department considers these animals as having no

risk for spreading trichomonosis and as such should be exempted from the trichomonosis test required for entry into this State.

The Department is proposing to add subsection **(d)(5)** to exempt bulls from the trichomonosis test when they are returning to California after feeding in another state for a period of not more than 12 months from the test date which was used to satisfy the trichomonosis testing requirement of the state into which they moved for feeding. The Department believes these bulls are not a threat for bringing trichomonosis (back) into the State when there has been no change of ownership and when they are maintained as stated, confined in pens and without contact with female cattle.

#### **Section 820.4. Sale of Bulls within California.**

Section 820.4 specifies requirements for the disposition, identification and testing of bulls within the State, and the requirement of saleyards to post an informational sign for disclosure of trichomonosis testing required when bulls are sold through a saleyard.

The Department is proposing to amend section 820.4 to update the existing trichomonosis control requirements to reflect current industry practices and to enhance existing prevention and control of the disease; to reorganize the existing regulations by relocating sections concerning the tracing and tracking of cattle movements into and within California to proposed Article 14, Animal Disease Traceability, of this rulemaking file; and to incorporate changes as requested by the California Cattlemen's Association.

The Department received a petition letter from the California Cattlemen's Association dated December 16, 2013 requesting the repeal of section 820.4 of Article 12, Chapter 2, Division 2, of Title 3 of the CCR. The California Cattlemen's Association requested the repeal of the trichomonosis testing requirements because some saleyards believed the regulation was unfair, as it only applied to bulls sold in the sale, and saleyards could not sell the bulls without a test (except to slaughter). This resulted in some bulls being sold privately, not through the saleyard, where it is difficult to effectively track their movements in the case of a trichomonosis outbreak. Upon consultation with the Cattle Health Advisory Task Force and in accordance with the requirements of Government Code section 11340.7, the Department granted the petition and began consideration of the rulemaking changes<sup>7</sup>.

The Department received a subsequent petition letter from the California Cattlemen's Association dated January 16, 2015 requesting the Department to instead amend regulation section 820.4 rather than repeal the section as previously requested in the December 16, 2013 letter. The California Cattlemen's Association requested the Department amend the regulations, rather than repeal, to require the testing of all bulls when changing ownership, and to allow specific exemptions to match those for existing interstate movements. Upon consultation with the Cattle Health Advisory Task Force and in accordance with the

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<sup>7</sup> California Cattlemen's Association petition letter dated December 16, 2013 and Notice of Decision on Petition for Rulemaking, California Regulatory Notice Register 2014, Volume No. 5-Z, pages 209-210. Animal Disease Traceability - ISR

requirements of Government Code section 11340.7, the Department granted the petition and is including the recommended amendments, among other changes, to the regulations<sup>8</sup>.

The Department is proposing to add subsection **(a)** to require official identification on bulls when changing ownership in California, with exemptions as proposed in subsections **(a)(1) and (2)**. Although this requirement is not specifically a request of the California Cattlemen's Association in its petition, the Department is proposing to add this requirement for consistency with the Department's animal disease traceability regulations as proposed in Article 14, section 831.5(c) which requires non-virgin sexually intact male cattle less than 18 months of age and sexually intact male cattle 18 months of age and over must bear individual official identification prior to change of ownership, with exemptions.) Further, the inclusion of the official identification requirement is necessary because non-virgin sexually intact cattle less than 18 months of age and sexually intact male cattle 18 months of age and older cattle require an official trichomonosis test when changing ownership (proposed subsection (c) below) and therefore must bear official individual identification; requiring tested animals to maintain identification officially links an animal to a test result which is necessary for disease control purposes and subsequently successful disease traceability. The Department finds it necessary to add subsection (a) and (a)(1) and (2) as proposed for consistency with disease control and traceability efforts for bovine trichomonosis control in the State.

Existing subsection (a) is amended to read as **(b)** and adds "of this article" for consistency.

Existing subsection (b) is changed to read as **(c)**. The intent of the proposed changes to the subsection is to require a negative trichomonosis test on bulls 18 months of age and older when sold privately and publicly unless they are used for exhibition or artificial insemination purposes; moving to slaughter or to a feedlot and then to slaughter, as specified; or sold to a buyer entering into a Bull Slaughter Agreement. Current trichomonosis control regulations provide for these exemptions from trichomonosis testing when bulls are moving into California from out of state but fail to exempt California bulls from the test when sold within the State. Therefore, we believe changes made to this section will harmonize all trichomonosis testing and exemptions from the test for an effective trichomonosis control program.

In subsection (c) the Department proposes to further clarify the ages and classification of bulls that must meet the requirements as specified in the subsection. In addition to all bulls 18 months of age and older, the Department believes bulls that have already been used for breeding – non-virgin bulls less than 18 months of age (shown as added text) – are additionally at risk for carrying trichomonosis, and therefore must meet the requirements of the section as well. Proposed subsection (c) goes on to amend the regulation language as requested by the California Cattlemen's Association to eliminate the requirement that bulls sold through a public market can only be sold for slaughter or to a feedlot and then slaughtered if they do not have a negative test for trichomonosis within the 60 days prior to the sale; therefore the Department is deleting this language from subsection (c) accordingly. Further, the petition requests the Department to require a negative trichomonosis test with 60 days prior to the sale when

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<sup>8</sup> California Cattlemen's Association petition letter dated January 16, 2015 and Notice of Decision on Petition for Rulemaking, California Regulatory Notice Register 2015, Volume No. 10-Z, pages 411-413.  
Animal Disease Traceability - ISR

“changing ownership” which we are also proposing to add to the subsection as shown. The Department is additionally updating the testing protocol to specify “DNA detection or amplification-based” trichomonosis tests as the acceptable testing technology for trichomonosis detection when changing ownership for consistency.

The Department is proposing to additionally amend the subsection to include exemptions from the negative trichomonosis test, as stated in proposed subsection **(c)(1)**, when bulls change ownership in California.

Text shown as subsection **(c)(1)(A) and (B)** comes at the request of the California Cattlemen’s Association in their petition date January 16, 2015 to exempt from the negative trichomonosis test requirement bulls used for exhibition purposes and kept as specified, and for bulls used for artificial insemination purposes as specified. The Department agrees with the California Cattlemen’s Association in that bulls used for these purposes are at minimal risk for having and/or spreading trichomonosis so long as they are maintained according to the regulations as stated. Further, as previously stated, these exemptions also apply to bulls entering California from other US states (refer to existing section 820.3(d)(1) and (2) of the proposed text).

Proposed subsections **(c)(1)(C) and (D)** exempt bulls moving to slaughter, when slaughtered within three (3) days, from the negative trichomonosis test, and exempt bulls entering feedlots from the negative test requirement. These latter two (2) exemptions inversely exist in the current text of existing subsection (b) which only allows untested bulls to be sold for slaughter purposes or to a feedlot with slaughter to follow. Bulls qualifying for the exemption under this proposed subsection must be slaughtered within three (3) days for consistency with animal disease traceability requirements and other disease programs. These exemptions also apply to bulls entering California from other US states (refer to proposed section 820.3(d)(3) and (4) of the text and the corresponding justifications in this document).

In proposed subsection **(c)(1)(E)**, the Department proposes to include in the list of exemptions a provision to allow bulls untested for trichomonosis and changing ownership to be moved directly to a facility for feeding and slaughter when the buyer enters into a Slaughter Bull Agreement with the Department. Bull Slaughter Agreements must include specific information about the bull(s) as shown in subsections **(c)(1)(E)1, i and ii** to include the number of bulls, breed and color, and official identification number(s); and specific information about the buyer as shown in subsections **(c)(1)(E)1, iii and iv** including, buyer’s name, address, and telephone number; and the destination of the bulls subsequent their sale which includes the city and zip code. This information would be necessary should the Department need to contact the new owner about a specific animal, usually during an investigation, or to ensure animals consigned under the agreement are in compliance with the regulations.

Proposed subsection **(c)(1)(E)2** specifies the Bull Slaughter Agreement must include buyer’s written acknowledgment and agreement to specific requirements for maintaining the bulls and records as specified, thereby providing exemption from the required trichomonosis test when bulls change ownership: maintaining the bulls after the sale as stated in subsections **i through iii**; requirement for bulls to be slaughtered within seven (7) days of the agreement as specified in subsection **iv**; recordkeeping as stated in subsection **v**; and assist Department personnel with

inspection and investigation efforts as stated in subsection **vi**. These requirements are necessary to control potentially infected bulls from coming into contact with other cattle, since they are untested, and to facilitate trichomonosis disease control efforts including investigations by Department personnel.

Proposed subsection **(c)(1)(E)3** requires the signature of the buyer and date of the agreement to verify buyer's understanding and acknowledgment of the requirements as specified.

Proposed subsection **(c)(1)(E)4** notifies the owner that the agreement with the Department to move bulls on a Bull Slaughter Agreement thereby exempting the bulls from the negative trichomonosis test requirement at change of ownership is valid for 12 months as stated.

Proposed subsection **(c)(2)** establishes the required trichomonosis testing required for change of ownership, may be conducted at the point of sale when there is agreement between the buyer, seller and the facility owner. The subsection is necessary to clarify when the required trichomonosis testing may occur.

Laboratory testing fees associated with the requirements of proposed section 820.4(a) through (c) are discussed in the Economic Impact Assessment section of this document.

Existing subsection (c) is changed to read as **(d)** and clarifies the ages and classification of bulls that must meet the requirements as specified in the subsection. In addition to all bulls 18 months of age and older, the Department believes bulls that have already been used for breeding – non-virgin bulls less than 18 months of age – are additionally at risk for carrying trichomonosis, and therefore must meet the requirements of the subsection as well. The subsection additionally includes a punctuation change and deletes the alternative for posting a sign provided by the Department; the Department no longer provides signage for this purpose.

### **Section 820.5. Approval for Testing and Diagnosis.**

Section 820.5 clarifies veterinarians conducting trichomonosis testing in California must meet certain criteria for official testing of the disease.

The Department is proposing to amend subsection **(a)** by deleting specified text that repeats the definition of "trichomonosis approved veterinarian". We are clarifying the subsection to state trichomonosis samples must be collected by trichomonosis approved veterinarians, which was the original intent, although awkwardly stated.

Subsection **(b)** makes a grammatical change and adds "trichomonosis" for clarity.

No changes to subsection **(c)**.

### **Section 820.55. Trichomonosis Tests.**

Section 820.55 specifies the conditions for conducting trichomonosis tests.

Proposed subsection **(a)** and subsections **(a)(1) and (2)** specify bulls tested for trichomonosis must be identified with both an individual official identification tag and a trichomonosis approved tag. Some stricken text from existing subsection (a) is relocated to (a)(1).

For consistency with all livestock disease testing, bulls tested must have individual official identification to assist with the linking of an animal to a test sample and subsequent test result. The requirement for bulls to have an approved trichomonosis tag when tested comes at the request of the California Cattlemen's Association in their petition letter requesting the Department to implement "a mandatory color coded identification program for all bulls that undergo a Trichomonosis test."; therefore, the Department is proposing the subsection as stated and defines "trichomonosis approved tag" in section 820.(a)(19) as a color coded tag, where the color indicates the year the bull was tested. The trichomonosis year is defined as September 1 through August 31; the application of the appropriate tag color will change each year beginning on September 1, and repeat every five (5) years.

A trichomonosis color coded tag system which represents the year an animal was tested for trichomonosis is consistent among many states having trichomonosis control programs; the Department will make information regarding the appropriate tag color available on its Internet website and in brochures made available both in hard copy and electronically. An example of a veterinary trichomonosis tag order (used to calculate costs of tags), trichomonosis tag and trichomonosis brochure are included in Materials Relied Upon (provided by Washington Department of Agriculture<sup>9</sup>).

Veterinarians conducting trichomonosis tests apply the tags to bulls at the time of testing. Veterinarians purchase the tags through veterinary suppliers (approximately \$0.75 each); this cost is generally passed along to the owner through veterinary service fees. Each veterinarian has their own service fee schedule for services provided; therefore the cost to the owner of the bull cannot be determined.

In subsection **(a)(2)(A)**, the Department is proposing bulls used for artificial insemination purposes be exempted from the requirement to have a trichomonosis approved tag applied. We believe this exemption is acceptable in that bulls used for artificial insemination purposes are routinely tested for trichomonosis and are not on pasture grazing in a herd potentially coming into contact with adjacent or neighboring herds; therefore a visual trichomonosis tag present on these bulls would not serve any purpose.

Existing subsection (a) is changed to read as **(b)** and amended to correctly state and reference that individual official identification is required to be recorded on the trichomonosis test sample when submitting the sample to the laboratory for testing. We believe this information is helpful to veterinary practices when determining the type of labeling necessary for laboratory test sample submissions.

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<sup>9</sup> WA Department of Agriculture – tag order form, trichomonosis tag sample and Bovine Trichomonosis in Washington State brochure.  
Animal Disease Traceability - ISR

Existing subsection (b) is stricken and replaced, with modifications, in proposed subsection (c) below.

Proposed subsections **(c)** and **(c)(1)** clarify use of the California Animal Health and Food Safety (CAHFS) laboratory system's sample submission form when submitting trichomonosis samples to the CAHFS laboratory for official testing, and, that the sample is in an acceptable condition as specified in the testing protocol when received by the laboratory. The Trichomonas Submission Form and Trichomonas/*Tritrichomonas foetus* testing protocol<sup>10</sup>, are available by contacting the laboratory or downloading the forms from their Internet website as specified. These forms are maintained, produced and required by the CAHFS laboratory, however the content is consistent with other laboratory submission forms and a common practice when veterinarians or their staff submit samples for testing.

Proposed subsection **(c)(2)** additionally requires use of the Department's Official Bovine Trichomonosis Test Report Form, AHB Form 76-199 (Rev. 10/15) which is incorporated by reference, and available from the Department's Internet website or by contacting the Animal Health Branch. The Department also provides the Bovine Trichomonosis Test Report Continuation Form, AHB Form 76-199A (Est. 10/15), for use when there are more cattle tested than space allows on the above mentioned form; this form is also incorporated by reference and made available from the Department's Internet website. Both of these forms must be used when submitting samples to the CAHFS laboratory for official testing as it is a means for the laboratory to report official trichomonosis testing results to the Department.

The Official Bovine Trichomonosis Test Report Form, AHB Form 76-199 (Rev. 10/15), requires specified information be recorded and submitted with test samples to the laboratory, and subsequently reported to the Department. The content of the form is as follows:

County within which the herd resides, Animal Health Branch district within which the herd resides, and premises ID #. This information is necessary to establish generalized location data with respect to the Animal Health Branch and oversight by the appropriate district office.

Name of the owner of the cattle including: veterinary license number and state of licensure; mailing address, city, state and zip code; physical address of the herd, including latitude and longitude, city, state and zip code; telephone number and e-mail address. This information is necessary in order for the Department to make contact with the owner or locate animals tested.

Name and clinic of the veterinarian conducting the testing including: mailing address, city, state and zip code; telephone, cell phone and fax numbers; e-mail address. This information is necessary for the Department to make contact with the herd's veterinarian for any follow-up testing that may be required or for inquiries pertaining to the previous test or herd.

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<sup>10</sup> California Animal Health and Food Safety laboratory system Trichomonas Submission Form and Trichomonas/*Tritrichomonas foetus* testing protocol.  
Animal Disease Traceability - ISR

Information regarding the test including: laboratory accession # (provided by the laboratory conducting the testing); reason for test, if exposed, provide the affected herd information; description of the ID used on the cattle; previous test dates; date of (current) test; total number of samples from cows/bulls; all eligible bulls tested? Y/N; total number bulls/cows in herd; production type, beef/dairy; approved laboratory, CAHFS or other lab and name; date samples received, final date read and read by whom; sample type, bull - preputial scraping or wash, cow - uterine, or other. This information is necessary to document information about the test that may assist the Department during a disease investigation or for follow-up testing of the animals.

Information about the animals tested including: official animal identification, other ID, breed, age, sex, test results, and comments. This information is necessary for investigative purposes including subsequent testing.

Signature and date of the veterinarian and the animals' owner or agent certifying the animals listed on the form are officially identified and tested for trichomonosis, and that approval has been given to collect samples.

The Bovine Trichomonosis Test Report Continuation Form, AHB Form 76-199A (Rev. 10/15), requires specified information be recorded and submitted with test samples to the laboratory, and subsequently reported to the Department. The content of the form is as follows:

Veterinarian name and license #, owner name, test date, official animal identification, other id, breed, age, sex and test result indicating type of test utilized. This information is necessary to correctly link this continuation form with page 1 of the test reporting form, and to document the testing if additional animals. The form goes on to require the signature and date of the veterinarian and the animals' owner or agent certifying the animals listed on the form are officially identified and tested for trichomonosis, and that approval has been given to collect samples.

Existing subsection (c) is amended to read as **(d)** with no changes to the text.

Existing subsection (d) is amended to read as **(e)** and clarifies approved uses of specific trichomonosis tests, either for herd maintenance purposes or official trichomonosis testing. As there are several types of trichomonosis testing protocols available to veterinary practitioners and cattle owners, this subsection clarifies the purpose for which a particular type of trichomonosis test can be used.

Subsection **(e)(1)** adds text to specify the only purpose for which a culture test can be used is to "screen" for trichomonosis in the herd. We are accepting the use of culture test for herd management purposes as some veterinary practices located in remote areas of the State do not have a means of shipping test samples to laboratories in a timely manner. Many of these veterinary clinics can process the test samples using the culture testing protocol "in house", therefore for herd management purposes, we are accepting its use to determine if a herd or a

bull is infected. Additionally, allowing culture tests for trichomonosis screening facilitates and supports frequent and continued testing for the presence of the disease.

Subsection **(e)(2)** deletes the obsolete testing protocol and adds the DNA detection or amplification-based test, with supporting text for clarity. DNA detection or amplification-based trichomonosis testing protocol is considered the “official” trichomonosis test and therefore the only accepted test for interstate movement (proposed subsection **(e)(2)(A)**), change of ownership (proposed subsection **(e)(2)(B)**) and the trichomonosis control program testing protocols (proposed subsections **(e)(2)(C)**, **(e)(2)(D)**, **(e)(2)(E)**) as required by the Department. We believe DNA detection or amplification-based trichomonosis tests are more accurate when compared to culture tests, and convenient for laboratories as they provide more options for testing. Further, DNA detection or amplification-based trichomonosis tests are the standard tests used in trichomonosis approved laboratories where we require official trichomonosis testing be conducted.

No changes to subsection **(e)(3)**.

Existing subsection (e) is amended to read as **(f)** with no changes to the text.

#### **Section 820.6. Reporting of Trichomonosis Test Results.**

Section 820.6 establishes the reporting and maintaining of trichomonosis test results and records necessary for the Trichomonosis Control Program.

The Department is amending subsection **(a)** by adding “(2) calendar” for clarity.

No changes to subsection **(b)**.

The Department proposes to delete existing subsection (c) as confirmatory testing is an obsolete testing protocol with the acceptance of DNA detection or amplification-based for trichomonosis testing.

Existing subsection (d) is amended to read as **(c)** as shown and adding “calendar” for clarity.

Proposed subsection **(d)** requires the keeping of trichomonosis testing records by the veterinarian and the owner of the animal tested for a minimum of five (5) years. Maintaining records assists the Department when tracing and tracking animals for disease traceability purposes, and in consideration of trichomonosis, for its eventual control and eradication from California beef herds.

#### **Section 820.7. Trichomonosis Infected Cattle.**

Section 820.7 establishes the procedures for maintaining herds and bulls within California that have been diagnosed as having trichomonosis.

No changes to existing subsections **(a)** and **(a)(1)(A)**.

Existing subsection **(a)(2)** is amended to read Affect"ed" Herds.

Existing subsection **(a)(2)(A)** pertains to affected herds – herds that have had a trichomonosis diagnosis with the last 12 months, specifying the testing protocol that must be completed in order for the herd to be released from quarantine. This subsection proposes to delete the obsolete requirement for real-time PCR or culture trichomonosis testing and adds DNA detection or amplification-based trichomonosis testing protocols for consistency within the article. The Department believes DNA detection or amplification-based tests are more accurate and convenient tests, and are more likely being used as it provides laboratories more options for testing than specifically using culture and real-time PCR tests.

Proposed subsection **(a)(2)(B)**. The Department is proposing to add subsection (a)(2)(B) to require two (2) negative DNA detection or amplification-based trichomonosis tests as specified, on all herdmate bulls in a herd that has been affected with trichomonosis twice within a 24 month period before the herd can be released from quarantine. Because trichomonosis has been diagnosed twice in a 24 month period, more thorough screening is needed to ensure bulls in the herd are free of disease. Because the current requirement of one (1) negative trichomonosis test has not adequately controlled residual infection in herds, this proposed testing protocol helps to ensure bulls are not harboring infection and therefore do not have the potential to spread disease to other cattle. Timing of tests must be conducted seven (7) days apart but not more than 28 days apart which is the standard testing frequency and is stated throughout this article. The subsection specifies infected cattle shall be held under quarantine, unless authorized to move by the Department, or are slaughtered, with notification, as specified in subsection (a)(1) which states the requirements for infected cattle.

No changes to existing subsections **(a)(3)** and **(a)(3)(A)**.

Existing subsection **(a)(3)(B)** adds "(1)" as it was originally omitted, and clarifies use of "DNA detection or amplification-based" trichomonosis tests. The subsection also adds "or has been completed within the prior 12 months." to allow a prior test result, as specified, to qualify the herd for release from quarantine.

Existing subsection **(a)(4)** pertains to Pasture to Pasture Permit herds that are classified as an affected herd – they have had trichomonosis diagnosed in the herd once within the last 12 months – and have entered California for a pasturing season pursuant to the regulations. These herds will remain under quarantine until completion of the stated testing protocol. We are also amending the text to correctly reference the (re)location of those requirements, in proposed Article 14 of the CCR as stated.

No changes to existing subsections **(a)(4)(A)1 and 2**.

Existing subsections **(a)(4)(A)3 and 4** propose to delete the obsolete real-time PCR or culture trichomonosis testing protocols and add DNA detection or amplification-based trichomonosis test for consistency within the article. The Department believes DNA detection or amplification-

based tests are more accurate and convenient tests and are more likely being used as they provides laboratories more options for testing than specifying culture and real-time PCR tests.

Proposed subsection **(a)(4)(A)5** is added to require two (2) negative DNA detection or amplification-based trichomonosis tests as specified, on all herdmate bulls in a Pasture to Pasture Permit herd affected with trichomonosis twice within a 24 month period. Because the current requirement of one (1) negative trichomonosis test has not adequately controlled residual infection in herds, this proposed testing protocol helps to ensure bulls are not harboring infection and therefore do not have the potential to spread disease to other cattle. Timing of tests must be conducted seven (7) days apart but not more than 28 days apart which is the standard testing frequency and is stated throughout this article. These herds will remain under quarantine until completion of the stated testing protocol.

No changes to subsection **(a)(4)(B)1**.

Existing subsection **(a)(4)(B)2** adds “(1)” as it was originally omitted, and clarifies the DNA detection or amplification-based trichomonosis testing protocol.

Existing subsection **(a)(4)(B)3** adds “(1)” as it was originally omitted, and clarifies the DNA detection or amplification-based trichomonosis testing protocol.

No changes to subsection **(b)**.

The Department is amending **subsection (c)** to include “calendar” for clarity.

#### **Article 14. Animal Disease Traceability.**

The Department is proposing to adopt new Article 14 and sections 830 through 838 to implement the cattle and bison component of the USDA’s Animal Disease Traceability rule (9 CFR Part 86, effective March 11, 2013). Our proposal, however, also includes modifications as necessary to reflect current industry and Department practices, and to meet and/or facilitate the unique needs of California’s cattle industry. The intent of the proposed adoption of Article 14 is to improve upon our existing system of tracing cattle and bison as related to livestock and human health disease and illness events.

Because the USDA’s traceability rule applies to the identification (and documentation) of animals involved in interstate commerce, the federal regulations would apply to animals moving into California regardless of the adoption of these requirements; however the federal regulations would not apply to movements within the State (intrastate movements). Therefore, proposed Article 14 goes beyond the federal rule to implement intrastate movement regulations requiring the identification of specified classes of cattle and bison when moving within the State to facilitate the Department’s disease traceability efforts.

Finally, Article 14 is the proposed new location of existing livestock disease program regulations (bovine brucellosis and tuberculosis, and trichomonosis) pertaining to the identification and documentation of cattle and bison when moved interstate into, and within California. The Department is proposing to relocate these existing requirements to this proposed article as we

believe centralizing all the identification and documentation requirements as they pertain to movement into this article will make it easier for the public to locate and navigate Title 3 of the CCR, and ultimately determine the requirements for moving cattle and bison into and within the State.

**19) Adopt new heading and Article 14, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

**Article 14. Animal Disease Traceability.**

**20) Add new sections 830, 830.1, 830.2, 830.3, 830.4, 831, 831.1, 831.2, 831.3, 831.4, 831.5, 837 and 838 to Article 14, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.**

**Section 830. Definitions.**

The Department is adding section 830 and subsections **(a)(1) through (44)** to define terms used in Article 14. Terms defined are consistent with terms used by the USDA in their Animal Disease Traceability rule and throughout this article and other articles included in this rulemaking file, and are consistent with those used within the livestock industry, veterinary communities and veterinary academia.

**Section 830.1. Forms Used for Animal Disease Traceability.**

Proposed section 830.1 lists forms incorporated by reference and that the Department proposes to require for use pursuant to this article for the movement of livestock into and within California for the purposes of animal disease traceability, as stated in subsection **(a)**. The forms specified will be provided by the Department and available either on the Department's Internet website, or by contacting the Department either by mail, telephone or through electronic means.

Proposed subsection **(a)(1)** pertains to the Pasture to Pasture Permit, AHB Form 76-074 (Rev. 10/15) used to move beef breeding herds between California and another state for the purpose of pasturing the animals.

Contents and justification of the form are as follows:

The form clarifies the permit is an agreement for one (1) pasture grazing season, which the Department has determined to be equivalent to eight (8) months, for the cattle described, for the length of time, and between the premises, as described on the form. This disclaimer is necessary to inform the applicant that the information provided on the form about the number and type of cattle, length of time the animals will pasture, and premises from and to which movement is made are the documented parameters of the permit. The form also clarifies a determination to approve a Pasture to Pasture Permit is made on a case-by-case basis which is dependent upon the health of the animals and their disease risk as determined by state animal health officials and the disease status of the state and/or region from which and into which the animals will move. The form goes on to state the request for a Pasture to Pasture Permit should be made to the

Department at least 30 days prior to the move. This provides sufficient time for the Department and the animal health official in the other state to process the request for movement. The Department informs the applicant that a copy of the approved permit will be returned to them, as a copy of the approved permit must accompany each truckload of animals en route. The form specifies the permit # provided by the Department.

The Department is including contact information for the person requesting the permit and the manner in which they would prefer to receive the return permit upon approval.

The bulk of information requested on the Pasture to Pasture Permit form provides information on the entity/owner from which the animals are leaving (originating location), destination location, specific information pertaining to the animals that are moving and the date the animals are anticipated to depart and return. "Origin Information," and "Destination Information" shown on page 2, request standard contact information which is necessary should disease or another livestock health situation require the Department to inspect the animals or make contact with the parties involved.

The "Herd and Heard Health Information" section requests information pertaining to the brand shown on the animal which provides the Department with official ownership designation, in addition to the other identification as may be used for traceability purposes. The Department also requests the number of each type of animal moving on the Pasture to Pasture Permit, number of years moving to the destination location, whether or not the fences are maintained and if the animals graze with other herds. This information is necessary for traceability as it provides data that may be used for tracing and tracking movements and provides information that may lead to other livestock contacts these animals may have had in the event of a disease outbreak.

The "Herd and Herd Heath Information" section goes on to request the contact information of the herd's veterinarian and information regarding vaccination and disease testing generally conducted and maintained by the herd's veterinarian. Based on livestock disease control regulations as stated in the CCR, specific testing and vaccination requirements must be met in order to approve the movement of cattle with a Pasture to Pasture Permit. Specifically, female cattle over 12 months of age require brucellosis vaccination pursuant to proposed Title 3, CCR section 753.1(c), bulls infected with or exposed to trichomonosis require one (1) negative DNA detection or amplification-based trichomonosis test pursuant to proposed Title 3, CCR section 820.7(a)(4) and breeding bulls require one (1) negative DNA detection or amplification-based trichomonosis test within 12 months of entry pursuant to proposed Title 3, CCR section 820.3(c).

"Conditions of Agreement" condense specific requirements and conditions of the Pasture to Pasture Permit as stated throughout section 831(a)(1). This section of the form requires the applicant to acknowledge their understanding and agreement to (by initialing each) certain requirements of the Pasture to Pasture Permit that the Department finds important and necessary help to ensure the cattle are healthy, can be

located and identified to an owner, and include preventative measures to prevent disease introduction or spread in California or another state. A summary of item 1-10 as shown on the form are justified as follows:

1. The cattle are from a beef breeding herd established more than six (6) months, as opposed to a recently assembled group of cattle, and are moving for grazing without change of ownership. These requirements can be found in sections 831(a)(1) and (a)(1)(E)1.
2. Establishes that all animals are accounted for as specified by the owner on the permit to ensure no additional cattle have been added. A form of this requirement can be found in section 831(a)(1)(D).
3. Informs the applicant that the terms of the permit may be changed due to a disease risk or condition that poses a threat to California livestock or another state's livestock. This requirement can be found in section 831(a)(1)(L).
4. Failure to comply with the provisions of the agreement may result in termination of an existing permit or future permits. This requirement can be found in section 831(a)(1)(M).
5. The Pasture to Pasture Permit is valid for no more than eight (8) months (one (1) seasonal movement) commencing with the date of approval in the destination state. This requirement can be found in section 831(a)(1).
6. All sexually intact cattle have official identification as required for interstate movement, which can be found in section 831(a)(1)(E)5.
7. No trader or recently assemble cattle are in the herd which can be found in section 831(a)(1)(E)3.
8. All female cattle over 12 months of age are officially brucellosis vaccinated with legible tattoos which can be found in section 831(a)(1)(E)4.
9. Brand Inspection within 30 days of moving interstate is required which can be found in section 831(a)(1)(H).
10. Copies of the Brand Inspection Certificate and the approved Pasture to Pasture Permit are required to travel with the animals. This requirement can be found in section 831(a)(1)(H).

The form goes on to request the name and signature of the herd owner or legal representative, and includes the approving signatures of state officials at origin and destination, all necessary to solidify the agreement. The Department provides space on the form under "Special Instructions" where unique conditions may be noted about the herd, for example, other testing that the owner may have elected or may have been required to perform for another purpose. This information is necessary when the Department and the cooperating state animal health officials review the Pasture to

Pasture Permit application to determine the herd's health and potential disease risk when considering approval for movement.

Proposed **subsection (a)(2)** pertains to the One-Time Event Permit, AHB Form 76-074A (Rev. 10/14) used to allow for the one-time movement of feeder cattle between California and another state to attend an event and return to their state of origin within 21 days. The One-Time Event form is only available by contacting the Department's Animal Health Branch because this type of permit is not typically requested by, or approved and issued to, general livestock exhibitors for movements of livestock to attend a livestock event. The permit is normally only issued to a person who by past favorable interaction with the Department through livestock movements or by industry reputation, is felt will implement the requirements of the One-Time Event Permit as specified.

Contents and justification of the form are as follows:

The form clarifies the permit is an agreement for the one-time movement of feeder cattle (which the Department and the cattle industry consider as steers, and spayed and intact heifers 18 months of age and under) for the length of time, and between the premises, as described on the form. This disclaimer is necessary to inform the applicant that the information provided on the form about the number and type of cattle, length of time the animals will be traveling to and from and in attendance at the event, and premises from and to which movement is made are the documented parameters of the permit. The form also clarifies a determination to approve a One-Time Event Permit is made on a case-by-case basis which is dependent upon the health of the animals and their disease risk as determined by state animal health officials and the disease status of the state and/or region from which and into which the animals will move. The form goes on to state the request for a One-Time Event Permit should be made to the Department at least 30 days prior to the move. This provides sufficient time for the Department and the animal health official in the other state to process the request for movement. The Department informs the applicant that a copy of the approved permit will be returned to them, as a copy of the approved permit must accompany the animals en route.

The Department is including contact information for the person requesting the permit and the manner in which they would prefer to receive the return permit upon approval.

Most of the information requested on page 1 of the One-Time Event Permit form identifies standard contact and location information regarding the event, origin of cattle, and premises the cattle are returning to at the conclusion of the event, if different. This information is necessary should disease or a livestock situation require the Department or animal health officials in another state to inspect the animals or make contact with the parties involved.

Page 2 of the One-Time Event Permit form asks Yes/No questions about the animals and event location which is necessary for the Department and the cooperating state animal health officials to determine the risk of potential exposure to disease when

considering approval for movement and the likelihood of tracing animals in the event of a disease occurrence.

The form goes on to request the contact information of the herd's veterinarian who maintains records regarding vaccination and disease testing, potentially needed in a disease outbreak or traceback investigation.

"Conditions of Agreement" condense specific requirements and conditions of the One-Time Event Permit as stated throughout section 831(a)(2). This section of the form requires the applicant to acknowledge their understanding and agreement to (by initialing each) certain requirements of the One-Time Event Permit that the Department finds important and necessary to help to ensure the cattle are healthy, can be located and identified to an owner, and include preventative measures to prevent disease introduction or spread in California or another state. A summary of item 1-8 as shown on the form are justified as follows:

1. Cattle described on the form are feeder cattle moving for use at an event without change of ownership. This requirement can be found in sections 831(a)(2) and (a)(2)(E)1.
2. Cattle will not be comingled with or have fence line contact with cattle from other owners while at the destination premises. They will remain at a facility maintaining appropriate biosecure conditions. This requirement can be found in sections 831(a)(2)(D)2 and (a)(2)(E)2.
3. Cattle testing positive for tuberculosis, brucellosis, or other diseases must be fully evaluated by the Designated State Epidemiologist or a state animal health official before any movement. This requirement can be found in section 831(a)(2)(E)3.
4. Establishes that all animals are accounted for as specified by the owner on the permit to ensure no additional cattle have been added. A form of this requirement can be found in section 831(a)(2)(D)1.
5. A copy of a Certificate of Veterinary Inspection and the approved One-Time Event Permit must accompany each load or part of a shipment of cattle as represented by this agreement. This requirement can be found in section 831(a)(2)(E)5.
6. The Department may modify the terms of this agreement due to a change in disease risk or status. This requirement can be found in section 831(a)(2)(D)3.
7. Failure to comply with the provisions of the agreement may result in the termination of this permit and/or refusal to approve any future One-Time Event Permits. This requirement can be found in section 831(a)(2)(D)4.
8. Brand Inspection requirements remain in effect; contact your state's Brand Inspection officials for current requirements or more information. This requirement can be found in section 831(a)(2)(F).

The form goes on to request the name and signature of the owner or legal representative, and includes the approving signatures of state officials at origin and destination, all necessary to solidify the agreement.

Proposed subsection **(a)(3)** pertains to the Report of Heifers Spayed After Arrival, AHB Form 76-203 (Rev. 10/15) which the Department is proposing for use by California state-licensed veterinarians spaying heifers after arriving in California pursuant to a Special Entry Permit as specified in section 831(b)(3). The section requires the veterinarian conducting the spaying to complete a record of the animals spayed using AHB Form 76-203 (Rev. 10/15), and to submit the record either by mail or electronically to the Department within seven (7) days after spaying the animals. Veterinarians anticipating spaying heifers post-arrival must contact the Department to receive the required form, which will be available in hard copy or electronically, and can be reported back to the Department by mail service or electronically. This form will only be available to California state-licensed veterinarians and not to the general public as it is an official form generated for and used only by California state-licensed veterinarians.

Contents and justification of the form is as follows:

The form states the completed form must be returned to the Animal Health Branch district office by either mail or email; the contact information for these locations is provided on the form. Veterinarians are aware which district office is their point of contact as regular communication with the staff in these locations is routine and necessary for ordering and receiving vaccination and identification supplies. (Any person uncertain as to which Animal Health Branch district office is their point of contact may refer to the Department's Internet website for more information. Please refer to the Animal Health Branch district office map.) Forms provided to district office locations may be used to schedule visits with the owner of the cattle or follow-up with practitioners conducting the spaying to ensure animals maintain proper identification if needed for traceability.

The form goes on to request contact and specific information as it relates to the (destination) premises, animals and the veterinarian conducting the spaying that may be used to trace animals and verify compliance with the requirements of the Special Entry Permit.

"Premises Information" requests basic contact information that would facilitate communications between Department personnel and the owner, and location where the animals arrive and are spayed in California.

"Spayed Heifer Information" requests specific information about the animals that have been imported: Date spayed; number spayed, CVI number; and entry permit number. This information can be used to verify the animals have met California interstate entry requirements and that the animals imported match the number of animals spayed.

"Veterinarian Information" provides contact information for the veterinarian conducting the spaying of the animals after arriving in California which may be necessary should the

Department need to verify the requirements of the Special Entry Permit have been met. This section also requires accreditation and California veterinary license numbers that may be used to verify the veterinary status of the practitioner conducting the spaying procedures.

The form also provides a ledger for the veterinarian to transcribe the spayed identification number as shown on each tag applied to heifers after being spayed, the official identification number, breed and age. This information is necessary to link specific animals via the spay identification and official identification numbers. The breed and age information provides supporting visual verification of the animal's identity which may become useful if identification tags are removed or lost. Veterinarians reporting the identification numbers may use the ledger provided on/with the form or may use another type of document (electronic print out) that lists the official identification of each animal, to include the owner name and the spaying date, which may facilitate the reporting of information.

Subsection **(a)(4)** pertains to the Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14). As specified in section 831.1, Approved Tagging Site designation may be granted to a premises for the application of official identification to cattle by a program cooperator on behalf of their owner or person in possession, care, or control of the animals when they are brought to the premises. The owner or manager of the site Approved Tagging Site designation must submit a completed Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14), to the Department, the transmission of which may be by mail or other electronic means.

Contents and justification of the form is as follows:

The Department proposes to request specific information and requires the owner or operator of tagging sites to agree to the terms as specified on the form as detailed below.

Name of facility, physical address, contact information and premises identification number is standard contact and location information regarding the operation receiving cattle for tagging. The National Premises Identification Number (Premises ID) provides a unique number across the entire US for locations involved in animal agriculture and links that location to the entity that participates in animal production and/or commerce. The program is voluntary, however an integral component to animal disease traceability.

The Department requests the name of the person responsible for operations of the tagging site and the name of the tagging site, agreeing to administer the tagging of livestock according to the agreement as specified. This is necessary to acknowledge their understanding of the terms of the agreement.

Terms of the agreement the Department proposes for the approval of tagging sites as stated on the Approved Tagging Site Agreement, AHB Form 76-201 (Rev.10/14), shown as numbers 1 through 7, comes directly from the USDA's Animal Disease Traceability

General Standards<sup>11</sup> document. These standards are consistently being used throughout the US to approve tagging sites located in other states, therefore the Department believes our proposed agreement is consistent with requirements of the USDA and other states.

A notable component of our proposed agreement however does not follow the USDA standards, and most likely, those required in other US states; item # 1 requires that all cattle received at the tagging site must be from “farm of origin” as defined in Title 3, of the CCR, section 830. The Department is proposing that all cattle come from farm of origin to prevent assembled groups of cattle acquired from different locations, moved and marketed in California as a group of cattle from a single out of state premises. It is a common practice for buyers to purchase cattle from many locations, assemble them as a group at the originating location and move them interstate under falsification as having come from a single location in another state. This practice is dangerous for California livestock as it allows cattle from unknown locations and disease exposure to enter the State under the misrepresentation of having come from a single location which is less of a disease threat. Therefore, the Department is proposing to require all unidentified cattle moving to an Approved Tagging Site for the application of official identification be moved from their farm of origin. However, if cattle from different locations are assembled at a single premises in the originating state prior to movement into California and subsequently arrive at an Approved Tagging Site to be officially identified, the official identification applied must correlate to the origin of the cattle, not the location or premises from which they departed. These procedures provide information to trace these animals to their source, not just the premises in the state of origin from which they departed.

Item #2 of AHB Form 76-201 (Rev.10/14) clarifies tagging site owners/operators are to obtain official identification eartags from State or federal animal officials. These tags are free of charge and are the standardized tags used throughout the US for identification purposes. Owners/operators should contact their Animal Health Branch district office for tags. Tagging site owners/operators are aware which district office is their point of contact as regular communication with the staff in these locations is routine. (Any person uncertain as to which Animal Health Branch district office is their point of contact may refer to the Department’s Internet website for more information.) The Animal Health Branch district office map provides the current district designations. Tagging site owners/operators may also choose to buy another approved form of official identification device for use.

Item #3 provides the tagging site owner/operator must only unload the animals when the person bringing the animals to the tagging site agrees to officially identify the animals according to the tagging site protocols which are essentially the terms by which the tagging site agrees to administer the tagging of animals under the agreement. This is

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<sup>11</sup> USDA, Animal Disease Traceability, General Standards, January 2, 2015, Version 2.4.  
Animal Disease Traceability - ISR

necessary to assure the process of tagging animals is conducted in alignment with the USDA's Animal Disease Traceability rule as stated in 9 CFR 86.

Item #4 specifies key components for officially identifying animals to avoid misrepresentation of their identification, origin and owner which is necessary for the success of the Animal Disease Traceability program.

Item #5 establishes recordkeeping requirements for the tagging site. The Department requires specified information be maintained which is necessary and a key component for successfully identifying and tracing animals. Item "d." is added and differs from the USDA's Animal Disease Traceability General Standards however the Department finds the addition of this information (Interstate Livestock Entry Permit number) is valuable to successful disease tracebacks as it provides unique information to animals arriving in California.

Item #6 goes on to require the tagging site owner/operator to allow the Department and/or USDA to review all records maintained. This information may be necessary to track or trace animals during a disease investigation.

Item #7 establishes protocols to ensure official identification eartags and records are maintained securely. Further, retention of tagging records is required for a minimum of five (5) years in accordance with the federal Animal Disease Traceability rule.

The Department is including on the Approved Tagging Site Agreement, AHB Form 76-201 (Rev.10/14), responsibilities pursuant to the agreement lead by the Department and USDA.

Continued on the form, Terms of Agreement, inform the owner/operator of the tagging site, the Department may terminate the agreement, and/or refuse new or renewal agreements for failure to comply with the agreement. The Department finds this section is necessary to ensure the proper application of tags, and that procedures and practices necessary for successful disease traceability are implemented and followed. This section goes on to state the agreement is valid for two (2) calendar years, expiring on December 31 of the 2<sup>nd</sup> calendar year, and clarifies the process for renewing an existing agreement.

The Approved Tagging Site Agreement, AHB Form 76-201 (Rev.10/14), concludes with the name and signatures of the tagging site manager or owner, Animal Health Branch district office official, federal animal health official, and the finalizing approval by the Animal Health Branch headquarters official.

Subsection **(a)(5)** pertains to the Report of Official Ear Tags Distributed or Applied, AHB Form 76-210 (Est. 10/15). As specified in section 831.2 subsection (f) the distribution or application of official eartags must be reported to the Department's Animal Health Branch. Accredited veterinarians or other persons or entities distributing official eartags, or any person applying official eartags to animals on behalf of the owner may use the Report of Official Ear Tags Distributed or Applied, AHB Form 76-210 (Rev. 10/15), or another form or method, to report the Animal Disease Traceability - ISR

distribution or application of tags. Although we would prefer the reporting of information take place on this form as provided for in the regulation, we accept any form or method of reporting the information. The Department currently has the electronic capability to maintain information required to be reported and will use this information during disease investigation, potentially in numerous ways.

Contents and justification of the form are as follows:

The Department proposes to request the name and address of the veterinary clinic or facility distributing or applying tags, and the name of the veterinarian or person distributing or applying the tags. In the case of a veterinarian applying or distribution the tags, we request the veterinary license number. This information is necessary for the Department to maintain and use as a part of a disease investigation to link a tag number to its source of distribution or application.

The Department requires in section 831.2 subsection (f) specified information must be reported to the Department's Animal Health Branch by the 30<sup>th</sup> day each March, June, September and December, even if no tags were distributed or applied. Therefore, the form allows the user to specify the year and quarter within which the information is reported. It is important the Department receive information on a quarterly basis to help ensure records are relatively current and useful for disease investigation purposes without excessively burdening those reporting the information. We believe requiring quarterly reports sufficient satisfies both of these objectives.

The form makes notification of the manner in which the completed form may be returned to the Department, and specifies return to the Department by the 30<sup>th</sup> day of the reporting quarter is required.

The form requires specific information about the tagging event to include the starting and ending ear tag numbers applied or distributed, date of the application or distribution, and premises or owner's name and address including telephone number. This information is necessary to link the animal, or series of animals identified or tags distributed, to an owner or location where the tags were distributed to or where the animals were located when the tags were applied. This information is important for disease traceability purposes.

To clarify, the Certificate of Veterinary Inspection form required throughout this proposal is a form generated and obtained in the originating state and therefore not a form provided by the Department, as proposed in section 830.3 of the regulation text and justified in the corresponding section in this document. Certificates of Veterinary Inspection are also available electronically to state-licensed and accredited veterinarians subscribing to third-party providers. The Department is also not including an Interstate Livestock Entry Permit as it is not actually a paper-based form as proposed in section 830.4 of the regulation text and justified in the corresponding section in this document. The Special Entry Permits for Purebred Registered Breeds (proposed section 831.(b)(1)), Brucellosis Vaccination on Arrival (proposed section 831.(b)(2)), Heifers Spayed After Arrival (proposed section 831.(b)(3)), Cattle Entering Terminal

Feedlots (proposed section 831.(b)(4)) and Heifers Entering Registered Feedlots (proposed section 831.(b)(5)) of the regulation text and justified in the corresponding sections in this document, also do not include paper-based forms, instead are verbal authorization via a communicated permit number to enter California.

### **Section 830.2. General Requirements.**

The Department proposes to add new section 830.2 to establish the requirements generally pertaining to the article that are non-specific as to disease, type or class of animal, or location where the animals originate. These requirements are consistent with the “General Requirements” sections used in other articles of the chapter.

Proposed subsection **(a)** is added to clarify that both a person moving livestock and a person receiving livestock are responsible for meeting the requirements of the article. It is necessary to make this requirement known to each person moving and receiving livestock to ensure compliance with any requirement of the article.

Proposed subsection **(b)** specifies and identifies livestock disease and disease traceability requirements that may also apply, in addition to this article, when moving cattle and bison into and within California. The public can make reference to the stated articles of the CCR to determine, if applicable, other disease or traceability requirements that may apply to their animals.

Proposed subsection **(c)** requires the reporting of specified conditions of animals and animal products pursuant to Food and Agricultural Code section 9101 and section 797 of Title 3 of the CCR. Although Article 14 does not require testing for specified diseases, the Department sees it necessary to include the requirement to report and its corresponding reference in the article to aid animal health officials trace and identify animals potentially having or affected with diseases required to be reported pursuant to the Food and Agricultural Code and CCR as identified. The List of Reportable Conditions for Animals and Animal Products is available to the public on the Department’s Internet website and is available in hard copy upon request.

Proposed subsection **(d)** references Food and Agricultural Code section 9562, which authorizes the State Veterinarian to establish a quarantine when any provision of this article has not been met, or if the entry requirements are amended, as specified. Under the authority to order a quarantine, the State Veterinarian may order animals held on the premises where found, move the animals as directed, stop the importation of animals, or to segregate, isolate, treat or destroy animals should a sudden disease risk develop in California or another state. The Department believes it is necessary to inform the public that due to situations in this State or another state, the requirements as stated in this article may be changed under the authority of a quarantine by the State Veterinarian to prevent the introduction or spread of a disease or condition that could threaten livestock populations and humans in California.

Proposed subsection **(e)** clarifies documents that the Department, or another official, may require, as specified, when moving livestock into or within the State. The subsection goes on to reference sections of the CCR where the requirements of the documents can be found. It is

necessary for a person to have these documents available when moving livestock to ensure ownership or authorization to move the animals and to ensure compliance with interstate or intrastate movement requirements, as needed. Further, this information could be used to trace or track animals in the event of a livestock disease outbreak.

Proposed subsection **(f)** includes exceptions to the requirements of the article, with Department approval prior to the movement of cattle. Situations may arise requiring the Department to make exceptions or modifications to the requirements which will be determined on a case-by-case basis. The Department is including this subsection to notify the public of the criterion which the Department shall consider when making these determinations.

Proposed subsection **(g)** clarifies that the owner of cattle and bison moving into California is responsible for all costs associated with meeting the requirements for entry into the State. These costs may include but are not limited to vaccination, identification, and pre-entry and post-entry testing. It is necessary to inform the public that these routine animal husbandry practices are the financial responsibility of livestock owners.

### **Section 830.3. Certificate of Veterinary Inspection.**

As defined, a Certificate of Veterinary Inspection is an official numbered document issued and signed by a USDA accredited and state-licensed veterinarian in the state of origin certifying the inspection of animals in preparation for interstate and intrastate movements. Certificates of Veterinary Inspection for animals must only be issued by state-licensed, USDA accredited veterinarians after animals have undergone a physical examination to acknowledge the health of the animal.

The Department proposes to add new section 830.3 to inform the public of the requirements of the “basic” document. Requirements are consistent with the requirements for the Interstate Certificate of Veterinary Inspection as stated in the USDA’s Animal Disease Traceability rule 9 CFR Part 86.1 Interstate Certificate of Veterinary Inspection (a), however most of the proposed requirements as stated are relocated from existing livestock disease regulations (CCR Article 1.5, section 753.1(c); Article 2, section 755.2; Article 2.5, section 756.2; and Article 12, section 820.1).

Proposed subsection **(a)(1) through (14)** lists the minimum requirements for the Certificate of Veterinary Inspection. This certificate is the primary document used to describe and identify the animals in the shipment and their associated test results when required. The Department is not including the actual certificate in this regulation, nor providing a form or document number as Certificates of Veterinary Inspection, or similar animal health certificates, vary throughout the US. California has no control over the arrangement or the exact content of this document because it is a document designed, utilized and provided by (or sometimes purchased from) each states’ animal health official’s office. Each states’ Certificate of Veterinary Inspection is similar, containing most of the same basic information, but there is no universal format for this document for the Country. Certificates of Veterinary Inspection are also available electronically to state-licensed and accredited veterinarians subscribing to third-party providers.

Proposed subsection **(b)** requires the veterinarian issuing the Certificate of Veterinary Inspection to make a notation on the document verifying that the animals in the shipment are in compliance with California's movement requirements, which may include vaccination, identification and pre-entry disease testing or other treatments. This is needed to reinforce the responsibility of the accredited veterinarian examining the animals in the shipment to ensure they are in compliance with California entry requirements, or other states' entry requirements for animal leaving California.

Proposed subsection **(c)** specifies a Certificate of Veterinary Inspection may not be issued for animals not identified when official identification is required. This requirement is necessary to ensure and verify animals required to have identification in fact do so prior to movement as determined by the accredited veterinarian.

Proposed subsection **(c)(1)** requires the veterinarian issuing the Certificate of Veterinary Inspection to make a notation on the document as to the exemption that may apply when official identification is not recorded. Proposed subsection **(c)(2)** specifies if animals require identification but the identification is not required to be written on the document, a notation on the document must be included to verify the animals have identification. Subsections (c)(1) and (c)(2) are identified in 9 CFR Part 86.1(a).

Proposed subsection **(d)** provides an alternative to inscribing each animal identification number on the Certificate of Veterinary Inspection as required in subsection (a)(7) above. This subsection provides for another means of recording animal identification when official identification is required. For example, when testing of animals is required prior to entry into California, the veterinarian may use an electronic system for entering and recording livestock identification numbers and test results on a chart or form specifically developed for that use. This subsection allows the veterinarian to attach a print out of this form to the Certificate of Veterinary Inspection rather than manually recording the information on the Certificate of Veterinary Inspection. The Department requires the name or title of the document recording the identification numbers, or any unique number that the form may have, to be referenced on the Certificate of Veterinary Inspection in case the forms become separated.

Proposed subsection **(e)** explains that a Certificate of Veterinary Inspection is valid for 30 days after the date the animals are inspected by the accredited veterinarian. After the Certificate of Veterinary Inspection expires, the person importing the animals will need to obtain another Certificate of Veterinary Inspection from an accredited veterinarian in the state of origin. This time period is, in most states, the standard, however some states allow longer periods of time for specific species. The Department has determined the Certificate of Veterinary Inspection must be issued within 10 days of inspection to ensure animals in the shipment are healthy, as they have been recently examined prior to entering the State. The State Veterinarian may determine an inspection conducted within a shorter timeframe may be necessary in the event of a disease threat or outbreak when occurring in the originating state.

Proposed subsection **(f)** provides that the Department may require a Certificate of Veterinary Inspection because of a disease situation in another state even though the document may not be required pursuant to the chapter. This is necessary as a potentially harmful disease outbreak could occur at any time in another state that could cause harm to the citizens and the agricultural industry of California.

Proposed subsection **(g)** states that the animals must be transported directly to the destination stated on the Certificate of Veterinary Inspection. This requirement is needed so that state or federal officials can locate arriving animals should an examination be necessary in the event of a disease outbreak in this State or in the state that the animals departed from. It is important that the public be aware that animals cannot be diverted to another location for the health of their animals and the health of any other animals that they may come into contact with.

Proposed subsection **(h)** specifies that a copy of the Certificate of Veterinary Inspection and any accompanying documentation be submitted to the Department within seven (7) days of being issued. The seven (7) day time period for submitting the Certificate of Veterinary Inspection to the Department is necessary to ensure all state entry requirements have been met (the Department reviews these documents upon receipt), to provide livestock importation statistics to the Department and is a means of tracing animals and contacting owners of animals should a disease outbreak occur. Certificates of Veterinary Inspection are multi-part forms. The owner receives a copy that must accompany the shipment; one (1) copy stays at the veterinary clinic; one (1) copy goes to the State Veterinarian's office in the state of origin; and one (1) copy goes to the State Veterinarian's office in the state of destination. This subsection is a requirement of 9 CFR Part 86.5(b).

#### **Section 830.4. Interstate Livestock Entry Permits.**

Section 830.4 pertains to the requirements for obtaining an Interstate Livestock Entry Permit from the Department for the importation of specified animals into California.

By definition, 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. The Department uses information provided by the applicant to determine whether or not the animals, if allowed entry into the State, would pose a risk for having or spreading disease. The overall disease risk is determined by evaluating several factors including the type of animal, the state from which it is coming, what the animal will be used for upon arriving in California, vaccination status, and disease status in the originating state and in the US. An Interstate Livestock Entry Permit is also an internal record that can be used to locate animals during a disease outbreak. Information provided by the applicant may be used to investigate and determine sources of disease or infection, and to prevent subsequent spread of disease in California or the state from which animals came.

Proposed subsection **(a)** informs the public that an Interstate Livestock Entry Permit may be required for the importation of animals into California. Some classes of animals may require a permit because of their risk for having disease.

Proposed subsection **(b)** specifies that the Department's Animal Health Branch is the only one place where an entry permit can be obtained for domestic livestock entering the State. Most requests for entry permits are applied for by telephone; however, the Animal Health Branch accepts requests for permits by other electronic means as specified. The Department is not including a copy of the actual permit in its regulations, as it is an internal computerized tracking document used only by the Department. All states have their own version of a livestock entry permit; there is not one uniform permit for the US.

This section also clarifies that an entry permit number, when required, must be obtained prior to the animals arriving into California. It is necessary to include this requirement because the Department must determine if the animals are high risk for potentially having a disease because of their origin or specie before they arrive, and to ensure animals arriving have the required disease testing and identification.

Proposed subsection **(c)** specifies that a unique permit number, indicating approval of the application, is usually issued immediately over the telephone after information is gathered. A unique number is necessary for the Animal Health Branch's computerized permitting system, which allows for the collecting of data on livestock movements and for the tracking of animals in the event of a disease outbreak.

The applicant for the permit to transport livestock into California may request a copy of the permit from the Department, however, that rarely occurs as the applicant only needs the permit number for entry into the State, normally issued by telephone or other electronic means. The applicant does not need to provide a copy of the permit itself to State or federal inspectors, however the number assigned to the permit must be included on the Certificate of Veterinary Inspection, or other documentation, when required.

Proposed subsection **(d)** requires the applicant for the permit to enter California to establish that all animals in the shipment meet California entry requirements and possess a Certificate of Veterinary Inspection, or other documentation, when required. When the applicant contacts the Department to obtain the permit number, Department staff verify that the animals are in compliance with California's entry requirements for the type and purpose for which the animals are being imported, and that the importer possesses a Certificate of Veterinary Inspection, or other documentation, when required.

Proposed subsection **(d)(1)** states the person moving and receiving the animals may be required to prove the requirements for disease testing and the Certificate of Veterinary Inspection, or other documentation, are satisfied. This may require the person to show a completed test record or another form which verifies the applicable testing is complete.

Proposed subsections **(e)(1) through (8)** defines the basic information (contact and herd/animal information) the applicant needs to provide to the Department to issue a permit number. This information is necessary for the tracking of animals and for making contact with owners in the event of a disease outbreak.

Proposed subsection **(f)** requires that each shipment of livestock, which may consist of one (1) or more truckloads, has a separate entry permit number. A shipment is a group of animals that have the same origin and destination. For some importers of livestock, the number of animals in one shipment may be so great that they may not all fit into a single transportation vehicle making it necessary to split the shipment into separate truckloads. To better keep track of animals represented on the required documentation, and to ease the burden on the owner shipping a large number of animals, the Department requires that the entire shipment of animals, which may consist of one (1) or more truckloads, have the same permit number.

Proposed subsection **(g)** states that the animals must be transported directly to the destination indicated because the Department has to be able to locate arriving animals should an examination be necessary. Therefore, the public should be informed that the animals are not to be diverted to another location, but taken directly to the destination indicated on the permit.

Proposed subsections **(h)(1) through (3)** specifies that the State Veterinarian may deny the request for an entry permit number when it is suspected or there is knowledge indicating or in an effort to prevent, a serious threat to the public or animal health in this State by importing animals from another state or country. To preserve the public and livestock health, the State Veterinarian is authorized by Food and Agricultural Codes sections 9562 and 9570 to take this action by limiting or restricting the movement of animals into California. The proposed subsection goes on to specify when the animals in the movement do not meet the entry requirements, the Department may also deny the permit. Livestock entering California must meet the requirements to protect native livestock populations.

Proposed subsection **(i)** states the requirements for livestock movements with an Interstate Livestock Entry Permit may be modified in the event of a disease outbreak that may require additional restrictions on livestock movements. This may be necessary to prevent the introduction and spread of disease into California livestock populations where the destined animals would be arriving pursuant to the permit.

Proposed subsection **(j)** specifies that Interstate Livestock Entry Permits expire 15 days after issuance by the Department. The Department has determined that a 15-day expiration is needed to prevent long periods of time to pass between the issuance of the permit and the arrival of the animals. During this time, animals may become exposed to disease or disease status may change in the state of origin. Additionally, Departmental personnel, in some instances, wait for the arrival of these animals for inspection purposes. Therefore, it is necessary that animals depart and arrive in a timely manner from the date the Department has approved their entry into the State. The Department provides exemption from this requirement pursuant to issuance of Special Entry Permits that may be issued for a different timeframe, for example Pasture to Pasture Permits which the Department issues over a season, or about 8 months. More information about Special Entry Permits and Pasture to Pasture Permits can be found in the justification corresponding to section 831 in this document as shown below.

## **Section 831. Special Entry Permits.**

Proposed Section 831 consists of the requirements for persons importing and exporting specified classes of cattle into and out of California that may qualify for exemptions from, including but not limited to individual identification as it relates to a Certificate of Veterinary Inspection and Interstate Livestock Entry Permit requirements when specific conditions are met. We are proposing two (2) subsections of Special Entry Permits; under subsection (a) Commuter Herd Permits and under subsection (b) Other Special Entry Permits.

Proposed subsection **(a)** pertains to Commuter Herds which by definition are herds of beef breeding cattle or bison moved interstate, with a Commuter Herd Permit, during the course of normal livestock management operations, without change of ownership, directly between two (2) premises. A Commuter Herd Permit is a written agreement between the owner of a herd of cattle or bison and the animal health officials from the state of origin or destination, and the Department specifying the conditions required for the interstate movement from one (1) premises to another in the course of normal livestock management operations and specifying the time period, up to one (1) year, that the agreement is effective.

Herd owners (in the originating state or sometimes destination state) initiate and obtain a Commuter Herd Permit to enable the movement of their cattle across state borders for grazing or other specific purposes and then return to their state of origin.

Moving cattle across state lines using Commuter Herd Permits is more convenient for ranchers because owners may move cattle out of and back into their state of origin with official documentation (Brand Inspection Certificate and/or Certificate of Veterinary Inspection) without the otherwise required listing of official individual identification on the certificate, and for some livestock movements disease testing may not be required. For the Department, allowing cattle to move across state lines using Commuter Herd Permits is less of a disease risk to native livestock populations because the cattle are moved as a herd of cattle that stay together for the duration of the movement and have minimal contact with other cattle outside their herd.

All Commuter Herd Permits are issued on a case-by-case basis after the Department and cooperating animal health officials in another state determine and agree that the commuter herd is not a threat for introducing or spreading livestock diseases in either state. Commuter permit numbers which provide the cattle authorization to move interstate are generally issued on a form provided by the State Veterinarian's office from the state of origin; however it is not uncommon for both states to issue a permit number for entry into their respective state.

Proposed subsection **(a)(1)** pertains to a Pasture to Pasture Permit which is a written agreement between the owner(s) of a herd of cattle and the animal health officials of the origin and destination states which specifies the conditions required for the interstate movement from one (1) premises to another in the course of normal livestock management operations, and specifying the time period that the agreement is effective. The Pasture to Pasture Permit is used to move a type of commuter herd (Pasture to Pasture herd) of beef breeding cattle that are

officially brucellosis vaccinated, moved interstate from farm of origin during the course of normal livestock management operations and without change of ownership directly between two (2) premises, one of which is located within California. The Pasture to Pasture Permit is effective for one (1) seasonal movement which the Department recognizes as the duration of eight (8) consecutive calendar months. This amount of time is considered by industry and the Department as an acceptable and standard amount of time to feed cattle on pasture in this and other states.

Proposed subsections (a)(1)(A) through (M) specify the requirements for obtaining a Pasture to Pasture Permit from the Department; these requirements are generally the same types of information required and parameters established by other states approving this same type of movement. Requirements as stated in subsections (a)(1)(A) through (J) have been relocated from deleted section 753.1(f)(2)(A) through (H) of Article 1.5, Bovine Brucellosis, to this article pertaining to animal disease traceability for organizational purposes as previously discussed, with amendments as necessary to accurately reflect the intent of the proposal and to update the requirements according to current practices and policies. Subsections (a)(1)(K) through (M) have been added to further clarify the requirements for obtaining a Pasture to Pasture Permit.

Proposed subsection **(a)(1)(A)** provides for the use of California's Pasture to Pasture Permit, AHB Form 76-074 (Rev. 10/15) as provided, for herds leaving California to pasture out of state and return to California at the end of the pasture season, and for herds requesting permission to enter California for pasture and return to their originating state. The Pasture to Pasture Permit form is available from the Department's Internet website and may also be obtained by contacting the Department's Animal Health Branch. Subsection (a)(1)(A) goes on to clarify the request to obtain the permit must be made to the Department at least 30 days prior to the move and that the application and approvals may be transmitted by mail or other electronic means. The Department has determined a minimum of 30 days is sufficient time for the internal processing of the request and the transmission of approvals between California and the other state's animal health officials. The Department is listing California's Pasture to Pasture Permit form in section 830.1, Forms Used for Animal Disease Traceability, where we incorporate by reference the form, and describe and justify the form's contents. Subsection (a)(1)(A) corresponds to deleted/relocated section 753.1(f)(2) with amendments as needed to further clarify the intent of the subsection and to update the requirement to reflect current industry and Department practices.

Proposed subsection **(a)(1)(B)** establishes that an approved Pasture to Pasture Permit shall have a permit number as provided by the destination state, and sometimes originating state, which acknowledges their entry into the state and must be signed by both states' animal health officials. It is customary for both states to enter a permit number for interstate entry into their state for recordkeeping purposes; therefore California animal health officials additionally issue a permit number acknowledging and approving the return of the animals that have pastured out of state. The applicant will receive notification of the approved permit by mail or other electronic means as stated within a reasonable amount of time, and before the animals are expected to depart. This subsection clarifies the permit will expire eight (8) months from the date signed by

the destination state animal health official, which is the official approving state for movement into that state for grazing. This information is needed to ensure the destination state has approved and is aware of the movement, and to inform the applicant of the permit's approval and expiration date. Subsection (a)(1)(B) corresponds to deleted/relocated section 753.1(f)(2)(A) with amendments as needed to further clarify the intent of the subsection and to update the requirement to reflect current industry and Department practices.

Proposed subsection **(a)(1)(C)** requires the applicant to provide basic information about the herd, herd owner and origin premises, and destination premises which is important for the protection of California. Subsection (a)(1)(C) corresponds to deleted/relocated section 753.1(f)(2)(B) with amendments as needed to further clarify the intent of the subsection and to update the requirement to reflect current industry and Department practices.

Proposed subsection **(a)(1)(D)** confirms the applicant is aware of the limitations of the Pasture to Pasture Permit; the permit is valid for one (1) pasture grazing season, for the cattle, duration and premises described on the application. Additionally, a condition for obtaining a Pasture to Pasture permit is to maintain cattle on the premises as described on the application; should the owner or applicant need to divert cattle from this location due to an environmental emergency, the Department requires prior notification as specified. These requirements are necessary to protect California and to provide the Department with information that may be necessary for disease traceability purposes. Subsection (a)(1)(D) corresponds to deleted/relocated section 753.1(f)(2)(C) with amendments as needed to further clarify the intent of the subsection and to update the requirement to reflect current industry and Department practices.

Proposed subsections **(a)(1)(E)1 through 5** require the applicant to certify specific requirements of the cattle moving between states. The subsection requires certification that the herd has been a group of beef breeding cattle for more than six (6) months, as opposed to a recently assembled group of cattle, to ensure no potentially disease affected cattle have entered the herd; the cattle are entering/returning to the State with a Brand Inspection Certificate, or Certificate of Veterinary Inspection, to identify the cattle to the official owner; no added cattle are in the origin herd or with the cattle moving; the eligible cattle are brucellosis vaccinated and tattooed; and all sexually intact cattle 18 months of age and over are officially identified. Subsection (a)(1)(E) corresponds to deleted/relocated section 753.1(f)(2)(D)1 through 4 with amendments as needed to further clarify the intent of the subsection and to update the requirement to reflect current industry and Department practices. The Department is proposing to amend the existing requirements as referenced above by adding subsection (a)(1)(E)5 to further enhance the Department's ability to trace animals for the protection of California. This specific requirement is not included in the USDA's Animal Traceability rule, therefore California's requirement for official identification on this type of commuter herd is more restrictive than federal laws. In total, these requirements as stated in subsections (a)(1)(E)1 through 5 help to ensure the cattle are healthy, can be traced, located and identified to an owner, and that preventative measures have been taken to prevent the introduction and/or spread of livestock diseases.

Proposed subsection **(a)(1)(F)** establishes the approval process of the Pasture to Pasture Permit to inform the applicant of the criteria used to authorize the permit and subsequent movement. Generally, approval of a Pasture to Pasture permit is made official by the animal health official in the destination state; however as a requirement of the permit, both states' animal health officials must approve the movement to ensure the cattle are healthy and free of disease. Subsection (a)(1)(F) corresponds to deleted/relocated section 753.1(f)(2)(F) with minor amendments.

Proposed subsection **(a)(1)(G)** establishes the requirements for the owner of an outward bound California herd to provide an estimated date of return to California for disease traceability purposes. This subsection is necessary for animal health officials in California to inspect or make contact with the herd owner when the cattle return to California if necessary. Subsection (a)(1)(G) corresponds to deleted/relocated section 753.1(f)(2)(G)1.

Proposed subsection **(a)(1)(H)** confirms the Department requires the Brand Inspection Certificate, or the Certificate of Veterinary Inspection, and any test result charts when disease testing is required, must be obtained 30 days prior to entering the State and that these documents must accompany the animals as they travel. A Brand Inspection Certificate is considered an official document, issued by a state's brand recording agency, which is used to identify animals to one owner. California laws, and many other states' laws, require a Brand Inspection Certificate prior to transportation out of state. For states that do not have a state branding authority, owners would need to obtain a Certificate of Veterinary Inspection from a state-licensed and USDA accredited veterinarian prior to the interstate movement.

The Department requires these documents be obtained within the 30 days prior to the movement to ensure they are most accurate as related to the health and identity of the animals; this timeframe is an industry standard for obtaining these types of documents. Subsection (a)(1)(H) corresponds to deleted/relocated section 753.1(f)(2)(H), in part, with amendments as needed to further clarify the intent of the subsection and to update the requirement to reflect current industry and Department practices.

Proposed subsections **(a)(1)(I)1 and 2** provide for the purchase or addition of cattle into a herd moved with a Pasture to Pasture Permit at the destination location when specific conditions are met; these cattle must be brucellosis vaccinated with tattoos and the owner must maintain records as specified. These procedures are necessary to prevent disease introduction into the herd and provides the Department with information necessary to conduct disease traceability if necessary in the event of a disease incident. The five (5) year recordkeeping requirement is in compliance with the recordkeeping responsibilities of the USDA's Animal Disease Traceability rule. Subsection (a)(1)(I) corresponds to deleted/relocated section 753.1(f)(2)(E)1 and 2 with amendments as needed to further clarify the intent of the subsection and to update the requirement to reflect current industry and Department practices.

Proposed subsection **(a)(1)(J)** confirms cattle moving with the Pasture to Pasture Permit are not required to have pre-entry testing for brucellosis or tuberculosis as referenced. The Department believes the threat of brucellosis or tuberculosis disease introduction or spread in

Pasture to Pasture herds is unlikely due to the manner in which the cattle are maintained and moved, and husbandry practices of beef cattle. Subsection (a)(1)(J) corresponds to deleted/relocated section 753.1(f)(2)(H), in part, with amendments as needed to further clarify the intent of the subsection and to update the requirement to reflect current industry and Department practices.

Proposed subsection **(a)(1)(K)** specifies trichomonosis testing of bulls, and infected and exposed herds moving for grazing purposes remains in effect as specified in Article 12, Bovine Trichomonosis Control Program. Due to the nature and characteristics of trichomonosis infection, for the protection of California, the Department believes it is necessary to impose these trichomonosis testing requirements on bulls and trichomonosis infected and exposed herds entering California.

Proposed subsection **(a)(1)(L)** provides the Department may modify the requirements of the Pasture to Pasture Permit to prevent the threat, introduction or spread of disease or to provide additional movement and disease traceability data. It is important for the Department to have this flexibility when issuing Pasture to Pasture Permits and maintaining Pasture to Pasture herds for the protection of California livestock as some diseases may occur without notice and spread quickly.

Proposed subsection **(a)(1)(M)** specifies the Department may revoke an existing Pasture to Pasture Permit, or refuse to authorize a future Pasture to Pasture Permit for failure to comply with the provisions of the agreement. The Department believes it is necessary to enforce these provisions to maintain a healthy livestock population in California now and in the future.

Proposed subsection **(a)(2)** pertains to a One-Time Event Permit which is written authorization from the Department and animal health officials in another state for the one-time movement of feeder cattle between California and another state to attend an event and return to their state of origin within 21 days. Feeder cattle as acknowledged within the cattle industry are steers aged 18 months and under, and spayed and intact heifers (generally female cattle less than 18 months of age). The Department and animal health officials in cooperating states believe these cattle do not pose a threat for introducing diseases or other conditions into native livestock populations because they are of a young age, maintained and moved as a group or herd of animals and do not come into contact with local cattle. The Department considers one-time event cattle a “group of cattle,” as opposed to individual animals, traveling to and used for rodeos and shows, and team penning, roping and cutting events.

Proposed subsections (a)(2)(A) through (G) specify the requirements for obtaining a One-Time Event Permit from the Department. At present, California’s One-Time Event Permit is used for both out of state cattle entering California to attend an event in California and return to their state of origin, and for California cattle leaving California to attend an event in another state and return.

Proposed subsection **(a)(2)(A)** provides for the use of California’s One-Time Event Permit form, as provided, for the owners of feeder cattle requesting entry into California or another state for use at an event, and to return to the state of origin. The One-Time Event Permit, AHB Form 76-

074A (Rev. 10/14) is only available by contacting the Department's Animal Health Branch because this type of permit is not typically requested by, or approved and issued to, general livestock exhibitors for movements of livestock to attend a livestock event. The permit is normally only issued to a person who by past favorable interaction with the Department through livestock movements or by industry reputation, is felt will implement the requirements of the One-Time Event Permit as specified. Further, this type of permit is not issued for movements of individual animals to exhibitions or fairs; rather it is for the movement of a group of cattle used for the participation at an event, therefore the permit is only available by contacting the Department. Subsection (a)(2)(A) goes on to clarify the request to obtain the permit must be made to the Department at least 30 days prior to the move and that the application and approvals may be transmitted by mail or other electronic means. The Department has determined a minimum of 30 days is sufficient time for the internal processing of the request and the transmission of approvals between California and the other state's animal health officials. The Department is listing California's One-Time Event Permit form in Section 830.1 Forms Used for Animal Disease Traceability where we incorporate by reference the form, and describe and justify the form's contents.

Proposed subsection **(a)(2)(B)** establishes that an approved One-Time Event Permit will have a permit number as provided by the destination state, and sometimes origin state, or both, and must be signed by both states' animal health officials. It is customary for both states to enter a permit number for interstate entry into their state for recordkeeping purposes, and to provide movement records in the event of a disease outbreak for traceability purposes. The applicant will receive notification of the approved permit by mail or other electronic means within a reasonable amount of time after approvals from the origin and destination animal health officials, and before the animals are scheduled for departure. The subsection clarifies the permit will expire 21-days from the date signed by the destination state animal health official, which is the official approving state for movement into that state for the cattle to attend the event. The Department believes allowing a 21-day day window is sufficient time for travel to and from the event and provides for the duration of the event to take place.

Proposed subsection **(a)(2)(C)** requires the applicant to provide basic information about the herd, herd owner, event facility, and origin and destination premises which is important for the protection of California.

Proposed subsections **(a)(2)(D)1 through 4** confirm the applicant knows the parameters of the One-Time Event Permit; the permit is valid for a 21-day period (commencing the date cattle leave the origin state), for the cattle and premises described on the application. Additionally, a condition for obtaining a One-Time Event Permit is to maintain cattle on the premises as described on the application; no diversion of cattle from this location is allowed. Applicants shall acknowledge a disease or condition, or risk of a disease or condition, may warrant modifications to the requirements of the One-Time Event Permit as determined by state animal health officials. This subsection also confirms failure to comply with the terms of the agreement may result in the revocation of the current permit and/or the ability to obtain future permits with the Department. These requirements are necessary to ensure the applicant knows the restrictions

when moving cattle interstate using a One-Time Event Permit which is in place to facilitate the use of livestock at out of state events while still protecting cattle from disease in the destination state, and cattle in the originating state upon their return.

Proposed subsections **(a)(2)(E)1 through 5** require the applicant to certify requirements pertaining to the cattle moving between states, specifically, that the cattle are feeder cattle moving for purposes of attending an event and that there will be no change of ownership; cattle will not be allowed to comingle or have fence line contact with other cattle at the event; cattle testing positive for livestock diseases or conditions will not be allowed to move from the premises until evaluated by state animal health official; cattle owners are asked to account for all the animals as described on the permit; a copy of the One-Time Event Permit, Certificate of Veterinary Inspection and the Brand Inspection Certificate, when required, will accompany each load or shipment of cattle moving to and from the event. The Department requires the owner, or legal representative, to certify by signature, accuracy of this information and compliance with the requirements as stated for the protection of cattle both in the originating state and the destination state while facilitating movement of cattle to event.

Proposed subsection **(a)(2)(F)** confirms the Department requires the Brand Inspection Certificate, if applicable, and the Certificate of Veterinary Inspection and any test result charts when disease testing is required, must be obtained 30 days before entry into the destination state and that these documents must accompany the animals as they travel. The Department requires these documents to be obtained within the 30 days prior to the movement to ensure they are most accurate as related to the health and identity of the animals; this timeframe is an industry standard for obtaining these types of documents.

Proposed subsection **(a)(2)(G)** establishes the approval process of the One-Time Event Permit to inform the applicant of the criteria used to authorize the permit and subsequent movement. Generally, approval of the One-Time Event Permit is made by the Department for the interstate movement back into California after attending an out of state event pursuant to the requirements of the permit; however as a requirement of the permit, both states' animal health officials must officially approve thus authorizing the movement.

Proposed subsection **(a)(2)(H)** confirms cattle moving into California with the One-Time Event Permit are not required to have pre-entry testing for brucellosis or tuberculosis as referenced. However, cattle leaving California must meet the interstate movement health requirements of the state of destination as livestock disease testing may be required for entry into that state. Livestock owners should contact the state of destination animal health officials prior to movement for the most current interstate movement requirements for that particular state as they may be different for each state. The Department believes the threat of brucellosis or tuberculosis disease introduction or spread in One-Time-Event Event cattle is unlikely due to the manner in which they are maintained and moved, therefore disease testing is not required for the movement. This section goes on to confirm with the applicant that the cattle moving are exempt from listing individual identification on a Certificate of Veterinary Inspection, however

this does not exempt the cattle from meeting the official identification requirement interstate movement.

Proposed subsection **(b)**, Other Special Entry Permits, pertains to several categories of special entry requirements for persons importing specified classes of cattle into California qualifying for exemptions from, including but not limited to, specified livestock disease testing, vaccination, and/or official identification as it relates to a Certificate of Veterinary Inspection and Interstate Livestock Entry Permits, when specific conditions are met. Subsections (b)(1) through (5) describe the conditions by which these specified classes of cattle may enter California.

The Department is not including copies of the described Other Special Entry Permits in the regulations as they are internal computerized tracking documents used only by the Department to locate animals during a livestock disease investigation or outbreak. Information provided by the applicant may be used to investigate and determine sources of disease or infection, and to prevent subsequent spread of disease in California or the state from which animals came. When a person importing the specified classes of cattle requests special permission to enter California and qualifies as such, as determined by Department staff, a unique permit number, indicating approval of the application, is usually issued immediately over the telephone after information about the cattle, origin, destination and circumstances pertaining to the specific movement is gathered. A unique number is necessary for the Animal Health Branch's computerized permitting system, which allows for the collecting of data on livestock movements and for the tracking of animals in the event of a disease outbreak. The applicant for the permit to transport livestock into California may request a copy of the permit from the Department, however, that rarely occurs as the applicant only needs the permit number for entry into the State, normally issued by telephone or other electronic means. The applicant does not need to provide a copy of the permit itself to State or federal inspectors upon request, however the number assigned to the permit must be included on documentation as required.

Proposed subsection **(b)(1)**, Purebred Registered Breeds, provides for the issuance of a Special Entry Permit for the entry into California of non-brucellosis vaccinated, purebred, registered, dairy or beef breed cattle for preserving or developing bloodlines. Documentation as specified is required to confirm that the cattle are indeed officially registered with a breed association and to allow other types of breed association identification to be utilized if necessary. These animals will remain under Quarantine to protect them from unnecessary exposure to potential disease, but allows their movement under specific conditions. The Department believes this subsection is necessary to allow for the entry of cattle from other states or countries (e.g., Canada) that do not vaccinate for brucellosis, to come into California to maintain or improve our breeding cattle gene pool. This section has been relocated from deleted section 753.1(f)(3) of Article 1.5, Bovine Brucellosis, to this article pertaining to animal disease traceability for organizational purposes as previously discussed, with minimal modifications as necessary (i.e. Hold Order changed to Quarantine, reword use of Permit to Move) to accurately reflect the intent of the proposal and to update the requirements according to current practices and policies.

Proposed subsection **(b)(2)**, Brucellosis Vaccination on Arrival, will allow a Special Entry Permit to be issued allowing entry of unvaccinated female calves of vaccination age and native to their state of origin to be vaccinated on arrival in California by a program coordinator. The Department authorizes a program coordinator to vaccinate the calves (as opposed to any person) to ensure the calves entering under this provision will actually be vaccinated within 14 days of arriving (along with the associated application of official identification required at the time of vaccination) and with little supervision from the Animal Health Branch.

Proposed subsections **(b)(2)(A) and (B)** specify brucellosis testing requirements dependent upon the state of origin which helps to ensure the cattle arrive in California free of disease. This section is needed to promote and maintain a high level of brucellosis vaccination in California. This section has been relocated from deleted section 753.1(f)(4) of Article 1.5, Bovine Brucellosis, to this article pertaining to animal disease traceability for organizational purposes as previously discussed, with modifications as necessary (i.e. Class Free State changed to Minimal Risk State) to accurately reflect the intent of the proposal. The Department is proposing to add “within 14 days” which differs from existing language in Article 1.5 for consistency with requirements to identify animals after arrival as required in subsection (b)(3)(A)1(ii) below.

Proposed subsection **(b)(3)**, Heifers Spayed After Arrival, will allow young female cattle (heifers) from a Minimal Risk State to enter California without the required brucellosis vaccination (brucellosis vaccination required pursuant to CCR, Title 3, section 753.1(c) of this proposal), to be spayed upon arrival by a California state-licensed veterinarian. Reasons an owner may choose to move cattle into California under this Special Entry Permit include: the interstate movement does not require the cattle to be brucellosis vaccinated, spayed animals may show better growth patterns and weight gain when compared to animals remaining sexually intact, spaying animals prior to travel could put unnecessary physiological strains on animals that may already experience stress when traveling which can cause additional weight loss, cattle moving to a feedlot in another state may only accept spayed female cattle, and finally, the origin premises may not be equipped or have the facility to spay animals. This type of movement is generally a function of the beef breed cattle industry where weight and growth patterns determine value, and where the occurrence of brucellosis infection is unlikely due to husbandry practices. Further, these cattle are originating in a state determined by the USDA as a Minimal Risk State for having livestock diseases. The Department believes subsection (3) is necessary to facilitate the industry’s need to import non-vaccinated heifers into California while providing the Department with information that may be used to conduct successful livestock disease traceability if needed.

Proposed subsection **(b)(3)(A)** establishes that owners may contact the Animal Health Branch to request permission to move non-brucellosis vaccinated heifers into California with the verbal agreement and understanding that the heifers will be spayed upon arrival at the destination premises. The Department will issue an entry permit number to the person requesting the Special Entry Permit, upon approval, at the time and in the same manner as the request, for recording on the Certificate of Veterinary Inspection as required. Conditions for authorizing the movement are specified in proposed subsection **(b)(3)(A)1** which include the requirement to obtain a Certificate of Veterinary Inspection in the originating state which must contain a

statement provided by the USDA accredited and state-licensed veterinarian issuing the certificate attesting that the animals will be spayed after arriving at the destination location (proposed subsection **(b)(3)(A)1, i**; and the animals either have individual official identification (proposed subsection **(b)(3)(A)1, ii** or the owner is electing to have the animals officially identified within 14 days of arrival at the destination premises (proposed subsection **(b)(3)(A)1, iii**, including the keeping of specified records about the event for traceability purposes. These specific pieces of information provide documentation and identification that may be used to trace livestock in the event a livestock disease outbreak.

Proposed subsection **(b)(3)(B)** establishes the spaying requirement subsequent the arrival of the animals in California, which must be completed within six (6) months by a California state-licensed veterinarian. The Department is proposing that the animals must be spayed within six (6) months because we believe this is an adequate amount of time to allow an owner to move all the cattle to a premises in California as it may take several truckloads to transport the entire group of animals; and this amount of time provides a reasonable timeframe to conduct the spay procedure to all the cattle. Further, this subsection requires the veterinarian, at the time of spaying, to identify the animal as such with a numbered tag. The tag used is generally green in color, and provided and applied by the veterinarian conducting the spaying procedure. It is common industry practice to use green tags for identifying heifers as spayed animals. The number on the tag is a means for the spaying veterinarian to sequentially record the number of animals he/she has spayed and that correlate to the official identification of the animal.

Proposed subsection **(b)(3)(B)1** requires the veterinarian conducting the spaying to complete a record of the animals spayed using the Report of Heifers Spayed After Arrival, AHB Form 76-203 (Rev. 10/15) and to submit the record either by mail or electronically to the Department's Animal Health Branch within seven (7) days after spaying the animals. The Department is proposing the report be submitted within seven (7) days as it is a reasonable amount of time to complete the report and submit it back to the Department. Veterinarians anticipating spaying heifers post-arrival should contact the Department to receive the required form, which will be available in hard copy or electronically, and can be reported back to the Department by mail service or electronically. This form will only be available to California state-licensed veterinarians and not to the general public as it is an official form generated for and used only by California state-licensed veterinarians. The Department is listing the Spaying Heifer Post-Arrival Report, AHB Form 76-203 (Rev. 10/15), in section 830.1, Forms Used for Animal Disease Traceability, where we incorporate by reference the form, and describe and justify the form's contents.

Proposed subsection **(b)(3)(B)2** establishes heifers not spayed within six (6) months after arriving at the destination premises must be brucellosis vaccinated in accordance with the regulations as specified; or moved to a registered feedlot or terminal feedlot, or moved into slaughter pens. It is the responsibility of the owner to ensure the animals are spayed within the specified timeframe, or to have the animals brucellosis vaccinated as specified, to ensure the safety and protection of California livestock from brucellosis. We are exempting animals from the vaccination requirements when moved to specified facilities as animals maintained at these

facilities are unlikely to spread brucellosis because they cannot leave; the only movement allowed is to a recognized slaughtering establishment, or to enter a like facility.

Proposed subsection **(b)(4)**, Cattle Entering Terminal Feedlots or Cattle Moved into Slaughter Pens, pertains to the identification and documentation requirements for cattle moving from a Minimal Risk State into a terminal feedlot or slaughter pens, located in California. A terminal feedlot is a confined feeding operation, or portion thereof, approved by the Department and USDA to hold only animals for slaughter. A slaughter pen is a pen or set of pens on a premises, used to feed restricted cattle destined for slaughter, approved by the Department and USDA to hold only animals for slaughter. The owner or operator of a feedlot, or slaughter pens, may apply for designation as a Terminal Feedlot, or to maintain Slaughter Pens, by contacting the Department's Animal Health Branch district office where the premises is located or the Animal Health Branch headquarters office in Sacramento. Most livestock or operation are aware which district office is their point of contact as regular communication with the staff in these locations is routine. (Any person uncertain as to which Animal Health Branch district office is their point of contact may refer to the Department's Internet website for more information.) The Animal Health Branch district office map provides the current district designations. The Department specifies the requirements for obtaining designation as a Terminal Feedlot in section 1303, and to maintain Slaughter Pens in section 1304, of Chapter 4, Article 7, as proposed in the text and justified in the corresponding section of this document.

The specific requirements for the interstate entry of any age cattle using this Special Entry Permit are stated in proposed subsections **(b)(4)(A) and (B)** which require the cattle to move into the terminal feedlot or slaughter pens with official identification and a Certificate of Veterinary Inspection, or into a terminal feedlot or slaughter pens when the premises is an Approved Tagging Site, and animals are to be officially identified, validated with a statement on the Certificate of Veterinary Inspection attesting to the application of identification upon arrival at the tagging site. Generally, terminal feedlots and premises having slaughter pens are also Approved Tagging Sites for the purpose of receiving cattle not maintaining official identification and that are moving interstate. These subsections confirm animals may only move directly into the terminal feedlot or slaughter pens; therefore, the cattle cannot be off-loaded or make any diversions when en route from the premises of origin to the terminal feedlot or slaughter pens to protect California from potential disease exposure or spread.

Cattle moving with this permit are exempt from brucellosis and tuberculosis testing requirements (pursuant to proposed sections 753.1(d) and 758(c) respectively), and brucellosis vaccination requirements (proposed section 753.1(c)) because they are moving into the terminal feedlot or slaughter pens for finish feeding prior to slaughter. However, because of these exemptions, the Department considers these cattle as high risk for potentially having and spreading disease and therefore does not allow any movement from the terminal feedlot or slaughter pens; the only movement allowable is directly to a recognized slaughtering establishment, to another terminal feedlot or to other slaughter pens as specified in proposed subsection **(b)(4)(C)**.

Proposed subsection **(b)(5)**, Heifers Entering Registered Feedlots, pertains to the requirements for heifers, cattle under 18 months of age, originating from Minimal Risk States entering

California for feeding at a Registered Feedlot. A Registered Feedlot is a feedlot or feed yard having more than 500 head of cattle at one time during the calendar year in which cattle are being fed for slaughter and is registered with the Department pursuant to Food and Agricultural Code section 21082. The Department's Bureau of Livestock Identification requires operators of a feedlot to register each feedlot with the Department (Food and Agricultural Code section 21081) and as such is charged with approving Registered Feedlots including providing a listing of those feedlots currently approved for receiving cattle when requested. This subsection is proposing to only establish the identification and documentation requirements for heifers entering those facilities for the protection of California's livestock from the exposure or spread of livestock diseases and disease traceability.

The specific requirements for the interstate entry of heifers using this Special Entry Permit are stated in proposed subsections **(b)(5)(A) and (B)** which require the heifers to move into the registered feedlot with official identification and a Certificate of Veterinary Inspection, or to an Approved Tagging Site to be officially identified with a statement on the Certificate of Veterinary Inspection attesting to the application of identification upon arrival at the tagging site. Generally, registered feedlots are also Approved Tagging Sites for the purpose of receiving cattle not already maintaining official identification. These subsections confirm heifers may only move directly to the registered feedlot; therefore, the heifers cannot be off-loaded or make any diversions when en route from the premises of origin to the registered feedlot to protect California from potential disease exposure or spread.

Heifers moving with this permit are exempt from brucellosis and tuberculosis testing requirements (pursuant to proposed sections 753.1(d) and 758(b) respectively), and brucellosis vaccination requirements (proposed section 753.1(c)) because they are moving to the Registered Feedlot for finish feeding prior to slaughter. However, because of these exemptions, the Department considers these cattle as high risk for potentially having and spreading disease and therefore does not allow any movement from the registered feedlot; the only movement allowable is directly to a recognized slaughtering establishment where they are slaughtered within three (3) days of arrival as specified in proposed subsection **(b)(5)(C)**.

The Department currently authorizes movement of cattle into a registered feedlot using a Special Entry Permit as specified in existing section 753.1(f)(6) of Article 1.5, Bovine Brucellosis. We are proposing to delete subsection 753.1(f)(6) and relocate the requirements to this proposed article; we are additionally including necessary modifications to reflect current practices of both the Department and the cattle industry.

Proposed subsection **(c)** provides the State Veterinarian may require another Special Entry Permit for the movement of cattle into California for disease traceability when an existing permit used for documentation and identification as specified in this section does not or will not provide essential information. To prevent the threat, introduction or spread of disease to California livestock the Department believes this subsection is necessary to protect California. In the genre of livestock diseases, at any given moment an incident of disease can occur. In most cases, an outbreak of disease is identifiable, treatable, and/or traceable, and can be contained and managed before significant spread. However, because of the daily movement of people

and animals around the world, potentially devastating and catastrophic diseases that are not common in the US are constantly a threat and a possibility for introduction. Introduction of any one of a number of these diseases or conditions, for example, Foot and Mouth Disease and Mad Cow Disease, could reap havoc in this State. Therefore, the Department must have the ability to modify conditions for moving animals into the State at any given moment to prevent, or at least minimize situations that could contribute to the spread of these threats.

### **Section 831.1. Approved Tagging Sites.**

The Department proposes to add this new section to establish the procedures for livestock premises to become Approved Tagging Sites. An Approved Tagging Site is a premises, authorized by the Department and USDA, where livestock may be officially identified on behalf of their owner or person in possession, care, or control of the animals when they are brought to the premises

To become an Approved Tagging Site, the owner or manager of a premises must submit a completed Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14) to the Department, as stated in proposed subsection **(a)**. The application and approval may be transmitted via mail or other electronic means as specified.

The Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14), will only be available by contacting the Department's Animal Health Branch and will not be available from the Department's Internet website as this agreement is not typically requested by or approved and issued to the general public. This form and designation as an Approved Tagging Site is generally only issued and granted to a person owning or operating a facility whose past favorable interaction with the Department through livestock movements or industry reputation, is felt will implement the requirements of the Approved Tagging Site agreement as specified in proposed subsection **(b)**. When the Department receives a completed and signed form, the Department's Animal Health Branch district office and the USDA will review and determine approval jointly with subsequent recommendation to the Animal Health Branch Headquarters officials to approve the agreement and tagging site. A copy of the approved agreement will be sent to the applicant upon approval which will serve as notification of the approval status of the agreement.

The Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14), serves by signature as an agreement between the Department and the owner or manager of the premises to meet specific requirements as stated on the form. The Department is listing the Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14), in section 830.1, Forms Used for Animal Disease Traceability, where we incorporate by reference the form, and describe and justify the form's contents.

Proposed subsection **(c)** establishes the Approved Tagging Site Agreement will be valid for two (2) calendar years and shall expire on December 31 in the second calendar year. The Department believes renewing the agreement every two (2) calendar years is sufficient with regard to Department or USDA oversight and contact with the tagging site owner.

Proposed subsection **(c)(1)** explains the process for renewing an existing Approved Tagging Site Agreement which can be renewed by contacting the Department, and submitting a new Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14), to the Department by December 1 in the same calendar year the existing agreement expires. It is necessary for the Department to receive the renewal agreement at least 30 days prior to the expiration of the existing agreement to allow for clerical and approval processing, and to ensure no lapse in status as an Approved Tagging Site occurs.

Proposed subsection **(d)** requires notification within 30 days of any change in management at the tagging site facility. It is necessary for the Department to have the most current contact information for the person ensuring the requirements of the agreement are being met. The Department will require the new management to contact the Department in writing or by telephone to update this information.

Proposed subsection **(e)** provides the Department will establish a current list of Approved Tagging Sites located within California, and make this information available to the public upon request and display the list on the Department's Internet website.

### **Section 831.2. Official Identification Devices and Methods of Cattle and Bison.**

The Department proposes to add new section 831.2 to specify the requirements pertaining to the use of acceptable devices to identify cattle and bison and the procedures for their required use. This proposed section corresponds with 9 CFR Part 86.4, Official Identification, which comprehensively specifies the required identification of all livestock (cattle and bison, horses and other equine species, poultry, sheep and goats, swine, and captive cervids) and includes the official identification requirements for moving livestock interstate, uses of more than one (1) official eartag, removal or loss of official identification devices, replacement of official identification devices for reasons other than loss, and sale or transfer of official identification devices.

As previously mentioned, the Department is not incorporating by reference the CFR into this regulation because this proposal is only relevant to cattle and bison. Because identification and traceability for cattle and bison are the Department's highest priority with respect to human and livestock health and safety, we are moving forward with only the cattle and bison components of animal disease traceability at this time. At an undetermined future date, the Department will incorporate animal disease traceability requirements for the remaining species; current regulations and legal authorities sufficiently provide adequate safeguards for the identification and importation of the remaining species not covered by this proposal.

The requirements of this proposed section, to use specific identification devices or methods, and implement prescribed actions for their use, are key elements to the successful identification of potentially diseased animals; establishing where the animals came from and locating other animals that may have come into contact with. It is especially vital to the success of interstate investigations, and sometimes international investigations, to have a uniform and consistently implemented identification system across the US. Additionally, the implementation of a reliable identification system facilitates timely tracing of animals thereby limiting excessive and

expansive disease investigations and costly testing efforts by State and federal regulatory officials. Therefore, we believe the following proposed section is necessary to help prevent disease introduction into and limit spread within California, and throughout the US, for the successful identification of cattle and bison.

Proposed subsections **(a)(1) through (4)** indicate which identification devices or methods may be used to officially identify cattle and bison. This proposed subsection corresponds to 9 CFR 86.4(a)(1)(i) through (iv). This subsection is needed to clearly state specific devices or methods acceptable for official identification.

Proposed subsections **(b)(1) through (4)** state no more than one (1) official eartag may be applied to an animal and provides exceptions to this requirement. This proposed subsection corresponds to 9 CFR 86.4(c)(1) through (4). This subsection is needed to clarify when and how another form of official identification may be applied.

Proposed subsections **(c)(1) through (4)** pertain to the removal or loss of official identification devices. This proposed subsection corresponds to 9 CFR 86.4(d)(1) through (4). This subsection is needed to establish acceptable procedures for removing official eartags and the conditions under which their removal is allowable.

Proposed subsections **(d)(1) through (5)** explain the replacement of an official identification device may be authorized by the Department or USDA under specified conditions and by following specific procedures as written. This proposed subsection corresponds to 9 CFR 86.4(e)(1) and (2) and is necessary to establish the conditions under which the replacement of official eartags is acceptable.

Proposed subsections **(e)(1) through (3)** state the recordkeeping requirements for veterinarians or other persons or entities distributing or applying official eartags on behalf of an owner. This proposed subsection corresponds to 9 CFR 86.3(a) with respect to accredited veterinarians, however the Department finds it necessary to modify the requirement to additionally include those persons or entities applying the official eartags as well to accommodate unique practices of identifying animals in California.

Proposed subsection **(f)** implements the reporting requirement of official eartags distributed for use or applied to animals by accredited veterinarians or other persons. Specifically the Department is proposing to require the quarterly (every March, June, September and December) reporting of information to the Department to enable and facilitate the tracing and tracking of potentially diseased animals in the event of an investigation in a timely manner. It is important the Department receive information on a quarterly basis to help ensure records are relatively current and useful for disease investigation purposes without excessively burdening those reporting the information. We believe requiring quarterly reports sufficient satisfies both of these objectives.

Although we would prefer the reporting of information take place on the Report of Official Ear Tags Distributed or Applied, AHB Form 76-210 (Est. 10/15) developed and provided for in the regulation, we accept any form or method of reporting the information as detailed below and in

the proposed text. This form is available from the Department's Internet website or by contacting the Animal Health Branch. The Department is listing the Report of Official Ear Tags Distributed or Applied, AHB Form 76-210 (Est. 10/15) in section 830.1, Forms Used for Animal Disease Traceability, where we incorporate by reference the form, and describe and justify the form's contents.

Proposed subsections **(f)(1) through (6)** establish information required to be reported to the Department when the reporting person chooses to use another format to report and does not use the provided form.

Proposed subsection **(f)(7)** specifies official eartags distributed to a livestock facility must only be used on animals maintained at the facility. This requirement is necessary because a successful traceback investigation ends at the animal's origin which in this case should be the livestock facility. If the livestock facility distributes the tags to another person for their use or to an animal not located on the premises, the Department would not have a record of the transaction thereby ending the traceback investigation at the livestock facility which would not be the premises of the animal's origin.

Proposed subsection **(f)(8)** states additional eartags will only be distributed when the Department receives information as specified above in subsections (f)(1) through (6) documenting use and/or distribution of the official eartags provided by the Department. The Department maintains data reported from those persons and entities applying and distributing tags for investigative purposes. Before the Department distributes additional official tags, we must ensure a reasonable percentage of the tags provided for distribution and use, have actually been applied or distributed before additional tags are dispensed.

Proposed subsection **(g)** prohibits the selling or transferring of an identification device from the premises to which it was originally issued to. This proposed subsection corresponds to 9 CFR 86.4(f). This subsection is necessary to maintain accuracy of the records kept by the Department and USDA which correlate official identification device distribution to specific premises.

The Department is proposing in subsection **(h)** the ability to approve for use additional devices or methods if they provide for adequate traceability. The Department proposes to add this section to provide flexibility to the regulation to allow for technological advances, new products or updated methods that will enhance existing, and/or provide updated or implement new devices or methods for traceability purposes.

### **Section 831.3. Identification of Cattle and Bison Moving into California.**

This proposed section specifies the requirements for the interstate movement of cattle and bison into California as it pertains to their official identification. Specified classes of cattle, and purposes for which those animals are entering California, determine whether or not an animal requires official identification. This subsection, therefore details which classes of cattle (beef cattle vs. dairy cattle; purpose for which they are use, i.e. show cattle, rodeo cattle...) require official identification and provides specific exemptions, generally dependent on the type of

location or premises they are imported to (slaughter plant, tagging site.) Many of the stated types and classes of cattle require official identification as currently stated within the existing disease control and eradication regulations, for example, in existing Article 1.5, Bovine Brucellosis; Article 2, Movement of Cattle into California from Mexico (brucellosis and tuberculosis); Article 2.5, Interstate Movement of Cattle and Specified Animals into California (tuberculosis); and Article 12, Bovine Trichomonosis Control Program. Generally, the currently required official identification is required when cattle are tested for disease. These existing requirements are proposed for deletion in the current livestock disease sections of the CCR, and proposed for relocation to this section with amendments as necessary to comply with the federal Animal Disease Traceability rule, and in some instances, modified to meet the needs of unique practices of California's beef and dairy industries, and to reflect updated Department policy and procedures for the continued eradication and control of diseases.

This proposed section corresponds with 9 CFR Part 86.4, Official Identification, subsection (b)(1) which lists the official identification requirements for interstate movement for cattle and bison.

Subsections (a)(1) through (7) identify specific classes of cattle and bison requiring official identification prior to their interstate movement into California. This subsection is needed to inform those importing cattle and bison of the specific classes of cattle and bison requiring official identification. This specific subsection corresponds to 9 CFR Part 86.4(b)(1)(iii)(A) through (D), however the Department is differing from the federal rule to accommodate our current requirements (imbedded within livestock disease requirements which we have proposed be deleted and relocated to this section) for the identification of specified cattle in the following ways:

Proposed subsection **(a)(1)** specifies sexually intact "beef" breed male cattle and bison 18 months of age or over require official identification. This category of cattle is inclusive in 9 CFR Part 86.4(b)(1)(iii)(A); however the Department is proposing to list this category of cattle separately for clarity with regard to the existing and proposed requirement for the identification of bulls 18 months of age and older moving interstate pursuant to Title 3, CCR, section 820.3(a).

Proposed subsection **(a)(2)** specifies sexually intact beef breed female cattle and bison four (4) months of age or over must bear official identification when moving into California. This requirement is not a part of the federal rule, however the Department believes the requirement is necessary for consistency with the requirement for brucellosis vaccination for all female cattle more than four (4) months of age as proposed in Title 3, CCR, section 753.1(c), which in addition to the vaccination, application of official identification at the time of vaccination is a requirement.

Proposed subsections **(a)(3) and (4)** are requirements of the federal rule as stated in 9 CFR Part 86.4(b)(1)(iii)(B) which specifies all female dairy cattle of any age and all dairy males born after March 11, 2013 must have official identification when moving interstate.

Proposed subsection **(a)(5)** is a requirement of the federal rule for interstate movements of cattle and bison of any age used for rodeos, recreational events, shows or exhibitions as stated in 9 CFR Part 86.4(b)(1)(iii)(C) and (D).

The Department's proposal for Mexico origin cattle to have official identification as stated in subsection **(a)(6)** differs from the federal rule, however is a current requirement as stated in existing Title 3, CCR, section 755.4(b)(2) which we have recommended be deleted and relocated to this section for organizational purposes.

We are proposing in subsection **(a)(7)**, to clarify, cattle requiring disease testing for interstate movement must have official individual identification, with references to sections of the CCR stating the requirement. Cattle requiring an official test must bear official individual identification; this requirement officially links an animal to a test result which is necessary for disease control purposes and subsequently successful disease traceability.

Proposed subsections **(b)(1) through (6)** provide exemptions to the official identification requirements stated in proposed subsection (a). This subsection is needed to clearly state when official identification is not required for cattle and bison imported into California. Proposed subsections (b)(1) through (3) correspond to 9 CFR Part 86.4(b)(1)(i)(B) through (D) and proposed subsection (b)(5) and (6) correspond to 9 CFR 86.4(b)(1)(ii)(A) through (C).

The Department's proposal however, differs somewhat from the federal rule in subsection (b) in the following ways:

We are not including the exemption from official identification for commuter herds as stated in the federal rule at 9 CFR Part 86.4(b)(1)(i)(A) because we are proposing in section 831(a)(1)(E)4 and 5 to require official identification for cattle moving as Pasture to Pasture Permit herds (a type of commuter herd) as specified, to enhance our traceability efforts and further protect California herds from disease introduction. Additionally, these cattle would require official identification because of required specified disease testing; the identification officially links an animal to a test result which is necessary for disease control purposes and subsequently successful disease traceability

We are proposing to add an exemption from the official identification requirement for cattle and bison moving interstate when the cattle are moved into California with a Special Entry Permit for Vaccination on Arrival as specified in proposed in section 831(b)(2). Cattle entering with a Special Entry Permit to be vaccinated on arrival will be entering the State under the agreement to have official identification in the form of a vaccination eartag applied after the cattle arrive in California pursuant to the agreement. Therefore the Department is cross-referencing the exemption to enter the State without official identification in proposed subsection (b)(4) as shown.

Although not differing from the intent of the federal rule, we are proposing to add subsection (b)(5)(C)1 only to clarify slaughter establishments must be Approved Tagging Sites in accordance with proposed section 831.1 to apply official identification to animals

as specified. We believe this clarification is necessary to avoid any ambiguity of the regulations.

Proposed subsection **(c)** clarifies the State Veterinarian has the authority to require any cattle or bison moving into California to bear official identification for disease traceability and ultimately disease prevention, if the existing required method of identification as specified in the above subsections, does not or will not satisfactorily provide data necessary to protect California livestock from disease. This subsection is necessary as diseases are unpredictable; at any given time due to the global movement of people, animals, and animal products and because of known classic disease threats or unknown emerging diseases, the authority to prevent their introduction or curb their spread is vital for the protection of California livestock.

#### **Section 831.4. Documentation Required for Cattle and Bison Moving into California.**

This proposed section pertains to the documents required to be obtained by persons in other US states prior to the interstate movement of cattle and bison into California. Documents may include but are not limited to a Certificate of Veterinary Inspection, Interstate Livestock Entry Permit, Brand Inspection Certificate, and owner-shipper statements or other documents as agreed upon between the Department and animal health officials in the shipping state for the interstate movement of cattle and bison. This proposed section corresponds with 9 CFR Part 86.5, Documentation Requirements for Interstate Movement of Covered Livestock, subsections (c)(1) through (7) pertaining to cattle and bison.

Proposed subsection **(a)** specifies cattle and bison must be accompanied by a Certificate of Veterinary Inspection when entering California. A Certificate of Veterinary Inspection is an official numbered document issued and signed by a USDA accredited and state-licensed veterinarian in the state of origin certifying the inspection of animals in preparation for interstate and intrastate movements. We are stating the proposed requirements for obtaining a Certificate of Veterinary Inspection used for moving livestock into California in section 830.3 of this article as referenced. Certificates of Veterinary Inspection for animals may only be issued by state-licensed, USDA accredited veterinarians after animals have had a physical examination to acknowledge the health of the animal. Obtaining a Certificate of Veterinary Inspection prior to movement from veterinarians in the state of origin is a standard procedure, and a current federal requirement, when moving livestock interstate and is considered a major component of successful disease traceability efforts.

Proposed subsections **(a)(1) through (5)** provide exemptions from the Certificate of Veterinary Inspection requirement; the Department has determined cattle moved for the stated purposes or to the described destinations present minimal threat for introducing or spreading disease and/or the cattle and bison have sufficient means of identification for purposes of disease traceability if needed. Proposed subsections (a)(1) through (5) corresponds to 9 CFR Part 86.5(c)(1) through (5).

In proposed subsection (a)(1), the Department differs from the federal rule (9 CFR 86.5(c)(1)) in that we are proposing to allow the use of a Brand Inspection Certificate, in addition to the

owner-shipper statement, as a form of documentation instead of the required Certificate of Veterinary Inspection, when moving cattle to recognized slaughtering establishments. The use of Brand Inspection Certificates as a way of documenting cattle movements between states is common practice in the Western US; the use of an owner-shipper statement facilitates cattle movements in the Eastern and Southern US. Therefore, we believe allowing the use of this additional document is necessary to reflect Western US cattle movement practices.

Further, proposed subsection (a)(1) differs from the federal rule (9 CFR 86.5(c)(1)) in that it does not provide for the movement of cattle or bison to approved livestock facilities with subsequent movement to recognized slaughtering establishments. The Department has removed this “intermediate” movement of cattle to the approved livestock facility when en route to the approved livestock facility to ensure cattle are not diverted from their direct movement to slaughter which makes these cattle available to the general public. Allowing for the intermediate movement to the approved livestock facility as stated in the federal rule reflects a state’s use of secured “slaughter channels” where only slaughter buyers are allowed to buy/sell cattle for slaughter; many of these sales take place at or from approved livestock facilities. California does not have secured slaughter channels, therefore allowing the intermediate movement of cattle to approved livestock facilities would inadvertently make cattle intended for slaughter available to the general public.

Proposed subsection **(b)** provides cattle and bison requiring documentation for interstate movement into California may use another form of documentation that is agreeable to California and the animal health officials in the shipping state for purposes of identification, to establish ownership, and for traceability. These documents may include a Brand Inspection Certificate, or for states not having brand inspection oversight, an owner-shipper statement. The Department, as well as other states’ animal health officials have determined information provided by other documents used for movement as agreed upon sufficiently provide identification and traceability of cattle moving interstate. Subsection (b) corresponds to 9 CFR Part 86.5(c)(6).

Proposed subsection **(c)** establishes official identification of the cattle and bison must be recorded on the documentation used for importation unless the stated exemptions apply as proposed in subsection (c)(1) for a specific movement, or as stated in subsection (c)(2) for specific classifications of cattle. The Department has determined these classifications of cattle and types of movement present minimal threats for introducing or spreading disease and/or the cattle and bison have sufficient means of identification for purposes of disease traceability if needed. Proposed subsection (c) corresponds to 9 CFR Part 86.5(c)(7)(i) and (ii).

Proposed subsection **(d)** proposes to add the requirements for persons importing cattle and bison, to obtain an Interstate Livestock Entry Permit from the Department prior to the shipment. 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. We are stating the proposed requirements for obtaining an Interstate Livestock Entry Permit used for moving livestock into California is section 830.4 of this article as referenced. An Interstate Livestock Entry Permit is a form of authorization, unique to each state and used by all US states to document and allow entry of livestock into their state; state issued permits are not a part of

the USDA's Animal Traceability Rule. Information provided by owners and importers of livestock when obtaining permission to enter the State via a permit is critical to the success of disease traceability within each state. Further, data provided by owners and importers provides the Department with immediate access to information pertaining to the animals en route, where they are going and where they have come from. Generally, this same type of information is available to the Department on a Certificate of Veterinary Inspection, however the Department does not receive these certificates until after the animals arrive. Therefore, Interstate Livestock Entry Permits provide significant, real-time sources of traceability data necessary for successful disease investigations and tracing and tracking of livestock. Additionally, not all classes or types of cattle require a Certificate of Veterinary Inspection for interstate movement (i.e., slaughter cattle), therefore as proposed, an Interstate Livestock Entry Permit will provide the Department with sufficient, immediate information in the event of an investigation or traceback event.

As proposed subsection (d) states an Interstate Livestock Entry Permit for all cattle and bison moving into California, nearly all classes of cattle already require a permit as specified in the existing disease control regulations. (The exception is male cattle under 18 months of age to which the Department now finds it necessary to require an Interstate Livestock Entry Permit for disease traceability purposes in the event of a livestock disease investigation.) Specifically, Article 1.5, Bovine Brucellosis, section 753.1(b)(2) requires permits for each shipment containing female cattle of any age, male cattle 18 months of age and over and bison of any age and sex; Article 2, Movement of Cattle into California from Mexico, section 755.4(b)(2) requires permits for each shipment of cattle originating from Mexico; Article 2.5, Interstate Movement of Cattle and Specified Animals into California, section 758(a)(1) requires permits for all sexually intact cattle regardless of age; and Article 12, Bovine Trichomonosis Control Program, section 820.3(a)(2) requires a permit for bulls 18 months of age and older.

Proposed subsections **(d)(1) and (2)** provide exemptions from the required permit as specified when the animals are entering the State with a Special Entry Permit from the Department as provided in proposed section 831, or when the cattle are moving from California, through another state, and back into California. These animals are well documented through other permitting formats (i.e. Special Entry Permit), or in the latter case, are not unloaded at an out of state premises; they are simply "passing through" another state and therefore do not require permission to reenter California because the Department does not consider these cattle as "out of state" animals.

Proposed subsection **(e)** clarifies the State Veterinarian has the authority to require any cattle or bison moving into California to have a Certificate of Veterinary Inspection and/or an Interstate Livestock Entry Permit for disease traceability and ultimately disease prevention, if the existing required method of documenting their movement as specified in the above subsections, does not or will not satisfactorily provide data necessary to protect California livestock from disease. This subsection is necessary as diseases are unpredictable; at any given time due to the global movement of people, animals, and animal products and because of known classic disease threats or unknown emerging diseases, the authority to prevent their introduction or curb their spread is vital for the protection of California livestock.

## **Section 831.5. Identification of Cattle and Bison Moving within California.**

The Department is proposing to adopt this section to implement new requirements for the official identification of certain classes of cattle prior to specified movements within California. This proposed section applies only to cattle moving within California, and therefore goes beyond the scope of the USDA's Animal Disease Traceability rule which pertains only to interstate movements.

The Department believes inclusion of intrastate requirements is necessary as it helps to further protect California's human and livestock populations by implementing tracing and tracking (identification) mechanisms to quickly and efficiently identify potentially diseased and at-risk animals within the State. This capability becomes extremely important when dealing with foreign animal diseases and emerging diseases that occur without warning, spread quickly and can cause catastrophic livestock and economic losses, and have the potential to affect human health. For example, in April 2012, a dairy cow from California's Central Valley tested positive for Bovine Spongiform Encephalopathy (BSE)<sup>12</sup> when the carcass tested positive at a rendering facility. Because of the voluntary effective identification and tracking system employed by the rendering company, the carcass was promptly traced to the dairy of origin where the available dairy records aided in the investigation of birth cohorts and progeny. Luckily, this animal was born and raised at only this dairy; had the animal been born or raised at another dairy or facility, the Department may not have been able to trace any progeny of the infected animal. In this case, one progeny of the affected cow was documented as stillborn and one live progeny was found, euthanized, sampled and found test negative for BSE. This remarkable case emphasizes the importance of implementing an animal identification system that not only identifies individual animals to current owners, but a system that can lead investigators to a premises of birth origin.

Currently under existing regulations in section 753, Moving Intrastate, brucellosis vaccination identification (sections 753(b) and (c)) and a backtag for slaughter cows of any age and bulls over 24 months of age (section 753(a)(5)) are the only forms of official identification required for moving cattle within California. This proposed new section goes beyond those current requirements which only exist to address disease control (bovine brucellosis), by implementing disease traceability mechanisms, as proposed for dairy animals, to successfully trace animals to their birth location. The section additionally proposes to require identification on cattle, which under current requirements are generally not required to maintain official identification, in an

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<sup>12</sup> BSE, widely known as "Mad Cow Disease," is a fatal disease of cattle first recognized in the United Kingdom in 1986. Scientific evidence shows the same disease agent that causes BSE in cattle also causes the new human disease, variant Creutzfeldt–Jakob disease (vCJD). BSE spreads in cattle primarily through animal feed containing processed ruminant products. Cattle infected with BSE take 2 to 8 years before showing signs of disease, which include changes in temperament such as nervousness or aggressiveness, and progressive incoordination. The epidemic resulted in the infection of 170,000 cattle, the killing of 4.4 million cattle as a precaution and the deaths of 164 people to date in Britain from vCJD, the human form of BSE. It was also disastrous for the UK beef trade.

effort to provide traceability data that can be used to locate potentially infected animals and any animals they may have come into contact with to control the spread of disease.

Proposed subsection **(a)** requires dairy cattle born after January 1, 2017 to have official identification in accordance with section 831.2(a) prior to leaving their birth premises for lawful movements within California. This provision is necessary to ensure dairy animals leaving the farm where they were born, as specified, maintain a form of official identification tracing the animal back to that very farm. This capability is especially important when investigating potential foreign animal disease or emerging disease cases, such as BSE as discussed above, in addition to investigating more traditional livestock diseases such as tuberculosis in dairy herds. For example, tuberculosis has a “silent” nature, laying undetected for years in a herd, and can be passed from an animal not showing signs of disease into another animal, or even to humans. Because of husbandry practices of dairy animals, living in close proximity to each other facilitates the transmission of diseases, especially bovine tuberculosis. Traceback to the origin herd is essential when determining if additional tuberculosis-infected cattle remain in the herd, or where cattle from the infected herd may have been moved to, potentially exposing other animals and herds to the disease. The USDA estimates current disease investigations for bovine tuberculosis exceed 150 days, requiring more money and time to conduct the traceback investigation. The amount of time spent investigating potentially infected or contact animals has increased purely due to the lack of official identification, and requiring an expansion in the scope of the investigation including area or county-wide testing (100,000 plus animals) vs. testing a limited numbers of herds (~10,000 animals) to identify suspect and exposed animals. As a result, thousands of animals that otherwise would not needed to be tested must be rounded up and tested individually, costing the State millions of dollars.

The Department is providing exemptions to the official identification requirement of dairy cattle born after January 1, 2017 when the cattle are moved directly to a facility that is participating in the USDA’s Process Verified Program<sup>13</sup> or Quality System Assessment Program<sup>14</sup>, or another program approved by the Department for that purpose, as specified in proposed subsection **(a)(1)**. The Department may also exempt dairy cattle from the official identification requirement when moving to facility that is not officially approved by the USDA as having a process verified program or quality system assessment program, however is recognized by the Department as having a similar program for the same purpose. For example, the facility may be in the process of obtaining approval by the USDA for the above mentioned programs or by past favorable interaction with the Department and/or industry is recognized to have standing to provide the age and source of the cattle as required.

Typically, newborn male dairy cattle, and sometimes female dairy cattle, are purchased and taken from their farm of origin and placed at another facility, or calf ranch, to mature. When they leave their origin premises, they generally have no official identification, therefore, in compliance with this proposal, they must only move to a location/facility where they will receive official identification, such as an Approved Tagging Site that participates in the USDA’s Process

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<sup>13</sup> USDA Process Verified Program, QAD 1001 Procedure, October 26, 2015.

<sup>14</sup> USDA Quality Systems Assessment Program GVD 1002, March 4, 2004.

Verified Program or Quality System Assessment Program. The animals stay at these facilities, bearing official identification which identifies or links them to their birth premises, where they will grow and mature until they are marketed for further feeding and subsequent slaughter or sold back to a dairy for milk production.

The USDA's Process Verified Program provides companies supplying agricultural products or services, the opportunity to assure customers of their ability to provide consistent quality products or services. It is limited to programs or portions of programs where specified "process verified points" are supported by a documented quality management system. The specified process verified points are identified by the supplier. Companies with approved USDA Process Verified Programs are able to make marketing claims associated with their process verified points – these include age, source, feeding practices, or other raising and processing claims -- and market themselves as "USDA Process Verified" with use of the "USDA Process Verified" shield and term. An official listing of approved USDA Process Verified Programs is available from the USDA, Agricultural Marketing Service Internet website.

The USDA's Quality System Assessment Program also provides companies supplying agricultural products and services, the opportunity to assure customers of their ability to provide consistent quality products or services. It is limited to programs or portions of programs where specified "product requirements" are supported by a documented quality management system. The specified product requirements may be identified by the company or may be those outlined by the USDA. An official listing of approved USDA Quality System Assessment Programs is available from the USDA, Agricultural Marketing Service Internet website.

Although these programs, or facilities implementing similar programs, have or may have some differences, they essentially enable producers and/or dealers to certify the age and origins of their cattle which benefit the producer/dealer by adding marketability and ultimately more value to the cattle at sale time. Most importantly, as it pertains to the intrastate movement requirements proposed, participants of Process Verified and Quality System Assessment Programs must have the ability to trace an animal to its farm of origin.

Dairy cattle born after January 1, 2017 are also exempt from the official identification requirement when leaving their birth premises as required in proposed subsection (a) when moving directly to a facility that is an Approved Tagging Site as proposed in subsection **(a)(2)**. The Department is proposing to establish the requirements for a facility to become an Approved Tagging Site in section 831.1 and as discussed in the corresponding section found in this document.

As it is the responsibility of facilities participating in the USDA's Process Verified Program or Quality System Assessment Program, and Approved Tagging Sites to apply official identification to animals upon arrival at the facility, the Department makes this clarification in proposed subsection **(a)(2)(A)**.

Proposed subsection **(b)** requires dairy cattle to have official identification when changing ownership, with exemptions. Although the inclusion of this requirement may appear to overlap the above requirement in subsection (a), the Department believes this subsection is necessary as it (re)places official identification on animals that may have lost their original identification. Most dairy animals receive their official identification at the time of brucellosis vaccination. It isn't uncommon for animals to lose their official identification in the number of days/weeks/months from their vaccination/identification to when they might leave their birth premises. Leaving their birth premises is generally some form of a change of ownership, therefore this proposed subsection ensures animals must have official identification at the time of any change of ownership. Consistent with proposed subsection (a), exemptions from the official identification requirement apply for animals moving to facilities participating in the USDA's Process Verified Program<sup>15</sup> or Quality System Assessment Program<sup>16</sup>, or another program approved by the Department for that purpose, as specified in proposed subsection **(b)(1)**, and additionally as exempted for animals moving directly to a facility that is an Approved Tagging Site as proposed in subsection **(b)(2)** for the application of official identification. Again, as it is the responsibility of facilities participating in the USDA's Process Verified Program or Quality System Assessment Program, and Approved Tagging Sites to apply official identification to animals upon arrival at the facility, the Department makes this clarification in proposed subsection **(b)(2)(A)**.

Proposed subsection **(b)(3)** additionally provides exemption from official identification on dairy cattle changing ownership when those cattle are moving directly to a recognized slaughtering establishment and bear a USDA approved backtag. This exemption is consistent with the requirements as stated in proposed section 831.3(b)(5) for the identification of cattle moving interstate and as justified in the corresponding section of this document. Conditions applicable to this specific type of movement exemption are stated in proposed subsections **(b)(3)(A) through (C)**, which are consistent with those specified for interstate movement, and necessary for consistency.

Proposed subsection **(b)(4)** additionally provides exemption from official identification on dairy cattle changing ownership when those cattle are moving directly to no more than one (1) approved livestock marketing facility, that is an Approved Tagging Site, and then subsequently moved directly to a recognized slaughtering establishment. This exemption is consistent with the requirements as stated in proposed section 831.3(b)(6) for the identification of cattle moving interstate and as justified in the corresponding section of this document. Conditions applicable to this specific type of movement exemption are stated in proposed subsections **(b)(4)(A) and (B)**, which are consistent with those specified for interstate movement, and necessary for consistency.

Proposed subsections **(c)**, and **(c)(1) and (2)** require non-virgin sexually intact cattle less than 18 months of age and sexually intact male cattle 18 months of age and older to be officially identified when changing ownership unless they are moving directly to a recognized

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<sup>15</sup> USDA Process Verified Program, QAD 1001 Procedure, October 26, 2015.

<sup>16</sup> USDA Quality Systems Assessment Program GVD 1002, March 4, 2004.

slaughtering establishment and slaughtered within three (3) days of arrival or moving on a Bull Slaughter Agreement as referenced.

Currently under existing regulations in section 753, Moving Intrastate, bulls over 24 months of age require identification (section 753(a)(5)), such as a backtag, applied before slaughter to assist in the traceability of a carcass to an owner should potential disease (brucellosis and/or tuberculosis) be detected as a result of testing conducted at the time of slaughter. Proposed subsection (c) expands upon those existing regulations to be consistent with and to further complement disease control and traceability efforts as it relates to bovine trichomonosis (proposed section 820.4(a) and as discussed in the corresponding section in this document.) Further, the inclusion of the official identification requirement is necessary because non-virgin sexually intact cattle less than 18 months of age and sexually intact male cattle 18 months of age and older cattle require an official trichomonosis test when changing ownership (proposed section 820.4(c) and as discussed in the corresponding section in this document) and therefore must bear official individual identification; requiring tested animals to maintain identification officially links an animal to a test result which is necessary for disease control purposes and subsequently successful disease traceability. The Department has determined the proposed exemption for bulls moving to slaughter and slaughtered within three (3) days of arrival, or those moving on the Bull Slaughter Agreement, is appropriate and facilitates the marketing of animals for producers because trichomonosis is a sexually transmitted disease and under normal conditions, would not be transmitted to another animal under these restricted conditions.

Proposed subsection **(d)** requires all female cattle of the beef breeds to have official individual identification or a USDA approved backtag, at minimum, when moving to approved slaughter establishments. Existing regulations in section 753(a)(5), which we are proposing to delete and restate in this subsection, requires all female cattle to maintain a backtag when moving to slaughter, therefore this subsection maintains a similar intent. The Department is proposing to relocate existing section 753(a)(5) to this proposed subsection, with modifications as necessary to reflect current policy and practices of the Department and the cattle industry, for organizational purposes.

Proposed subsection **(d)(1)** goes on to clarify the USDA approved backtag must correlate to the owner, which is consistent with existing regulation in section 753(a)(5) which we are deleting and relocating to this subsection.

Proposed subsection **(d)(2)** specifies cattle and bison held at a recognized slaughter more than three (3) days must be officially identified as stated in 831.2(c)(4)(B) which is consistent with the federal Animal Disease Traceability rule and a consistently held requirement for the Department's proposed regulation for the traceability of livestock.

Proposed subsection **(d)(2)(A)** clarifies a slaughter establishment must be recognized by the Department as an Approved Tagging Site as specified in section 831.1 before the lawful application of official identification to cattle at their facility when held for more than three (3) days as specified. Subsection (d)(2)(A) is consistent with other sections within this article for the application of official identification of animals at Approved Tagging Sites and the federal rule.

Costs pertaining to the requirements of this section for identification of cattle and bison moving with California are discussed in the economic Impact Assessment section of this document.

### **Section 837. Recordkeeping.**

Proposed section 837 establishes the requirements for the maintaining and keeping of records used throughout the article, which are consistent with the federal rule for Animal Disease Traceability. Some documents which are currently required to be kept in various articles and sections of the regulations for interstate and intrastate movement, have been relocated to this section for organizational purposes, and have been updated for consistency with federal interstate movement rules. In most instances, if specified at all, existing recordkeeping requirements are stated as having to be kept for two (2) years; all new federal requirements, and those proposed by the Department in this article, are specified as having a five (5) year retention.

With regard to the terms “alternate documentation” and “supporting documents” used in proposed subsections (a), (b), (c) and (d), animal health officials in another state and California may agree upon the use of other forms or documents as replacements for a Certificate of Veterinary Inspection for entry into California (for example in section 831.4(b)) when it is agreed the documentation sufficiently identifies the livestock to an owner. The Department cannot specifically identify by name all the various forms that might be considered “alternate documentation” and “supporting documents” because what animal health officials in other states and the Department agree upon for use may vary between states or may be approved for use on a case-by-case basis, and the names of these types of documents vary between states. However, “alternate documentation” could include but is not limited to Commuter Herd Permits, Special Entry Permits, Interstate Livestock Entry Permits or Brand Inspection Certificates, and “supporting documents” could include but is not limited to a computer generated listing of each animal in the shipment, or an official test chart documenting each animal tested. Regardless, any document that will provide traceability information and is used for the movement of cattle and bison into California or within the State must be retained for the period specified.

Proposed subsection **(a)** is specific to accredited and state-licensed veterinarians in California issuing Certificates of Veterinary Inspection for the movement of cattle and bison. Generally, these animals are moving to another state and are required to move interstate with the Certificate of Veterinary Inspection from the state of origin. This requirement would therefore require California veterinarians to keep copies of the certificates, with supporting documents required by the state of destination, they issue for a minimum of five (5) years for disease traceability purposes. This proposed requirement is consistent with other states’ requirements for similar documents and is stated in the federal rule at 9 CFR Part 86.5(b)(2).

Proposed subsection **(b)** identifies specific facilities generally receiving cattle after entering California from another state or moved within California for marketing purposes. The subsection requires the maintaining of the Certificate of Veterinary Inspection, which is required for entry into the State, for five (5) years, or alternate documentation with supporting documents associated with the movement of cattle to the described premises. The requirement to maintain the records for the specified time period is consistent with the federal rule (9 CFR Part 86.3(b)),

however the federal rule does not specifically identify by name all of the facilities that receive cattle because the names of these operations may vary from state to state. Therefore, the Department proposes to clarify each facility by name as recognized in this State as shown.

Proposed subsection **(c)** specifies the recordkeeping requirements for dealers which currently exists in Title 3, CCR, section 753.3 which the Department proposes to relocate to this article for organizational purposes. The Department is additionally amending the current two (2) year record retention to five (5) years for consistency with all recordkeeping for animal disease traceability purposes.

Proposed subsection **(d)** specifies any person receiving livestock must retain the official documents and their supporting documents used to move the livestock for a period of five (5) years. This subsection expands the requirement to keep records to any person receiving livestock, which could include private sales or movements of livestock through either interstate or intrastate channels. This proposed subsection goes beyond the federal rule to require recordkeeping for any person receiving livestock, however remains consistent with the five (5) year requirement. We believe to strengthen our ability to successfully trace animals, any person involved with the movement of livestock into and within California must keep records of those movements.

Proposed subsection **(e)** requires an owner to keep records pertaining to intrastate movements for a period of five (5) years for traceability purposes. This subsection is not a part of the federal rule, however necessary when tracing livestock disease within the State. Specifically, the Department may use intrastate records to trace animals from affected herds and where disease may have come from, and to determine where animals may have become infected and which animals have been exposed to the disease in other herds. We therefore find this section necessary for successful disease traceability.

Proposed subsection **(f)** specifies persons (accredited veterinarians and other persons) distributing official identification devices, or any person applying official eartags to animals on behalf of the owner, must maintain the name and address of the persons to whom devices were distributed or the owner of the animals, the official eartag numbers, and the date of distribution or application, for five (5) years. This subsection is consistent with 9 CFR Part 86.3(a), therefore the Department finds it necessary for disease traceability purposes and for compliance with the federal rule.

Proposed subsection **(g)** requires specific records of information be maintained by any person applying an additional eartag or device to livestock for five (5) years. The information required to be kept can be found in sections 831.2(b)(2) through(4) as specified. This proposed subsection is consistent with 9 CFR 86.4(c)(2) through (4), therefore the Department finds it necessary for disease traceability purposes and for compliance with the federal rule to include this requirement in our proposal for disease traceability purposes. Additionally, these specific records required to be kept are not reported or maintained by the Department, only required to be kept pursuant to this proposed subsection; therefore it is important they are maintained as the Department may need to review these records during a disease investigation.

Proposed subsection **(h)** requires specific records of information be maintained by any person replacing an official eartag or device. The specific information required to be kept for five (5) years can be found in proposed section 831.2(c)(4) which is consistent with 9 CFR 86.4(d)(4). We believe the maintenance and keeping of required information will assist the Department with tracing and tracking of animals during livestock disease events and therefore necessary for successful livestock disease traceability.

Proposed subsection **(i)** requires any person applying a (brucellosis) vaccination eartag to record and maintain specified information about the event for five (5) years. This proposed subsection differs from the requirements stated in federal rule; the federal rule does not specifically identify information required to be maintained for brucellosis vaccination events, however categorizes vaccination tags as an official identification device which has a five (5) year recordkeeping requirement. As proposed earlier in this rulemaking package, the Department locates all brucellosis vaccination requirements, including the recording of information about the brucellosis vaccination event, in proposed Article 1.5, section 752(a)(5) (as referenced in this proposed subsection), and the recordkeeping of the information in proposed sections 754.3(a) and (b). Because the vaccination eartag and maintaining information about vaccination event is key for brucellosis eradication and control within the State and a significant tool for successful disease traceability, we find it necessary to require the recording and maintaining of information about the event in the recordkeeping sections of both this proposed article and Article 1.5.

Proposed subsection **(j)** requires any person applying a new official identification device having a different number from the original device to record and maintain for five (5) years specific information about the event as specified. We are referencing proposed section 831.2(d) which clarifies the information required to be kept. This proposed subsection corresponds to 9 CFR Part 86.4(e). We believe the maintenance of the required information will assist the Department with tracing and tracking of animals during livestock disease events and therefore necessary for successful livestock disease traceability.

Proposed subsection **(k)** requires any person replacing a temporary identification device with a new official identification device to record and maintain for five (5) years specific information about the event. The Department proposes to list the information required to be kept in proposed section 831.2(c)(4)(B) and as such is referenced in this proposed section. This proposed subsection is consistent with 9 CFR 86.4(d)(4)(ii). Keeping and maintaining the specified information will assist the Department with tracing and tracking of animals during livestock disease events and therefore necessary for successful livestock disease traceability.

Proposed subsection **(l)** requires any person applying USDA approved backtags to animals must maintain for five (5) years a record, including but not limited to, the names and addresses of the owner of the animals, backtag numbers applied, and the date of application. Keeping and maintaining the specified information will assist the Department with tracing and tracking of animals during livestock disease events and therefore necessary for successful livestock disease traceability.

Proposed subsection **(m)** clarifies the Department may access records required to be kept pursuant to the article for inspection and photocopying which may be necessary during a livestock disease investigation and other disease traceability purposes.

### **Section 838. Violations.**

The Department is proposing to adopt regulations to establish the requirements for the notification of violations pertaining to animal disease traceability efforts as stated in the article.

Proposed subsections **(a)** and **(b)** specify violations for any person failing to comply with the requirements of the article relating to animal disease traceability. The Department has determined that the required movement and disease traceability data required by the article is necessary for the protection of California's livestock populations. Should individuals violate regulations established by this proposal, thus putting California's livestock industries at great risk, the Department may seek prosecution and/or impose administrative penalties. Therefore, the Department believes this section clarifies available remedies of the Department for violations of the article.

### **21) Amend the heading of Chapter 7, Division 2, of Title 3 of the California Code of Regulations.**

#### **Chapter 7. Restricted Animals.**

The Department is proposing to amend the chapter heading to better reflect the contents of the chapter.

### **22) Add new heading and Article 4, Chapter 7, Division 2, of Title 3 of the California Code of Regulations.**

#### **Article 4. Feeding Restricted Cattle.**

The Department is proposing to adopt new Article 4, of Chapter 7, Division 2 of Title 3 of the CCR to establish regulations for the movement of cattle into and within California that are known to have been exposed to livestock diseases, such as brucellosis and/or tuberculosis, and for the importation of cattle into California that are of unknown disease status. Movements of these cattle must be restricted as the Department considers these animals are high risk for potentially having and spreading diseases when coming into contact with other cattle. These high-risk cattle therefore, must only move to specific locations implementing detailed guidelines specified by the USDA and the Department for feeding these "restricted" animals prior to slaughter.

### **23) Add new sections 1302, 1303, 1304 and 1305 to Article 4, Chapter 7, Division 2, of Title 3 of the California Code of Regulations.**

## **Section 1302. Designated Pens in Feedlots.**

The Department is proposing to adopt new section 1302 to establish the requirements for maintaining restricted cattle known to have been exposed to tuberculosis and brucellosis, and held in designated pens in feedlots for feeding with subsequent movement only to slaughter. This section exists currently in Article 2.5, Interstate Movement of Cattle and Specified Animals into California, section 758.1 which we are deleting and relocating to proposed Article 4 of Chapter 7. As the section currently exists in Article 2.5, the requirements pertain only to cattle known to have been exposed to tuberculosis, however as proposed for relocation, we are expanding the requirements to apply to cattle known to be exposed to both tuberculosis and brucellosis, and modifying and updating the requirements for consistency with current procedures at feedlots and Department policy for maintaining exposed cattle. Additionally, we are adding the Application for Designated Pen Status to Feed Tuberculosis or Brucellosis Exposed Cattle, AHB Form 76-197 (Rev. 4/15) to the regulation which must be used by feedlot owners/operators to apply to the Department and USDA for authorization to have designated pens in feedlots for the described purpose.

Proposed subsection **(a)** explains the purpose of designated pens in feedlots for clarity.

Proposed subsection **(b)** directs inquires pertaining to designated pen status to the Animal Health district office in which the feedlot resides, or the Animal Health Branch in Sacramento. The Animal Health Branch district office is the main Animal Health Branch point-of-contact location for livestock veterinarians and premises in a given territorial region of the State. Livestock operations are aware which district office is their point of contact as regular communication with the staff in these locations is routine and necessary for ordering and receiving vaccination and identification supplies, and other animal health concerns. (Any person uncertain as to which Animal Health Branch district office is their point of contact may refer to the Department's Internet website for more information. Please refer to the Animal Health Branch district office map.)

Proposed subsection **(c)** establishes the requirements for approving designated pen status. Owners or managers of a feedlot must request from the Department's Animal Health Branch, either in writing, telephone or other electronic means, an Application for Designated Pen Status, AHB Form 76-197 (Rev. 4/15), and return the completed form to the Department. The Department is incorporating by reference, however not making this form available to the general public as the form is only used to approve feedlots to maintain designated pens. Application and approval for maintaining designated pens is an agreement between the applicant, and the Department and USDA to keep and feed for slaughter, cattle exposed to tuberculosis and/or brucellosis under very specific conditions to minimize the potential to expose other cattle at the feedlot to these diseases. As some cattle within a feedlot may be allowed to leave the feedlot for purposes other than slaughter, assurance that they have not come into contact with cattle known to have been exposed to disease is the intent of designated slaughter pens. The entirety of proposed subsection (c) describes the contents of the Application for Designated Pen Status, AHB Form 76-197 (Rev. 4/15), which is described as follows:

Proposed subsection **(c)(1)** requests the pen numbers for the pens subject to designated pen status. A feedlot consists of many numbered, contained areas (pens) where cattle are held, and provided feed and water. Only specific pens, designated by number, are subject to approval for feeding restricted cattle. It is necessary for the Department to know which pen numbers hold the exposed cattle for inspection purposes and for compliance with the requirements of the agreement to ensure no other cattle may also become exposed to the disease the restricted cattle may be harboring.

Proposed subsections **(c)(2) and (3)** request contact and location information for the feedlot premises and the owner/manager which is necessary for inspection purposes.

Proposed subsection **(c)(4)** requires the applicant to specify the disease the cattle, entering the pens subject to approval, have been exposed to, either tuberculosis and/or brucellosis.

Proposed subsection **(c)(5)** informs the applicant their signature is agreement and certification of compliance with the requirements as stated.

Proposed subsections **(c)(5)(A) through (K)** specify the detailed requirements for maintaining the exposed cattle including containment, movement, identification, and housing specifications; recordkeeping; biosecurity of employees; cleaning and disinfecting areas or equipment exposed cattle may have contaminated; and availability of cattle and records for inspection by the Department or USDA. These conditions by which the applicant must agree are necessary to ensure the cattle exposed to tuberculosis and/or brucellosis do not expose or infect other cattle at the feedlot.

Proposed subsection **(d)** clarifies the period of time the agreement is valid, which is specified as one (1) year from the date of approval. The Department considers the date of approval, the date of the last signature and date, either by the Department or USDA whichever comes later.

Proposed subsection **(e)** provides the Department may modify the requirements pertaining to the agreement for the establishment of designated pens in feedlots in response to a change in disease status or to prevent the threat, introduction or spread of disease to California livestock, as determined by the State Veterinarian. In the genre of livestock diseases, at any given moment an incident of disease can occur. In most cases, an outbreak of disease or illness is identifiable, treatable, and/or traceable, and can be contained and managed before significant spread. However, because of the daily movement of people and animals around the world, potentially devastating and catastrophic diseases that are not common in the US are constantly a threat and a real possibility for introduction. Introduction of any one of a number of these diseases or conditions, for example, Foot and Mouth Disease or other emerging diseases, could reap havoc in this State. Therefore, the Department must have the ability to modify conditions for moving animals into and within the State at any given moment to prevent, or at least minimize situations that could contribute to the spread of these threats to other animals and even humans.

Proposed subsection **(f)** specifies the Department may revoke an agreement with the applicant to maintain designated pens in feedlots, or refuse to enter into a future agreements with the applicant to maintain designated pens in feedlots for failure to comply with the provisions of the agreement as stated. The Department believes it is necessary to enforce these provisions to maintain a healthy livestock population in California now and in the future.

### **Section 1303. Terminal Feedlots.**

The Department is proposing this new subsection to establish the requirements for terminal feedlots which are premises, or portions thereof, used to feed restricted cattle moving to slaughter, without allowances for movement to any other location except to a recognized slaughtering facility, another terminal feedlot or slaughter pens. These restricted cattle are cattle of unknown disease status which are allowed to enter California only if moving directly into a premises such as a terminal feedlot where it can be ensured the cattle do not leave the premises for reasons other than immediate slaughter, to slaughter pens in a feedlot or to another terminal feedlot. Terminal feedlots are necessary to ensure cattle of unknown disease status, risk or exposure are not entering the general population of California cattle, whether by private ownership or through unrestricted slaughter movements.

Proposed subsection **(a)** explains the purpose of terminal feedlots for clarity.

Proposed subsection **(b)** directs inquires pertaining to terminal feedlots to the Animal Health district office in which the feedlot resides, or the Animal Health Branch in Sacramento. The Animal Health Branch district office is the main Animal Health Branch point-of-contact location for livestock veterinarians and premises in a given territorial region of the State. Livestock operations are aware which district office is their point of contact as regular communication with the staff in these locations is routine and necessary for ordering and receiving vaccination and identification supplies, and other animal health concerns. (Any person uncertain as to which Animal Health Branch district office is their point of contact may refer to the Department's Internet website for more information. Please refer to the Animal Health Branch district office map.)

Proposed subsection **(c)** establishes the requirements for approving terminal feedlots. Owners or managers of a feedlot must request from the Department's Animal Health Branch, either in writing, telephone or other electronic means, an Application for a Terminal Feedlot, AHB Form 76-198 (Rev. 4/15) and return the completed form to the Department. The Department is incorporating by reference, however not making this form available to the general public as the form is only used to approve terminal feedlots. Application and approval for maintaining terminal feedlots is an agreement between the applicant, and the Department and USDA to keep and feed for slaughter, cattle whose movement is restricted because of their unknown disease status. Cattle maintained in terminal feedlots therefore, must be held under very specific conditions to minimize their potential expose to other cattle at the feedlot. As some cattle within a traditional feedlot may be allowed to leave the feedlot for purposes other than immediate slaughter, cattle held in terminal feedlots can leave a terminal feedlot only when

entering a slaughtering facility, another terminal feedlot or moving to slaughter pens (see proposed justification for section 1304 below). These restricted movements are necessary to assure cattle of unknown disease status do not come into contact with known healthy cattle. The entirety of proposed subsection (c) describes the content of the Application for a Terminal Feedlot, AHB Form 76-198 (Rev. 4/15), which is described as follows:

Proposed **subsections (c)(1) and (2)** request contact and location information for the feedlot premises and the owner/manager which is necessary for inspection purposes.

Proposed **subsection (c)(3)** informs the applicant their signature is agreement and certification of compliance with the requirements as stated.

Proposed subsections **(c)(3)(A) through (G)** specify the detailed requirements for maintaining the cattle of unknown disease status in a terminal feedlot including containment, movement, identification, recordkeeping; and availability of cattle and records for inspection by the Department or USDA. These conditions by which the applicant must agree are necessary to ensure the restricted cattle of unknown disease status do not come into contact with other cattle.

Proposed subsection **(d)** clarifies the period of time the agreement is valid, which is specified as one (1) year from the date of approval. The Department considers the date of approval, the date of the last signature and date, either by the Department or USDA whichever comes later.

Proposed subsection **(e)** provides the Department may modify the requirements pertaining to the agreement for terminal feedlots in response to a change in disease status or to prevent the threat, introduction or spread of disease to California livestock, as determined by the State Veterinarian. In order to prevent the threat, introduction or spread of disease to California livestock, the Department believes this subsection is necessary for the protection of California. At any given moment an incident of livestock disease can occur. In most cases, an outbreak of disease is identifiable, treatable, and/or traceable, and can be contained and managed before significant spread. However, because of the daily movement of people and animals around the world, potentially devastating and catastrophic diseases that are not common in the US are constantly a threat and a real possibility for introduction. Introduction of any one of a number of these diseases or conditions could be catastrophic. Therefore, the Department must have the ability to modify conditions for moving animals into and within the State at any given moment to prevent, or at least minimize situations that could contribute to the spread of these threats.

Proposed subsection **(f)** specifies the Department may revoke an existing agreement with the applicant to maintain terminal feedlots, or refuse to enter into a future agreement with the applicant to maintain a terminal feedlot for failure to comply with the provisions of the agreement as stated. The Department believes it is necessary to enforce these provisions to maintain a healthy livestock population in California now and in the future.

## **Section 1304. Slaughter Pens.**

The Department is proposing this new subsection to establish the requirements for slaughter pens which are a set of pens, or a pen, on a feedlot used to hold and feed cattle of unknown disease status without allowances for movement to any other location except to a slaughtering facility or to another slaughter pens. These restricted cattle are cattle of unknown disease status, allowed to enter California only if moving directly into a feedlot maintaining slaughter pens. Slaughter pens are necessary to ensure cattle of unknown disease status, risk or exposure are not entering the general population of California cattle, whether by private ownership or through unrestricted slaughter movements.

Proposed subsection **(a)** explains the purpose of slaughter pens for clarity.

Proposed subsection **(b)** directs inquires pertaining to slaughter pen approval to the Animal Health district office in which the feedlot resides, or the Animal Health Branch in Sacramento. The Animal Health Branch district office is the main Animal Health Branch point-of-contact location for livestock veterinarians and premises in a given territorial region of the State. Livestock operations are aware which district office is their point of contact as regular communication with the staff in these locations is routine and necessary for ordering and receiving vaccination and identification supplies, and other animal health concerns. (Any person uncertain as to which Animal Health Branch district office is their point of contact may refer to the Department's Internet website for more information. Please refer to the Animal Health Branch district office map.)

Proposed subsection **(c)** establishes the requirements for approving slaughter pens in feedlots. Owners or managers of a feedlot must request from the Department's Animal Health Branch, either in writing, telephone or other electronic means, an Application for Slaughter Pen Status, AHB Form 76-200 (Rev. 4/15) and return the completed form to the Department. The Department is incorporating by reference, however not making this form available to the general public as the form is only used to approve slaughter pens. Application and approval for maintaining slaughter pens is an agreement between the applicant, and the Department and USDA to keep and feed for slaughter, cattle whose movement is restricted because of their unknown disease status. Cattle maintained in slaughter pens therefore, must be held under very specific conditions to minimize their potential expose to other cattle at the feedlot. As some cattle within a traditional feedlot may be allowed to leave the feedlot for purposes other than slaughter, cattle held in slaughter pens at a feedlot can leave their current slaughter pen only when moving to another slaughter pens or entering a slaughter facility. These restricted movements are necessary to assure cattle of unknown disease status do not come into contact with known healthy cattle. The entirety of proposed subsection (c) describes the content of the Application for Slaughter Pen Status, AHB Form 76-200 (Rev. 4/15), which is described as follows:

Proposed subsection **(c)(1)** requests the pen numbers for the pens subject to slaughter pen status. A feedlot consists of many numbered, contained areas (pens) where cattle are held, and provided feed and water. Only specific pens, designated by number, are subject to approval for Animal Disease Traceability - ISR

feeding restricted cattle. It is necessary for the Department to know which pen numbers hold the restricted cattle for inspection purposes and for compliance with the requirements of the agreement to ensure no other cattle may also become exposed to any disease they may be harboring.

Proposed subsections **(c)(2) and (3)** request contact and location information for the feedlot premises and the owner/manager which is necessary for inspection purposes.

Proposed subsection **(c)(4)** informs the applicant their signature is agreement and certification of compliance with the requirements as stated.

Proposed subsections **(c)(4)(A) through (I)** specify the detailed requirements for maintaining the cattle of unknown disease status in a slaughter pen including containment, movement, identification, recordkeeping; and availability of cattle and records for inspection by the Department or USDA. These conditions by which the applicant must agree are necessary to ensure the restricted cattle of unknown disease status do not come into contact with other cattle.

Proposed subsection **(d)** clarifies the period of time the agreement is valid, which is specified as one (1) year from the date of approval. The Department considers the date of approval, the date of the last signature and date, either by the Department or USDA whichever comes later. The Department proposes the agreement terminate annually and the applicant reapply at the end of the term as a means of updating information as provided by the agreement and to reevaluate be valid for one (1) year

Proposed subsection **(e)** provides the Department may modify the requirements pertaining to the agreement for slaughter pens in response to a change in disease status or to prevent the threat, introduction or spread of disease to California livestock, as determined by the State Veterinarian. In order to prevent the threat, introduction or spread of disease to California livestock, the Department believes this subsection is necessary for the protection of California. The Department must have the ability to modify conditions for moving animals into and within the State at any given moment to prevent, or at least minimize situations that could contribute to the spread of catastrophic diseases and threats that could occur at any given time.

Proposed subsection **(f)** specifies the Department may revoke an existing agreement with the applicant to maintain slaughter pens, or refuse to enter into a future agreement with the applicant to maintain slaughter pens for failure to comply with the provisions of the agreement as stated. The Department believes it is necessary to enforce these provisions to maintain a healthy livestock population in California now and in the future.

### **Section 1305. Violations.**

The Department is proposing to adopt regulations to establish the requirements for the notification of violations pertaining to maintaining restricted animals as stated in the article.

Proposed subsections **(a)** and **(b)** specify violations for any person failing to comply with the requirements of the article relating to the maintaining of restricted animals. The Department has determined that the required movement restrictions and related disease traceability data required by the article is necessary for the protection of California's livestock populations. Should individuals violate regulations established by this proposal, thus putting California's livestock industries at great risk, the Department should be able to seek prosecution and/or impose administrative penalties. Therefore, the Department believes a section included in this proposal to explain the available remedies for violations of the article is necessary.

### **Material Relied Upon**

- Federal Register, Volume 78, Number. 6, January 9, 2013, pages 2071-2075.
- Animal Health Branch district office map.
- CA brucellosis vaccination tag sample.
- CA Electronic Identification Device sample.
- United States Bovine Brucellosis Affected Herd Investigations and Designated Surveillance Areas map, September, 2015.
- Cattle Health Advisory Task Force Meeting Minutes dated April 22, 2015.
- California Cattlemen's Association petition letter dated December 16, 2013 and Notice of Decision on Petition for Rulemaking, California Regulatory Notice Register 2014, Volume No. 5-Z, pages 209-210.
- California Cattlemen's Association petition letter dated January 16, 2015 and Notice of Decision on Petition for Rulemaking, California Regulatory Notice Register 2015, Volume No. 10-Z, pages 411-413.
- WA Department of Agriculture – tag order form, trichomonosis tag sample and Bovine Trichomonosis in Washington State brochure.
- California Animal Health and Food Safety laboratory system Trichomonas Submission Form and Trichomonas/*Tritrichomonas foetus* testing protocol.
- USDA Process Verified Program, GVD 1001 Procedure, October 26, 2015.
- USDA Quality Systems Verification Program GVD 1002, March 4, 2004.
- USDA, Animal Disease Traceability, General Standards, January 2, 2015, Version 2.4.
- USDA, APHIS, Regulatory Impact Analysis & Final Regulatory Flexibility Analysis, July 2012.
- UC Davis, Veterinary Medicine, California Animal Health and Food Safety Laboratory System, Select List of Tests Performed on Beef Cattle at CAHFS.
- 2012 Census of Agriculture – State Data, USDA, National Agricultural Statistics Service.

### **Specific Technologies or Equipment**

This regulation does not mandate the use of specific technologies or equipment. However, the regulation requires the use of official identification devices (as specified in the USDA's federal regulations for the identification of livestock moving in interstate commerce, 9 CFR Part 86, effective March 11, 2013) for specified movements of cattle within the State. The USDA is supplying metal eartags and eartag applicators to states for distribution to cattle operations free

of charge. For operations choosing to use a different form of official identification and/or application devices, additional costs could be incurred.

The proposal requires the use of trichomonosis tags for bulls tested for trichomonosis. A wide variety of distributors sell trichomonosis tags for use, however, specifically colored tags which indicate the year and test period must be used. This requirement is consistent among many states having a trichomonosis control program; the Department will make information available on its Internet website and in trichomonosis control brochures, available both in hard copy and electronically, regarding the appropriate colored tag for the trichomonosis testing time period.

### **Consideration of Reasonable Alternatives**

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Department would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Department considered and rejected the following alternatives:

1. Do nothing and allow cattle owners to only follow the USDA's Animal Disease Traceability rule (9 CFR Part 86) when moving cattle interstate. This alternative was rejected because the federal rule alone cannot achieve successful animal disease traceability within California, or of cattle from California, due to the unique husbandry and marketing practices in the West. Adoption of the federal rule without modifications would leave gaps and contradictions to existing disease control regulations which could potentially make California vulnerable to disease exposure and ultimately weaken any disease traceability efforts anticipated by the federal regulations. Therefore, the Department rejects this alternative.
2. Adopt the proposed regulation. The Department determined this alternative is the most appropriate because the proposal incorporates the USDA's Animal Disease Traceability rule (9 CFR Part 86) and amends existing disease control regulations to establish official identification and documentation requirements for the traceability of cattle moving into and within California with modifications as necessary to facilitate movement and husbandry practices unique to California's cattle industry. This proposal further amends the regulations pertaining to the sale of bulls in California as petitioned by the California Cattlemen's Association. These additions and amendments are necessary to implement an efficient and accurate animal disease traceability system to ensure rapid response when animal disease or related livestock and/or human health events take place, thereby reducing the number of quarantined or disposed animals which benefits producers and ultimately consumers.

### **Reasonable Alternatives the Department has Identified That Would Lessen Any Adverse Impact on Small Businesses**

The Department has not identified any alternatives than the proposed regulation that would lessen any adverse impact on small businesses.

The Department has determined this proposal will impact small businesses engaged in the beef cattle industry as a result of the requirement for the official identification of non-virgin bulls less than 18 months of age and bulls over 18 months of age prior to change ownership. Additionally, these same businesses may be impacted by the requirement for non-virgin bulls less than 18 months of age (in addition to the existing requirement for bulls over 18 months of age) to have a negative DNA detection or amplification based trichomonosis test prior to change of ownership in California.

The Department has determined this proposal will impact small businesses engaged in the dairy cattle industry as a result of the requirement for the official identification of all dairy cattle (both male and female) when leaving their birth premises.

### **Benefits of this Regulatory Action**

The benefits of this proposal include the enhanced ability to trace animal disease more quickly and efficiently than at present with fewer private entities needing to be included in the investigations. Regionalizing and compartmentalizing animal health issues as a result of an improved traceability system further reduces the risk of disease spread from known infected animals through the timely location of other animals that may have been infected or exposed however not yet exhibiting signs of disease. As a result, successful and timely traceability enables the reestablishment of foreign and domestic livestock markets with minimal delay which will ultimately benefit public and private entities.

Many livestock diseases as discussed in this proposal including bovine brucellosis and tuberculosis, and bovine spongiform encephalopathy have serious human health implications. The benefits of this proposal to the health and welfare of California residents include the enhanced ability of the Department to trace animal disease more quickly and efficiently, and reduce or eliminate its potential to spread and cause human health illnesses.

The above determinations are based on the fact this regulatory proposal is necessary to reorganize and update existing disease control regulations, and implement interstate and intrastate movement requirements for purposes of animal disease traceability in accordance with Food and Agricultural Code sections 407, 9932, 10324 and 10610.

### **Facts, Evidence, Documents, Testimony or Other Evidence of Significant Adverse Impact on Businesses**

The Department has identified facts, documents or evidence that this proposal will result in significant adverse economic impact on businesses as described in the Economic Impact Assessment.

## **Documents Incorporated by Reference**

- Report of Heifer Calves Vaccinated – Brucellosis, AHB Form 76-026 (Rev. 10/15).
- Pasture to Pasture Permit, AHB Form 76-074 (Rev. 10/15).
- One-Time Event Permit, AHB Form 76-074A (Rev. 10/14).
- Application for Designated Pen Status to Feed Tuberculosis or Brucellosis Exposed Cattle, AHB Form 76-197 (Rev. 4/15).
- Application for a Terminal Feedlot, AHB Form 76-198 (Rev. 4/15).
- Official Bovine Trichomonosis Test Report Form, AHB Form 76-199 (Rev. 10/15).
- Bovine Trichomonosis Test Report Continuation Form, AHB Form 76-199A (Rev. 10/15).
- Application for Slaughter Pen Status, AHB Form 76-200 (Rev. 4/15).
- Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14).
- Report of Heifers Spayed After Arrival, AHB Form 76-203 (Rev. 10/15).
- Report of Official Ear Tags Distributed or Applied, AHB Form 76-210 (Est. 10/15).

## **Duplication or Conflicts with Federal Regulation**

This proposal does not duplicate or conflict with federal regulations. The Department is proposing to adopt specified requirements of the USDA's Animal Disease Traceability rule (9 CFR Part 86) and modify those requirements as necessary to facilitate unique movement and husbandry practices of California's cattle industry. This proposal additionally amends existing disease control regulations to incorporate federal and State efforts to establish official identification and documentation requirements for the traceability of cattle moving into and within California.

## **Economic Impact Assessment**

The Department has made an initial determination that the proposed regulatory action will adversely affect the creation or elimination of jobs within the State, the creation of new businesses or the elimination of existing businesses within the State, and the expansion of businesses currently doing business within the State.

The Department is making these determinations because due to the cost impacts of this proposal California cattle producers may choose to not market and/or move cattle within the State.

The Department has made an initial determination that this regulatory proposal may have a significant impact on the cattle industry in California; the proposal will impact persons moving dairy cattle within the State; cattle owners vaccinating cattle against brucellosis; owners of bulls changing ownership; owners of Approved Tagging Sites, feedlots with designated pens, premises with slaughter pens, terminal feedlots; California licensed veterinarians; and any person receiving cattle, applying official identification to cattle or moving cattle within the State.

### Businesses Impacted:

This proposal adopts the cattle and bison components of the USDA's Animal Disease Traceability rule (9 CFR Part 86) which establishes official identification and documentation requirements for the traceability of livestock moving between all states. Because compliance with the USDA traceability rule is required for interstate commerce regardless of the implementation of the requirements of this proposal, the Department has determined there to be no adverse economic impact to California's cattle and bison industries as a result of this component of the proposal.

This proposal additionally relocates existing importation, movement and identification regulations for cattle and bison pursuant to specific livestock diseases (bovine brucellosis, Article 1.5; and tuberculosis, Articles 2 and 2.5) into those proposed new animal disease traceability requirements (Article 14). The Department has determined there is no adverse economic impact related to the relocation of these requirements.

This proposal further repeals outdated requirements within bovine brucellosis (Article 1.5) and tuberculosis (Articles 2 and 2.5), replacing them with updated requirements to reflect current industry practices to enhance existing prevention, control and eradication disease programs. The Department has determined there is no adverse economic impact with regard to these amendments.

The Department has determined this proposal will have an economic impact on California's beef cattle industry as a result of the requirement for the official identification of non-virgin bulls less than 18 months of age and bulls over 18 months of age prior to change ownership (proposed section 820.4(a)). Due to husbandry and production practices, trichomonosis is mainly a concern for the beef cattle industry, therefore this requirement only affects California's beef (male) cattle industry.

Additionally the Department has determined this proposal will have an economic impact on California's dairy industry as a result of the requirement for the official identification of all dairy cattle (both male and female) when leaving their birth premises (proposed section 831.5(a)). Most young dairy cattle leave their birth premises because they are either sold, moved to another location to mature and return to herd of origin or moved to another location to mature and then sold to another dairy or slaughter. For purposes of this analysis, the Department is only considering the official identification of the number of male dairy cattle leaving the birth premises because dairy female cattle will have official identification applied in the form of a brucellosis vaccination eartag pursuant to section 752. As amended in this proposal beginning at 4 months of age. Although some female dairy animals will leave the birth premises prior to brucellosis vaccination and thus require another form of official identification, the Department is unable to predict or estimate the number of female dairy animals exclusively, that could potentially leave their birth premises prior to 4 months of age.

The Department, therefore is calculating the costs associated with the requirement of cattle to have official identification for male cattle only - non-virgin bulls less than 18 months of age and bulls over 18 months of age prior to change ownership and male dairy cattle of any age when leaving their birth premises.

Data maintained by the Department's Bureau of Livestock Identification shows approximately 461,800 head of male cattle were "inspected" in California in 2013. The Department believes this number best represents the potential number of animals affected by the regulations annually because it includes all male cattle, both beef and dairy and of any age, changing ownership over a one (1) year period. The Bureau inspects all cattle whenever they are sold or ownership is transferred, prior to specified movements within and out of the State, prior to entry into a registered feedlot and slaughter, and prior to release or sale from a public saleyard, or public or private cattle sales markets. Therefore, we are using 461,800 to determine the costs to apply official identification to all male cattle in the State annually pursuant to proposed sections 820.4(a) and 831.5(a). We believe, however this number could potentially overestimate the number of male cattle requiring identification because it includes male cattle not changing ownership, for example those inspected for movement to a registered feedlot and slaughter, and prior to release or sale from a public saleyard, or public or private cattle sales markets, and those moving out of this State.

The USDA in their Regulatory Impact Analysis and Final Regulatory Flexibility Analysis<sup>17</sup> estimated the cost per head of beef cattle requiring official identification for interstate movement as required by the federal Animal Disease Traceability rule. Using USDA figures, the Department can estimate the potential costs associated with the application of official identification to all male cattle potentially changing ownership on an annual basis (461,800) as required in our proposal.

The USDA estimates the cost for producers to apply official identification per head of beef cattle that require official identification (for interstate movement) to range between \$0.00 and \$4.68. The USDA is supplying metal eartags and eartag applicators to states for distribution to cattle operations free of charge. For operations choosing to use a different form of official identification, additional costs could be incurred.

Cattle producers currently using official identification as a part of their routine management practices will have no additional costs to comply with the proposed regulation. The USDA estimates 35% of beef cattle in the US already maintain official identification (shown as Group 1.) Therefore, Group 1 shows no costs incurred for compliance.

A mid-range cost which the USDA estimates \$0.18 per head, applies to the 45% of beef cattle in the US that the USDA estimates to already have some form of identification for management purposes other than official identification (shown as Group 2.) This additional cost for producers who already tag their cattle not using official identification is the labor required to attach the

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<sup>17</sup> USDA, APHIS, Regulatory Impact Analysis & Final Regulatory Flexibility Analysis, July 2012.  
Animal Disease Traceability - ISR

official identification during the same tagging event. All other costs associated with the tagging event, including chute operation costs, costs of shrinkage, and possible human or animal injury, are costs incurred by producers at any tagging event.

The highest cost projection of \$4.68 per head of cattle, consists of 20% of the US beef cattle, that if it were not required by the regulations would not be identified, includes operation costs and costs of shrinkage and possible injury (as well as cost to attach the eartag) independent of other cattle management activities (shown as Group 3.)

Using costs provided by the USDA for the official identification of beef cattle involved in interstate movement and the approximate number of male cattle, both beef and dairy and of any age potentially changing ownership in California, the Department estimates potential total annual costs associated with the application of official identification to all male cattle between \$0.00 and \$469,651 and every year thereafter. However, as previously noted, this number could potentially overestimate the number of male cattle requiring identification because it includes male cattle exempted from identification when en route to slaughter and moving out of the State.

	Cost to id each animal	# of CA bulls impacted	Cost
Group 1: (35%) Official id currently used	\$0.00	161,630	\$ 0
Group 2: (45%) Official id incorporated into routine mgmt. practices	\$0.18	207,810	37,406
Group 3: (20%) Official id not incorporated into routine mgmt. practices	\$1.68-\$4.68	92,360	155,165-432,245
Total cost to officially id male cattle (proposed sections 820.4(a) and 831.5(a))			\$ 0- <u>\$469,651</u>

The Department has determined this proposal will have an economic impact on California's beef cattle industry as a result of the requirement for non-virgin bulls less than 18 months of age (in addition to the existing requirement for bulls over 18 months of age) to have a negative DNA detection or amplification based trichomonosis test prior to change of ownership in California (proposed section 820.4(c).) The Department estimates the total number of trichomonosis tests conducted on bulls for year 2014 at 7,000 tests, based on the reporting of trichomonas submissions to the California Animal Health and Food Safety Laboratory System for testing for

the year. In addition to including trichomonosis testing of bulls 18 months of age and older, this number represents all stud bulls used for artificial insemination and herd management tests which are not required to be tested in accordance with this proposal. Most bulls tested will be over 18 months of age; very few bulls under the 18 months threshold will be tested, therefore, we believe 7,000 test most accurately represents the approximate number of bulls requiring testing (annually) when changing ownership pursuant to this proposal.

Trichomonosis testing fees as published by the California Animal Health and Food Safety Laboratory System<sup>18</sup> cost \$27.50/test for DNA detection or amplification-based testing. The Department estimates the total potential annual statewide cost for trichomonosis testing using the anticipated number of tests (7,000) at \$192,500<sup>19</sup>. Additional costs to conduct the testing using USDA figures for chute operation (\$1.50-\$2.50/animal), and shrinkage and injury (\$.50 - \$2.50/animal) could additionally incur up to \$35,000. There will be additional costs associated with private veterinary services (ranch visit cost) which the Department is not able to estimate as these costs vary by location because some veterinarians may need to travel to remote location to conduct the testing, and additionally, veterinary services (cost to conduct the testing) vary by veterinary service providers and depend on the number of animals tested.

This proposal requires bulls tested for trichomonosis to have official identification and a trichomonosis tag (proposed section 820.55(a)). Trichomonosis tags will cost producers approximates \$0.75/tag based upon the advertised price of such tags in Washington state. Trichomonosis tags will be applied, in most cases, at the time of testing, therefore the Department is not considering costs associated with chute operation, and shrinkage and injury to the animals, and costs incurred for veterinary services. Using the same estimated future number of trichomonosis tests of 7,000, the Department estimates annual costs associated with the application of a trichomonosis tag at \$5,250.

The Department estimates the total potential annual costs for trichomonosis testing at change of ownership, including the application of the trichomonosis tag pursuant to this proposal at \$232,750 per year and every year thereafter.

Persons/Businesses affected by this proposal:

The Department has determined this proposal will affect California's beef cattle industry as a result of the requirements for the official identification and negative trichomonosis test of non-virgin bulls less than 18 months of age and bulls over 18 months of age prior to change ownership (proposed section 820.4(a) and 820.55(a), respectively.)

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<sup>18</sup> UC Davis, Veterinary Medicine, California Animal Health and Food Safety Laboratory System, Select List of Tests Performed on Beef Cattle at CAHFS.

<sup>19</sup> This compares to the \$9.90/test for culture testing (annual statewide cost of \$69,300) which is no longer acceptable for official trichomonosis testing of sale bulls in accordance with this proposal. Therefore, California's beef industry can expect an annual statewide increased cost of \$123,200 for official trichomonosis testing of sale bulls using DNA detection or amplification-based tests.

- There are approximately 10,925 beef operations in California<sup>20</sup> that could potentially market bulls.

The Department has determined this proposal will also affect California's dairy industry as a result of the requirement for the official identification of all dairy cattle (both male and female) when leaving their birth premises (proposed section 831.5(a).)

- There are approximately 1,774,000 dairy cattle representing approximately 1,500 dairies in California.<sup>21</sup>

Anticipated compliance requirements as a result of this proposal:

- *Paperwork requirement:* The Department is proposing the keeping of specified records for purposes of disease control, and disease traceability in compliance with and complementary to the USDA's Animal Disease Traceability rule (9 CFR Part 86) and federal interstate movement requirements as follows:
  - Any person applying vaccination eartags; applying new, additional or replacing official identification tags or devices; distributing official identification devices and owners of animals vaccinated for brucellosis must maintain specified information about the event for five (5) years.
  - Any person receiving livestock shall maintain official documents with supporting documents for five (5) years.
  - USDA accredited and state-licensed veterinarians issuing Certificates of Veterinary Inspection must maintain the Certificates of Veterinary Inspection with supporting documents for (5) five years.
  - Approved licensed dealers, approved livestock facilities, Approved Tagging Sites, registered feedlots and livestock markets must keep any Certificates of Veterinary Inspection or alternate documentation with supporting documents for the movement of livestock entering the facility for five (5) years.
  - Owners or managers of feedlots with designated pens, terminal feedlots and premises with slaughter pens must maintain all cattle movement records for a minimum of five (5) years.
  - USDA accredited and state-licensed veterinarians or other persons or entities distributing official eartags or any person applying official eartags to animals on behalf of the owner must maintain specified information documenting the event for five (5) years.

The Department believes the paperwork requirements of this proposal do not adversely affect businesses or small businesses engaged in cattle husbandry or marketing in California. The Department believes the five-year recordkeeping requirement is necessary and reasonable as any needed investigation into a livestock or human health illness or disease outbreak would require inquiry into records up to, but no longer than,

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<sup>20</sup> 2012 Census of Agriculture, USDA, National Agricultural Statistics Service.

<sup>21</sup> 2012 Census of Agriculture, USDA, National Agricultural Statistics Service.

the period of five (5) years. These requirements are not anticipated to incur increased costs to businesses as recordkeeping is an existing standard business practice for persons involved in cattle husbandry or marketing in California; in most cases, the maintaining of records for a period of two (2) years is an existing federal requirement. The maintenance and reference to records and related documents provides an additional mechanism for disease traceability that is critical to solving and ceasing livestock and human health illness or disease events which will protect the health and welfare of the public.

- *Reporting Requirement:* The Department is proposing the reporting of specified information for the purposes of disease control and traceability as follows:
  - Veterinarians using vaccines for brucellosis calfhood vaccination and eartags used for identification must report specified information to the Department within 14-days. The Department provides veterinarians with the Report of Heifer Calves Vaccinated – Brucellosis, AHB Form 76-026 (Rev. 10/15) to report specified information about the vaccination event, however use of the form is not a requirement.
  - USDA accredited and state-licensed veterinarians or other persons or entities distributing official eartags, or any person applying official eartags to animals on behalf of the owner must report to the Department the name and address of the veterinary clinic or facility distributing or applying tags; name of veterinarian or person distributing or applying tags; and veterinary license number, if applicable; reporting year and reporting quarter (March, June September, or December); starting and ending tag numbers; date of tag distribution or application; and premises or owner name; physical address, city, zip and telephone number where tags were distributed to or location of animals when tagged. The Department makes available on our Internet website or by contacting the Animal Health Branch, the Report of Official Ear Tags Distributed or Applied, AHB Form 76-210 (Est. 10/15) for reporting the above information, however use of this form is not a requirement.
  - Any licensed veterinarian, any person operating a diagnostic laboratory, or any person who has been informed, recognizes or should recognize, by virtue of education, experience, or occupation, that any animal or animal product is or may be affected by, has been exposed to, or may be transmitting or carrying any condition specified in the "List of Reportable Conditions for Animals and Animal Products," must report to the Department all known information required by the Department within the time specified in the "List of Reportable Conditions for Animals and Animal Products" pursuant to Title 3, California Code of Regulations, section 797. The List is available from the Department's Internet website or by contacting the Animal Health Branch.
  - California-licensed veterinarians spaying heifers after arrival in California must report specified information about the event using the Report of Heifers Spayed After Arrival, AHB Form 76-203 (Rev. 10/15) and submit the record either by mail

- or electronically to the Department's Animal Health Branch within seven (7) days after spaying the animals.
- Owners/operators of Approved Tagging Sites must report to the Department within 30 days, any change in management at the facility.

The Department believes the reporting requirements of this proposal do not adversely affect businesses or small businesses engaged in cattle husbandry or marketing in California. The Department believes the reporting of specified information is necessary and reasonable as information reported to the Department will assist investigations into any livestock or human health illness or disease outbreak. These reporting requirements are not anticipated to adversely incur increased costs to businesses as the reporting requirements can occur on forms provided by the Department, or in some instances where allowable, the public may choose to use their own form to report the required information, any of which may be returned (reported) to the Department electronically or by U.S. Postal Service, or in some cases where specified, the reporting of information can take place over the telephone. Any person choosing to report the required information through the use of forms sent via the U.S Postal Service, will incur standard business mailing expenses, of which the Department is unable to determine the economic impacts of because we cannot foresee the number of instances these costs will occur. The required reporting of information on forms or other means provides an additional mechanism for disease traceability that is critical to solving and ceasing livestock and human health illness or disease events which will protect the health and welfare of the public.

#### Benefits of the proposed regulation to the health and welfare of California residents, worker safety and the State's environment.

Many livestock diseases as discussed in this proposal including bovine brucellosis and tuberculosis, and bovine spongiform encephalopathy have serious human health implications. The benefits of this proposal to the health and welfare of California residents include the enhanced ability of the Department to trace animal disease more quickly and efficiently, and reduce or eliminate its potential spread into a greater number of livestock populations and ultimately, to prevent human health disease events or illnesses.

#### **Economic Impact Assessment Conclusion**

The Department has made an initial determination that the proposed regulatory action may have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations. The proposal may affect the creation of new businesses or the elimination of existing businesses within the State of California, and may affect the expansion of businesses currently doing business within the State of California.

This proposal benefits the health and welfare of California residents by enhancing the Department's ability to trace animal disease more quickly and efficiently, and reduce or eliminate its potential spread into a greater number of livestock populations and ultimately, to prevent human health disease events or illnesses. This proposal does not specifically impact

worker safety or the State's environment as it relates to amends existing disease control requirements and implements new animal disease traceability requirements for cattle moving into and within California.

The above determinations are based on the fact this regulatory proposal is necessary to reorganize and update existing disease control regulations, and implement interstate and intrastate movement requirements for purposes of animal disease traceability in accordance with Food and Agricultural Code sections 407, 9932, 10324 and 10610.