

**DEPARTMENT OF FOOD AND AGRICULTURE  
Animal Health Branch  
INITIAL STATEMENT OF REASONS**

**SUBJECT MATTER OF PROPOSED REGULATIONS**

Diseased Animals

**SECTIONS AFFECTED**

Amend sections 1300, 1300.1 and 1300.3; Repeal sections 1300.2 and 1300.4; and amend sections 1300.11, 1300.12, 1300.13, 1300.14, and 1300.15.

**SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT OR REPEAL**

The Department of Food and Agriculture (Department), Animal Health Branch, proposes to make amendments to various sections of Article 1 and Article 2 of Chapter 7, Division 2, Title 3 of the California Code of Regulations (CCR), for the purpose of clarifying and updating existing practices and procedures.

Existing law, section 9561 of the Food and Agricultural Code (FAC), authorizes the State Veterinarian of the Department 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. 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 State Veterinarian to restrict the importation of animals, animal products, or other property from any state, territory, or foreign country should a quarantine be invoked pursuant to section 9562.

As these Code sections pertain to this proposal, the State Veterinarian may establish the requirements for importing diseased livestock into the State that could or may pose a significant risk to other animals or humans, including an introduction of harmful animal products into the human food chain. Diseased animal in this case include animals having a disease condition such as difficulty breathing or eye infections rather than animals having a contagious or infectious disease. Further, the State Veterinarian may establish procedures for the maintenance and movement of diseased animals within the State and their ultimate disposal including product uses.

The Department proposes to amend the article heading of Article 1 to better define the purpose of the Article; amend section 1300 to update references to the Code of Federal Regulations (CFR); amend section 1300.1 (Permit for Transportation of Diseased Animal into California) to reflect current practices for diseased animal entering the State; repeal section 1300.2 (Verification of Shipments Under Permit) for organizational purposes; amend section 1300.3 (Violations) and repeal section 1300.4 (Revocation of Permit) for technical and organizational purposes. Additionally the Department, in Article 2, proposes to amend section 1300.11 (Receipt of Shipment), section 1300.12 (Sale or Disposal), section 1300.13 (Permit for Transfer or Sale of Livestock Manifesting disease), section 1300.14 (Retention of Documents), and section 1300.15 (Violations) to establish clarity and conformity with current practices and for technical and organizational consistency.

## **PROBLEMS INTENDED TO ADDRESS**

The current regulations for diseased animals are out of date and do not reflect standard practices for neither the Department nor the public when importing diseased animals into California, or when moving diseased animals within the State.

## **STATEMENT OF FACTUAL BASIS AND RATIONALE**

This proposal pertains to the Department's Animal Health Branch (Branch) which is the State's organized, professional veterinary medical unit charged with protecting livestock populations, consumers, and California's economy from catastrophic animal diseases and other health or agricultural problems. The Branch addresses diseases and other problems that cannot be successfully controlled on an individual animal or herd basis, but require statewide coordinated resources. This rulemaking action consists of updating requirements to control the movement of diseased animals into and within California which come under the auspices of the Branch. The proposed amendments do not impose any new requirements, or substantially change existing requirements, however intend to establish consistency and conformity with the Department's and public's practices with regard to moving diseased animals, and to update terminology, references, and FAC citations used throughout the articles. Therefore, the Department is proposing to make changes to sections 1300 through 1300.4 of Article 1, and sections 1300.11 through 1300.15 of Article 2, of Chapter 7, Division 2, Title 3 of the CCR as outlined below.

### **Amend the heading of Article 1, Chapter 7, Division 2, Title 3 of the CCR**

The Department proposes to amend the heading of Article 1 to better reflect the content of the article. Article 1 pertains to the movement of any animal into and within the State for any purpose, thus not exclusive to only those animals moving to slaughterers, salesyards and stockyards as stated. The Department believes for clarity purposes, the heading should reflect the intent of the article and therefore, is deleting specified text within the heading.

### **Amend sections 1300, 1300.1 and 1300.3 and repeal sections 1300.2 and 1300.4 of Article 1, Chapter 7, Division 2, Title 3 of the CCR**

The Department proposes to amend sections 1300, 1300.1, 1300.2, 1300.3, 1300.4 of Article 1, Chapter 7, Division 2, Title 3 of the CCR as follows:

#### **Section 1300.**

*Section 1300* deletes unnecessary text and subsection letter designations for organizational purposes, updates references to the Department, United States Department of Agriculture (USDA) and CFR, and adds an edition date to the reference of the CFR for clarity. The Department also proposes to update the authority and reference citations for the section pursuant to Government Code section 11349.1 and section 14 of Title 1 of the California Code of Regulations.

#### **Section 1300.1. Permit for Transportation of Diseased Animals into California.**

*Subsection 1300.1(a)* makes changes to the outdated language style, changes the word "section" to lowercase, and updates the reference to the FAC for consistency and conformity

with current wording within Title 3 of the CCR. These proposed changes do not change the intent of the subsection.

*Subsection 1300.1(a)(1)* deletes text pertaining to the transport of any livestock into the State, except under permit of the Department that is unable to walk normally or stand. As written, this subsection implies that it is acceptable to import into the State a nonambulatory animal; the current industry standard and accepted practice is to take immediate action to humanely euthanize an animal in this condition. The Department supports the ethical and humane treatment of all animals and does not authorize the importation of any animal that cannot walk or stand on their own. Further, an animal in this condition may have a potentially infectious or contagious disease; allowing such an animal to enter the State poses a substantial risk to California livestock. Therefore, the Department believes this subsection as currently stated is misleading and therefore proposes to delete (a)(1) for clarity.

*Subsection 1300.1(a)(1) through (9)*. The Department proposes to renumber subsections (a)(1) through (8) for organizational purposes. The Department is also adding a new subsection (a)(9) to provide for any other condition as determined by the State Veterinarian.

*Subsection 1300.1(b)* deletes “applications” and adds “requests” for grammatical purposes and adds text allowing the public to request a permit via telephone, electronically, or by other means approved by the Department. Additionally, this subsection specifies that a person must request a permit before the animals are transported into California. This added language is necessary to ensure the public has authorization from the Department to bring the animals into the State and to clarify with the requesting party that the animals meet California’s entry requirements for diseased animals before the animals arrive.

*Subsection 1300.1(c)*. The Department proposes to add subsection lettering of “(c)” to the existing paragraph for organizational purposes, and delete “thereof” for consistency and conformity with current wording within Title 3 of the CCR. Subsection (c)(4) clarifies the text by adding “veterinarian or livestock” and deletes “veterinary” for clarity. A veterinary inspector could be considered a veterinarian and/or a livestock inspector, which is unclear as currently stated. The proposed change clarifies job classification titles currently used in the Department’s Animal Health Branch. The Department is also deleting the last sentence of this subsection as this text is no longer necessary. Some animals may be infected with a contagious disease (e.g., trichomonis; brucellosis) and that is the reason they are moving to slaughter.

*Subsection 1300.1(d)*. The Department proposes to add subsection lettering of “d” to the existing paragraph for organizational purposes and delete “thereof” for consistency and conformity with current wording within Title 3 of the CCR.

*Subsection 1300.1(e)*. The Department proposes to reletter this subsection for organizational purposes. Subsections (e)(1) and (2) update references to the USDA and Department for clarity, and subsections (e)(3) and (4) make two (2) grammatical changes. The Department proposes to add subsection (e)(5) to also permit an animal to move to an establishment providing veterinary care. As California is the home to prestigious veterinary medical schools, an injured or diseased animal may require movement into the State to seek specialized veterinary treatments or care. Further, such an animal may be a candidate for research of a particular livestock condition at a veterinary care facility and therefore would need special permitting, as provided in the Article, to move into the State.

*Subsection 1300.1(f)*. The Department proposes to repeal section 1300.2. Verification of Shipments Under Permit and add subsection lettering of “(f)” for organizational purposes. The Department believes the substance of proposed (f) is a continuation of the permit requirements specified in Section 1300.1, and thereby proposes to relocate the content so all the requirements of the permit can be found within one section. Proposed subsection (f) additionally deletes reference to section 1300.1 and “exhibited”, updates reference to the USDA, and strikes “other” for consistency and conformity with current wording within Title 3 of the CCR.

The Department also proposes to update the authority and reference citations for the section pursuant to Government Code section 11349.1 and section 14 of Title 1 of the California Code of Regulations.

### **Section 1300.2. Verification of Shipments Under Permit**

The Department is repealing this section and moving this information to section 1300.1(f) as a new subsection for organizational purposes.

### **Section 1300.3 Violations.**

The Department proposes to renumber existing Section 1300.3 to 1300.2 for organizational purposes.

Proposed *Subsection 1300.2(a)* adds subsection lettering of “(a)” to the existing first paragraph for organizational purposes, and amends the text to clarify and update the manner in which the requirements of the section are stated. These changes do not alter the intent of the subsection. The Department is proposing to add to new Section 1300.2, subsections 1300.2(b) and (c) to explain the Department’s available remedies for violations of the Article which are consistent within other sections within Title 3 of the CCR for violations thereof. The Department also proposes to add authority and reference citations for the section pursuant to Government Code section 11349.1 and section 14 of Title 1 of the California Code of Regulations.

### **Section 1300.4. Revocation of Permit**

The Department proposes to delete the entirety of existing *Section 1300.4. Revocation of Permit* as the procedures specified in the section no longer apply.

### **Amend sections 1300.11, 1300.12, 1300.13, 1300.14, 1300.15 of Article 2, Chapter 7, Division 2, Title 3 of the CCR**

The Department proposes to amend sections 1300.11, 1300.12, 1300.13, 1300.14, and 1300.15 of Article 2, Chapter 7, Division 2, Title 3 of the California Code of Regulations as follows:

#### **Section 1300.11. Receipt of Shipment.**

*Section 1300.11(a)* edits the word “section” to lowercase for consistency with current style, and conformity with current wording within Title 3 of the CCR and corrects a reference to another subsection.

*Subsection 1300.11(b)*. The Department proposes to add subsection lettering of “(b)” to this existing paragraph for organizational purposes, and additionally make technical changes for clarity, replacing “each” with “any” when referencing livestock, and edit the word “section” to

lowercase. Further in subsection (b)(1), the Department corrects a reference made to the Department and amends text to clarify that the public shall notify the Department “as specified on the permit” rather than notify the Department “of the arrival of the shipment.” As stated, the outdated procedures would require the public to notify the Department upon arrival of the animals to communicate the location of their arrival and to notify the Department that the animals are available for inspection. These processes however are no longer necessary or practical for the public or the Department. If inspectors of the Department need to inspect the animals, contact information for the owner is available from the information provided to the Department when the permit is requested prior to their arrival as proposed in section 1300.1(b). In subsection 1300.11(c), the Department proposes to reletter this subsection for organizational purposes. The Department also proposes to add authority and reference citations for the section pursuant to Government Code section 11349.1 and section 14 of Title 1 of the California Code of Regulations.

### **Section 1300.12. Sale or Disposal.**

*Section 1300.12(a).* The Department proposes to add subsection lettering of “(a)” to the existing first paragraph of this section for organizational purposes and edit the word “section” to lowercase for consistency with current style, and conformity with current wording within the Article.

*Section 1300.12(b).* The Department proposes to reletter this subsection for organizational purposes, make several reference amendments to the Department and USDA, and edit the word “section” to lowercase for consistency with current style within the Article.

*Section 1300.12(c).* The Department proposes to reletter this subsection for organizational purposes and amend text pertaining to the slaughtering of horses. Since the passage of Proposition 6 (1998) and the subsequent addition of Penal Code sections 598(c) and (d), the slaughtering of horses for anything other than pet food is illegal in California. Therefore, the Department proposes to amend current text which is in direct conflict with existing statute.

*Sections 1300.12(d), (e), and (f).* The Department proposes to reletter these subsections for organizational purposes and make amendments to references to the Department and USDA. The Department also proposes to add authority and reference citations for the section pursuant to Government Code section 11349.1 and section 14 of Title 1 of the California Code of Regulations.

### **Section 1300.13. Permit for Transfer or Sale of Livestock manifesting Disease.**

*Section 1300.13(a) and (b)* make several amendments to references for other subsections of the Article and to those pertaining to the Department and USDA for organizational purposes. Additionally, the Department is adding authority and reference citations pursuant to Government Code section 11349.1 and section 14 of Title 1 of the California Code of Regulations.

### **Section 1300.14. Retention of Documents.**

*Section 1300.14.* The Department proposes to add subsection lettering of “(a)” to the existing first paragraph of this section for organizational purposes, delete outdated language pertaining to recordkeeping, and extend the period of time records are required to be kept from six (6) months to two (2) years. The Department has determined a two (2) year record retention is consistent with other livestock disease programs, and the USDA, and is sufficient yet not an

overly-burdensome period of time to keep records for disease traceability purposes. The Department also proposes to add authority and reference citations for the section pursuant to Government Code section 11349.1 and section 14 of Title 1 of the California Code of Regulations.

### **Section 1300.15. Violations.**

*Section 1300.15.* The Department proposes to add subsection lettering of “(a)” to the existing paragraph of this section for organizational purposes. Proposed subsection (a) deletes specified text which states violators “are a public nuisance” and makes amendments for clarity and consistency within the article that have no impact on the intent of the subsection. The Department further proposes to add subsections 1300.15(b) and (c) to explain the Department’s available remedies for violations of the Article which are consistent within other sections of Title 3 of the CCR with regard to violations thereof. The Department also proposes to add authority and reference citations for the section pursuant to Government Code section 11349.1 and section 14 of Title 1 of the California Code of Regulations.

### **Technical, Theoretical, and Empirical Study, Report, or Similar Document**

- Economic Impact Assessment

### **Specific Technologies or Equipment**

This regulation does not mandate the use of specific technologies or equipment.

### **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 regulation.

### **Reasonable Alternatives the Department Has Identified That Would Lessen Any Adverse Impact on Small Businesses**

The Department has not identified any reasonable alternatives to the proposed action and no adverse impacts to small businesses are expected as a result of this proposed action.

### **Benefits**

The purpose of the proposed regulatory change is to update existing regulations for the importation of diseased animals into California. The benefit of this change is to provide the public with clear, accurate information as to the requirements for the importation of diseased animals.

Benefits to the health and welfare of California residents, worker safety, and the State’s environment include establishing requirements for importing diseased livestock into California could or may pose a significant risk to other animals or humans, including an introduction of harmful animal products into the human food chain. Further, this proposal allows the State

Veterinarian to establish procedures for the maintenance and movement of diseased animals within the State and their ultimate disposal including product uses.

This proposal also requires the maintenance of livestock movement records for a minimum of two (2) years for animals manifesting disease. The Department believes requiring persons importing or moving diseased animals to maintain records is an additional benefit to the public because it enables the Department to investigate and subsequently trace potential sources of livestock disease or food-related outbreaks.

### **Facts, Evidence, Documents, Testimony, or Other Evidence of No Significant Adverse Impact on Business**

No facts, evidence, documents, testimony, or other evidence of any significant adverse economic impact on business have been identified.

### **Duplication or Conflicts with Federal Regulation**

This proposal does not duplicate or conflict with Federal regulations. The USDA maintains requirements for the interstate movement of diseased animals and poultry within the Code of Federal Regulations at Title 9, Part 71.3. The Department's proposed regulations are supplementary to the federal interstate movement requirements.