

TITLE 3. FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (herein after referred to as "Department") is proposing to take the action described in the Informative Digest. A public hearing is not 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 no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning July 31, 2020 and ending September 14, 2020**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by section 407, Food and Agricultural Code (FAC), and to implement, interpret, or make specific sections 10324, 10326, 10327, 10386, and 10610 of said Code, the Department is proposing to make changes to sections 752, 753, 753.1, 760.4, 820.55, 830.1, 830.3, 830.4, 831, 831.1, 831.2, 1302.1, 1302.2, and 1302.3 of Chapter 2, Division 2, of Title 3 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, section 407 of the Food and Agricultural Code (FAC), provides that the Secretary of the Department of Food and Agriculture (Department) may adopt such regulations as are reasonably necessary to carry out the provisions of the code which she is directed or authorized to administer or enforce.

Food and Agricultural Code sections 10324, 10326, 10327, and 10386 authorize the adoption of regulations for the control and prevention of bovine brucellosis through limitations of movement, tests, vaccinations, or reports and records or other means as determined.

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. Section 10610 also establishes within the Department the Cattle Health Advisory Task Force (CHATF) to advise the Secretary on the control and management of cattle health diseases and evaluating the effectiveness of (cattle) programs.

Existing regulations under Chapter 2 (Livestock Disease Control) of Division 2 (Animal Industry) of Title 3 of the California Code of Regulations (CCR) specify the requirements for livestock disease control and eradication, and traceability implemented through official identification, documentation, and diagnostic testing for animals moving within the State and for animals imported into the State from other states. Additionally, Chapter 7 (Restricted Animals) of Division 2 of Title 3 establishes regulations for the importation of diseased animals into California or when moving diseased animals within the State.

The Department is proposing amendments to repeal the requirements for brucellosis vaccination of female beef cattle more than 12 months of age moving within and into the State, update the interstate movement requirements of sheep (rams) pertaining to ovine brucellosis, update forms used in Chapters 2 and 7, and update authority reference citations.

Anticipated Benefits of the Proposal: This proposal benefits California's cattle and sheep industries by updating existing interstate and intrastate movement requirements for consistency with industry trends and practices to better control, manage, and eliminate livestock diseases. This proposal will also benefit the public and the Department by allowing Animal Health Branch (AHB) programs to revise forms as necessary to keep forms up to date and to ensure these forms are Americans with Disabilities Act (ADA) compliant.

Consistency and Compatibility with Existing State Regulations: The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with the Department's existing State regulations. The intent of this proposal is to update the interstate and intrastate movement requirements for cattle and the interstate movement requirements for sheep, and to facilitate the Department's ability to provide ADA compliant forms.

Documents Incorporated by Reference: None.

Technical, Theoretical, and Empirical Study, Report, or Similar Documents:

1. Cattle Health Advisory Task Force Meeting Minutes dated November 20 , 2019, Sacramento, CA. (Attachment 1)
2. Cattle Health Advisory Task Force Meeting Minutes dated December 5, 2018, Sacramento, CA. (Attachment 2)
3. Approval to Amend the Regulations by the Secretary of the Department of Food and Agriculture. (Attachment 3)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The AHB Brucellosis Vaccination program is a reimbursement program which the Department estimates will decrease less than 10% with removal of the brucellosis vaccination requirement because some of these producers will continue to vaccinate their cattle to meet other state entry requirements.

There are no costs/savings in Federal Funding to the State.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code section 17500 et seq. Require Reimbursement: None.

Business Impact: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made an initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

The Department has made an initial determination that this regulatory proposal may impact the beef and dairy cattle and sheep industries in California which may consist of persons and businesses moving cattle and sheep into and within the State. The Department has also made an initial determination that this regulatory proposal may

impact veterinarians contracted with the Department to purchase brucellosis vaccine. The Department's proposal may affect small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Department has made an initial determination that this regulatory proposal may impact the beef and dairy cattle and sheep industries in California which may consist of private persons or businesses moving cattle and sheep into and within the State, and veterinarians contracted with the Department to purchase brucellosis vaccine.

The anticipated compliance requirements as a result of this proposal:

Paperwork/reporting requirement: There are no new reporting requirements as a result of this proposal. This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal is necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

Effect on Housing Costs: None.

Effect on Small Business: The Department's proposal may affect the beef and dairy cattle and sheep industries in California which may consist of small businesses moving cattle and sheep into and within the State, and veterinarians contracted with the Department to purchase brucellosis vaccine.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Impact on Jobs/New Businesses: The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

Persons/Businesses affected by this proposal:

- California Beef Cattle Industry – Repeal Brucellosis Vaccination
 - The approximate number of farms in California raising beef cattle, which could include individuals and businesses, is 10,000 premises.
- California Beef and Dairy Cattle Industries – Forms Incorporated by Reference
 - The Department estimates this proposal could impact approximately 13,000 individuals/businesses in California having beef or dairy cattle.

- California Veterinarians Contracted with the Department to Purchase Brucellosis Vaccine
 - The Department contracts with approximately 570 veterinary practitioners for the purchase and use of brucellosis vaccine authorized by Food and Agricultural Code section 10341.
- California Sheep Industry
 - There are approximately 3,800 premises raising sheep in the State which could include individuals and businesses importing rams for slaughter.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment: The Department is not aware of any specific benefits this proposal will have on the health of California residents, worker safety, or the State's environment. The Department believes this proposal benefits the welfare of California residents by protecting the economic health of the affected cattle and sheep industries. This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal is necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

Occupations/Businesses Impacted: This proposal may impact beef and dairy producers moving cattle into and within the State, sheep producers moving rams into California for slaughter, and veterinarians contracted with the Department to purchase brucellosis vaccine.

Business Reporting Requirement: There are no new reporting requirements as a result of this proposal. This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal is necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

Comparable Federal Regulations: This proposal does not duplicate or conflict with federal regulations. There are federal regulations under 9 CFR Part 86 which specify the requirements of the USDA's Animal Disease Traceability rule to which the Department has added additional requirements as specified in the current regulations to facilitate unique movement and husbandry practices of California's cattle industry. There are no federal regulations with respect to brucellosis in sheep.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective 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. This proposal is necessary to update existing interstate and intrastate movement requirements for consistency with industry trends and practices to better control, manage, and eliminate livestock diseases, and to allow programs to revise forms as necessary to keep them up to date and ensure they are ADA compliant as authorized by FAC sections 407, 10324, 10326, 10327, 10386, and 10610.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Department has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

Any person may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries and any written comments concerning this proposal are to be addressed to the following:

Dr. Rebecca Campagna
Animal Disease Traceability Program Lead
Department of Food and Agriculture
Animal Health & Food Safety Services
Animal Health Branch
1220 N Street, Sacramento, CA 95814
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E-mail: rebecca.campagna@cdfa.ca.gov

The backup contact person is:

Thamarah Rodgers, Associate Analyst
Department of Food and Agriculture
Animal Health & Food Safety Services
Division/Administration
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Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>

DEPARTMENT OF FOOD AND AGRICULTURE
Animal Health Branch
PROPOSED REGULATION TEXT

The Department of Food and Agriculture, Animal Health Branch, proposes the following changes to Chapter 2, (Livestock Disease Control [Animal Quarantine]), Division 2 (Animal Industry) of Title 3 of the California Code of Regulations:

Amend section 752. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 752. Brucellosis Vaccine, Vaccination and Test Reagents.

(a) CalfhooD Vaccination (official brucellosis calfhooD vaccinate).

(1) All female dairy calves shall be vaccinated against brucellosis with an approved *Brucella* vaccine between the ages of four (4) through 12 months (120 through 365 days).

(2) Female beef calves, if vaccinated against brucellosis, shall be vaccinated between the ages of four (4) through 12 months (120 through 365 days).

(3) All calves vaccinated pursuant to this section shall be identified in compliance with sections 752.1 and 752.2 of this article.

(4) The use of all vaccines for brucellosis calfhooD vaccination and eartags used for identification shall be reported to the Animal Health Branch within 14 calendar days. Veterinarians may use the Report of Heifer Calves Vaccinated - Brucellosis, AHB Form 76-026 (Rev. 5/16), ~~which is incorporated by reference~~ as provided by the Department, or another form or method to report heifer calves vaccinated for brucellosis which at minimum must contain the following information:

(A) County of vaccination; premises ID #; if available; Animal Health Branch district; new herd, if applicable.

(B) Name, mailing address and telephone number of the herd owner.

(C) Physical address or location of calves at the time of vaccination; city, state and zip.

(D) Date of vaccination; optionally, the date of next vaccination (month, day and year).

(E) Number, type and breed of calves vaccinated (dairy, beef, total, breed).

(F) Vaccination eartag numbers applied or record the existing individual official identification numbers; ID submitted electronically, if applicable.

(G) Vaccine information: serial number, expiration date.

(H) A statement to be signed by the contract veterinarian, identified by license number, vaccinating the calves certifying that: the calves were vaccinated with an approved brucellosis vaccine; the calves were in the prescribed age range when vaccinated; each calf was tattooed in the right ear with the official tattoo showing the

correct type of vaccine and year; each calf was tagged with an official calf vaccination eartag in the right ear or an Electronic Identification Device eartag in the left ear, unless the vaccinating veterinarian received a request in writing by the owner, or owner's agent, not to apply the eartag.

(I) Acknowledgment signed by the owner or agent that the described calves were vaccinated and that all calves were within California's prescribed vaccination age limits.

(J) An optional statement requesting exemption to not apply the official vaccination eartags to the calves because they already bear individual official identification and can be identified as vaccinates within the herd, may be signed by the owner or owner's agent.

(5) Any person applying a vaccination eartag must record the information about the event as specified in (a)(4) above and maintain the records for five (5) years.

(b) Adult Vaccination (official brucellosis adult vaccinate). A female bovine animal over the eligible age prescribed for calfhood vaccination may be vaccinated with an approved adult brucellosis vaccine as a part of an individual whole-herd vaccination plan as agreed to by the Department and the owner of that herd. Adult vaccination shall be supervised by a state or federal veterinarian. Each animal vaccinated under this plan shall be negative to an official blood test for brucellosis before vaccination and shall be permanently identified in accordance with the agreement developed as part of the whole-herd vaccination plan. Blood for testing may be collected at the time of vaccination if the owner agrees to remove all brucellosis titered animals from the herd immediately upon receipt of the test results. Test eligibility before adult vaccination shall be determined by the Designated or District Epidemiologist.

(c) Contract Veterinarians. The Department requires state-licensed and USDA category II accredited veterinarians to enter into a vaccination contract agreement with the Department for authorization to vaccinate cattle in California against brucellosis. Inquiries for becoming a contracted veterinarian with the Department can be made by contacting the local Animal Health Branch district office.

(1) The contract for vaccinating female calves against bovine brucellosis shall include the following information: Full name, mailing address, e-mail address, telephone number, California state license number, ~~national~~ USDA accreditation number, accreditation date, Animal Health Branch district of the practice of the accredited veterinarian contracting with the Department and the veterinarian's signature; and dates of issue and expiration of the contract.

(2) The contracting veterinarian will agree to: vaccinate female calves with an approved Brucella vaccine within the ages prescribed by regulation; apply the official permanent tattoo of brucellosis vaccination in the right ear and either an official brucellosis calfhood vaccination eartag in the right ear or an Electronic Identification Device eartag in the left ear of the vaccinate; perform the vaccination, eartagging, and tattooing in a sanitary and professional manner; store unmixed vaccine as directed by

the manufacturer; use the reconstituted vaccine as mixed and not hold for future use; dispose of unused reconstituted vaccine according to biohazard waste guidelines; complete, sign, and record his/her state veterinary license on a calf vaccination report as described in subsection (a), above; obtain the owner (or agent) signatures as applicable on the report; give the owner a copy of the vaccination report at the time of vaccination; send a copy of the report to the local Animal Health Branch district office within 14 calendar days; and maintain a record or copy of the report for five (5) years.

(3) The contract veterinarian shall also agree to follow any official supplemental written or oral instructions furnished by Animal Health Branch personnel related to methods and procedures associated with any brucellosis contract; notify the local Animal Health Branch district office of movement to another district; and return all supplies and materials supplied by the State to an Animal Health Branch district office at the termination of the contract.

(4) The contract shall expire on the stated expiration date unless terminated earlier by ten (10) business days written notice by either party. The contract shall be valid for up to two (2) years.

(5) The contract shall be signed for the Department by the Chief of the Animal Health Branch or a Staff Veterinarian designated by the Chief. The Department may suspend temporarily or cancel the contract of a veterinarian not complying with any part of the contract.

(d) Purchase, Possession, Sale, and Use of *Brucella* Diagnostic Test Reagents or Vaccine.

(1) The following may purchase, possess, or use *Brucella* vaccines and diagnostic test reagents containing *Brucella* microorganisms or components thereof in California:

(A) Federal, state, county, or municipal veterinarians, or public health officials in their official capacities.

(B) Contract veterinarians.

(C) Laboratories approved by the USDA, their distributors, or agents.

(2) The following may purchase, possess, or use *Brucella* diagnostic test reagents and materials:

(A) Laboratories having a permit from the California Department of Public Health to operate under the State Clinical Laboratory Act.

(B) Laboratories approved for public health work by the California Department of Public Health.

(3) All sales or transfers of *Brucella* test reagents or vaccines containing *Brucella* microorganisms or components thereof by manufacturing laboratories, their distributors or agents, to persons or laboratories within California shall be limited to those persons or laboratories specified in subsections (1) and (2) above. Sales or transfers of vaccine shall be reported by letter through the U. S. Postal Service, to the California Department

of Food and Agriculture, Animal Health Branch, 1220 N Street, Sacramento, CA, 95814, within five (5) business days after the date of sale or transfer.

Note: Authority cited: Sections 407, 10324, 10326 and 10327, Food and Agricultural Code. Reference: Sections 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10321, 10322, 10323, 10325, 10341, 10342, 10351, 10352, 10353, 10354, 10355, 10356, 10357, 10358, 10359, and 10493, ~~10511 and 10512~~, Food and Agricultural Code.

Amend section 753. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 753. Brucellosis Requirements for Moving Intrastate.

(a) In addition to the requirements of this section, cattle and bison moving intrastate must meet the identification requirements pursuant to Title 3, California Code of Regulations, section 831.5, for the purposes of animal disease traceability.

(b) Dairy Cattle.

(1) No person shall move, or cause to be moved, from one location to another within California or receive, or cause to be received, any female cattle of the dairy breeds unless they bear evidence of official brucellosis vaccination by the presence of a legible official brucellosis tattoo. The following are exempt from the vaccination requirements of this section:

(A) Calves less than four (4) months of age.

(B) Cattle moving directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival.

(C) Cattle moving only for pasture or grazing purposes to premises under the control of the owner of the cattle and returning to the premises of their origin, providing there has been no commingling with other cattle.

(D) Permanently identified spayed females.

(E) Cattle not vaccinated against brucellosis moving with a special entry or other written permit to move.

(F) Cattle moving directly into a registered feedlot for feeding. Cattle must only leave the registered feedlot when transported directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival.

(G) Cattle moving directly into a terminal feedlot for feeding or moved into slaughter pens. Cattle must only leave the terminal feedlot when transported directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival, or moved into slaughter pens or to another terminal feedlot.

(H) Cattle sold to slaughter through a saleyard approved by the Department as capable of maintaining identification of animals moving through the facility.

~~(c) Beef Cattle.~~

~~(1) All female cattle of the beef breeds more than 12 months of age subjected to a change of ownership, as defined in Title 3, California Code of Regulations, section 830(a)(7), within California shall bear evidence of official brucellosis calfhood vaccination by the presence of an official tattoo unless:~~

~~(A) Permanently identified as a spayed female, or~~

~~(B) Moving directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival, or~~

~~(C) Sold to slaughter through a saleyard approved by the Department as capable of maintaining identification of animals moving through the facility, or~~

~~(D) Moving directly into a registered feedlot for feeding; cattle must only leave the registered feedlot when transported directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival.~~

~~(E) Moving directly into a terminal feedlot for feeding or moved into slaughter pens. Cattle must only leave the terminal feedlot or slaughter pens when transported directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival, or moved into other slaughter pens or to another terminal feedlot.~~

Note: Authority cited: Sections 407, 10324, 10326, 10327 and 10386, Food and Agricultural Code. Reference: Sections 408, 9164, 9531, 9532, 9561, 9562, 9563, 9564, 9569, 9570, 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10322, 10323, 10325, 10358, and 10359, 40511 and 40512, Food and Agricultural Code.

Amend section 753.1. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 753.1. Brucellosis Requirements Interstate Entry.

(a) No person(s) or entity shall receive or accept female cattle or bison transported from outside of California unless first presented with a copy of the documents required for entry pursuant to this section and Title 3, California Code of Regulations, section 831.4. The recipient shall verify that each animal received is described on the importation documents, is identified pursuant to Title 3, California Code of Regulations, section 831.3, is tested as required by this section, and each brucellosis vaccinated animal bears a legible official brucellosis calfhood vaccination tattoo.

(b) Cattle and bison originating from herds known to be affected with brucellosis will not be considered for entry into California. Test data may be required to document the herd status.

(c) Vaccination Requirements.

(1) Unless entering California pursuant to the requirements as stated in subsections (c)(2) or (c)(3) below, official brucellosis calfhood vaccination, indicated by the presence of a legible official calfhood vaccination tattoo as evidence of the vaccination, is required for entry of each:

(A) ~~D~~dairy breed female more than four (4) months of age.

(B) ~~Beef breed female more than 12 months of age and requested of each beef breed female more than six (6) months of age.~~

(2) Non-brucellosis vaccinated female dairy calves of brucellosis vaccination age will be allowed to enter California if they meet the requirements for any of the following Special Entry Permits:

(A) Brucellosis Vaccination on Arrival in accordance with Title 3, California Code of Regulations, section 831(b)(2); or

(B) Heifers Spayed After Arrival in accordance with Title 3, California Code of Regulations, section 831(b)(3); or

(C) Cattle Entering Terminal Feedlots or Cattle Moved into Slaughter Pens in accordance with Title 3, California Code of Regulations, section 831(b)(4); or

(D) Heifers Entering Registered Feedlots in accordance with Title 3, California Code of Regulations, section 831(b)(5).

(3) Non-brucellosis vaccinated female dairy cattle over 12 months of age shall not be eligible for entry into California unless entering:

(A) With a Special Entry Permit for:

1. Purebred Registered Breeds in accordance with Title 3, California Code of Regulations, section 831(b)(1); or

2. Heifers Spayed After Arrival in accordance with Title 3, California Code of Regulations, section 831(b)(3); or

3. Cattle Entering Terminal Feedlots or Cattle Moved into Slaughter Pens in accordance with Title 3, California Code of Regulations, section 831(b)(4); or

4. Heifers Entering Registered Feedlots in accordance with Title 3, California Code of Regulations, section 831(b)(5).

(B) Directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival.

(C) Directly to no more than one (1) Approved Livestock Marketing Facility then moved directly to a recognized slaughtering establishment where they are slaughtered within three (3) days.

(4) Brucellosis vaccination is not required for entry of:

(A) Female dairy calves less than four (4) months of age.

(B) Beef breed female cattle ~~calves less than six (6) months of age.~~

(C) Bison, steers, bulls, and identified spayed female cattle.

(d) Test Requirements.

(1) Blood for pre-entry testing shall be collected within 30 calendar days before entry and tested by a laboratory approved for brucellosis testing by federal or state officials. An additional signed statement must be included on the Certificate of Veterinary Inspection that explains how the test results were verified to represent each animal in the shipment when the blood was not collected and submitted to the laboratory by the veterinarian issuing the Certificate of Veterinary Inspection.

(2) No animals will be allowed to enter California if they are part of a lot or herd in which a reactor has been found.

(3) All sexually intact female cattle six (6) months of age and over and cattle bulls 18 months of age and over require a brucellosis blood test if entering from or native to a state or area that is not classified as minimal risk for brucellosis, unless moving directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival.

(4) Bison (except steers and identified spayed heifers) more than six (6) months of age from any state must have a negative brucellosis blood test record prior to entry.

(5) Non-brucellosis vaccinated, registered female cattle entering with a Special Entry Permit in accordance with Title 3, California Code of Regulations, section 831(b)(1), for preserving or developing bloodlines, must be brucellosis test negative prior to entry.

(6) All sexually intact cattle of any age that reside in, or previously resided in, a designated brucellosis surveillance area must be brucellosis test negative within 30 calendar days prior to entry unless they are moving directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival, entering a terminal feedlot for feeding or moved into slaughter pens; or they are calves nursing a test negative dam.

(7) The test requirements of this section do not apply to:

(A) Cattle native to brucellosis Minimal Risk States that are:

1. Non-brucellosis vaccinated female calves of brucellosis vaccination age entering under any of the following Special Entry Permits:

A. Brucellosis Vaccination on Arrival in accordance with Title 3, California Code of Regulations, section 831(b)(2); or

B. Heifers Spayed After Arrival in accordance with Title 3, California Code of Regulations, section 831(b)(3); or

C. Cattle Entering Terminal Feedlots or Cattle Moved into Slaughter Pens in accordance with Title 3, California Code of Regulations, section 831(b)(4); or

D. Heifers Entering Registered Feedlots in accordance with Title 3, California Code of Regulations, section 831(b)(5).

2. Officially calfhood brucellosis vaccinated female cattle of any age with legible official brucellosis vaccination tattoos, or

3. Bulls.

(B) Cattle and bison irrespective of the status of the state of origin transported into California that are:

1. Moved directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival.
2. Female calves less than six (6) months of age.
3. Cattle bulls less than 18 months of age, steers, and identified spayed females.
4. Cattle and bison from current Certified Brucellosis-Free Herds. The herd number and the date of the current test shall be recorded on the Certificate of Veterinary Inspection.
5. Cattle consigned directly to an Approved Livestock Marketing Facility. There shall be no movement out of an Approved Livestock Marketing Facility except to slaughter, or to leave California, unless the animals meet all California entry requirements.

(8) Additional testing may be required, as determined by the State Veterinarian, when the cattle are determined to be a threat for introducing brucellosis into California.

Note: Authority cited: Sections 407, 10324, 10326, 10327 and 10386, Food and Agricultural Code. Reference: Sections 403, 408, 461, 5006, 9164, 9531, 9532, 9561, 9562, 9563, 9564, 9569, 9570, 10301, 10302, 10303, 10304, 10305, 10306, 10307, 10308, 10309, 10310, 10311, 10321, 10322, 10323, 10325, 10351, 10352, 10353, 10354, 10355, 10356, 10357, 10358, 10359, 10381, 10382, 10383, 10384, 10385, and 10387, ~~10511 and 10512~~, Food and Agricultural Code.

Amend section 760.4. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 760.4. Ovine Brucellosis - Requirements for Entry of Rams into California.

- (a) Rams six (6) months of age and over shall have all of the following:
- (1) Individual identification with an official eartag or registration tattoo if accompanied by registration papers;
 - (2) A negative official test for *Brucella ovis* within 60 days before entry into California or be from a *Brucella ovis* free flock. The individual identification of the ram tested must be recorded and accompany the sample to the laboratory.
- (A) Rams may be exempt from the *Brucella ovis* test requirement when:
1. Moved for grazing purposes, without change of ownership, or
 2. Direct movement to slaughter, or
 - ~~2. 3. Entered in a show or sale outside of California where ownership changes,~~
- and the ram is returning to California, with or without change of ownership.

(B) Any ram with a positive test result will not be allowed entry into California until retested negative 30-60 days after the initial positive test.

(3) A Certificate of Veterinary Inspection as specified by this article, with official identification, test results, name of the approved laboratory, date of the test, or the "Brucella ovis free flock number" must be recorded on the form.

(b) Any ram six (6) months of age and older originating from a flock in which Brucella ovis has been diagnosed within the past 12 months shall have either:

(1) A negative official Brucella ovis test conducted within 60 days prior to entry and isolation from the breeding flock upon arrival until retested negative within 45-120 days of the initial pre-entry test; or

(2) Two (2) consecutive negative official Brucella ovis tests conducted 45-120 days apart with the last test conducted within 60 days prior to entry.

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

Amend section 820.55. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 820.55. Trichomonosis Tests.

(a) Bulls tested for trichomonosis must have:

(1) Individual official identification; and

(2) A trichomonosis approved tag.

(A) Bulls may be exempt from the trichomonosis approved tag requirement when used solely for artificial insemination.

(b) The individual official identification of the animal tested must be recorded and accompany the trichomonosis sample to the laboratory.

~~(c) Trichomonosis samples submitted to the laboratory must be accompanied by a completed:~~

~~(1) California Animal Health and Food Safety (CAHFS) Laboratory System Trichomonas Submission Form and documented as arriving at the laboratory in good condition in accordance with the CAHFS Laboratory System's Trichomonas/Tritrichomonas foetus testing protocol. The Trichomonas/Tritrichomonas foetus testing protocol and Trichomonas Submission Form dated December 1, 2016, are incorporated by reference and available by contacting the laboratory at: CAHFS, West Health Sciences Drive, Davis, California 95617-1770 or (530) 752-8700, or by accessing their Internet website at <http://cahfs.ucdavis.edu>; and~~

~~(2) Official Bovine Trichomonosis Test Report Form, AHB Form 76-199 (Rev. 10/15), and when needed, the Bovine Trichomonosis Test Report Continuation Form, AHB Form 76-199A (Rev. 10/15), which are incorporated by reference, and available on~~

the Department's Internet website, www.cdfa.ca.gov, or by contacting the Animal Health Branch.

(c) All trichomonosis samples submitted for testing must be accompanied by an Official Bovine Trichomonosis Test Report Form, AHB Form 76-199, and when needed, the Bovine Trichomonosis Test Report Continuation Form, AHB Form 76-199A, as provided by the Department and available on the Department's Internet website, www.cdfa.ca.gov, or by contacting the Animal Health Branch.

(1) The Official Bovine Trichomonosis Test Report Form shall include:

(A) Owner information including name, mailing address, city, state, zip code, telephone number, and e-mail address;

(B) Physical address of herd location including latitude/longitude, city, state, county, zip code, Animal Health Branch district, and premises identification number (if established);

(C) Veterinarian's name, license number and state of licensure, clinic name, mailing address, city, state, zip code, telephone number, cell phone number, fax number, and e-mail address;

(D) Reason for trichomonosis testing (interstate movement, show, sale, herd health, Pasture to Pasture movement, affected herd, exposed herd, stud services, or other reason);

(E) Test date;

(F) Number of samples taken by type (bulls/cows);

(G) Number of bulls and cows in the herd and whether all eligible bulls were tested (Yes/No);

(H) Production type (beef/dairy);

(I) Laboratory accession number and confirm the laboratory is an approved laboratory (CAHFS or other. If other, provide name of laboratory);

(J) Date samples received by laboratory, date test samples were read, and read by whom;

(K) For each animal tested the individual official identification number, California trichomonosis tag number, breed, age, sex, test result, and type of test used by the laboratory; and

(L) Veterinarian's and owner/agent signatures and date.

(2) The Bovine Trichomonosis Test Report Continuation Form shall include:

(A) Veterinarian's name and license number;

(B) Owner's name;

(C) Test date;

(D) For each animal tested the individual official identification number, California trichomonosis tag number, breed, age, sex, test result, and type of test used by the laboratory; and

(E) Veterinarian's and owner/agent signatures and date.

(d) Veterinarians submitting trichomonosis samples to the California Animal Health and Food Safety (CAHFS) laboratory should contact the laboratory at: CAHFS, West Health Sciences Drive, Davis, California 95617-1770 or (530) 752-8700, or access their Internet website at <https://cahfs.vetmed.ucdavis.edu> for current procedures and protocol required for laboratory submissions.

~~(d)~~(e) Negative test results from samples that fail to meet the handling standards will not be accepted as regulatory tests but may be used for herd management.

~~(e)~~(f) Trichomonosis tests include:

(1) Culture tests when used on bulls as a screening test to detect infection with *Tritrichomonas foetus*.

(A) When an animal has a positive culture test, the herd of origin becomes an affected herd and the herdmate bulls must be tested with a DNA-based test.

(2) DNA detection or amplification-based trichomonosis test when used on bulls:

(A) Entering California; or

(B) Sold in California; or

(C) In Pasture to Pasture herds as defined in Title 3, California Code of Regulations, section 830(a)(30); or

(D) In affected herds; or

(E) In exposed herds.

(3) Others Tests. Other tests for trichomonosis may be approved by the Department as official tests after the tests have been proven effective in detecting infection by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established.

~~(f)~~(g) Trichomonosis test results must be recorded on forms approved by the Department for that purpose.

Note: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9166, 9167, 9562 and 10610, Food and Agricultural Code

Repeal section 830.1. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

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

~~(a) The following forms must be provided by the Department for use by any person moving livestock into and within California for disease traceability, and are incorporated by reference in this article:~~

~~(1) Pasture to Pasture Permit, AHB 76-074 (Rev. 10/15).~~

~~(2) One Time Event Permit, AHB Form 76-074A (Rev. 12/16).~~

~~(3) Report of Heifers Spayed After Arrival, AHB Form 76-203 (Rev. 10/15).~~

~~(4) Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14).~~

~~(5) Report of Official Ear Tags Distributed or Applied, AHB Form 76-210 (Est. 12/16).~~

~~(b) Providing false or misleading information on forms is a violation and justification for denial of an application or permit.~~

~~Note: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9561, 9562, 9932, 10324, 10325 and 10610, Food and Agricultural Code.~~

Amend section 830.3. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 830.3. Certificate of Veterinary Inspection

(a) A Certificate of Veterinary Inspection must include all of the following:

- (1) Date of inspection and date certificate was issued;
- (2) Number of animals in the consignment;
- (3) Description of the animals including the species, sex, breed, and age, and which may also include weight, color and markings;
- (4) Physical address or location at which the animals were loaded;
- (5) Physical address or location to which the animals are destined;
- (6) Names of the consignor and the consignee and their addresses if different from the address at which the animals were loaded or the address to which the animals are destined;
- (7) Official identification number of each animal or group of animals required to be officially identified or alternative form of identification approved by the Department. A Group Identification Number may be listed when animals also have individual official identification;
- (8) Interstate Livestock Entry Permit number, when required;
- (9) For test eligible animals, when required for interstate movement into California pursuant to Title 3, California Code of Regulations, section 753.1(d); section 755.4(c); section 758(b); and section 820.3(a) through (c), and any test results that may be required by the state of destination, the test type, test date, and test results. An official test record may be attached to the Certificate of Veterinary Inspection.
- (10) Statement of the purpose for which the animals are being moved;
- (11) Representation of the brucellosis vaccination tattoo, when vaccination is required pursuant to Title 3, California Code of Regulations, section 753.1(c);
- (12) State disease eradication status as determined by the USDA and state disease status as determined by the state animal health official in the state of origin for the applicable livestock species;
- (13) Statement that the animals are free of evidence of contagious diseases;
- (14) For heifers spayed after arrival pursuant to section 831(b)(3), the name and telephone number of the veterinarian in California performing the spay.

(14)(15) Signature and state license number of the USDA accredited and state-licensed veterinarian who examined the animals in the shipment acknowledging that the certificate is true and accurate.

(b) The examining USDA accredited and state licensed veterinarian must indicate on the Certificate of Veterinary Inspection that each animal in the shipment meets California movement requirements; and for animals leaving California, the movement requirements for the state of destination.

(c) A Certificate of Veterinary Inspection must not be issued for any animal that is not officially identified if official identification is required pursuant to this article.

(1) If animals do not require official identification, the Certificate of Veterinary Inspection must state the exemption that applies.

(2) If animals require official identification but recording the identification number is not required to be written on the Certificate of Veterinary Inspection, the Certificate of Veterinary Inspection must state that all animals are officially identified.

(d) As an alternative to typing or writing individual animal identification on a Certificate of Veterinary Inspection pursuant to subsection (a)(7) above, another document or print out may be used when agreed upon by animal health officials in both shipping and receiving states. The document or print out must also include a description of the animals including the species, sex, breed, and age, and may also include weight, color and markings of each animal. The name or title of the document or print out and any unique number used to identify the document must be recorded on the Certificate of Veterinary Inspection.

(e) A Certificate of Veterinary Inspection is valid for 30 calendar days following the inspection of the animals described, unless the State Veterinarian in either the state of origin or destination has determined a shorter timeframe is necessary due to the threat of disease risk.

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

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

(h) The USDA accredited and state licensed veterinarian issuing a Certificate of Veterinary Inspection must forward, or submit electronically, a copy of the completed Certificate of Veterinary Inspection and supporting documentation to the Department within seven (7) calendar days from the date issued at the following address: Department of Food and Agriculture, Animal Health Branch, 1220 "N" Street, Sacramento, California 95814; fax: (916) 900-5333; or e-mail to evet@cdfa.ca.gov.

Note: Authority cited: Sections 407, 9641.5, and 10610, and 10781, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 9932, 10324, 10325, 10326, 10327 and 10610, Food and Agricultural Code.

Amend section 830.4. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 830.4. Interstate Livestock Entry Permits

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

(b) Requests for Interstate Livestock Entry Permits must be made to the Department's Animal Health Branch before the animals are transported to California. Requests for entry permits may be made by telephone, electronic transmission, or in writing. Written application may be required when necessary to accomplish the purposes of this chapter.

(c) Each Interstate Livestock Entry Permit must have a unique number and the number may be issued to the applicant by telephone or in writing. A copy of the permit will not be sent to the applicant unless specifically requested or it is needed to accompany a shipment.

(d) The applicant for the Interstate Livestock Entry Permit must establish that all animals in the shipment meet the disease testing requirements for interstate movement into California pursuant to Title 3, California Code of Regulations, section 753.1(d); section 755.4(c); section 758(b); and section 820.3(a) through (c); brucellosis vaccination, when required, pursuant to Title 3, California Code of Regulations, section 753.1(c); identification requirements pursuant to section 831.3 and documentation requirements pursuant to section 831.4(a) and (b) of this article; and possess a completed Certificate of Veterinary Inspection.

(1) The Department may require promptly from the person transporting or receiving livestock, proof that the requirements as stated above have been met.

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

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

(2) Origin of the shipment;

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

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

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

(6) Name, address, and telephone number of the person requesting the permit;

(7) Certificate of Veterinary Inspection number, if available, or other approved document as agreed upon by the Department and animal health officials in the shipping state;

(8) Name of the herd/flock veterinarian, if available.

(f) Interstate Livestock Entry Permits are issued for the entire shipment of animals, which may consist of one (1) or more loads.

(g) All animals must be transported directly to the destination stated on the Interstate Livestock Entry Permit.

(h) The State Veterinarian may deny the request for an Interstate Livestock Entry Permit when:

(1) Controlled entry will not satisfactorily provide livestock movement and disease traceability data necessary to prevent the threat, introduction or spread of disease to California livestock; or

(2) It is suspected or there is knowledge indicating the proposed movement might be a disease threat to California animals; or

(3) The animals in the movement might not actually meet California entry requirements.

(i) Requirements for livestock movements with an Interstate Livestock Entry Permit may be modified to prevent the threat, introduction or spread of disease to California livestock.

(j) Interstate Livestock Entry Permits expire 15 calendar days after issuance unless a Special Entry Permit pursuant to section 831 of this article has been issued for a different period.

Note: Authority cited: Section 407, ~~and 10610~~, and 10781, Food and Agricultural Code.
Reference: Sections 9561, 9562, 9570, 9574, 9932, 10326, 10327 and 10610, Food and Agricultural Code.

Amend section 831. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 831. Special Entry Permits for Cattle and Bison.

(a) Commuter Herds. The Department may authorize the movement of commuter herds between California and another state using a Special Entry Permit when the requirements specified for the type of movement are met as follows:

(1) Pasture to Pasture Permit. The owner of an ~~officially brucellosis calfhood vaccinated~~ a beef breeding herd may be issued a Pasture to Pasture Permit for a single seasonal movement (to and return within eight (8) consecutive months) between

pastures under the control of the same owner in California and a Minimal Risk State following certification by the state of origin and approval of the owner's written application by California.

(A) Owners of beef breeding herds requesting permission to move their herd to another state enter California for pasture, ~~or and to return to California after out of state pasture~~ under a Pasture to Pasture Permit, must utilize the California Pasture to Pasture Permit, AHB Form 76-074 (Rev. 10/15), for the movement, ~~even if it is in addition to another state's permit. The Pasture to Pasture Permit form is available on the Department's Internet website or by contacting the Department's Animal Health Branch.~~ Requests for Pasture to Pasture Permit movements must be submitted to the Animal Health Branch at least 30 calendar days prior to the move on a form as provided by the Department, which is available on the Department's Internet website or by contacting the Department's Animal Health Branch. The Pasture to Pasture Permit form shall include: ~~The transmission of applications and approvals, by mail or other electronic means.~~

(B) ~~An approved Pasture to Pasture Permit must have a~~ A permit number, as furnished by either the destination state or origin state ~~of origin~~, or both, and signatures from both origin and destination state animal health officials is required for approval. A copy of the approved permit will be sent to the applicant upon approval. The approved Pasture to Pasture Permit expires eight (8) months after approval by the destination state animal health official.

(C) The applicant shall furnish the following information: state of origin and destination; date leaving and date returning; number of animals by age groups (females over two (2) years old, heifers between six (6) months and 24 months old, adult bulls, steers, calves under six (6) months old); brand description and location; accurate description of origin and destination premises (ranch) by: premises name; premises ~~ID #~~ identification number, if established; physical location; mailing address including the city, state, and zip code; name and telephone number of the cattle owner; name and telephone number of the premises owner and/or manager and any other contact information available; name and telephone number of veterinarian(s) servicing the herd; disease testing information; number of years the herd has moved to described premises; fenced premises (Yes/No); commingling with cattle owned by others (Yes/No); and names of ~~other owners~~ of the commingling cattle.

(D) The applicant must acknowledge that the Pasture to Pasture Permit is for one (1) pasture season for the described cattle, time period, and premises, and that no diversion of cattle from the described premises will be allowed without prior permission of the State Veterinarian's office where cattle are on pasture, and then, only due to an environmental emergency.

(E) The applicant must certify:

1. The cattle entering under the permit are from a beef breeding herd established more than six (6) months in the Minimal Risk State of origin;

2. ~~If~~ The cattle have ~~are~~ branded, the adult cattle brands must be ~~healed brands~~ (brands that appear to have been applied at least four (4) months prior to movement), established and certified by a Brand Inspection Certificate or Certificate of Veterinary Inspection when a state of origin does not have a Brand Inspection program, obtained within the 30 calendar days prior to a load or part of a shipment entering or returning to California;

3. No trader or recently assembled cattle are in the origin herd or the animals moving and;

~~4. All female cattle over 12 months of age entering or returning to California are officially brucellosis calfhood vaccinated and bear legible official brucellosis tattoos as evidence of vaccination; and~~

~~5~~4. All sexually intact cattle 18 months of age and older must have individual official identification in accordance with section 831.3 of this article.

(F) Before California can approve entry of cattle from another state with a Pasture to Pasture Permit, an animal health official of the state of origin must certify that the herd needing permission to enter California for pasture is an established beef breeding herd ~~that is current with its brucellosis calfhood vaccinations~~ and is not known to be affected with or exposed to diseases that may put California livestock at risk. After receiving this certification, the Department will evaluate the entries on the permit request. If it appears that there will be no danger of disease introduction to California animals and that the applicant will implement the permit requirements, the permit may be approved by a representative of the Animal Health Branch.

~~(G) The owner, or owner's agent, of cattle that have received a Pasture to Pasture Permit to leave California for pasture and return must provide the estimated date of return to California.~~

~~(H)~~(G) A Brand Inspection Certificate, or Certificate of Veterinary Inspection when a state of origin does not have a Brand Inspection program, is required to be obtained for all cattle within the 30 calendar days prior to entering California. Copies of the Brand Inspection Certificate or Certificate of Veterinary Inspection, and the approved Pasture to Pasture Permit, including test result charts when required, must accompany each load or part of a shipment of cattle entering California.

~~(I)~~(H) The purchase or addition of native cattle originating in the Minimal Risk destination state will be allowed when:

1. The purchased or added cattle are native to the destination state, ~~have been officially brucellosis calfhood vaccinated, and have legible official brucellosis vaccination tattoos, and~~

2. The owner maintains records for five (5) years pursuant to section ~~858~~ 837 of this article accounting for any purchased or added cattle including but not limited to the

Brand Inspection Certificate, bill of sale or change of ownership documentation that can be used to trace livestock.

~~(J)~~(I) Cattle moving with an approved Pasture to Pasture Permit are exempt from disease testing requirements in Title 3, California Code of Regulations, section 753.1(d) and section 758(b) as long as the owner remains in compliance with the current approved Pasture to Pasture Permit and there is no suspicion of disease infection in the herd.

~~(K)~~(J) Bulls entering California with a Pasture to Pasture Permit require trichomonosis testing as specified in Title 3, California Code of Regulations, section 820.3(c), and trichomonosis affected or exposed herds must comply with the trichomonosis testing requirements as specified in Title 3, California Code of Regulations, section 820.7(a)(4).

~~(L)~~(K) The Department may modify the requirements for obtaining and maintaining a Pasture to Pasture Permit to prevent the threat, introduction or spread of disease to California livestock or to provide additional movement and disease traceability data.

~~(M)~~(L) Failure to comply with the provisions of this agreement may result in the revocation of this permit and/or the refusal to accept any future requests for permission to move cattle on a Pasture to Pasture Permit by the Department or animal health officials in the origin or destination state of ~~origin or destination~~.

(2) One-Time Event Permit. The owner of cattle may be issued a One-Time Event Permit for a one-time movement of feeder cattle for use at an event in California or another state, to return to the state of origin within 21 calendar days, without change of ownership, following approval by the state of origin and destination and approval of the owner's written application by the Department and animal health officials in the other state.

(A) Owners requesting permission for cattle to enter California for a one-time event, or return to California at the conclusion of a one-time event in another state, must utilize the One-Time Event Permit, AHB Form 76-074A (Rev. 12/16), for the movement, even if it is in addition to another state's permit when returning to the state of origin. Requests for One-Time Event Permits must be made to the Department's Animal Health Branch at least 30 calendar days prior to the move on a form as provided by the Department, which is available by contacting the Department's Animal Health Branch. The One-Time Event Permit form shall include: ~~The transmission of applications and approvals by mail or other electronic means is permissible.~~

~~(B) An approved One-Time Event Permit must have a~~ A permit number as furnished by either the destination state or state of origin, or both, and signatures from both origin and destination state animal health officials is required for approval. A copy of the approved permit will be sent to the applicant upon approval. The One-Time Event

Permit shall expire 21 calendar days after the approval of the destination state animal health official.

(C) The applicant must furnish the following information: state of destination; number of spayed heifers, intact heifers, intact female cattle 12 months of age and older, and steers; description and location of brand; event information: date(s) of event, name of event and venue, name of contact person of the venue, physical address or geographic location of the event including city, state, and zip code; accurate description of origin premises by: premises name, actual or geographic location, mailing address including city, state, zip code and county; name of cattle owner and manager, and telephone number of manager; name and telephone number of veterinarian servicing the herd; accurate description of the premises cattle are returning to by: premises name, actual or geographic location, mailing address including city, state, zip code and county; name of property owner, name and telephone number of cattle manager; contact with any other cattle (Yes/No); fences intact and maintained (Yes/No); animals identified with official eartag (Yes/No); ~~intact female cattle 12 months of age or older~~ ~~brucellosis vaccinated (Yes/No)~~; approximate date cattle leave for destination location and approximate date cattle will return to originating state (within 21 calendar days); signature of cattle owner or legal representative.

(D) The applicant must acknowledge:

1. A One-Time Event Permit is for the movement of the described cattle, valid for the 21-day duration and to only the premises of the event as specified; and
2. No diversion of cattle from the described premises will be allowed; and
3. One-Time Event Permits may be modified due to a disease or condition or risk of a disease or condition as determined by the animal health officials in the state of origin or destination; and,
4. Failure to comply with the provisions of this agreement may result in the revocation of this permit and/or the refusal to accept any future requests for permission to move cattle on a One-Time Event Permit by the Department or animal health officials in the state of origin or destination.

(E) The applicant must certify:

1. Cattle as described are feeder cattle moving for use at an event without change of ownership;
2. Cattle will not be comingled with or have fence line contact with cattle from other owners while at the destination;
3. Any cattle testing positive for tuberculosis, brucellosis, or other livestock diseases or conditions determined by the State Veterinarian to be a significant risk are not allowed to move until fully evaluated by the Designated State Epidemiologist or a state animal health official;
4. All cattle as described are accounted for;

5. A copy of the approved One-Time Event Permit and the Certificate of Veterinary Inspection from the state of origin, and a Brand Inspection Certificate when required, must accompany each load or part of a shipment of cattle.

(F) The Brand Inspection Certificate, if applicable, Certificate of Veterinary Inspection and any test result charts when disease testing is required, must be obtained for all cattle within the 30 calendar days prior to entering California.

(G) Before the approval of a One-Time Event Permit by animal health officials in the state of origin and destination, animal health officials of the state of origin and destination must certify that the cattle are not known to be affected with or exposed to livestock diseases or conditions. After receiving this certification, animal health officials in the state of origin and destination will evaluate the entries on the permit request. If it appears that there will be no danger of the introduction of livestock disease or conditions to the state's animals, the permit may be approved by state animal health officials in the state of origin and destination.

(H) Cattle entering California with an approved One-Time Event Permit are exempt from livestock disease testing requirements specified in Title 3, California Code of Regulations, section 753.1(d) and section 758(b) and the identification requirements as they pertain to a Certificate of Veterinary Inspection for entry into California as long as the owner remains in compliance with the current approved One-Time Event Permit and there is no suspicion of livestock disease or conditions in the cattle.

(b) Other Special Entry Permits. The Department may authorize the movement of specific classes of cattle into California using a Special Entry Permit when the requirements specified for the type of movement are met as follows:

(1) Purebred Registered Breeds. A Special Entry Permit may be issued for entry of non-brucellosis vaccinated, brucellosis test negative, purebred registered dairy or beef breed cattle, with breed association individual identification, for preserving or developing bloodlines. A copy of the registration papers, along with side-view photographs suitable for identification purposes, a drawing of the registration ear tattoo, or a description of other registration mark or identifier may be required to be forwarded to the Animal Health Branch before a Special Entry Permit can be considered. The cattle must meet all other entry requirements including identification and negative test requirements disease testing. Animals admitted under this provision must be maintained under a permanent quarantine. If it appears that there will be no disease risk to a non-brucellosis vaccinated animal at an exhibition and the exhibition allows their entry, the Department may give written permission to move within California to be exhibited. Permission to move may be given for movement: for exhibition, to another premises, to go to a recognized slaughtering establishment, or to leave the State.

(2) Brucellosis Vaccination on Arrival. A Special Entry Permit may be issued for entry of brucellosis vaccination age, non-brucellosis vaccinated dairy calves, native to their state of origin, to be brucellosis vaccinated within 14 calendar days after arrival by

a contract veterinarian as defined in Title 3, California Code of Regulations, section 751(a)(7) when entering from:

(A) Minimal Risk States without a negative brucellosis test, or

(B) Non-Minimal Risk States with a negative brucellosis test.

(3) Heifers Spayed After Arrival. The owner of non-brucellosis vaccinated dairy heifers native to a Minimal Risk State may be issued a Special Entry Permit for entry into California when the owner agrees to have the heifers spayed within six (6) months after arrival by a California state-licensed veterinarian.

(A) Owners requesting permission for entry of ~~H~~heifers to be Sspayed ~~A~~after ~~A~~arrival shall contact the Department's Animal Health Branch to request authorization prior to the movement and to establish the documentation and identification requirements as follows:

1. A Certificate of Veterinary Inspection is required with the following statements written by the examining USDA accredited and state-licensed veterinarian in the originating state:

i. "Heifers will be spayed after arrival at the destination premises." And,

ii. "Heifers six (6) months of age and older ~~will~~ have individual official identification." ~~or~~

iii. ii. "Heifers will be spayed after arrival at the destination premises." And "Owner at destination agrees to have the animals six (6) months of age and older officially identified within 14 calendar days of arrival at the destination premises." The Certificate of Veterinary Inspection must also indicate the name and telephone number of the veterinarian in California performing the spay. The person applying the official identification device must record the following information about the event and maintain the record for five (5) years: Name and address of the seller; Date of purchase; and Official identification numbers of the devices applied.

(B) Heifers must be spayed and identified with a spaying identification tag number by a California state-licensed veterinarian within six (6) months after the date of arrival at the destination premises.

1. California state-licensed veterinarians must use the Report of Heifers Spayed After Arrival, AHB Form 76-203 (Rev. 10/15), as provided by the Department, and shall submit the completed form either by mail or other electronic means to the Department's Animal Health Branch within seven (7) calendar days after spaying the heifers. The Report of Heifers Spayed After Arrival form shall include:

i. Premises information including name, physical address, city, zip code, owner's name and telephone number; spaying information including date spayed, number of heifers spayed, list of imported heifers' Certificate of Veterinary Inspection numbers, list of imported heifers' Interstate Livestock Entry Permit numbers, breed, and age; veterinarian's name, telephone number, address including city, state, and zip code, e-

mail address, USDA accreditation number, California state license number; and signature and date.

2. Any heifer not spayed within six (6) months after the date of arrival at the destination premises must be brucellosis vaccinated in accordance with the requirements of Title 3, California Code of Regulations, section 752(c), or moved to a registered feedlot or terminal feedlot, or moved into slaughter pens.

(4) Cattle Entering Terminal Feedlots or Cattle Moved into Slaughter Pens. A Special Entry Permit may be issued for entry of cattle from Minimal Risk States for feeding at a terminal feedlot or moved into slaughter pens when the owner or agent of the owner agrees the cattle must:

(A) Move directly into a terminal feedlot or slaughter pens with official identification from the state of origin and have a Certificate of Veterinary Inspection listing the official identification of each animal; or

(B) Move directly into a terminal feedlot or slaughter pens that is an Approved Tagging Site in accordance with the requirements of section 831.1 of this article, to be officially identified on arrival and have a Certificate of Veterinary Inspection stating the animals will be officially identified on arrival.

(C) Cattle authorized entry for feeding at a terminal feedlot or moved into slaughter pens must only leave the terminal feedlot or slaughter pens when transported directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival, or into other slaughter pens, or to another terminal feedlot.

(5) Heifers Entering Registered Feedlots. A Special Entry Permit may be issued for entry of heifers under the age of 18 months from Minimal Risk States for feeding at a registered feedlot when the owner or agent of the owner agrees the heifers must:

(A) Move directly into a registered feedlot with official identification from the state of origin and a Certificate of Veterinary Inspection listing the official identification of each animal; or

(B) Move directly into a registered feedlot that is an Approved Tagging Site in accordance with the requirements of section 831.1 of this article, to be officially identified on arrival and have a Certificate of Veterinary Inspection stating the animals will be officially identified on arrival.

(C) Heifers authorized entry for feeding at a registered feedlot must only leave the registered feedlot when transported directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival.

(c) The State Veterinarian may require persons moving cattle into California to obtain a Special Entry Permit for disease traceability when an existing method providing controlled entry will not satisfactorily provide movement and disease traceability data necessary to prevent the threat, introduction or spread of disease to California livestock.

Note: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9164, 9561, 9562, 9570, 9574, 9932, 10324, 10325, 10326, 10327, 10542 and 10610, Food and Agricultural Code.

Amend section 831.1. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 831.1. Approved Tagging Sites.

(a) A premises may be approved by the Department and USDA as an Approved Tagging Site when the owner or manager of the site submits a completed Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14), as provided by the Department, to the Department's Animal Health Branch. The transmission of applications and approvals by mail or other electronic means is permissible. A copy of the approved agreement will be sent to the applicant upon approval. The Approved Tagging Site Agreement form shall include:

(1) Name and address of the facility including city, state, and zip code; telephone number; fax number; and premises identification number (if established).

(2) Name of the tagging site owner/manager and agreement by the owner/manager to maintain the tagging site and administer the tagging of livestock in accordance with the following:

(A) Accept only cattle from "farm of origin" defined as a premises where a group of animals have been established as a herd for more than four (4) months. When cattle are assembled from multiple locations prior to being shipped to California, the official identification must correlate to the origin of the cattle prior to being assembled.

(B) Obtain only official identification eartags.

(C) Unload animals only when the owner or the person in possession, care, or control of the animals when brought to the tagging site agrees to have the animals officially identified in accordance with approved tagging site protocols.

(D) Officially identify all animals in accordance with Title 3, CCR article 14 and 9 CFR Part 86, including:

1. Apply official eartags to animals before commingling with animals from different premises; use a backtag or another method to accurately maintain the animal's identity until the official eartag is applied. Official identification must correlate to the person responsible for shipping the animal.

2. Only apply official eartags to animals not already officially identified except as provided in Title 3, CCR section 831.2(b) and 9 CFR Part 86.4(c).

3. Remove and/or replace of official identification devices in accordance with Title 3, CCR section 831.2(c) and (d) and 9 CFR Part 86.4(d) and (e).

(E) Maintain tagging records which at minimum include:

1. Name and address of the owner or person responsible for the animals tagged.

2. Official identification numbers of the tags applied.

3. Date the official identification eartags were applied.

(F) Allow the Department and/or USDA to review all records upon request.

(G) Ensure the security of unused official eartags and tagging records by:

1. Maintaining a record of all official identification eartags received and applied at the tagging site for a minimum of five (5) years.

2. Keeping the inventory of unused tags and records in a secure place, accessible only to authorized personnel.

3. Immediately reporting any lost or stolen tags to the appropriate State or Federal animal health official.

(H) Acknowledge that failing to comply with the provisions of the agreement may result in the Department's termination of the agreement, and/or refusal to accept any new or renewal agreements for the tagging site.

(3) Printed name and signature of the tagging site owner/ manager.

(b) Approved Tagging Site agreements may be approved for two (2) calendar years and shall expire December 31 of the second calendar year.

(1) Approved Tagging Site agreements may be renewed by submitting a new, completed Approved Tagging Site Agreement, AHB Form 76-201 (Rev. 10/14), to the Department on or before December 1 in the year the current agreement expires.

(c) Any change in management at an Approved Tagging Site must be reported to the Department in writing or by telephone within 30 calendar days of the change.

(d) The Department will make available to the public upon request and display on the Department's Internet website a current list of Approved Tagging Sites located within California.

Note: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 9932, 10324, 10326 and 10610, Food and Agricultural Code.

Amend section 831.2. of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

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

(a) Approved official identification devices or methods for cattle and bison required to be officially identified for movement are as follows:

(1) An official eartag; or

(2) Brands registered with a state's official brand recording authority and accompanied by an official Brand Inspection Certificate when agreed to by the Department and animal health officials in the shipping state; or

(3) Tattoos and other identification methods acceptable to a breed association for registration purposes, accompanied by a breed registration certificate when agreed to by the Department and animal health officials in the shipping state; or

(4) Group/lot identification when a group/lot identification number may be used.

(b) No more than one official eartag may be applied to an animal, except when:

(1) Another official eartag bears the same official identification number as an existing one.

(2) Approved by the Department or USDA for intensified purposes. The person applying the additional official eartag must record the following information about the event and maintain the record for five (5) years:

(A) Date the additional official eartag is added;

(B) Reason for the additional official eartag device;

(C) Official identification numbers of both the new official eartag and the one(s) already attached to the animal.

(3) An eartag with an animal identification number (AIN) beginning with the 840 prefix (either Electronic Identification Device or visual-only tag) may be applied to an animal that is already officially identified with one or more National Uniform Eartagging System tags and/or an official vaccination eartag used for brucellosis. The person applying the AIN eartag must record the following information about the event and maintain the record for five (5) years:

(A) Date the AIN tag is added; and

(B) Official identification numbers of all official eartags.

(4) A brucellosis vaccination eartag with a National Uniform Eartagging System number pursuant to Title 3, California Code of Regulations, section 752(c) may be applied to an animal that is already officially identified with one or more official eartags under this article. The person applying the vaccination eartag must record the following information about the event and maintain the record for five (5) years:

(A) Date the tag is added and

(B) Official identification numbers of all the existing official eartag(s) and the vaccination eartag.

(c) Removal or loss of official identification devices.

(1) Removal of official identification devices, including devices applied to imported animals in their countries of origin and recognized by the Department or USDA as official, is prohibited except at the time of slaughter, at any other location upon the death of the animal, or as otherwise approved by the Department or USDA when a device needs to be replaced.

(2) If diagnostic samples are taken at State Licensed Custom Slaughter Plants, pursuant to Food and Agricultural Code sections 19010-19017, the identification devices must be packaged with the samples and be correlated with the carcasses

through final inspection or condemnation. Devices collected at slaughter must be made available to the Department and USDA by the slaughter plant.

(3) All official identification devices affixed to livestock carcasses moved for rendering must be removed at the rendering facility and made available to the Department and USDA.

(4) If an animal loses an official identification device and needs a new one:

(A) A replacement tag with a different official identification number may be applied. The person applying a new official identification device with a different official identification number must record the following information about the event and maintain the record for five (5) years:

1. Date the new official identification device was added;
2. Official identification number on the device;
3. Official identification number on the old device if known:

(B) Replacement of a temporary identification device with a new official identification device is considered to be a retagging event, and all applicable information must be maintained in accordance with (c)(4)(A) above.

(C) A duplicate replacement eartag with the official number of the lost tag may be applied in accordance with the USDA's protocol for the issuance of duplicate official identification eartags as specified in the Animal Disease Traceability General Standards, as provided by the USDA Version 2.6, dated July 27, 2016, which is incorporated by reference and available by accessing the USDA's Internet website at <https://www.aphis.usda.gov/traceability>.

(d) The Department or USDA may authorize the replacement of an official identification device for reasons other than loss, including but not limited to, when:

- (1) Deterioration of the device such that loss of the device appears likely or the number can no longer be read;
- (2) Infection at the site where the device is attached, necessitating application of a device at another location in the ear;
- (3) Malfunction of the electronic component of an Electronic Identification Device (EID) device; or
- (4) Incompatibility or inoperability of the electronic component of an EID device with the management system or unacceptable functionality of the management system due to use of an EID device; and

(5) The person replacing an official identification device for reasons other than loss must record the following information about the event and maintain the record for five (5) years:

- (A) The date on which the device was removed;
- (B) Contact information for the location where the device was removed;
- (C) The official identification number (to the extent possible) on the device removed;

- (D) The type of device removed (e.g., metal eartag, EID eartag);
- (E) The reason for the removal of the device;
- (F) The new official identification number on the replacement device; and
- (G) The type of replacement device applied.

(e) 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 record the following information about the event and maintain the record for five (5) years:

- (1) The names and addresses of anyone to whom the eartags were distributed or the owner of the animals;
- (2) Official identification numbers of the eartags distributed or applied; and
- (3) The date of distribution or application.

(f) The distribution or application of official eartags must be reported to the Department's Animal Health Branch within seven (7) calendar days following the end of each reporting quarter, even if no tags were distributed or applied. 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 may use the Report of Official Ear Tags Distributed or Applied, AHB Form 76-210 (Rev. 12/16), as provided by the Department, or another form or method, to report the distribution or application of tags which at minimum must contain the following information:

- (1) Name and address of the veterinary clinic or facility distributing or applying tags;
- (2) Name of veterinarian or person distributing or applying tags; and veterinary license number, if applicable;
- (3) Reporting year and reporting quarter (March, June September, or December);
- (4) Starting and ending tag numbers;
- (5) The date of distribution or application; and
- (6) Premises or owner name; physical address, city, zip and telephone number where tags were distributed to or location of animals when tagged.

(7) Official eartags distributed to a livestock facility must only be used on animals maintained on that facility.

(8) The Department may only distribute additional official eartags upon receipt of the record as described in subsection (f)(1) through (6) above documenting use and/or distribution of official ear tags provided by the Department.

(g) Official identification devices are not to be sold or otherwise transferred from the premises to which they were originally issued to another premises without authorization by the Department or USDA.

(h) The Department or USDA may authorize the use of additional devices or methods if such additional devices or methods will provide for adequate traceability.

Note: Authority cited: Sections 407 and 10610, Food and Agricultural Code. Reference: Sections 9561, 9562, 9932, 10324, 10325, 10326 and 10610, Food and Agricultural Code.

Amend section 1302.1. of Article 4., Chapter 7, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1302.1. Designated Pens in Feedlots.

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

(b) An owner or manager of a feedlot requesting approval for designated pen status must contact the Department's Animal Health Branch District Office containing the feedlot or the Animal Health Branch in Sacramento.

(c) Approval of designated pens may be granted when the owner or manager of the feedlot completes and submits to the Department's Animal Health Branch an Application for Designated Pen Status to Feed Tuberculosis or Brucellosis Exposed Cattle, AHB Form 76-197 (Rev. 12/16), which is incorporated by reference as provided by the Department. The application will include the following:

- (1) Pen numbers subject to designated pen status;
- (2) Name, address and premises ID # of the feedlot;
- (3) Name and telephone number of the contact person such as owner or manager;
- (4) Disease(s) cattle are known to be exposed to; and
- (5) Signature of the applicant that certifies compliance with the following requirements:

(A) All cattle entering designated pens are considered restricted and may only be moved from those pens directly to a recognized slaughtering establishment or to other designated pens.

(B) All cattle must have an individual official identification number and records must be maintained for all animals entering and leaving the designated pens including:

1. Buyer's and seller's name and address.
2. Number of animals.
3. Description of each animal including sex, age, breed, and official identification.
4. Date of entry and date animals shipped from feedyard.
5. Terminal destination of the animals.

(C) Double cattle-proof fencing is required to separate restricted cattle from non-restricted cattle. The separation required:

1. Brucellosis. All designated pens must be separated by at least 12 feet from non-restricted areas.

2. Tuberculosis. All designated pens must be separated by at least 30 feet from non-restricted areas.

(D) Not allow restricted and non-restricted cattle to share watering systems, feed troughs or hospital pens.

(E) Not allow pasturing or grazing of the restricted cattle.

(F) Notify the Animal Health Branch district office when restricted cattle are received at the premises.

(G) Record birth or mortality of restricted cattle by date and individual official animal identification.

(H) Clean and disinfect any common processing areas and/or equipment used for processing or treating restricted cattle with a disinfectant used as labeled, before use for non-restricted cattle.

(I) Require workers coming in direct contact with restricted cattle or their excrement to change outerwear and disinfect their boots before moving to an area with non-restricted cattle.

(J) Allow Department and/or USDA personnel to periodically inspect the restricted cattle and the designated pens and review all associated records.

(K) Maintain records for a minimum of five (5) years.

(d) Approval of designated pens in feedlots is valid for one (1) year from the date of approval.

(e) The State Veterinarian may amend the requirements for designated 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.

(f) Failure to comply with the provisions of this agreement may result in the revocation of this agreement and/or the Department's refusal to enter into any future agreements with the applicant for the confined feeding of restricted cattle pursuant to the article.

Note: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 9932, 10324 and 10610, Food and Agricultural Code.

Amend section 1302.2. of Article 4., Chapter 7, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1302.2. Terminal Feedlots.

(a) A terminal feedlot is a confined feeding operation, or portion thereof, approved by the Department to hold only animals for slaughter.

(b) An owner or manager of a premises requesting approval as a terminal feedlot must contact the Department's Animal Health Branch district office where the feedlot is located, or the Animal Health Branch in Sacramento.

(c) Approval of terminal feedlots may be granted when the owner or manager of the facility completes and submits to the Department's Animal Health Branch an Application for a Terminal Feedlot, AHB Form 76-198 (Rev. 12/16), ~~which is incorporated by reference as provided by the Department.~~ The application will include the following:

(1) Name, address and premises ID # of the feedlot;
(2) Name and telephone number of the contact person such as owner or manager;

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

(A) All cattle entering a terminal feedlot are considered restricted and may only be moved from the feedlot directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival, or to other slaughter pens or to another terminal feedlot.

(B) All cattle must bear an individual official identification number as defined in Title 3, California Code of Regulations, section 830(a)(25), and records must be maintained for all animals entering and leaving the slaughter pens including:

1. Buyer's and seller's name and address.
2. Number of animals.
3. Description of each animal including sex, age, breed and identification.
4. Date of entry and date animals shipped from feedyard.
5. Terminal destination of the animals.

(C) Not feed any cattle for future use as breeding stock.

(D) Not allow pasturing or grazing of the restricted cattle.

(E) Record birth or mortality of cattle by date and animal identification.

(F) Allow Department and/or USDA personnel to periodically inspect the restricted cattle and the facility and review all associated records.

(G) Maintain all cattle movement records for a minimum of five (5) years.

(d) Approval of terminal feedlots is valid for one (1) year from the date of approval.

(e) The State Veterinarian may amend the requirements 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.

(f) Failure to comply with the provisions of this agreement may result in the revocation of this agreement and/or the Department's refusal to enter into any future agreements with the applicant for the confined feeding of restricted cattle pursuant to the article.

Note: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 9932, 10324 and 10610, Food and Agricultural Code.

Amend section 1302.3. of Article 4., Chapter 7, Division 2, of Title 3 of the California Code of Regulations, to read as follows:

Section 1302.3. Slaughter Pens.

(a) An owner or manager of a premises requesting approval to maintain slaughter pens must contact the Department's Animal Health Branch district office where the feedlot or premises is located, or the Animal Health Branch in Sacramento.

(b) Approval of slaughter pens may be granted when the owner or manager of the premises completes and submits to the Department's Animal Health Branch an Application for Slaughter Pen Status, AHB Form 76-200 (Rev. 12/16), ~~which is incorporated by reference~~ as provided by the Department. The application will include the following:

- (1) Pen numbers subject to approval;
- (2) Name, address and premises ID # of the premises;
- (3) Name and telephone number of the contact person such as owner or manager; and

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

(A) All cattle entering slaughter pens are considered restricted and may only be moved from those pens directly to a recognized slaughtering establishment where they are slaughtered within three (3) calendar days of arrival, or to other slaughter pens.

(B) All cattle must bear an individual official identification number as defined in Title 3, California Code of Regulations, section 830(a)(25), and records must be maintained for all animals entering and leaving the slaughter pens:

1. Buyer's and seller's name and address.
2. Number of animals.
3. Description of each animal including sex, age, breed and identification.
4. Date of entry and date animals shipped from feedyard.
5. Terminal destination of the animals.

(C) Provide signage that clearly states "slaughter only" on each slaughter pen.

(D) Maintain separation (no fence line contact) of cattle in slaughter pens from breeding cattle. This separation can be an alley if cattle are not kept in the alley.

(E) Not allow restricted and non-restricted cattle to share watering systems, feed troughs or hospital pens.

(F) Not allow pasturing or grazing of the restricted cattle.

(G) Record birth or mortality of cattle in slaughter pens by date and animal identification.

(H) Allow Department and/or USDA personnel to periodically inspect the restricted cattle and the slaughter pens and review all associated records.

(I) Maintain records for a minimum of five (5) years.

(c) Approval of slaughter pens is valid for one (1) year from the date of approval.

(d) The State Veterinarian may amend the requirements 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.

(e) Failure to comply with the provisions of this agreement may result in the revocation of this agreement and/or the Department's refusal to enter into any future agreements with the applicant for the confined feeding of restricted cattle pursuant to the article.

Note: Authority cited: Section 407, Food and Agricultural Code. Reference: Sections 9561, 9562, 9570, 9574, 9932, 10324 and 10610, Food and Agricultural Code.

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

Subject Matter of Proposed Regulation

Livestock Movements and Forms

Sections Affected

Sections 752, 753, 753.1, 760.4, 820.55, 830.1, 830.3, 830.4, 831, 831.1, 831.2, 1302.1, 1302.2, and 1302.3.

Specific Purpose of Each Adoption, Amendment, or Repeal

Existing law, section 407 of the Food and Agricultural Code (FAC), provides that the Secretary of the Department of Food and Agriculture (Department) may adopt such regulations as are reasonably necessary to carry out the provisions of the code which she is directed or authorized to administer or enforce.

Food and Agricultural Code sections 10324, 10326, 10327, and 10386 authorize the adoption of regulations for the control and prevention of bovine brucellosis through limitations of movement, tests, vaccinations, or reports and records or other means as determined.

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. Section 10610 also establishes within the Department the Cattle Health Advisory Task Force (CHATF) to advise the Secretary on the control and management of cattle health diseases and evaluating the effectiveness of (cattle) programs.

Existing regulations under Chapter 2 (Livestock Disease Control) of Division 2 (Animal Industry) of Title 3 of the California Code of Regulations (CCR) specify the requirements for livestock disease control and eradication, and traceability implemented through official identification, documentation, and diagnostic testing for animals moving within the State and for animals imported into the State from other states. Additionally, Chapter 7 (Restricted Animals) of Division 2 of Title 3 establishes regulations for the importation of diseased animals into California or when moving diseased animals within the State.

The Department is proposing amendments to repeal the requirements for brucellosis vaccination of female beef cattle more than 12 months of age moving within and into the State, update the interstate movement requirements of sheep (rams) pertaining to ovine brucellosis, update forms used in Chapters 2 and 7, and update authority reference citations.

PROBLEM(S) INTENDED TO ADDRESS

AB 1801 (Committee on Agriculture, Chapter 324, Statutes of 2019) repealed Article 9 (commencing with Section 10511) of Chapter 3 of Part 2 of Division 5 of the FAC which required female cattle of the beef breeds over 12 months of age and sold within the State to bear evidence of official calfhood brucellosis vaccination. This proposal makes the required amendments to the regulations to implement these changes and repeals the brucellosis vaccination requirements for female beef cattle moving interstate which comes at the request and approval of the CHATF. Additionally, this proposal removes animal disease control and traceability forms currently incorporated by reference in Chapters 2 and 7 of the CCR and instead replaces the language to include form contents to facilitate our responsibility to ensure our forms are Americans with Disabilities Act (ADA) compliant.

STATEMENT OF FACTUAL BASIS AND RATIONALE

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.

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.

Specifically, the Animal Health Branch (AHB) within the Department is the State's professional veterinary medical unit that protects livestock, consumers, and California's economy from catastrophic animal diseases and other health issues. It addresses

diseases and other issues that cannot be successfully controlled on an individual animal or herd basis but require statewide coordinated efforts. The Branch is responsible for deterring any activities that have the potential to compromise California's abundant food supply or the safety of public and animal health.

This proposal deletes specified brucellosis vaccination requirements as a result of AB 1801 (Committee on Agriculture, Chapter 324, Statutes of 2019) which repealed Article 9 (commencing with Section 10511) of Chapter 3 of Part 2 of Division 5 of the FAC requiring female cattle of the beef breeds over 12 months of age and sold within the State to bear evidence of official calfhood brucellosis vaccination. For consistency with the repealed law of AB 1801, the Department's CHATF made recommendations to the Department to additionally eliminate the brucellosis vaccination requirements for female beef cattle imported into California from other states and voted to approve these changes in December 2018 (Attachment 1) and again in November 2019 (Attachment 2). The Department agrees with this recommendation as approved by the Secretary (Attachment 3) because the last brucellosis infected beef herd in California was in 1992 and the United States has been classified as brucellosis-free since 2009. The risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California therefore we are proposing to repeal the regulation.

This proposal will also expand the exemption from brucellosis testing required of rams imported into California, remove AHB program forms incorporated by reference in Chapters 2 and 7 and instead propose to list the contents of the forms in regulation text, update authority reference citations, and make editorial, punctuation, and grammatical amendments where needed.

The Department is proposing changes to the regulations as follows:

Article 1.5. (commencing with section 752) of Chapter 2, Division 2, of Title 3 of the CCR establishes the requirements for bovine brucellosis which 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 United States Department of Agriculture (USDA), states including California have implemented regulations to eradicate and control the disease.

Existing section 752 establishes the requirements to vaccinate cattle against brucellosis in California which also include applying identification devices and tattooing as evidence of vaccination. The section additionally states the responsibilities and agreement

between the Department and the veterinarian conducting the vaccination for the purchasing and handling of brucellosis vaccine and test reagents.

Proposed **subsection 752(a)(4)**. The Department proposes to delete the revision date and “which is incorporated by reference” for the Report of Heifer Calves Vaccinated – Brucellosis, AHB Form 76-026 and adds “as provided by the Department”. These amendments are necessary to allow the AHB to keep forms up to date and ensure forms are ADA compliant. Currently, this subsection states the required contents of Form 76-026 and therefore requires no additional amendments to the regulation text.

The Department is additionally making amendments to the reference citation to delete obsolete FAC sections as a result of AB 1801 (Committee on Agriculture, Chapter 324, Statutes of 2019) which repealed Article 9 (commencing with Section 10511) of Chapter 3 of Part 2 of Division 5 of the FAC.

Proposed **subsection 752(c)(1)** deletes “national” and adds “USDA.” This amendment is necessary to correctly identify the agency authorizing veterinary accreditation which is the USDA.

Existing section 753 establishes the requirements for the control of brucellosis when transporting or moving cattle within California.

Proposed **subsection 753(c)** deletes the brucellosis vaccination requirement for female beef cattle more than 12 months of age that are changing ownership in California. This subsection is obsolete as a result of AB 1801 (Committee on Agriculture, Chapter 324, Statutes of 2019) which repealed Article 9 (commencing with Section 10511) of Chapter 3 of Part 2 of Division 5 of the FAC.

The Department is additionally making amendments to the reference citations of section 753 as a result of AB 1801 (Committee on Agriculture, Chapter 324, Statutes of 2019) to delete obsolete FAC sections.

Existing section 753.1 establishes the brucellosis vaccination requirements for cattle moving interstate into California.

The Department is proposing to delete the outline formatting of existing **subsection (c)(1)(A)** to read as **subsection (c)(1)**, with punctuation edits.

The Department is repealing **subsection (c)(1)(B)** to delete the brucellosis vaccination requirements for beef breed female cattle more than 12 months of age and moving

interstate. This change comes by recommendation from the Department's CHATF to eliminate the brucellosis vaccination requirements for female beef cattle imported into California from other states because the risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California. The Task Force voted to approve these changes at the December 2018 meeting held in Sacramento, CA, and re-affirmed the resolution at the November 2019 meeting also held in Sacramento, CA.

Proposed **subsections (c)(2) and (c)(3)** add "dairy" to clarify the sections only apply to non-brucellosis vaccinated dairy calves and cattle, **subsection (c)(4)(A)** adds "dairy" to clarify brucellosis vaccination is not required for entry of female dairy calves less than four months of age, and in **subsection (c)(4)(B)** adds "cattle" to clarify (all) beef breed female cattle, as opposed to only calves less than six (6) months of age which is deleted, do not require brucellosis vaccination. These amendments are all necessary to clarify the requirements apply to "dairy" cattle, or that "beef breed female cattle" are exempt, given the (proposed) repeal of the requirement of brucellosis vaccination of beef cattle moving interstate which comes at the request of the CHATF because the risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California.

The Department is additionally making amendments to the reference citations as a result of AB 1801 (Committee on Agriculture, Chapter 324, Statutes of 2019) to delete obsolete FAC sections.

Article 3 (commencing with section 760) of Chapter 2, Division 2, of Title 3 of the CCR establishes the interstate movement requirements for sheep and goats as it pertains to preventing and controlling ovine (sheep) brucellosis and scrapie in sheep and goats.

Existing section 760.4 establishes the interstate movement requirements for rams entering California as it pertains to the disease ovine brucellosis. Ovine brucellosis is a disease caused by the organism *Brucella ovis* and is primarily a genital disease of rams (male sheep). Clinical disease occurs less often in ewes (female sheep) but ewes are thought to play a significant role in natural transmission between rams. The disease manifests as poor fertility due to a lowered rate of conception and aborted, weak or nonviable lambs. Because of the transient nature of the infection in ewes, control measures are directed at the rams.

The Department is proposing to amend existing **subsection (a)(2)(A)(2)** by adding "Direct movement to slaughter" to exempt *Brucella ovis* testing as specified for rams imported into the State and moving directly to slaughter. This amendment is necessary because these animals will soon be harvested, their threat for introducing and spreading *Brucella*

ovis to otherwise healthy sheep in California is negligible and therefore should be exempted from the requirement to have a negative test before entering the State. The Department also proposes to amend the outline formatting to read as **subsection (a)(2)(A)(3)**, deletes “where ownership changes”, and adds “with or without change of ownership” for grammatical purposes. These amendments are necessary to clarify the Department’s intent of the subsection.

Article 12 (commencing with section 820) of Chapter 2, Division 2, of Title 3 of the CCR establishes the requirements for bovine trichomonosis, a disease of cattle causing abortion and infertility which 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.

Section 820.55 specifies the trichomonosis testing procedural requirements for maintaining bulls in the State aimed to decrease the prevalence of the disease in beef herds. Existing subsections (c), (c)(1), and (c)(2) establish procedures for submitting trichomonosis samples to the laboratory for testing including use of forms incorporated by reference.

Existing **subsection (c)** establishes samples submitted to the laboratory must be accompanied by completed forms. The Department proposes to delete this subsection for organizational purposes.

Existing **subsection (c)(1)** incorporates by reference a form developed and provided by the California Animal Health and Safety Laboratory (CAHFS) which is under the authority of the UC Davis School of Veterinary Medicine, not the Department. The CAHFS laboratory requires veterinarians to use the most current version of this form when submitting samples to the laboratory for testing which states their procedures and protocols for laboratory submissions. The Department is proposing to repeal subsection (c)(1) as we have found it difficult to provide in the regulations the current version of the CAHFS laboratory form (as stated by the revision date) because new updated versions of the form are often made available to the public via the CAHFS laboratory website without our knowledge. The Department proposes to replace this subsection with new subsection (d) described below.

Existing **subsection (c)(2)** incorporates by reference the Department’s Official Bovine Trichomonosis Test Report Form and Bovine Trichomonosis Test Report Continuation Form which are used to document and record trichomonosis sampling and test results for

the State's Bovine Trichomonosis Control Program. The Department is proposing to repeal subsection (c)(2). This amendment is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure the forms are ADA compliant. The Department proposes to replace this subsection with new subsection (c) described below.

Proposed **subsection (c)** requires use of the Official Bovine Trichomonosis Test Report Form, AHB Form 76-199 and the Bovine Trichomonosis Test Report Continuation Form, AHB Form 76-199A, when necessary, and specifies the contents of each form in the regulation text. Use of these forms is necessary for the Department to monitor for trichomonosis and when necessary, to put in place control measures to further decrease the prevalence and eventually eliminate the disease in California beef herds. We believe these proposed changes will facilitate implementation of ADA accessibility of forms used by the Department and public.

Proposed subsections (c)(1)(A) through (L) specify information requested on Form 76-199 to include:

Proposed **subsection (c)(1)(A)** - owner contact information. This information is necessary to allow AHB staff to contact the owner of the cattle in the event of cattle testing positive for trichomonosis.

Proposed **subsection (c)(1)(B)** - information relating to where the cattle are kept. This information is necessary for AHB staff to locate the animals for follow-up testing, if needed.

Proposed **subsection (c)(1)(C)** - contact information for the herd's veterinarian conducting the trichomonosis sampling. This information is necessary for the laboratory or Department to contact the herd veterinarian if trichomonosis positive animals are discovered.

Proposed **subsection(c)(1)(D)** - reason for trichomonosis testing. This information is necessary because the course of action subsequent test results will differ depending upon the reason for which the bull is being tested. Reasons for test may include: interstate movement (testing may be a requirement for cattle moving into another state pursuant to that state's importation rules), show (exhibition/shows may have requirements for testing prior to their arrival pursuant to show rules), stud services (insemination services may need assurance bulls are free from trichomonosis and therefore require testing prior to insemination), and Pasture to Pasture Permit movements (testing protocol is specified in Title 3 CCR section 820.3); sale (testing protocol specified in Title 3 CCR section 820.4); and affected and exposed herds (testing protocol specified in Title 3 CCR section 820.7);

herd health (not a requirement however considered a sound herd management practice); other (category is provided for testing reasons not provided for on the form.)

Proposed **subsection (c)(1)(E)** - date trichomonosis samples were taken. This information is necessary to verify timely sampling and/or shipping of samples to the laboratory.

Proposed **subsection (c)(1)(F)** - number of samples taken from bulls and from cows. This information is necessary to validate the number of samples submitted to/received by the laboratory for testing.

Proposed **subsection (c)(1)(G)** - number of bulls and cows in the herd and (Y/N) whether all bulls were tested. This information is necessary should there be positive test results which will dictate future testing needs or protocol.

Proposed **subsection (c)(1)(H)** - production type. This information is necessary to prescribe control efforts when there is a positive test result as husbandry practices and subsequent control and eradication efforts may differ between beef and dairy operations.

Proposed **subsection (c)(1)(I)** - laboratory accession number. This number is generated and recorded by the laboratory and is necessary as a means of tracking and identifying the sample submitted for testing. This subsection also asks if the testing laboratory is the CAHFS laboratory, and if not, requests the name of the laboratory which is necessary for the Department to contact the laboratory in the event of questionable test samples or if not a CAHFS laboratory, to verify eligibility to conduct official tests.

Proposed **subsection (c)(1)(J)** - date samples received by the laboratory, date test sample results were read, and name of the person who read the sample results. This information is recorded by the laboratory and necessary to establish a record of the sample as it moves through the laboratory.

Proposed **subsection (c)(1)(K)** - individual official identification number, CA trichomonosis tag number, breed, age, and sex of each animal sampled. This information is documented when test samples are taken by the herd veterinarian and herd owner/manager. For each animal tested, the laboratory documents the test result and type of test used. Information recorded pursuant to this subsection is necessary as it will be used by the Department, herd's veterinarian, and herd owner/manager to identify individual animals testing positive and determine a subsequent course of action for the individual animal and/or herd.

Proposed **subsection (c)(1)(L)** - veterinarian and owner/agent signatures and date. This information is necessary to confirm accuracy of information provided on the form.

Proposed **subsection (c)(2)** - provides for use of the Bovine Trichomonosis Test Report Continuation Form, Form 76-199A which requests specific information continued from the original test report form. This amendment is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant.

Proposed **subsection (c)(2)(A)** - the herd veterinarian's name and license number. This information may be needed by the laboratory or Department if trichomonosis positive animals are discovered. Additionally, this information may be used to verify that the recorded information is "continued" from Form 76-199.

Proposed **subsection (c)(2)(B)** - owner's name. This information may be needed to contact the owner of the cattle in the event of cattle testing positive for trichomonosis. Additionally, this information may be used to verify that the recorded information is "continued" from Form 76-199.

Proposed **subsection (c)(2)(C)** - test date. This information may be used to document timely sampling and to verify that the recorded information is "continued" from Form 76-199.

Proposed **subsection (c)(2)(D)** - individual official identification number, CA trichomonosis tag number, breed, age, and sex of each animal sampled. This information is documented when test samples are taken by the herd veterinarian and herd owner/manager. For each animal tested, the laboratory documents the test result and type of test used. Information recorded pursuant to this subsection is necessary for the Department, herd's veterinarian, and herd owner/manager to identify individual animals testing positive and determine a subsequent course of action for the individual animal and/or herd.

Proposed **subsection (c)(2)(E)** - veterinarian and owner/agent signatures and date. This information is necessary to confirm accuracy of information provided on the form.

Proposed **subsection (d)** notifies veterinarians submitting trichomonosis samples to the laboratory to contact the CAHFS laboratory directly for the most current procedures and protocol that are required for submitting specimens to the laboratory. It has proven very difficult for the Department to provide the current version of the form that the laboratory requires veterinarians to use and the protocol to follow when submitting specimens to the laboratory. In fact, we often refer the veterinarian to the laboratory website to obtain the

most current information, therefore we are proposing to include this referral in the regulatory text to eliminate the unnecessary telephone calls or other delays we find taking place.

The Department is proposing to amend the outline formatting of existing **subsections (d), (e) and (f)** to read as *subsections (e), (f), and (g)*.

Article 14. (commencing with section 830) of Chapter 2, Division 2, of Title 3 of the CCR establishes identification and documentation requirements for cattle and bison when moving into the State from other states and when moving within California. The article implements the cattle and bison component of the USDA's Animal Disease Traceability rule (9 CFR Part 86).

Existing **section 830.1** provides for the use of five (5) program forms which are currently incorporated by reference and identified by title, form number, and revision date. The Department is proposing to repeal section 830.1 and to amend the language to replace the forms incorporated by reference with forms identified by title and form number and a description of the substantive requirements and contents of each form in the sections of the regulations requiring their use (proposed sections 831, 831.1 and 831.2.) These amendments are necessary to allow the program to revise forms as necessary to keep them up to date and to ensure our forms are ADA compliant.

Existing **section 830.3** establishes the requirements for a Certificate of Veterinary Inspection (CVI), which 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. Each state has their own state-version of this form requiring the same basic information; this subsection specifies the basic information required for animals moving into California using another state's form.

Proposed **subsection 830.3(a)(12)** makes a grammatical correction to add an "s" to "specie."

The Department is proposing to add new **subsection 830.3(a)(14)** to require the out of state veterinarian issuing the CVI to include the name and telephone number of the veterinarian in California conducting a spay after arrival pursuant to section 831(b)(3) which is necessary for consistency.

The Department is proposing to amend the outline formatting of existing **subsection 830.3(a)(14)** to read as 830.3(a)(15).

The Department is proposing to amend the authority citation to include FAC sections 9641.5 and 17081 which were inadvertently omitted from the initial rulemaking. Food and Agricultural Code section 9641.5 authorizes the interstate movement of horses and 10781 authorizes the interstate movement of swine, both of which require a CVI for entry into the State, therefore the citation of existing section 830.3 should include their references.

Existing **section 830.4** establishes the requirements for obtaining an Interstate Livestock Entry Permit from the Department for the importation of specified animals into California.

The Department is proposing to amend the authority citation to include FAC section 17081 which was inadvertently omitted from the initial rulemaking. Food and Agricultural Code section 10781 is necessary to include in this citation as it authorizes the movement of swine into California and requires an Interstate Livestock Entry Permit from the Department.

Existing section 831 establishes 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 CVI and Interstate Livestock Entry Permit requirements when specific conditions are met. There are two (2) subsections of Special Entry Permits; under subsection (a) Commuter Herd Permits and under subsection (b) Other Special Entry Permits.

Existing **subsection 831(a)(1)** pertains to a Pasture to Pasture Permit which is a written agreement between a cattle owner and the animal health officials of the origin and destination states. The 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 normal livestock management operations and without change of ownership directly between two (2) premises, one of which is located within California. The Department is proposing to delete in subsection (a)(1) the official brucellosis calfhood vaccination requirement for cattle moving with a Pasture to Pasture Permit for consistency with the proposed amendment for the interstate movement requirements for female beef cattle stated in section 753.1(c). This amendment comes at the request of the CHATF to delete the requirement of brucellosis vaccination for beef cattle moving interstate because the risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California.

Existing subsections (a)(1)(A) through (M) specify the requirements for obtaining a Pasture to Pasture Permit from the Department. The Department proposes to amend the text to make technical and editorial clarifications and to delete the brucellosis vaccination requirement for beef cattle moving interstate at the request of the CHATF because the

risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California. The proposed amendments are as follows:

Proposed **subsection (a)(1)(A)** adds “of beef breeding herds”, “move their herd to another state”, and “and to” and deletes “enter California” and “, or” which is necessary to clarify the intent of the Pasture to Pasture Permit. Additionally, the Department proposes to delete the revision date of the Pasture to Pasture Permit, AHB Form 76-074 which is necessary for forms to be kept up to date and to ensure ADA compliance. The Department proposes to delete “even if it is in addition to another state’s permit” which is necessary because no other state has required an additional permit when the Pasture to Pasture Permit is being used to move cattle. The Department proposes to relocate language as to the availability of the form to the end of the subsection and adds editorial language to clarify the form is provided by the Department which is necessary for organizational purposes. We are additionally proposing to add “The Pasture to Pasture Permit form shall include:” to introduce the contents of the form, as specified. Lastly, the Department proposes to delete language stating the form may be sent between the parties electronically which is necessary because this wording is obsolete given the exchange of nearly all media today takes place electronically.

Proposed **subsection (a)(1)(B)** makes technical, editorial, and punctuation amendments which are necessary for clarity. These amendments do not change the intent of the subsection.

Proposed **subsection (a)(1)(C)** makes editorial, grammatical, and punctuation edits which are necessary for clarity. The Department also proposes to add “date leaving and date returning”, “description”, “the cattle owner; name and telephone number of the”, and “disease testing information:” which were inadvertently omitted from the originally proposed regulatory text and necessary to complete the owner’s contact information and disease testing status of the cattle as required on the form. The entirety of this information is necessary to allow the AHB to contact the cattle owner should there be a disease outbreak or investigation and to ensure cattle involved with the movement meet livestock disease testing requirements.

Proposed **subsection (a)(1)(D)** adds “period” which is necessary for clarity.

Proposed **subsection (a)(1)(E)2.** is amended to restate the requirement which is necessary for clarity. Existing language assumes all cattle are branded when that is not the case in every situation. The Department proposes additional edits for grammatical purposes and makes punctuation edits where necessary.

Proposed **subsection (a)(1)(E)3.** adds “and.”

The Department proposes to delete existing **subsection (a)(1)(E)4.** in accordance with the CHATF recommendation to repeal the requirement for brucellosis vaccination of beef cattle moving interstate because the risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California.

The Department proposes to amend the outline formatting of existing **subsection (a)(1)(E)5.** to read as *subsection (a)(1)(E)4.*

Proposed **subsection (a)(1)(F)** adds “of cattle from another state” which is necessary for clarity. The subsection also deletes “that is current with its brucellosis calfhood vaccinations” as it is obsolete with the repeal of the requirement for brucellosis vaccination of beef cattle moving interstate coming at the request of the CHATF because the risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California.

Existing **subsection (a)(1)(G)** is obsolete and therefore deleted. The proposed inclusion of “date leaving and date returning” in subsection (a)(1)(A) eliminates the need to have existing subsection (a)(1)(G).

The Department proposes to amend the outline formatting of existing **subsection (a)(1)(H)** to read as *subsection (a)(1)(G).*

The Department proposes to amend the outline formatting of existing **subsection (a)(1)(I)** to read as *(a)(1)(H).*

Proposed **subsection (a)(1)(H)1.** deletes language requiring brucellosis vaccination which the CHATF requested the Department repeal from the regulations because the risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California.

Proposed **subsection (a)(1)(H)2.** amends the reference to correctly read as section 837 of the article.

The Department proposes to amend the outline formatting of existing **subsection (a)(1)(J)** to read as *subsection (a)(1)(I).*

The Department proposes to amend the outline formatting of existing **subsection (a)(1)(K)** to read as *subsection (a)(1)(J).*

The Department proposes to amend the outline formatting of existing **subsection (a)(1)(L)** to read as *subsection (a)(1)(K)*.

The Department proposes to amend the outline formatting of existing **subsection (a)(1)(M)** to read as *subsection (a)(1)(L)* and amends the text for editorial reasons.

Existing subsection 831(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.

Proposed **subsection 831(a)(2)(A)** deletes the revision date of the One-Time Event Permit form and adds that the form is provided by the Department and available by contacting the AHB. These amendments will allow the program to revise forms as necessary to keep them up to date and to ensure our forms are ADA compliant. The subsection goes on to state the form's contents [subsections (B) through (H)].

Proposed **subsection 831(a)(2)(B)** amends the text for editorial purposes which does not change the intent of the subsection.

Proposed **subsection 831(a)(2)(C)** adds (number of) "intact female cattle 12 months of age and older," which was inadvertently omitted from the original text and necessary to document an accounting of all cattle that may be moving under the One-Time Event Permit. The subsection additionally deletes the Y/N question as to whether the movement of cattle contain intact female cattle 12 months of age or older that are brucellosis vaccinated, which is now obsolete given the Department's CHATF request to eliminate the brucellosis vaccination requirement for female beef cattle moving interstate because the risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California.

Existing subsection 831(b) pertains to several categories of Special Entry Permits for the importation of specified classes of cattle into California that may qualify for exemptions from, including but not limited to, specified livestock disease testing, vaccination, and/or

official identification as it relates to a CVI and Interstate Livestock Entry Permit, when specific conditions are met.

Existing **subsection 831(b)(1)** provides for a Special Entry Permit for the entry into California of non-brucellosis vaccinated, purebred, registered, dairy or beef breed cattle that are used 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. The Department proposes to add/delete text to clarify and more appropriately state the intent of the requirements for this type of special entry permit which will not change the intent of the subsection. Specifically, “or beef” is deleted because brucellosis vaccination and testing is no longer a requirement for the interstate movement of beef cattle given the Department’s CHATF request to eliminate the brucellosis vaccination requirement for female beef cattle moving interstate because the risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California. The Department also proposes to add “requirements including,” delete “negative test requirements” and add “disease testing”, which are all necessary to update and modernize the language to current industry standards.

Existing **subsection 831(b)(2)** provides for the issuance of a Special Entry Permit for the entry of unvaccinated female calves of vaccination age and native to their state of origin to be vaccinated on arrival in California by a contract veterinarian. The Department authorizes a contract veterinarian to vaccinate the calves (as opposed to any person) to ensure the calves entering under this provision will 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 AHB. The Department proposes to add “dairy” to clarify the section applies to dairy calves vaccinated upon arrival. This change is necessary as a result of Department’s CHATF request to eliminate the brucellosis vaccination requirement for female beef cattle moving interstate because the risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California.

Existing **subsection 831(b)(3)** provides for the issuance of a Special Entry Permit for young female cattle (heifers) from a Minimal Risk State to enter California without the required brucellosis vaccination under an agreement to be spayed upon arrival by a California state-licensed veterinarian. The Department proposes to add “dairy” which is necessary to clarify the section pertains to the spaying of dairy heifers since female beef cattle no longer require brucellosis vaccination to move interstate at the request of the CHATF because the risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California. The subsection also adds “within six

(6) months” for consistency with the requirements of the Special Entry Permit as stated and to clarify the conditions for authorization to enter the State.

In proposed **subsections 831(b)(3)(A) and (b)(3)(A)1.** the Department is making grammatical and punctuation edits for clarity and consistency.

The Department is proposing to delete the outline formatting of existing **subsection 831(b)(3)(A)1.ii.** and combine the text with existing **subsection 831(b)(3)(A)1.i.** with punctuation and grammatical edits which are necessary for clarity and consistency.

The Department is proposing to amend the outline formatting of existing **subsection (b)(3)(A)1.iii.** to read as **subsection 831(b)(3)(A)1.ii.** and adds “Heifers will be spayed after arrival at the destination premises. And”. These amendments do not change the intent of the original text and are necessary to make the language consistent with the language stated in subsection (b)(3)(A)1.i. The Department also proposes to add a statement to require the veterinarian issuing the CVI in the origin state, to additionally include the name and telephone number of the veterinarian in California performing the spay. This information was inadvertently omitted in the original text and is necessary for AHB staff to make contact with the veterinarian to verify receipt of the animals and confirm their subsequent spay.

Proposed **subsection (b)(3)(B)1.** establishes use of the Department’s Report of Heifers Spayed After Arrival, AHB Form 76-203 by veterinarians who conduct the spaying of heifers after they arrive in California. The Department proposes a punctuation edit to the title of the form, to delete the revision date of the Report of Heifers Spayed After Arrival form, and adds that the form is provided by the Department and available by contacting the AHB (the form’s incorporation by reference is proposed for deletion in section 830.1). These amendments will allow the program to revise forms as necessary to keep them up to date and to ensure our forms are ADA compliant. The subsection goes on to state the form contents as shown in proposed **subsection (b)(3)(B)1.i.** which include:

- Premises information including name, physical address, city, and zip code – this information is necessary to allow AHB staff to locate the facility where the spaying will be taking place.
- Owner’s name and telephone number – this information is necessary should AHB staff need to contact the owner of the cattle.
- Spaying information including date spayed, number of heifers spayed, list of imported heifers’ CVI numbers, list of imported heifers’ Interstate Livestock Entry Permit numbers,

breed, and age – this information is necessary to verify that the cattle imported are the same cattle required to be spayed after arriving in California.

- Veterinarian's name, telephone number, address including city, state, and zip code, e-mail address, USDA accreditation number, and CA license number – this information is necessary should the AHB need to contact the veterinarian conducting the spay.
- Signature and date of veterinarian conducting the spay – this information is necessary to verify and confirm requirements for spaying upon arrival are complete as stated on the form.

Should the Department need to investigate a livestock disease outbreak or require traceability of livestock for disease control purposes, the information provided on this form as stated above will enable the Department to locate animals, their owners, and veterinarians providing care and who are knowledgeable about the health status of the animals.

The Department is additionally making amendments to the reference citations of section 831 as a result of AB 1801 (Committee on Agriculture, Chapter 324, Statutes of 2019) to delete an obsolete FAC section.

Existing section 831.1 establishes 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 to the Department or USDA. The Approved Tagging Site Agreement is a written agreement between the Department and USDA, and the tagging site owner or manager to maintain the facility and administer the tagging of livestock in accordance with the terms of the agreement as detailed below. 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 Department proposes to amend **subsection 831.1(a)** to delete the revision date (the form's incorporation by reference is proposed for deletion in section 830.1) to facilitate our responsibility to ensure our forms are ADA compliant; to delete the notification that the form may be sent between the parties electronically as we believe this is no longer necessary because the exchange of nearly all media today takes place electronically; and adds text to inform the public of the form's contents as specified below.

Proposed **subsection 831.1(a)(1)** - facility information. This information identifies the facility and provides its location by requesting the name and address, city, state, and zip code; telephone number; fax number; and premises identification number if one is established. This information is necessary to locate the facility in the event of a livestock disease investigation or outbreak

Proposed **subsection 831.1(a)(2)** - name of the tagging site owner/manager. This information is necessary to enable contact with the individual managing the operation in the event of an emergency or for a review of records maintained at the facility.

Proposed subsections 831.1(a)(2)(A) through (H) establish the requirements of the agreement as stated on the form which include information as specified below.

Proposed **subsection (a)(2)(A)** - to accept only cattle from “farm of origin” defined as a premises where a group of animals have been established as a herd for more than four (4) months. When cattle are assembled from multiple locations prior to being shipped to California, the official identification must correlate to the origin of the cattle prior to being assembled. This is necessary to trace animals to their origin in the event of a livestock disease outbreak or investigation.

Proposed **subsection 831.1(a)(2)(B)** - to obtain only official identification eartags. This is necessary to prevent any fraudulent activity with respect to the official identification applied to the animals.

Proposed **subsection 831.1(a)(2)(C)** - to unload animals only when the owner or the person in possession, care, or control of the animals when brought to the tagging site agrees to have the animals officially identified in accordance with approved tagging site protocol. This requirement is necessary to confirm the animals are arriving at the facility for the purpose of having official identification applied.

Proposed **subsection 831.1(a)(2)(D)** - to officially identify all animals in accordance with Title 3, CCR article 14 and 9 CFR Part 86, including: 1. Apply official eartags to animals before commingling with animals from different premises; use a backtag or another method to accurately maintain the animal’s identity until the official eartag is applied; and official identification must correlate to the person responsible for shipping the animal; 2. Only apply official eartags to animals not already officially identified except as provided in Title 3, CCR section 831.2(b) and 9 CFR Part 86.4(c); and 3. Remove and/or replace official identification devices in accordance with Title 3, CCR section 831.2(c) and (d) and 9 CFR Part 86.4(d) and (e). These subsections restate the requirements established by existing CCR and CFR as related to animal disease traceability. We believe it is

necessary to include these references on the form to inform the tagging site owner or manager of the location of the rules and laws pertaining to the application, removal, and replacement of official identification to facilitate compliance with rules and laws established without having to search the CCR and CFR.

Proposed **subsection 831.1(a)(2)(E)** - to maintain tagging records which at minimum include: 1. Name and address of the owner or person responsible for the animals tagged; 2. Official identification numbers of the tags applied; and 3. Date the official identification eartags were applied. This information is necessary in the event of a disease outbreak which would provide information necessary to trace an animal to its origin.

Proposed **subsection 831.1(a)(2)(F)** - to allow the Department and/or USDA to review all records upon request which may be necessary during a livestock disease outbreak investigation.

Proposed **subsection 831.1(a)(2)(G)** - to ensure the security of unused official eartags and tagging records by: 1. Maintaining a record of all official identification eartags received and applied at the tagging site for a minimum of five (5) years; 2. Keeping the inventory of unused tags and records in a secure place, accessible only to authorized personnel; and 3. Immediately reporting any lost or stolen tags to the appropriate State or Federal animal health official. These requirements are necessary to prevent any fraudulent activity regarding the application and storage of official identification devices.

Proposed **subsection 831.1(a)(2)(H)** - to acknowledge that failing to comply with the provisions of the agreement may result in the Department's termination of the agreement, and/or refusal to accept any new or renewal agreements for the tagging site. This requirement is a condition of the terms of the agreement and is necessary to inform and acknowledge the owner or manager of their responsibility.

Proposed **subsection 831.1(a)(3)** requires the printed name and signature of the tagging site owner/ manager, the AHB District official, the USDA official, and the AHB Headquarters official. This information is necessary to formalize the agreement between all parties.

Proposed **subsection 831.1(b)(1)** deletes the revision date of Form 76-201 for consistency which is necessary for the AHB to keep forms up to date and to ensure ADA compliance.

Existing section 831.2 establishes the requirements pertaining to the use of acceptable devices to identify cattle and bison and the procedures for their required use. The

requirements of this section are key to identifying potentially diseased animals, establishing where the animals came from, and locating other animals that they may have been in contact with.

Proposed **subsection 831.2(c)(4)(C)** deletes the version, publication date, and the incorporation by reference of the USDA's document "Animal Disease Traceability General Standards" and adds that the publication is provided by the USDA. The Department is proposing to delete this information as we have found it difficult to maintain in the regulations the correct and current version of the document because any changes made to it often take place without our knowledge. We believe referring the public to the USDA for this document will help to ensure they receive the most current version available.

Proposed **subsection 831.2(f)** deletes the revision date of the Report of Official Ear Tags Distributed or Applied, AHB Form 76-210 to facilitate our responsibility to ensure our forms are ADA compliant (the form's incorporation by reference is proposed for deletion in section 830.1). The subsection adds language to inform the public that the form is provided by the Department. Currently, this subsection states the required contents of Form 76-210 and therefore requires no additional amendments to the regulation text.

Article 4 (commencing with section 1302) of Chapter 7, Division 2, of Title 3 of the CCR establishes 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.

Existing section 1302.1 establishes 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.

The Department is proposing to amend **section 1302.1(c)** to delete the form's incorporation by reference and revision date of AHB Form 76-197 and adds "as provided by the Department". The Department proposes to remove all forms incorporated by reference and instead list contents of the forms to facilitate implementation of ADA accessibility of forms used by the Department and public. Currently, this subsection states the required contents of Form 76-197 and therefore requires no additional amendments to the regulation text.

Existing section 1302.2 establishes 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.

The Department is proposing to amend **section 1302.2(c)** to delete the form's incorporation by reference and revision date of AHB Form 76-198 and adds "as provided by the Department". The Department proposes to remove all forms incorporated by reference and instead list contents of the forms to facilitate implementation of ADA accessibility of forms used by the Department and public. Currently, this subsection states the required contents of Form 76-198 and therefore requires no additional amendments to the regulation text.

Existing section 1302.3 establishes 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 pen. 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.

The Department is proposing to amend **section 1302.3(b)** to delete the form's incorporation by reference and revision date of AHB Form 76-200 and adds "as provided by the Department". The Department proposes to remove all forms incorporated by reference and instead list contents of the forms to facilitate implementation of ADA accessibility of forms used by the Department and public. Currently, this subsection states the required contents of Form 76-200 and therefore requires no additional amendments to the regulation text.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT

1. Cattle Health Advisory Task Force Meeting Minutes dated November 20 , 2019, Sacramento, CA. (Attachment 1)
2. Cattle Health Advisory Task Force Meeting Minutes dated December 5, 2018, Sacramento, CA. (Attachment 2)
3. Approval to Amend the Regulations by the Secretary of the Department of Food and Agriculture. (Attachment 3)

SPECIFIC TECHNOLOGIES OR EQUIPMENT

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

CONSIDERATION OF REASONABLE ALTERNATIVES

The Department has considered two alternatives to this proposal with respect to AHB forms: 1) Not amend the regulations, or 2) Amend the existing forms incorporated by reference in the regulations. The Department is rejecting alternative number 1 because program forms are currently out of date and no longer meet program needs as written, and do not meet the requirements of the ADA. Alternative number 2 is rejected because the existing forms are incorporated by reference which limits the program's ability to revise the forms as necessary to keep them up to date and restricts the Department's control over providing ADA compliant forms.

The Department has considered two alternatives to this proposal with respect to amendments pertaining to the requirements for moving sheep and cattle: 1) Not amend the regulations, or 2) Amend the regulations to delete only the provisions for which the statutory authority in AB 1801 (Committee on Agriculture, Chapter 324, Statutes of 2019) was repealed. The Department is rejecting alternative number 1 because existing regulatory text needs further clarification and updating to be consistent with industry trends and practices. Alternative number 2 is rejected because the CHATF, which serves to evaluate the effectiveness of cattle health programs, made recommendations to the Department to additionally eliminate the brucellosis vaccination requirement for female beef cattle moving interstate because the risk of brucellosis infection is too low to justify having vaccination requirements for moving cattle into California.

The Department determined that no reasonable alternative considered or that has otherwise been identified and brought the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as

effective 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. This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

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 that would lessen any adverse impact on small businesses. The Department has determined small businesses may be impacted as a result of this proposed action (refer to the Economic Impact Assessment section of this document.) This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal is necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

FINDINGS REGARDING EVIDENCE OF (NO) SIGNIFICANT ADVERSE IMPACT ON BUSINESS

The Department has not identified any reasonable alternatives to the proposed action. The Department has determined businesses may be impacted as a result of this proposed action (refer to the Economic Impact Assessment section of this document.) This proposal is necessary to update existing interstate and intrastate movement requirements for consistency with industry trends and practices to better control, manage, and eliminate livestock diseases, and to allow programs to revise forms as necessary to keep them up to date and ensure they are ADA compliant as authorized by FAC sections 407, 10324, 10326, 10327, 10386, and 10610.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

This proposal does not duplicate or conflict with federal regulations. There are federal regulations under 9 CFR Part 86 which specify the requirements of the USDA's Animal Disease Traceability rule to which the Department has added additional requirements as

specified in the current regulations to facilitate unique movement and husbandry practices of California's cattle industry.

BENEFITS OF THIS REGULATORY ACTION

This proposal benefits California's cattle and sheep industries by updating existing interstate and intrastate movement requirements for consistency with industry trends and practices to better control, manage, and eliminate livestock diseases. This proposal will also benefit the public and the Department by allowing AHB programs to revise forms as necessary to keep forms up to date and to ensure these forms are ADA compliant.

ECONOMIC IMPACT ASSESSMENT

Business Impact

The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made an initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

The Department has made an initial determination that this regulatory proposal may impact the beef and dairy cattle and sheep industries in California which may consist of persons and businesses moving cattle and sheep into and within the State. The Department has also made an initial determination that this regulatory proposal will impact veterinarians contracted with the Department to purchase brucellosis vaccine. The Department's proposal may affect small businesses.

Persons/Businesses affected by this proposal:

- California Beef Cattle Industry – Repeal Brucellosis Vaccination
 - This proposal repeals the brucellosis vaccination requirement for female beef breed cattle moving within the State.
 - The total number of female beef cows and heifers currently in California is approximately 807,372 animals. The approximate number of farms in California raising beef cattle, which could include individuals and businesses, is 10,000 premises. This proposal could impact these 10,000

individuals and businesses in California should they choose to no longer vaccinate beef cattle.

- The Department estimates the number of female beef cattle vaccinated for brucellosis in California in any given year, which includes cattle already in the State and cattle entering the State to be vaccinated upon arrival, at approximately 92,000 animals. The Department estimates the industry cost for brucellosis vaccination is about \$4.00/animal. As brucellosis vaccination will no longer be a requirement for female beef cattle in California, the Department estimates a cost savings to the California beef industry at approximately \$368,000.
- California Beef and Dairy Cattle Industries – Forms Incorporated by Reference
 - The Department is proposing to remove the incorporation by reference of forms in the regulation text to facilitate the Department's ability to provide ADA compliant forms to the beef and dairy industries.
 - The Department estimates this proposal could impact approximately 13,000 individuals/businesses in California having beef or dairy cattle, however we are unable to estimate any cost impacts associated with this part of the proposal.
- California Veterinarians Contracted with the Department to Purchase Brucellosis Vaccine
 - This proposal repeals the brucellosis vaccination requirement for female beef breed cattle moving within the State.
 - The Department contracts with approximately 570 veterinary practitioners for the purchase and use of brucellosis vaccine authorized by Food and Agricultural Code section 10341.
 - As brucellosis vaccination will no longer be a requirement for female beef cattle in California, the Department has determined contracted veterinarians may not be hired to provide vaccinations should producers no longer choose to vaccinate their beef cattle. The amount of revenue loss to herd veterinarians cannot be determined as each veterinarian maintains their own veterinary service fees which can vary depending on their location in the State, number of cattle being vaccinated, and distance traveled.
- California Sheep Industry
 - This proposal adds an exemption from brucellosis testing for rams imported into California and moving directly to slaughter. Individuals and businesses importing rams into California could include individuals/businesses located in the State and/or individuals/businesses located in other states.
 - There are approximately 3,800 premises raising sheep in the State which could include individuals and businesses importing rams for slaughter.

- The Department is unable to determine the number of rams entering the State for slaughter and therefore exempt from brucellosis testing as proposed because importation data maintained by the Department does not separate shipments of slaughter sheep by age and/or sex.
- Exempting specified rams from brucellosis testing prior to importation is a cost savings to California producers of approximately \$9.00/animal for laboratory fees.

Fiscal Impact

The AHB Brucellosis Vaccination program is set up as a reimbursement program. The current budget is \$823,000 and in March 2020 it was estimated that the program would receive approximately \$760,000 for the year. Actuals through April 2020 total \$615,240.

The annual brucellosis vaccinations of beef heifers is about 10% of the total heifers vaccinated (~900,000/year); the costs and reimbursements of the program are anticipated to decrease less than 10% with removal of the vaccination requirement because some of these producers will continue to vaccinate their cattle to meet other state entry requirements.

Anticipated compliance requirements as a result of this proposal: There are no new reporting requirements as a result of this proposal. This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal is necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment: The Department is not aware of any specific benefits this proposal will have on the health of California residents, worker safety, or the State's environment. The Department believes this proposal benefits the welfare of California residents by protecting the economic health of the affected cattle and sheep industries. This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal is necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

Economic Impact Assessment Conclusion

The Department has made an initial determination that the proposed regulatory action will have no 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 does not affect the creation of new businesses or the elimination of existing businesses within the State of California and does not affect the expansion of businesses currently doing business within the State of California. This proposal does not impact multiple industries.

This proposal deletes specified brucellosis vaccination requirements as a result of AB 1801 (Committee on Agriculture, Chapter 324, Statutes of 2019) which repealed Article 9 (commencing with Section 10511) of Chapter 3 of Part 2 of Division 5 of the FAC requiring female cattle of the beef breeds over 12 months of age and sold within the State to bear evidence of official calfhood brucellosis vaccination. For consistency with the repealed law of AB 1801, the Department's CHATF made recommendations to the Department to additionally eliminate the brucellosis vaccination requirements for female beef cattle imported into California from other states and voted to approve these changes in December 2018 and again in November 2019. The Department agrees with this recommendation as the last brucellosis infected beef herd in California was in 1992 and the United States has been classified as brucellosis-free since 2009. The risk of brucellosis infection is too low to justify vaccination requirements for beef cattle moving into California therefore we are proposing to repeal the regulation.

This proposal is necessary to allow the AHB to revise forms as necessary to keep forms up to date and to ensure forms are ADA compliant. Additionally, this proposal is necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.

Cattle Health Advisory Task Force (CHATF) Meeting Minutes
 California Department of Food and Agriculture, Conference Room 101
 2800 Gateway Oaks Drive, Sacramento, CA 95833

Wednesday, December 5, 2018

A meeting of the Cattle Health Advisory Task Force was called to order by Justin Oldfield at **10:05 AM**.

Members Present (Quorum Reached)

Dr. Gene Harlan
 Dr. Pam Hullinger
 Dr. Norman LaFaunce
 Dr. James Oltjen
 Forrest Mangan
 Larry Massa
 Justin Oldfield
 Dr. Carlos Rodriguez
 Dr. Aubrey (Bud) Sloan
 Dr. Charlie Tobias
 Dr. John Zimmerman

Members Not Present

Melissa Lema

Others in Attendance

Dr. Rebecca Campagna
 Dr. Anita Edmondson
 Dr. Scott Essex
 Dr. Kent Fowler
 Charlene Herbst
 Dr. Ashley Hill
 Dr. Annette Jones
 Dr. Greg Ledbetter

Dr. Alyssa Louie
 Dr. Bret McNabb
 Jake Oosterman
 Brad Peek
 Dr. Mike Poulos
 Dr. Larry Rawson
 Beth Francia Wilson

Self-introductions of those present. Minutes from previous meeting (January 10, 2018) reviewed by members. There were no comments or edits suggested. Justin entertained motion to approve minutes as presented. **Larry Massa moved to approve the minutes; Kevin Abernathy seconded the motion. Motion carried by unanimous vote.**

Membership discussion and review:

- One vacancy currently, Dr. Lehenbauer resigned from committee in September. Dr. Oltjen recommends searching for another research/extension replacement in near future for his position.
- Per bylaws, task force requires a Chairperson, which can be recalled by committee at any time – any changes in Chair requested? **Forrest Mangan motioned to approve Justin Oldfield continuing as Chair; Larry Massa seconded the motion. Motion carried by unanimous vote.**

AGENCY UPDATES

CDFA/Animal Health and Food Safety Services, Dr. Jones:

- Carcass disposal a current issue.

- Transition year for administration: will hear about new Secretary and other political appointees in near future – Division is busy preparing summaries and binders to inform incoming team of the issues in the state and function of what the Division does.
- Proposition 12: Starting January 1, 2020, space requirement will change for egg laying hens and products, veal calves, and pregnant sows (also applies to out of state producers selling products in California):
 - Outreach may help mitigate confusion around calf hutches use compared to veal calf raising.
 - New language in Health and Safety Code, but CDFA mainly responsible for enforcement (budgeted at \$10 million/year to enforce) – Meat, Poultry and Egg Safety branch will be engaged.
 - Interstate commerce clause might be in the works to address the requirement for out of state producers to comply for products sold in California.
 - Civil action/citizen lawsuit provision included in language as well.
 - Discussion: legislation may address dairy calf hutches next; industry will need to stay engaged, push for good outreach and public education with involvement, research, best practices from university that can provide the support and backing about animal health and welfare, public health; cross over with antimicrobial stewardship and how housing types and other husbandry practices can reduce the need for use.
- Congratulations to Dr. Fowler on receiving AAEP award as an outstanding equine practitioner and for contributions through career.
- Recent poultry outbreaks, Butte County fire, have continued putting strain on personnel and ability to move forward on a lot of things; trying to help where we can and augment resources, but still working to get things done for cattle industry, lining up TB testing, etc.
- Encourage everyone to continue support for SB27 and its progress for best management practices.

USDA/APHIS/VS, Dr. Larry Rawson:

- Personnel similarly occupied with virulent Newcastle disease since May 2018, Butte County fire; requests for personnel to continue regular business too.
- APHIS VS reformation:
 - In 2013, VS **reorganized** into four groups: SPRS – field people, NIES – import export, STAS – NVSL, Plum Island diagnostic labs, CEAH, NAHMS, and PSS – program support. Goal was to group major services to better align with changing dynamics of animal health and needs of customers.
 - In 2018, **reformed** to address some of the issues that came from the reorganization. Effective October 15, 2018. Field regained import/export to allow for better response and coverage. The main groups are now: Field Operations (FiOPs); Diagnostics & Biology (D&B, includes the labs), Science & Policy (directions).
- The reorganization split U.S. and territories into six districts; reformation has four districts (California in District 3, which also extends out to Alaska, Hawaii, Guam; Dr. Brickler still District Director).
- Four primary service centers for health certificates (trying to get more countries to accept electronic certificates), products endorsed for export, etc.: Sacramento, CA; Madison, WI; Gainesville, FL; Albany, NY. Each focusing on the main services in the area for efficiency. In California, a LOT of pets.

CAHFS Laboratory, Dr. Pam Hullinger:

- Tulare Ardans lab now up and running, co-located with Animal Health Branch in Tulare.
- Progress to replace Turlock lab: will be full service, poultry and livestock; six to eight years out likely. Currently have funds for buying land and initial design – working on locating and selecting a suitable site with DGS, CDFA. Next, will need a second BCP to fund the second stage of the project (ongoing personnel, services, detail design, construction, etc.).
- Outbreaks this year: staff and system working hard to support efforts on EHM, SVA, VND, LPAI. On average year, closer to 25 FADs; last year, over 1,000. Some personnel working seven days a week.

Central Valley Water Board, Charlene Herbst:

- Update on recently adopted bovine feedlot general order: received a fair number of Notices of Intent. All were supposed to be filed by July 1, 2018 (per order), but many people not aware of new requirements and program unable to reach people in time. Have not begun issuing Notices of Applicability. Challenges: changes in cattle operations, merging of operations, need for a lot of outreach.
- When water board moves to do site visits, can run the list of operations by Justin for accuracy (cattle handling facilities might show up on Google, but not have cattle, or only used intermittently, etc.).
- No specific time line on letters that went out to producers? When a general order goes through, the only one who can set a deadline is the board; once July 1, 2018 passed, any follow-up couldn't have a specific date attached unless item taken back to board.

Oregon, Dr. Scott Essex:

- Trichomonosis update: no cases reported recently; continuing to work with two herds from last year with Redding District.

Farm Bureau, Larry Massa:

- Took information on brucellosis vaccination program and RB51 to committee in CFBF; a tentative resolution was put together. Resolution will go to House of Delegates tomorrow for a decision at the Farm Bureau meeting in San Diego.

Livestock Marketing Association, Forrest Mangan:

- Still at the table for ADT and ongoing discussions.

Industry/CCA, Dr. Gene Harlan, Dr. Bud Sloan, Justin Oldfield:

- Great CCA annual meeting in November.
- Cattle Council Law update: last year CCA wrote and ran bill to establish a new marketing/quasi-government entity, similar to Beef Council. Legislation set parameters for council structure (California Food and Agricultural Code Division 22, Chapter 2.5).
 - Would be funded by an additional \$1 assessment of all cattle (unless weight < 200 lbs). Beef Council focus on implementation of Beef Checkoff in California, funds limited to beef or beef promotion. California Cattle Council money would all stay in California, and could fund research, public information, outreach related to both beef and dairy cattle, and other important related issues such as water quality, environment, animal health, etc.
 - Contains a refund provision – any producer that wants money back can get it back.
 - Keep an eye out for ballots, cattle producers (anyone who sold an animal in the past year) will vote on a referendum to establish the council.

Industry/Dairy, Kevin Abernathy:

- Recent concerns about animal rights group increasing activity. Important to be vigilant, protect people and businesses, and report if something doesn't seem right. Protocols and standard operating procedures have been developed for livestock industry and are being shared with law enforcement as guidance.

AGENDA ITEMS**Dr. Kent Fowler presented updates on California's brucellosis mandate and future considerations:**

- *Any decision made about the state's brucellosis vaccination program needs to be based on science and risk, and has to come from industry.*
- USAHA Oct. 2018: Resolution 35 passed, encouraging state animal health officials and cattle industry representatives to reconsider the need for mandated use of RB51 vaccine except where infected wildlife a documented risk.

- At this stage, CDFA has not reached out to dairy organizations to present science, risk, and considerations for moving forward and obtain feedback, but will be looking to do that at headquarters and District level.
- Discussion included:
 - Resolution developed at CCA convention (supporting brucellosis vaccination to be voluntary for beef – recognizing there is no mandatory program for beef, but evidence of vaccination still required on change of ownership past a certain age).
 - RB51 for adult vaccination and challenges – federal regulations allow for adult vaccination, but for *limited* scenarios (outbreaks), so we refer to it as mature vaccination. More developed use and processes would be helpful. A number of other states allow mature vaccination, but CDFA would still likely need to run utilizing vaccine in other way than label directions by legal.
 - Process for moving to voluntary program only would include changing statute, followed by potential change in regulations; could be a lengthy process.
 - General consensus from beef community is to move forward on the beef side of things; CCA membership looking to work on this in upcoming year's legislation – can always make additional change to include dairy later, if they support going voluntary.
 - Although unanimous support at USAHA for resolution recommending states to move to voluntary, interstate entry requirements remain up to each state. Action was not unanimously accepted.
 - No mention of beef cattle in California Food and Agricultural Code aside from sections 10511 and 10512 (originally put in and to be enforced by CCA).
 - Even if changes to FAC, would still maintain requirement for animals coming from DSA/GYA.

Justin Oldfield entertains a motion to approve a CHATF resolution, consistent with CCA resolution:

Resolution 1: *The CHATF support amendments to Section 10512 of the FAC and accompanying regulations promulgated under the CCR to no longer mandate that intact females of beef breeds, older than 12 months of age and as defined under Section 10511, bear evidence of official calfhood vaccination in order to be sold for breeding or entry into the state. The CHATF strongly encourages beef producers to continue to vaccinate all heifers that will be added to the breeding herd.*

Kevin Abernathy motioned to approve the drafted resolution language. Forrest Mangan seconded the motion.

- Further discussion still desired before vote:
 - Separate resolution for dairy if industry wanting to move forward, or could amend the current resolution after feedback obtained from dairy side? Different code sections would be involved.
 - Veterinarian role – impacts to ability to get on ranches if vaccination becomes voluntary? But still have herd health, antibiotic requirements for VCPR, vaccination if likely to move animals out of state, etc. Not likely to affect veterinarians, especially with antibiotics, and clients who will want to keep vaccinating regardless.

Vote: Approve (7), Opposed (2), Abstain (1). Motion passes.

- Continued discussion on RB51 and mature vaccination:
 - Oregon's policy and frequency for mature vaccination? No hard numbers, but Oregon does allow for mature vaccination – accepts mature vaccinates coming into state, and allows contract veterinarians to perform mature vaccination. Bleed/test before vaccinating is part of process.
 - Mature vaccination resolution? Gives a platform for discussion, could be kept general.
 - Mature vaccination likely a needed tool if vaccination becomes voluntary; but would not want to see mature vaccination program IN LIEU of calfhood vaccination program.

Resolution 2: *The Cattle Health Advisory Task Force (CHATF) supports mature vaccination with RB51 when appropriate as determined by the State Veterinarian, and not in lieu of a calfhood vaccination program, performed by contract veterinarians.*

Forrest Mangan motions to approve the drafted resolution language. Dr. Bud Sloan seconded. Motion passes by unanimous vote.

Dr. Anita Edmondson gave a **California bovine brucellosis** update: including an overview of the state's brucellosis status, surveillance, and vaccination; an overview of where there is risk of brucellosis in the U.S. (Greater Yellowstone Area, possibly along Texas border, Mexico); recent affected herds in Wyoming; and changes planned for the national brucellosis surveillance program (currently nine slaughter plants sampling around two million cull cow and bison samples; planned reduction to focus on high risk cattle and bison and the plants that cull high percentages of them, for an estimate of 650,000 slaughter samples a year plus live animal tests primarily in GYA).

Discussion followed on RB51 strain of brucellosis showing up in milk and the recent cases in Texas and New Jersey; consideration for risk in mature vaccination programs as well.

Dr. Anita Edmondson gave a **California bovine tuberculosis** update:

- Bovine tuberculosis still being detected – averaging about six new herds a year in U.S., and about two new (unique) strain types a year; majority beef herds.
- Affected herds with new TB strains since 2010 – spread over U.S. without much connection (different management systems, regions, beef, dairy, etc.); additionally, many other TB strains found at slaughter that were not traced to origin or did not result in affected herd, so not counted in some of these statistics.
- Review of latest cases:
 - Wisconsin – infected cow from Wisconsin slaughtered in September 2018; traced back to 2,000 head dairy herd. Herd had *M. bovis* infected worker in 2015 (had since left), and herd (including the cow found infected at slaughter in 2018) had two negative whole herd tests in 2015 and 2016.
 - British Columbia – mature beef cow slaughtered October 2018, not related to Alberta outbreak.
- Overview of slaughter surveillance and cases detected by slaughter surveillance in 2018 – of 14 histocompatible cases, 12 were confirmed as *M. bovis*. Of these, seven were adult cattle, five were fed cattle. Still dealing with identification and tracing challenges – only three of the seven adults and two of five fed cases had a good ID/lesion match.
- Overview of last fiscal year's six new affected herds: South Dakota, Nebraska, Michigan, Texas.
- Granuloma submission rates still dropping; of top 40 plants, 15 are below expected level of submissions. In California, one fell below expected level.
- Caudal Fold Test response rates have held steady in the U.S.
- Gamma interferon update: started use in 2002, problems noticed in 2015, suspended in 2017; currently being tested for specificity and sensitivity before using again. CCTs keeping district veterinarians busy.

Dr. Rebecca Campagna presented an **Animal Disease Traceability** update:

- National discussions: Earlier this year, USDA announced four main goals for ADT – data sharing, electronic identification, birth to slaughter tracing, electronic health certificates.
 - Phasing out free visual identification tags – proposed timeline: by end 2019, USDA will stop providing free silver-brites; by start of 2021, tag manufacturers will stop providing visual only tags; in 2023, all official ID used must be electronic. Applies to cattle covered by ADT regulations.
 - Birth to slaughter tracing: collaborate with registration and other groups for a few data elements, events during life, slaughter; retire tag at slaughter.
 - Electronic health certificates: may be a learning curve.
- Main themes from meetings, workshops:
 - Mandatory vs. voluntary – USDA does not want a mandatory system.
 - Critical to demonstrating value added/benefits in traceability; some sectors more challenging.

- Current pace of advancement too slow, many producers have cautious support; since federal ADT regs effective in 2013, there has been an increase in acceptance/compliance.
- Recent feasibility study conducted by World Perspectives (private industry firm) to look at obstacles and opportunities for traceability system, focusing on beef industry. Recurring theme – comprehensive system needs to be industry driven; hybrid system to allow for both government regulations and value added. Need buy-in from industry for anything to move forward.
- Discussion and questions:
 - Involvement of slaughter facilities and FSIS may not be as high as it should in these discussions.
 - Pilot projects to put panel readers in plants (Kansas, Texas, potentially Cargill in California in near future); might be useful to present results of these projects.
 - NAIS still used at state level (disease management, investigations, premises ID, ordering tags). Many do not have or know about premises IDs; beef industry much more fragmented here.
 - RFIDs – still not seeing the market supporting these (value added for supporting ADT concepts); creates barrier especially for smaller producers even if wanting to utilize. Potential retention issue for button RFIDs as well (at least 5-10% lost per year anecdotally on dairies); retention rates likely sensitive to application; could impact ease/permanence of correlating RFID with bangs tags.
 - During CCA presentation, U.S. ranked low in terms of global traceability; large number of people selling small numbers of cattle in California not aware of animal ID or ADT.

Dr. Alyssa Louie presented an update on the bovine trichomonosis program:

- CAHFS laboratory testing numbers for past year and trends over past few years: total test numbers continue to increase slowly, with the percentage of PCR tests around 75.3% of the total. Positive tests continue hovering between 0.5-1%, with the past year closer to 1%.
- California database numbers also showed increases in testing: 12,620 tests (9.5% more than previous year), 106 test positives, and roughly 25 unique affected herds (similar to previous year positives).
- Analyses of data for: reason for test (65% for herd health), diagnostic laboratory (72.5% CAHFS laboratory), and operation type testing (75.5% beef cattle).
- Summary of number of trichomonosis approved ear tags distributed to approved California veterinarians.
- Discussion and questions:
 - Comparison with Oregon testing and positives? Two affected herds last year, all related to Red Bluff. Oregon has less beef breeding cattle than California, but still seems low compared to what California is seeing.
 - Predecessor in Oregon saw higher numbers affected. Oregon testing over 12,000 bulls a year as well. Main ongoing issue is rooting out those that don't want to be found or tested; biggest risk likely pasture to pasture permit system (harder to control since just bringing them in, don't check females).
 - Does pooling contribute to missing infection? Pooling not used for disease investigations, and not recommended for ruling out trichomonosis.
 - May see more ground gained with California's use of trichomonosis tag system; made a big difference in Oregon with the visual assurance.
 - Oregon allows trich tags to go into untested virgin bulls not tested (when under valid VCPR, with owner confirmation of virgin status). Have not found it to be a problem or to come up in disease investigations.
 - Have we been able to follow-up with positive trich herds adequately, including any fenceline contacts/neighbors? Redding District – yes, doing quite well.
 - We would like to see trichomonosis numbers decrease, but have to remember it's a control not eradication program. Anecdotally, Nevada installed a progressive and aggressive program included no selling of open cows, saw drop to 3-5% prevalence, but then couldn't get it any lower.

Dr. Kent Fowler lead a presentation and discussion on **livestock euthanasia and disposal** challenges:

- Variance in regulations and requirements for disposal – region 5 water quality control board has a prohibition in place for burial, some counties require 100 ft or more from any water source.
- 7.2 million horses in U.S., 1.4% mortality rate, means about 100,800 deaths per year (based on survey and NAHMS, and may be under estimated).
 - Euthanasia methods include chemical injection with pentobarbital, and alternatives like potassium chloride, gunshot, captive bolt, magnesium sulfate, intrathecal lidocaine in combination with ketamine and midazolam (magnesium and lidocaine not approved by AVMA guidelines in 2013, but may change when updated).
 - Disposal methods – burial (where allowed); rendering (now many not interested in picking up carcasses where residues might exist); landfill if approved; cremation/incineration where available. Composting not currently approved, slaughter in U.S. not an option since 2007.
- Current issue:
 - FDA has zero tolerance for barbiturate residue in rendered products – any detection means product is adulterated. Most horses and unknown numbers of other livestock (cattle, small ruminants), use pentobarbital for euthanasia.
 - Surveys in past showed pentobarbital survives rendering process.
 - Recent recalls of pet foods for pentobarbital – four in 2017, one in 2018 (all dog food).
- Future availability of rendering for livestock disposal? Discussed on working group conference call:
 - Representation from academia, private practitioners, renderers, regulatory officials. Action items: communication with FDA about zero tolerance (vs. determining a very low acceptable level), develop way for practitioners to identify euthanasia method, communicate with pharmaceutical companies about alternative euthanasia methods, bring up and discuss issue at other organization meetings. Encourage industry and local regulatory officials to collaborate to address local carcass waste management issues.
- Iowa State University study showed pentobarbital commonly used in large and small animal medicine, occurrence of secondary poisonings in wildlife, and pet deaths; survives rendering, composting, burial processes – all tissues tested had some level of drug but the concentration varied.
- AVMA had euthanasia/disposal meeting on November 5, 2018 in Illinois.
 - Pet food institutes represented – industry not willing to accept risks of chemical residues.
 - National Renderers Association – only 4% of material that renderers handle come from farm mortalities. Even if livestock identified as euthanized, concern about cross-contamination on trucks. California might have different percentage of material from farm mortality.
 - FDA – very complex to try and establish safe residue levels.
 - Even if pentobarbital use reduced, what about other potential chemicals? Jan Shearer and Temple Grandin have suggested earlier culling to slaughter as possible route.
- USAHA Committee on Equine: drafted resolution urging FDA to develop formal, safe tolerance level for euthanasia and anesthetic agent residues in final rendered products.
- Significant number of challenges:
 - Renderers indicated they don't want to stop servicing livestock. Hide markets, pet food markets diminished, so costs going up for remaining sources. Livestock seeing a big increase in bills, now compounding with euthanasia issue. But use of barbiturates in livestock and small ruminant for euthanasia not that common.
 - Research on composting, but potential push back from renderers, complications from water board general orders.
 - Animals might have also gotten other treatments before euthanasia too.

Dr. Dennis Wilson gave an **Antimicrobial Use and Stewardship** program update:

- Inspection Services: as part of the law, CDFA to ensure a way for CA prescription drugs to be sold in facilities like feed stores, which would be licensed as “restricted livestock drug licensees”. Proposed regulations accepted August 2018; still working through some requirements before stores able to sell

product (including a “qualified individual” trained to read prescriptions). Inspection Services had two training sessions so far (about 10 attendees; may or may not go through the steps to get this license variation).

- Animal Health: during last few months, lots of time and effort to develop legislative report which is due January 1, 2019. Released judicious use guidelines for livestock producers and veterinarians and principles for stewardship, found on website.
- Next steps:
 - Stewardship and judicious use guidelines specific to commodity groups; recommendations must be scientifically valid, so will be looking at peer-reviewed material and conducting studies (via contractors) that can feed into stewardship programs.
 - Ongoing – surveys on diseases, problems, common practices, review of scientific literature, then development of guidelines. After, more studies to ensure recommendations working. Trying to get information on use FIRST to establish a baseline.
 - Working on cow-calf guidelines, analyzing data from sheep survey; data from contracted calf, dairy cow, poultry studies, etc. will also feed into recommendations and guidelines.
- Questions and discussion:
 - Have we decreased consumption? FDA releasing updated annual report on sales information after changes they made on some products in 2017. However, national figures are not all relevant to California.
 - FDA announced 5-year plan, all medically important will be prescription only.

Dr. Kent Fowler gave an update on the Agriculture Response Management and Resources (ARMAR) exercise:

- Almost 90 years since FMD in California, but doesn’t deter from trying to be prepared.
- Held national 3-day exercise in May 2018 in Modesto; participants included CDFA, USDA, six other states.
- Good news: good exercise, identified gaps and weaknesses. Bad news: less than a week after exercise, virulent Newcastle disease detected. Exercise provided some preparation on roles, but did not get opportunity to learn from failures and mistakes (planning to have an after action meeting in 2019).
- Before main exercise, held multiple workshops (interstate controlled movement in December 2017; intrastate controlled movement in February 2018) and other preparedness trainings and workshops for EMRS, depopulation and disposal, vaccination, etc.
- ARMAR involved four locations: milk processor, Modesto incident command post, Sacramento Department Operations Center, diagnostic laboratory at Davis.
 - Topics included activating enhanced biosecurity, foreign animal disease investigations, laboratory coordination, disease control zones, prioritizing industry needs within control areas, planning disease control strategies (depopulation, vaccination), enforcing quarantine, public information
 - During exercise, transitioned from District to State level, activated an IMT, developed objectives, produced incident documents (IAP, situation reports) established control area and movement restrictions, addressed animals in transit; tracked and ordered resources, developed biosecurity plans, drafted epidemiology report, issued quarantines, requested vaccine, etc.
- Lessons and successes: reality of vaccine quantity available and public perception (depopulation) limiting direction of response; ensured sharing of information between USDA and CDFA; milk sample collection and labeling needs revision/improvements; leadership activated industry advisory committee. Learning from current/ongoing incidents as well. Emphasized trained personnel/resources a critical challenge.
- Next steps: strengthen core capabilities, conduct after action, develop corrective action plans
- Questions and discussion:
 - Vaccine supply issue – current supply not adequate (about 5 million doses of each of 17 most common strains of disease; manufacturing time to ramp up production of strain needed; vaccine used routinely in endemic countries are half strength).
 - Proposal in new farm bill for enhanced North America vaccine bank that might help achieve needs? Money in farm bill just to formulate new vaccine system to reduce production lag.

- Comparison of ARMAR to last big exercise in 2004? Considerations have changed (disposal, euthanasia, loss of protein, animal welfare – more and more, may have to burn through disease).
- Topic of agro/eco terrorism? FBI was also involved in ARMAR, working on better integration and having protocols in place.

Meeting adjourned at 2:25 PM.

Action Items and/or Proposed Agenda Topics:

1. Task Force vacancy – post and fill
2. Composting project update (Chico State University and UCCE)
3. Follow-up discussions on border station – long term sustainable funding
4. Trich regulations comparison in Western States
5. Continue discussion on future for brucellosis vaccination
6. Update on Nevada's experience or activity on phasing out silver brites

Proposed 6 months for next meeting date in Sacramento: **Wednesday, June 19, 2019**; CDFA will send out reminder 60 days prior to reassess.

Cattle Health Advisory Task Force (CHATF) Meeting Minutes
 California Department of Food and Agriculture, Conference Room 101
 2800 Gateway Oaks Drive, Sacramento, CA 95833

Wednesday, November 20, 2019

A meeting of the Cattle Health Advisory Task Force was called to order by Justin Oldfield at **10:00 AM**.

Members Present (Quorum Reached)

Kevin Abernathy
 Dr. John Adaska
 Dr. Gene Harlan
 Dr. Norman LaFaunce
 Dr. Gaby Maier
 Larry Massa
 Justin Oldfield
 Dr. Carlos Rodriguez
 Dr. Aubrey (Bud) Sloan
 Dr. Charlie Tobias
 Dr. John Zimmerman

Members Not Present

Melissa Lema
 Forrest Mangan
 Dr. James Oltjen

Others in Attendance

Jake Bettencourt
 Kristen Cox
 Dr. Elise Chad
 Dr. Kris Clothier
 Dr. Anita Edmondson
 Dr. Kent Fowler
 Dr. Ann Ikelman
 Dr. Joshua Kloeppel
 Dr. Greg Ledbetter
 Dr. Alyssa Louie
 Kelly Mammen

Paul Moen
 Dr. Amanda Murray
 Dr. Emily Nietrzeba
 Doug Patteson
 Dr. Larry Rawson
 Dr. Ryan Scholz
 Debbie Sumpter
 John Suther
 Dr. Alex Turner
 Beth Francia Wilson
 Dr. Dennis Wilson

Self-introductions of those present. Minutes from previous meeting (June 26, 2019) reviewed by members. There were no comments or edits suggested. **Larry Massa motioned to approve minutes as presented; Bud Sloan seconded the motion. Motion carried by unanimous vote.**

Membership:

- Bylaws updated to remove language on voting with proxy (conflicts with Bagley Keen). **Bud Sloan motioned to approve the amendment of the bylaws. Charlie Tobias seconded the motion. Motion carried by unanimous vote.**
- Justin Oldfield – new job, but can continue as a CCA representative and chair of Task Force.

AGENCY UPDATES

CDFA (Dr. Kent Fowler):

- **Update on virulent Newcastle disease outbreak:**
 - Began May 2018 in southern California. Currently, regional quarantine in place over three counties. Ongoing task force response (nearly 350 people on site at one point).
 - Identified 473 infected premises, issued over 8,100 quarantines, euthanized 1.239 million birds. Started freedom of disease testing in mid-October, but four days ago detected two adjacent premises with increased mortality; a retail feed/pet store also identified (close to other premises).
 - CAHFS lab has done an unbelievable job.
 - BCP for new positions – even after eradicated, will have ongoing work on surveillance, education and outreach. Can use this outbreak to think ahead for other diseases and other species – involvement of backyard animals and livestock as pets.
- Recently closed EHM legal case successfully utilized quarantine authority and CDFA ability to enforce.

USDA/APHIS/VS (Dr. Larry Rawson):

- Personnel and time occupied responding to VND with CDFA.
- Ongoing Senecavirus A (rule out for FMD) testing in swine, also pulls personnel away from other District work. Faster diagnostics would be great to impede business less. African Swine Fever concern by pork industry leading to some renewed interest in SVA as well.
- Personnel: Dr. Brickler (District Director for Western U.S.) retired in September; new DD will be Don Herriot, starting January 5, 2020. Worked as AVIC in Oregon for a while, was DD for Central/North U.S. until the VS re-organization. Will be stationed in Fort Collins.
- No update on USDA, FDA, etc. to move all antimicrobials to prescription only; part of priorities for national action plan for upcoming 2020-2025 period. Maybe a good topic for next meeting.

CAHFS Laboratory (Dr. John Adaska):

- Turlock laboratory update: identified parcel and purchased land (in escrow). Next step to identify the needs of lab; maybe on the ground and functional in 5-6 years. Current facility is poultry only, except for some serologic testing. New facility will serve ALL livestock species and offer necropsy, histology, PCR, etc. to be better aligned with animal agriculture industry.
- Tulare laboratory update: opened in March 2018; ramping up PCR testing and trained staff at this location. Currently Davis does vast majority of PCR, but requires shipping time.
- Staffing: six senior faculty retired or left within past few years; in process of back filling positions (four recently onboard or starting in first part of 2020 at San Bernardino, Turlock, Davis).
- Goal for all CAHFS labs to have PCR capacity (reduces turn-around time, could benefit international or interstate export testing, disease investigations, etc.); Tulare staffing up, more available early next year; San Bernardino unknown timeline currently. Turlock does some, but will be full service when the new facility up and running.
- Availability of *Brucella* testing at new Turlock lab? Testing currently done at Tulare; Turlock already has serology/immunology section, would not be too difficult to add if of use and interest to industry.

Central Valley Water Board (Doug Patteson):

- Dairy general order: will be updated next year. Currently prohibits on-site composting (concerns about disease pathogens like BSE, and application of compost), but if there is good data on a way to compost safely, could move to change this. Goal to better align with state water board composting order and current research (Mike Payne did research on safety and efficacy).
- Bovine feedlot general order: requires ground water monitoring, but allows for “representative monitoring” – cheaper alternative, can pool resources with multiple operations, nearby corrals. Currently a 3rd party program for alternative to putting in ground water monitors, but becomes more expensive in a couple days.

- Composting general order: being revised by state water board; probably won't involve animal carcasses, but looking to change on-farm composting exemption criteria, expanding a little, increase amount that can be exported off farm.

Industry/California Cattlemen's Association (Dr. Gene Harlan, Dr. Bud Sloan, Justin Oldfield):

- CCA annual convention coming up first week of December; will have a number of speakers for Cattle Health, Dr. Maier on anaplasmosis, update on foothill abortion vaccine.
- CVMA ag committee – CVMA and AVMA will work together on the pentobarb and rendered product; a task force has been developed.
 - Objectives include finding alternatives for equine euthanasia and addressing FDA's zero tolerance.
 - Two composting trials ongoing in California, but there are also other sources of data, efficacy, etc.
 - Misinformation about prevalence of product used in food animals creating more concerns.
 - Needs a rapid resolution, high costs and lack of accessibility or options impacting producers, processors, owners.
 - Reminder that landfill option is a local issue, and should be advocated for locally.
 - Gun shot euthanasia not likely to go over well with horse owners; also not an option for euthanizing neurologic cows in case of BSE/rabies risk.
- CA Cattle Council – strategic plan currently being discussed, identifying what affects livestock industry in state and important issues; collections have started. Rice Council's success a good model to follow.

Oregon (Dr. Ryan Scholz): no updates.

Livestock Markets (Jake Bettencourt): no updates.

Farm Bureau (Larry Massa): no updates.

Industry/Dairy (Kevin Abernathy): no updates.

AGENDA ITEMS

Dr. Alex Turner gave a presentation on the national Animal Disease Traceability program:

- Trace Performance Measures: used since 2013 to measure state capability to trace animals. Old system could be misleading with inflated time to completion (numbers sent at bad time, people out of office); shifted to national priority traces and checked in with offices first. Piloted in 2019 – so far, 47 states participated, 157 traces completed; 98% of traces were successful, average time 2.34 hours (included failed traces that took longer). Proving helpful in learning about the gaps in traceability.
- Retiring tags: lots of official ID numbers sitting out there; once confirmed retired and no longer applicable, would be better if they were removed from system and records. Using MIM messaging, over 5.7 million tags were identified and retired. Getting slaughter plants (currently 13 agreements) to collect information that can be uploaded and used to retire tags as well.
- IT/Systems progress:
 - MIM modernization – new goal to take messaging and get it to work on many other platforms (phones, tablets, PC's, etc.), but still be able to use wand and hand held in field.
 - AHER: use as a repository, with *minimal* traceability info attached – event date (vaccination, test, retirement, etc.), state, and name of database where the tag information is housed. Tag location much quicker and more efficient.
- Pilot traceability projects: can we link up to private databases from associations, industry using minimal info and protect privacy? Ex. Kansas Cattle Trace project, UHF backtag projects in WI, TX, FL, tracing cattle through markets, feedlots, etc. Also looking to see if these projects can be used to bridge technology.
- Cooperative agreements (additional funding) for infrastructure: 35 states, 501 tag readers towards accredited vets, markets, feedlots.
- Animal Identification Management System (AIMS) IT – goal to update interface of AIMS to help advance efforts for RFID, get more tags into the hands of users, integrate ability to cost share with USDA.

Questions and discussion followed:

- AIMS – are saleyards putting in their own data instead of state?
 - Manufacturers, managers, and reseller (device distributors) can be non-producer participants and get a number (NPN); ex. CDFA can enter a range of tags used for a TB test into AIMS, making it possible to track the tags.
 - Current discussion on the use of allowing veterinarians, dairies, producers, markets to have access to and use AIMS for tracking, rather than current methods (paper, spreadsheets, etc.). ADT section of CFR species records must be kept, *not* how to keep them. If getting an NPN, becoming a tag distributor, meeting requirements is not too difficult (current user guide 166 pages long), could be a good option. Locations for tags being applied would need NPIN or LID.
- Press release issued by USDA – what now?
 - Several components involved in the press release and removal of timeline – two executive orders, and lawsuit.
 - National ADT still pursuing its four goals, including advancing EID.
- How urgent is it to still work on alternatives for identifying bangs vaccinated cattle, with retraction of timeline?
 - Can step back a little – USDA (or CDFA for California) will continue to pay for metal tags and use of metal tags will be unchanged at least through 2020; unknown what will happen after 2020. No proposal to change bangs tags allowing interstate movement.
 - National brucellosis program submitting update, including use of orange RFID brucellosis tags for vaccination. Full federal rule making process – proposed rule for public comment in 2020 likely.

Dr. Alex Turner gave a follow up update on brucellosis changes relevant to ADT:

- Current brucellosis CFR: the word orange is not used for OCV, official vaccination eartag, or official ID. Brucellosis UM&R mentions orange twice (pg. 20, 34). By current rules and regulations, use of an orange tag is not required, and allows for animals that already have official ID (silver brite, 840 visual or RFID).
- 9 CFR ADT rule – can also still put a bangs tag in if already bearing official ID.
- Orange button RFID – talked with the major tag companies about whether orange is saved for official calfhood vaccination. There is some understanding that is the case, but *no agreement in writing*. If orange button RFID to become the required, designated tag for vaccination, may need to address this.
- By current CFR definitions, orange button RFIDs qualify as official ID, but not as official vaccination eartags (no NUES numbering); and currently, if someone procures orange button RFIDs, there is not a way to prevent usage without vaccinating.
- National brucellosis proposed update – shortened, no more Strain 19 used; shifting from orange metal tags to RFID (may not specify orange either).
- Does the official vaccination eartag need to be orange? For speed of commerce, yes – a clear visual at markets.
- Discussion about future of vaccination:
 - In California, law passed last year removing beef intrastate sale requirement for vaccination. Mandatory for dairy calves still; however, laws in place for dairy calves to be officially ID'd outside of vaccination.
 - Recommendations for brucellosis vaccination only in DSA states; risk not high enough elsewhere.
 - May encounter pressure from others to stop vaccination due to human infections with RB51.
 - In California, traceability heavily reliant on bangs vaccination; may not be able to get rid of vaccination as a tool for traceability until here's a fool-proof method in place.
 - Does it make sense to go from orange metal to orange RFID? Other programs might need another type of RFID.
 - Can we scan RFIDs in animals and query system on vaccine status? Not all the vaccine charts are in or able to input, and with MIM, you can only see your own data. However, once uploaded from MIM to AHER, could potentially be viewable as an event by others.

- USDA may have limited number of orange RFID tags to distribute (intent to replace current orange metal tags being offered; CA not a state that gets these from USDA).
- Issue of tags falling out and reconciliation with vaccination data; retention rates not great, may lose connection when animals have to be tagged again.
- Speed of commerce and orange visual still important – lots of animals sent out of state, difficult to tell if eligible for export; people may not bid if no easy way to tell. CA and neighboring states still require vaccination.
- Producer/buyer perspective being discussed in Oregon as well, and potential for state only OCV metal orange clip (color coded visual only tag, not official).
- Central orange pin for white/yellow RFID – mentioned as potential solution, but doesn't really help as a clear visual either.

Dr. Anita Edmondson gave a California bovine brucellosis update:

- National overview of where brucellosis occurring (still finding about two cases a year) and the current affected herds in the GYA states.
- Slaughter surveillance update: almost all plants from eastern U.S. cut from brucellosis surveillance. Initially top 40 plants collected from all mature cattle slaughtered, then cut to top 9 plants, and now 5 (including two bison plants). Targeting 650,000 samples as opposed to 2 million, and live animal testing.
- National brucellosis program changing: consistent or non-consistent instead of class system; RFID tag requirement. California regulations will need to change regardless – will move forward on this next year, including clean up, reviewing wording on official ID and tagging.
 - CCA policy wanted to remove intrastate and interstate entry brucellosis requirements for beef – timeline for intrastate sale requirement will be simple to update, but interstate entry will take more time (neighboring states, requirement consistency, pasture to pasture movement, impacts on other sections of regulations or ADT, etc.).
 - Task Force reviewed and re-affirmed their resolution from December 2018 on removing intra and inter state brucellosis vaccination mandate on beef cattle.
- Mature vaccination survey to western states: 11 responding states allow entry of mature vaccinated cattle; 10 allow mature vaccination of cattle in their state. CDFA Legal office would not support mature vaccination because of labelling; have not inquired about a policy (rather than regulation or law).
 - CVMA agricultural committee does not support mature vaccination (not labeled for use outside 4-12 months, safety/shedding concerns); Farm Bureau policy supports mature vaccination; CCA policy supports mature vaccination.
 - As beef cattle go voluntary vaccination, may get more requests for mature vaccination.

Dr. Anita Edmondson gave a bovine tuberculosis update.

- FY 2019 national overview of 10 new TB affected herds.
- Cases detected by slaughter surveillance – still seeing some problems with ID matching of granulomas (human error, speed of the line, etc.). Submission rates from kill plants continues downward trend. Reward system still in place, but the reward isn't just for submitting. 15 of 40 top adult cattle slaughter plants not meeting surveillance target (no penalty; more a burden on the plants without incentive). California not able to get slaughter numbers from USDA to calculate rates and address rates in real time.
- National program – some ongoing issues: unable to determine sources of many cases; indemnity limitations including the move to link to biosecurity (uncertain how standards will be determined; varies across operation type, size, state, etc.), complexity of big herds with high value cows refusing removal and depopulation; diagnostics still not good enough for more efficient testing of affected, large herds.
- Diagnostics update – gamma test on limited reinstatement since June 2019: NVSL running up to 100 tests/week (none from CA so far). Uncertain correlation with CCTs, still trying to validate. Other tests still available: DPP (preferred for cervids), ELISA (only affected herds), developing skin tests to be more specific (less crude result).
- Ongoing collaboration with Mexico on bovine TB, brucellosis and cattle fever tick.

Dr. Kris Clothier gave a CAHFS laboratory bovine trichomonosis update:

- Overall testing numbers lower than usual – comparing by month, saw the largest drop off in August between last year and this year. However, trich/positives not going away – positives still hovering 0.8% to 1% of animals tested.
 - Only 6 diamond culture positives (4 of these were uterine washes).
 - InPouch culture numbers about half of last year; no positives detected via InPouch.
 - PCR numbers also decreased.
- Inconclusive review – 14 inconclusive on initial test (most of these from herds with other positive).
- Discussion: Texas has PCR test offered using smegma samples, detects RNA of organism. About \$50/sample. If enough incentive, can look into this test for California/CAHFS lab (potential less worry about contamination and incubation, media cost, etc.).
- 2.5 full time techs trained on trich samples, decreased turn-around time a bit.

Dr. Alyssa Louie gave an update on the trichomonosis program in California:

- Biennial (every two years) trich approved veterinarian renewal process started October 2019.
- Overview of testing numbers from CDFA database, by district, testing laboratory, and test reason; appeared to be shift in proportion of tests performed in private clinics and out of state laboratories.
- Number of unique affected herds and apparent prevalence appeared to have decreased based on state data in the 2018-19 federal fiscal year compared to previous years.
- Use of trich approved ear tags has increased steadily since they were implemented in 2017.
- Future of program: updating trich test report form but running into delays due to the form being referenced in regulations; continue looking at role of female cattle and suggesting some changes in regulations at least for management of affected herds, entry of cows from known affected herds, etc.
 - Need to consider program from a big picture perspective; control program, not eradication, but need feedback and input on updating programs as part of the group's function.

Dr. Amanda Murray gave an update on Secure Food Supply efforts:

- Continuity of business for unaffected premises during an outbreak.
- CDFA developed resources, template on how to write plans; VND operationalized Secure Food Supply quickly. Plans take a long time to write (40-50 hours on average); currently 60 approved for vND in CA, but lots of dairies, other commodities need work.
- Last summer, created an ad hoc working group for dairy industry. CDQAP will take the lead in converting poultry resources into format for dairy industry; after conversion, will address unique items (milk, calves) and specifics.
- Questions and discussion:
 - Appreciate working with CDFA, CDQAP, and will hopefully learn a lot from VND.
 - Will dairy industry embrace SFS and work ahead of time? Will take a culture shift.
 - Guidelines on what would be acceptable would be helpful.
 - CDFA SFS page has some resources (some need updates though), template, map tool; working with WIFSS to create a tool to walk people through building a map.
 - Concern with animal rights activist issue and confidential information – plans, maps, operations, vulnerabilities; non-regulatory people might take advantage and pose to gather information.**Discuss at next meeting – ecoterrorism, animal rights activists.**

Dr. Dennis Wilson gave an update on Antimicrobial Use and Stewardship:

- Released judicious use and stewardship guidelines for veterinarians and producers in 2018; received good feedback and worked with a panel of experts to make changes/improvements. Infographic format now on webpage as well.
- Approval from vet med board on the judicious use guidelines for veterinarians.

- Recently released annual report, which included some information on cow-calf and sheep surveys. Inspection services also recently released VFD report on data collected since 2017; posted on website. California may be relatively low on VFDs compared to other states, which is positive.
- Ongoing studies: antibiotic use and resistance patterns in commercial poultry; adult dairy cattle and mastitis; use and resistance in dairy heifers.
- Completed studies: longitudinal study on dairy calves (still working on analysis); longitudinal backyard poultry study.
- Ongoing stewardship projects: Cow-calf (UCD), sheep (Chico State), dairy calves (UCD VMTRC).

No public comments were offered.

Meeting adjourned at 2:37 PM.

Action Items and/or Proposed Agenda Topics:

1. Animal Disease Traceability progress and updates
2. California brucellosis vaccination regulation progress
3. National Brucellosis Eradication Program – if proposed rule posted, would like a speaker
4. CA Cattle Council update

Proposed 6 months for next meeting date in Sacramento: **Wednesday, June 3, 2020**; CDFA will send out reminder 60 days prior to reassess.



CALIFORNIA DEPARTMENT OF
FOOD & AGRICULTURE

Karen Ross, Secretary

The resolution to remove brucellosis vaccination requirements from our interstate movement regulations was made in the December 2018 Cattle Health Advisory Task Force minutes and reaffirmed in the November 2019 minutes (below).

December 5, 2018 CHATF Minutes: Resolution 1: *The CHATF support amendments to Section 10512 of the FAC and accompanying regulations promulgated under the CCR to no longer mandate that intact females of beef breeds, older than 12 months of age and as defined under Section 10511, bear evidence of official calfhood vaccination in order to be sold for breeding or entry into the state. The CHATF strongly encourages beef producers to continue to vaccinate all heifers that will be added to the breeding herd.*

Kevin Abernathy motioned to approve the drafted resolution language. Forrest Mangan seconded the motion.

November 20, 2019 CHATF Minutes: National brucellosis program changing: consistent or non-consistent instead of class system; RFID tag requirement. California regulations will need to change regardless – will move forward on this next year, including clean up, reviewing wording on official ID and tagging. o CCA policy wanted to remove intrastate and interstate entry brucellosis requirements for beef – timeline for intrastate sale requirement will be simple to update, but interstate entry will take more time (neighboring states, requirement consistency, pasture to pasture movement, impacts on other sections of regulations or ADT, etc.).

o Task Force reviewed and re-affirmed their resolution from December 2018 on removing intra and inter state brucellosis vaccination mandate on beef cattle.

As California State Veterinarian designated by the Secretary of Food and Agriculture, I support and approve these motions because this requirement is no longer necessary given that California is free from brucellosis.

Annette Jones, D.V.M.
Director and State Veterinarian



**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT

ARTMENT NAME Food and Agriculture	CONTACT PERSON Thami Rodgers	EMAIL ADDRESS thamarah.rodgers@cdfa.ca.gov	TELEPHONE NUMBER 916-698-3276
DESCRIPTIVE TITLE FROM NOTICE REGISTER OR FORM 400 Livestock Movements and Forms			NOTICE FILE NUMBER Z

A. ESTIMATED PRIVATE SECTOR COST IMPACTS *Include calculations and assumptions in the rulemaking record.*

1. Check the appropriate box(es) below to indicate whether this regulation:

- | | |
|-----------------------------------------------------------------|-------------------------------------------------------------------------|
| <input type="checkbox"/> a. Impacts business and/or employees | <input type="checkbox"/> e. Imposes reporting requirements |
| <input checked="" type="checkbox"/> b. Impacts small businesses | <input type="checkbox"/> f. Imposes prescriptive instead of performance |
| <input type="checkbox"/> c. Impacts jobs or occupations | <input checked="" type="checkbox"/> g. Impacts individuals |
| <input type="checkbox"/> d. Impacts California competitiveness | <input type="checkbox"/> h. None of the above (Explain below): |

*If any box in Items 1 a through g is checked, complete this Economic Impact Statement.**If box in Item 1.h. is checked, complete the Fiscal Impact Statement as appropriate.*

2. The Department of Food and Agriculture estimates that the economic impact of this regulation (which includes the fiscal impact) is:
(Agency/Department)

- ☒ Below \$10 million
☐ Between \$10 and \$25 million
☐ Between \$25 and \$50 million
☐ Over \$50 million *[If the economic impact is over \$50 million, agencies are required to submit a Standardized Regulatory Impact Assessment as specified in Government Code Section 11346.3(c)]*

3. Enter the total number of businesses impacted: See attached.Describe the types of businesses (Include nonprofits): Beef/Dairy cattle & sheep industries, Veterinarians contracted w/ the Dept.Enter the number or percentage of total businesses impacted that are small businesses: unknown4. Enter the number of businesses that will be created: 0 eliminated: 0Explain: This proposal does not affect the creation/elimination of jobs; it amends livestock movement regs and forms used.

5. Indicate the geographic extent of impacts: ☒ Statewide
☐ Local or regional (List areas): _____

6. Enter the number of jobs created: 0 and eliminated: 0

Describe the types of jobs or occupations impacted: _____

This proposal does not affect the creation or elimination of jobs.

7. Will the regulation affect the ability of California businesses to compete with other states by making it more costly to produce goods or services here? ☐ YES ☒ NO

If YES, explain briefly: _____

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)**ESTIMATED COSTS** *Include calculations and assumptions in the rulemaking record.*1. What are the total statewide dollar costs that businesses and individuals may incur to comply with this regulation over its lifetime? \$ See attached.a. Initial costs for a small business: \$ 0 Annual ongoing costs: \$ 0 Years: _____b. Initial costs for a typical business: \$ 0 Annual ongoing costs: \$ 0 Years: _____c. Initial costs for an individual: \$ 0 Annual ongoing costs: \$ 0 Years: _____d. Describe other economic costs that may occur: The Department is not aware of any other economic costs that may occur.2. If multiple industries are impacted, enter the share of total costs for each industry: This proposal does not impact multiple industries.3. If the regulation imposes reporting requirements, enter the annual costs a typical business may incur to comply with these requirements.
Include the dollar costs to do programming, record keeping, reporting, and other paperwork, whether or not the paperwork must be submitted. \$ 04. Will this regulation directly impact housing costs? ☐ YES ☒ NO

If YES, enter the annual dollar cost per housing unit: \$ _____

Number of units: _____

5. Are there comparable Federal regulations? ☐ YES ☒ NOExplain the need for State regulation given the existence or absence of Federal regulations: The Department is updating livestock movement requirements for beef cattle and sheep pertaining to brucellosis and replacing forms incorporated by reference.Enter any additional costs to businesses and/or individuals that may be due to State - Federal differences: \$ 0**C. ESTIMATED BENEFITS** *Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*1. Briefly summarize the benefits of the regulation, which may include among others, the health and welfare of California residents, worker safety and the State's environment: This proposal benefits the industry and public by updating existing livestock movement requirements for consistency with industry trends and practices to better control, manage, and eliminate livestock diseases, and enables the Department to provide ADA compliant forms.2. Are the benefits the result of: ☒ specific statutory requirements, or ☐ goals developed by the agency based on broad statutory authority?Explain: The Dept. is updating livestock movement requirements per FAC sections 10324, 10326, 10327, 10386, and 10610.3. What are the total statewide benefits from this regulation over its lifetime? \$ 0

4. Briefly describe any expansion of businesses currently doing business within the State of California that would result from this regulation: _____

This proposal will not expand any businesses currently doing business in this State.**D. ALTERNATIVES TO THE REGULATION** *Include calculations and assumptions in the rulemaking record. Estimation of the dollar value of benefits is not specifically required by rulemaking law, but encouraged.*List alternatives considered and describe them below. If no alternatives were considered, explain why not: See attached.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

ECONOMIC IMPACT STATEMENT (CONTINUED)

Summarize the total statewide costs and benefits from this regulation and each alternative considered:

Regulation: Benefit: \$ 0 Cost: \$ 0Alternative 1: Benefit: \$ 0 Cost: \$ 0Alternative 2: Benefit: \$ 0 Cost: \$ 0

3. Briefly discuss any quantification issues that are relevant to a comparison of estimated costs and benefits for this regulation or alternatives: No quantification issues relevant to a comparison of estimated costs and benefits exist for this regulation or its alternatives.

4. Rulemaking law requires agencies to consider performance standards as an alternative, if a regulation mandates the use of specific technologies or equipment, or prescribes specific actions or procedures. Were performance standards considered to lower compliance costs? ☐ YES ☒ NO

Explain: This regulation does not mandate the use of specific technologies or equipment.**E. MAJOR REGULATIONS** *Include calculations and assumptions in the rulemaking record.*

California Environmental Protection Agency (Cal/EPA) boards, offices and departments are required to submit the following (per Health and Safety Code section 57005). Otherwise, skip to E4.

1. Will the estimated costs of this regulation to California business enterprises exceed \$10 million? ☐ YES ☒ NO

*If YES, complete E2. and E3**If NO, skip to E4*

Briefly describe each alternative, or combination of alternatives, for which a cost-effectiveness analysis was performed:

Alternative 1: _____

Alternative 2: _____

(Attach additional pages for other alternatives)

3. For the regulation, and each alternative just described, enter the estimated total cost and overall cost-effectiveness ratio:

Regulation: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 1: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

Alternative 2: Total Cost \$ _____ Cost-effectiveness ratio: \$ _____

4. Will the regulation subject to OAL review have an estimated economic impact to business enterprises and individuals located in or doing business in California exceeding \$50 million in any 12-month period between the date the major regulation is estimated to be filed with the Secretary of State through 12 months after the major regulation is estimated to be fully implemented?

☐ YES ☒ NO

If YES, agencies are required to submit a Standardized Regulatory Impact Assessment (SRIA) as specified in Government Code Section 11346.3(c) and to include the SRIA in the Initial Statement of Reasons.

5. Briefly describe the following:

The increase or decrease of investment in the State: N/A The Department is replacing existing program forms incorporated by ref. with a description of the form contents in the regulation text and updating livestock movement requirements.

The incentive for innovation in products, materials or processes: N/A The Department is replacing existing program forms incorporated by ref. with a description of the form contents in the regulation text and updating livestock movement requirements.

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency: The Department is not aware of any benefits this proposal will have on the health of CA residents, worker safety, or the State's environment.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT

... FISCAL EFFECT ON LOCAL GOVERNMENT *Indicate appropriate boxes 1 through 6 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*

- ☐ 1. Additional expenditures in the current State Fiscal Year which are reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

- ☐ a. Funding provided in _____
Budget Act of _____ or Chapter _____, Statutes of _____

- ☐ b. Funding will be requested in the Governor's Budget Act of _____
Fiscal Year: _____

- ☐ 2. Additional expenditures in the current State Fiscal Year which are NOT reimbursable by the State. (Approximate)
(Pursuant to Section 6 of Article XIII B of the California Constitution and Sections 17500 et seq. of the Government Code).

\$ _____

Check reason(s) this regulation is not reimbursable and provide the appropriate information:

- ☐ a. Implements the Federal mandate contained in _____
- ☐ b. Implements the court mandate set forth by the _____ Court.

Case of: _____ vs. _____

- ☐ c. Implements a mandate of the people of this State expressed in their approval of Proposition No. _____

Date of Election: _____

- ☐ d. Issued only in response to a specific request from affected local entity(s).

Local entity(s) affected: _____

- ☐ e. Will be fully financed from the fees, revenue, etc. from: _____

Authorized by Section: _____ of the _____ Code;

- ☐ f. Provides for savings to each affected unit of local government which will, at a minimum, offset any additional costs to each;

- ☐ g. Creates, eliminates, or changes the penalty for a new crime or infraction contained in _____

- ☐ 3. Annual Savings. (approximate)

\$ _____

- ☐ 4. No additional costs or savings. This regulation makes only technical, non-substantive or clarifying changes to current law regulations.

- ☐ 5. No fiscal impact exists. This regulation does not affect any local entity or program.

- ☒ 6. Other. Explain The brucellosis vaccination program is a reimbursement program pursuant to FAC section 10341.
The Dept. anticipates less than a 10% reduction in future costs/reimbursements as a result of this proposal.

**ECONOMIC AND FISCAL IMPACT STATEMENT
(REGULATIONS AND ORDERS)**

STD. 399 (REV. 12/2013)

FISCAL IMPACT STATEMENT (CONTINUED)**FISCAL EFFECT ON STATE GOVERNMENT** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

It is anticipated that State agencies will:☐ a. Absorb these additional costs within their existing budgets and resources.☐ b. Increase the currently authorized budget level for the _____ Fiscal Year☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☐ 3. No fiscal impact exists. This regulation does not affect any State agency or program.☒ 4. Other. Explain The brucellosis vaccination program is a reimbursement program pursuant to FAC 10341.The Dept. anticipates less than a 10% reduction in future costs/reimbursements as a result of this proposal.**C. FISCAL EFFECT ON FEDERAL FUNDING OF STATE PROGRAMS** *Indicate appropriate boxes 1 through 4 and attach calculations and assumptions of fiscal impact for the current year and two subsequent Fiscal Years.*☐ 1. Additional expenditures in the current State Fiscal Year. (Approximate)

\$ _____

☐ 2. Savings in the current State Fiscal Year. (Approximate)

\$ _____

☒ 3. No fiscal impact exists. This regulation does not affect any federally funded State agency or program.☐ 4. Other. Explain _____

FISCAL OFFICER SIGNATURE



Nathan Johnson, Budget Officer

DATE

6/24/2020

The signature attests that the agency has completed the STD. 399 according to the instructions in SAM sections 6601-6616, and understands the impacts of the proposed rulemaking. State boards, offices, or departments not under an Agency Secretary must have the form signed by the highest ranking official in the organization.

AGENCY SECRETARY



Dr. Annette Jones, State Veterinarian & Director

DATE

7/20/2020

Finance approval and signature is required when SAM sections 6601-6616 require completion of Fiscal Impact Statement in the STD. 399.

DEPARTMENT OF FINANCE PROGRAM BUDGET MANAGER



DATE

STD. 399 ECONOMIC AND FISCAL IMPACT – ATTACHMENT

ECONOMIC IMPACT STATEMENT

A. Estimated Private Sector Cost Impacts

3. Number of Businesses Impacted –

- California Beef Cattle Industry – Repeal Brucellosis Vaccination
 - This proposal repeals the brucellosis vaccination requirement for female beef breed cattle moving within the State.
 - The total number of female beef cows and heifers currently in California is approximately 807,372 animals. The approximate number of farms in California raising beef cattle, which could include individuals and businesses, is 10,000 premises.
 - This proposal could impact approximately 10,000 individuals and businesses in California should they choose to no longer vaccinate beef cattle.
- California Beef and Dairy Cattle Industries – Forms Incorporated by Reference
 - The Department is proposing to remove the incorporation by reference of forms in the regulation text to facilitate the Department's ability to provide Americans with Disabilities Act (ADA) compliant forms to the beef and dairy industries.
 - The Department estimates this proposal could impact approximately 13,000 individuals/businesses in California having beef or dairy cattle.
- California Veterinarians Contracted to Purchase Brucellosis Vaccine
 - This proposal repeals the brucellosis vaccination requirement for female beef breed cattle moving within the State.
 - The Department is contracted with approximately 570 veterinary practitioners for the purchase and use of brucellosis vaccine authorized by Food and Agricultural Code section 10341.
 - These 570 contracted veterinarians may be impacted by this proposal as their services for brucellosis vaccination will no longer be necessary with respect to beef cattle should producers chose to no longer vaccinate their cattle. However, some beef producers may continue to vaccinate beef cattle moved out of state in compliance with other states' interstate movement requirements.

- California Sheep Industry – Add Exemption from Brucellosis Test When Rams Move to Slaughter
 - This proposal adds an exemption from the brucellosis testing requirement for rams imported into California and moving directly to slaughter. Individuals and businesses importing rams into California could include individuals/businesses located in the State and/or individuals/businesses located in other states.
 - There are approximately 3,800 premises raising sheep in the State which could include individuals and businesses importing rams for slaughter and therefore may be impacted by this proposal.

B. Estimated Costs

1. Statewide Dollar Costs for Businesses/Individual

- California Beef Cattle Industry – Repeal Brucellosis Vaccination
 - This proposal repeals the brucellosis vaccination requirement for female beef breed cattle moving within the State.
 - The Department estimates the number of female beef cattle vaccinated for brucellosis in California in any given year, which includes cattle already in the State and cattle entering the State to be vaccinated upon arrival, at approximately 92,000 animals. The approximate number of farms in California raising beef cattle, which could include individuals and businesses, is 10,000 premises. The Department estimates the industry cost for brucellosis vaccination is about \$4.00/animal. As brucellosis vaccination will no longer be a requirement for female beef cattle in California, the Department estimates a cost savings to the California beef industry at approximately \$368,000. However, some beef producers may continue to vaccinate beef cattle moved out of state in compliance with other states' interstate movement requirements.
- California Beef and Dairy Cattle Industries – Forms Incorporated by Reference
 - The Department is proposing to remove the incorporation by reference of forms in the regulation text to facilitate the Department's ability to provide ADA compliant forms to the beef and dairy industries.
 - The Department does not estimate any cost impacts to the approximate 13,000 individuals/businesses having beef or dairy cattle as a result of removing the incorporation by reference of forms as proposed.
- California Veterinarians Contracted to Purchase Brucellosis Vaccine
 - This proposal repeals the brucellosis vaccination requirement for female beef breed cattle moving within the State.

- The Department contracts with approximately 570 veterinary practitioners for the purchase and use of brucellosis vaccine authorized by Food and Agricultural Code section 10341.
- As brucellosis vaccination will no longer be a requirement for female beef cattle in California, the Department has determined contracted veterinarians may not be hired to provide vaccinations should producers no longer choose to vaccinate their beef cattle. The amount of revenue loss to herd veterinarians cannot be determined as each veterinarian maintains their own veterinary service fees which can vary depending on their location in the State, number of cattle being vaccinated, and distance traveled to service the herd.
- California Sheep Industry
 - This proposal adds an exemption from brucellosis testing for rams imported into California and moving directly to slaughter. Individuals and businesses importing rams into California could include individuals/businesses located in the State and/or individuals/businesses located in other states.
 - There are approximately 3,800 premises raising sheep in the State which could include individuals and businesses importing rams for slaughter.
 - The Department is unable to determine the number of rams entering the State for slaughter and therefore exempt from brucellosis testing as proposed because importation data maintained by the Department does not separate shipments of slaughter sheep by age and/or sex.
 - Exempting specified rams from brucellosis testing prior to importation may be a cost savings to California producers of approximately \$9.00/animal for laboratory services fees.

D. Alternatives to the Regulation

The Department has considered two alternatives to this proposal with respect to Animal Health Branch (AHB) forms: 1) Not amend the regulations, or 2) Amend the existing forms incorporated by reference in the regulations. The Department is rejecting alternative number 1 because program forms are currently out of date and no longer meet program needs as written, and do not meet the requirements of the ADA. Alternative number 2 is rejected because the existing forms are incorporated by reference which limits the program's ability to revise the forms as necessary to keep them up to date and restricts the Department's control over providing ADA compliant forms.

The Department has considered two alternatives to this proposal with respect to amendments pertaining to the movement of sheep and cattle: 1) Not amend the regulations, or 2) Amend the regulations to delete only the provisions for which the

statutory authority in AB 1801 (Committee on Agriculture, Chapter 324, Statutes of 2019) was repealed. The Department is rejecting alternative number 1 because existing regulatory text needs further clarification and updating to be consistent with industry trends and practices. Alternative number 2 is rejected because the Department's Cattle Health Advisory Task Force, which serves to evaluate the effectiveness of cattle health programs, made recommendations to the Department to additionally eliminate the brucellosis vaccination requirement for female beef cattle moving interstate because the risk of brucellosis infection is too low to justify having vaccination requirements for moving into California.

This proposal is necessary to provide the AHB flexibility when revising forms to meet current program needs and to facilitate our responsibility to ensure our forms are ADA compliant. Additionally, this proposal necessary to update specified disease testing, vaccination, and movement requirements for cattle and sheep to facilitate industry trends and practices and to update the regulations where necessary for consistency authorized by FAC sections 10324, 10326, 10327, 10386, and 10610.