

Minnesota Board of Animal Health

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Rules Governing Scrapie Eradication in Sheep and Goats, (*Minnesota Rules 1705.2700-1705.2750*) including associated Proposed Rules for Importation of Sheep and Goats (*Minnesota Rules 1700.1810-1700.1860*), Proposed Amendments to the Rules Governing the Exhibition of Sheep or Goats (*Minnesota Rules 1715.0110*), Proposed Amendments to Rules Governing the Public Exhibition of Livestock and Poultry in Minnesota (*Minnesota Rules 1715.0160*), and the Proposed Repeal of Minnesota Rules, parts 1700.1800; 1700.1900; 1700.4600; 1700.4700; and 1715.0115.

Introduction. The Minnesota Board of Animal Health intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until October 12, 2005.

Agency Contact Person. Comment or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is: Kris Petrini at the Minnesota Board of Animal Health, 90 W Plato Blvd, St. Paul, MN 55107, (651) 296-2942 x 31, fax: (651) 296-7417, kris.petrini@bah.state.mn.us. TTY users may call the Board at (800) 627-3529.

Subject of Rules and Statutory Authority. The proposed rules are about Scrapie Eradication in Sheep and Goats. The rules and amendments are proposed in order to assure that Minnesota is consistent with the national scrapie eradication program and to facilitate the eradication of scrapie within Minnesota. The statutory authority to adopt the rules is *Minnesota Statutes*, section 35.03. A copy of the proposed rules is published in the *State Register*. A free copy of the rules is available upon request from the agency contact person listed above. The rules would require the official identification of sheep and goats upon movement from one location to another, including importation, exhibition, sale, and other intrastate and interstate movement. Sheep and goats that are less than 18 months of age, that have never been bred and that are in slaughter channels may be exempted from the identification requirement under certain circumstances when moved to an approved market or to a slaughtering establishment. The rule would also require that persons who handle sheep and goats, including producers, dealers, markets, and sale personnel, and persons who apply official identification maintain certain records for a period of five years. Importation rules for sheep and goats would impose limitations on the importation of sheep and goats that have had exposure to scrapie and would require official identification for sheep and goats being imported into Minnesota which is consistent with the intrastate movement requirements. The exhibition rules for sheep and goats would be amended to require official identification for all sheep and goats for exhibition and would prohibit (with certain exceptions) the exhibition of sheep and goats which are within 30 days of giving birth.

Comments. You have until 4:30 p.m. on October 12, 2005 to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

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Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. Your request for a public hearing must be in writing and must be received by the agency contact person by 4:30 p.m. on October 12, 2005. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this Notice of Intent to Adopt Rules Without a Public Hearing can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect you in any way, you are encouraged to participate in the rulemaking process.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. Copies of the statement may be obtained at the cost of reproduction from the agency.

The Commissioner of the Minnesota Department of Agriculture was Notified of this Proposed Rule Change.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.