



ASA HUTCHINSON
GOVERNOR

ARKANSAS AGRICULTURE DEPARTMENT

ARKANSAS FORESTRY COMMISSION
ARKANSAS LIVESTOCK & POULTRY COMMISSION
ARKANSAS STATE PLANT BOARD



WES WARD
SECRETARY OF AGRICULTURE

1 NATURAL RESOURCES DRIVE, LITTLE ROCK, AR 72205 | (501) 225-1598 | AAD.ARKANSAS.GOV

January 20, 2020

Honorable John Thurston
Secretary of State
State Capitol Rm. 01
Little Rock, Arkansas 72201-1094

Enclosed is a Transmittal Sheet and copies of **Final Rules**, as listed below. The rules were approved by the Livestock and Poultry Commission Board meeting held December 12, 2019.

The rules were reviewed and approved by the Administrative Rules Subcommittee of the Arkansas Legislative Council on January 15, 2020 and the Arkansas Legislative Council January 17, 2019. These are now to be considered **Final Rules**.

TITLE: Brucellosis in Cattle. The purpose of this rule is to control and suppress brucellosis.

TITLE: Feral Hog Airborne Eradication Rule. The purpose of this rule is to provide for a permit process for the eradication of feral hogs by aircraft.

TITLE: Trichomoniasis Testing and Movement Requirements for Cattle. The purpose of this rule is to control and suppress trichomoniasis

Also, as a result of the meeting, the Commission **repealed** the following four rules. No comments were received.

TITLE: Brucellosis – Management of Brucellosis and Adjacent Herds and On-Farm Calfhood Vaccination

TITLE: Regulations for the Depopulation of Brucella Abortus Infected Cattle Herds with Federal Depopulation Funds as Recommended by the State/Federal Epidemiologist

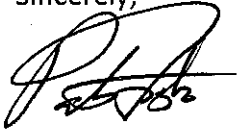
TITLE: Regulations Governing Exposed Brucellosis Cattle

TITLE: Arkansas Regulations for the Adult (Whole-Herd) Vaccination of Brucellosis Infected Cattle Herds

If more information is needed, please contact me.



Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Fisk', with a stylized flourish at the end.

Patrick Fisk, Director
Arkansas Livestock and Poultry Division

PF:ll

Enclosures

ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

John Thurston

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Agriculture

Department Livestock and Poultry Division

Contact Patrick Fisk E-mail patrick.fisk@agriculture.arkansas.gov Phone 501-225-1598

Statutory Authority for Promulgating Rules A.C.A. § 2-40-103 provides that the Commission shall adopt rules for the isolation, quarantine and separation of diseased cattle.

Rule Title: Trichomoniasis Testing and Movement Requirements for Cattle

Intended Effective Date
(Check One)

Date

☐ Emergency (ACA 25-15-204)

Legal Notice Published _____

☒ 10 Days After Filing (ACA 25-15-204)

Final Date for Public Comment _____

☐ Other _____
(Must be more than 10 days after filing date.)

Reviewed by Legislative Council _____

Adopted by State Agency _____ December 12, 2019

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Linda Luebke linda.luebke@agriculture.arkansas.gov

January 20, 2020

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Signature

501-225-1598

patrick.fisk@agriculture.arkansas.gov

Phone Number

E-mail Address

Director, Arkansas Livestock and Poultry Division

Title

January 20, 2020

Date

TRICHOMONIASIS TESTING AND MOVEMENT REQUIREMENTS FOR CATTLE

I. Definitions

The following words or terms, when used in this rule, shall have the following meaning unless the context clearly indicated otherwise:

A. "Approved laboratory" means any laboratory designated and approved by the state veterinarian for examining T. foetus samples.

B. "Bovine" means any sexually intact male and female animal of the genus bos.

C. "Change of ownership" means control of an animal being transferred between two (2) persons by sale, lease, or lending.

D. "Commingle" means animals of opposite sex and belonging to a single owner or multiple owners in the same enclosure or pasture with a reasonable opportunity for sexual contact.

E. "Herd" means the group of animals consisting of all male and female bovines over twelve months of age that have commingled during the last twelve (12) months.

F. "Herd management plan" means a plan approved by the State Veterinarian to ensure isolation and separation for T. Foetus exposed cattle.

G. "Official T. foetus bull test" means the sampling of the preputial content of a bull by a Licensed and accredited veterinarian or a veterinarian from the Arkansas Livestock and Poultry Commission. The test shall be conducted after seven days (7) separation from all female bovine and the bull and sample shall be positively and individually identified and documented for laboratory submission. The test may consist of three (3) culture tests one (1) week apart or one (1) PCR test.

H. "Official ID" means a USDA approved tagging system used for animal disease traceability.

I. "Positive T. foetus bull" means a bull that has had a positive T. foetus test.

J. "Positive T. foetus bull herd" means that group of all bovines which have had any opportunity for sexual contact in the previous breeding season and in which any male or female animal has had a positive diagnosis for T. foetus.

K. "Negative T. foetus bull" means a bull that qualifies by one of the following:

1. originate from a herd not known to be infected and has had a negative official T. foetus bull test within the last year;

2. originate from a positive herd but:

a. Has a series of three negative official T. foetus bull tests at intervals of at least one week; or

b. a negative official T. foetus bull test within thirty (30) days prior to entry with no sexual activity for one (1) week prior to the test and between the test and movement.

L. "Suspect T. foetus bull" means a bull from a positive T. foetus herd that has not yet had three (3) consecutive negative official T. foetus bull tests.

M. "Trichomonas (Tritrichomonas) foetus" or "T. foetus" means a contagious venereal protozoan parasite disease of the trichomonas foetus species that frequently results in lifetime infection of male bovidae as an inapparent carrier and causes infertility, pyometra, abortions and reproductive inefficiency in female bovidae.

N. "Virgin bull" means a sexually intact male bovine less than twenty-four (24) months of age that has had no breeding and no potential breeding contact with females.

O. "Virgin bull affidavit" means a signed affidavit from the owner, manager, or veterinarian that verifies the bull has had no breeding and no potential breeding contact with females.

II. Import Requirements for Bulls

A. A bull that has tested positive for Trichomoniasis may be brought into this state as long as he is taken to a Market and placed on a VS 1-27 for slaughter only.

B. No bull may be brought into this state without being accompanied by a negative test for Trichomoniasis except for the following animals:

1. Exhibition and rodeo bulls that are temporarily in the state only for the purpose of the event and will be leaving the state after the event;
2. Bulls consigned to go directly for slaughter only - bulls may be sent to a market and sold for slaughter only on a VS 1-27;
3. Virgin bulls; or
4. Bulls going directly to a market for an Official T. foetus test.

C. A bull that is brought into this state without being accompanied by a negative test for Trichomoniasis shall not be comingled with any cow unless the bull is tested and found to be negative for Trichomoniasis prior to comingling.

D. All bulls, except exhibition and rodeo bulls, brought into this state shall be identified by one or more of the following means prior to importation:

1. Official ID
2. Official 840 radio frequency identification device (RFID);
3. Official 840 flap or bangle tag;
4. Official individual animal breed registry brand and registered papers.

E. Virgin bulls, other than exhibition and rodeo bulls, brought into this state shall, in addition to any other required documentation, be accompanied by a Virgin Bull Affidavit signed by the owner of the bull, or the owner's representative or a licensed and accredited veterinarian. The certification shall include the bull's individual identification. If the owner seeking to import the virgin bull into this state acquired the bull from a breeder or another owner, a Virgin Bull Affidavit signed by the breeder and each prior owner of the bull, or their representative, must also accompany the bull. The use of the Arkansas Virgin Bull Status form is required.

F. The requirements for an Official T. foetus bull test shall be three (3) separate culture tests, each conducted not less than one week apart, or one (1) polymerase chain reaction (PCR) test no more than thirty (30) days prior to entry of the bull into this state. All sample collections and inspection of bulls must be performed by a licensed and accredited veterinarian. Testing for Trichomoniasis must be performed at/by an accredited/approved laboratory.

G. All bulls found to be positive for T. foetus must be taken to slaughter within two weeks on a VS-127. Arkansas Livestock and Poultry Commission must be notified of all positive bulls and the disposition of these bulls.

III. Intrastate Change of Ownership Requirements for Bulls

A. Any bull changing ownership within the state of Arkansas shall have a negative official T. foetus test within thirty (30) days prior to change of ownership.

B. Exceptions to this rule shall include the following:

1. Virgin bulls
2. A bull sold directly to slaughter; or
3. A bull sold for feeding and slaughter that will be castrated within seven (7) days of change of ownership.

C. Any bull presented for sale at a livestock auction market that is not a virgin bull or having verification of a negative official T. foetus test:

1. Shall be tagged and sold for slaughter only on a VS 1-27 form; or
2. May go to the purchaser's destination so long as the market veterinarian takes a sample for an official T. foetus test and the purchaser agrees to keep the bull under quarantine at the destination until receipt of negative test results.

D. The market veterinarian shall be responsible for the sampling and results for an official T. foetus test performed at the livestock market

E. All bulls found to be positive for T. foetus must be taken to slaughter within two weeks on a VS-127. Arkansas Livestock and Poultry Commission must be notified of all positive bulls and the disposition of these bulls.

IV. Requirements for Reproductive Bovine Females

A. Female cattle or bison may enter Arkansas with no restrictions concerning Trichomoniasis unless originating from a known positive T. foetus herd.

B. A female bovine originating from a known positive T. foetus herd is to go to slaughter only or may be exempt from slaughter if accompanied by a CVI with a statement that the female is from a known T. foetus infected herd pursuant to one of the following circumstances:

1. The female bovine has a calf at side and no exposure to other than known negative

bulls since parturition;

2. The female bovine are at least one hundred twenty (120) days pregnant;

3. The female bovine are known to be virgin heifers and attested by affidavit; or

4. The female bovine are not pregnant or are less than one hundred twenty (120) days pregnant and placed in a herd management plan and are documented to have had at least one hundred twenty (120) days of sexual isolation.

V. EXCEPTIONS, PENALTIES AND AUTHORITY

A. The state veterinarian may grant a written exception to this rule only on an individual basis.

B. Failure to comply with any of the provisions of this rule may result in administrative penalties as provided by law.

C. Authority: ACA §§ 2-32-501; 2-33-107(a); 2-40-103.

Trichomoniasis in Cattle proposed rule comment summary

Comments were received from the Livestock Marketing Association. The comments expressed support for proposed changes that allow for more out-of-state bulls and bulls needing trichomoniasis testing to be sold at Arkansas markets. The Comments requested changes be made to the proposed rule allowing bulls that have not been tested for trichomoniasis to be transferred to an approved feedyard using a particular federal form (VS-127). They also requested that the rule be amended to allow certain cattle to be transferred with a temporary paper backtag instead of a permanent official USDA eartag. The Commission considered the comments and voted to not make changes to the proposed rule, as it was felt that that proposed rule provided greater safeguards against the spread of contagious diseases.

QUESTIONNAIRE FOR FILING PROPOSED RULES WITH THE
ARKANSAS LEGISLATIVE COUNCIL

DEPARTMENT/AGENCY Arkansas Department of Agriculture/Livestock & Poultry Commission
DIVISION Livestock & Poultry
DIVISION DIRECTOR Patrick Fisk
CONTACT PERSON Wade Hodge
ADDRESS #1 Natural Resources Drive, Little Rock AR 72205
PHONE NO. 501-219-6361 FAX NO. _____
E-MAIL wade.hodge@agriculture.arkansas.gov
NAME OF PRESENTER AT COMMITTEE MEETING Patrick Fisk
PRESENTER E-MAIL Patrick.fisk@agriculture.arkansas.gov

OCT 07 2019

INSTRUCTIONS

BUREAU OF
LEGISLATIVE RESEARCH

- A. Please make copies of this form for future use.
B. Please answer each question completely using layman terms. You may use additional sheets, if necessary.
C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

Jessica C. Sutton
Administrative Rules Review Section
Arkansas Legislative Council
Bureau of Legislative Research
One Capitol Mall, 5th Floor
Little Rock, AR 72201

1. What is the short title of this rule? Trichomoniasis Testing and Movement Requirements for Cattle
2. What is the subject of the proposed rule? Control and suppression of trichomoniasis
3. Is this rule required to comply with a federal statute, rule, or regulation? Yes x No _____
If yes, please provide the federal rule, regulation, and/or statute citation. A.C.A. § 2-40-103
4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?
Yes x No _____
If yes, what is the effective date of the emergency rule? _____
When does the emergency rule expire? _____
- Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes _____ No _____

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5. Is this a new rule? Yes _____ No x ____ If yes, please provide a brief summary explaining the rule.

Does this repeal an existing rule? Yes _____ No x ____ If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes x ____ No _____ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. **Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."** See the attached summary for further explanation.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give the Arkansas Code citation. A.C.A. § 2-40-103 provides that the Commission shall adopt rules for the isolation, quarantine and separation of diseased cattle
7. What is the purpose of this proposed rule? Why is it necessary? See attached summary
8. Please provide the address where this rule is publicly accessible in electronic form via the Internet as required by Arkansas Code § 25-19-108(b). www.agriculture.arkansas.gov
9. Will a public hearing be held on this proposed rule? Yes _____ No _____
If yes, please complete the following: Hearing will be held if requested
Date: _____
Time: _____
Place: _____
10. When does the public comment period expire for permanent promulgation? (Must provide a date.)
TBD _____
11. What is the proposed effective date of this proposed rule? (Must provide a date.)
TBD _____
12. Please provide a copy of the notice required under Ark. Code Ann. § 25-15-204(a), and proof of the publication of said notice.
13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e).

14. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Agriculture/Livestock & Poultry Commission

DIVISION Livestock & Poultry

PERSON COMPLETING THIS STATEMENT Wade Hodge

TELEPHONE NO. 501-219-6361 **FAX NO.** _____

EMAIL: wade.hodge@agriculture.arkansas.gov

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OCT 07 2019

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To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE Trichomoniasis Testing and Movement Requirements for Cattle

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No x
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
Yes xx No _____
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes x No _____

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;
 - (b) The reason for adoption of the more costly rule;
 - (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and
 - (d) Whether the reason is within the scope of the agency's statutory authority, and if so, please explain.
4. If the purpose of this rule is to implement a federal rule or regulation, please state the following: N/A
- (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue _____
Federal Funds _____

Next Fiscal Year

General Revenue _____
Federal Funds _____

Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____ N/A _____

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total _____ N/A _____

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected. N/A

Current Fiscal Year

\$ _____ N/A _____

Next Fiscal Year

\$ _____ N/A _____

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year

\$ _____ N/A _____

Next Fiscal Year

\$ _____ N/A _____

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes _____ No x

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously

with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
 - (a) justifies the agency's need for the proposed rule; and
 - (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
- (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
- (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
 - (a) the rule is achieving the statutory objectives;
 - (b) the benefits of the rule continue to justify its costs; and
 - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.



Asa Hutchinson
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

1 Natural Resources Drive, Little Rock, AR 72205
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Wes Ward
Secretary of Agriculture

Proposed Amendments to Rule Regarding Trichomoniasis Testing and Movement Requirements for Cattle

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PURPOSE

The Arkansas Livestock & Poultry Commission (Commission) is proposing amendments to the Trichomoniasis Testing and Movement Requirements for Cattle rule promulgated by the

BACKGROUND

Pursuant to A.C.A. § 2-33-107(a) the Commission has authority for the control, suppression, and eradication of livestock and poultry diseases in this state and is required by A.C.A. § 2-40-103(a)(2) to adopt rules regarding isolation or quarantine of infected animals. The Trichomoniasis rule was promulgated in 2009 to provide for suppression and control of the disease and isolation of diseased animals. Department staff held multiple meetings with industry representatives to review this rule and it was decided to clarify and update certain provisions of the rule. The Commission voted to go forward with the proposed amendments to this rule on July 18, 2019.

KEY POINTS

The proposed rule:

- Adds certain definitions and removes unneeded definitions
- Re-numbers paragraphs for uniformity with other Commission rules
- Provides additional time for cattle to be moved from the Livestock Market to the buyer's facility

DISCUSSION

Trichomoniasis is a highly contagious disease of the reproductive tract of cattle. It can cause a reduced calf crop or lower weaning weights. Because infected bulls typically show no outward signs of the disease, testing of cattle entering and leaving the state is imperative. It is also important to separate bulls testing positive or bulls that have not been tested from other cattle.

The rule requires that any bull sold in Arkansas must show a negative Trichomoniasis test prior to change of ownership. Bulls brought to market for sale that are untested or found positive with trichomoniasis must be isolated from other animals, sent to slaughter, and must be removed from the livestock market within 7 days. Because additional time is sometimes needed to remove the animals from the premises, the Commission is proposing an amendment which would extend the time the buyer has to pick the animal up from the market from seven (7) to fourteen (14) days. This change was requested by industry and is a change that the Commission and Department staff believe can be made without compromising animal health.