



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Also, as a result of the meeting, the Commission **repealed** the following four rules.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

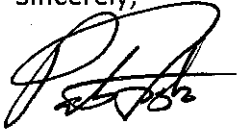
**TITLE:** Regulations Governing Exposed Brucellosis Cattle

**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

[www.sos.arkansas.gov](http://www.sos.arkansas.gov)



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 and quarantine of diseased cattle.

Rule Title: Brucellosis in 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

**FINAL RULE**  
**AGENCY NO. 209.01**

**BRUCELLOSIS IN CATTLE**

**I. DEFINITIONS**

- A. "Uniform Methods and Rules" means the U.S. Department of Agriculture's rules for the eradication of brucellosis.
- B. "VS Form 1-27" means a USDA federal document for the movement of livestock.
- C. "VIC" means Veterinarian in Charge.
- D. "S-Brand" means an S shaped hot brand that identifies cattle as brucellosis exposed, untested or positive and shall be sold for slaughter only.
- E. "Slaughter" means animals butchered and processed into meat products
- F. "Quarantine Feedlot" means a confined area under State brucellosis quarantine that has been approved by the State animal health official and the APHIS AVIC and is maintained for feeding cattle and/or bison of unknown or brucellosis-exposed status, with limited provisions for pasturing or grazing.
- G. "B-Brand" means a "B"-shaped hot brand that identifies cattle as brucellosis positive and shall be sold for slaughter only. B-branding is to be used in the disposition of cattle that may be eligible for federal indemnification or other compensation.

**II. VACCINATION OF BRUCELLOSIS INFECTED CATTLE HERDS**

A. Every cattle herd in which *Brucella abortus* field strain infection has been confirmed, as determined by the designated epidemiologist(s); and every herd that would be qualified for depopulation with indemnification, as determined by the Federal VIC and the Arkansas State Veterinarian and the designated epidemiologist(s), fall under the jurisdiction of this rule. Factors to be considered in the qualification of a herd for federally funded depopulation are: the number of reactors disclosed on the first test; the persistence of reactors of subsequent tests; the danger of exposure to surrounding herds; other matters as considered by the regulatory officials, such as public health risk.

- B. All herd owner/manager(s) have three options in the management of their infected herds:
1. Complete herd depopulation. This option is contingent on the availability of state-federal funds for indemnification, and the qualification of the herd(s) to receive that indemnity.
  2. Adult (whole herd) vaccination of bovine females in their infected herd(s), with follow-up testing and quarantine releasing requirements as provided in this rule and the Uniform Methods and Rules.
  3. S-brand and sell for slaughter or to an approved quarantined feedlot on a VS Form 1-27 all sexually intact animals within 30 days of the formulation of the herd plan. Bull and heifer calves may be neutered (castrated or spayed) in lieu of S-branding and selling them. (Verification of neutering must be made before the quarantine will be released.)

C. A herd or herds may still qualify for federal depopulation funds (if available) even if previously subject to whole herd vaccination, as long as other provisions of this rule are met.

### **III. DEPOPULATION OF BRUCELLA ABORTUS INFECTED CATTLE HERDS**

A. All bovine animals in approved herds are to be depopulated except steers and/or spayed heifers. Heifers over 400 pounds body weight will be S-branded or spayed.

B. All animals to be depopulated shall be branded and tagged within 15 days after approval of the depopulation. Within 15 days after the branding and tagging, the animals must be slaughtered at a federally inspected slaughtering establishment. Any extensions of these time limits can be granted only by the federal Veterinarian in Charge. Thirty days after the approval of the depopulation, there will be no sexually intact bovine animals on the premise.

C. The premises are not to be restocked with sexually intact bovine animals for a minimum of 90 days following depopulation.

D. The premises are to be inspected by Arkansas Agriculture Department personnel prior to restocking.

If the inspector determines that certain areas or facilities need cleaning and disinfection, this must be accomplished prior to restocking.

If the inspection reveal other species to be infected with *Brucella abortus*, said animals must be removed from the farm premises at least 90 days prior to restocking.

#### **E. Restocking Requirements:**

(1) All female cattle must be official calfhood vaccinates.

(2) All test eligible cattle must have a negative brucellosis test within 30 days prior to arrival at premises.

(3) The cattle must be retested at the owner's expense 45 to 120 days after arrival. However, additional tests may be required beyond 120 days.

### **IV. MANAGEMENT OF BRUCELLOSIS AND ADJACENT HERDS AND ON-FARM CALFHOOD VACCINATION**

#### **A. Determination of an Infected Herd**

1. The criteria outlined in the "Uniform Methods and Rules" shall be used to designate infected animals and herds.

2. When blood test results on animals or herds are not definitive, or when blood tests of Brucellosis Ring Test (BRT) suspicious dairy herds are not productive, additional diagnostic procedures will be done under supervision of the State Epidemiologist. The evaluation of all diagnostic test results and the final determination of infection will be made by the State Epidemiologist.

3. Once infection has been ascertained, the herd will be placed under a state quarantine.

4. Other species showing symptoms should be isolated from cattle or destroyed.

#### B. Infected Herd Quarantine

1. Quarantine may be issued by state and federal animal health regulatory officials and accredited veterinary practitioners. One copy of the quarantine will go to the county sheriff's office.

2. The quarantine shall include all cattle except for steers and spayed heifers (identified with a S-brand in the left jaw, and a spay tag in the left ear) in all herds and premises maintained by the recipient of the quarantine.

3. Exceptions to herd quarantine procedure:

- a. Exceptions will be made for those herds for which there is proof (as judged by the section veterinary medical officer [VMO] and State Epidemiologist or State Veterinarian) that the herd is indeed separate and distinct from the infected herd.
- b. Individual herds may be released from quarantine if a complete negative herd blood test is accomplished and permission is granted by the section VMO and the State Epidemiologist or State Veterinarian.

4. a. All heifers present while there is active infection in the herd shall remain under quarantine until one of the following criteria are met:

- (1) They are spayed, or
- (2) They are S-branded, or
- (3) They have been tested negative twice:
  - (a) After they have reached 18 months of age, and
  - (b) At least three (3) weeks after they have calved.

b. The entire herd shall remain under quarantine as long as those heifers are intermingled with it.

5. The following deviations concerning heifers are applicable:

- a. Heifers in Rivanol negative MCI reactor herds in which no infection is disclosed on the farm will not be placed under these restrictions.
- b. Heifers in Rivanol positive MCI reactor herds will be placed under quarantine with the rest of the herd; but, if no infection is found on the farm, enforcement of the restrictions on heifers will be up to the discretion of the VMO or the State Epidemiologist or State Veterinarian.
- c. Any heifer calves born after the removal of the last reactor from the herd will not be restricted.

6. Movement of animals out of a quarantined infected herd.

a. Movement of animals out of a quarantined infected herd is authorized only in the accompaniment of a VS Form 1-27 shipping permit issued by a representative of the Arkansas Livestock and Poultry Commission or an accredited veterinary practitioner.

b. Reactors must be B-branded and S-branded exposed cattle in herd depopulations must be tagged on the farm premises of origin except that:

(1) Under permission of the State Veterinarian, they may be followed to an auction market by a representative of the Arkansas Livestock and Poultry Commission (livestock inspector, animal health technician or veterinarian) where they can be branded and tagged immediately upon arrival, or

(2) They may move directly for immediate slaughter, using USDA back tag identification in the accompaniment of an Arkansas Livestock and Poultry Commission representative, or in vehicles closed with official seals. The slaughter house must be USDA or state inspected.

c. Reactors and S-branded exposed cattle in herd depopulations may move through a maximum of one auction market on their way to slaughter.

#### 7. Exposed Cattle

a. Cattle considered to be "exposed" if they have been in contact with cattle from a quarantined herd for a period of 24 hours or more.

b. Exposed cattle or serological suspects from an infected herd must be S-branded on the farm premises of origin except as follows:

(1) Under permission of the State Veterinarian, they may be followed to an auction market by a representative of the Arkansas Livestock and Poultry Commission (livestock inspector, animal health technician, or veterinarian) where they can be branded and tagged immediately upon arrival. They may then be sold to a quarantined feedlot or direct to slaughter, or

(2) They may move directly for immediate slaughter, using USDA back tag identification in the accompaniment of an Arkansas Livestock and Poultry Commission representative, or in vehicles closed with official seals. The slaughter house must be USDA or state inspected.

c. Test ineligible animals (steers and spayed heifers) are not restricted in movement.

d. The movement of other test eligible animals from the farm premises of origin, until the herd is released from quarantine, is strictly prohibited. However, with the permission of the section VMO and the State Epidemiologist, the total herd may be moved under quarantine from farm premises to farm premises.

#### C. Testing and Quarantine Release Criteria of An Infected Herd

##### 1. Test Eligible Animals:

a. All intact calfhood vaccinated females and males 18 months of age and older, or if they are parturient, and

b. All intact non-calfhood vaccinated females 6 months of age and older. All heifer calves, between the ages of 4 and 12 months, of known negative dams, shall be tested at the time they are calfhood vaccinated.

## **2. Testing Procedure:**

a. A herd plan (to expedite eradication activities) shall be agreed upon and signed by the herd owner or manager and the section VMO, State Epidemiologist, State Veterinarian or veterinary practitioner.

b. All test eligible cattle shall be gathered and restrained at regular intervals as specified by the herd plan, and with the approval of the State Epidemiologist and section VMO.

c. After a herd is adult vaccinated, there will be an interval of no more than four (4) months from the date of the adult vaccination until the regular testing regimen begins again.

d. Disclosure of reactors:

(1) The card (Buffered Brucella Antigen) test may be run on the farm under a shelter with an ambient temperature of no more than 75 degrees and no less than 70 degrees, provided:

(a) The owner or manager of the herd signs a card test agreement (LR-4)

(b) A duly authorized representative of the Livestock and Poultry Commission

runs the test, or if it is done under the

supervision of a section VMO.

(2) Final confirmation, or declaration, of test results will be done at the Brucellosis Laboratory in Little Rock.

(3) Retest of reactors is prohibited without the permission of the State Veterinarian or State Epidemiologist.

e. Disposition of reactors:

Except under special determination by the State Epidemiologist or State Veterinarian, all reactors must be B-branded and tagged within fifteen (15) days from the date of laboratory confirmation, and slaughtered within fifteen (15) days after the date of branding and tagging. Heifer calves off of reactor dams shall also be B-branded and tagged. Bull calves off of reactors must be castrated, and heifer calves may be spayed in lieu of B-branding.

f. Disposition of suspects (there are two options):

(1) They may be isolated from the main herd and retested in thirty days from the date of the incriminating test, or as determined by the State Epidemiologist or State Veterinarian, for further serological, and perhaps microbiological, evaluation, or,

(2) they may be S-branded and sold for slaughter or consigned to a quarantined feedlot.

g. Any cattle herd in which "S" or "B" branded cattle shall appear shall be immediately quarantined and all associated cattle subject to immediate brucellosis testing at owner's expense.

## **3. Quarantine Releasing Criteria:**

A minimum of three (3) consecutive negative complete herd tests, with the last one coming at least six (6) months after the removal of the last reactor from the herd, will be required for the



herd to qualify for quarantine release. (A retest of those animals remaining from the previously quarantined herd shall be done six (6) to ten (10) months after the quarantine is released.)

#### **D. Testing of Adjacent Herds**

All herds within a one (1) mile radius of the fence line perimeter of the infected pasture or premises; or, all herds located on the first two farm premises located on a tangent extending out each direction from the fence line perimeter of the infected pasture or premises; or, whichever of the two previously mentioned conditions is satisfied first. Each of these herds shall be quarantined, which will be released if a laboratory confirmed complete herd negative test is achieved. As long as the index herd continues to exhibit active infection, each contiguous adjacent herd shall be re-quarantined and retested every 4 to 6 months. After the index herd is released from quarantine, each contiguous adjacent herd may be re-quarantined and retested upon the decision of the State Epidemiologist.

#### **E. On Farm Calfhood Vaccination**

1. Free of charge to owners, as long as funds are available.
2. Vaccination age 4 to 12 months.
3. Method of getting calves vaccinated:
  - a. State/federal employees - no charge
  - b. Veterinary practitioner - no charge, while funds are available. Fee basis work by state/federal government - no charge to owner. Fees to be paid to veterinarians as set by policy of the Arkansas Livestock and Poultry Commission. Clinic charge for calfhood vaccination when farmers bring calves to private practitioner's clinic shall also be set by policy of the Arkansas Livestock and Poultry Commission.
4. All heifers that are over 1 year of age and unvaccinated will be S-branded (and sent to slaughter or to a quarantined feedlot), or spayed.
5. This Rule does not interfere with the veterinarian, market operator or State Veterinarian entering an agreement to vaccinate calves at a concentration point or market.

### **V. EXPOSED BRUCELLOSIS CATTLE**

A. Cattle received at a livestock auction barn or cattle examined on the farm and found to be in a reactor status shall be branded with the letter "B" on the left jaw.

B. Exposed cattle of all ages from a common origin or those cattle associated with such reactor cattle, after twenty-four (24) hours of such association, or cattle from a quarantined herd are deemed to be "exposed" cattle for purposes of this rule. Exposed cattle have three options of movement:

1. Remain or return to the farm or point of origin under isolation and quarantine. None of the animals may become part of a new breeding herd;
2. Be consigned to slaughter and moved on a VS 1-27; or
3. Be consigned to an approved quarantined feed lot.

- C. Exposed cattle that are consigned to slaughter or to a quarantined feed lot under the provisions of this rule shall be branded (with hot brand or freeze brand) on the right jaw with the letter "S". An acid brand or "Blue Ear" marking is not acceptable. The hot brand shall be in substitution of the "Blue Ear" marking.
- D. All eligible exposed cattle received at livestock auction barns must be Brucellosis blood tested and branded as provided above. No "owner option" will be permitted.
- E. Any cattle herd in which "S" branded cattle shall appear shall be immediately quarantined and all associated cattle subject to immediate Brucellosis testing at owner's expense.
- F. All known exposed cattle in interstate movement consigned to slaughter or a quarantined feed lot shall be branded with "S" prior to their entry into Arkansas.

## **VI. PENALTIES AND AUTHORITY**

- A. Failure to comply with any of the provisions of this rule may result in administrative penalties as provided by law.
- B. Authority. ACA §§ 2-32-501 et seq.; 2-33-107(a); 2-40-103.

## Brucellosis in Cattle proposed rule comment summary

One comment was received from the Livestock Marketing Association. The comment suggested that Section IV.E.4 was old language and no longer need. The Commission noted that while Arkansas is currently Brucellosis free, the language should be left in the rule as a precaution against potential future brucellosis out-breaks.

**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

**RECEIVED**  
OCT 07 2019  
BUREAU OF  
LEGISLATIVE RESEARCH

**INSTRUCTIONS**

- 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, 5<sup>th</sup> Floor  
Little Rock, AR 72201

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2019 OCT -9 PM 2:11

- \*\*\*\*\*
- 1. What is the short title of this rule? Brucellosis in Cattle
  - 2. What is the subject of the proposed rule? Control and suppression of brucellosis
  - 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 \_\_\_\_\_ No x \_\_\_\_\_  
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 \_\_\_\_\_

5. Is this a new rule? Yes ☒ No ☐ If yes, please provide a brief summary explaining the rule. While this is a new rule, the language contained in the rule is not new. This rule is a combination of four other rules, which can be repealed upon adoption of this rule. See the attached summary for further explanation.

Does this repeal an existing rule? Yes ☒ No ☐ 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 ☐ 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."** While this is a new rule, the language contained in the rule is not new. This rule is a combination of four other rules, which can be repealed upon adoption of this rule. There are no substantive changes to the language that was contained on the four "old" rules. 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 and quarantine 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.)  
\_\_\_\_\_
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. Attached

13. Please provide proof of filing the rule with the Secretary of State as required pursuant to Ark. Code Ann. § 25-15-204(e). Attached
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. Unknown

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**RECEIVED**

OCT 07 2019

BUREAU OF  
LEGISLATIVE RESEARCH

**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:** wadde.hodge@agriculture.arkansas.gov

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** Brucellosis in 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 \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_  
  
Total \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
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 \_\_\_\_\_

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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 \_\_\_\_\_

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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  
agriculture.arkansas.gov  
(501) 225-1598



Wes Ward  
Secretary of Agriculture

## Summary of Proposed Adoption and Repeal of Rules Regarding Brucellosis in Cattle

### PURPOSE

The proposed rule combines four separate brucellosis rules into one rule, allowing for the repeal of four rules. The rule is promulgated by the Arkansas Livestock & Poultry Commission (Commission) as per the rules to be repealed.

RECEIVED

OCT 07 2019

### BACKGROUND

Brucellosis is a contagious disease found in cattle that can also affect humans. It can cause spontaneous abortions, infertility, decreased milk production, weight loss, and lameness. The Commission currently has four separate rules dealing with the disease, dating from the 1970's and 80's. Arkansas Department of Agriculture (Department) staff held multiple meetings with industry representatives and was able to combine all four rules into one rule. The Commission voted to repeal the four existing rules and go forward with promulgation of this combined rule on July 18, 2019.

### KEY POINTS

The proposed rule:

- Combines four separate rules
- Adds a "Definitions" section
- Removes or clarifies confusing or contradictory language
- Allows interested parties to find needed information in one document
- Will allow for the repeal of four rules

### DISCUSSION

The Commission currently has four separate brucellosis rules that will be repealed:

- 1) Management of Brucellosis and Adjacent Herds and On-Farm Calf-hood Vaccination (1969)
- 2) Exposed Brucellosis Cattle (1972)
- 3) Depopulation of Brucella Abortus Infected Cattle Herds (1988)
- 4) Vaccination of Brucellosis Infected Cattle Herds (1988)

The information in these rules deals with how to manage and control the spread of brucellosis. There is no need for separate rules, and in fact, having separate rules can lead to confusion. If someone reads one of the rules and complies with it, it may be reasonable for that individual to believe they have complied with everything they are supposed to do. Therefore, combining the rules is helpful to those subject to the rules, and helpful in assisting Department staff in carrying out their responsibilities. The existing rules are short, so combining them into one rule does not result in a rule that is cumbersome. No substantive changes were made relative to the requirements of the current rules.