

Minnesota Board of Animal Health

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Revisions of Minnesota Rule Chapter 1721 Amending the Rules Governing Poultry and Mycoplasma Requirements in Turkeys; Revisor's ID Number RD4533

Introduction. The Board of Animal Health (Board) intends to adopt rules without a public hearing following the procedures 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. The Board is extending its original comment period for this Notice of Intent due to email service issues, in order to ensure all parties affected by the proposed rules have been notified and given an opportunity to comment. 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 4:30 p.m. on August 21, 2019.

Agency Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the agency contact person. The agency contact person is: Dr. Shauna Voss at Minnesota Board of Animal Health, 622 Business Hwy 71 NE, P.O. Box 126, Willmar, MN 56201, 320-231-5170 (phone), 320-231-6071 (fax), shauna.voss@state.mn.us.

You may request a copy of the rules from the Agency Contact Person. You may also review the proposed rules and submit written comments via the Office of Administrative Hearings Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>.

Subject of Rules and Statutory Authority. The proposed rules address the requirements for *Mycoplasma gallisepticum* and *Mycoplasma synoviae* testing for turkey hatcheries and breeding flocks found under Minnesota Rules, Parts 1721.0270, 1721.0280, 1721.0290, 1721.0320, 1721.0344, 1721.0300, 1721.0310. The statutory authority to adopt the rules is *Minnesota Statutes*, section §§29.051, 35.03, 35.05, 35.245, 35.251. A copy of the proposed rules was published in the June 24, 2019, *State Register*.

- The current set of Board rules relating to Mycoplasma were promulgated and adopted in 2013. The Board sees a need to amend its current rules that relate to Mycoplasma testing requirements in turkeys because while the Mycoplasma requirements are critical to the commercial turkey industry, they are putting an unnecessary burden on small producers and hobbyists.
- As part of this rule change, the Board also provides a definition of commercial egg-type chicken, commercial meat-type chicken and commercial turkey.
- The proposed rules amendments would remove the Mycoplasma testing and hatching requirement for small, backyard Minnesota producers and hobbyists who have an interest in raising heritage or exhibition breeds of turkeys. The amendments would also apply to people outside of Minnesota who wish to import the same types of turkeys into Minnesota.

Comments. You have until 4:30 p.m. on Wednesday, August 21, 2019, 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 the agency contact person must receive it by the due date. The Board encourages comment. 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 have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Board hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on August 21, 2019. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the Board cannot count it when determining whether it must hold a public hearing. 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, the Board will hold a public hearing 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. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Board may modify the proposed rules 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 agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Board encourages you to participate in the rulemaking process.

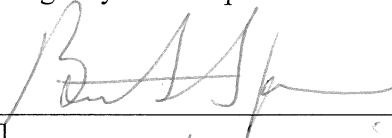
Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person and can also be found on the Board's website at: <https://www.bah.state.mn.us/public-rule-making/>. You may review it or obtain copies for the cost of reproduction by contacting the agency contact person.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the Board may adopt the rules after the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the Board submits the rules 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.

7-15-19

Date



[Name] [Title] Staff Veterinarian