

Minnesota Board of Animal Health

REQUEST FOR COMMENTS on Planned Amendments to Rules Governing Farmed Cervidae, *Minnesota Rules*, 1721.0370 to 1721.0420; Revisor's ID Number R-04649.

Subject of Rules. The Minnesota Board of Animal Health (Board) requests comments on its planned amendments to rules governing farmed Cervidae, Minnesota Rules chapters 1721.0370 to 1721.0420. The planned amendments to the farmed Cervidae rules are to incorporate changes made by the Minnesota legislature in 2019 to Minnesota Statute 35.155, which governs the requirements for possession and inspection of farmed Cervidae.

The Board is also considering additional amendments to Minnesota Rules chapters 1721.0370 to 1721.0420. The current rules were adopted by the Board in 2013; these rules have served the state and the industry well, but as the Board has implemented these rules it has recognized the rules could be improved through rulemaking in order to clarify ambiguities in current regulations, better help the agency prevent and control disease, allow the Board to more effectively address and respond to detections of Chronic Wasting Disease (CWD) positive farmed Cervids, and support compliance with state and federal requirements for farmed Cervidae. These possible amendments would, at a minimum, address the following objectives:

- Update, simplify, and clarify existing rules;
- Add or change definitions to improve clarity;
- Add or change language to align the rules with current and relevant scientific evidence related to transmission of CWD;
- Omit language that is inconsistent with federal guidelines for regulating farmed Cervidae;
- Add or change language to allow the Board to better respond to and manage animal disease events; and
- Additional objectives may be proposed or identified during the rulemaking process, or based on comments received, but only as time allows.

The Board will consider comments and suggestions for additional changes and corrections for any of the farmed Cervidae rules administered by the Board. Submitting your comments and information at this stage in the rule development process allows the Board to consider your ideas, information you provide, and issues you may raise early in this rulemaking process, and helps to ensure informed decision-making on our part. If this rulemaking affects you in any way, the Board encourages you to participate in the rulemaking process

The state rulemaking process requires agencies to consider the economic effect and also the cumulative impact of proposed amendments. With this Request, the Board is providing notice that it will be addressing economic and cumulative impact as part of this rulemaking and encouraging parties who may be interested or have information pertaining to the expected economic effect and the cumulative effect of this rule to provide that information to the Board, and to register with the Board to receive notice when rules are proposed. (Cumulative effect means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.)

Persons Affected. Amendments to these rules will affect farmed Cervidae producers in Minnesota who must meet requirements under Minn. R. 1721.0370 to 1721.0420; and may affect

members of the public and farmed Cervidae producers outside the state of Minnesota who conduct business with Minnesota farmed Cervidae producers; the Cervidae industry; representatives from other Minnesota livestock industries; the Minnesota hunting community; laboratories conducting CWD testing; and the general public.

Statutory Authority. *Minnesota Statutes*, section 35.03, requires the Board to adopt rules necessary to protect the health of the state's domestic animals; and *Minnesota Statutes*, section 35.155, requires the Board to adopt rules necessary to implement rules regarding farmed Cervidae and to otherwise provide for the control of diseases affecting Minnesota livestock.

Public Comment. Interested persons or groups may submit comments or information related to this rulemaking until **4:30 p.m. on September 14, 2020**. Submit written comments via the Office of Administrative Hearings (OAH) Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/>. All comments received are public and will be available for review at the Office of Administrative Hearings. The Board will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board will consider all comments in the development of the rule amendments. The Board plans to appoint an advisory committee to comment on the rule amendments.

Rules Drafts. The Board has not yet drafted the new rule language. The Board will prepare drafts that it will publish on its website and make available to the public upon request before formally proposing the rules. The rule amendments will at a minimum, however, include necessary changes based on the changes made by the legislature in 2019 to Minnesota Statute 35.155 regarding farmed Cervidae. Persons interested in being notified when a draft of the rules is available and other activities relating to this rulemaking are encouraged to register at <https://public.govdelivery.com/accounts/MNBAH/subscriber/new>. Information relevant to this rulemaking is located on the Board's rulemaking webpage: <https://www.bah.state.mn.us/public-rule-making/>

Agency Contact Person. The Board's contact person(s) for this rulemaking are:

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Requests for rule drafts and more information on these rule amendments may be directed to the agency contact persons above. Submit written comments and questions via the Office of

Administrative Hearings Rulemaking eComments website at:
<https://minnesotaoah.granicusideas.com/discussions>.

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(s) at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The Board is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Dated: June 23, 2020

Dr. Beth S. Thompson, Executive Director
Minnesota Board of Animal Health