

Minnesota Board of Animal Health

[PROPOSED] ORDER ADOPTING RULES

Adoption of Rules Governing Farmed Cervidae, Minnesota Rules, 1724.0420, Subpart 3; Revisor's ID Number R-04699

BACKGROUND INFORMATION

1. The Board of Animal Health (Board) has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.
2. According to Minnesota Statutes 35.155, subd. 13, the Board has the statutory authority to adopt these amended rules using the exempt rulemaking process.
3. The Office of Administrative Hearings received [#] written comment on the rules.
4. Based on the letter of support dated April 26, 2021, from Dr. Linda Glaser, Assistant Director of the Board of Animal Health and the Board's Farmed Cervidae Program Director, good cause exists for the Board to utilize the good cause exempt rulemaking process on the grounds that the formal rulemaking provisions of Chapter 14 are unnecessary, impracticable, or contrary to the public interest as the Board's amendment below to Minn. R. 1721.0420, Subp. 3, addresses a serious and immediate threat to the public health, safety, or welfare:
 - A. Amend Minnesota Rules, part 1721.0420, subpart 3, as follows by adding the underlined text and deleting the ~~stricken~~ text:

1721.0420 CHRONIC WASTING DISEASE (CWD).

Subp. 3. ~~Determining~~ Designating boundaries of CWD endemic areas in the state. ~~If the board determines that CWD is endemic in the state, all locations within ten miles of a confirmed case of CWD in wild Cervidae in the state must be designated as part of the endemic area. If CWD is confirmed in wild Cervidae, the board must designate a CWD endemic area in the state if, in the board's judgment, the area is necessary to prevent the spread of CWD to farmed Cervidae. The board must designate the boundary of the CWD endemic area by including all locations within 15 miles of a confirmed case of CWD in wild Cervidae. The board shall designate larger geographic areas of the state as part of a CWD endemic area if necessary to prevent the spread of CWD. Individual farmed Cervidae herds where animals are kept on premises within a designated CWD endemic area shall be excluded from and not considered to be a part of a CWD endemic area if one of the following conditions is met:~~

~~A. the herd has been maintained in such a way that commingling of farmed Cervidae and wild Cervidae has been prevented for a continuous~~

~~period of time that began no later than 180 days following the initial designation of the area as CWD endemic; or~~

~~B. the herd has been maintained in such a way that commingling of farmed Cervidae and wild Cervidae has been prevented for at least 36 consecutive months.~~

5. According to Minnesota Statutes, section 14.388, subdivision 1, clause (1), these changes incorporate specific changes that address a serious and immediate threat to the public health, safety, or welfare.

6. The rules are needed and reasonable.

ORDER

Rules of the Board of Animal Health governing Farmed Cervidae in the form set out in the Revisor's draft, file number RD-4699, dated April 20, 2021, are adopted under my authority in Minnesota Statutes, §§ 14.386 & 14.388.

Date

Dr. Beth Thompson
Executive Director and State Veterinarian
Board of Animal Health