

**ADOPTED REGULATION OF THE DIRECTOR OF THE
STATE DEPARTMENT OF AGRICULTURE**

LCB File No. R017-15

Effective December 21, 2016

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 561.295, 571.120, 571.150 and 571.170.

A REGULATION relating to cattle; revising the period within which a bull in an infected herd or exposed herd must receive the first of three official tests for trichomonosis; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing regulations set forth the requirements and procedures relating to testing for trichomonosis for bulls which are located in, or will be brought into, this State, including the procedures for observing, testing and placing under quarantine herds of cattle once a bull in the herd has tested positive for or has been exposed to trichomonosis. Under existing regulations, before the Director of the State Department of Agriculture releases a herd of cattle from quarantine, an accredited veterinarian must ensure that each test-eligible bull in an infected or exposed herd is tested for trichomonosis within 12 months after the herd is quarantined. (NAC 571.600-571.688) This regulation revises the period within which an accredited veterinarian must perform a test for trichomonosis on each such bull in an infected or exposed herd from 12 months to 8 months.

Section 1. NAC 571.656 is hereby amended to read as follows:

571.656 1. Before the Director releases an infected herd from a hold order, an accredited veterinarian must ensure that:

(a) Each test eligible bull in the infected herd receives the first of three official tests for trichomonosis within ~~12~~ 8 months after the herd is placed under the hold order;

(b) Each test eligible bull is certified to be clear of trichomonosis or is released to a slaughter channel;

(c) Each test eligible bull receives and bears an official tag; and

(d) The official tag number and classification of each test eligible bull is recorded on a test chart.

2. Before a test eligible bull may be certified to be clear of trichomonosis pursuant to subsection 1:

(a) The test eligible bull must have received a negative test result in each of its three most recent official tests for trichomonosis, with each such test being performed at least 7 days apart; and

(b) The sample for each test must have been collected at least 7 days apart and tested for trichomonosis.

3. Except as otherwise provided in subsection 4, the owner or lessee of an infected herd shall not lease or transfer ownership of any bull or cow, or any heifer that is 20 months of age or older, from the herd during a period in which the herd is under a hold order.

4. The owner or lessee of an infected herd may release any cattle from the herd to a slaughter channel. If an owner or lessee releases any cattle from the herd to a slaughter channel, the owner or lessee must provide documentation, on a form approved by the Administrator, to the Department that the cattle arrived at the slaughter channel.

Sec. 2. NAC 571.658 is hereby amended to read as follows:

571.658 1. If, through an epidemiological investigation, a trichomonosis epidemiologist determines that a neighboring herd has had contact with an infected bull, the Director will classify the herd as an exposed herd and place it under a hold order.

2. Before the Director releases an exposed herd from a hold order, an accredited veterinarian must ensure that:

- (a) Each test eligible bull in the exposed herd receives an official test for trichomonosis within ~~12~~ 8 months after the herd was placed under a hold order;
- (b) Each test eligible bull is determined to be clear of trichomonosis or is released to a slaughter channel;
- (c) Each test eligible bull receives and bears an official tag; and
- (d) The official tag number and classification of each test eligible bull is recorded on a test chart.

3. Before a test eligible bull may be certified to be clear of trichomonosis pursuant to subsection 2, the test eligible bull must have received a negative test result in its most recent official test for trichomonosis.

4. Except as otherwise provided in subsection 5, the owner or lessee of an exposed herd shall not lease or transfer ownership of any bull or cow, or any heifer that is 20 months of age or older, from the herd during a period in which the herd is under a hold order.

5. The owner or lessee of an exposed herd may release any cattle from the herd to a slaughter channel. If an owner or lessee releases any cattle from the herd to a slaughter channel, the owner or lessee must provide documentation, on a form approved by the Administrator, to the Department that the cattle arrived at the slaughter channel.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY NRS
233B.066
LCB FILE R017-15**

The following statement is submitted for adopted amendments to Nevada Administrative Code (NAC) Chapter 571.658 Exposed herd: Classification; placement under and release from hold order; lease and transfer of ownership; release to slaughter channel.

1. A clear and concise explanation of the need for the adopted regulation.

- The purpose of the proposed amendment to NAC 571.658 is to benefit Nevada Department of Agriculture staff and small businesses by adding additional regulation to prevent contamination and spread of trichomoniasis.

2. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary

- Copies of the proposed regulation were sent by U.S mail and emailed to person who was known to have interest in the subject of brand inspection boundaries as well as any persons who had specifically requested such notice. These documents were also made available at the Nevada Department of Agriculture website, <http://agri.nv.gov/>, mailed to all county libraries in Nevada and posted at the locations listed below.

Elko Brands Office
4780 E. Idaho Street
Elko Nevada, 89801

Las Vegas Office
2300 McLeod Street
Las Vegas Nevada, 89104

Reno/ Sparks Office
405 S. 21st Street
Sparks, Nevada 89431

- The Nevada Department of Agriculture's board was presented with the proposal to amend the proposed regulation where it was unanimously accepted to move forward with regulation change process.
- The amendment to the regulation was presented at numerous events where interested persons were in attendance and public comment was taken. Some of these events included: the Nevada Farm Bureau Annual Meeting, and the Nevada Cattlemen's Association.
- Surveys were distributed via U.S mail, email and social media outlets for interested persons to give feedback on the proposed amendment.
- A workshop was held June 10th, 2015 for interested persons to attend and review the impact on small business and make public comment.
- A public hearing was held on February 29th, 2016 where the intent to adopt the regulation as a permanent regulation was formally announced and discussed.

3. The number persons who:

- **Attended at each hearing:** January 15, 2015 - February 29th, 2016 : 0
- **Testified at each hearing:** January 15, 2015- February 29th, 2016 : 0
- **Submitted to the agency written comments:** No written comment was submitted.

4. A list of names and contact information, including telephone number, business address, business telephone number and electronic mail address and the name of entity or

organization represented for each person identified above in #3, as provided to the agency, is attached as Exhibit A.

****No attendees present**

- 5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**
 - Comments were solicited from affected business in the same manner as they were solicited from the public. The summary may be obtained as instructed in the response to question #1.
- 6. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**
 - The permanent regulation was adopted March 29th, 2016; no one proposed any changes.
- 7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**
 - There will be moderate economic impact to those businesses not currently complying with NAC 571.658 due to need to comply by testing for Trichomoniasis. The increased return on product due to less loss from disease will offset the cost of testing. In addition, those businesses that are currently complying with NAC 571.658 will see no additional costs and will see increased economic returns, again from a decrease in loss due to disease transmission from adjacent and undiagnosed herds.
 - The economic effects will be immediate and the economic returns will be long term. These regulations will continue long term.
- 8. The estimated cost to the agency for enforcement of the adopted regulation.**
 - There is no additional cost to the agency for enforcement of this regulation.
- 9. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**
 - There are no other state or government agency regulations that the proposed regulation duplicates.
- 10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**
 - There are no federal regulations that apply.
- 11. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**
 - This regulation does not provide a new fee or increase an existing fee.