

Dear Senators RICE, Den Hartog, Jordan, and
Representatives BOYLE, Dayley, Erpelding:

The Legislative Services Office, Research and Legislation, has received the enclosed rules of the
Idaho State Department of Agriculture:

IDAPA 02.08.01 - Sheep and Goat Rules of the Idaho Sheep and Goat Health Board - Proposed
Rule (Docket No. 02-0801-1701).

Pursuant to Section 67-454, Idaho Code, a meeting on the enclosed rules may be called by the
cochairmen or by two (2) or more members of the subcommittee giving oral or written notice to Research
and Legislation no later than fourteen (14) days after receipt of the rules' analysis from Legislative
Services. The final date to call a meeting on the enclosed rules is no later than 11/22/2017. If a meeting is
called, the subcommittee must hold the meeting within forty-two (42) days of receipt of the rules' analysis
from Legislative Services. The final date to hold a meeting on the enclosed rules is 12/21/2017.

The germane joint subcommittee may request a statement of economic impact with respect to a
proposed rule by notifying Research and Legislation. There is no time limit on requesting this statement,
and it may be requested whether or not a meeting on the proposed rule is called or after a meeting has
been held.

To notify Research and Legislation, call 334-4834, or send a written request to the address on the
memorandum attached below.



Eric Milstead
Director

Legislative Services Office

Idaho State Legislature

Serving Idaho's Citizen Legislature

MEMORANDUM

TO: Rules Review Subcommittee of the Senate Agricultural Affairs Committee and the House Agricultural Affairs Committee

FROM: Deputy Division Manager - Katharine Gerrity

DATE: November 02, 2017

SUBJECT: Idaho State Department of Agriculture

IDAPA 02.08.01 - Sheep and Goat Rules of the Idaho Sheep and Goat Health Board - Proposed Rule
(Docket No. 02-0801-1701)

The Idaho State Department of Agriculture submits notice of proposed rule at IDAPA 02.08.01 - Sheep and Goat Rules of the Idaho Sheep and Goat Health Board. According to the department, the rule is being proposed to require that all intact rams entering the state have a Brucella Ovis test. The department notes that the testing requirement will protect owners bringing rams into the state so they know they have healthy animals and that the rams will not transmit disease to other rams. The department adds that rams entering for exhibition only or from a certified Brucella Ovis free flock will be exempt.

Negotiated rulemaking was conducted. The rulemaking appears to be authorized pursuant to Sections 25-128 and 25-129, Idaho Code.

cc: Department of Agriculture
Brian J. Oakey

IDAPA 02 – IDAHO SHEEP AND GOAT HEALTH BOARD

02.08.01 – SHEEP AND GOAT RULES OF THE IDAHO SHEEP AND GOAT HEALTH BOARD

DOCKET NO. 02-0801-1701

NOTICE OF RULEMAKING – PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section 25-128, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than November 15, 2017.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This rule is to require that all intact rams entering the state of Idaho have a Brucella Ovis test. This protects the owners bringing them in so that they know they have a healthy ram and that it will not transmit Brucella Ovis to other rams. Rams entering for exhibition only or from a certified Brucella Ovis free flock will be exempt.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the August 2, 2017 Idaho Administrative Bulletin, [Vol. 17-8, pg 13](#).

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, the following is a brief synopsis of why the materials cited are being incorporated by reference into this rule:

The Code of Federal Regulations and the USDA Scrapie Flock Certification Program are federal regulations that help keep goats and sheep healthy. The Idaho Sheep and Goat Health Board supports these regulations and wishes for all Idaho sheep and goat owners to abide by all federal and state laws.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Brandy Kay, (208) 334-3115.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before November 22, 2017.

DATED this 5th day of October, 2017.

Brandy Kay, Executive Secretary
Idaho Sheep and Goat Health Board
802 W. Bannock Street, Ste. 205
P.O. Box 2596, Boise, ID 83701
Phone: (208) 334-3115
Fax: (208) 336-9447
Brandy.Kay@ISDA.idaho.gov

THE FOLLOWING IS THE PROPOSED TEXT OF DOCKET NO. 02-0801-1701
(Only Those Sections With Amendments Are Shown.)

004. INCORPORATION BY REFERENCE.

Copies of the following documents may be obtained from the Idaho State Department of Agriculture Division of Animal Industries and the State Law Library. IDAPA 02.08.01 incorporates by reference: (3-20-04)

- 01.** The Code of Federal Regulations Title 9, Parts 54.1, 54.2, 54.8, 54.9, 54.10, 54.11, 54.20, 54.21, 54.22 and 79, January 1, ~~2002~~ 2015. (~~3-20-04~~)()
- 02.** The Voluntary Scrapie Flock Certification Program Standards, USDA, ~~July 1, 1999~~ June 2013. (~~3-20-04~~)()
- 03.** The Code of Federal Regulations, Title 9, Part 161, January 1, ~~2002~~ 2009. (~~3-20-04~~)()

(BREAK IN CONTINUITY OF SECTIONS)

100. SHEEP AND GOAT STATE ENTRANCE REQUIREMENTS.

01. Entrance Requirements. All breeding sheep and goat stock entering the state of Idaho except as provided in Sections 103, 105, and 107 of these rules shall be accompanied by a permit issued by the Board together with a certificate of veterinary inspection certifying that such sheep or goats are free from scrapie, scabies, foot rot, brucella or symptoms of any communicable disease and are not known to have been exposed to scrapie for at least seventy-two (72) months prior to the date of inspection, scabies for a period of at least six (6) months immediately prior to date of inspection and are not known to have been exposed to any communicable disease for at least thirty (30) days immediately prior to date of inspection. All breeding sheep and goats with the exception of low-risk commercial goats imported into the state of Idaho shall be individually identified with an official premises/flock identification number, or legible tattoo or other form of individual identification approved by the Board. The premises/flock identification number shall be listed on the certificate of veterinary inspection. The original or true copy of the permit and certificate of veterinary inspection required by this rule shall be attached to the waybill covering such shipments. No sheep shall be shipped, trailed, or in any manner moved into the state of Idaho for any purpose if they originate in a state or area where sheep scabies is known to exist until the Board has been notified by the APHIS that such state or area where sheep scabies is known to exist has been classified by the APHIS as a sheep scabies eradication area. (~~3-20-04~~)()

02. Brucella Ovis. Intact male sheep six (6) months of age or older shall test negative for Brucella Ovis within thirty (30) days prior to entry. Rams entering for exhibition only and returning to the state of origin are exempt from testing. Rams imported from a state certified Brucella ovis free flock are also exempt. ()

(BREAK IN CONTINUITY OF SECTIONS)

200. SCRAPIE PROGRAM STANDARDS, SCRAPIE FLOCK CERTIFICATION, SCRAPIE CONTROL AND ERADICATION.

The Board adopts the provisions of the Voluntary Scrapie Flock Certification Program Standards, which were effective ~~July 1, 1999~~ June 2013, and 9 CFR, Parts 54.1, 54.2, 54.8, 54.9, 54.10, 54.11, 54.20, 54.21, 54.22 and 79, January 1, ~~2002~~ 2015, as the minimum standards for the scrapie certification program in Idaho. (~~3-20-04~~)()

INCORPORATION BY REFERENCE SYNOPSIS

In compliance with Section 67-5223(4), Idaho Code, the following is a synopsis of the differences between the materials previously incorporated by reference in this rule that are currently of full force and effect and newly revised or amended versions of these same materials that are being proposed for incorporation by reference under this rulemaking.

The following agency of the state of Idaho has prepared this synopsis as part of the proposed rulemaking for the chapter cited here under the docket number specified:

IDAHO SHEEP AND GOAT HEALTH BOARD
IDAPA 02.08.01 - Rules Governing The Idaho Sheep and Goat Health Board
Proposed Rulemaking - Docket No. 02-0801-1701

Scrapie Program Standards Volume 2: Scrapie Free Flock Certification Program (SFCP) June 2013:

This version of the SFCP standards replaces the June 30, 2007 version. In fiscal year (FY) 2013, APHSI revised the SFCP to meet challenges confronting the National Scrapie Eradication Program (NSEP), including the need to increase animal sampling at the flock level to find the last remaining classical scrapie cases in the United States.

This revised SFCP eliminates the Complete Monitored Category. Flock owners in this category who wish to remain in the SFCP can convert to the Export Category or the Select Category.

Scrapie Program Standards Volume 2: Scrapie Free Flock Certification Program (SFCP) May 2016:

This version of the SFCP standards replaces the June 2013 version. In FY 2013, APHSI revised the SFCP to increase animal sampling at the flock level to find the last remaining classical scrapie cases in the United States. The Complete Monitored category was removed from the program, and participants were given the option to convert to either the Export or Select category.

CFR Changes

2003- We are amending regulations in title 7, chapter III, and title 9, chapter I, to reflect the enactment of the Animal Health Protection Act (Pub. L. 107–171, 116 Stat. 494, 7 U.S.C. 8301 et seq.) in our lists of legal authorities. We are also removing or revising citations and references to animal health statutes that were repealed by the Animal Health Protection Act. In addition, we are updating the authority citations throughout our regulations in titles 7 and 9, where appropriate, to remove duplicative or outdated citations and are making other nonsubstantive editorial changes in the regulations for the sake of clarity.

2009- DEPARTMENT OF AGRICULTURE Animal and Plant Health Inspection Service
9 CFR Parts 149, 160, 161, and 162 [Docket No. APHIS-2006-0093] RIN 0579-AC04
National Veterinary Accreditation Program
AGENCY: Animal and Plant Health Inspection Service, USDA.
ACTION: Final rule.

SUMMARY: We are amending the regulations regarding the National Veterinary Accreditation Program to establish two accreditation categories in place of the former single category, to add requirements for supplemental training and renewal of accreditation, and to offer program certifications. We are making these changes in order to support the Agency's animal health safeguarding initiatives, to involve accredited veterinarians in integrated surveillance activities, and to make the provisions governing our National Veterinary Accreditation Program more uniform and consistent. These changes will increase the level of training and skill of accredited veterinarians in the areas of disease prevention and preparedness for animal health emergencies in the United States.

2015- This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

Proposed Rules Federal Register 70718 Vol. 80, No. 220
Monday, November 16, 2015
DEPARTMENT OF AGRICULTURE
Animal and Plant Health Inspection Service
9 CFR Parts 54 and 79 [Docket No. APHIS-2007-0127]
Scrapie in Sheep and Goats
AGENCY: Animal and Plant Health Inspection Service, USDA.
ACTION: Proposed rule; reopening of comment period.

SUMMARY: We are reopening the comment period for our proposed rule that would revise completely the scrapie regulations, which concern the risk groups and categories established for individual animals and for flocks, the use of genetic testing as a means of assigning risk levels to animals, movement restrictions for animals found to be genetically less susceptible or resistant to scrapie, and recordkeeping requirements. This action will allow interested persons additional time to prepare and submit comments.

2015- Animal and Plant Health Inspection Service
9 CFR Parts 54 and 79 [Docket No. APHIS-2007-0127] RIN 0579-AC92
Scrapie in Sheep and Goats
AGENCY: Animal and Plant Health Inspection Service, USDA.
ACTION: Proposed rule.

SUMMARY: We are proposing to amend the scrapie regulations by changing the risk groups and categories established for individual animals and for flocks, increasing the use of genetic testing as a means of assigning risk levels to animals, reducing movement restrictions for animals found to be genetically less susceptible or resistant to scrapie, and simplifying, reducing, or removing certain recordkeeping requirements. We also propose to provide designated scrapie epidemiologists with more alternatives and flexibility when testing animals in order to determine flock designations under the regulations. We propose to change the definition of high-risk animal, which will change the types of animals eligible for indemnity, and to pay higher indemnity for certain pregnant ewes and early maturing ewes. The proposed changes would also make the identification and recordkeeping requirements for goat owners consistent with those for sheep owners. These changes would affect sheep and goat producers, persons who handle sheep and goats in interstate commerce, and State governments.