

Dear Senators GUTHRIE, Den Hartog, Jordan, and
Representatives BOYLE, Troy, Erpelding:

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

IDAPA 02.08.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking
(Docket No. 02-0801-1900F) - Rules of the Idaho Sheep and Goat Health Board.

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 07/23/2019. 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 08/20/2019.

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 334-4854, 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: July 02, 2019

SUBJECT: Department of Agriculture

IDAPA 02.08.01 - Notice of Omnibus Rulemaking - Temporary and Proposed Fee Rulemaking (Docket No. 02-0801-1900F) - Rules of the Idaho Sheep and Goat Health Board

The Idaho State Department of Agriculture submits notice of temporary and proposed rules at 02.08.01 - Rules of the Idaho Sheep and Goat Health Board. The rulemaking adopts and re-publishes existing and previously approved chapters. There are minor, nonsubstantive revisions in the nature of clean-up. This is a fee rule. The fees or charges reauthorized in the rulemaking are currently existing.

These rules were previously analyzed and reviewed by the Legislative Services Office upon their initial promulgation. Rulemaking is authorized by section 25-129, Idaho Code.

cc: Department of Agriculture
Brian Oakey
Idaho Sheep and Goat Health Board
John Peterson

***** PLEASE NOTE *****

Per the Idaho Constitution, all administrative rules may be reviewed by the Legislature during the next legislative session. The Legislature has 3 options with this rulemaking docket: **1)** Approve the docket in its entirety; **2)** Reject the docket in its entirety; or **3)** Reject the docket in part.

IDAPA 02.08 – IDAHO SHEEP AND GOAT HEALTH BOARD

DOCKET NO. 02-0801-1900F

NOTICE OF OMNIBUS RULEMAKING – TEMPORARY AND PROPOSED FEE RULEMAKING

EFFECTIVE DATE: The effective date of the temporary rule listed in the descriptive summary of this notice is June 30, 2019.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted temporary rules, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section 25-129(1), Idaho Code.

PUBLIC HEARING SCHEDULE: Oral comment concerning this rulemaking will be scheduled in accordance with Section 67-5222, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

This temporary and proposed rulemaking adopts and re-publishes the following existing and previously approved and codified chapters under IDAPA 02, rules of the Idaho Sheep and Goat Health Board.

IDAPA 02

- 02.08.01, *Sheep and Goat Rules of the Idaho Sheep and Goat Health Board*

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1) and 67-5226(2), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

These temporary rules are necessary to protect the public health, safety, and welfare of the citizens of Idaho and confer a benefit on its citizens. These previously approved and codified rules implement the duly enacted laws of the state of Idaho, provide citizens with the detailed rules and standards for complying with those laws, and assist in the orderly execution and enforcement of those laws. The expiration of these rules without due consideration and processes would undermine the public health, safety and welfare of the citizens of Idaho and deprive them of the benefit intended by these rules. These temporary rules are necessary to prevent, control and eradicate scrapie, tuberculosis, brucellosis and other diseases in sheep and goats imported into Idaho and shipped interstate.

The fee or charge imposed by the rules is necessary to avoid immediate danger. The fees or charges reauthorized in this rulemaking are currently existing and have been previously promulgated by the agency and reviewed and approved by the Legislature. These fees and charges are part of the dedicated fund portion of the state budget, which makes up a material portion of the FY2020 budget. The FY2020 budget has already been set by the Legislature and passed into law. That budget relies upon the existence of these fees and charges to meet the state's obligations and provide necessary state services. Failing to reauthorize these fee rules would create immediate danger to the state budget, immediate danger to necessary state functions and services, and immediate danger of a violation of Idaho's constitutional requirement that it balance its budget. The fees imposed by IDAPA 02.08.01 Sheep and Goat Rules of the Idaho Sheep and Goat Health Board fund the Board's permitting, inspection, disease control, and indemnity activities as established in Sections 25-126 through 25-160, Idaho Code.

FEE SUMMARY: The preceding section and the attached rules provide a specific description of the fee or charge imposed or increased by this rulemaking. This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously approved and codified in the prior rules. IDAPA 02.08.01 Sheep and Goat Rules of the Idaho Sheep and Goat Health Board impose fees of the owner of sheep of eight cents (\$.08) per pound on all wool, and on goat producers at the time of sale of eighty cents (\$.80) per goat sold.

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: This rulemaking is not anticipated to have any fiscal impact on the state general fund because the FY2020 budget has already been set by the Legislature, and approved by the Governor, anticipating the existence of the rules and fees being reauthorized by this rulemaking.

NEGOTIATED RULEMAKING: Pursuant to Section 67-5220(2), Idaho Code, negotiated rulemaking was not feasible because of the need to adopt the rules as temporary, and because these existing chapters of IDAPA are being re-published and re-authorized. Negotiated rulemaking also is not feasible because of the need to implement these rules before they expire; the rules form the regulatory framework of the laws of this state and have been previously promulgated and reviewed by the legislature pursuant to the Idaho Administrative Procedures Act, Chapter 52, Title 67, Idaho Code; and because engaging in negotiated rulemaking for all previously existing rules will inhibit the agency from carrying out its ability to serve the citizens of Idaho and to protect their health, safety, and welfare.

INCORPORATION BY REFERENCE: Pursuant to Section 67-5229(2)(a), Idaho Code, incorporated material may be obtained or electronically accessed as provided in the text of the temporary and proposed rules attached hereto.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact John Peterson, Chairman, (208) 365-1868.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered within twenty-one (21) days after publication of this Notice in the Idaho Administrative Bulletin. Oral presentation of comments may be requested pursuant to Section 67-5222(2), Idaho Code, and must be delivered to the undersigned within fourteen (14) days of the date of publication of this Notice in the Idaho Administrative Bulletin.

Dated this 3rd day of May, 2019.

John Peterson
Chairman
Idaho Sheep and Goat Health Board
2270 Old Penitentiary Road
P.O. Box 7249
Boise, Idaho 83707
(208) 365-1868

**IDAPA 02
TITLE 08
CHAPTER 01**

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

000. LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Section 25-129(1), Idaho Code. (5-20-94)

001. TITLE AND SCOPE.

01. Title. The title of this chapter is the “Sheep and Goat Rules of the Idaho Sheep and Goat Health Board.” (3-20-04)

02. Scope. These rules govern procedures for the prevention, control and eradication of diseases among sheep and goats, the interstate and intrastate movement of sheep and goats and the assessment of fees on sheep and goats to provide resources to carry out these functions. (3-20-04)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (5-20-94)

003. ADMINISTRATIVE APPEAL.

There is no provision for administrative appeals before the Board under this chapter. Hearing and appeal rights are set forth in Title 67, Chapter 52, Idaho Code. (3-19-99)

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, 2015. (3-28-18)

02. The Voluntary Scrapie Flock Certification Program Standards, USDA, June 2013. (3-28-18)

03. The Code of Federal Regulations, Title 9, Part 161, January 1, 2009. (3-28-18)

005. ADDRESS – OFFICE HOURS – TELEPHONE NUMBER.

01. Physical Address. The central office of the Idaho Sheep and Goat Health Board is located at 112 E. 6th St., Emmett, ID 83617. (3-20-04)

02. Office Hours. Office hours are 9 a.m. to 5 p.m., Mountain Time, Monday through Friday, except holidays designated by the state of Idaho. (3-20-04)

03. Mailing Address. The mailing address for the Idaho Sheep and Goat Health Board is Idaho Sheep and Goat Health Board, P.O. Box 825, Emmett, ID 83617. (3-20-04)

04. Telephone Number. The telephone number of the Idaho Sheep and Goat Health Board is (208) 803-5084. (3-20-04)

006. IDAHO PUBLIC RECORDS ACT.

These rules are public records available for inspection and copying at the Idaho Sheep and Goat Health Board, the Idaho State Department of Agriculture and the State Law Library. (3-20-04)

007. -- 009. (RESERVED)

010. DEFINITIONS.

- 01. Accredited Veterinarian.** A veterinarian approved by the Administrator and USDA/APHIS/VS in accordance with provisions of Title 9, Part 161, Code of Federal Regulations to perform functions of State-Federal animal disease control programs. (3-20-04)
- 02. Administrator.** The administrator of the Division of Animal Industries, Idaho State Department of Agriculture or his designee. (3-20-04)
- 03. Animals.** All vertebrates, except humans. (3-20-04)
- 04. Authorized Federal Inspector.** An employee of USDA authorized by the Board to perform the functions of the Idaho Sheep and Goat Health Board. (3-20-04)
- 05. Authorized State Inspector.** An employee of the state of Idaho authorized by the Board to perform the functions of the Idaho Sheep and Goat Health Board. (3-20-04)
- 06. Board.** The Idaho Sheep and Goat Health Board or its designee. (4-6-15)
- 07. Breeding Stock.** Intact male or female sheep or goats of any age. (3-20-04)
- 08. Brucellosis.** An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. (3-20-04)
- 09. *Brucella Ovis* Test Positive.** An animal that tests in the positive range on an approved *Brucella ovis* ELISA test. (3-20-04)
- 10. *Brucella Ovis* Test Suspect.** An animal that tests in the suspect range on an approved *Brucella ovis* ELISA test. (3-20-04)
- 11. *Brucella Ovis* Test Negative.** An animal that tests in the negative range on an approved *Brucella ovis* ELISA test. (3-20-04)
- 12. Certificate.** An official certificate of veterinary inspection or other approved certificate issued by an accredited veterinarian, state or federal animal health official, or other approved official at the point of origin of the shipment of animal(s) being imported. (3-20-04)
- 13. Commercial Low-Risk Goats.** Intact or castrated goats, raised for fiber or meat, that are not registered or exhibited, that are not scrapie positive, suspect, high risk, or exposed animals and that have not been exposed to sheep or are not from a state that has scrapie in goats. (3-20-04)
- 14. Contemporary Lambing Group.** The time from the first birth to sixty (60) days post birthing of the entire group in a given lambing season. (3-20-04)
- 15. Department.** The Idaho State Department of Agriculture. (3-20-04)
- 16. Division of Animal Industries.** Idaho State Department of Agriculture, Division of Animal Industries. (3-20-04)
- 17. Exposed.** Animals that have had direct contact with other animals, herds, or materials that have been determined to be infected with or affected by any infectious, contagious, or communicable disease. (3-20-04)
- 18. Federal Animal Health Official.** An employee of USDA/APHIS/VS who has been authorized to perform animal health activities. (3-20-04)
- 19. Flock.** Flock or flocks are interchangeable with the terms herd or herds and denote a group of one (1) or more animals that are fed, housed and birthed together on the same premises, or animals maintained in separate geographic areas that have interchange at or around the time of birth. Changes in ownership of a flock do not change the identity of the flock or the regulatory requirements applicable to the flock. (3-20-04)

20. Flock Plan. A written flock management agreement signed by the owner, his accredited veterinarian if there is one, a representative of the Division of Animal Industries, and an APHIS representative in which each signatory agrees to undertake action specified in the Flock Plan to eradicate or control scrapie as defined in 9 CFR Part 54.8 a-f. Goats exposed to scrapie will be subjected to the same rules as sheep. (3-20-04)

21. Goats Requiring Premises/Flock Identification Number. Sexually intact goats or goats that have resided on the same premises as sheep or any other goats not defined in Subsection 010.13. (3-20-04)

22. Idaho Premises/Flock Identification Number. A unique identification number or alphanumeric designation approved by APHIS, and assigned by the Board to each premises/flock of breeding sheep or goats, as defined in Subsection 010.21, in the state of Idaho. (3-20-04)

23. Low Risk Commercial Sheep. Commercial whiteface, whitefaced cross, or commercial hair sheep from a flock with no known risk factors for scrapie, including any exposure to female blackfaced sheep, that are identified with a permanent brand or ear notch pattern registered with an official brand registry and that are not scrapie-positive, suspect, high-risk, or exposed animals and are not animals from an infected, source, or exposed flock. (3-20-04)

24. Negative. Animals are classified as negative when they have been subjected to official tests for a disease, and the tests performed have failed to disclose evidence of the disease. (3-20-04)

25. Official Individual Identification. The unique identification of individual animals with an alpha numeric number applied as a tag, a legible tattoo, electronic device, or any other device approved by APHIS. The Idaho Premises/Flock Identification number can serve as the official individual identification number if it contains a unique individual animal number in addition to the Idaho premises/flock identification number. (3-20-04)

26. Post Exposure Monitoring and Management Plan. A monitoring plan which includes a written agreement signed by the owner of the flock and a representative of the Division of Animal Industries and an APHIS representative in which each participant agrees to undertake actions specified in the agreement to monitor for the occurrence of scrapie in the flock for at least five (5) years after an approved Flock Plan has been completed. The PEMMP requires at least once a year flock inspections and prompt reporting of any animal over fourteen (14) months of age which dies in the flock so that some of these animals can be selected and submitted for scrapie testing. The Plan also includes the requirements outlined in 9 CFR Part 54.8. Owners may request to join the Scrapie Flock Certification Program after two (2) years of participation in the PEMMP. (3-20-04)

27. Premises. The ground, area, buildings and equipment utilized to raise, propagate or control sheep and goats. (3-20-04)

28. Quarantine. A written order, executed by the Board or the Administrator, to confine or hold animals on a premises or any other location, where found, and prevent movement of animals from a premises or any other location. (3-20-04)

29. Scrapie. A transmissible spongiform encephalopathy that is a nonfebrile, transmissible, insidious, degenerative disease affecting the central nervous system of sheep and goats. (3-19-99)

30. Scrapie Exposed Animal. Any animal which has been in the same flock at the same time within the previous seventy-two (72) months as a scrapie positive female animal excluding limited contacts. Limited contacts are contacts between animals that occur off the premises of the flock and do not occur during or within sixty (60) days after parturition for any of the animals involved. (3-20-04)

31. Scrapie Flock Certification Program. A cooperative Federal-State-Industry voluntary program for reducing the incidence and controlling the spread of scrapie through flock certification. (3-20-04)

32. Scrapie High Risk Animal. An animal determined by epidemiologic investigation to face a high risk of developing clinical scrapie because the animal was: (3-20-04)

- a. Progeny of a scrapie-positive dam; (3-20-04)
 - b. Born in the same contemporary lambing group as a scrapie-positive animal, or (3-20-04)
 - c. During any subsequent lambing season if born before the flock completes the requirements of a flock plan; or (3-20-04)
 - d. Born in the same contemporary lambing group as progeny of a scrapie-positive dam or any QQ, at codon 171, sheep present in the lambing facility/area where a scrapie-positive animal was born during the contemporary birth of a scrapie-positive animal. (3-20-04)
 - e. Animals that fit the criteria for high risk animals which are determined by genetic testing to be QR or RR at the 171 codon, or are determined by other recognized testing procedures to pose no risk, may be exempted as high risk animals by the Board, upon the recommendation of the State Scrapie Certification Board, based upon evidence from the latest research information available. (3-20-04)
- 33. Scrapie Infected Flock.** Any flock in which a scrapie-positive animal has been born, birthed or aborted. A flock will no longer be considered infected after an approved Flock Plan has been completed. (3-20-04)
- 34. Scrapie-Positive Animal.** An animal for which a diagnosis of scrapie has been made by the National Veterinary Services Laboratories, or another laboratory authorized by state or federal officials to conduct scrapie tests approved for scrapie diagnosis by APHIS or the Administrator. (3-20-04)
- 35. Scrapie Source Flock.** A flock in which an animal was born and subsequently diagnosed as scrapie-positive at less than seventy-two (72) months of age. The flock will no longer be considered a source flock after the requirements of an approved Flock Plan have been completed. A trace to a flock must meet the following criteria to designate the flock as a source flock: The scrapie-positive animal must: (3-20-04)
- a. Be identified with a Premises/Flock Identification Number, or on an official eartag, electronic device, ear tattoo, or flank tattoo which is correlated to the Premises/Flock Identification number on flock records; or (3-20-04)
 - b. Be identified with a genetic heredity test or nose print; or (3-20-04)
 - c. Possess the original registry eartag or individual identification ear tag along with the movement, production, or registry records indicating birth in the source flock; or (3-20-04)
 - d. Be traced to the flock by a veterinary epidemiologist through a thorough epidemiological investigation of records and all other available evidence. (3-19-99)
- 36. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication programs. (3-20-04)
- 37. State Scrapie Certification Board.** The State Scrapie Certification Board will consist of APHIS-AVIC, the State animal health official, animal producers and accredited veterinarians. Animal producers and accredited veterinarians will be appointed by the AVIC and the State animal health official. (3-20-04)
- 38. Terminal Feedlot.** As defined in Title 9 CFR, Parts 54 and 79. (3-20-04)
- 39. Trace.** All actions required to identify the flock of origin or destination of an animal. (3-20-04)
- 011. ABBREVIATIONS.**
- 01. APHIS.** Animal Plant Health Inspection Service. (3-20-04)
 - 02. AVIC.** Area Veterinarian in Charge. (3-20-04)

- 03. CFR. Code of Federal Regulations. (3-20-04)
- 04. PEMMP. Post Exposure Monitoring and Management Plan. (3-20-04)
- 05. USDA. United States Department of Agriculture. (3-20-04)
- 06. VS. Veterinary Services. (3-20-04)

012. APPLICABILITY.

These rules apply to all domestic sheep and goats located in, imported into, exported from, or transported through the state of Idaho. (3-20-04)

013. ADDITIONAL IMPORT REQUIREMENTS.

The Board may impose additional or more restrictive import requirements than the requirements in this chapter by issuing a written order stating the additional requirements and the reasons for the requirements. (3-20-04)

014. -- 099. (RESERVED)

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. (3-28-18)

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. (3-28-18)

101. PERMITS.

01. Request for Permits. Request for the permits required under Section 100 shall be in writing, by telephone or facsimile and shall set forth the name and address of the owner of the animals offered for movement into the state of Idaho, the number and class of sheep and goats to be brought in, the destination, the name and address of the consignee, and the approximate date and place of entry. A copy of the permit, or permit number written on the face of the waybill or certificate of veterinary inspection accompanying movement, shall be shown to a representative of the Board or any law enforcement officer of the state, county, or municipality of the state of Idaho upon request. (3-20-04)

02. Certificates of Veterinary Inspection to Be Furnished. Copies of the certificates of veterinary inspection from the point of origin shall accompany the shipment and shall include a copy of the permit or the permit number written on the face of the certificate of veterinary inspection and shall be shown to a representative of the Board or any law enforcement officer of the state, county, or municipality of the state of Idaho upon request, and a copy forwarded to the Idaho Department of Agriculture, Division of Animal Industries, c/o Idaho Sheep and Goat Health Board, P.O. Box 7249, Boise, Idaho 83707, immediately after issuance for sheep and goats entering the state of Idaho. (4-6-15)

03. Inspection Fees. An inspection fee of one hundred dollars (\$100) per incidence, plus mileage, shall be paid on all sheep and goats exported from or imported into Idaho in violation of these rules. Such incidences require an inspection of animals, certificates of veterinary inspection and permit. (3-20-04)

04. Examination and Treatment Fees. The Board may assess a fee on sheep and goat producers who receive services from the Board or its representatives, such as examination and treatment of animals for diseases or parasites. The fees assessed shall not exceed the actual costs for the services rendered. (3-19-99)

102. SCABIES.

All sheep and goats, including rams and bucks, entering Idaho and which have originated in an area or areas in which scabies is known to exist within the past six (6) months shall be treated with a product approved by the APHIS under the supervision of an authorized state or federal inspector or accredited veterinarian. At the time of shipment, such sheep or goats shall be accompanied by a permit from the Board and a certificate of veterinary inspection from the state of origin and also a treatment certificate showing that such sheep or goats have been treated at point of origin as herein required. Any and all shipments of sheep and goats entering Idaho, and which have originated in states where scabies is known to exist, shall be subject to a thirty (30) to sixty (60) day quarantine and inspection at the time of arrival at destination, and a second inspection at the time of quarantine release, or as often as it may be deemed necessary by the Board. (3-20-04)

103. ANIMALS IN TRANSIT.

Sheep and goats in course of transit through the state of Idaho, in trucks, or other vehicles from a point outside the state of Idaho to another state or country, are not to be unloaded in Idaho except in pens designated by APHIS for purpose of feed, water and rest for a period of time not to exceed ten (10) days, need not comply with Section 100, provided waybills or other documents accompanying the sheep or goats show origin and destination of such sheep and goats. Failure to have such waybills or other documents with the sheep or goats shall constitute a violation of these rules. The Board, however, may prohibit the transportation of any sheep or goats through the state it feels represents a threat to the general health and welfare of the Idaho sheep industry. (3-20-04)

104. DAIRY GOATS.

All dairy type goats, including bucks, entering the state of Idaho shall be accompanied by a permit issued by the Board, together with a certificate of veterinary inspection issued at point of origin by an authorized veterinarian. All dairy type goats, including bucks, aged six (6) months or older shall have been tested negative for *Brucella melitensis* within thirty (30) days of the date of entry into the state of Idaho. The negative test chart shall be signed by the person in charge of the laboratory where the test was made and approved by the state animal health official of the state of origin and attached to the certificate of veterinary inspection. Goats entering Idaho on a short term temporary basis for show or other temporary purposes may be exempted from having a negative test for *Brucella melitensis* completed, with permission from the Board. (4-6-15)

105. IMPORTATION OF SCRAPIE EXPOSED, SUSPECT AND HIGH RISK ANIMALS.

Sheep and goats that are scrapie suspect, exposed, or high risk animals or from scrapie infected, source, or exposed flocks, as defined Title 9, Parts 54.1 and 79.1, Code of Federal Regulations, shall not be allowed entry into Idaho except as follows: (3-20-04)

01. Valid Permit. Scrapie suspect, exposed or high risk animals and animals from infected, source or exposed flocks may be imported directly to scrapie research facilities, or to approved slaughter establishments for immediate slaughter, or other destinations approved by the Administrator, if accompanied by a permit issued by the Board or its representative; and (3-20-04)

02. Officially Identified. The animals are individually identified by official identification tattoos, tags, or devices on a VS 1-27 or other approved movement document. (3-20-04)

106. IDAHO ORIGIN SHEEP INTERSTATE GRAZING PERMIT.

Idaho origin, low-risk commercial sheep breeding stock with no history of scrapie exposure returning to Idaho from seasonal grazing in other states may return to Idaho without a certificate of veterinary inspection if they are accompanied by an Idaho Origin Sheep Interstate Grazing Permit and a waybill. The Idaho Origin Sheep Interstate Grazing Permit is to be obtained from the Board. (3-20-04)

107. INTERSTATE SHIPMENTS.

01. Waybill Requirement. All sheep and goats leaving the state of Idaho by any common carrier, by railroad, truck, private conveyance, or any kind of transportation shall be accompanied by a waybill, stating the owner's name and indicating destination of sheep or goats, or shall be accompanied by a certificate of veterinary inspection issued by an inspector appointed by the Board or a representative of the APHIS or accredited veterinarian; said certificates of veterinary inspection to be dated not more than thirty (30) days prior to date of movement, and shall comply with the rules for the state of destination. (4-6-15)

02. Waybill Violation. Failure to have such waybills or other documents accompanying the sheep or goats shall constitute a violation of these rules and shall be punishable as provided in Section 900. (3-20-04)

03. Carriers. No common or contract carrier or owner or caretaker shall unload any breeding sheep, breeding goats, or dairy goats within the state of Idaho from other states or country, other than as provided in Sections 103, 105, 106, and 107, of these rules, unless such shipments be accompanied by an Idaho Origin Sheep Interstate Grazing Permit issued by the Board or other permit issued by the Board, and the official certificate as provided herein. The original or true copy of each certificate with permit shall be attached to the waybill covering such shipments or be in possession of the owner or caretaker of shipment. (4-6-15)

04. Who May Inspect. Authorized state or federal inspectors and accredited veterinarians may inspect sheep and goats. (3-20-04)

108. -- 199. (RESERVED)

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 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, 2015, as the minimum standards for the scrapie certification program in Idaho. (3-28-18)

201. IDENTIFICATION OF BREEDING SHEEP.

01. Assignment of APHIS Approved Idaho Premises/Flock Identification Numbers. The Board or its designee shall assign APHIS-approved Idaho premises/flock identification numbers with unique individual animal identification numbers to Idaho sheep and goat flocks/herds. (3-20-04)

02. Responsibility for Identification. Owners and possessors of breeding sheep and goats shall bear the cost and responsibility of obtaining the identification devices and placing the device in or on the animal. (3-20-04)

03. Time of Identification. All owners or possessors of breeding sheep and goats in Idaho shall identify all breeding stock in the flock of any age with a premises/flock identification number before transfer of ownership or possession, show, sale, or other movement unless the animals are under eighteen (18) months of age and are in slaughter channels. (3-20-04)

04. Importation Identification. Breeding sheep or goats imported into the state shall be identified with a premises/flock identification number before entry into the state. (3-20-04)

05. Loss of Identification. Breeding sheep or goats sold within the state shall retain the original premises/flock identification number. In the event an animal loses a premises/flock identification device, the owner of the animal shall re-identify the animal with his or her flock identification number and shall maintain records to document the original and new flock identification numbers. (3-20-04)

06. Acceptable Identification. Acceptable devices for application of the premises/flock identification number to breeding sheep and goats shall include: APHIS-approved ear tags bearing the premises/flock identification number, legible tattoos bearing the premises/flock identification number, approved Scrapie Flock Certification

Program identification devices, except electronic identification, and other identification devices approved by APHIS except electronic identification. (3-20-04)

07. Identification Exemption. Animals exempt from the requirement for identification with a premises/flock identification number shall include: (3-20-04)

- a.** Neutered animals under eighteen (18) months of age. (3-20-04)
- b.** Sexually intact market lambs under eighteen (18) months of age shipped directly to an approved slaughter establishment or shipped directly to a feedlot for finish feeding for slaughter only. (3-20-04)
- c.** Animals which have not been removed from their premises of origin and/or transferred ownership with the exception of white-face low-risk range sheep as defined in the 9 CFR Part 79 which are moved for grazing or other management purposes and do not change ownership. (3-20-04)
- d.** Castrated or low-risk commercial goats. (3-20-04)
- e.** Registered sheep and goats accompanied by registration papers or a certificate of veterinary inspection with legible unique registration tattoos. (3-20-04)
- f.** Goats registered with a National Goat Registry that allows for electronic implant identification, as recorded on a registration certificate, may be identified with an electronic implant. (3-20-04)

202. QUARANTINE.

Infected and source flocks or flocks that have received high risk animals shall be placed and held under quarantine until the infected or high risk animals have been slaughtered or depopulated, an approved Flock Plan has been completed and the flock is participating in a Post Exposure Monitoring Program. Flocks that do not participate in a Post Exposure Monitoring Program shall remain under quarantine until the entire flock has been depopulated. Flocks which are removed from the Post Exposure Monitoring Program before the agreed time will be requarantined. (3-20-04)

203. RESTRICTION OF HIGH-RISK ANIMALS.

High-risk animals shall be placed under a quarantine when the flock or animals are determined to be exposed. An epidemiological investigation will be conducted on the flock or animals to determine the risk of infection with scrapie. The flock or animals will be maintained under quarantine until the flock is in compliance with the Scrapie Uniform Methods and Rules in effect or until the scrapie epidemiologist has determined that the flock or animals do not pose a substantial risk to other flocks. (3-20-04)

204. MOVEMENT OF RESTRICTED ANIMALS.

Animals from infected and source flocks and high risk animals may be moved from quarantined premises only under the following conditions: (3-19-99)

- 01. Individually Identified on Approved Document.** The animals are individually identified on a VS 1-27 form or other approved document, by official ear tags, tattoos or devices; or (3-20-04)
- 02. Indelibly Marked.** The animals are indelibly marked with an “S” at least one (1) inch high on the left jaw; and (3-20-04)
- 03. Consigned Directly to Approved Destination.** The animals are consigned directly to an approved slaughter facility for immediate slaughter or to a terminal feedlot for finish feeding for slaughter only; or (3-20-04)
 - a.** The animals are consigned directly to an approved livestock market for sale directly to an approved slaughter facility for immediate slaughter or to a feedlot for finish feeding for slaughter only. The animals must be individually identified on a VS 1-27 form or other approved document for movement from the approved livestock market to final destination; or (3-20-04)
 - b.** The Board or its representative may, by written permission, allow the animals to be moved, under

quarantine, to other pre-approved locations. The animals may be moved in sealed vehicles or be accompanied in transit by representatives of the Board in lieu of individual identification. Animals so moved shall be retained under quarantine at the new location. (3-19-99)

205. -- 299. (RESERVED)

300. CERTIFIED BRUCELLA OVIS FREE FLOCK.

301. BRUCELLA OVIS FREE FLOCK PROGRAM STANDARDS.

Flocks may be certified as *Brucella ovis* free by the Board under the following circumstances: (3-20-04)

01. Flocks from Which Rams Are Not Leased, Rented or Loaned: (3-20-04)

a. One (1) negative *Brucella ovis* ELISA test annually for two (2) years on all rams over six (6) months of age. (3-20-04)

b. Any new ram over six (6) months of age entering the flock for breeding purposes must be tested after sixty (60) days of purchase and test negative. (3-20-04)

02. Flocks from Which Rams Are Leased, Rented or Loaned: (3-20-04)

a. One (1) negative *Brucella ovis* ELISA test annually for two (2) years on all rams over six (6) months of age. (3-20-04)

b. All sexually active rams which leave the owners premises and return must be tested after sixty (60) days of sexual rest and test negative on a *Brucella ovis* test. (3-20-04)

03. *Brucella Ovis* ELISA Positive Test Results. A positive test result cancels *Brucella Ovis* Free certification status. The certification process may be restarted after the following conditions have been met: (3-20-04)

a. The individual ram that has a positive test result is held in isolation; and (3-20-04)

b. Is retested at least thirty (30) days after, but not more than sixty (60) days after the initial positive test; and (3-20-04)

c. All rams that have a second positive test result are either castrated, slaughtered, or sold for slaughter only. (3-20-04)

04. Approved *Brucella Ovis* Tests: (3-20-04)

a. Tests must be performed by a laboratory approved by the board; and (3-20-04)

b. Blood samples must be taken and sent to the approved laboratory by a licensed, accredited veterinarian; and (3-20-04)

c. Tests must be an approved ELISA test for *Brucella ovis*. (3-20-04)

302. -- 399. (RESERVED)

400. CONDEMNATION AND DESTRUCTION OF DISEASED ANIMALS OR FLOCKS.

01. Animals or Flocks Infected. Animals or flocks determined by representatives of the Board or APHIS to be infected with scrapie or other contagious, infectious, or communicable diseases which have been identified by the Board to be diseases of concern to human health or the livestock industry of the state may be condemned by order of the Board. (3-20-04)

02. Animals or Flocks Condemned. Animals or flocks condemned by order of the Board shall be destroyed or otherwise disposed of as directed by order of the Board and under the conditions set by the Board. (3-19-99)

401. -- 499. (RESERVED)

500. INDEMNIFICATION.

01. Owners, Individuals, Partnerships, Corporations or Other Legal Entities. Owners, individuals, partnerships, corporations or other legal entities whose animals or flocks have been destroyed or otherwise disposed of by order of the Board may be eligible for indemnification in the form of cash payment from the Sheep and Goat Disease Indemnity Fund for all or part of the value of the animals destroyed or otherwise disposed of and for the actual cost for burial or disposal of animal carcasses. (3-19-99)

02. Indemnity Payments Paid. Indemnity payments shall be paid only to an owner of sheep or goats that were born in the state of Idaho or were imported into the state in compliance with existing Idaho statutes and rules promulgated thereunder. (3-19-99)

03. Amount of Indemnity to Be Paid for Each Animal. The amount of indemnity to be paid for each animal shall be determined by the Board and shall not exceed the difference between the appraised price, less federal indemnity, and the salvage value of the animal. In the event federal indemnity is not available the amount of indemnity shall not exceed the difference between the appraised price and salvage value. (3-19-99)

04. Appraisals. Appraisals shall be performed by a team comprised of an Animal Health representative, the owner, and a person with experience in sheep or goat marketing. (3-20-04)

05. Maximum Amount of Indemnity. The maximum amount of indemnity for each animal shall not exceed: (3-19-99)

a. Ewes or does one (1) year of age or older - two hundred dollars (\$200) per head. (3-19-99)

b. Rams or bucks one (1) year of age or older - four hundred dollars (\$400) per head. (3-20-04)

c. Lambs or kids under one (1) year of age - current market price per pound with a maximum of one hundred dollars (\$100) per head. (3-19-99)

06. Indemnity Payment upon Approval of Appraisal. Upon approval of the appraisal by the Board, one-half (1/2) of the indemnity payment will be paid at that time. The other one-half (1/2) of the indemnity payment, or the prorated portion thereof, will be paid at the end of the fiscal year. Indemnity payments shall be paid in their entirety in a single fiscal year and shall not exceed the amount in the fund. (3-20-04)

501. -- 599. (RESERVED)

600. CLEANING AND DISINFECTION.

Barns, sheds, stockyards, trucks, aircraft, ferryboats and other vehicles, feed yards, stables, pens, corrals, lanes and premises which have been used in confining, trailing, or transporting any sheep or goats affected or infected with any contagious, infectious or communicable diseases, shall be cleaned and disinfected under state or federal supervision as directed by the Board or an authorized representative of the Board, and the owner of such premises, conveyances, or carrier shall be responsible for such cleaning and disinfecting. (3-19-99)

601. -- 699. (RESERVED)

700. SHEEP ASSESSMENTS.

The following rules shall apply to all sheep. (3-20-04)

01. Payment of Assessment. The owner of sheep on July 1st of the assessment year shall be responsible for the payment of the assessment levied by the Boards as provided for in Section 25-130 and 25-131,

Idaho Code. The rate of assessment shall be eight cents (\$.08) per pound on all wool, in the grease basis, except tags, crutchings, and dead wool. (4-6-15)

02. Assessment as Resident Sheep. The assessment shall be levied and assessed to the producer at the time of the first sale of wool and shall be deducted by the first purchaser from the price paid to the producer at the time of such sale. (5-5-80)

03. Migratory Sheep. In the event that a sheep, which produces wool subject to this assessment, shall be located outside the state of Idaho during a part of the assessment year, the amount of the assessment shall be reduced on a pro rata basis. A grower will be required to request a pro rata adjustment in writing to the Board. (3-19-99)

04. Costs of Collection. All costs of collection of delinquent assessments shall be borne as an additional charge against the delinquent assessee first purchaser. (7-1-93)

701. GOAT ASSESSMENTS.

The following rules shall apply to all goats. (4-6-15)

01. Payment of Assessment. The owner of goat(s) shall be responsible for the payment of the assessment levied by the Board as provided for in Sections 25-130 and 25-131, Idaho Code. The rate of assessment shall be eighty cents (\$.80) per head. (4-6-15)

02. Assessment as Resident Goats. The assessment shall be levied and assessed to the producer at the time of the sale of said goat(s). (4-11-19)

a. Auction Yards: Auction yards will deduct the assessment from the price paid to the producer at the time of sale. All goat assessments will be sent to the Idaho Sheep and Goat Health Board (ISGHB) from the auction yards after each sale, but no later than thirty (30) days after the sale. Assessments will be accompanied by a board approved form that includes a list of the producers (sellers) name, address, and number of head sold. (4-11-19)

b. Private Sales: The producer will handle assessment on private sales. The producer will send at minimum an annual assessment to the ISGHB on all private sales no later than the end of December of the current year. (4-11-19)

03. Costs of Collection. All costs of collection of delinquent assessments shall be borne as an additional charge against the delinquent assessee. (4-11-19)

702. -- 899. (RESERVED)

900. VIOLATIONS.

Any person, company, corporation or association or any agent, servant or employee of such, who shall violate or disregard any of these sheep and goat rules or any other sanitary or quarantine rule, order of the Board or inspector thereof shall be deemed guilty of a misdemeanor and upon conviction be fined not less than one hundred dollars (\$100) nor more than five thousand dollars (\$5,000) for each offense. (3-19-99)

901. -- 999. (RESERVED)