

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

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 (Fee Rule) - Proposed Rule (Docket No.  
02-0801-2000F).

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 10/14/2020. 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 11/11/2020.

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:** September 24, 2020

**SUBJECT:** Department of Agriculture

IDAPA 02.08.01 - Notice of Omnibus Rulemaking (Fee Rule) - Proposed Rule (Docket No. 02-0801-2000F)

#### Summary and Stated Reasons for the Rule

The Idaho State Department of Agriculture submits notice of proposed fee rule. According to the department, the rulemaking republishes the following temporary rule chapter that was previously submitted: IDAPA 02.08.01, Sheep and Goat Rules of the Idaho Sheep and Goat Health Board.

The department states that the fee rule does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Legislature in the prior rules. Fees are set forth in Section 25-131, Idaho Code.

#### Negotiated Rulemaking/Fiscal Impact

The department notes that negotiated rulemaking was not conducted because engaging in negotiated rulemaking for all previously existing rules would inhibit the agency from carrying out its ability to protect health, safety, and welfare. The department also confirms that the rulemaking is not anticipated to have any fiscal impact on the general fund.

#### Statutory Authority

The rulemaking appears to be authorized pursuant to Sections 25-129 and 25-147, Idaho Code.

cc: Department of Agriculture  
Brian J. Oakey

\*\*\* PLEASE NOTE \*\*\*

Kristin Ford, Manager  
Research & Legislation

Paul Headlee, Manager  
Budget & Policy Analysis

April Renfro, Manager  
Legislative Audits

Glenn Harris, Manager  
Information Technology

Statehouse, P.O. Box 83720  
Boise, Idaho 83720-0054

Tel: 208-334-2475  
www.legislature.idaho.gov

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. 02-0801-2000F (FEE RULE)

### NOTICE OF OMNIBUS 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 Sections 25-129(1) and 25-147, Idaho Code.

**PUBLIC HEARING SCHEDULE:** Opportunity for presentation of oral comments 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 the purpose of the proposed rulemaking:

This proposed rulemaking re-publishes the following existing temporary rule chapter previously submitted to and reviewed by the Idaho Legislature under IDAPA 02.08, rules of the Idaho Sheep and Goat Health Board:

#### **IDAPA 02.08**

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

**FEE SUMMARY:** This rulemaking does not impose a fee or charge, or increase a fee or charge, beyond what was previously submitted to and reviewed by the Idaho Legislature in the prior rules. The following is a specific description of the fees or charges as provided for in Section 25-131, Idaho Code:

- Section 700 – Sheep Assessments
- Section 701 – Goat Assessments
- Section 900 – Violations

**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 FY2021 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 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 proposed rules attached hereto.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the proposed rule, contact Naomi LeGere-Gordon at (208) 344-2271 or [naomi.gordon@isda.idaho.gov](mailto:naomi.gordon@isda.idaho.gov).

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 19th day of August, 2020.

Naomi LeGere-Gordon  
Idaho Sheep and Goat Health Board  
2118 West Airport Way  
Boise ID 83705  
(208) 344-2271

## 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 Sections 25-129(1) and 25-147, Idaho Code. ( )

### 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.” ( )

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. ( )

### 002. – 003. (RESERVED)

### 004. INCORPORATION BY REFERENCE.

Copies of the following documents may be obtained from the Idaho State Department of Agriculture Division of Animal Industries. IDAPA 02.08.01 incorporates by reference: ( )

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. ( )

02. The Voluntary Scrapie Flock Certification Program Standards, USDA, June 2013. ( )

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

### 005. -- 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. ( )

02. **Animals.** All vertebrates, except humans. ( )

03. **Authorized Federal Inspector.** An employee of USDA authorized by the Board to perform the functions of the Idaho Sheep and Goat Health Board. ( )

04. **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. ( )

05. **Board.** The Idaho Sheep and Goat Health Board or its designee. ( )

06. **Breeding Stock.** Intact male or female sheep or goats of any age. ( )

07. **Brucellosis.** An infectious disease of animals and humans caused by bacteria of the genus *Brucella*. ( )

08. ***Brucella Ovis* Test Positive.** An animal that tests in the positive range on an approved *Brucella Ovis* ELISA test. ( )

09. ***Brucella Ovis* Test Suspect.** An animal that tests in the suspect range on an approved *Brucella Ovis* ELISA test. ( )

10. ***Brucella Ovis* Test Negative.** An animal that tests in the negative range on an approved *Brucella Ovis* ELISA test. ( )

11. **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. ( )

**12. 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. ( )

**13. Contemporary Lambing Group.** The time from the first birth to sixty (60) days post birthing of the entire group in a given lambing season. ( )

**14. 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. ( )

**15. Federal Animal Health Official.** An employee of USDA/APHIS/VS who has been authorized to perform animal health activities. ( )

**16. 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. ( )

**17. 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. ( )

**18. 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. ( )

**19. 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. ( )

**20. Low Risk Commercial Sheep.** Commercial whiteface, white-faced cross, or commercial hair sheep from a flock with no known risk factors for scrapie, including any exposure to female black-faced 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. ( )

**21. 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. ( )

**22. 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. ( )

**23. 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. ( )

**24. Premises.** The ground, area, buildings and equipment utilized to raise, propagate or control sheep and goats. ( )

**25. Quarantine.** A written order, executed by the Board or the Administrator of Animal Industries, 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. ( )

**26. Scrapie.** A transmissible spongiform encephalopathy that is a nonfebrile, transmissible, insidious, degenerative disease affecting the central nervous system of sheep and goats. ( )

**27. 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. ( )

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

**29. Scrapie High Risk Animal.** An animal determined by epidemiologic investigation to face a high risk of developing clinical scrapie because the animal was: ( )

**a.** Progeny of a scrapie-positive dam; ( )

**b.** Born in the same contemporary lambing group as a scrapie-positive animal, or ( )

**c.** During any subsequent lambing season if born before the flock completes the requirements of a flock plan; or ( )

**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. ( )

**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. ( )

**30. 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. ( )

**31. 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. ( )

**32. 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: ( )

**a.** Be identified with a Premises/Flock Identification Number, or on an official ear tag, electronic device, ear tattoo, or flank tattoo which is correlated to the Premises/Flock Identification number on flock records; or ( )

**b.** Be identified with a genetic heredity test or nose print; or ( )

**c.** Possess the original registry ear tag or individual identification ear tag along with the movement, production, or registry records indicating birth in the source flock; or ( )

**d.** Be traced to the flock by a veterinary epidemiologist through a thorough epidemiological investigation of records and all other available evidence. ( )

**33. State Animal Health Official.** The Administrator, or his designee, responsible for disease control and eradication programs. ( )

**34. 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. ( )

**35. Terminal Feedlot.** As defined in Title 9 CFR, Parts 54 and 79. ( )

**36. Trace.** All actions required to identify the flock of origin or destination of an animal. ( )

**011. ABBREVIATIONS.**

**01. APHIS.** Animal Plant Health Inspection Service. ( )

**02. AVIC.** Area Veterinarian in Charge. ( )

**03. CFR.** Code of Federal Regulations. ( )

**04. PEMMP.** Post Exposure Monitoring and Management Plan. ( )

**05. USDA.** United States Department of Agriculture. ( )

**06. VS.** Veterinary Services. ( )

**012. APPLICABILITY.**

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

**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. ( )

**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 will 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 must 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 must 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 will be attached to the waybill covering such shipments. No sheep will 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. ( )

**02. Brucella Ovis.** Intact male sheep six (6) months of age or older must 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. ( )



**101. PERMITS.**

**01. Request for Permits.** Request for the permits required under Section 100 are to be in writing, by telephone or facsimile and 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, will 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. ( )

**02. Certificates of Veterinary Inspection to Be Furnished.** Copies of the certificates of veterinary inspection from the point of origin must accompany the shipment and include a copy of the permit or the permit number written on the face of the certificate of veterinary inspection and will 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. ( )

**03. Inspection Fees.** An inspection fee of one hundred dollars (\$100) per incidence, plus mileage, will 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. ( )

**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 are not to exceed the actual costs for the services rendered. ( )

**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 must 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 must 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, are 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. ( )

**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 constitutes 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. ( )

**104. DAIRY GOATS.**

All dairy type goats, including bucks, entering the state of Idaho must 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 must have been tested negative for *Brucella Melitensis* within thirty (30) days of the date of entry into the state of Idaho accompanied by the negative test chart 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. ( )

**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, are not allowed entry into Idaho except as follows: ( )

**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 ( )

**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. ( )

**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. ( )

**107. INTERSTATE SHIPMENTS.**

**01. Waybill Requirement.** All sheep and goats leaving the state of Idaho by any common carrier, by private conveyance, or any kind of transportation must be accompanied by a waybill, stating the owner's name and indicating destination of sheep or goats, or 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 comply with the rules for the state of destination. ( )

**02. Waybill Violation.** Failure to have such waybills or other documents accompanying the sheep or goats constitutes a violation of these rules and is punishable as provided in Section 900. ( )

**03. Carriers.** No common or contract carrier or owner or caretaker will 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 must be attached to the waybill covering such shipments or be in possession of the owner or caretaker of shipment. ( )

**04. Who May Inspect?** Authorized state or federal inspectors and accredited veterinarians may inspect sheep and goats. ( )

**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. ( )

**201. IDENTIFICATION OF BREEDING SHEEP.**

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

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

**03. Time of Identification.** All owners or possessors of breeding sheep and goats in Idaho will 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. ( )

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

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

**06. Acceptable Identification.** Acceptable devices for application of the premises/flock identification number to breeding sheep and goats 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. ( )

**07. Identification Exemption.** Animals exempt from the requirement for identification with a premises/flock identification number include: ( )

**a.** Neutered animals under eighteen (18) months of age. ( )

**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. ( )

**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. ( )

**d.** Castrated or low-risk commercial goats. ( )

**e.** Registered sheep and goats accompanied by registration papers or a certificate of veterinary inspection with legible unique registration tattoos. ( )

**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. ( )

**202. QUARANTINE.**

Infected and source flocks or flocks that have received high-risk animals will 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 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 re-quarantined. ( )

**203. RESTRICTION OF HIGH-RISK ANIMALS.**

High-risk animals will 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. ( )

**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: ( )

**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 ( )

**02. Indelibly Marked.** The animals are indelibly marked with an “S” at least one (1) inch high on the left jaw; and ( )

**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 ( )

**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 ( )

**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 will be retained under quarantine at the new location. ( )

**205. -- 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. ( )

**02. Animals or Flocks Condemned.** Animals or flocks condemned by order of the Board will be destroyed or otherwise disposed of as directed by order of the Board and under the conditions set by the Board. ( )

**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. ( )

**02. Indemnity Payments Paid.** Indemnity payments are 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. ( )

**03. Amount of Indemnity to Be Paid for Each Animal.** The amount of indemnity to be paid for each animal is determined by the Board and does 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 will not exceed the difference between the appraised price and salvage value. ( )

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

**05. Maximum Amount of Indemnity.** The maximum amount of indemnity for each animal will not exceed: ( )

- a. Ewes or does one (1) year of age or older - two hundred dollars (\$200) per head. ( )
- b. Rams or bucks one (1) year of age or older - four hundred dollars (\$400) per head. ( )
- 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. ( )

**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 are paid in their entirety in a single fiscal year and do not exceed the amount in the fund. ( )

**501. -- 599. (RESERVED)**

**600. CLEANING AND DISINFECTION.**

Barns, sheds, stockyards, trucks, aircraft, ferryboats and other vehicles, feed yards, stables, pens, corrals, lanes and premises that have been used in confining, trailing, or transporting any sheep or goats affected or infected with any contagious, infectious or communicable diseases, will 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 are responsible for such cleaning and disinfecting. ( )

**601. -- 699. (RESERVED)**

**700. SHEEP ASSESSMENTS.**

The following rules apply to all sheep. ( )

**01. Payment of Assessment.** The owner of sheep on July 1st of the assessment year is 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 is eight cents (\$.08) per pound on all wool, in the grease basis, except tags, crutchings, and dead wool. ( )

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

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

**04. Costs of Collection.** All costs of collection of delinquent assessments are borne as an additional charge against the delinquent assessee first purchaser. ( )

**701. GOAT ASSESSMENTS.**

The following rules apply to all goats. ( )

**01. Payment of Assessment.** The owner of goat(s) is 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 is eighty cents (\$.80) per head. ( )

**02. Assessment as Resident Goats.** The assessment is levied and assessed to the producer at the time of the sale of said goat(s). ( )

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. ( )

**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. ( )

**03. Costs of Collection.** All costs of collection of delinquent assessments are borne as an additional charge against the delinquent assessee. ( )

**702. -- 899. (RESERVED)**

**900. VIOLATIONS.**

Any person, company, corporation or association, or any agent, servant or employee of such, who violates or disregard any of these sheep and goat rules or any other sanitary or quarantine rule, order of the Board or inspector thereof, is 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. ( )

**901. -- 999. (RESERVED)**

## **PROPOSED RULE COST/BENEFIT ANALYSIS**

Section 67-5223(3), Idaho Code, requires the preparation of an economic impact statement for all proposed rules imposing or increasing fees or charges. This cost/benefit analysis, which must be filed with the proposed rule, must include the reasonably estimated costs to the agency to implement the rule and the reasonably estimated costs to be borne by citizens, or the private sector, or both.

**Department or Agency:** Idaho Sheep and Goat Health Board

**Agency Contact:** Naomi LaGere-Gordon

**Phone:** (208) 344-2271

**Date:** 8/31/2020

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**IDAPA, Chapter and Title Number and Chapter Name:**

IDAPA 02.08.01 Sheep and Goat Rules of the Idaho Sheep and Goat Health Board

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**Fee Rule Status:** X **Proposed** \_\_\_\_\_ **Temporary**

**Rulemaking Docket Number:** 02-0801-2000F

### **STATEMENT OF ECONOMIC IMPACT:**

Fee are unchanged from the previous year's temporary fee rule dockets. The following is a specific description of the fees or charges as provided for in Section 25-131, Idaho Code:

- Section 700 – Sheep Assessments
- Section 701 – Goat Assessments
- Section 900 – Violations