

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No.: 80-3-6-.40

Rule Title: Procedures for Livestock Identification

x New; Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? No

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? Yes

Is there another less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed rule have any economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John McMillan

Date: 6-15-2012

(DATE FILED)
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
ANIMAL INDUSTRY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-3-6-.40 Procedures for Livestock
Identification.

Intended Action: To create new rule.

Substance of Proposed Action: In the event of an outbreak of any contagious or infectious disease of livestock, a livestock traceability system will be critical to the success of the diagnosis, eradication and recovery from such an event. Therefore, this rule will provide that important step in disease control.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, August 14, 2012 at 10:00 a.m., in the Auditorium of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: August 14, 2012.

Contact Person at Agency: Patrick B. Moody, Legal Counsel and, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334)240-7117.

6-15-2012
Date

John McMillan
John McMillan
Commissioner of Agriculture
and Industries

80-3-6-.40 Procedures for Livestock Identification

(1) Unless otherwise exempt, certain Livestock must be officially identified for the purpose of disease control whenever a change of ownership occurs within the state of Alabama. Official identification is a method or device approved by the USDA/APHIS Administrator and the State Veterinarian that assigns a nationally unique number to an animal or group of animals that can be traced by the State Veterinarian to the point of application or subsequent movement. In the case of ear tags, the device must bear an official number, the U.S. shield and be tamper resistant. Livestock identifiers distributed by the State Veterinarian's office shall be assigned to a Premises ID or Farm Location number.

(2) Any person, entity, marketing agent or accredited veterinarian who distributes or applies official identification identifiers must maintain a record of names and addresses of anyone to whom the devices were distributed or applied for 5 years. The person, entity, marketing agent or accredited veterinarian applying official identifiers at change of ownership must forward a list of applied identifier numbers to the State Veterinarian's office within 7 business days of application.

(3) An approved tagging site is a site or facility to be approved by the State Veterinarian, designed to allow for the application of official identifiers. Owners or operators of approved tagging sites must maintain records that will allow traceability of livestock after commingling and obtain a Premises ID or Farm Location number.

(4) IDENTIFICATION REQUIREMENTS AT CHANGE OF OWNERSHIP WITHIN ALABAMA. When change of ownership occurs within the State of Alabama or when certain livestock are imported into the state, official identification shall be applied to the following animals:

(a) CATTLE AND BISON. Cattle and bison, 18 months of age or older, shall be identified using an approved method of official identification. Official identification shall also be

applied to all ages of (A) dairy cattle and (B) cattle and bison used in a rodeo, show, exhibition or recreational event.

1. Cattle and bison in interstate travel shall comply with the identification requirements of the state of destination. Cattle and Bison in interstate travel shall be exempt from Alabama's identification requirements when moved (A) directly to slaughter with a USDA approved back tag, (B) as part of a commuter herd with a copy of the commuter herd agreement, (C) directly from a location in one state through Alabama to a second location in the original state, or (D) directly to an approved tagging site and are officially identified before comingling with cattle and bison from other premises.

2. Cattle and bison in interstate travel shall be accompanied by an Interstate Certificate of Veterinary Inspection (ICVI) that includes the official identification number for each animal.

3. An ICVI shall not be required for cattle and bison moved directly to a recognized slaughtering establishment, or directly to a livestock facility approved to handle "for slaughter only" animals and then directly to a recognized slaughtering establishment. An owner-shipper statement would be required for these movements.

4. An ICVI shall not be required for cattle and bison moved directly to a USDA approved livestock facility. If these cattle and bison are then moved interstate from the facility, an ICVI, owner shipper statement, or other documentation may be required.

5. An ICVI shall not be required for cattle and bison moved from the farm of origin for veterinary medical examination or treatment and returned to the farm of origin without change in ownership.

6. Cattle and bison may be moved between any two States or Tribes with documentation other than an ICVI, as agreed upon by animal health officials in those two States or Tribes.

(b) SHEEP AND GOATS. Sheep and goats shall be officially identified as required by the scrapie regulations in 9 CFR parts 54 and 79 and Alabama Department of Agriculture and Industries Administrative Code Rule 80-3-6.18.

1. Sheep and Goats moving interstate shall be officially identified as required by the scrapie regulations in 9 CFR parts 54 and 79.

(5) IDENTIFICATION REQUIRED FOR CERTAIN ANIMALS ONLY WHEN MOVED INTERSTATE. Official identification is required for the following animals only when they are moved through Alabama in interstate travel:

(a) HORSES AND OTHER EQUINE. Horses and other equine must be officially identified before interstate travel through Alabama by one of the following methods:

1. As determined by a State animal health official in the State of destination or an APHIS representative,

2. A description identifying the individual equine by name, age, breed, color, gender, and distinctive markings or unique and permanent forms of identification such as brands, tattoos, scars, cowlicks, or blemishes,

3. Electronic identification that complies with ISO 11784/11785,

4. Digital photographs of the equine sufficient to identify the individual equine, as determined by a State or Tribal animal health official in the State or Tribe of destination or APHIS Representative, or

5. Equines being commercially transported for slaughter shall be identified by a device or method authorized by 9 CFR part 88.

(b) POULTRY. Poultry moving through Alabama in interstate travel shall be identified by sealed and numbered leg bands as provided in 9 CFR parts 145 through 147, a group identification number, or other methods agreed to by State and Tribal officials.

1. Poultry moving interstate shall be accompanied by an Interstate Certificate of Veterinary Inspection unless they are moved:

(i) From a flock participating in the NPIP and are accompanied by the documentation required by that program,

(ii) Directly to a recognized slaughtering establishment,

(iii) From the farm of origin for veterinary medical examination, treatment, or diagnostic purposes and either returned to the farm of origin without change in ownership or euthanized and disposed of at the veterinary facility,

(iv) Directly from one State through another State and back to the original State,

(v) Between any two States or Tribes with a Veterinary Services (VS) Form 9-3 or documentation other than an ICVI, as agreed upon by animal health officials in those two States or Tribes, or

(vi) The poultry are moved under permit in accordance with 9 CFR part 82.

(c) SWINE. Swine moved interstate shall be officially identified as required by 9 CFR part 71.19.

Author: Patrick B. Moody

Statutory Authority: Code of Alabama 1975, §2-15-155, §2-15-170, §2-15-171.

History: