

1. TITLE OF RULE FILING:

**RULES GOVERNING THE IMPORTATION OF DOMESTIC ANIMALS,
INCLUDING LIVESTOCK AND POULTRY**

2. PROPOSED NUMBER ASSIGNED BY THE SECRETARY OF STATE

24P 004

3. ADOPTING AGENCY:

Vermont Agency of Agriculture, Food & Markets

4. PRIMARY CONTACT PERSON:

(A PERSON WHO IS ABLE TO ANSWER QUESTIONS ABOUT THE CONTENT OF THE RULE).

Name: Kaitlynn Levine

Agency: Vermont Agency of Agriculture, Food & Markets

Mailing Address: 116 State Street, Montpelier, VT 05620

Telephone: 802-636-7144 Fax:

E-Mail: kaitlynn.levine@vermont.gov

Web URL *(WHERE THE RULE WILL BE POSTED)*:

<https://agriculture.vermont.gov/rule-governing-importation-livestock-and-poultry-rule-98074>

5. SECONDARY CONTACT PERSON:

(A SPECIFIC PERSON FROM WHOM COPIES OF FILINGS MAY BE REQUESTED OR WHO MAY ANSWER QUESTIONS ABOUT FORMS SUBMITTED FOR FILING IF DIFFERENT FROM THE PRIMARY CONTACT PERSON).

Name: Kristin Haas

Agency: Vermont Agency of Agriculture, Food & Markets

Mailing Address: 116 State Street, Montpelier, VT 05620

Telephone: 802-522-7326 Fax:

E-Mail: kristin.haas@vermont.gov

6. RECORDS EXEMPTION INCLUDED WITHIN RULE:

(DOES THE RULE CONTAIN ANY PROVISION DESIGNATING INFORMATION AS CONFIDENTIAL; LIMITING ITS PUBLIC RELEASE; OR OTHERWISE, EXEMPTING IT FROM INSPECTION AND COPYING?) No

IF YES, CITE THE STATUTORY AUTHORITY FOR THE EXEMPTION:

PLEASE SUMMARIZE THE REASON FOR THE EXEMPTION:

7. LEGAL AUTHORITY / ENABLING LEGISLATION:

(THE SPECIFIC STATUTORY OR LEGAL CITATION FROM SESSION LAW INDICATING WHO THE ADOPTING ENTITY IS AND THUS WHO THE SIGNATORY SHOULD BE. THIS SHOULD BE A SPECIFIC CITATION NOT A CHAPTER CITATION).

6 V.S.A. §1460 and § 1475

8. EXPLANATION OF HOW THE RULE IS WITHIN THE AUTHORITY OF THE AGENCY:
Section 1460 of Title 6 authorizes the Agency to adopt rules to prevent the introduction and spread of contagious disease. Section 1474 grants authority to adopt rules on the importation, documents required, and restrictions of movement into Vermont for domestic animals.
9. THE FILING HAS CHANGED SINCE THE FILING OF THE PROPOSED RULE.
10. THE AGENCY HAS INCLUDED WITH THIS FILING A LETTER EXPLAINING IN DETAIL WHAT CHANGES WERE MADE, CITING CHAPTER AND SECTION WHERE APPLICABLE.
11. SUBSTANTIAL ARGUMENTS AND CONSIDERATIONS WERE RAISED FOR OR AGAINST THE ORIGINAL PROPOSAL.
12. THE AGENCY HAS INCLUDED COPIES OF ALL WRITTEN SUBMISSIONS AND SYNOPSES OF ORAL COMMENTS RECEIVED.
13. THE AGENCY HAS INCLUDED A LETTER EXPLAINING IN DETAIL THE REASONS FOR THE AGENCY'S DECISION TO REJECT OR ADOPT THEM.
14. CONCISE SUMMARY (150 WORDS OR LESS):

This is an update to the existing importation rules for livestock and poultry. The rule outlines the documentation and disease testing requirements to import cattle/bison, equine, swine, sheep, goats, poultry, ratites, psittacine birds, camelids, and cervids from the US 50 States and Canada. Disease epidemiology and testing have changed, this update addresses the significant diseases of concerns and the tests required to reasonably demonstrate free status. This update aligns the rule with USDA disease programs, modern technology, and the disease traceability standards set by Vermont statutes. Examples of the changes: current USDA brucellosis program standards are eliminating the Class A-C language for describing state

status and has increased the age recommendation for swine testing from four months to six months of age.

15. EXPLANATION OF WHY THE RULE IS NECESSARY:

This rule was last updated in 1998, and many of the disease testing and documentation requirements have changed dramatically over the last 25 years due to changes in federal policies and scientific advancement. This update is needed to bring Vermont's animal importation rules in line with current science and national standards defined in the Code of Federal Regulations and United States Department of Agriculture policy documents and program standards.

16. EXPLANATION OF HOW THE RULE IS NOT ARBITRARY:

Vermont law (6 V.S.A. §1460 and § 1475) authorizes the Agency to adopt rules to control the movement of domestic animals into Vermont. These steps are necessary to prevent the introduction and spread of contagious disease and to efficiently track animals should a disease event occur, thereby lessening negative impacts of disease outbreak and spread for Vermont's animal agriculture sector. The proposed updates are based on state and federal laws, federal program disease standards, and the best science currently available, and are applied as practically as possible for each situation to balance the protection of animal and human health with the needs of animal agricultural businesses.

17. LIST OF PEOPLE, ENTERPRISES AND GOVERNMENT ENTITIES AFFECTED BY THIS RULE:

All entities involved in the importation of livestock and/or poultry or the enforcement of those rules, including Vermont-based and out-of-state livestock/poultry farmers and owners; livestock dealers/packers/transporters and markets; slaughter facilities; food animal veterinarians; agricultural fair superintendents and managers; and livestock/poultry event and exhibition organizers and managers.

18. BRIEF SUMMARY OF ECONOMIC IMPACT (150 WORDS OR LESS):

This proposal does not constitute a new set of requirements for livestock and poultry stakeholders but

instead modernizes and streamlines requirements that have been in place since at least 1998. The proposed amendments make some animal importation requirements more lenient and flexible, allowing for the realization of greater economic potential by livestock and poultry stakeholders, and others more stringent to ensure adequate protection from introduction and spread of diseases that affect animals and humans. The net effect should be minimal for any individual stakeholder or animal agricultural business owner. Most animal importation-related requirements in the current rule and contemplated under the proposed amendments are fulfilled by out of state entities before the animal(s) are imported into Vermont.

19. A HEARING WAS HELD.

20. HEARING INFORMATION

(THE FIRST HEARING SHALL BE NO SOONER THAN 30 DAYS FOLLOWING THE POSTING OF NOTICES ONLINE).

IF THIS FORM IS INSUFFICIENT TO LIST THE INFORMATION FOR EACH HEARING, PLEASE ATTACH A SEPARATE SHEET TO COMPLETE THE HEARING INFORMATION.

Date: 2/23/2024

Time: 12:00 PM

Street Address: 163 Admin Dr, Randolph Center

Zip Code: 05061

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_M2UwZWZhMDktNTljYi00NzRlLTg5YTMtNmFkMTc5NTUyZjcy%40thread.v2/0?context=%7b%22Tid%22%3a%220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%220id%22%3a%221e4d7752-ac37-4ace-b110-97532d9e861b%22%7d

Date: 2/27/2024

Time: 06:00 PM

Street Address:

Zip Code:

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_OGU3YTU0ODUtMWYxNi00OTdiLTkzMWYtNzg0OGFjNzZhZDZk%40thread.v2/0?context=%7b%22Tid%22%3a%220b4933b-baad-433c-9c02-

70edcc7559c6%22%2c%22Oid%22%3a%221e4d7752-ac37-4ace-
b110-97532d9e861b%22%7d

Date: 3/6/2024

Time: 12:00 PM

Street Address: 163 Admin Dr, Randolph Center

Zip Code: 05061

URL for Virtual: https://teams.microsoft.com/l/meetup-join/19%3ameeting_N2RjYWY3MmEtM2I1My00MTA4LWI5ZTMtYjk2YzdjMzE1NDUz%40thread.v2/0?context=%7b%22Tid%22%3a%2220b4933b-baad-433c-9c02-70edcc7559c6%22%2c%22Oid%22%3a%221e4d7752-ac37-4ace-b110-97532d9e861b%22%7d

Date:

Time: AM

Street Address:

Zip Code:

URL for Virtual:

21. DEADLINE FOR COMMENT (NO EARLIER THAN 7 DAYS FOLLOWING LAST HEARING):

3/15/2024

KEYWORDS (PLEASE PROVIDE AT LEAST 3 KEYWORDS OR PHRASES TO AID IN THE SEARCHABILITY OF THE RULE NOTICE ONLINE).

Import Rules

Livestock and Poultry

Animal Disease Traceability

Adopting Page

Instructions:

This form must accompany each filing made during the rulemaking process:

Note: To satisfy the requirement for an annotated text, an agency must submit the entire rule in annotated form with proposed and final proposed filings. Filing an annotated paragraph or page of a larger rule is not sufficient. Annotation must clearly show the changes to the rule.

When possible, the agency shall file the annotated text, using the appropriate page or pages from the Code of Vermont Rules as a basis for the annotated version. New rules need not be accompanied by an annotated text.

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3. TYPE OF FILING (*PLEASE CHOOSE THE TYPE OF FILING FROM THE DROPDOWN MENU
BASED ON THE DEFINITIONS PROVIDED BELOW*):

- **AMENDMENT** - Any change to an already existing rule, even if it is a complete rewrite of the rule, it is considered an amendment if the rule is replaced with other text.
- **NEW RULE** - A rule that did not previously exist even under a different name.
- **REPEAL** - The removal of a rule in its entirety, without replacing it with other text.

This filing is **AN AMENDMENT OF AN EXISTING RULE** .

4. LAST ADOPTED (*PLEASE PROVIDE THE SOS LOG#, TITLE AND EFFECTIVE DATE OF
THE LAST ADOPTION FOR THE EXISTING RULE*):

RULE #98074, Effective 12/8/98, "RULES GOVERNING THE
IMPORTATION OF DOMESTIC ANIMALS, INCLUDING LIVESTOCK
AND POULTRY"



INTERAGENCY COMMITTEE ON ADMINISTRATIVE RULES (ICAR) MINUTES

Meeting Date/Location: January 8, 2024, virtually via Microsoft Teams

Members Present: Chair Sean Brown, Jared Adler, Jennifer Mojo, Diane Sherman, Michael Obuchowski, and Nicole Dubuque

Members Absent: John Kessler

Minutes By: Melissa Mazza-Paquette

- 2:00 p.m. meeting called to order, welcome and introductions.
- Review and approval of minutes from the November 13, 2023 meeting.
- No additions/deletions to agenda. Agenda approved as drafted.
- No public comments made.
- Presentation of Proposed Rules on pages 2-12 to follow.
 1. Administration of Nonemergency Involuntary Psychiatric Medications, Department of Mental Health, page 2
 2. Vital Records Rule, Department of Health, page 3
 3. VPharm Coverage, Department of Vermont Health Access, page 4
 4. Rules Governing the Importation of Domestic Animals, Including Livestock and Poultry, Vermont Agency of Agriculture, Food & Markets, page 5
 5. Antidegradation Implementation Rule, Agency of Natural Resources, page 6
 6. Reach Up Eligibility Rules, Department for Children and Families, page 7
 7. Reach Up Services Rules, Department for Children and Families, page 8
 8. Reach First Rules, Department for Children and Families, page 9
 9. Postsecondary Education Program Rules, Department for Children and Families, page 10
 10. Private Nonmedical Institution Rules Simplification, Department of Vermont Health Access, page 11
 11. Nursing Home Reimbursement Rule Simplification, Department of Vermont Health Access, page 12
- Next scheduled meeting is Monday, February 23, 2024 at 1:00 p.m.
- 3:38 p.m. meeting adjourned.

Presented By: Kaitlynn Levine

Motion made to accept the rule by Mike Obuchowski, seconded by Sean Brown, and passed unanimously except for Nicole Dubuque who abstained, with the following recommendations:

1. Title Page: Proposed rule must be signed by Agency Secretary Anson Tebbetts prior to moving forward with LCAR.
2. Economic Impact Analysis, #3: Include the estimated costs and benefits anticipated. May use language from #8, Concise Summary on the Proposed Coversheet, and address the cost neutral balance.
3. Public Input Maximization Plan, #3: Define the stakeholders and distribution lists.

Economic Impact Analysis

Instructions:

In completing the economic impact analysis, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule; estimates the costs and benefits for each category of people enterprises and government entities affected by the rule; compares alternatives to adopting the rule; and explains their analysis concluding that rulemaking is the most appropriate method of achieving the regulatory purpose. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Rules affecting or regulating schools or school districts must include cost implications to local school districts and taxpayers in the impact statement, a clear statement of associated costs, and consideration of alternatives to the rule to reduce or ameliorate costs to local school districts while still achieving the objectives of the rule (see 3 V.S.A. § 832b for details).

Rules affecting small businesses (excluding impacts incidental to the purchase and payment of goods and services by the State or an agency thereof), must include ways that a business can reduce the cost or burden of compliance or an explanation of why the agency determines that such evaluation isn't appropriate, and an evaluation of creative, innovative or flexible methods of compliance that would not significantly impair the effectiveness of the rule or increase the risk to the health, safety, or welfare of the public or those affected by the rule.

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3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

All entities involved in the importation of livestock and/or poultry or the enforcement of those rules, including Vermont-based and out-of-state livestock/poultry farmers and owners; livestock dealers/packers/transporters and markets; slaughter facilities; food animal veterinarians; agricultural

fair superintendents and managers; and livestock/poultry event and exhibition organizers and managers. Costs are associated with the various testing requirements, but are anticipated to be de minimis. Benefits will include access to modern testing protocols, electronic and extended CVIs which lower costs and increase efficiency, and continued assurance that imported animals meet minimum health standards.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS CLEARLY STATING ANY ASSOCIATED COSTS:

N/A

5. ALTERNATIVES: CONSIDERATION OF ALTERNATIVES TO THE RULE TO REDUCE OR AMELIORATE COSTS TO LOCAL SCHOOL DISTRICTS WHILE STILL ACHIEVING THE OBJECTIVE OF THE RULE.

N/A

6. IMPACT ON SMALL BUSINESSES:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON SMALL BUSINESSES (EXCLUDING IMPACTS INCIDENTAL TO THE PURCHASE AND PAYMENT OF GOODS AND SERVICES BY THE STATE OR AN AGENCY THEREOF):

Small businesses that are livestock/poultry centric will need to ensure that the animals they are importing comply with the updated rule. While the direct actionable changes are on the out-of-state producers, ultimately the responsibility to maintain compliance will fall to the Vermont importer. The costs for disease testing, veterinary services, and documentation may be passed onto the Vermont importer, but that is dependent on the business relationship of animal exchange and is inherent to these industries.

7. SMALL BUSINESS COMPLIANCE: EXPLAIN WAYS A BUSINESS CAN REDUCE THE COST/BURDEN OF COMPLIANCE OR AN EXPLANATION OF WHY THE AGENCY DETERMINES THAT SUCH EVALUATION ISN'T APPROPRIATE.

Compliance with these rules in advance of importation reduces the risk of contagious diseases that could be devastating to their existing herds and businesses. The use of electronic or extended CVIs as provided for in this update decreases the average costs and increases

the convenience of providing copies to states, fairs, transporters, and inspectors. This will minimize disruptions to commerce. Additional cost saving would be on an individual basis depending on their state of origin (some provide free official ID as Vermont does), business model, and veterinary-client relationships. Veterinarians responsible for completing health inspections often have decreased rates for farms they have regular interactions with versus just-in-time services. Each state has importation requirements for disease testing and documentation, this is considered part of the cost of doing business in this sector.

8. COMPARISON:

COMPARE THE IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

There is currently a rule in place. Keeping the rule as-is beholdens producers to obsolete processes which can be costly and burdensome. Remaining with the old rule also decreases the Agency's ability to enforce, respond to, and control animal diseases of concern coming into the state. While changes will require additional testing for some animals, it will decrease the requirements of others. This update also increases the efficiency and standardization of required documentation which will allow for faster identification of animal movements in the event of an outbreak. Rapid identification and containment of disease will minimize the impact of disease on the animal agricultural economy.

9. SUFFICIENCY: *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Agency consulted with the USDA and state partners for consistency with other state importation requirements to ensure the proposed rule amendments were in line with national standards and similar practices. The Agency also researched the scientific literature pertaining to the prevalence and methods of spread of program diseases in the US to determine the most practical policies for preventing introduction of

those diseases while also taking into consideration the financial impacts of disease prevention on Vermont livestock/poultry stakeholders.

Environmental Impact Analysis

Instructions:

In completing the environmental impact analysis, an agency analyzes and evaluates the anticipated environmental impacts (positive or negative) to be expected from adoption of the rule; compares alternatives to adopting the rule; explains the sufficiency of the environmental impact analysis. If no impacts are anticipated, please specify “No impact anticipated” in the field.

Examples of Environmental Impacts include but are not limited to:

- Impacts on the emission of greenhouse gases
- Impacts on the discharge of pollutants to water
- Impacts on the arability of land
- Impacts on the climate
- Impacts on the flow of water
- Impacts on recreation
- Or other environmental impacts

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3. GREENHOUSE GAS: *EXPLAIN HOW THE RULE IMPACTS THE EMISSION OF GREENHOUSE GASES (E.G. TRANSPORTATION OF PEOPLE OR GOODS; BUILDING INFRASTRUCTURE; LAND USE AND DEVELOPMENT, WASTE GENERATION, ETC.):*

This rule does not change the number of transports or infrastructure related to livestock. It is unlikely that this rule will alter greenhouse gas emissions associated with the importation of livestock.

4. WATER: *EXPLAIN HOW THE RULE IMPACTS WATER (E.G. DISCHARGE / ELIMINATION OF POLLUTION INTO VERMONT WATERS, THE FLOW OF WATER IN THE STATE, WATER QUALITY ETC.):*

This rule will have no effect on the way livestock are maintained in the state and does not impact the use of water in Vermont.

5. **LAND:** *EXPLAIN HOW THE RULE IMPACTS LAND (E.G. IMPACTS ON FORESTRY, AGRICULTURE ETC.):*

This rule will have no effect on the way livestock are maintained in the state and does not impact the use of land in Vermont.

6. **RECREATION:** *EXPLAIN HOW THE RULE IMPACTS RECREATION IN THE STATE:*

This rule defines the requirements for importing domestic animals for exhibition or personal use. These updates do not create unnecessary burden and are in line with surrounding state requirements for animals in this category. The rule provides for flexibility of livestock movement within New England during fair season and it brings Vermont into alignment with 34 other states allowing for easier movement of horses.

7. **CLIMATE:** *EXPLAIN HOW THE RULE IMPACTS THE CLIMATE IN THE STATE:*

This rule does not affect the number of animals being farmed in Vermont or elsewhere. It does not alter the use of water, or obligate more land to be used for maintaining livestock. It increases the emphasis on electronic systems, thus decreasing paper copies that used to be sent in triplicate. This rule does not rely on new or obligate systems, but rather integrates with computers, tablets, or phones that people are already using. The impact is therefore likely to be neutral to the existing rule.

8. **OTHER:** *EXPLAIN HOW THE RULE IMPACT OTHER ASPECTS OF VERMONT'S ENVIRONMENT:*

The rule update supports the concept of One Health, by testing for and controlling the spread of diseases that can impact both human health and wildlife.

9. **SUFFICIENCY:** *DESCRIBE HOW THE ANALYSIS WAS CONDUCTED, IDENTIFYING RELEVANT INTERNAL AND/OR EXTERNAL SOURCES OF INFORMATION USED.*

The Agency based the environmental impact analysis on the information available and in conversation with federal, state, and wildlife partners.

Public Input Maximization Plan

Instructions:

Agencies are encouraged to hold hearings as part of their strategy to maximize the involvement of the public in the development of rules. Please complete the form below by describing the agency's strategy for maximizing public input (what it did do, or will do to maximize the involvement of the public).

This form must accompany each filing made during the rulemaking process:

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3. **PLEASE DESCRIBE THE AGENCY'S STRATEGY TO MAXIMIZE PUBLIC INVOLVEMENT IN THE DEVELOPMENT OF THE PROPOSED RULE, LISTING THE STEPS THAT HAVE BEEN OR WILL BE TAKEN TO COMPLY WITH THAT STRATEGY:**

The Agency is in constant contact with the public on topics of importation requirements. Daily discussions and observations have been incorporated into the decision making process. The Agency will publish the proposal on our website and advertise in Agency of Agriculture newsletters. The Agency will specifically reach out to stakeholders via distribution lists- including vets, program participants, and FSCP Field Notes subscribers- and key partners - 4H, VVMA, breed associations- to invite relevant feedback. Public hearings will also be scheduled to provide a forum for public comments.

4. **BEYOND GENERAL ADVERTISEMENTS, PLEASE LIST THE PEOPLE AND ORGANIZATIONS THAT HAVE BEEN OR WILL BE INVOLVED IN THE DEVELOPMENT OF THE PROPOSED RULE:**

Attorney General's Office

Vermont Department of Fish and Wildlife

Public Input

VVMA

USDA AHPIS

Vermont Department of Health

Scientific Information Statement

THIS FORM IS ONLY REQUIRED IF THE RULE RELIES ON SCIENTIFIC INFORMATION FOR ITS VALIDITY.

PLEASE REMOVE THIS FORM PRIOR TO DELIVERY IF IT DOES NOT APPLY TO THIS RULE FILING:

Instructions:

In completing the Scientific Information Statement, an agency shall provide a summary of the scientific information including reference to any scientific studies upon which the proposed rule is based, for the purpose of validity.

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3. BRIEF EXPLANATION OF SCIENTIFIC INFORMATION:

Literature reviews of disease prevalence throughout the US were evaluated to determine the current range of the diseases of concern. Additional consultation was made of subject matter experts at the USDA who have access to privileged information to ensure that our recommendations aligned with best practices and the program updates they have in the works but are not yet able to publish.

4. CITATION OF SOURCE DOCUMENTATION OF SCIENTIFIC INFORMATION:

Information on relevant diseases and federal program standards are provided on the Agency website.

5. INSTRUCTIONS ON HOW TO OBTAIN COPIES OF THE SOURCE DOCUMENTS OF THE SCIENTIFIC INFORMATION FROM THE AGENCY OR OTHER PUBLISHING ENTITY:

Information on relevant diseases and federal program standards are provided on the Agency website.