

ANIMAL DISEASE, IMPORTATION, AND MINIMUM CARE STANDARDS: NOTICE OF
PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF
ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Department of Environmental Conservation (DEC) proposes to make changes to 18 AAC 36 (Animal Health) to update the animal diseases testing regulations, to come into compliance with federal rules relating to animal diseases and importation, and to set minimum care standards for animals.

The Alaska Department of Environmental Conservation (DEC) proposes to adopt regulation changes in 18 AAC 36, Animal Health, of the Alaska Administrative Code, dealing with animal diseases, importation of animals into Alaska, and minimum care standards of animals, including the following:

- (1) Amend Article 1 (18 AAC 36.001-065) by:
 - a. Adding a purpose and applicability section.
 - b. Clarifying permit requirements for importation of certain animals.
 - c. Clarifying requirements for information that must be on a health certificate.
 - d. Specifying who should be provided with a copy of the importation and exportation health certificates.
 - e. Repealing sections dealing with importation requirements for specific animals, which have been moved to Article 2.

- (2) Amend Article 2 (18 AAC 36.100-185) by:
 - a. Changing the title of this Article.
 - b. Adding importation requirements for equines; cattle, bison, and yak; goats; sheep; swine; dogs, cats, and ferrets; poultry and hatching eggs; cervids; and camelids.

- (3) Amend Article 3 (18 AAC 36.200-295) by:
 - a. Changing the title of this Article.
 - b. Repealing 18 AAC 36.200 and 18 AAC 36.210, which have been moved to Article 5.
 - c. Adding a new section regarding animal testing by the state veterinarian.
 - d. Adding a new section regarding animal quarantine and depopulation.
 - e. Adding a new section regarding disease identification and reporting.
 - f. Adding a new section regarding emergency appointment of private individuals for disease control activities.
 - g. Adding new sections regarding how disease control activities will be conducted for listed equine diseases.
 - h. Requiring ruminants used for cheese production to test negative for listed diseases.
 - i. Adding a new section allowing the department to order the stop of sale of animal feed, and to take samples for testing.
 - j. Adding a new section regarding database for tracking intrastate movement of

animals, and a voluntary premise registration program.

- (4) Add a new Article 4 (18 AAC 36.310) dealing with the intrastate movement of cervids, including permit requirements.
- (5) Add a new Article 5 (18 AAC 36.410) dealing with the importation and use of veterinary biologics.
- (6) Add a new Article 6 (18 AAC 36.500-540) dealing with animal care standards.
- (7) Amend Article 9 (18 AAC 36.900-990) by:
 - a. Defining 'normal working hours' for laboratory analysis.
 - b. Updating citations to federal regulations and documents that are adopted by reference.
 - c. Adding a new section allowing for expedited hearings.
 - d. Adding a new section dealing with informal reviews and non-expedited hearings.
 - e. Updating the list of definitions.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Dr. Bob Gerlach at 5251 Dr. Martin Luther King, Jr. Avenue, Anchorage, AK 99507. Additionally, the Department of Environmental Conservation will accept comments by facsimile at (907) 929-7335 and by electronic mail at bob.gerlach@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system and using the comment link. The comments must be received not later than 5:00 pm on Friday, September 16, 2016.

You may submit written questions relevant to the proposed action to Dr. Bob Gerlach by email at bob.gerlach@alaska.gov or by mail to 5251 Dr. Martin Luther King, Jr. Avenue, Anchorage, AK 99507. The questions must be received at least 10 days before the end of the public comment period. The Department of Environmental Conservation will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and <http://dec.alaska.gov/eh/vet/index.htm>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 not later than Friday, August 26, 2016 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Dr. Bob Gerlach at bob.gerlach@alaska.gov or (907) 375-8214.

A copy of material proposed for adoption by reference may be viewed at the agency's office at 5251 Dr. Martin Luther King, Jr. Avenue, Anchorage, AK 99507.

After the public comment period ends, the Department of Environmental Conservation will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED. Written comments received are public records and are subject to public inspection.

Statutory authority:

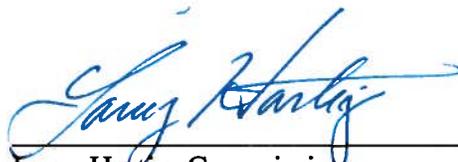
AS 03.05.011, AS 03.05.090, AS 03.55.100, AS 03.05.013, AS 03.45.010, AS 03.55.110, AS 03.05.040, AS 03.45.020, AS 03.55.130, AS 03.05.050, AS 03.45.030, AS 03.55.190, AS 03.05.075

Statutes being implemented, interpreted, or made specific:

AS 03.05.011, AS 03.05.090, AS 03.55.100, AS 03.05.013, AS 03.45.010, AS 03.55.110, AS 03.05.040, AS 03.45.020, AS 03.55.130, AS 03.05.050, AS 03.45.030, AS 03.55.190, AS 03.05.075

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: August 11th 2016
Juneau, Alaska



Larry Hartig, Commissioner

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))¹

1. Adopting agency: Department of Environmental Conservation
2. General subject of regulation: Animal Disease, Importation, Care Standards
3. Citation of regulation (may be grouped): 18 AAC 36
4. Department of Law file number, if any: JU2015200861

5. Reason for the proposed action:
 - (x) Compliance with federal law or action (identify): The United States Department of Agriculture (USDA) will pull our status as a 'consistent' state under the 9 CFR 79.6 due to our lack of a regulation that requires ear tags for intact sheep over 18 months old entering interstate commerce and mandating surveillance minimums for scrapie testing in sheep. Consequence to inconsistent state status will restrict sheep and goats owned by Alaskan resident from crossing interstate and international borders.
 - () Compliance with new or changed state statute
 - () Compliance with federal or state court decision (identify): _____
 - (x) Development of program standards
 - () Other (identify): _____

6. Appropriation/Allocation: Department of Environmental Conservation/Environmental Health/Laboratory Services

7. Estimated annual cost to comply with the proposed action to:
 - a. Private Persons: There will be one-time costs to owners of animals/livestock for intrastate movement testing and vaccine requirements as they are not already federally mandated. New requirements with an expected increase to compliance costs include the following for animals being transported into Alaska: Sheep will require blue tongue and brucellosis testing (this is currently already required for goats); Cervids coming into Alaska from regions with brucellosis or tuberculosis will require testing for these diseases; Cattle have new trichomoniasis testing requirements for bulls over the age of 18 months (the cost is approximately \$20-\$40 per test); Ferrets coming into Alaska from other states will require a rabies vaccination (the cost is approximately \$7-\$20 per vaccination).
 - b. Other State Agencies: No Additional Costs.
 - c. Municipalities: No Additional Costs.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY <u>17</u>	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/ program	\$ <u>0</u>	\$ <u>0</u>
Other (identify)	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Dr. Bob Gerlach

Title: State Veterinarian

Address: 5251 Dr. Martin Luther King, Jr. Avenue, Anchorage, AK 99507

Telephone: (907) 375-8214

E-mail address: bob.gerlach@alaska.gov

10. The origin of the proposed action:

X Staff of state agency

_____ Federal government

_____ General public

_____ Petition for regulation change

_____ Other (identify): _____

11. Date: 8/11/16 Prepared by: _____

Name: Dorothy Melambianakis

Title: Program Coordinator II

Telephone: (907) 269-6066