

# COLORADO DEPARTMENT OF AGRICULTURE

## Animal Industry Division

### 8 CCR 1201-19

#### LIVESTOCK DISEASE CONTROL

##### Part 2.1: Standards for Colorado Import Approved Feedlots

###### I. Introduction

Certain livestock diseases that both the USDA and the Colorado Department of Agriculture regulate pose a significant risk to Colorado livestock producers, specifically with regard to states that regularly import cattle for both breeding and finish-feeding purposes into Colorado. While some of these states may have regulated disease status for certain diseases, that status may not always be as strict as Colorado's. Disease risk in confined feeding operations can be managed such that the risk of spread to Colorado's breeding herd and livestock producers is extremely low or even non-existent. The Division of Animal Industry maintains reasonable livestock import rules and requirements. These requirements are science-based and designed to protect both the livestock industries within Colorado and to permit feeding operations to remain competitive. The potential for livestock disease entry into Colorado can be adequately mitigated and controlled through appropriate import requirements that require individual animal identification that denotes the state of origin, that require livestock remain in feedlots and exit only directly to slaughter, and that require that livestock feeding operations maintain appropriate records of the livestock they feed.

###### II. Definitions

- A. **"Accredited Veterinarian"** means a veterinarian approved by the USDA in accordance with 9 Code of Federal Regulations § 161 (2002) to perform functions required for state or cooperative state and federal animal disease control and eradication programs.
- B. **"Approved Individual Animal Identification Ear tag"** means USDA ear tags, radio frequency identification device (RFID) ear tags, or any other ear tag individually applied to livestock and approved by the state veterinarian.
- C. **"Certificate of Veterinary Inspection (CVI or Health Certificate)"** means an official document approved by the state veterinarian and issued by an accredited veterinarian at the point of origin prior to the shipment of livestock. This definition shall also include electronically generated and transmitted CVIs.
- D. **"Class A State"** means a state classified by VS/APHIS, as set forth in the Uniform Methods and Rules ("UM&R"), based upon the incidence of brucellosis infection existing in said state.
- E. **"Colorado Import Approved Feedlot"** means a confined feedlot area approved and recorded by the State Veterinarian or authorized agent. The approved feedlot shall be maintained for finish-feeding of animals in dry lot with no provisions for pasturing or grazing. Animals leaving such a

feedlot must move directly to slaughter and be accompanied by a current brand inspection certificate.

- F. **“Colorado Import Approved Feedlot Entry Permit”** means a permit issued by the state veterinarian approving the import of livestock to a Colorado Import Approved Feedlot.
- G. **“Entry permit”** means a permit issued by the state veterinarian to an accredited veterinarian at the livestock point of origin and used for the interstate import into Colorado or intrastate movement of livestock within Colorado.
- H. **“Infectious or contagious disease”** means a disease of livestock caused by a virus, bacteria, fungi, protozoa, internal or external parasite or prion.
- I. **“Livestock”** means cattle, horses, mules, burros, sheep, poultry, swine, llama, cervids, bison and goats, regardless of use. Livestock includes any animal that is used for working purposes on a farm or ranch, excluding dogs; or is raised for food or fiber production; and any other animal designated by the Commissioner.
- J. **“Modified accredited advanced state”** means a state that is actively participating in the eradication of bovine tuberculosis and that maintains its status in accordance with the provisions of the USDA UM&R for Bovine Tuberculosis Eradication.
- K. **“National Animal Identification System (NAIS)”** means a national program intended to identify specific animals and premises in the United States developed by the USDA, state agencies and the livestock industry. This system is designed to enable traceback of the movements of any diseased or exposed animal.
- L. **“Official ear tag”** means a metal identification ear tag that provides unique identification for each individual animal by conforming to the nine-character alpha-numeric national uniform ear-tagging system or any other unique identification device approved by the Colorado Department of Agriculture.
- M. **“Owner”** means the person or entity owning the livestock and the owner’s officers, members, employees, or agents.
- N. **“RFID”** means a radio frequency identification device used as individual identification of livestock.
- O. **“State Veterinarian”** means the veterinarian employed by the Colorado Department of Agriculture and appointed by the Commissioner of Agriculture or his/her representative.
- P. **“Uniform Methods and Rules (UM&R)”** means the standards set forth by the USDA Animal Plant and Health Inspection Service. For Brucellosis the standards are set forth at (APHIS Bulletin No. 91-45-013), effective October 1, 2003; for Bovine Tuberculosis, the standards are set forth by the USDA Animal and Plant Health Inspection Service (APHIS Bulletin No. 91-45-011), effective January 1, 2005.
- Q. **“USDA Premises Identification Number”** means a unique identification number allocated to an owner’s facility or premises by the USDA national repository under the National Animal Identification System.

### **III. Approved Feedlot Purpose and Facility Requirements**

- A. Colorado Import Approved Feedlots may import cattle from states with Class A Brucellosis status or Modified Accredited Advanced Tuberculosis status without import test or vaccination requirements upon obtaining a Colorado Import Approved Feedlot Entry Permit from the state veterinarian. In order to obtain a Colorado Import Approved Feedlot Entry Permit, an accredited veterinarian in the state of origin shall forward a Certificate of Veterinary Inspection, evidencing inspection of the livestock to be imported, to the state veterinarian and obtain an entry permit to be used for import into a Colorado Import Approved Feedlot.
- B. Colorado Import Approved Feedlot Facility Requirements:
  - 1. The entire Colorado Import Approved Feedlot shall allow no provisions for pasturing or grazing of any livestock and shall be dry lot feeding only.
  - 2. The Colorado Import Approved Feedlot shall have no perimeter fence line contact with livestock outside the feedlot.
  - 3. The entire feedlot shall be a Colorado Import Approved Feedlot.
  - 4. The end disposition of all cattle within Colorado Import Approved Feedlots shall be slaughter only, although upon approval of the state veterinarian the Colorado Import Approved Feedlot may move cattle to another registered Colorado Import Approved Feedlot. All cattle exiting the Approved Feedlot shall not be moved without a current Brand Inspection certificate and shall only be moved to a USDA Food Safety Inspection Service or other slaughter plant approved by the state veterinarian or to another Colorado Import Approved Feedlot.

### **IV. Livestock Facility and Individual Animal Identification Requirements**

- A. All Colorado Import Approved Feedlots shall have a USDA NAIS Premises Identification Number.
- B. All cattle contained within Colorado Import Approved Feedlots shall be identified with an approved individual animal identification ear tag or other individual ear tag approved by the state veterinarian.
- C. All cattle imported from other states shall have either an approved individual animal identification ear tag that denotes the state of origin or an approved individual animal identification ear tag that through approved feedlot inventory records adequately denotes the state of origin.

### **V. Approved Feedlot Registration**

- A. A feedlot may apply to the state veterinarian in order to be registered as a Colorado Import Approved Feedlot. The application shall be on a form designated by the state veterinarian.
- B. The Colorado Import Approved Feedlot shall not become registered until the Colorado Department of Agriculture has received and approved application on a form designated by the state veterinarian and a representative of the state veterinarian has performed an onsite inspection. Such onsite inspection shall insure that the feedlot meets the facility requirements and

demonstrates the ability to comply with the individual animal identification and approved feedlot facility record-keeping requirements as set forth herein.

- C. The registration of an approved feedlot shall expire one year from the date of issuance. unless:
  - 1. The feedlot fails to meet the minimum facility, animal identification, record-keeping or other requirements in which case the state veterinarian may rescind the Colorado Import Approved Feedlot registration; or
  - 2. The approved feedlot voluntarily relinquishes its Colorado Import Approved Feedlot registration. In the event the Approved Feedlot voluntarily relinquishes its registration, the Approved Feedlot shall be required to meet all minimum requirements of this rule until all imported livestock from Class A or Modified Accredited Advanced states have exited the Approved Feedlot to approved slaughter facilities.
- D. A Colorado Import Approved Feedlot may apply for re-registration prior to the termination of its then-current registration

## **VI. Colorado Import Approved Feedlot Record-Keeping Requirements**

- A. Colorado Import Approved Feedlots shall keep an inventory of all livestock confined on the registered facility.
- B. Colorado Import Approved feedlots shall keep record through brand inspection of all cattle exiting the facility to approved slaughter facilities.
- C. Colorado Import Approved Feedlots shall reconcile inventories of cattle to include cattle that enter the feedlot, mortalities, realizer cattle, and cattle that exit the facility to approved slaughter facilities or to other Colorado Import Approved Feedlots.
- D. Records shall be made available to a representative of the state veterinarian annually or as requested by the state veterinarian.

## **Part 16: Statements of Basis, Specific Statutory Authority and Purpose**

### **V. Adopted: July 31, 2008 – Effective: August 1, 2008**

#### **SPECIFIC STATUTORY AUTHORITY:**

The specific statutory authority of this rule is § 35-50-105(3)(c), C.R.S., which grants authority to the Commissioner of Agriculture, upon approval of the Colorado Agricultural Commission, to adopt rules related to the health standards for importation of livestock into the State of Colorado. With approval from the Colorado Agricultural Commission, the Commissioner of Agriculture adopts this rule as an emergency rule pursuant to § 24-4-103(6), C.R.S.

#### **Statement of Emergency Purpose**

The Colorado Commissioner of Agriculture, with approval of the Colorado Agricultural Commission, finds that immediate adoption of this rule is imperatively necessary for preservation of public health, safety or

welfare and that compliance with the rulemaking requirements of § 24-4-103, C.R.S., would be contrary to the public's interest.

This rule creates a standardized method by which the Commissioner of Agriculture, through the Colorado State Veterinarian, may identify feedlots in the State of Colorado that are approved to import livestock that come from states whose regulated disease statuses may be different from those in Colorado. Specifically, the rule identifies the requirements for a feedlot to attain and maintain a registration and the methods to apply for a registration. In addition, the rule obviates the need for import testing or vaccination in livestock that come from states with different regulated disease statutes prior to importation.

The overall purpose of this rule is to protect both the economic vitality of Colorado's feedlots while continuing to protect the state's livestock producers from diseases that are currently eradicated or controlled within the state.

Immediate implementation of this rule is necessary to protect the economic viability of Colorado's livestock producers.

#### Factual and Policy Issues

The factual and policy issues encountered when developing these rules include:

Recent changes in neighboring states' regulated disease status have made it difficult and expensive for feedlots within the state to import certain livestock for the purpose of finishing at a feedlot prior to sending to slaughter. An import ban on livestock from states that have lost certain disease regulation status or that have lower disease control requirements than Colorado makes it difficult for feedlots to import the numbers of livestock needed to maintain economic vitality. At the same time, importing cattle from states that have different statuses could be harmful to Colorado's breeding herd and Colorado's livestock producers.

The Commissioner of Agriculture, in tandem with representatives from industry groups and the State Veterinarian's Office, recognized that the dual goal of protecting Colorado's livestock producers while providing feedlots a method to remain competitive could be achieved. This rule establishes a uniform method to identify those feedlots that are eligible to import livestock from states with different regulated disease statuses.

The rule permits immediate importation of livestock from neighboring states whose regulated disease status have changed with minimal output cost to the Colorado feedlot. In addition, this rule maintains the important protections provided to Colorado's livestock producers and breeding stock from diseases that are controlled or eradicated from within the State of Colorado.