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INDEPENDENT REGULATORY
REVIEW COMMISSION

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE
LEGAL OFFICE

DATE: October 4, 2000

SUBJECT: Tolled Final-Form Regulation
Department of Agriculture
Bureau of Animal Health & Diagnostic Services
7 Pa. Code Chapters 3 & 7: Health Requirements for Importation &
Intrastate Transportation of Animals & Brucellosis
I.D. No. 2-128

TO: Robert E. Nyce, Executive Director
Independent Regulatory Review Commission

FROM: David C. Kennedy *DCK*
Assistant Counsel *(amg)*

As per my letter to you on September 27, 2000 regarding the above regulation, I have made the Commission's suggested revisions. Attached you will find the replacement pages.

If you have any questions, please call me at 787-8744.

Attachments

cc: Honorable Raymond Bunt, Jr. (w/atts.)
Honorable Italo S. Cappabianca (w/atts.)
Honorable Noah W. Wenger (w/atts.)
Honorable Patrick J. Stapleton (w/atts.)

DCK:amg

CHAPTER 7. BRUCELLOSIS REGULATIONS.

Subchapter A. GENERAL PROVISIONS

§ 7.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings [, unless the context clearly indicates otherwise]:

Accredited veterinarian – A licensed veterinarian jointly accredited by APHIS-USDA and the department in the state the veterinarian is licensed to perform official duties on behalf of APHIS-USDA or the department-in-the-state-the veterinarian is licensed to practice veterinary medicine. See accreditation standards established by 9 CFR Parts 160 and 161 (relating to definition of terms; and requirements and standards for accredited veterinarians and suspension or revocation of such accreditation).

* * *

OFFICIAL VACCINATION - AN OFFICIAL CALFHOOD OR ADULT VACCINATION.

* * *

OFFICIAL ADULT VACCINATION - STRAIN RB 51 VACCINE ADMINISTERED TO FEMALE CATTLE OR BISON OVER THE AGE OF 12 MONTHS (365 DAYS). ~~SUCH VACCINATION MAY ONLY BE ADMINISTERED WITH THE EXPRESS GUIDANCE AND WRITTEN PERMISSION OF THE PENNSYLVANIA STATE VETERINARIAN.~~

* * *

OFFICIAL CALFHOOD VACCINATION - STRAIN RB 51 VACCINE

ADMINISTERED TO FEMALE CATTLE OR BISON FROM 4 TO 12 MONTHS OF AGE.

* * *

Pennsylvania State Veterinarian – The Director of the Bureau of Animal Health and Diagnostic Services of the Department.

* * *

Secretary – The Secretary of the Department.

* * *

Subchapter E. INDIVIDUAL CERTIFIED BRUCELLOSIS HERD PLAN

* * *

§ 7.47. Herd additions.

* * *

(c) Animals officially vaccinated [with brucella abortus vaccine, Strain 19] in accordance with Subchapter H (relating to vaccination)(7 PA.CODE §§ 7.71 – 7.74),₂ and under 18 months of age, may enter a herd without a blood test but shall be accompanied by a health certificate.

* * *

Subchapter H. [CALFHOOD] VACCINATION

* * *

§ 7.72. Procedure.

(a) [Only accredited veterinarians selected by the owner may vaccinate female calves with Strain 19 brucella abortus vaccine.] Designation of vaccine. EXCEPT AS

AUTHORIZED UNDER SUBSECTION (B) (RELATING TO STATE VETERINARIAN APPROVAL REQUIRED), Strain RB 51 vaccine is hereby designated the only brucellosis vaccine authorized for use within the Commonwealth of Pennsylvania. In the event the Secretary determines that some other brucellosis vaccine is appropriate for use in cattle in the Commonwealth, the Secretary may so designate that vaccine by publishing an order to that effect in the *Pennsylvania Bulletin*. The order shall take effect upon publication and the Department shall, within one year of the effective date of that order, amend this section to bring it into conformity with the published order.

(b) State veterinarian approval required. Strain 19 vaccine may only be used with the express written permission of the Pennsylvania State Veterinarian. ALL REQUESTS FOR PERMISSION TO ADMINISTER STRAIN 19 VACCINE MUST BE MADE IN WRITING ON A FORM PROVIDED BY THE DEPARTMENT. THE PENNSYLVANIA STATE VETERINARIAN MAY REQUEST ADDITIONAL INFORMATION AS MAY BE NECESSARY TO ASSURE THE HEALTH OF THE ANIMAL AND TO PREVENT AND CONTROL DISEASES AND DANGEROUS SUBSTANCES THAT MAY THREATEN THE HEALTH AND SAFETY OF ANIMALS AND HUMANS. THE PENNSYLVANIA STATE VETERINARIAN SHALL PROVIDE A WRITTEN APPROVAL OR DENIAL OF SUCH A REQUEST WITHIN 3 WORKING DAYS OF RECEIVING THE WRITTEN REQUEST AND ALL NECESSARY INFORMATION PERTAINING THERETO.

[(b)] (c) Official vaccination. An official vaccination shall consist of [an approved] Strain RB 51 vaccine administered to female [calves] CATTLE OR BISON from 4 through [8] 12 months of age ([120 – 269] 120-365 days). A vaccination of

FEMALE cattle OR BISON over the age of 12 months (365 days) shall not be considered an official vaccination unless done with the guidance and express written permission of the Pennsylvania State Veterinarian. ~~ALL REQUESTS TO VACCINATE CATTLE OVER THE AGE OF 12 MONTHS ADMINISTER AN OFFICIAL ADULT VACCINATION SHALL BE MADE IN WRITING ON A FORM PROVIDED BY THE DEPARTMENT. THE REQUEST SHALL SET FORTH THE REASONS FOR THE REQUEST, THE VACCINE TO BE ADMINISTERED AND THE AGE OF THE ANIMAL AT THE TIME OF THE REQUEST. THE PENNSYLVANIA STATE VETERINARIAN MAY REQUEST ADDITIONAL INFORMATION AS MAY BE NECESSARY TO ASSURE THE HEALTH OF THE ANIMAL AND TO PREVENT AND CONTROL DISEASES AND DANGEROUS SUBSTANCES THAT MAY THREATEN THE HEALTH AND SAFETY OF ANIMALS AND HUMANS. THE PENNSYLVANIA STATE VETERINARIAN SHALL PROVIDE A WRITTEN APPROVAL OR DENIAL OF SUCH A REQUEST WITHIN 3 WORKING DAYS OF RECEIVING THE WRITTEN REQUEST AND ALL NECESSARY INFORMATION PERTAINING THERETO.~~

(d) Veterinarian to administer vaccine. An official vaccination may only be administered by an accredited veterinarian.

~~[(c)]~~ (e) Veterinarian fees. Accredited veterinarians shall be permitted to charge the herd owner for [the cost of the services] their services and the vaccine.

§ 7.73. Identification of [calves] OFFICIALLY VACCINATED ANIMALS.

(a) Tattoo required. Veterinarians [vaccinating calves] ADMINISTERING OFFICIAL CALFHOOD OR OFFICIAL ADULT VACCINATIONS shall tattoo [with]

in the right ear OF THE ANIMAL the letter "R", followed by a United States Registered "V" SHIELD [, including "V," in the right ear, preceded by the numeral of the quarter of the year and], followed by the last number of the year.

(b) Official state vaccination tag or official breed registry tattoo required. An orange official State vaccination tag shall be placed in the right ear. If the calf VACCINATED ANIMAL has an official breed registry tattoo, an official state vaccination tag is SHALL not BE required.

(c) Identification on vaccination report. [Calves] OFFICIALLY VACCINATED ANIMALS shall be identified on the vaccination report by [the] date of birth, AND AN official [Pennsylvania ear tag in the right ear,] State vaccination tag number [and,] or [when applicable], their breed registration number AND/or registration number of the dam.

§ 7.74. Vaccination report.

Vaccinations shall be reported to the Department within [7] 30 days following vaccination of the [calves] ANIMAL. The reports shall be made on forms provided by the Department. The original and [two copies] one copy shall be forwarded to the Department, one copy given to the herd owner for [his] or her THE OWNER'S records and one copy retained by the veterinarian.

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE
REGULATORY REVIEW ACT

I.D. NUMBER: 2-128

SUBJECT: Health Requirements for Importation and Intrastate Transportation of Animals
and Brucellosis

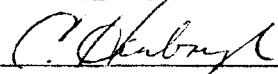
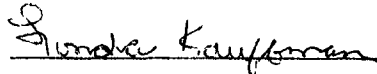
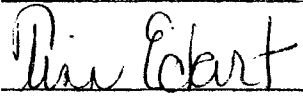
AGENCY: DEPARTMENT OF AGRICULTURE

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
- a. With Revisions
- b. Without Revisions

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FILING OF REGULATION

| DATE | SIGNATURE | DESIGNATION |
|---------|---|---|
| 10/4/00 |  | HOUSE COMMITTEE ON |
| 10/4/00 |  | SENATE COMMITTEE ON |
| 10/4/00 |  | INDEPENDENT REGULATORY REVIEW COMMISSION |
| | | ATTORNEY GENERAL |
| | | LEGISLATIVE REFERENCE BUREAU |