



NOTICE OF PUBLIC RULEMAKING HEARING

FOR AMENDMENTS TO

“Livestock Disease Control” Rules 8 CCR 1201-19, Parts 5.14, 5.15, and 16.11

Notice is hereby given pursuant to § 24-4-103 C.R.S. that the Department of Agriculture will hold a public rulemaking hearing:

DATE: March 17, 2021
TIME: 10:30 am
LOCATION: This hearing will be held via [Zoom](#)
CALL INFORMATION: 1-669-900-9128
MEETING ID: 827 0352 4102
PASSCODE: 276352

In order to maintain a proper hearing record you are encouraged to pre-register by completing this [Google form](#). If you do not have access to Google you may send your name and telephone number to Jenifer.Gurr@state.co.us. Pre-registration is not required to participate in the hearing.

The purpose of this rulemaking is to remove the requirement that Colorado dairies be accredited TB-free and allow for voluntary accreditation.

The statutory authority for these rules is §§ 35-50-105(3)(a), (f), and (h), C.R.S.

Any interested party may file written comment with the Commissioner's office prior to the hearing, or present at the aforementioned hearing written data, views or arguments. Emailed comments should be sent to the hearing officer at Jenifer.Gurr@state.co.us. A copy of the proposed rule is available on the Department of Agriculture's website at www.colorado.gov/ag or may be obtained by calling 303-869-9004. The proposed rule shall be available for public inspection at the Colorado Department of Agriculture at 305 Interlocken Parkway, Broomfield, Colorado during regular business hours.



Editing comments: Changes to this rule are indicated in ~~strike through~~ for removal and underline for additions. If you are able to view this document in color the changes are also indicated in ~~red~~. Changes as a result of the rulemaking hearing are indicated in ~~blue~~.

DEPARTMENT OF AGRICULTURE

Animal Health Division

LIVESTOCK DISEASE CONTROL

8 CCR 1201-19

Part 5. Bovine Tuberculosis

5.14. Minimum Standards for Accreditation and Reccreditation of Tuberculosis Accredited Cattle, Dairy Herds or Bison Herds

5.14.2. ~~All dairy herds must be tuberculosis accredited or reccredited between 33 and 39 months after any initial accreditation.~~ Tuberculosis accreditation and reccreditation for dairy herds is voluntary. The minimum standards for any voluntary accreditation ~~and~~ or reccreditation of a tuberculosis accredited dairy herds are as follows, and any reccreditation must occur between 33 and 39 months of any initial accreditation:

5.14.21 . Initial tuberculosis accreditation involves testing all cattle in the dairy herd, including any beef cattle and calves comingling, greater than 12 months of age.

5.14.22 . All test eligible animals in the accredited herd must have an official animal ID eartag.

5.14.2.3. Accurate records on each individual animal must be kept, including disposal and/or death of each animal, natural additions and purchased additions.

5.14.2.4. Accreditation is valid for three years unless tuberculosis is diagnosed in the herd after any initial accreditation. The Department may issue a TB Accreditation certificate to any bovine dairy herd owner whose herd meets these standards of TB Accreditation.

5.15. Minimum Standards for Accreditation and Reccreditation of Tuberculosis Accredited Non-Bovine Dairy Herds

5.15.1. Minimum standards for voluntary accreditation and reccreditation of tuberculosis accredited non-bovine dairy herds are as follows:

5.15.1.1. Testing of herds for accreditation or reccreditation shall include all dairy animals over six (6) months of age and any dairy animals other than natural additions under six (6) months of age. All natural additions shall have an official animal ID eartag and be recorded on the test report as members of the herd at the time of the annual test.

5.15.1.2. Voluntary r~~Re~~accreditation shall require a negative test of all test eligible herd members not less than ten (10) nor more than fourteen (14) months from the official accreditation date.

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

16.11. Adopted April 14, 2021 – Effective June 15, 2021

Statutory Authority

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These Rules are proposed for adoption by the Commissioner of the Colorado Department of Agriculture pursuant to her authority under §§ 35-50-105(3)(a), (f), and (h), C.R.S.

Purpose

The purpose of this proposed rule-making is to remove the requirement that Colorado dairies be accredited TB-free and allow for voluntary accreditation.

Specific Purpose

Part 5.14.2 was amended to change the mandatory tuberculosis accreditation requirement for bovine dairy herds to voluntary accreditation.

Part 5.15.1 was amended to change the mandatory tuberculosis accreditation requirement for non-bovine dairy herds to voluntary accreditation.

Factual Policy and Issues

The Colorado Dairy TB Accreditation testing program has existed as a disease surveillance tool used to potentially enable a more timely diagnosis and location of TB in Colorado. Many other states had similar TB accreditation testing programs but have since ended their programs. At this time, Colorado is the only state to require bovine and non-bovine dairy herd TB accreditation testing.

Colorado TB Dairy Accreditation testing has not proven to be an effective disease surveillance tool in past years and is not likely to locate newly infected TB dairy herds in the foreseeable future. Due to the economic and labor-related burdens associated with testing without a benefit in disease reduction, the CDA Animal Health Division is recommending a rule change to no longer require TB Accreditation for Colorado dairies