



NOTICE OF PUBLIC RULEMAKING HEARING

FOR AMENDMENTS TO

“Livestock Disease Control” Rules

8 CCR 1201-19, Parts 1, 2, and 10

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

DATE: April 19, 2024
TIME: 11:00 a.m.
LOCATION: This hearing will be held via [Zoom](#)
CALL INFORMATION: 1-346-248-7799
Meeting ID: 85267129120
Passcode: 572801

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 Madison.Murphy@state.co.us. Pre-registration is not required to participate in the hearing.

The purpose of this proposed rulemaking is to incorporate two important updates. The first relates to trichomoniasis regulations in a market setting; the second, to equine movements and extended equine certificates of veterinary inspection.

The statutory authority for these rules is §§ 35-50-105(3)(a), (d), (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 Madison.Murphy@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 720-795-3510. 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.



DEPARTMENT OF AGRICULTURE

Animal Health Division

LIVESTOCK DISEASE CONTROL

8 CCR 1201-19

Part 1. Definitions, Incorporations by Reference, and Record Keeping

1.1. Definitions

The following definitions apply to all parts of 8 CCR 1201-19 below except where any part has a definition that is more specific in which case the specific controls over the general.

- 1.1.1. “Accredited Veterinarian” means an individual who is currently licensed and in good standing with a veterinary licensing board or agency in any state of the United States or the District of Columbia to practice veterinary medicine and is accredited by the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.
- 1.1.2. “Administrator” means The Administrator, Animal and Plant Health Inspection Service, or any individual authorized to act for the Administrator.
- 1.1.3. “Animal and Plant Health Inspection Services (APHIS)” means the agency in the United States Department of Agriculture known as the Animal and Plant Health Inspection Service.
- 1.1.4. “Bison” means a bovid (genus Bison) commonly referred to as American bison or buffalo.
- 1.1.5. “Certificate of Veterinary Inspection (CVI)” means an official document issued by an accredited veterinarian at the point of origin of a shipment of animals. The document shall include the date, the physical location of origin, the name and mailing address of the consignor; the physical location of destination, the name and mailing address of the consignee; the age, sex, number, and breed of the livestock; sufficient identifying marks, tags or other identification as may be approved by the State Veterinarian, to positively identify livestock; and the results of all required tests. Such document shall also include a statement verifying that the livestock identified on the document have been inspected and that they are free from clinical signs of any contagious, infectious, or communicable diseases and that the livestock do not originate from an area of quarantine, infestation, or infection. A certificate of veterinary inspection is valid for thirty (30) days after the date of issuance.
- 1.1.6. “Colorado Approved Feedlot” means a confined feedlot area approved and recorded by the State Veterinarian or his or her authorized agent. The approved feedlot shall be maintained for growing and/or finish-feeding of animals in dry lot with no provisions for pasturing or grazing. Animals leaving such a feedlot must move directly to slaughter or to another Colorado Approved Feedlot and must be accompanied by a current brand inspection certificate where and when applicable.
- 1.1.7. “Extended equine CVI (eeCVI)” means a CVI for equidae issued by an accredited veterinarian that is generated from a platform approved by the State Veterinarian. The eeCVI is valid for six months from the date of inspection.

- 1.1.8. “Hold” means a temporary order issued by the state veterinarian when an infectious or contagious disease is suspected in livestock to isolate any specific livestock, premises, county, district, or section of the state; restrict the movement of livestock; and specify sanitary measures, pending completion of testing.
- 1.1.98. “Import permit” means a permit issued by the State Veterinarian to an accredited veterinarian at the livestock’s point of origin and used for the interstate import into Colorado or intrastate movement of livestock within Colorado.
- 1.1.109. “Official eartag” means an identification tag approved by APHIS that bears an official identification number for individual animals. Beginning March 11, 2014, all official eartags manufactured must bear an official eartag shield. Beginning March 11, 2015, all official eartags applied to animals must bear an official eartag shield. The design, size, shape, color, and other characteristics of the official eartag will depend on the needs of the users, subject to the approval of the Administrator. The official eartag must be tamper-resistant and have a high retention rate in the animal.
- 1.1.110. “Official eartag shield” means the shield-shaped graphic of the U.S. Route Shield with “U.S.” or the State postal abbreviation or Tribal alpha code imprinted within the shield.
- 1.1.124. “Official identification device or method” means a method approved by the Administrator of USDA APHIS for applying an official identification number to an animal of a specific species or associating an official identification number with an animal or group of animals of a specific species or otherwise officially identifying an animal or group of animals.
- 1.1.132. “Official identification number” means a nationally unique number that is permanently associated with an animal or group of animals and that adheres to one of the following systems:
- 1.1.132.1. National Uniform Eartagging System (NUES).
 - 1.1.132.2. Animal Identification Number (AIN).
 - 1.1.132.3. Location-based number system.
 - 1.1.132.4. Flock-based number system.
 - 1.1.132.5. Any other numbering system approved by the Administrator for the official identification of animals.
- 1.1.143. “Officially identified” means identified by means of an official identification device or method approved by the Administrator.
- 1.1.154. “Owner” means the person or entity owning the livestock or property and the owner’s officers, members, employees, agents, attorneys, and representatives.
- 1.1.165. “Premises Identification Number (PIN)” means a nationally unique number assigned by a state, tribal, or Federal animal health authority to a premises that is, in the judgment of the state, tribal, or Federal animal health authority, a geographically distinct location from other premises. The premises identification number is associated with an address, geospatial coordinates, or location descriptors that provide a verifiably unique location. The premises identification number may be used in conjunction with a producer’s own livestock production numbering system to provide a unique identification

number for an animal. It may also be used as a component of a group or lot identification number.

- 1.1.1~~76~~. "Quarantine" means an order issued by the Commissioner when testing has confirmed the presence of an infectious or contagious disease in livestock, which order isolates specific livestock, premises, counties, districts, or sections of the state; restricts the movement of livestock; and specifies sanitary measures.
- 1.1.1~~87~~. "Reportable Disease" means an infectious or contagious disease that the State Veterinarian has determined must be reported when suspected or diagnosed by any person or veterinarian.
- 1.1.1~~98~~. "State or federal veterinarian" means a veterinarian employed by a state or federal regulatory agency.
- 1.1.~~2049~~. "State Veterinarian" means the veterinarian designated by the Commissioner of the Colorado Department of Agriculture as the director of the Division of Animal Health, Colorado Department of Agriculture.
- 1.1.2~~10~~. "Test Eligible Cattle and Bison" means any one of the following:
- 1.1.2~~10~~.1. Cattle and bison that are not official vaccinates and that have lost their first pair of temporary incisors (18 months of age or over), except steers and spayed heifers;
 - 1.1.2~~10~~.2. Official calfhood vaccinates 18 months of age or over that are parturient or post-parturient;
 - 1.1.2~~10~~.3. Official calfhood vaccinates of beef breeds or bison with the first pair of permanent incisors fully erupted (2 years of age or over); and
 - 1.1.2~~10~~.4. Official calfhood vaccinates of dairy breeds with partial eruption of the first pair of permanent incisors (20 months of age or over).
- 1.1.2~~24~~. "VS Form 1-27 permit" means the official USDA Veterinary Services form used in transportation under sealed conveyance.
- 1.1.2~~32~~. "Zoological park" means any park, building, cage, enclosure, or other structure or premises in which a live animal or animals are kept for public exhibition or viewing, regardless of compensation.

1.2. Incorporations by Reference

- 1.2.1. Material incorporated by reference does not include any later amendments or editions of the incorporated material. Copies of material incorporated by reference in these Rules is available for public inspection during regular business hours. This incorporated material may be obtained at a reasonable charge or examined by contacting the Animal Health Division, Department of Agriculture, 305 Interlocken Parkway, Broomfield, CO 80021. Further, the incorporated material may be examined at no cost on the Internet at:
- 1.2.1.1. APHIS Bulletin No. 91-45-013 (2013):
https://www.aphis.usda.gov/animal_health/animal_diseases/brucellosis/downloads/risk_assessment_model.pdf;

- 1.2.1.2. APHIS Bulletin No. 91a-45-011 (2005):
https://www.aphis.usda.gov/animal_health/animal_diseases/tuberculosis/downloads/tb-umr.pdf;
- 1.2.1.3. APHIS Bulletin No. 91-55-042 (1998):
https://www.aphis.usda.gov/animal_health/animal_dis_spec/swine/downloads/sbr_uumr.pdf; and
- 1.2.1.4. APHIS Bulletin No. 91-55-071 (2003):
https://www.aphis.usda.gov/animal_health/animal_dis_spec/swine/downloads/prv_program_standards.pdf.

1.3. Record Keeping

- 1.3.1. All livestock dealers, livestock auction markets and commission firms shall keep sufficient records for a minimum of five (5) years of all animals purchased for resale to enable any authorized agent to trace such animals satisfactorily to their herd of origin and to their disposition at the time of sale.
- 1.3.2. These records shall be made available to any authorized agent of the Colorado Department of Agriculture for the purpose of inspection or photocopying during normal business hours.

Part 2. Standards for Certificates of Veterinary Inspection

2.1. Requirements for Certificates of Veterinary Inspection

- 2.1.1. An official CVI is the legibly completed official form both written and electronically generated and approved by the state veterinarian of the state of origin and issued by a licensed accredited veterinarian.
 - 2.1.1.1. Inspection for issuance of CVI must be completed in person by the accredited veterinarian. Virtual or telemedicine inspection is not accepted.
- 2.1.2. Such CVI shall include the originating state's official seal or logo, certificate number, the date, the physical location of origin, the name, mailing address and phone number of the consignor; the physical location of destination; the name, mailing address, and phone number of the consignee; the age, sex, number, and breed of the livestock; purpose of movement; sufficient identifying marks, tags or other identification as may be approved by the State Veterinarian, to positively identify animals; and the results of all required tests.
- 2.1.3. Such CVI shall indicate the applicable area, herd, or flock disease status, and required disease test results necessary for importation to the state of destination.
- 2.1.4. Such CVI shall identify the type of carrier and their name and address. Such CVI shall show the permit number when a permit is required.
- 2.1.5. The CVI shall also contain a statement by the accredited veterinarian that such animals are free from clinical signs of all contagious, infectious, or communicable diseases and do not originate from a premises, district or state of quarantine, infestation or infection. Such statement shall substantially comply with the following: "I certify, as an accredited veterinarian that the above described animals have been inspected by me and that they are not showing signs of infectious, contagious, or communicable disease (except where noted). The vaccinations and results of tests are as indicated on the certificate. To the

best of my knowledge, the animals listed on this certificate meet the state of destination's and federal interstate requirements. No further warranty is made or implied."

2.1.6. Reconsignment of a previously issued CVI is not permitted for either export or import into Colorado.

2.1.7. A CVI shall be void thirty (30) days after the date of its issuance.

2.1.7.1. An extended equine CVI shall be void six months after the date of its issuance.

2.1.8. One copy of such certificate shall accompany the animals. Within seven days after the date of issue, the accredited veterinarian who issued the CVI shall forward a copy of such CVI to the State Veterinarian. The Colorado State Veterinarian's office shall forward all CVIs to the state of destination within seven days of receipt.

2.1.9. The accredited veterinarian shall maintain such CVI and supporting documents for two years for poultry and swine and five years for cattle and bison, sheep and goats, cervids, and equines.

2.1.10. Livestock shall also meet all of USDA's animal disease traceability requirements.

2.2. Colorado Livestock Import Requirements

2.2.1. The state veterinarian will keep updated species-specific import requirements available at: <https://ag.colorado.gov/animals> and will provide any updates or changes to the requirements to appropriate stakeholders for input prior to making the updated changes to the website.

2.2.2. Livestock imported into Colorado must comply with Colorado's import requirements and also meet all federal interstate requirements.

2.2.3. The State Veterinarian may require a statement by the issuing veterinarian concerning certain designated or reportable diseases that may be occurring in the livestock's state of origin.

2.3. Colorado Livestock Export Requirements

2.3.1. Livestock exported from Colorado must comply with the destination state's requirements and also meet all federal interstate requirements.

2.4. Dogs, Cats, Non-Livestock, Zoological Park Animals, and Wildlife

2.4.1. Dogs and cats imported into Colorado must be accompanied by a CVI which, for such animals over three months of age, must indicate a current rabies immunization.

2.4.2. Any other non-livestock animal, including wildlife or animal consigned to a zoological park, must be accompanied by a CVI and also meet any requirements of the United States Fish and Wildlife Service and the Colorado Division of Parks and Wildlife.

2.4.3. The State Veterinarian may require any testing or post-entry quarantine requirements, as the State Veterinarian deems necessary.

2.5. Quarantine for Animals Illegally Entering into Colorado

- 2.5.1. Animals entering Colorado without a valid CVI or permit number, or both if required, may be held in quarantine at the owner's expense until released by an authorized representative of the State Veterinarian. Animals under quarantine for noncompliance with this Rule may be released only after the State Veterinarian is satisfied by inspection, testing, treatment, or through observation over time, that the animals are not a threat to Colorado's livestock industry.
- 2.5.2. The State Veterinarian may order that an imported animal failing to meet import requirements be returned to its state of origin; consigned directly to slaughter; or confined to a Colorado Approved Feedlot. The person responsible for the livestock at the time of entry shall comply with the State Veterinarian's order within five working days of its issuance. Any extension to the five-day deadline may be approved in writing and only by the State Veterinarian.
- 2.5.3. If the owner or owner's agent fails to comply with an order to return livestock to the livestock's state of origin within the timeframe set forth in Section V.B of this Part 1, the Department may require that the livestock be immediately gathered at the owner's expense to avoid exposure of Colorado livestock. The isolation of said livestock shall be managed according to requirements approved by the State Veterinarian to limit potential disease spread to Colorado livestock.
- 2.5.4. The State Veterinarian may require that livestock ordered returned to their state of origin be returned by a commercial livestock conveyance.

Part 3. Commuter Agreement

3.1. Definitions

- 3.1.1. "Commuter agreement" means a form, approved by the Colorado State Veterinarian and the state veterinarian of the contiguous state, that establishes an agreement between Colorado and a contiguous state to enable livestock owners, managers, or operators to move livestock across state borders for grazing purposes and to return to the state of origin.

3.2. Commuter Agreement Requirements

- 3.2.1. A commuter agreement may be obtained by herd owners, managers, or operators for the purposes of moving livestock into Colorado from a contiguous state and for the purpose of returning the livestock to the state of origin or for moving livestock from Colorado to a contiguous state and then returning the livestock to Colorado.
- 3.2.2. Commuter agreements between states may allow for the exception from normal movement testing requirements as determined by the exporting and importing state veterinarian's offices.
- 3.2.3. The state veterinarian from the state of origin will issue permit numbers on forms that they provide and that meet the following criteria:
 - 3.2.3.1. A commuter agreement form shall list the approximate dates of departure and return; the type and number of livestock to be moved; and the livestock's location of origin and location of destination identified by address, section, township and range location, GPS coordinates, premises identification number, or legal description.

- 3.2.3.2. The herd owner, operator, or manager shall identify, on the commuter agreement form, the veterinarian responsible for providing veterinary services for the herd in the state of origin.
- 3.2.3.3. The commuter agreement form shall be signed by the herd owner, operator, or manager and by the State Veterinarians or by designees from both participating states.
- 3.2.3.4. The livestock shall be from a breeding herd or flock assembled for at least one year, which may include sires, dams, and their offspring. Purchased feeder or other temporary use livestock are not allowed to be included on the commuter agreement.
- 3.2.3.5. An accredited veterinarian and a brand inspector shall inspect such livestock prior to movement. A CVI will be issued with the commuter permit number identified on the CVI prior to the livestock's movement. Both the Brand Certificate and the CVI will accompany the movement to either state unless previously agreed upon by the state veterinarians of both participating states.
- 3.2.3.6. All breeding bulls shall test negative for *T. fetus* within 60 days prior to shipment into Colorado. In the event that breeding bulls are not moving with the herd, then the bulls from the assembled herd shall have tested negative for *T. fetus* within the current breeding season.
- 3.2.3.7. When livestock are moved to states with higher disease incidence status or risk for diseases such as tuberculosis or brucellosis, the State Veterinarian may require other or additional testing as stated on the commuter agreement, either prior to movement or upon return to the state of origin.

3.3. Non-Compliance with Commuter Agreements

- 3.3.1. In the event that a livestock owner fails to comply with any disease-testing or movement requirements set forth on a signed commuter agreement when moving a herd or flock, the State Veterinarian may exercise any or all of the following authorities:
 - 3.3.1.1. The present commuter agreement may be immediately canceled, and the livestock may be placed under quarantine until disease testing or movement requirements are met.
 - 3.3.1.2. Future commuter agreement requests may not be approved.

Part 4. Standards for Colorado Approved Feedlots

4.1. Approved Feedlot Purpose and Facility Requirements

- 4.1.1. Colorado Approved Feedlots may import cattle from states or areas within a state that have increased disease risk as determined by the State Veterinarian without required import tests or vaccinations.
- 4.1.2. Movements into a Colorado Approved feedlot shall obtain a CVI and other necessary import requirements.
- 4.1.3. Colorado Approved Feedlot Facility Requirements:

-
- 4.1.3.1. The entire Colorado Approved Feedlot shall prevent pasturing or grazing of any livestock. The Approved Feedlot shall be dry-lot feeding only.
 - 4.1.3.2. The Colorado Approved Feedlot shall have no perimeter fence line contact with livestock outside the feedlot.
 - 4.1.3.3. The entire feedlot shall be a Colorado Approved Feedlot except when the State Veterinarian approves portions therein that are segregated and have separate provisions for loading, unloading, processing, feeding, watering, and treatment of livestock therein.
 - 4.1.3.4. The end disposition of all livestock within Colorado Approved Feedlots shall be euthanasia or slaughter only. Upon approval of the State Veterinarian a Colorado Approved Feedlot may move livestock to another Colorado Approved Feedlot. All livestock exiting an Approved Feedlot may not be moved without a current Brand Inspection certificate, when and where required, 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 Approved Feedlot.
- 4.2. Livestock Facility and Individual Animal Identification Requirements
- 4.2.1. All Colorado Approved Feedlots shall have a USDA Premises Identification Number.
 - 4.2.2. All cattle contained within Colorado Approved Feedlots shall be identified with an official identification device.
- 4.3. Approved Feedlot Registration
- 4.3.1. A feedlot may apply to the State Veterinarian to be registered as a Colorado Approved Feedlot. The application shall be on a form designated by the State Veterinarian.
 - 4.3.2. The Colorado Approved Feedlot may not become registered until the Colorado Department of Agriculture has received and approved the feedlot's application and until a representative of the State Veterinarian has performed an on-site inspection of the applicant's facility. Such on-site inspection shall ensure that the feedlot meets the facility requirements and demonstrates the ability to comply with the individual animal identification requirements and approved feedlot facility record-keeping requirements as set forth herein.
 - 4.3.3. The registration of an approved feedlot shall remain active from the date of issuance unless:
 - 4.3.3.1. 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 Approved Feedlot registration; or
 - 4.3.3.2. The approved feedlot voluntarily relinquishes its Colorado 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 livestock at the Approved Feedlot at the time of relinquishment have exited the facility to approved slaughter facilities or to other Colorado Approved Feedlots.
 - 4.3.4. Colorado Approved Feedlots shall be inspected for appropriate record keeping and other compliance annually or as deemed necessary by the State Veterinarian.
-

- 4.4. Colorado Approved Feedlot Record-Keeping Requirements
- 4.4.1. Colorado Approved Feedlots shall keep an inventory of all livestock confined on the registered facility.
- 4.4.1.1. Records of premises and state of origin must be kept for all livestock confined on the registered facility.
- 4.4.1.2. All records must be kept for a minimum of 5 years.
- 4.4.2. Colorado Approved feedlots shall keep records through brand inspection of all livestock exiting the facility to approved slaughter facilities.
- 4.4.3. Colorado Approved Feedlots shall reconcile inventories of livestock to include livestock that enter the feedlot, mortalities, realizer livestock, and livestock that exit the facility to approved slaughter facilities or to other Colorado Approved Feedlots.
- 4.4.4. Records shall be made available to a representative of the State Veterinarian annually or as requested by the State Veterinarian.

Part 5. Bovine Tuberculosis

- 5.1. Definitions
- 5.1.1. "Accredited herd" means a herd that has met the minimum standards for accreditation or reaccreditation as defined in Parts 5.13 and 5.14 of this rule.
- 5.1.2. "Adjacent herd" means a group or groups of animals having potential direct contact with the affected herd. Herds separated by a single fence are considered adjacent herds.
- 5.1.3. "Affected herd" means a herd of cattle, bison or dairy goats that contains an animal that tests positive to *Mycobacterium bovis* through histopathology, polymerase chain reaction (PCR) assay, or bacterial isolation.
- 5.1.4. "Annual tests" means those tests conducted at intervals of not less than ten (10) months nor more than fourteen (14) months.
- 5.1.5. "Bovine Tuberculosis" means a disease in cattle, bison or dairy goats caused by *Mycobacterium bovis*.
- 5.1.6. "Caudal Fold Tuberculin (CFT) Test" means the intradermal injection of 0.1 milliliter of USDA bovine purified protein derivative (PPD) tuberculin into either side of the caudal fold, with reading by visual observation and palpation seventy-two (72) hours (+ or - 6 hours) following injection.
- 5.1.7. "Commission firm" means a person, partnership or corporation that buys and/or sells livestock as a third party and reports to the seller and/or to the buyer details of the transactions. This includes any such person or group regardless of whether or not a fee is charged for the services.
- 5.1.8. "Comparative Cervical Tuberculin (CCT) Test" means the intradermal injection of 0.1 milliliter biologically balanced bovine PPD tuberculin and avian PPD tuberculin at separate sites in the cervical area and a determination as to the probable presence of bovine tuberculosis (*M. bovis*) by comparing the responses of the two (2) tuberculins seventy-two (72) hours (+ or - 6 hours) following injection.

-
- 5.1.9. "Dairy goats" means domestic caprine (genus *Capra*) kept for the purpose of producing milk for human consumption.
- 5.1.10. "Dealer" means any person, firm or partnership engaged in the business of buying or selling cattle, bison, or dairy goats in commerce, either on his or her own account or as the employee or agent of the vendor and/or purchaser or any person engaged in the business of buying or selling cattle, bison, or dairy goats in commerce on a commission basis. The term shall not include a person who: (1) buys or sells cattle, bison, or dairy goats as a part of his or her own bona fide breeding, feeding or dairy operation; (2) is not engaged in negotiating the transfer of cattle, bison, or dairy goats; or, (3) receives cattle, bison, or dairy goats exclusively for immediate slaughter on his or her own premise.
- 5.1.11. "Exposed animals" means cattle, bison, or dairy goats that have had direct contact or are epidemiologically linked to bovine tuberculosis.
- 5.1.12. "Feedlot" means a confined dry lot area for the finish feeding of animals on a concentrated feed with no facilities for pasturing or grazing.
- 5.1.13. "Herd" means a group of cattle, bison, or dairy goats maintained on common ground or two (2) or more groups of cattle, bison, or dairy goats under common ownership or supervision that are geographically separated but can have an interchange or movement without regard to health status. (A group is construed to mean one (1) or more animals.)
- 5.1.14. "Herd plan" means a herd management and testing plan designed by the State Veterinarian and the herd owner that will control and eventually eradicate bovine tuberculosis from an affected, adjacent, or exposed herd.
- 5.1.15. "Natural additions" means animals born and raised in a herd.
- 5.1.16. "Negative animal" means any test-eligible animal that tests negative to an official tuberculosis test.
- 5.1.17. "No Gross Lesion (NGL) Animal" means any test-eligible animal that does not reveal a lesion(s) of bovine tuberculosis upon postmortem inspection.
- 5.1.18. "Official Tuberculosis Test" means any test for tuberculosis conducted on cattle or bison in accordance with this Part and the Uniform Methods and Rules (UM&R) for Bovine Tuberculosis Eradication. The official tuberculin tests are the caudal fold test, the comparative cervical test, the single cervical test or any other test that is approved by the USDA.
- 5.1.19. "Reactor" means any cattle, bison, or dairy goat that shows a response to an official single cervical, comparative cervical or other supplemental tuberculosis test and is classified as a reactor by the testing veterinarian or Designated Tuberculosis Epidemiologist, or any suspect animal that is classified a reactor upon slaughter inspection or necropsy after histopathological examination, PCR assay, and/or culture of selected tissues collected by the Federal or State veterinarian performing or supervising the slaughter inspection or necropsy.
- 5.1.20. "Responder" means any livestock officially skin tested for tuberculosis that has a visible or palpable response at the site of tuberculin injection.
- 5.1.21. "Single cervical tuberculin test" means the intradermal injection of 0.1 milliliter USDA bovine single cervical PPD tuberculin in the cervical (neck) region with reading by visual observation and palpation in seventy-two (72) hours (+ or - 6 hours) following injection.

-
- 5.1.22. "Suspect" means any cattle, bison, or dairy goats that have been classified as a suspect by a comparative cervical or other official supplemental test.
- 5.1.23. "Tuberculin" means a product that is approved by and produced under USDA license for injection into cattle, bison, or dairy goats for the purpose of detecting bovine tuberculosis.
- 5.2. Authority to Require Test
- 5.2.1. The State Veterinarian upon epidemiological evidence resulting in reliable information that tuberculosis may exist in any bovine, bison, or any other animal, may require tuberculosis testing to be performed on such animals.
- 5.2.2. Should the owner or caretaker refuse or neglect to comply with the instructions of the accredited veterinarian, the State Veterinarian or his/her duly authorized representative or authorized agent, said animals shall be placed under a hold order to prohibit the movement of any animals from said premises.
- 5.2.2.1. The hold order shall be issued by an authorized agent of the Colorado Department of Agriculture showing the boundaries of the area or premises affected, the animals restricted, and the conditions.
- 5.2.2.2. The livestock shall be held under a hold order until testing has been completed at which time animals will be released from the hold order or quarantined based on the test results.
- 5.2.3. The State Veterinarian may supervise or provide oversight on any tuberculosis testing conducted by an accredited veterinarian.
- 5.3. Personnel Authorized to Apply Tuberculosis Tests
- 5.3.1. Tuberculosis tests shall be applied by a veterinarian employed as a state or federal regulatory veterinarian or by an accredited veterinarian.
- 5.4. Reporting of Tests
- 5.4.1. A TB test report shall be submitted within ten (10) days of the date of the test to the USDA. The report shall include the official USDA test form of all tuberculin tests, including the date of injecting and palpating; individual identification of each animal by official eartag number, official animal identification number, individual permanent numerical brand, or registration tattoo; age, sex, and breed; a record of the size of the response, if required, and test interpretation.
- 5.5. Approved Laboratories
- 5.5.1. The official laboratory for all tuberculosis diagnostic purposes shall be the National Veterinary Services Laboratories (NVSL), Ames, Iowa.
- 5.6. Identification
- 5.6.1. All animals tested shall be officially identified as specified in Part 5.4.1. at the time of the initial test.
- 5.6.2. All premises where testing for tuberculosis occurs shall have a PIN.
- 5.7. Initial Diagnostic Tests
-

-
- 5.7.1. The caudal fold test, or any other screening test approved by the USDA, is the official tuberculosis test for routine use in individual cattle, bison, or dairy goats in herds of such animals where the tuberculosis status of the animals is unknown.
 - 5.7.2. Animals that respond to the caudal fold test shall be placed under a hold order until the responding animals are tested with a supplemental test.
 - 5.7.3. No animal with a response to a caudal fold test is eligible for intrastate or interstate movement unless said animal is subsequently classified "negative for *M. bovis*" based on an official comparative cervical test or other new testing technology as stated in Section XII.D. or accompanied by a VS Form 1-27 permit and consigned direct to slaughter with no diversion from the approved destination, or by special permit granted by the State Veterinarian.
- 5.8. Caudal Fold Test Interpretation
- 5.8.1. When testing herds not known to be infected with *Mycobacterium bovis*, Accredited Veterinarians using the caudal fold test shall classify the animals as responders if the test produces a response. The animal(s) shall be retested by a state or federal veterinarian.
 - 5.8.2. Decisions regarding tuberculosis test interpretations will be based upon the professional judgment of the testing veterinarian in accordance with policies established by the cooperating state and federal officials.
 - 5.8.3. The injection site on each animal shall be observed and palpated. Observation without palpation is not acceptable and shall constitute a violation of these Rules.
- 5.9. Supplemental Diagnostic Tests
- 5.9.1. The comparative cervical test (CCT), or any other test approved by the USDA and State Veterinarian, is the official tuberculosis test for retesting of responders.
 - 5.9.2. The CCT shall be applied only by a state or federal regulatory veterinarian and shall not be used in known infected herds.
 - 5.9.3. The CCT shall not be used as a primary test for animals of unknown status.
 - 5.9.4. The Gamma Interferon test may be used as a confirmatory test when approved by the State Veterinarian.
- 5.10. Classification of Supplemental Testing in Cattle, Bison, and Goats
- 5.10.1. Animals classified as reactors shall not be retested or reclassified.
 - 5.10.2. Animals classified as suspects to the comparative cervical test shall be reclassified as reactors when included in a herd test that results in the confirmation of bovine tuberculosis in the herd.
 - 5.10.3. Animals classified as reactor shall have, and suspects may have, a post-mortem examination performed and witnessed by a regulatory veterinarian. Appropriate tissue samples shall be submitted for laboratory examination at the NVSL. If the animal fails to demonstrate infection based on the lack of gross or microscopic evidence of bovine tuberculosis or other approved diagnostic tests, the animal and possibly the herd may be considered free of bovine tuberculosis.

-
- 5.10.4. In the event new technology and advancements provide alternative testing procedures, which are approved by the USDA, the State Veterinarian may alter testing procedures listed above to utilize the new approved methods and tests.
- 5.11. Disposition of Supplemental Test Responding Cattle, Bison and Goats
- 5.11.1. Suspect and reactor animals shall remain on the premises where they were disclosed until a VS Form 1-27 permit for movement has been obtained.
- 5.11.2. Movement for immediate slaughter will be directly to a slaughtering establishment where approved state or federal inspection is maintained within fifteen (15) days of classification.
- 5.11.3. Alternatively, the animals may be destroyed on-site under the direct supervision of a regulatory veterinarian to ensure that a proper post-mortem examination can be conducted and that the carcass is disposed of according to methods approved of in the tuberculosis Code of Federal Regulations.
- 5.11.4. Suspects to the comparative cervical test shall remain under a hold order until:
- 5.11.4.1. They are retested by the comparative cervical test in sixty (60) days, or
- 5.11.4.2. Shipped under VS Form 1-27 permit directly to slaughter.
- 5.12. Movement Restrictions
- 5.12.1. Herds where only responder or suspect animals are disclosed shall be held on the premises until retested and classified negative or shipped under a VS Form 1-27 permit directly to slaughter where a state or federal veterinarian will collect samples.
- 5.12.2. All herds in which reactor animals are shown to be infected through confirmatory tests shall be quarantined. Movement for immediate slaughter must be directly to an approved slaughtering establishment, under a VS Form 1-27 permit, where federal inspection is administered. Animals must be identified by official eartags or other individual unique identification as may be required by the State Veterinarian. Addition of animals shall be allowed only upon the approval of the State Veterinarian.
- 5.12.3. The sale of calves from quarantined herds shall be restricted. All calves that test negative to a caudal fold tuberculosis test within sixty (60) days may be permitted to move intrastate to an approved feedlot.
- 5.12.4. Herds in which only NGL reactor(s) occur and in which no evidence of *Mycobacterium bovis* infection has been disclosed may be released from quarantine.
- 5.13. Minimum Standards for Accreditation and Reaccreditation of Tuberculosis Accredited Cattle, Dairy Herds, or Bison Herds
- 5.13.1. Tuberculosis accreditation and reaccreditation is voluntary. The minimum standards for accreditation and reaccreditation of tuberculosis accredited cattle and bison herds are as follows:
- 5.13.1.1. All test eligible animals must test negative to two (2) consecutive official tuberculosis tests not less than ten (10) months nor more than fourteen (14) months apart. Test eligible animals include all cattle or bison twelve (12) months

of age and older and all animals other than natural additions under twelve (12) months of age. Natural additions become test eligible at twelve (12) months.

- 5.13.1.2. All test eligible animals in the accredited herd must have an official animal ID eartag.
- 5.13.1.3. Accurate records on each individual animal must be kept, including disposal and/or death of each animal, natural additions and purchased additions.
- 5.13.1.4. Accreditation, except for a bovine dairy herd, is valid for a twelve (12) month period. The original date of accreditation will serve as the herd's official accreditation date.
- 5.13.1.5. Reaccreditation for all herds other than bovine dairies 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. All animals must be bona fide members of the herd.

5.13.2. Tuberculosis accreditation and reaccreditation for dairy herds is voluntary. The minimum standards for any voluntary accreditation or reaccreditation of a tuberculosis accredited dairy herd are as follows, and any reaccreditation must occur between 33 and 39 months of any initial accreditation:

- 5.13.2.1. Initial tuberculosis accreditation involves testing all cattle in the dairy herd, including any beef cattle and calves comingling, greater than 12 months of age.
- 5.13.2.2. All test eligible animals in the accredited herd must be officially identified.
- 5.13.2.3. Accurate records on each individual animal must be kept, including disposal and/or death of each animal, natural additions and purchased additions.
- 5.13.2.4. 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.

5.14. Minimum Standards for Accreditation and Reaccreditation of Tuberculosis Accredited Non-Bovine Dairy Herds

- 5.14.1. Minimum standards for voluntary accreditation and reaccreditation of tuberculosis accredited non-bovine dairy herds are as follows:
 - 5.14.1.1. Testing of herds for accreditation or reaccreditation 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.
 - 5.14.1.2. Voluntary reaccreditation 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 6. Sheep Brucellosis

6.1. Definitions

- 6.1.1. "Approved laboratory" means a laboratory approved by the State Veterinarian to conduct testing for *Brucella ovis*.
- 6.1.2. "Approved test" means a test approved by the State Veterinarian for the diagnosis of *Brucella ovis* in test eligible rams.
- 6.1.3. "*Brucella ovis* exposed ram" means any test negative or untested test eligible ram which has been in contact with a ram that tests positive to approved test within the last 30 days.
- 6.1.4. "*Brucella ovis* positive eartag" means an ear tag used to identify rams that test positive to an approved *Brucella ovis* test. The design and color of the *Brucella ovis* slaughter only eartag shall be approved by the State Veterinarian and shall be supplied through the Colorado Department of Agriculture.
- 6.1.5. "*Brucella ovis* positive ram" means a ram that tests positive to an approved *Brucella ovis* test.
- 6.1.6. "*Brucella ovis* slaughter only eartag" means an ear tag used to identify *Brucella ovis* exposed rams or untested rams. The design and color of the *Brucella ovis* slaughter only eartag shall be approved by the State Veterinarian and shall be supplied through the Colorado Department of Agriculture.
- 6.1.7. "Indeterminate Test Results" means an ELISA Test with results in a low positive range that does not verify infection status.
- 6.1.8. "Official Test" means a test to detect the presence of *Brucella ovis* that is approved by the Colorado State Veterinarian.
- 6.1.9. "PCR Test" means the Polymerase Chain Reaction test used on semen from *Brucella ovis* indeterminate rams and low positive rams.
- 6.1.10. "Test eligible ram" means any ram six months of age and older.

6.2. Requirements for Laboratory Testing

- 6.2.1. All test eligible rams that are transferred, leased, or loaned for breeding purposes shall be tested prior to any such transfer, lease, or loan.
- 6.2.2. All samples must be submitted to an approved laboratory for testing.
- 6.2.3. Official identification of the rams must be recorded and accompany all samples to the approved laboratory for both official and unofficial testing.
- 6.2.4. Official tests for *Brucella ovis*: All sample collection for interstate or intrastate sale or transfer of breeding rams must be performed by or under the supervision of an accredited veterinarian.
- 6.2.5. Unofficial tests for *Brucella ovis*: An owner may collect samples from rams and have the samples tested at an approved laboratory. This method of sample collection cannot be used for sale or transfer of breeding rams or to qualify rams.
- 6.2.6. Only a test methodology approved by the State Veterinarian may be used.

6.3. Requirements for Sale or Transfer, Lease, or Loan

- 6.3.1. No person may transfer, lease, or loan a ram six months or older for breeding purposes in the state of Colorado unless said ram has been tested for *Brucella ovis* within 30 days prior to the date of the transfer, lease, or loan and unless such test result is negative. It is the responsibility of the buyer to obtain necessary official test records from the seller at the time of transfer, lease, or loan.
- 6.3.2. No *Brucella ovis* exposed ram may be transferred, leased, or loaned for breeding purposes within Colorado unless all exposed rams in the flock test negative, are sent to slaughter, or are castrated in accordance with provisions of Part 6.5.2 of these rules.

6.4. Livestock Auction Market Sales

- 6.4.1. All test eligible rams that arrive at market without proof of an official negative *Brucella ovis* test, as in Part 6.2.4. completed within 30 days of the sale date, shall be identified with an official *Brucella ovis* slaughter only eartag or with a paint brand on the top of the back. This brand shall be a "Q" not less than 4 inches in height.
- 6.4.2. Rams arriving at market without official identification shall have an official identification device applied.

6.5. Quarantine of Test Positive Rams and Premises

- 6.5.1. All confirmed test positive *Brucella ovis* rams and all exposed rams shall be immediately placed under quarantine and remain under quarantine until such positive rams are castrated, are sent to slaughter or transferred to a slaughter channel feedlot. Exposed rams remaining on the premises shall stay under quarantine until they have had two negative tests that are at least 45 days apart and after last exposure to positive rams.
 - 6.5.1.1. If a flock owner receives indeterminate test results for any test eligible ram, that ram must be retested between 30 and 60 days after receiving the indeterminate test results. A subsequent test must be with either the ELISA test or the PCR test and must test-negative before the ram may be sold for breeding purposes.
- 6.5.2. Upon completion of the above requirements and receipt of the following information the State Veterinarian may release the quarantine.
 - 6.5.2.1. Official test results of negative tests at least 45 days after isolation from all positive rams; or
 - 6.5.2.2. Permits where exposed rams were transported directly to slaughter or to a sale for direct slaughter; or
 - 6.5.2.3. A written statement from the owner, manager, operator, or flock veterinarian, stating that all positive or exposed rams were castrated. The written statement shall include the identification numbers of the castrated rams.

6.6. Requirements for the Identification and Disposition of Exposed or Infected Rams

- 6.6.1. Prior to transfer, lease, or loan any *Brucella ovis* exposed rams and all untested rams six months of age or older shall be identified by the following methods:
 - 6.6.1.1. With an official *Brucella ovis* slaughter only eartag or

6.6.1.2. With a paint brand on the top of the back. This brand shall be a "Q" not less than 4 inches in height.

6.6.2. Any ram found to be positive on an approved test for *Brucella ovis* shall be identified with an official *Brucella ovis* positive ear tag. All positive rams shall be sold directly to slaughter or slaughter channel feedlots, or be castrated, and then may be sold or moved without restriction.

Part 7. Cattle and Bison Brucellosis

7.1. Definitions

7.1.1. "Adjacent herd" means a group or groups of animals having potential direct contact with the affected herd. Herds separated by a single fence are considered adjacent herds.

7.1.2. "Affected herd" means a herd of cattle or bison that contains, or has recently contained, one (1) or more animals infected with *Brucella abortus* and that has not completed the required tests necessary for release from quarantine.

7.1.3. "Annual test" means a test conducted at intervals of not less than ten (10) months nor more than fourteen (14) months.

7.1.4. "Approved test" means a laboratory test used in the diagnosis of *Brucella abortus* approved by the State Veterinarian.

7.1.5. "Cattle" means all domestic bovine (genus *Bos*).

7.1.6. "Certified free herd" means a herd of cattle or bison that has qualified for and has been issued a Certified Brucellosis-Free Herd certificate issued by the State Veterinarian or state animal health official in the state of origin. The Certified Brucellosis-Free Herd status is valid for 12 months unless evidence of brucellosis is disclosed.

7.1.7. "Class free state" means a state classified by VS/APHIS, as set forth in the UM&R, based upon the incidence of brucellosis infection existing in said state.

7.1.8. "Commission" means the Colorado Agricultural Commission.

7.1.9. "Commissioner" means the Colorado Commissioner of Agriculture.

7.1.10. "Exposed Animals" means cattle or bison that have been exposed to brucellosis by reason of associating with known infected animals.

7.1.11. "Natural Additions" means animals born into a herd.

7.1.12. "Non-free State" means a state classified by VS/APHIS, as set forth in the UM&R, based upon the incidence of brucellosis infection existing in said state.

7.1.13. "Official calfhood vaccinate (OCV)" means a female bovine or bison animal vaccinated against brucellosis with RB-51 brucellosis vaccine between four and twelve (12) months of age. All vaccination must be conducted under the supervision of a federal or state veterinary official or accredited veterinarian. Vaccinated animals must be permanently identified as vaccinates and reported at the time of vaccination to the appropriate state or federal agency cooperating in the eradication of brucellosis.

-
- 7.1.14. "Reactor" means an animal subjected to an official test resulting in a brucellosis reactor classification or subjected to a bacteriological examination for field strain *Brucella abortus* and found positive or reclassified as a brucellosis reactor by a designated epidemiologist as provided for in the definition of official test.
- 7.1.15. "Suspect" means an animal subjected to an official test resulting in a brucellosis suspect classification or reclassified as a brucellosis suspect by a designated epidemiologist as provided for in the definition of official test.
- 7.1.16. "Uniform Methods and Rules (UM&R)" for Brucellosis Eradication" means the standards set in APHIS Bulletin No. 91-45-013 (2013) (as incorporated herein).
- 7.2. Certified Free Herd Requirements
- 7.2.1. Initial certification of the certified free herd may be accomplished by the following method:
- 7.2.1.1. At least two consecutive negative approved blood tests of all test eligible cattle or bison not less than 10 months, nor more than 14 months apart, are required for initial certification.
- 7.2.2. The following requirements apply to recertification of a Certified Free Herd:
- 7.2.2.1. A negative herd test of all test eligible animals conducted within 60 days of each anniversary date is required for continuous certification.
- 7.2.2.2. If the herd certification test is conducted within 60 days following the anniversary date the certification period will be 12 months from the anniversary and not 12 months from the date of the recertifying test.
- 7.2.2.3. If a herd test for recertification is not conducted within 60 days following the anniversary date, then certification requirements are the same as for initial certification.
- 7.3. Certified Free Herd Import Requirements
- 7.3.1. Cattle from Certified Free Herds may be imported into Colorado without a test for brucellosis. A herd of cattle or bison may qualify as Certified Brucellosis-Free by meeting the applicable requirements that follow:
- 7.3.1.1. There has been a whole herd test within 12 months, in which all test eligible cattle or bison have tested negative to an approved test.
- 7.3.1.2. Additions to a certified free herd may originate from other certified free herds that are approved by the state animal health officials from the state of origin.
- 7.3.1.3. Additions to a certified free herd may originate from Class Free States that have tested negative to an approved test within 30 days of entry.
- 7.3.1.4. Additions to a certified free herd from Non-free States must test negative to an approved brucellosis test within 30 days prior to shipment and be isolated on the certified free herd premises and retested within 45 to 120 days after arrival.
- 7.3.1.5. Herd inventory verification of certified free herds must be approved by the animal health or brand officials from the state of origin.

7.3.1.6. The certified free herd number, issued by the state animal health officials in the state of origin, must be listed on the CVI.

7.4. Colorado Cattle and Bison Vaccination Requirements

7.4.1. Vaccination for Brucellosis is voluntary in the state of Colorado.

7.4.2. Vaccination for Brucellosis may only be administered by an accredited veterinarian.

7.4.3. Any Brucellosis vaccination of beef, dairy, and bison heifer calves must be with strain RB-51 and may only be administered between 4 and 12 months of age.

7.4.4. Vaccinated heifers shall have legible Brucellosis vaccination tattoos and official ear tags.

7.4.5. Any vaccination performed shall be reported by the accredited veterinarian on an official vaccination certificate (VS Form 4-24) to the USDA within 30 days of vaccination.

7.5. Diagnostic Testing

7.5.1. All Brucellosis tests needed for movement or change of ownership shall be forwarded to the CDA Animal Health Laboratory (AHL) on a VS Form 4-33 whenever any livestock are tested. Any tested livestock shall be officially identified.

7.6. Quarantine of Affected Herds

7.6.1. In herds where a reactor animal is disclosed, all cattle or bison in the herd shall be quarantined on the premises.

7.6.2. The herd owner may ship suspect or reactor cattle or bison, or other animals within the quarantined herd directly to slaughter under a VS Form 1-27 permit.

7.6.3. Affected herds shall remain under quarantine until such time that they are depopulated or all reactor or suspect cattle or bison have been removed from the herd and the remaining cattle or bison test and retest negative in accordance with the terms of the quarantine.

Part 8 Equine Infectious Anemia

8.1. Definitions

8.1.1. "Adjacent herd" means a group or groups of Equidae having any direct contact with an affected herd or positive animal or any herd separated by a distance of less than two hundred (200) yards. Adjacent herds are considered exposed herds.

8.1.2. "Affected herd" means a herd of Equidae that contains or has contained one or more animals infected with equine infectious anemia and that has not tested negative for all required follow-up tests for release from quarantine.

8.1.3. "Approved laboratory" means a laboratory approved prior to operating by the State Veterinarian and USDA APHIS VS.

8.1.4. "Contact herd" means a non-adjacent herd in which exposed Equidae have been identified.

8.1.5. "Equidae" means all members of the genus Equus which includes but is not limited to horses, asses, hinnies, mules, donkeys, burros, ponies, and zebras.

-
- 8.1.6. "Equine infectious anemia (EIA)" means a blood borne viral infectious disease of Equidae caused by a lentivirus. The infection is characterized by three distinct forms: acute, chronic (both associated with clinical signs of disease), and in-apparent.
 - 8.1.7. "Exposed herd" means Equidae that have been in contact with, associated with, or adjacent to animals known to be EIA positive.
 - 8.1.8. "Herd" means one or more Equidae maintained on common ground under single or multiple ownership or supervision that are geographically separated but can have an interchange or movement without regard to health status.
 - 8.1.9. "Herd plan" means a herd management and testing agreement designed by a state or federal veterinarian and a herd owner to control and eradicate EIA from an affected, adjacent, or exposed herd of Equidae.
 - 8.1.10. "Index case" means the first disclosed case of EIA on a premises or area.
 - 8.1.11. "NVSL" means the USDA, National Veterinary Services Laboratory in Ames, Iowa.
 - 8.1.12. "Official test" means the agar gel immunodiffusion (AGID) or "Coggins" test, the enzyme-linked immunosorbent assay (ELISA) test any USDA licensed tests, or any other diagnostic test approved by the State Veterinarian.
 - 8.1.13. "Positive" means any Equidae that discloses a positive reaction to an official test for EIA.
 - 8.1.14. "Test eligible" means all Equidae other than foals less than six (6) months of age accompanied by their negative tested dam.
 - 8.1.15. "VS Form 10-11" means the official USDA Veterinary Services laboratory submission form used in testing Equidae for EIA.
 - 8.2. Authority to Require Test
 - 8.2.1. Under authority of the State Veterinarian, a state or federal veterinarian or an accredited veterinarian may conduct an official test on any test eligible Equidae known or suspected to be infected with or exposed to EIA.
 - 8.3. Authority to Enter Premises
 - 8.3.1. An authorized agent of the Colorado Department of Agriculture shall have the authority to enter any premises, place, building, or enclosure, upon consent of the equine owner or agent, for the purpose of inspecting, testing, identifying, and examining Equidae found or suspected to be exposed or infected with EIA.
 - 8.4. Reporting of Test Results
 - 8.4.1. Approved laboratories shall notify the State Veterinarian's office and the individual submitting the sample for testing within twenty-four (24) hours of all positive test results.
 - 8.4.2. Approved laboratories shall report test results only when samples are properly submitted and accompanied by a completed VS Form 10-11 or other electronic form approved by the State Veterinarian.
 - 8.5. Testing and Classification of Equidae
-

-
- 8.5.1. All Equidae tested for EIA pursuant to an official test shall be classified as negative or positive.
 - 8.5.2. Positive Equidae and retests.
 - 8.5.2.1. A positive is any Equidae that discloses a positive reaction to an official test.
 - 8.5.2.2. Equidae classified as positive shall be retested within seven (7) days following the date of the original test.
 - 8.5.2.3. Any Equidae found to be positive to a USDA approved test for EIA shall be placed under quarantine by the State Veterinarian or his authorized representative.
 - 8.5.2.4. The NVSL results shall determine the Equidae's final EIA status.
 - 8.5.2.5. All positive Equidae shall be held in isolation, as described in Part 8.9 and under quarantine until the retest results are received.
 - 8.5.2.6. All other Equidae on the premises shall be placed under a hold order until the retest results are received.
 - 8.5.2.7. All other Equidae on the premises shall be EIA tested if an index positive case is confirmed.
 - 8.5.2.7.1. All Equidae on the premises shall be retested not sooner than 60 days but not longer than 120 days after the last known exposure to any EIA positive Equidae.
 - 8.5.2.7.2. Foals nursing EIA positive mares shall be tested not less than sixty (60) days nor more than one hundred twenty (120) days after weaning and isolated from any positive animal. If positive, foals may remain under quarantine for additional testing at the discretion of the State Veterinarian.
 - 8.5.2.7.3. All exposed Equidae shall be required to have two consecutive negative tests to be classified as negative for EIA.
 - 8.5.3. Testing in Exposed, Contact, and Adjacent Herds
 - 8.5.3.1. All test eligible Equidae epidemiologically determined to have been exposed to any EIA positive Equidae shall be placed under a hold order and tested by a state or federal veterinarian, or an accredited veterinarian.
 - 8.5.3.1.1. All test eligible animals within exposed or adjacent herds within the state shall be tested within thirty (30) days of notification.
 - 8.5.3.1.2. All Equidae in an adjacent or exposed herd shall be retested not sooner than sixty (60) days but not longer than one hundred twenty (120) days after the last known exposure to an EIA positive Equidae.
 - 8.5.3.2. All test eligible Equidae in a contact herd shall be placed under a hold order until exposed Equidae have been tested by a state, federal, or accredited veterinarian.
-

- 8.5.3.2.1. All exposed Equidae shall be tested within thirty (30) days of notification.
 - 8.5.3.2.2. All exposed Equidae shall be retested not sooner than sixty (60) days but not longer than one hundred twenty (120) days after the initial test.
 - 8.5.3.3. Exposed, contact, or adjacent herd Equidae tested by state or federal veterinarians and completed at the National Veterinary Services Laboratory (NVSL) shall be tested at state or federal expense providing funds are available.
 - 8.5.3.4. Exposed, contact, or adjacent herd Equidae tested by accredited veterinarians shall be tested at the owner's expense unless state or federal funds are available.
 - 8.5.3.5. Epidemiologic data may be considered in the testing requirements and release of quarantine or hold order for exposed, contact, and adjacent herds.
- 8.6. Quarantines and Hold Orders
- 8.6.1. Any Equidae confirmed positive by an official test shall be quarantined.
 - 8.6.2. The quarantine shall include the positive Equidae and other exposed Equidae on the premises.
 - 8.6.3. A hold order shall be placed on all premises within 200 yards of the premises of the index case and on exposed and contact herds based on epidemiologic evidence.
- 8.7. Identification of Positive Equidae
- 8.7.1. Any Equidae that has been confirmed positive, as in Part 8.5, shall be permanently identified with an ISO-compliant microchip or other electronic identification device, or other methods approved by the State Veterinarian, no more than fifteen (15) days after the date of the official test. The information pertaining to the electronic identification shall be reported to the State Veterinarian.
- 8.8. Disposition of EIA Positive Equidae
- 8.8.1. Confirmed positive EIA Equidae shall be euthanized, or isolated as described in Part 8.9.4., if approved by the State Veterinarian. Euthanasia or isolation as described in Part 8.9.4 must occur within seven (7) days after NVSL confirmation.
 - 8.8.2. All Equidae euthanized prior to permanent identification shall be reported immediately to the State Veterinarian and then described in a written statement by the accredited veterinarian or authorized agent certifying the euthanasia.
- 8.9. Movement and Stabling of Positive Exposed Animals
- 8.9.1. All positive and exposed Equidae shall be accompanied by a VS Form 1-27 permit when moved from any quarantined premises.
 - 8.9.2. Any change in location of positive or exposed Equidae to an alternate quarantined premises shall be approved in advance following an epidemiological investigation of the receiving premises by the State Veterinarian.

- 8.9.3. No diversion from the destination identified on the permit is allowed.
- 8.9.4. All positive Equidae shall be stabled at a distance of at least 200 yards from any other Equidae on the owner's premises and Equidae on adjacent premises.
- 8.9.5. All positive Equidae shall be stabled within a screened stable, during the vector season, as approved by the State Veterinarian. The owner shall also be required to abide by a herd plan approved by the State Veterinarian for the remainder of the affected herd.
- 8.10. Release of Quarantine
 - 8.10.1. No Equidae held under quarantine shall be moved or released until either a VS Form 1-27 permit or quarantine release has been issued by an authorized agent of the Colorado Department of Agriculture or the USDA.
 - 8.10.2. The EIA quarantine may be released after all remaining Equidae are classified negative in the affected herd following the identification and removal of the last EIA positive animal.
 - 8.10.3. When evaluating the release of the quarantine, the vector season may be considered when reviewing epidemiologic factors.

Part 9 Swine Health, Pseudorabies, and Brucellosis

- 9.1. Definitions
 - 9.1.1. "Breeding swine" means all swine six (6) months of age or older being kept for reproductive purposes.
 - 9.1.2. "Brucellosis" means a disease in swine caused by *Brucella suis*.
 - 9.1.3. "Cooked garbage" means garbage that has been heated throughout to boiling or equivalent temperature for a period of 30 minutes or heated according to any other method specifically approved by the Department.
 - 9.1.4. "Feeder swine" means swine intended to be fed to a finished slaughter weight and not intended for breeding or exhibition.
 - 9.1.5. "Garbage" means all refuse, animal or vegetable, and includes all waste material, by-products of a kitchen, restaurant, hospital, hotel, or slaughterhouse, and every refuse accumulation of animal, fruit, or vegetable matter, liquid or otherwise, but excludes such vegetable products as leaves and tops of vegetable plants which have not been mixed with or exposed to or which do not contain any other garbage or waste product prior to feeding to swine.
 - 9.1.6. "Herd" means one or more swine maintained on common ground and includes all swine under common ownership or supervision that are geographically separated.
 - 9.1.7. "Infected herd" means a herd in which an animal has been determined to be infected with pseudorabies using an official pseudorabies test.
 - 9.1.8. "Interstate swine movement report" means a paper or electronic document detailing interstate movement of animals within a swine production health system.

-
- 9.1.9. "Official pseudorabies test" means a test approved by the USDA to be conducted on swine for the diagnosis of pseudorabies and performed in a laboratory approved by the State Veterinarian.
- 9.1.10. "Pseudorabies" means the infectious and communicable disease of livestock and other animals also known as Aujeszky's disease, mad itch, or infectious bulbar paralysis.
- 9.1.11. "Raw garbage" means garbage that has not been heated throughout to boiling or equivalent temperature for 30 minutes, or heated according to a method specifically approved by the Department.
- 9.1.12. "Stage V Free status" means a state or area that has been designated as free of pseudorabies.
- 9.1.13. "Swine Production Health Plan" means an agreement applied for by a swine production system and designed for a swine production system's interstate transport of swine between operations, without change of ownership, for breeding, feeding, and rearing as a normal part of the swine operation.
- 9.1.14. "Swine Production System" means an enterprise that consists of multiple sites of swine production (i.e., sow herds, nursery herds, and growing or finishing herds) that do not include a recognized slaughter facility or livestock market, that are connected by ownership or contractual relationships, and between which swine are moved while remaining under the control of a single owner or a group of contractually connected owners.
- 9.1.15. "Uniform Methods and Rules (UM&R) for Swine Brucellosis Control/Eradication" means the standards set in APHIS Bulletin No. 91-55-042 (1998) (as incorporated herein).
- 9.1.16. "Pseudorabies Eradication Program Standards" means the standards set in APHIS Bulletin No. 91-55-071 (2003) (as incorporated herein).
- 9.2. Test Positive Swine, Quarantine and Disposition
- 9.2.1. Any swine herd found to have positive animals to the serum neutralization test or any other approved recognized test for pseudorabies or brucellosis shall be placed under quarantine by the State Veterinarian or his authorized representative.
- 9.2.2. A hold order shall be placed on any herd when epidemiological evidence indicates that adjacent or epidemiologically linked movements have occurred from an infected herd.
- 9.2.3. Pseudorabies and brucellosis positive swine and herd mates shall be managed in accordance with the Pseudorabies Eradication Program Standards and UM&R for Swine Brucellosis Control/Eradication.
- 9.3. Cooking of Garbage to Prevent Swine Disease
- 9.3.1. No person may feed garbage to swine without approval from the State Veterinarian. Guidelines for cooking garbage are as follows:
- 9.3.1.1. Entire mass must be brought to the boiling point and held at that temperature for a period of not less than 30 minutes.
- 9.3.1.2. A recording thermometer shall be used and maintained with dated charts for examination by a representative of the Department and be kept on file for a

period of not less than 90 days. Each chart shall bear thereon the name and address of person for whom the garbage was cooked. There shall be no retracing of charts.

- 9.3.2. The Department may make periodic inspections of garbage-cooking facilities and premises.
 - 9.3.3. Premises must be open for inspection by a designated representative of the Department, including cooking operations, equipment, and animals, at any reasonable time.
- 9.4. Interstate Movement of Swine – Identification; Swine Production Health Plan
- 9.4.1. Swine that are moved into Colorado within a swine production system to other than a recognized slaughter facility or a specifically authorized livestock market are not required to be individually identified when moved, provided that the following requirements are met:
 - 9.4.1.1. The swine may be moved into Colorado only to another premises identified in a valid swine production health plan for that swine production system.
 - 9.4.1.2. The swine production system must operate under a valid swine production health plan that both the sending and receiving states have agreed to follow.
 - 9.4.1.3. The swine must have been found free from signs of any communicable disease during the most recent inspection of the premises by the swine production system's licensed accredited veterinarian within 30 days prior to the movement.
 - 9.4.1.4. Prior to the movement of any swine, the producer moving swine must deliver the required interstate swine movement report to the following individuals identified in the swine production health plan:
 - 9.4.1.4.1. The swine production system's licensed accredited veterinarian for the premises from which the swine are to be moved.
 - 9.4.1.4.2. The state animal health official for the state of origin of the swine.
 - 9.4.1.4.3. The Colorado State Veterinarian.
 - 9.4.1.4.4. Individuals designated by the state animal health officials.
 - 9.4.1.5. The receiving premises must not commingle swine received from different premises in a manner that prevents identification of the premises that sent the swine or groups of swine. This requirement may be met by use of permanent premises or individual animal identification, by keeping groups of animals received from one premises physically separate from animals received from other premises, or by any other effective means.
 - 9.4.1.6. For each premises, the swine production system must maintain, for three years after the date of creation, records that will allow a state animal health official to trace any animal on the premises back to its previous premises and must maintain copies of each swine production health plan signed by the producer, all interstate swine movement reports issued by the producer, and all reports the swine production system's accredited veterinarian issues documenting the health status of the swine on the premises.

-
- 9.4.1.7. Each premises must allow state animal health officials access to the premises upon request to inspect animals and review records.
 - 9.4.1.8. Every seven calendar days, each swine production system must send the State Veterinarian a written summary that is based on the interstate swine movement report data and that shows how many animals were moved in the past seven calendar days, the premises from which they were moved, and the premises to which they were moved.
 - 9.4.2. A swine production health plan must include all the following:
 - 9.4.2.1. Address and contact information for all premises that are part of the swine production system and that receive or send swine in interstate commerce.
 - 9.4.2.2. Provisions for regular veterinary inspections of all swine maintained on the identified premises, at intervals no greater than 30 days, by the swine production system's licensed accredited veterinarian.
 - 9.4.2.3. Description of the record-keeping system of the swine production system.
 - 9.4.2.4. The signature of each official of each swine production system identified in the plan, including the swine production system's licensed accredited veterinarian, the state veterinarian, an APHIS representative, and the state animal health official from each state in which the swine production system has a premises.
 - 9.4.2.5. Acknowledgement that the managers of all the swine production system's premises listed in the plan have been notified that any failure of the participants in the swine production system to abide by the provisions of the plan and the applicable provisions of 9 CFR Parts 71 and 85 constitutes a basis for the cancellation of the swine production health plan.
 - 9.4.3. An interstate swine movement report must include the following information:
 - 9.4.3.1. The name, location, and premises identification of the premises from which the swine are to be moved.
 - 9.4.3.2. The name, location, and premises identification number of the premises to which the swine are to be moved.
 - 9.4.3.3. The date of movement.
 - 9.4.3.4. The number, age, and type of swine to be moved.
 - 9.4.3.5. A description of any individual identification or group identification associated with the swine.
 - 9.4.3.6. The name of the swine production system's licensed accredited veterinarian.
 - 9.4.3.7. The health status of the herd from which the swine are to be moved, including any disease of regulatory concern to the state or to USDA/APHIS.
 - 9.4.3.8. An accurate statement that swine on the premises from which the swine are to be moved have been inspected by the swine production system's licensed accredited veterinarian within 30 days prior to the interstate movement,

consistent with the dates specified by the premise's swine production health plan and are found to be free from signs of communicable disease.

- 9.4.4. The following procedures apply to cancellation of, or withdrawal from, a swine production health plan:
- 9.4.4.1. The state veterinarian may cancel the state's participation in a swine production health plan by giving written notice to all swine producers, accredited veterinarians, and other state animal health officials listed in the plan. Withdrawal shall be effective upon the date specified by the state veterinarian in the notice, but for shipments in transit, withdrawal shall become effective seven days after the date of such notice.
- 9.4.4.2. A swine production system may withdraw one or more of its premises from participation in the plan upon giving written notice to the state veterinarian, the accredited veterinarian(s), and all swine producers listed in the plan. Withdrawal shall be effective upon the date specified by the swine production system in the written notice, but for shipments in transit, withdrawal shall become effective seven days after the date of such notice.
- 9.4.4.3. The state veterinarian shall cancel a swine production health plan after determining that swine movements within the swine production system have occurred that were not in compliance with the swine production health plan. Before a swine health production plan is canceled, the state veterinarian shall inform a representative of the swine production system of the reasons for the cancellation.

Part 10. Trichomoniasis

10.1. Definitions

- 10.1.1. "Acceptable Specimen" means a specimen determined satisfactory for diagnostic testing by the approved laboratory, including complete documentation.
- 10.1.2. "Approved Laboratory" means any laboratory designated and approved by the State Veterinarian for testing *T. fetus* samples.
- 10.1.3. "Bovine" means any sexually intact male or female animal of the genus *Bos*.
- 10.1.4. "Colorado Commuter Permit" means a permit issued by the Colorado State Veterinarian's Office to Colorado livestock producers who use pasture lands and other livestock operations in one or more states that are contiguous to Colorado.
- 10.1.5. "Commingle" means having both male and female bovines, regardless of ownership, in the same enclosure or pasture where such animals would have a reasonable opportunity for sexual contact.
- 10.1.6. "Complete Herd Test" means an official *T. fetus* test of all breeding-age bulls as determined by the State Veterinarian.
- 10.1.7. "Directly to Slaughter" means transporting an animal to a slaughter plant after loading into a transit device without unloading prior to arrival at the destination slaughter plant.
- 10.1.8. "Herd" means a group of bovines (male and female) that have commingled for any period of time during the last 12 months.

- 10.1.9. “*T. fetus* PCR test (Polymerase Chain Reaction)” means a method approved by the State Veterinarian for the testing of samples collected by an accredited veterinarian to detect, through in vitro amplification, the presence of *T. fetus* DNA.
- 10.1.10. “Official Colorado Negative *T. fetus* Tag” means a tag provided by the Colorado Department of Agriculture to accredited veterinarians which is applied to bulls that test negative for *T. fetus* using official testing methods.
- 10.1.11. “Positive *T. fetus* Bull” means a bull that has had a positive *T. fetus* test.
- 10.1.12. “Positive *T. fetus* Herd” means the group of all bovines that have commingled and in which group any bovine (male or female) has had a positive diagnosis for *T. fetus*.
- 10.1.13. “Negative *T. fetus* Bull” means a bull that qualifies by one of the following:
- 10.1.13.1. Originates from a herd not known to be infected, has tested negative to an official test, and has been isolated from females since that test;
- 10.1.13.2. Originates from a positive herd but has had a series of two negative *T. fetus* PCR tests at intervals of at least one week and continues to be isolated from females;
- 10.1.13.3. Has met current Colorado import requirements; or
- 10.1.13.4. Originates from a positive herd, has been isolated from females, and has had two negative *T. fetus* PCR tests at least one week apart.
- 10.1.14. “Regulatory Veterinarian” means the State Veterinarian or his or her designee. This may be a state or USDA employed veterinarian or any accredited veterinarian holding a current state license to practice veterinary medicine.
- 10.1.15. “Slaughter only back tag” means a back tag provided by the Colorado Department of Agriculture to livestock markets which is applied to bulls presented for sale without a *T. fetus* test.
- 10.1.16. “Suspect *T. fetus* Bull” means a bull from a positive *T. fetus* herd that has not yet had two consecutive negative *T. fetus* PCR tests.
- 10.1.176. “*Trichomonas fetus* (or *T. fetus*)” means a contagious venereal protozoan parasite disease of the *Tritrichomonas foetus* species that causes infertility, pyometra, abortions, and reproductive inefficiency in female bovine.
- 10.1.187. “Unacceptable Sample” means a sample that is deemed not diagnostic by the approved testing laboratory.
- 10.2. Intrastate Breeding bulls
- 10.2.1. All bulls 12 months and older must have a negative *T. fetus* PCR test within 60 days prior to change of ownership or change of possession under lease or loan. Bulls shall not be exposed to females at the new premises until the results of the test are known.
- 10.2.2. Any bull with a positive test shall be immediately quarantined. The quarantine shall be in effect until the bull is sent to slaughter. The positive *T. fetus* bull’s herd of origin will be placed under a hold order. The hold or quarantine order will be released in accordance with the regulatory section of this rule.

10.3. Regulatory Action

10.3.1. Public Grazing & Grazing Associations

10.3.1.1. All breeding bulls commingling in grazing associations, regardless of whether public or private associations, or on public lands, regardless if on private or multiple user permits, shall have the official *T. fetus* PCR test conducted annually. Negative bulls shall be identified as in Part 10.5.1 below.

10.3.1.1.1. If any bull is found positive, all bulls that have an epidemiological link to the positive bull, regardless of owner, manager, or operator, will be required to have two consecutive negative *T. fetus* PCR tests and be isolated under quarantine prior to turn out time.

10.3.1.1.2. Any stray bull located on public grazing lands or in a grazing association shall be subject to the management procedures set forth in 10.4.5.

10.3.2. Positive *T. fetus* Bull & Herd

10.3.2.1. Any confirmed *T. fetus* positive bovine and its herd (as defined by state animal health officials) shall immediately be placed under quarantine, and will remain under quarantine as follows:

10.3.2.1.1. Positive *T. fetus* bulls shall be identified with an official Positive *T. fetus* test tag by an accredited veterinarian within 5 days of diagnosis.

10.3.2.1.2. Positive *T. fetus* bulls shall be quarantined then sent directly to slaughter or to livestock market for slaughter only or to an Approved Feedlot.

10.3.2.1.3. All other bulls in a positive *T. fetus* herd shall remain quarantined until they have tested negative to two consecutive *T. fetus* PCR tests at least one week apart. The initial negative *T. fetus* PCR test is included in the series of negative tests required.

10.3.3. Reproductive Bovine Females from a Positive *T. fetus* Herd

10.3.3.1. Females over 12 months of age (not known to be virgin heifers) from a positive *T. fetus* herd may be sold directly to slaughter or quarantined on the premises of origin. Individual females will be released from quarantine when there are two consecutive negative *T. fetus* PCR tests of the entire bull population and the cow(s) has a calf at side (with no exposure to other than known negative *T. fetus* bulls since parturition), has documented 120 days of sexual isolation, or is determined by an accredited veterinarian to be at least 120 days pregnant.

10.3.3.2. Heifers known to be virgin at the time of turnout, or heifers exposed only to known negative *T. fetus* bulls and not yet 120 days pregnant, may remain within the herd.

10.3.3.3. Open females shall be sold to slaughter, moved to an Approved Feedlot, or held in isolation from all bulls for 120 days. Any female sold to slaughter through a livestock market shall be **officially identified and** identified with an official Colorado **red** positive *T. fetus* tag during the quarantine period.

10.3.3.4. Breeding by artificial insemination with semen from a known negative bull is allowed during the quarantine period.

10.3.4. Management Procedures of *T. fetus* Positive herds

10.3.4.1. The State Veterinarian may require additional testing of bulls, pregnancy testing of females, segregation of cattle within a herd, and may hold or quarantine a herd until the owner, lessor, or manager of the herd has complied with any additional requirements set forth by the State Veterinarian.

10.3.5. Management Procedures Regarding Stray Bulls

10.3.5.1. Any stray bull without a current negative Colorado Trich Tag found on public or private land, from a known or unknown herd of origin, may be confined and placed under a hold order until the bull has one or more *T. fetus* PCR test(s) conducted. The test(s) shall be the responsibility of the bull's owner. The conditions of the hold or quarantine orders and number of tests will be determined by the State Veterinarian.

10.4. Identification

10.4.1. All bulls tested for *T. fetus*, whether for official or unofficial testing, must be officially identified.

10.4.2. At the time of testing, an accredited veterinarian must:

10.4.2.1. Record the bull's official identification device on the *T. fetus* test submission form;

10.4.2.2. Apply an official Colorado *T. fetus* tag to the tested bull; and

10.4.2.3. Record the official Colorado *T. fetus* tag number of the tested bull on the test submission form.

10.4.3. Bulls that are determined *T. fetus* PCR test negative shall be identified with an official Colorado negative *T. fetus* tag. Tags will be supplied by the Colorado Department of Agriculture and be assigned to accredited veterinarians. The official negative *T. fetus* tag color shall be changed annually.

10.4.4. Bulls identified pending negative test results shall be isolated from all females until the test result is reported negative.

10.4.5. Positive *T. fetus* bulls shall be identified with an official red positive *T. fetus* tag supplied by the Colorado Department of Agriculture.

10.4.6. Any quarantined cows moved from the original premises of quarantine shall be **officially identified and** identified with an official red positive *T. fetus* ear tag.

10.5. Specimen Collection Facilities

10.5.1. The bull's owner must provide adequate corrals and restraint to protect the animal and veterinarian from undue injury and risk. The accredited veterinarian shall determine the adequacy of such facilities and may require the bulls be delivered to a mutually agreed facility if the owner's facility is deemed inadequate for specimen collection purposes.

10.6. Approved Laboratory Responsibilities

- 10.6.1. An approved laboratory is required to immediately report any positive specimen to the State Veterinarian's Office. Such report should include the official identification device, brand, owner name, address, telephone number and the submitting veterinarian's name, address, and telephone number.
- 10.6.2. In order for *T. fetus* testing results to be considered official test results, the packaging and transportation of samples for *T. fetus* testing must explicitly follow the approved laboratory's protocol for transport of specimens. Failure to follow the appropriate submission protocol and policy may result in an unacceptable sample.
- 10.6.3. The laboratory shall report unacceptable samples to the State Veterinarian. If any sample is deemed unacceptable the submitting veterinarian shall submit a retest specimen. The State Veterinarian may report the unacceptable samples and the name of the veterinarian who took the unacceptable standards to the USDA Assistant District Director who may report the information to the APHIS Administrator.

10.7. Public Livestock Markets (Auctions)

10.7.1. All bulls that are 12 months of age and older shall be accompanied by a negative official T. fetus PCR test, conducted within 60 days prior to sale, with a statement that the bulls have been isolated from all female bovines after testing.

10.7.1.1. Any bull 12 months of age or older consigned for breeding purposes without a test report shall be placed under quarantine and tested at the livestock market premises. Bulls shall be held at the livestock market premises isolated from all females until the test results are known.

10.7.2. Any bull presented at a livestock market without T. fetus test results shall be identified by the livestock market with a "slaughter only" back tag designating such bull as having no T. fetus test prior to being offered for sale.

10.7.3. Any bull presented at a livestock market without T. fetus test results must be announced in the sale ring as "slaughter only" and so designated on the buyer's documents.

10.7.4. Any bull presented at a livestock market without T. fetus test results shall only be sold directly to slaughter or to a Colorado Approved Feedlot.

10.7.5. Bulls and breeding females from a known positive T. fetus herd shall be identified with an official Colorado positive T. fetus tag at the ranch of origin and may only be consigned and sold for slaughter or consigned to a Colorado Approved Feedlot.

Part 11. Equine Viral Arteritis

11.1. Definitions

- 11.1.1. "Approved laboratory" means a laboratory approved by the State Veterinarian to conduct official testing for equine viral arteritis.
- 11.1.2. "Book" or "booking" means the contracting or scheduling of a mare to be bred to a stallion.
- 11.1.3. "Carrier" means a stallion that has a positive EAV virus isolation test or polymerase chain reaction (PCR) test from semen.

-
- 11.1.4. "EAV" means equine arteritis virus, the organism that causes the disease equine viral arteritis.
- 11.1.5. "Equidae" means all members of the genus *Equus* which includes but is not limited to horses, asses, hinnies, mules, donkeys, burros, ponies, and zebras.
- 11.1.6. "EVA" means equine viral arteritis, a communicable disease in equine resulting in abortion in pregnant mares, illness and death in young foals, and potential establishment of the carrier state in stallions.
- 11.1.7. "Isolated" means the protocols to prevent the transfer of EAV through the appropriate separation, movement controls, and biosecurity procedures approved by the State Veterinarian.
- 11.1.8. "ISO compliant microchip" means a microchip used to identify individual Equidae that are compliant with the International Organization of Standardization and the USDA's animal disease traceability requirements.
- 11.1.9. "Owner" means any person with the legal right of possession or having legal control over any Equidae, and shall include but not be limited to agents, caretakers, and other persons acting on behalf of that person.
- 11.1.10. "PCR test" Polymerase chain reaction test to detect EAV in samples.
- 11.1.11. "Semen" Secretion or ejaculate from the reproductive tract of a stallion containing spermatozoa and seminal fluid from the accessory sex glands.
- 11.1.12. "Sero-negative test mare" means a mare that has been tested sero-negative (SN titer <1:4) and has been isolated from other horses for 21 days prior to being bred.
- 11.1.13. "Sero-negative" means a horse that has tested negative (SN titer <1:4) to a blood test for antibodies to EAV.
- 11.1.14. "Sero-positive" means a horse that has tested positive (SN titer ≥1:4) to a blood test for antibodies to EAV.
- 11.1.15. "Shedder" or "shedding" means an Equidae has been determined to have EAV in its body and has potential of transmitting the EAV to other Equidae.
- 11.1.16. "Stallion" means a sexually intact male Equidae.
- 11.1.17. "Standard insemination volume" means 10 ml of semen.
- 11.1.18. "Test breeding" means breeding a suspect carrier stallion to 2 sero-negative mares a minimum of twice a day for two (2) – to four (4) days in the same estrus period.
- 11.1.19. "Vaccinated" or "vaccination" means an Equidae has been vaccinated with the approved EVA modified live virus vaccine and the vaccination status has been kept current in accordance with the manufacturer's recommendations.
- 11.1.20. "Vaccinated sero-positive stallion" means a stallion that was sero-negative prior to being vaccinated against EVA and which has a positive titer (>1:4) post vaccination.
- 11.2. General EVA Information
-

-
- 11.2.1. All laboratory samples pertaining to this rule shall be submitted by an accredited veterinarian to an approved laboratory.
- 11.2.2. It is recommended that all breeding stallions be tested for EAV prior to use as a breeding stud or collection for artificial insemination.
- 11.2.3. It is recommended that frozen semen or semen from unknown stallions be tested negative by virus isolation or PCR prior to being used for artificial insemination.
- 11.3. EVA Shedding Stallions
- 11.3.1. A stallion is considered to be a carrier if any of the following apply: the virus can be cultured from his semen, if the virus can be detected in his semen by PCR test, or if sero-negative mares seroconvert to sero-positive status within 28 days following breeding or insemination.
- 11.3.2. A stallion known to be a carrier shall not be permitted to breed or be collected for artificial insemination until the State Veterinarian determines that the stallion does not pose a risk of transmitting EAV. In making this determination, the State Veterinarian shall consider whether the requirements of Parts 11.3.2.2. and 11.3.2.3. of this section will be complied with by the premises on which the carrier stallion is located. The following restrictions shall apply to a carrier stallion that is permitted to breed or be collected for artificial insemination:
- 11.3.2.1. The owner or agent of an EAV carrier stallion shall notify in writing the owner or agent of a mare booked or seeking to book a mare to that stallion that has been classified as an EAV carrier. A written copy of the booking confirmation shall be sent to the State Veterinarian.
- 11.3.2.2. A carrier stallion shall be housed, handled, and bred or collected for artificial insemination in a facility isolated from non-shedding stallions.
- 11.3.2.3. A carrier stallion shall be bred to a mare(s) that:
- 11.3.2.3.1. Have been vaccinated against EVA at least twenty-one (21) days and not more than 1 year prior to being bred; or
- 11.3.2.3.2. Has an existing EAV titer from vaccination or natural exposure to EAV, if the serological test for EVA was performed prior to date of breeding.
- 11.4. Sero-Positive Non-shedding Stallions
- 11.4.1. A stallion may be considered to be a 'vaccinated sero-positive stallion' if a blood sample collected within 10 days prior to administration of an approved vaccine was negative (SN titer <1:4) for antibodies to EAV. See Section VIII for recommended vaccination protocols.
- 11.4.2. It is required that a sero-positive vaccinated stallion that did not have an EVA negative test prior to vaccination comply with one of the following testing procedures to ensure that the stallion is not at risk of transmitting the virus:
- 11.4.2.1. A standard insemination volume (10ml) of semen should be collected and either virus isolation tested for EAV or evaluated using a PCR test; or

11.4.2.2. The stallion should be bred to two (2) mares negative for EAV antibodies. The two (2) mares should have blood collected for an EVA test twenty-eight (28) days after breeding or artificially inseminated from two ejaculates, separately collected.

The sero-positive stallion would be considered a non-carrier if the semen virus isolation tested, semen PCR or test-breeding results are negative.

11.4.3. A stallion may be considered a 'non-vaccinated sero-positive stallion' if the stallion has seroconverted following a natural exposure to the virus. It is required that a non-vaccinated sero-positive stallion be tested as outlined below prior to breeding to ensure that he is not at risk of transmitting the virus.

11.4.3.1. Semen should be collected and either tested by virus isolation or evaluated using a PCR test for EAV; or

11.4.3.2. The stallion should be bred to two (2) mares negative for EAV antibodies. The two (2) mares should have blood collected for an EVA test twenty-eight (28) days after breeding or artificial insemination.

11.4.3.3. The sero-positive stallion will be considered a non-carrier if the semen by virus isolation, PCR, or test breeding results is negative.

11.4.4. A stallion previously classified as a carrier stallion may be re-classified as a non-carrier stallion if the following criteria are met:

11.4.4.1. During the first breeding season following the stallion's classification as a non-carrier, the first five (5) sero-negative mares bred or artificially inseminated using semen collected from separate ejaculates from this stallion shall be test negative to a blood sample collected for an EVA test twenty-eight (28) days after breeding or artificial insemination.

11.4.4.2. During the second breeding season, the stallion shall be bred to two (2) mares negative for EAV antibodies that will be tested twenty-eight (28) days after breeding or have its semen collected and be virus isolation negative for EAV or have the semen tested negative by PCR for EAV. If the semen virus isolation test or PCR test and blood samples are negative for EAV, there shall not be restrictions placed on a future breeding season.

11.4.5. The final determination that a stallion is not an EAV carrier shall be made based on scientific procedures described in this section and approved by the State Veterinarian. Until this determination is made the stallion shall be considered as an EAV carrier.

11.5. Requirements for Breeding Mares to a Carrier Stallion or Inseminating Mares with Known EAV Infected Semen

11.5.1. The following guidelines are required when breeding mares to a carrier stallion or inseminating mares with known EAV infected semen.

11.5.1.1. If a sero-negative mare is to be bred to a carrier stallion for the first time.

11.5.1.1.1. It is required that the mare be vaccinated a minimum of twenty-one (21) days prior to the first breeding or artificial insemination by an EAV carrier stallion and subsequently isolated a minimum of twenty-one (21) days after the first breeding or artificial insemination.

11.5.1.1.1.1. During isolation, the mare shall be physically separated from other Equidae in a separate isolation area approved by the State Veterinarian or designated personnel.

11.5.1.1.1.2. After the isolation period, the mare may move without restriction.

11.5.1.2. Mares that have been vaccinated against EAV or have been bred to an EAV carrier stallion within the previous two (2) years may be re-bred to a carrier stallion but should be isolated for a minimum of twenty-one (21) days after breeding as noted above.

11.5.1.3. When a mare bred to a carrier stallion is returned to the premises of origin within 21 days of breeding, it shall be in a transport vehicle or trailer by herself or with other sero-positive Equidae. Upon returning to the premises of origin, the transport vehicle or trailer and equipment used to move the mare must be immediately cleaned and disinfected according to procedures approved by the State Veterinarian.

11.6. Actions for Newly Diagnosed Sero-positive Stallions

11.6.1. A stallion infected with EAV during the breeding season shall immediately cease breeding or immediately cease having semen collected for artificial insemination or semen collected and stored for future use. Since EVA is a reportable disease in the State of Colorado, the State Veterinarian must be immediately notified in the event of clinical EVA disease demonstrated by a positive laboratory test on serum or semen. An owner or agent with a mare booked or bred to a stallion that became infected with EAV during the breeding season shall be immediately notified in writing by the stallion's owner or agent. A copy of the written notification shall be sent to the State Veterinarian. A stallion infected with EAV during the breeding season shall be classified as an EAV carrier and shall be handled according to the requirements of this rule. Following the stallion's classification as a carrier, the State Veterinarian may reclassify the stallion as a non-carrier in accordance with this rule.

11.7. Equidae Vaccinated Against EVA

11.7.1. Following are the recommendations that will provide for a more effective program for mares or stallions to be vaccinated for EVA in Colorado:

11.7.1.1. The Equidae owner's facility should have a premises identification number (PIN).

11.7.1.2. The mare or stallion receiving EVA vaccine should have an ISO compliant microchip implanted according to USDA's animal disease traceability requirements.

11.7.1.3. That mares be tested for antibodies to EAV prior to an initial EVA vaccination.

11.7.1.4. Testing for antibodies in blood of mares be submitted to an approved veterinary laboratory.

11.7.1.5. A certificate documenting the mare has been vaccinated be sent to the State Veterinarian within seven (7) days of the vaccination date.

11.7.1.6. The EVA vaccination certificate for mares should be on a form prescribed by the State Veterinarian.

11.7.1.7. The prior negative EVA test and vaccination of intact colts between 6-12 months of age and of adult teaser stallions.

11.7.2. Following are the requirements for mares or stallions to be vaccinated with EVA vaccine in Colorado:

11.7.2.1. Testing of stallions for antibodies in blood or evidence of EAV in semen shall be submitted to an approved veterinary laboratory.

11.7.2.2. Stallions vaccinated for the first time against EVA shall be test negative to a blood sample collected by an accredited veterinarian prior to vaccination.

11.7.2.3. Stallions vaccinated for the first time against EVA shall have the EVA vaccine administered by an accredited veterinarian within ten (10) days after the sample collection date.

11.7.2.4. A certificate documenting that the stallion has been vaccinated shall be sent to the State Veterinarian within seven (7) days of the vaccination date.

11.7.2.5. The EVA vaccination certificate for stallions shall be on a form prescribed by State Veterinarian.

11.7.2.6. All Equidae vaccinated for the first time against EVA shall not have direct exposure to an EVA affected animal or a pregnant mare for twenty-one (21) days after vaccination.

11.7.2.7. A vaccinated stallion shall not be used for breeding or artificial insemination within twenty-eight (28) days after vaccination. A vaccinated mare shall not be bred within twenty-one (21) days of vaccination.

11.8. EVA Test Mares

11.8.1. An EVA test mare shall be isolated from the other Equidae and under the supervision of the State Veterinarian if the mare becomes:

11.8.1.1. Clinically affected with EVA after breeding or artificial insemination; or

11.8.1.2. Sero-positive after breeding or artificial insemination.

11.8.2. An isolated mare shall be released from isolation by the State Veterinarian after:

11.8.2.1. Twenty-eight (28) days in isolation and providing test results are negative; or

11.8.2.2. The spread of EAV is no longer a risk, whichever is longer.

Part 12. Reportable Diseases

12.1. Reportable Disease List

12.1.1. The State Veterinarian shall develop and maintain a list of current reportable diseases and make the list readily available to the public, including accredited veterinarians and laboratories.

12.2. Notification of Reportable Diseases

12.2.1. The State Veterinarian shall be notified upon suspicion or recognition of clinical signs consistent with reportable disease.

12.3. Submission of Samples and Test Request Forms

12.3.1. Testing for reportable diseases shall only be performed at laboratories approved by the State Veterinarian

12.3.2. All laboratory samples submitted for official tests for reportable diseases shall be accompanied by a properly completed form or electronic form approved by the State Veterinarian. The reportable disease forms must include the following:

12.3.2.1. Owner's name, physical address, telephone number and, if available, email address;

12.3.2.2. Veterinarian's name, physical address, telephone number, license or accreditation number, and, if available, email address;

12.3.2.3. Physical address of the livestock premises and, if available, the location identification number or premises identification number;

12.3.2.4. Description of the animal(s) tested, including but not limited to the species, age, breed, color, sex, and the animal(s) official identification, tattoos, or other distinguishing marks;

12.3.2.5. Tests requested; and

12.3.2.6. Purpose of the test (diagnostic, movement, change of ownership, grazing permit, etc.)

12.3.3. Samples submitted for testing without proper and complete test request forms, may have test performed but the results may not be considered official for the purpose of the test until appropriate information on the test forms has been completed.

Part 13. Rule Exception

13.1. The Commissioner of Agriculture or his designee, the Colorado State Veterinarian, may grant exceptions to any portion of this rule when disease management standards permit or require.

13.2. Any such exception will be limited to individual cases.

Parts 14 – 15: Reserved

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

16.1. Adopted: September 14, 2005 – Effective: December 1, 2005

The statutory authority for this rule is C.R.S. 35-50-101-133, The Livestock Health Act.

The basis of this rule is to implement Senate Bill 05-024 titled The Livestock Health Act. This law repealed and reenacted authorities of the State Veterinarian to control and prevent livestock diseases. The law granted the State Veterinarian new authorities, most notably the authority to order a "hold" on all livestock on a premises while tests for the presence of a disease are conducted. The law also removed from statute language dealing with specific livestock diseases and granted the Colorado Commissioner of Agriculture the authority to adopt rules to control diseases.

Part 1 of this rule establishes procedures and requirements for the issuance of Certificates of Veterinary Inspection. These certificates offer proof that an animal is free from clinical signs of specific diseases and documents vaccinations and tests that may have been administered.

Part 2 establishes a commuter agreement process whereby existing breeding herds from border states are shipped into Colorado and later return to the herd of origin. This Part facilitates cross-border shipments that recur for grazing on a regular basis.

Part 3 establishes measures to prevent bovine tuberculosis, a disease that can be transmitted from cattle to other warm blooded mammals. The measures are designed to achieve continual eradication of bovine tuberculosis through herd testing and surveillance at slaughter plants.

Part 4 creates a process to control brucella ovis, a bacterium that causes a highly infectious disease affecting breeding rams known as ram epididymitis which causes infertility. Without an effective vaccine, management of the disease relies on surveillance of rams within herds. This part sets out surveillance requirements for movement of rams from one flock to another.

Part 5 creates a process to maintain Colorado's Certified Brucellosis Free Status and further reduce the possibility of infection to cattle and bison in Colorado. This Part establishes surveillance and vaccination requirements on cattle and bison herds.

Part 6 deals with an infectious disease that threatens Colorado's horse industry. Equine infectious anemia (EIA) is an infectious and potentially fatal disease without an effective vaccine or treatment regimen. This Part establishes an EIA surveillance process and disease control mechanism.

Part 7 creates a surveillance and testing program for swine herds to control pseudorabies and swine brucellosis. Pseudorabies is a viral disease most prevalent in swine that can also affect cattle, horses, sheep and other mammals that causes reproductive problems and can be fatal to newborn swine. Swine brucellosis is caused by the bacterium *Brucella suis* that causes reproductive and other problems.

Part 8 of this rule deals with trichomoniasis and was previously adopted. The provisions are moved to this rule.

Pursuant to Section 24-4-103(12.5) of the Administrative Procedures Act, Section 24-4-101 et seq. C.R.S. (2004), the Colorado Department of Agriculture will comply with the following rules, codes or standards, which are incorporated herein by reference: Swine Brucellosis Control/Eradication, State-Federal-Industry, Uniform Methods and Rules, USDA APHIS Bulletin No. 91-55-042, issued April 1998; Brucellosis Eradication, Uniform Methods and Rules, USDA APHIS Bulletin No. 91-45-013, effective October 1, 2003; Pseudorabies Eradication State-Federal-Industry Program Standards, USDA APHIS Bulletin No. 91-55-071, effective November 1, 2003; Bovine Tuberculosis Eradication, Uniform Methods and Rules, USDA APHIS Bulletin No. 91-45-011, effective January 1, 2005; 9CFR § 161 (2002), Requirements and Standards for Accredited Veterinarians and Suspension or Revocation of Such Accreditation; and 9 CFR 93-427 (c) (2005), Cattle From Mexico.

This rule does not include later amendments or additions of the incorporated material. Information on obtaining copies of these incorporated materials may be found by contacting the Director of the Division

of Animal Industry, Colorado Department of Agriculture, 710 Kipling Street, Suite 202, Lakewood, Colorado 80215. The incorporated materials may be examined at any state publications depository library.

16.2. Adopted: November 13, 2006 – Effective: November 13, 2006

The Colorado Department of Agriculture adopts the following emergency rules according to its authority as found in Colo. Rev. Stat. § 35-50-105, et seq., and 24-4-103(6).

STATEMENT OF PURPOSE AND COMPLIANCE WITH COLO. REV. STAT. § 24-4-103(6).

The Colorado Department of Agriculture finds that immediate adoption of these rules 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 interest.

Equine Viral Arteritis (EVA) is a contagious disease of horses that is caused by the equine arteritis virus (EAV). At this point, most of the Colorado equine population has yet to be exposed. The commencement of immediate testing to identify pre-antibody receiving mares and stallions and to locate those already infected/affected with/by EAV is of the utmost importance to ensure the continued safety and health of Colorado's equine population. Therefore, adoption of these emergency rules is imperative.

Without the adoption of these emergency rules, the public's interest is not served. Wherefore, the Colorado Department of Agriculture, pursuant to § 24-4-103(6), C.R.S., has an obvious and stated need to enact these rules.

Statements of Basis, Specific Statutory Authority and Purpose

The statutory authority of this rule lies in § 35-50-105, et seq., C.R.S., 2005, specifically 35-50-105 (3)(f), (g) and (h), C.R.S., 2005, which grants authority to the Commissioner of Agriculture, with the approval of the Colorado Agricultural Commission, to set standards and requirements for testing livestock for infectious or contagious diseases and to set similar requirements for the vaccination of livestock to control infectious diseases. The Commissioner is further authorized to set standards and requirements for surveillance, testing, or implementation of other disease control measures.

The basis of this rule lies in the importance of controlling contagious disease among horses and other equine species and to facilitate commerce among citizens of Colorado and other states and countries. Equine viral arteritis (EVA) is a highly communicable disease spread among horses in two different manners. Infected equines with clinical signs of EVA can infect other equines by aerosol discharges from the mouth or nose. Male equines that have contracted EVA can then spread the disease to females by breeding or by artificial insemination. Therefore EVA is spread through both direct and venereal routes among equines. There is no direct treatment for the venereal disease, and therefore, male equines with the disease may have restricted ability to breed during the remaining period of their lives.

The purpose of this rule is to establish a widely accepted protocol for EVA disease control methods, testing, vaccination and record keeping requirements. This rule will enable owners of equines to contract for breeding their equines with increased confidence that EVA vaccination, testing, and disease control standards remain in effect in Colorado.

16.3. Adopted: January 4, 2007 – Effective: January 4, 2007

The Colorado Department of Agriculture adopts the following emergency rules according to its authority as found in Colo. Rev. Stat. § 35-50-105, et seq., and 24-4-103(6). These rules be effective on January 4, 2007.

STATEMENT OF PURPOSE AND COMPLIANCE WITH COLO. REV. STAT. § 24-4-103(6).

The Colorado Department of Agriculture finds that immediate adoption of these rules 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 interest.

Equine Viral Arteritis (EVA) is a contagious disease of horses that is caused by the equine arteritis virus (EAV). At this point, most of the Colorado equine population has yet to be exposed. The commencement of immediate testing to identify pre-antibody receiving mares and stallions and to locate those already infected/affected with/by EAV is of the utmost importance to ensure the continued safety and health of Colorado's equine population. New Mexico, has reported confirmed cases of EVA. Because of New Mexico's proximate closeness to Colorado and because the breeding season is currently active, adoption of these emergency rules is imperatively necessary for preservation of public health, safety and welfare.

Without the adoption of these emergency rules, the public's interest is not served. Wherefore, the Colorado Department of Agriculture, pursuant to § 24-4-103(6), C.R.S., has an obvious and stated need to enact these rules.

Statements of Basis, Specific Statutory Authority and Purpose

The statutory authority of this rule lies in § 35-50-105, et seq., C.R.S., 2005, specifically 35-50-105 (3)(f), (g) and (h), C.R.S., 2005, which grants authority to the Commissioner of Agriculture, with the approval of the Colorado Agricultural Commission, to set standards and requirements for testing livestock for infectious or contagious diseases and to set similar requirements for the vaccination of livestock to control infectious diseases. The Commissioner is further authorized to set standards and requirements for surveillance, testing, or implementation of other disease control measures.

The basis of this rule lies in the importance of controlling contagious disease among horses and other equine species and to facilitate commerce among citizens of Colorado and other states and countries. Equine viral arteritis (EVA) is a highly communicable disease spread among horses in two different manners. Infected equines with clinical signs of EVA can infect other equines by aerosol discharges from the mouth or nose. Male equines that have contracted EVA can then spread the disease to females by breeding or by artificial insemination. Therefore EVA is spread through both direct and venereal routes among equines. There is no direct treatment for the venereal disease, and therefore, male equines with the disease may have restricted ability to breed during the remaining period of their lives.

The purpose of this rule is to establish a widely accepted protocol for EVA disease control methods, testing, vaccination and record keeping requirements. This rule will enable owners of equines to contract for breeding their equines with increased confidence that EVA vaccination, testing, and disease control standards remain in effect in Colorado.

16.4. Adopted: January 4, 2007 – Effective: March 4, 2007

The Colorado Department of Agriculture adopts the following rules according to its authority as found in Colo. Rev. Stat. § 35-50-105, et seq.

Statements of Basis, Specific Statutory Authority and Purpose

The statutory authority of this rule lies in § 35-50-105, et seq., C.R.S., 2005, specifically 35-50-105 (3)(f), (g) and (h), C.R.S., 2005, which grants authority to the Commissioner of Agriculture, with the approval of the Colorado Agricultural Commission, to set standards and requirements for testing livestock for infectious or contagious diseases and to set similar requirements for the vaccination of livestock to control infectious diseases. The Commissioner is further authorized to set standards and requirements for surveillance, testing, or implementation of other disease control measures.

The basis of this rule lies in the importance of controlling contagious disease among horses and other equine species and to facilitate commerce among citizens of Colorado and other states and countries.

Equine viral arteritis (EVA) is a highly communicable disease spread among horses in two different manners. Infected equines with clinical signs of EVA can infect other equines by aerosol discharges from the mouth or nose. Male equines that have contracted EVA can then spread the disease to females by breeding or by artificial insemination. Therefore EVA is spread through both direct and venereal routes among equines. There is no direct treatment for the venereal disease, and therefore, male equines with the disease may have restricted ability to breed during the remaining period of their lives.

The purpose of this rule is to establish a widely accepted protocol for EVA disease control methods, testing, vaccination and record keeping requirements. This rule will enable owners of equines to contract for breeding their equines with increased confidence that EVA vaccination, testing, and disease control standards remain in effect in Colorado.

16.5. 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.

16.6. Adopted: September 9, 2008 – Effective: October 30, 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 pursuant to § 24-4-103(4), C.R.S.

Statement of Purpose

The adoption of this rule makes permanent emergency rules and renumbers parts of the rule as appropriate.

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.

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 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.

16.7. Adopted: March 18, 2010 – Effective: April 30, 2010

SPECIFIC STATUTORY AUTHORITY:

The specific statutory authority of this rule is located in §§ 35-50-105(3)(a), (b), (c), (f), (h), (j), (n), (p), and (q), C.R.S., which cumulatively grant authority to the Commissioner of Agriculture, upon approval of the Colorado Agricultural Commission, to adopt rules related to designations of livestock disease for control and reporting purposes; health standards for importation of livestock; livestock testing for contagious or infectious disease; standards for disease surveillance among and in livestock; the form and manner of disease reporting; standards and requirements for disease prevention; and livestock disease prevention.

Purpose

The purpose of this rule change is to update the rule to clarify definitions, strengthen testing procedures and guidelines, and implement an improved risk-based approach in preventing and controlling Bovine Trichomoniasis, also known as Trich.

The changes reflected in this rule-making represent new developments in the science of veterinary medical diagnostics and in the application of that science to better prevent and control the identified disease. In addition, these changes addressed the concerns of the livestock industry to mitigate the prevalence and economic implications of Trichomoniasis to the Colorado cattle industry.

Changes to the definitions of the rule add terms that have been identified and adopted in other parts of the Livestock Disease Control rules. In addition, changes in the definitions section amend previously adopted definitions to create consistency within the entire Livestock Disease Control rules. Further changes identify alternate official tests that may be used to identify Trich and reduce producers' costs in the testing and release of quarantined herds, and formatting changes within the definitions provide consistency and clarity to terms used throughout this part of the livestock disease control rules.

The "Import Rules" section of this part underwent changes to place more stringent requirements on the import of cattle and to ensure that sample collection and testing procedures apply the most recent scientific understanding to better prevent and control the disease prior to import. The rules within this section are re-organized for ease of reading and clarity of thoughts. Minor changes to testing requirements amend previous requirements so as to assure more accurate test results. Finally, changes throughout the section clarify disease control requirements for breeding females, bulls, commuter-permitted bovines, and bovines at public livestock auctions.

Changes throughout the rule also allow for virgin bull affidavits as an alternative to testing bulls that are 12 to 18 months of age that have no history of sexual contact, thereby implementing a risk-based approach that reduces the testing requirements, the testing costs, and the risk of injury to cattle, owners/operators, and veterinarians. Changes to the "Approved Laboratory Responsibilities" and "Approved Veterinarian" conform to law, removing requirements that the State Veterinarian could not legally enforce.

Factual and Policy Issues

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

The reviewers found that since the inception of this rule several years back, updates in the science related to testing for Trich and updates in general knowledge related to the prevention of the disease rendered portions of the previous rule unnecessary to accomplish the same goals. The veterinary scientific community identified ways to improve the accuracy of testing by making improvements to the sampling procedure and testing protocol, which improvements are reflected in the rule changes. The reviewers identified risks to field veterinarians who were performing sample collections on bulls and the dangers associated with repeated collections from bulls that had previously been sampled. At least one veterinarian had been seriously injured while collecting samples from a previously sampled bull. Additionally, the reviewers found that due to the newer diagnostic tests and capabilities, fewer tests were required to release a Trich quarantined herd as repeated testing of the same animals would not yield any more conclusive results. Therefore, the new testing protocol allowed in the rule will produce a more accurate test with less risk to producers and veterinarians.

Other issues that the reviewers considered include the fact that other definitions throughout the “Livestock Disease Control” rules had been amended or changed entirely. Part of the effort with this rule-making was to bring this rule into closer conformity to other parts within the “Livestock Disease Control” rules as a whole.

Finally, the reviewers found it necessary to amend requirements for bulls known to be virgin bulls such that an owner’s affidavit would sufficiently and satisfactorily confirm the virgin status of their bulls without additional testing. Doing so will not increase the risk of spread of the disease because a risk-based testing approach to this age group of breeding bulls is already in place. Further, allowing affidavits will remove an undue financial burden on the livestock producers in testing all of their young bulls. Lastly, requiring the testing of virgin bulls over 18 months of age will increase disease surveillance and better control and prevent the disease.

The changes in these rules reflect the most up-to-date scientific studies, research, and knowledge available and apply that science in a manner that protects Colorado’s livestock industry while encouraging and maintaining a healthy and robust livestock sector within Colorado’s economy.

16.8. Adopted: November 12, 2014 – Effective: December 30, 2014

SPECIFIC STATUTORY AUTHORITY

The specific statutory authority of this rule is located in §§ 35-50-105(3)(a) through (d), (f), (h), (j), (n), (p), and (q), C.R.S., which cumulatively grant authority to the Commissioner of Agriculture, upon approval by the Colorado Agricultural Commission, to adopt rules related to designations of livestock disease for control and reporting purposes; health standards for importation of livestock; standards for livestock health certificates; livestock testing for contagious or infectious disease; standards for disease surveillance among and in livestock; the form and manner of disease reporting; standards and requirements for disease prevention; and livestock disease prevention.

Purpose

The purpose of this rule-making is to provide revisions to portions of the current Livestock Disease Control rules that will make the rules easier to read and understand while updating the rules to reflect changes in disease detection, surveillance, testing, and monitoring. These changes in this rule-making reflect the efforts of the reviewers to achieve the dual goal of protecting Colorado’s livestock industry from disease while providing an environment where that industry may thrive.

In this rule-making, the reviewers focused on Parts 1, 2, 3, 5, 9, and 10. Generally, duplicative definitions from the rule were moved to an opening section, “Definitions.” This section will apply to the entire rule except where a more specific definition remains or is set forth within a specific Part. Throughout the changed rules, the reviewers sought to clarify sentences, update language, removed duplicative terms, and increase readability.

Factual Policy and Issues

Since the time that these rules were last reviewed, the USDA has finalized its disease traceability requirements. The changes to USDA's rules effected changes in these rules. These changes come into these rules in new definitions and in changes to requirements for CVIs, movement between states, and movement between Approved Feedlots.

Additionally, these rule changes represent the most current veterinary science related to disease transmissibility, prevention, and monitoring.

These revisions incorporate changes as a result of the Department's Regulatory Efficiency Review Process conducted in accordance with the Governor's Executive Order D 2012-002.

16.9. Adopted June 8, 2016 – Effective July 30, 2016

Specific Statutory Authority

The specific statutory authority of this Rule is located in §§ 35-50-105(3)(a), (d), (f), and (h), C.R.S., which cumulatively grant authority to the Commissioner of Agriculture, upon approval by the Colorado Agricultural Commission, to adopt Rules related to designations of livestock disease for control and reporting purposes; standards and requirements for testing livestock for infectious or contagious diseases; standards for livestock health certificates; standards for disease surveillance among and in livestock; standards and requirements for disease prevention; and livestock disease prevention.

Purpose

The purpose of this rule-making is to move relevant Rule provisions that are currently in 8 CCR 1201-1 "Health Requirements Governing Livestock and Poultry" into 8 CCR 1201-19 to permit that 8 CCR 1201-1 be repealed in their entirety.

Specifically, the changes to this Rule add a definition for "zoological park"; incorporate 8 CCR 1201-1's exceptions to livestock that require a certificate of veterinary inspection into 8 CCR 1201-19; set forth the certificate of veterinary requirements for non-livestock animals, animals going to zoological parks, and wildlife; incorporate 8 CCR 1201-1's bovine dairy herd tuberculosis testing and accreditation into 8 CCR 1201-19. These revisions incorporate changes as a result of the Department's Regulatory Efficiency Review Process.

Factual Policy and Issues

8 CCR 1201-1 was originally adopted in the 1950s. Most of that Rule were repealed with the enactment of § 35-50-101, et seq. This rule-making was important to streamline all Rules regarding livestock health into one Rule.

16.10. Adopted November 8, 2017 – Effective December 30, 2017

Statutory Authority

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

Purpose

The purpose of this proposed rulemaking is to update definitions; delete the "Introduction" sections in each part; update the tuberculosis and brucellosis parts to align with updated federal guidelines; and clean up unnecessary language.

Specific Purpose

The introduction sections were deleted in every Part in order to bring this rule into conformity with CDA's uniform rules format; and the rule has been renumbered to bring it into uniformity with other Department rules. Grammatical and syntactic changes were made to Part 1, including bringing the definitions into conformity with national disease prevention, and statutory definitions.

Within Part 5 CCT responses being plotted on a CCT scattergram has been removed as it is informational in nature and not needed in rule. Sections of the rule pertaining to branding of reactor and exposed cattle have been removed because this is no longer practiced in the U.S. Language has been updated pertaining to imported cattle from Mexico to reflect the most recent Colorado import requirements.

Within Part 6 information pertaining to participation in a flock certified program has been removed. CDA has not had any participants in this program so it is being removed due to lack of use. In the event a livestock producer should be interested, CDA could create a voluntary program without rule guidance.

In Part 7 the portion of the rule on beef and bison brucellosis import test requirements has been removed as all of these vaccination and test requirements have changed so these rule requirements are no longer accurate.

In Part 8 portions concerning owner assist in handling and restraining animals has been removed as it has been removed in statute; the notification window for the approved laboratories to inform the State Veterinarian's office of all positive test results has been changed to 24 hours to reflect the speed of modern communication technology; portions of 8.7 and 8.8 are being removed as EIA positive horses are no longer allowed to be slaughtered in the U.S. Changes brought the rule into alignment with USDA Code of Federal Regulations.

In Part 9 information about swine pseudorabies and brucellosis was deleted as these diseases have been eradicated from commercial swine in the U.S. If either disease re-emerges it will likely be addressed as a new and emerging or a foreign animal disease and not described in this portion of the rule.

Part 12 was added to address reportable disease requirements of accredited veterinarians and diagnostic laboratories in Colorado.

Factual Policy and Issues

These rule changes represent the most current veterinary science related to disease transmissibility, prevention, and monitoring. The language has been updated to bring it into conformity with national disease prevention terms, definitions, and standards.

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

Statutory Authority

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

16.12. Adopted July 12, 2023 – Effective September 15, 2023

Specific Statutory Authority

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 rulemaking is to incorporate changes as a result of the Department's Regulatory Efficiency Review Process, as well as to update the Rule to ensure the most up-to-date science and technology standards. Revisions to this rule include: updating definitions; adding a new "incorporations by references" section to streamline the inclusion of federal standards; adding a new section for the Swine Health Plan standards; and cleaning up unnecessary language.

Specific Purpose of the Rulemaking

In Part 1 the reviewers clarified definitions and removed the definition of "Location identification number (LID)" since that term is no longer applicable. The reviewers also added a definition for "Test eligible cattle and bison". Furthermore, a new Part 1.2 Incorporations by Reference was added to streamline the incorporation of USDA rules and program standards. A new Part 1.3 Record Keeping was also added since these record-keeping requirements apply to all of 8 CCR 1201-19, not just Part 5 where it formerly resided.

Part 2.1.1. clarifies that the veterinary inspection of animals for issuance of a CVI must be in person as virtual or telemedicine is not an allowable alternative. The reviewers have moved the import requirements that formerly resided in Part 2.2. to the CDA Animal Health Website which provides the most current import requirements and is more user-friendly for the stakeholders to find the information they need. The reviewers clarified Part 2.4 to differentiate between cats and dogs, and other non-livestock animals. The reviewers also updated Part 2 to indicate that the CVI requirements apply to all animals, not just livestock.

In Part 3, the reviewers removed definitions that were not being used and made minor grammatical changes throughout the section. The reviewers consolidated the commuter agreement requirements to be consistent in Part 3.2. Testing requirements were updated, including the removal of the requirement for adult female cattle to be Official Calfhood Vaccinates, and the testing requirements for T. fetus. The

requirement for *B. ovis* testing upon return to Colorado was also removed. The non-compliance section was modified to be consolidated and streamlined.

In Part 4, the reviewers clarified that all movements to approved feedlots must meet CVI and other import requirements. In Part 4.4.1.1 and 4.4.1.2. the reviewers added information about record-keeping requirements. In several places throughout Part 4, the reviewers changed cattle to livestock, which would allow for other species to be considered for inclusion in the Approved Feedlot program, such as lamb feedlots.

In Part 5, the reviewers moved the import requirements to the CDA Animal Health Website which provides the most current import requirements and is more user-friendly for the stakeholders to find the information they need. In Part 5.13.1. new language was added to clarify that tuberculosis accreditation and re-accreditation are voluntary.

In Part 6, the reviewers changed or added language to clarify test results, use of tests, and testing procedures for the disease in rams. In Part 6.3.1, language was added to clarify the responsibility of the buyer to obtain official test records. Part 6.5.1.1 was added to address indeterminate test results and identify possible infection developing in rams.

In Part 7, the reviewers updated the definition of “reactor”, and added a definition of “suspect”. The import requirements were moved to the CDA Animal Health Website which provides the most current import requirements and is more user-friendly for the stakeholders to find the information they need. In Part 7.4. the reviewers clarified that vaccination for Brucellosis is voluntary in Colorado. Additional information was also added as to the strain of the vaccine and the age of the animal at which the vaccine shall be administered.

In Part 8, the reviewers added a new definition for “contact herd” and clarified that all test-eligible Equidae in a contact herd shall be placed under a hold order until those animals have been tested for EIA.

The reviewers incorporated the Swine Production Health Plan (SPHP) in Part 9.4 which was not previously addressed. The SPHP provides a streamlined framework for Swine Production Systems to move swine across state lines between operations when there is no change of ownership. The framework of these plans allows for movement of swine without individual identification as long as the requirements listed are met.

In Part 10, the reviewers added a definition of “official Colorado negative *T. fetus* tag”. Additionally, the import information has been moved to the CDA Animal Health website along with all other import requirement information. In Part 10.4. new information was added regarding official ID requirements for all bulls that are tested for *T. fetus*, and that this identification information must be recorded on the test submission form.

In Part 11 reviewers made no significant changes to the rule aside from some grammatical corrections to improve consistency within the rule.

16.13. Adopted May 8, 2024 – Effective June 30, 2024

Specific Statutory Authority

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

Purpose

The purpose of this proposed rulemaking is to incorporate two important updates. The first relates to trichomoniasis regulations in a market setting; the second, to equine movements and extended equine certificates of veterinary inspection.

Specific Purpose of the Rulemaking

In Part 1, the reviewers added the definition of “Extended equine CVI (eeCVI)”. CDA staff have had discussions for several years regarding the extended equine CVI that is currently available through the Global Vet Link platform. This is something that Colorado has historically not allowed to be used for interstate movement of horses; however, Colorado is one of the very few states that does not allow this platform to be used. The rule language that the reviewers have added in Part 2 (with the definition in Part 1) will allow for the eeCVIs to be used by accredited veterinarians for the movement of horses to and from Colorado.

In Part 2.1.7.1, the reviewers clarified that an extended equine CVI shall be void six months after the date of its issuance whereas all other CVIs are void 30 days after issuance. This is consistent with the purpose of the extended equine CVI programs that other states have adopted.

In Part 10.1.15., the reviewers added the new definition of “slaughter only back tag.” In Parts 10.3.3.3. and 10.4.6., the reviewers added a requirement for female cattle from a positive herd to be officially identified when red-tagged for movement to identify those cattle as coming from a trichomoniasis-positive herd.

When the reviewers completed their regulatory review in 2023, they inadvertently removed the section in the Trichomoniasis rule regarding trichomoniasis regulations in public livestock markets. The inadvertently removed provisions are critical, so the reviewers restored the language in a new section, 10.7., basing the restoration on rules adopted and published in 2021 at Part 10.2.5.