

NOTICE OF PROPOSED RULE ADOPTION

**STATE OF MISSISSIPPI
BOARD OF ANIMAL HEALTH**

**Dr. James Watson
State Veterinarian
P.O. Box 3889
Jackson, MS 39207
601-359-1170
JimW@mdac.state.ms.us**

**Specific Legal Authority authorizing the promulgation of
Rule:** Miss. Code Ann. §69-15-9

**Reference to Rules repealed, amended or suspended by the
Proposed Rule:** Avian Influenza

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:
To aid in the identification, control and elimination of Avian Influenza in commercial poultry.

This rule is proposed as a Final Rule, and/or a Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: *(Check one box below)*

An oral proceeding is scheduled on this rule on Date: _____ Time: _____
Place: _____

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least _____ days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: *(Check one box below)*

- The agency has determined that an economic impact statement is not required for this rule, or
 The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Date Rule Proposed: 12/01/05

Proposed Effective Date of Rule: 01/25/06

Dr. James Watson, State Veterinarian

CONCISE SUMMARY OF ECONOMIC IMPACT STATEMENT

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Proposed Rule: Avian Influenza

An Economic Impact Statement is required for this propose rule by Section 25-43-3.105 of the Administrative Procedures Law. This is a Concise Summary of the Economic Impact Statement which must be filed with the Notice of Proposed Rule Adoption in the Secretary of States Office. The full text of the Economic Impact Statement may be obtained from the agency contact person at the above address.

Persons may present their views by submitting written comments on the proposed rule adoption to the agency contact person at the above address. Additional information on where, when and how persons make may present their views or demand an oral proceeding on the proposed rule are included in the Notice of Proposed Rule Adoption to which this is attached.

a. Description of the need for and the benefits of the proposed rule: The purpose of this program is to enhance Avian Influenza(AI) surveillance and control within the state and to aid in the identification, control, and elimination of avian influenza in commercial poultry. Surveillance and control of avian influenza is essential to maintain free international trade for the commercial poultry industry both live poultry and poultry products, and eliminate production loss due to infection. Since H5 and H7 subtypes of avian influenza have the propensity to mutate into highly pathogenic avian influenza (HPAI) if they are allowed to persist in poultry populations, the active surveillance, diagnostic surveillance, and initial state response and containment plans are essential in assuring that H5/H7 LPAI outbreaks don't persist in commercial poultry populations spread and mutate into HPAI.

b. Cost estimate to the agency and other state or local government entities:
This regulation is not expected to have an economic impact.

c. Estimate of the cost or economic benefit to all persons: The minimum cost of the program will be to test 11 samples per shift at 14 processing plants within our state. Assuming 2 shifts per 24 hour period and assuming a 52 work week year, this would result in a potential laboratory test cost of \$160,160/year to the poultry industry.

d. Analysis of the impact on small business: No impact on small business.

e. Comparison of the costs and benefits of the proposed rule to the probable costs and benefits of not adopting the rule: Published reports of an outbreak in Virginia of low pathogenic avian influenza resulted in the destruction of 4.7 million birds at a total cost to industry and government of approximately \$130 million due to destruction of birds, disease containment costs, loss of international trade and loss of income. The purpose of this proposed program is to detect disease before it can get established and cause devastating economic loss.

f. Determination as to whether less costly or less intrusive methods exist to achieve the purpose of the rule:

g. Description of reasonable alternative methods and reasons for rejection of the alternative methods:

h. Data and methodology in making the estimates in the economic impact statement:

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Proposed Effective Date of Rule: 01/25/05

Dr. James Watson, State Veterinarian

SOS FORM APA 004
Effective Date 01/07/2005

