

NOTICE OF RULE ADOPTION—TEMPORARY RULE

STATE OF MISSISSIPPI

BOARD OF ANIMAL HEALTH

Dr. James Watson, D.V.M.
State Veterinarian
P.O. Box 3889
Jackson, MS 39207
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Reference to Rules repealed, amended or suspended by the Temporary Rule: MBAH Rules, Subpart 02, Ch.12 “Entry Requirements,” Section 106.02, “Cattle”

Date Rule Proposed: November 6, 2008

Explanation of the Purpose of the Temporary Rule and the reason(s) for the rule:

The Board finds that an imminent peril to the public welfare exists unless this rule is amended to allow herds from an Accredited Free State to enter Mississippi without the necessity of tuberculosis test. The TB test is required to protect MS cattle; however, an Accredited Free State is a tuberculosis-free status given to cattle of a state according to USDA rules. This status indicates the state has zero % herds with tuberculosis, that the state follows and complies with the “Uniform Methods and Rules-Bovine Tuberculosis Eradication,” and that the State has had no findings of tuberculosis in cattle in the previous five years. Therefore, the TB testing requirement as applied to Accredited Free State cattle has an immediate effect of slowing down cattle commerce in Mississippi.

The Agency finds that an imminent peril to the public health safety or welfare requires the adoption of a rule upon fewer than twenty-five (25) days notice. The Agency Rule Making Record for this temporary rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:
Time:
Place:

An oral proceeding was not held on this rule.

The Agency has considered any written comments received and the presentations made in any oral proceeding, and

This rule as adopted is without variance from the proposed temporary rule.

This rule as adopted differs from the proposed temporary rule as there are minor editorial changes which affect the form rather than the substance of the rule.

The rule as adopted differs from the proposed temporary rule. The differences however are:
Within the scope of the matter in the notice of proposed rule adoption,
The logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted response thereto, and
The Notice of Proposed rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

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

Effective Date of RULE: November 6, 2008

s/Dr. Jim Watson

Dr. James Watson, D.V.M., State Veterinarian