

RULEMAKING HEARING RULES
OF
THE TENNESSEE DEPARTMENT OF AGRICULTURE
DIVISION OF ANIMAL INDUSTRIES
CHAPTER 0080-2-14
REGULATIONS FOR PSEUDORABIES SURVEILLANCE IN SWINE
NEW RULES
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0080-2-14-.01 General

0080-2-14-.01 GENERAL

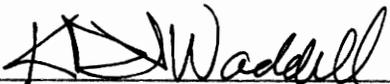
(1) All swine herds located in Tennessee shall be subject to annual testing for pseudorabies upon notice from the state veterinarian.

(2) Upon notice from the state veterinarian that a herd has been computer selected as a representative herd for testing, the owner of that herd shall have ninety (90) days to have his herd monitored for pseudorabies at the level established by the National Pseudorabies Program Standards.

(3) The number of swine tested each year shall be determined by the state veterinarian in accordance with the National Pseudorabies Program Standards but in no case shall it be greater than twenty-five (25%) percent of the breeding swine population.

Authority: T.C.A., Section 44-2-104

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:



K. David Waddell,
Assistant Commissioner
Tennessee Department of Agriculture



John Ragan, D.V.M.
Director, Animal Industries

I certify that this is an accurate and complete copy of the rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Agriculture on the 12th day of June, 1991.

Further, I certify that these rules are properly presented for filing, a notice of rulemaking hearing having been filed in the Department of State on the 26th day of March, 1991, and such notice of rulemaking hearing having been published in the April, 1991 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 23rd day of May, 1991.

L. H. Ivy
L. H. Ivy, Commissioner

Subscribed and sworn to before me this 25th day of June, 1991.

Billie M. Smotherman
Billie M. Smotherman
Notary Public

My Commission expires on the 27th day of March, 1993.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Charles W. Burson
Charles W. Burson
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State and will become effective on the 17th day of August, 1991.

Bryant Millsaps
Bryant Millsaps
Secretary of State

BY: Shepherd Cliff

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STATE

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IMPACT STATEMENT

(1) This rule is intended to lead to Tennessee's promotion from a class I to a class III level in cooperation with the federal government's National Pseudorabies Program Standards. This rule provides that all swine herds in the state shall be subject to annual testing for pseudorabies, upon notice by the state veterinarian. Herds to be monitored will be computer selected and monitored for a period of ninety days at the level established by the federal program. The rule also provides for establishing the method of determining the number of swine tested each year.

(2) Tennessee Code Annotated, Section 44-2-104 in regard to the Prevention and Treatment of Diseases in Animals, grants the Commissioner of Agriculture and the State Veterinarian the power and authority to promulgate such rules and regulations as in their judgment may seem necessary and proper as against the spread and for the suppression of any communicable disease or diseases.

(3) Those persons most directly affected by this rule are those engaged in the pork industry and the majority of these people favor the adoption of this rule.

(4) There are no known Attorney General Opinions or Judicial Rulings which directly relate to this rule.

(5) There may be some very slight increase in state and local governmental expenditures the first year as the result of increased monitoring of swine; however, there is a probable state governmental decrease in expenditures after the rule has been in effect for twelve months, the state has progressed to a class III status, and the number of swine herds under surveillance decreases by three quarters. When this occurs, Tennessee feeder pigs and swine can be shipped into any state in the United States, which will broaden the swine market for the Tennessee producer.

(6) David Waddell, Assistant Commissioner and Dr. John Ragan, Director of Animal Industries are the persons having substantial knowledge and understanding of this rule.

(7) David Waddell, Assistant Commissioner of Agriculture will explain this rule at the scheduled meeting of the Government Operations Committee.

(8) The Department is willing to provide any additional information relevant to this rule which the Committee may request.