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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



MATT BLUNT

SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation, i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

FROM THIS ANGLE . . .

Automation is Happening . . . especially in Ad Rules!

You have been hearing in this column from time-to-time that we are in the process of automating the administrative rules process. We have automated our internal processes to a great degree. We now have an electronic log of when rulemakings are filed and soon we will have an up-to-the-minute status of where in the process a particular rulemaking is presently lodged.

We are very excited about the new system – it utilizes the latest Microsoft technology with web-based Integration of Word, Web application and a SQL server database. The system is template based and we have (with the help of our software architect), developed specific templates for rulemaking. The use of this template will greatly enhance your user capabilities. The learning curve will be very low because it is a Microsoft Word template and most, if not all of us, know Word. This will truly be an easier, faster, cheaper way for you to file your rulemakings, whether they are new rules or rule amendments or rescissions. Once trained, we believe you will really like the new way of doing business and you will find the templates to be very “user friendly.”

In order to make the automation as painless as possible from your end, we are in the full midst of converting all 10,000 pages of the *Code of State Regulations* into a Microsoft format that will simplify your utilization of text. We are happy to say we have only 9,000 pages to go! We will then begin to bring on select agencies, utilize them for our “guinea pigs,” and test the usability from an outside perspective. As we progress, we will begin to systematically bring other agencies online. If you or your agency anticipates a large number of rulemakings in the immediate near future, please let me know, as soon as possible. This will assist us in determining which agencies we will train first and which ones will be trained later. Unfortunately, it would be impossible for us to train all 189 state agencies at one time. Of course, those agencies who seldom, if ever, revise their rules will be the last ones to be trained.

Point of Clarification on Withdrawals

We have experienced some level of confusion in recent months (both from the agency side and from some newer staff on our side). When filing an order of withdrawal, JCAR must have their thirty (30) days before the final order of withdrawal can be filed with our office, just like any other order of rulemaking.

If there is a timing consideration, JCAR is very willing to attempt to accommodate agencies by issuing a waiver of a portion of their review period. In some cases, JCAR will waive most, if not all of their thirty (30) day review, upon request to JCAR staff.

For clarification, please review sections 536.021.1, 536.021.5, and 536.024.5, RSMo. If there are questions, please call our office. It is our intention to assist you whenever needed – we believe this is our duty to you, our customers.

Surveys – Thanks – and Please Complete and Return!!

To those of you who have completed and returned the survey we recently sent – thank you! We appreciate your comments and your candor. We want you to be completely honest in your responses – this will only help us to serve you better. To those of you who have not yet completed your survey, please take five (5) minutes and do so today. We value your opinion and appreciate your input. The survey is very short and easily completed and would be invaluable to us to receive the same. Out of 161 surveys sent out – we have only received 56 back – so, ***we still need to hear from 105 of you!!*** We thank you in advance for your response.

Once again, we thank you for your willingness to work with us on your corrections and issues, and, likewise, we are ready to assist you whenever needed.

Sincerely,



Lynne C. Angle, Director
Administrative Rules Division

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for
Movement of Livestock, Poultry and Exotic Animals**

EMERGENCY AMENDMENT

2 CSR 30-2.020 Movement of Livestock, Poultry and Exotic Animals Within Missouri. The department is amending section (1).

PURPOSE: This emergency amendment addresses the granting of brucellosis-free status to Missouri as it impacts the cattle producers, dealers, and livestock markets. No provision has been made in previous or existing regulations for the achievement of this status and the subsequent modification of testing requirements for Missouri producers.

EMERGENCY STATEMENT: This emergency amendment sets up immediate regulatory relief for the cattle industries within Missouri as brucellosis-free status is granted by USDA-APHIS. Current regulations impose a significant financial burden on the Missouri cattle industries as required of brucellosis Class A state. This new amendment will reduce the required testing and health certification of animals for intrastate commerce, and the new brucellosis-free status will open up interstate commerce as never before during the Brucellosis Control and Eradication Program. Livestock markets will no longer provide at-market test screening, but will instead collect blood sam-

ples to be sent directly to the Federal/State Cooperative Brucellosis Laboratory. This will enhance processing time of cattle coming into the market, making the system more efficient and more cost-effective. In addition, exhibition requirements within Missouri will allow resident producers to transport and exhibit cattle without health certification or brucellosis testing.

The scope of this rule is limited to the circumstances which created this emergency and complies with the protection extended in the *Missouri* and *United States Constitutions*. In developing this rule the agency has encouraged discussion with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency amendment to be fair to all persons and parties under the circumstances. This emergency amendment was filed March 5, 2004, effective March 15, 2004 and expires August 27, 2004.

(1) Cattle and Bison.

[(A)] All test-eligible animals exchanged, bartered, leased or sold within Missouri must be accompanied by a Certificate of Veterinary Inspection except for animals consigned to a federal- or state-supervised market or slaughter establishment, if a waybill, bill of lading, backtag or owner/shipper statement accompanies the shipment showing origin and destination.

(B) A Certificate of Veterinary Inspection shall be void thirty (30) days after issue.]

[(C)] (A) Brucellosis.

1. Animals eighteen (18) months of age or over exchanged, bartered, leased or sold within Missouri must have a negative test for brucellosis within the preceding thirty (30) days, except—

A. Steers and spayed heifers;

B. Official calfhood-vaccinated (OCV) heifers of the beef breeds under twenty-four (24) months of age and dairy breeds under twenty (20) months of age if not parturient (springer) or post-parturient;

C. Animals from a certified brucellosis-free herd;]

[D.] 1. Animals consigned from a farm to an approved market shall be tested prior to sale. Markets may apply to the state veterinarian for permission to backtag slaughter animals without testing if consigned directly to slaughter in a sealed vehicle[;].

[E. Animals consigned directly to a slaughter establishment; and

F. Finished-fed heifers under two (2) years of age.]

2. The official age for brucellosis official calfhood vaccination (OCV) is four through twelve (4–12) months.

3. All test-eligible animals at a livestock market must be identified to the herd of origin with a state-approved backtag.

4. Brucellosis exposed animals or test-eligible animals of unknown status moving illegally within Missouri must be—

A. Returned to the state of origin;

B. Quarantined to farm of origin or farm of destination for a thirty (30)-, one hundred twenty (120)- and three hundred (300)-day negative retest. If the facts so warrant, earlier release may be authorized by the state veterinarian; or

C. Tagged and “S”-branded on the left tailhead and shipped direct to slaughter or to a quarantined feedlot accompanied by a VS 1-27 shipping permit. No indemnity will be paid on negative exposed animals unless in accordance with a previously approved depopulation program.

[(D)] (B) Tuberculosis. No test required for movement of cattle from herds not under quarantine for tuberculosis.

AUTHORITY: section 267.645, RSMo 2000. Original rule filed April 18, 1975, effective April 28, 1975. For intervening history, please consult the *Code of State Regulations*. Emergency amendment filed

March 5, 2004, effective March 15, 2004, expires Aug. 27, 2004. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 2—Health Requirements for Movement of
Livestock, Poultry and Exotic Animals

EMERGENCY AMENDMENT

2 CSR 30-2.040 Animal Health Requirements for Exhibition.
The director is amending sections (1), (2) and (3).

PURPOSE: This emergency amendment addresses the granting of brucellosis-free status to Missouri as it impacts the cattle producers, dealers, and livestock markets. No provision has been made in previous or existing regulations for the achievement of this status and the subsequent modification of testing requirements for Missouri producers.

EMERGENCY STATEMENT: This emergency amendment sets up immediate regulatory relief for the cattle industries within Missouri as brucellosis-free status is granted by USDA-APHIS. Current regulations impose a significant financial burden on the Missouri cattle industries as required of brucellosis Class A state. This new amendment will reduce the required testing and health certification of animals for intrastate commerce, and the new brucellosis-free status will open up interstate commerce as never before during the Brucellosis Control and Eradication Program. Livestock markets will no longer provide at-market test screening, but will instead collect blood samples to be sent directly to the Federal/State Cooperative Brucellosis Laboratory. This will enhance processing time of cattle coming into the market, making the system more efficient and more cost-effective. In addition, exhibition requirements within Missouri will allow resident producers to transport and exhibit cattle without health certification or brucellosis testing.

The scope of this rule is limited to the circumstances which created this emergency and complies with the protection extended in the *Missouri and United States Constitutions*. In developing this rule the agency has encouraged discussion with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency amendment to be fair to all persons and parties under the circumstances. This emergency amendment was filed March 5, 2004, effective March 15, 2004 and expires August 27, 2004.

(1) Health Certificates.

(A) The term health certificate or Certificate of Veterinary Inspection means a legible record made on an official form of the state of origin, issued by an accredited veterinarian, which shows that the animal(s) listed meets the testing, vaccination, treatment and health requirements of the state of destination. *[Unless stated otherwise in the following rules, a health certificate or Certificate of Veterinary Inspection must accompany all animals to be exhibited and be available on request by animal health officials.]*

(2) Exhibition Requirements for Cattle in Missouri.

(A) Intrastate (cattle in Missouri moving for exhibition only in Missouri).

1. *[A health certificate is required (except steers.)*
Brucellosis. No test or vaccination is required.

2. Brucellosis. All breeding animals eighteen (18) months of age and over must be tested negative within ninety (90) days prior to exhibition except—

A. Animals from a certified brucellosis-free herd. The certified herd number and date of the last test must be shown on the health certificate; and

B. Officially calfhood-brucellosis-vaccinated heifers of beef breeds under twenty-four (24) months of age and dairy breeds under twenty (20) months of age, unless these heifers are parturient (springer) or post-parturient in which case they shall be tested.]

[3.]2. Tuberculosis. Tuberculosis tests are not required for Missouri cattle.

[4.]3. Scabies (mange). Cattle originating in scabies-quarantined areas or herds are not eligible to exhibit.

(B) Interstate (cattle from another state moving into Missouri for the purpose of exhibition only).

1. A health certificate is required.

2. Brucellosis.

A. Cattle from brucellosis-free states.

(I) All cattle may enter without a brucellosis test.

(II) Steers. No tests required but the steer(s) must be listed and identified on a health certificate.

B. Cattle from brucellosis Class A states. All breeding cattle eighteen (18) months of age and over must be tested and negative within ninety (90) days prior to entry except—

(I) Cattle from a certified brucellosis-free herd. The certified herd number and the date of the last herd test must be shown on the health certificate; **and**

[(III)] Officially calfhood-brucellosis-vaccinated heifers of beef breeds under twenty-four (24) months of age and of dairy breeds under twenty (20) months of age unless parturient (springer) or post-parturient in which case they shall be tested regardless of vaccination status or age; and]

[(IIII)](II) Steers. No test required but the steer(s) must be listed and identified on a health certificate.

C. Cattle from brucellosis Class B and C states **or areas** are not eligible to exhibit in Missouri.

3. Tuberculosis. Tuberculosis tests are not required on cattle entering and moving in Missouri for exhibition only~~./~~; **except—**

A. Cattle entering Missouri from modified accredited states or areas are required to have a negative test within sixty (60) days prior to entry.

B. An entry permit is required.

4. Scabies (mange). Cattle originating in scabies-quarantined areas or herds are not eligible to exhibit.

(3) Exhibition Requirements for Swine in Missouri.

(A) Intrastate and interstate swine must be individually identified by eartag, ear notch, tattoo or other approved device on the health certificate.

1. Brucellosis. *[All breeding swine six (6) months of age and over will be tested negative within sixty (60) days prior to exhibition except breeding swine from a validated brucellosis-free herd. The validated herd number and date of last validating test must be recorded on the health certificate.]*

A. Breeding swine originating from a brucellosis-free state may exhibit without a brucellosis test.

B. Breeding swine originating from a stage II state must be tested negative within sixty (60) days prior to exhibition except breeding swine from a validated brucellosis-free herd. The validated herd number and date of the last validating test must be recorded on the health certificate.

2. Pseudorabies (Aujeszky's Disease). All swine must be tested negative within sixty (60) days prior to exhibition except—

A. Swine from a qualified pseudorabies-free herd. The qualified herd number and date of the last qualifying test must be recorded on the health certificate;

B. Market class swine that are to be slaughtered at the end of the show. If the show or exhibit includes other classes of animals such as cattle, sheep or breeding swine, then the market swine must

be tested and negative to pseudorabies or originate from a qualified pseudorabies-free herd; and

C. Swine originating from a state classified as Stage V in the National Pseudorabies (PRV) Eradication Plan.

[3. All swine at weigh-ins for show competition must originate from a qualified negative pseudorabies herd or be tested within sixty (60) days prior to the weigh-in.]

AUTHORITY: section 267.645, RSMo 2000. Emergency rule filed June 28, 1977, effective July 8, 1977, expired Nov. 5, 1977. Original rule filed June 28, 1977, effective Oct. 13, 1977. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 5, 2004, effective March 15, 2004, expires Aug. 27, 2004. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 3—Brucellosis**

EMERGENCY AMENDMENT

2 CSR 30-3.020 Brucellosis Quarantine Requirements on Cattle.
The director is amending paragraph (1)(B)2.

PURPOSE: This emergency amendment addresses the granting of brucellosis-free status to Missouri as it impacts the cattle producers, dealers, and livestock markets. No provision has been made in previous or existing regulations for the achievement of this status and the subsequent modification of testing requirements for Missouri producers.

EMERGENCY STATEMENT: This emergency amendment sets up immediate regulatory relief for the cattle industries within Missouri as brucellosis-free status is granted by USDA-APHIS. Current regulations impose a significant financial burden on the Missouri cattle industries as required of brucellosis Class A state. This new amendment will reduce the required testing and health certification of animals for intrastate commerce, and the new brucellosis-free status will open up interstate commerce as never before during the Brucellosis Control and Eradication Program. Livestock markets will no longer provide at-market test screening, but will instead collect blood samples to be sent directly to the Federal/State Cooperative Brucellosis Laboratory. This will enhance processing time of cattle coming into the market, making the system more efficient and more cost-effective. In addition, exhibition requirements within Missouri will allow resident producers to transport and exhibit cattle without health certification or brucellosis testing.

The scope of this rule is limited to the circumstances which created this emergency and complies with the protection extended in the Missouri and United States Constitutions. In developing this rule the agency has encouraged discussion with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency amendment to be fair to all persons and parties under the circumstances. This emergency amendment was filed March 5, 2004, effective March 15, 2004 and expires August 27, 2004.

(1) Definitions.

(B) Whole Herd Vaccination. Vaccination of all female cattle except spayed heifers over eight (8) months of age with a brucellosis vaccine approved by the state veterinarian. Such cattle shall be identified as official adult vaccinates by an adult vaccination tag and tattoo.

1. Heifer calves eight (8) months of age and under that are not spayed, are to be vaccinated with a brucellosis vaccine approved by the state veterinarian.

2. The testing of the herd [shall] may resume within [one hundred twenty (120)] thirty (30) days after vaccine is administered. The test schedule shall be consistent with the schedule used in non-vaccinated herds.

AUTHORITY: section 267.645, RSMo [1994] 2000. Original rule filed Dec. 19, 1975, effective Dec. 29, 1975. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 5, 2004, effective March 15, 2004, expires Aug. 27, 2004. A proposed amendment covering this same material is published in this issue of the Missouri Register.

**Title 2—DEPARTMENT OF AGRICULTURE
Division 30—Animal Health
Chapter 6—Livestock Markets**

EMERGENCY AMENDMENT

2 CSR 30-6.020 Duties and Facilities of the Market/Sale Veterinarian. The department is amending sections (2) and (3), adding new sections (6) and (9) and renumbering sections as needed.

PURPOSE: This emergency amendment addresses the granting of brucellosis-free status to Missouri as it impacts the cattle producers, dealers, and livestock markets. No provision has been made in previous or existing regulations for the achievement of this status and the subsequent modification of testing requirements for Missouri producers.

EMERGENCY STATEMENT: This emergency amendment sets up immediate regulatory relief for the cattle industries within Missouri as brucellosis-free status is granted by USDA-APHIS. Current regulations impose a significant financial burden on the Missouri cattle industries as required of brucellosis Class A state. This new amendment will reduce the required testing and health certification of animals for intrastate commerce, and the new brucellosis-free status will open up interstate commerce as never before during the Brucellosis Control and Eradication Program. Livestock markets will no longer provide at-market test screening, but will instead collect blood samples to be sent directly to the Federal/State Cooperative Brucellosis Laboratory. This will enhance processing time of cattle coming into the market, making the system more efficient and more cost-effective. In addition, exhibition requirements within Missouri will allow resident producers to transport and exhibit cattle without health certification or brucellosis testing.

The scope of this rule is limited to the circumstances which created this emergency and complies with the protection extended in the Missouri and United States Constitutions. In developing this rule the agency has encouraged discussion with interested parties and provided them the opportunity to offer their comments. The agency believes this emergency amendment to be fair to all persons and parties under the circumstances. This emergency amendment was filed March 5, 2004, effective March 15, 2004 and expires August 27, 2004.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material, which is incorporated by reference as a portion of this rule, would be unduly cumbersome or expensive. Therefore, the material, which is so incorporated, is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of The Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text for the rule is printed here. This note refers only to the incorporated by reference material. The publication for Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999, can be accessed at

www.aphis.usda.gov/vs/disease_eradication.htm and Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998, can be accessed at the USDA government website at www.aphis.usda.gov/oa/pubs/umr.html. The publication for Scrapie Eradication Uniform Methods and Rules Effective October 1, 2003, can be accessed at www.aphis.usda.gov/oa/pubs/umr.html.

(2) Duties and Responsibilities of the Market/Sale Veterinarian. The market/sale veterinarian shall—

(A) Complete training successfully and be qualified to run the Brucella Buffered Antigen (B.B.A.) Card Test [*and Concentration Immunoassay Technology (CITE) Test*]. Any veterinarian assistant or animal health technician who performs any testing at a livestock market/sale under the supervision of the market/sale veterinarian must also successfully complete training and be qualified to run the B.B.A. Card Test [*and CITE Test*];

(C) [*Blood test all test-eligible animals consigned to the market/sale*] **Collect blood samples from all test-eligible animals consigned to the market/sale and submit those samples to the Cooperative State and Federal Veterinary Diagnostic Laboratory in Jefferson City for testing;**

(3) Required [*Vaccination and*] Testing of Bovine.

[(B) *Official Brucellosis Vaccination.*

1. *All heifers four through twelve (4–12) months of age consigned to the market/sale from other than brucellosis Class Free or brucellosis Class A states shall be officially calfhood vaccinated (OCV) against brucellosis before release from the market/sale. The director of the Missouri Department of Agriculture may reinstate mandatory brucellosis calfhood vaccination at his/her discretion, or shall reinstate mandatory brucellosis calfhood vaccination if the number of brucellosis-affected quarantined herds is greater than forty (40) for a period of longer than four (4) consecutive months.*

2. *All heifers imported from other than brucellosis Class Free or brucellosis Class A states consigned to the market/sale that are twelve (12) months of age and over that are not OCV shall be either—*

A. *Spayed; or*

B. *“S”-branded and restricted to sell to slaughter or to an approved quarantined feedlot.*

3. *Nonvaccinated finished-fed heifers may move through cattle market/sale channels directly to slaughter without being “S”-branded.]*

[(C)](B) Testing of Bovine for Brucellosis.

1. The market/sale veterinarian must [*test*] **draw blood on all test-eligible animals (bulls, heifers and cows eighteen (18) months of age and over) for brucellosis and submit those samples to the Cooperative State and Federal Veterinary Diagnostic Laboratory in Jefferson City for testing.** This includes animals consigned to slaughter and feedlots as well as those that might return to farms as breeding stock. [*All OCV dairy females under twenty (20) months of age and beef females under twenty-four (24) months of age are exempt from test if not parturient or post-parturient*]. An [*second*] exception may occur at markets/sales with enough volume of test-eligible slaughter cattle that have acquired an agreement with the state allowing release of untested slaughter cattle in a sealed truck. The market/sale veterinarian will supervise persons appointed to apply official United States Department of Agriculture (USDA) seals to sealed trucks if the licensee has an agreement with the state to do so.

2. A market/sale veterinarian may recognize a brucellosis test performed at a Missouri market/sale as an official and valid test for five (5) days if proper health certificates accompany the animal(s). An official bangle tag may serve as a health certificate for intrastate movement, provided the following information is shown on the tag:

A. Date of test;
B. Complete official eartag number;
C. Age of the animal;
D. State code letters of the testing veterinarian; and
E. If color-coded bangle tags are used to indicate stage of pregnancy, they shall be applied as follows:

(I) Blue—first trimester—one through three (1–3) months pregnant;

(II) Red—second trimester—four through six (4–6) months pregnant;

(III) Green—third trimester—seven through nine (7–9) months pregnant;

(IV) Yellow—open—not pregnant; and

(V) White—not examined for pregnancy status.

3. All out-of-state test-eligible cattle must be retested when presented to a Missouri market/sale. The market/sale veterinarian shall accurately complete form MODAV-20 upon release of any test-eligible cattle originating from other than brucellosis Class Free or brucellosis Class A states.

A. The intrastate movement permit number shall be the MODAV-20 certificate number preceded by the letter code of the issuing veterinarian.

B. The proper distribution of the form MODAV-20 certificate is as follows:

(I) The yellow copy shall be issued to the purchaser or his/her agent prior to release of the animal(s) from the livestock market/sale;

(II) The white copy shall be mailed to the Missouri Department of Agriculture; and

(III) The green copy shall be retained by the issuing veterinarian.

4. Proper procedure for determining the age of test-eligible cattle is—

A. Eighteen (18) months—absence of the central deciduous (baby) incisors;

B. Two (2) years—the presence of the first pair of fully erupted permanent incisor teeth;

C. Two and one-half (2 1/2) years—the appearance of the second pair of permanent incisor teeth;

D. Eruption, spread and wear of incisor teeth may be used to determine age; and

E. The age of the animal will be shown on the official bangle tag or displayed on the animal in a manner easily visible to the buyer.

[5. *A positive reaction to the standard card test shall make that animal eligible for further testing on the brucellosis CITE Test, or any other test approved by the USDA and the state veterinarian. The results of the CITE Test shall be recorded on the VS 4-54 market/sale test record as positive or negative.*

A. *A positive CITE Test result occurs when the sample test spot develops a color equal to or greater than the intensity of the low calibration spot.*

B. *A negative CITE Test result occurs when the sample spot develops no color or develops a color of less intensity than the low calibration spot.]*

(6) Required Testing and Handling of Sheep and Goats.

(A) **Veterinary inspection is required on all sheep and goats prior to sale.**

(B) **Sheep and goats are required to have permanent official identification to be in compliance with the Scrapie Eradication Uniform Methods and Rules, Effective October 1, 2003, which is hereby incorporated by reference and made a part of this rule.**

1. **All breeding sheep regardless of age.**

2. **All sheep over eighteen (18) months of age.**

3. **Breeding goats, except slaughter goats.**

(C) **Eligible sheep and goats that come into the market without official identification must have official identification applied at**

the market prior to commingling with other animals, and prior to sale.

(D) Any official identification that is applied by the market veterinarian or market personnel must maintain the following records:

1. The date tagged.
2. The number of sheep and the number of goats identified.
3. The serial numbers applied.
4. The name and address of the owner of the flock of origin.
5. If the person who currently owns the animals is different from the owner of the flock of origin or birth, the current owner's name and address.

6. If the owner of the flock of birth is different from the owner of the flock of origin, and if the animals were born after January 1, 2002, the name and address of the owner of the flock of birth, if known.

7. All records of official identification must be maintained for five (5) years.

[[6]](7) Ratites (Including, but not limited to, Ostrich and Emu). All ratites must be individually identified by a means approved by the Missouri state veterinarian on a certificate of veterinary inspection. In addition, ratites imported into Missouri presented for sale at a livestock market/sale must obtain an entry permit.

[[7]](8) Miscellaneous and Exotic Animals. All exotic animals presented for exchange, barter, lease or sale at a licensed livestock market/sale must be accompanied by an official Certificate of Veterinary Inspection showing an individual listing of the common and scientific name(s) of the animal(s) and appropriate descriptions of animal(s) such as sex, age, weight, coloration and the permanent tag number, brand or tattoo identification.

(A) Exotic bovids eight (8) months of age and over must have a negative brucellosis test and a negative tuberculosis test within thirty (30) days prior to arrival at the market/sale. Exotic bovids include *Bos gaurus* (Indian bison, Gaur) *Bos javanicus* (Banteng), *Bos sauveli* (Kouprey), *Bos grunniens* (domesticated yak), *Bubalus bubalis* (water buffalo), *Bubalus mindorensis* (Tamarau), *Bubalus quarlesi* (Mountain Anoa), *Bubalus depressicornis* (Lowland Anoa) and *Snycerus caffer* (buffalo group).

(B) Exotic cattle must meet the same brucellosis requirements as domestic cattle. These animals eight (8) months of age and over must be tested for tuberculosis within thirty (30) days prior to arrival at the market/sale.

(C) Camels, llamas, alpaca and others of that group must be officially identified by tattoo, microchip, eartag or other approved device and be listed individually on a Certificate of Veterinary Inspection.

(D) Captive cervids from out-of-state that arrive at a market/sale in Missouri must have an entry permit issued by the state veterinarian's office and a Certificate of Veterinary Inspection. Captive cervids from out-of-state that arrive at a market/sale must be in compliance with the guidelines as incorporated by reference to the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999* and *Brucellosis in Cervidae: Uniform Methods and Rules, Effective September 30, 1998*. Movement of Missouri origin captive cervids must be in compliance with Missouri's intrastate movement regulations.

1. All sexually intact animals six (6) months of age or older, not under quarantine and not affected with brucellosis, must test negative for brucellosis within thirty (30) days prior to arrival at the market/sale, except:

A. Brucellosis-free herd—captive cervids originating from certified brucellosis-free herds may be sold through a market/sale on the current herd number and test date;

B. Brucellosis-monitored herd—all sexually intact animals six (6) months of age or older must test negative for brucellosis within ninety (90) days prior to arrival at the market/sale.

2. Captive cervids not known to be affected with or exposed to tuberculosis, and not in a status herd as defined in the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have two (2) negative tuberculosis tests, not less than ninety (90) days apart, using the single cervical method. The second test must be within ninety (90) days prior to arrival at the market/sale.

3. Movement from status herds.

A. Accredited herd—captive cervids originating from accredited tuberculosis-free cervid herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, may be sold through a market/sale on the current herd number and test date.

B. Qualified herd—captive cervids originating from a qualified herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to arrival at the market/sale.

C. Monitored herd—captive cervids originating from a monitored herd as defined by the *Bovine Tuberculosis Eradication Uniform Methods and Rules, Effective January 22, 1999*, must have one (1) negative tuberculosis test, using the single cervical method, within ninety (90) days prior to arrival at the market/sale.

D. Captive cervids less than twelve (12) months of age that originate from and were born in qualified or monitored herds may be sold through a market/sale without further tuberculosis testing, provided that they are accompanied by a certificate stating that such captive cervids originated from such herds and have not been exposed to captive cervids from a lower status herd.

4. Captive cervids from an area that has been reported as a chronic wasting disease (CWD) endemic area or any cervid that has been in an endemic area in the last five (5) years will not be allowed to move through a Missouri livestock market/sale.

5. Elk, elk-hybrids, white-tailed deer and mule deer from all states must have participated in a surveillance program for at least three (3) years prior to moving through a Missouri livestock market/sale. Other captive cervids must have participated in a surveillance program recognized by the state of origin prior to moving through a Missouri livestock market/sale.

(E) Exotic goats, sheep and antelope. No tests are required on these animals.

(F) Exotic equine, donkeys, asses, burros and zebras must meet domestic equine requirements.

(G) Feral swine, javalena, and peccaries must be in compliance with domestic swine requirements.

(H) Elephants (Asiatic, African) must be tested negative for tuberculosis within one (1) year prior to exhibition.

(I) Importation of skunks and raccoons into Missouri is prohibited by the *Missouri Wildlife Code* (3 CSR 10-9).

(9) Poultry.

(A) Out-of-state live poultry (except those consigned directly to slaughter) shall be accompanied by an official Certificate of Veterinary Inspection or a VS Form 9-3 (see 2 CSR 30-2.040). If a VS Form 9-3 is used, a signed and dated owner/shipper statement must be included stating that to his/her best knowledge, the birds are healthy. Poultry known to be infected with pullorum or typhoid that are consigned directly to slaughter must be identified as such by the consignor.

(B) Out-of-state live poultry entering Missouri must be tested negative for pullorum-typhoid within the past ninety (90) days or originate from a flock approved by the National Poultry Improvement Plan (NPIP) or an equivalent program which has been tested within the past twelve (12) months with no change of ownership.

(C) All hatching eggs must be accompanied by an official Certificate of Veterinary Inspection certifying the eggs to be from pullorum-free flocks or by a VS Form 9-3.

(D) Out-of-state poultry and hatching eggs moving through a Missouri livestock market/sale require an entry permit prior to shipment. Annual entry permits shall be issued by the department to participants in the NPIP or an equivalent program. Producers not approved by NPIP or an equivalent program must request a permit with each shipment.

AUTHORITY: section 277.160, RSMo 2000. Original rule filed June 15, 1990, effective Dec. 31, 1990. For intervening history, please consult the Code of State Regulations. Emergency amendment filed March 5, 2004, effective March 15, 2004, expires Aug. 27, 2004. A proposed amendment covering this same material is published in this issue of the Missouri Register.