

This rule was filed as 21 NMAC 30.3.

TITLE 21 AGRICULTURE AND RANCHING
CHAPTER 30 ANIMALS AND ANIMAL INDUSTRY GENERAL PROVISIONS
PART 3 BOVINE BRUCELLOSIS

21.30.3.1 ISSUING AGENCY: New Mexico Livestock Board; 300 San Mateo, NE, Suite 1000;
Albuquerque, New Mexico 87108; Telephone (505) 841-6161
[3-1-99; Recompiled 12/31/01]

21.30.3.2 SCOPE: All owners, transporters, or handlers of livestock in the State of New Mexico and those that apply to bring livestock into the state for any reason. Additional requirements for livestock owners governing livestock business activities can be found in 21 NMAC 33, 33, & 35 [now 21.33 and 21.35 NMAC]. Additional requirements for brucellosis testing and transporting livestock can be found in 21 NMAC 32.4 [21.32.4 NMAC].
[3-1-99; Recompiled 12/31/01]

21.30.3.3 STATUTORY AUTHORITY: Section 77-2-7, A. 6, 7, 8, 9, & 12, Section 77-3, 77-4, 77-5, 77-8, and 77-9, NMSA 1978.
[3-1-99; Recompiled 12/31/01]

21.30.3.4 DURATION: Permanent
[3-1-99; Recompiled 12/31/01]

21.30.3.5 EFFECTIVE DATE: March 1, 1999, unless a later date is cited at the end of the section or paragraph.
[3-1-99; Recompiled 12/31/01]

21.30.3.6 OBJECTIVE: To establish rules governing transportation and handling of livestock in New Mexico that have been infected with or exposed to bovine brucellosis.
[3-1-99; Recompiled 12/31/01]

21.30.3.7 DEFINITIONS:

- A. "Board" means the New Mexico Livestock Board.
 - B. "Director" means the executive director of the New Mexico Livestock Board.
 - C. "Holstein cross" means bovines that have some percentage of holstein or other dairy breed in their genetic lineage.
 - D. "Inspector" means any duly authorized or commissioned officer of the Livestock Board.
 - E. "Livestock" means cattle, sheep, swine, goats, horses, mules, and asses. This includes privately owned buffalo (bison).
 - F. "New Mexico Livestock" means any livestock raised or pastured or fed within the State of New Mexico.
 - G. "Person" means an individual, partnership, association, or operation.
 - H. "Quarantine" or "Quarantined Area" means any area within the State of New Mexico whose physical boundaries have been established by order of the Board or a duly authorized agent of the board for the purpose of controlling the movement of livestock to prevent the spread of disease.
 - I. "Quarantined Livestock" means any livestock found by the Board or its duly authorized agent to be exposed or affected by a contagious or infectious disease and the order of restricted movement is imposed.
 - J. "Sealed vehicle" means a vehicle for transporting livestock that has its gates or doors closed and which gates or doors have an attached strip of metal, which is numbered for identification. The metal strip is attached to the gates or doors in a manner that would break the "seal" if the vehicle were to opened.
- [3-1-99; Recompiled 12/31/01]

21.30.3.8 BRUCELLOSIS INFECTED AND/OR EXPOSED CATTLE:

A. All cattle known to be infected with brucellosis, or cattle that have been exposed to infected cattle, shall be tested for brucellosis within forty-five (45) days of a notice in writing directed to the owner of the cattle by the board.

B. The board or its duly authorized representative shall, upon issuance of a written notice as provided in sub-section 8.1 above [now Subsection A of 21.30.3.8 NMAC], strictly quarantine the cattle in a designated area.

C. No cattle shall be allowed to be moved or transported from said quarantine area without prior approval of the board or its authorized representative.

D. In the event the owner of the cattle does not proceed to have cattle under his ownership, possession, or contract tested for brucellosis within the given forty-five (45) day period, the quarantine shall continue in full force and effect.

E. Should any cattle prove to be positive or suspect to the brucellosis test, subsequent tests shall be given until such time as the board certifies that none of the cattle in the quarantine area are carriers of the disease or a menace to the other herds.

F. All cattle that are positive to the brucellosis test shall immediately be branded with a "B" on the left jaw or tailhead and disposed of in a manner prescribed by the board.

G. All tests shall be administered under the supervision of the board at the owner's expense, unless the board waives such expense.

H. The owner shall make available all cattle at a place designated by the board or its authorized agent and furnish adequate physical facilities to conduct such tests.

I. In all areas, an additional blood test of all non-neutered cattle over six (6) months of age in the herd is required either not less than six months or more than twelve months after release of an affected herd from quarantine or not less than ten months or more than sixteen months after removal of the last reactor.

J. Adjacent herds, or herds sharing common pasture, or having other contact with the affected herd, and herds containing previous purchases from or exchanges with the affected herd shall have an adjacent herd plan within thirty (30) days of disclosure of the affected herd. If a disagreement occurs, consultation between the herd owner, state veterinarian, the epidemiologist, and the owner's veterinarian, may be requested and held to resolve the situation, with the final approval of the plan resting with the director.

[3-1-99; Recompiled 12/31/01]

21.30.3.9 MOVEMENTS OF BRUCELLOSIS EXPOSED CATTLE:

A. Cattle classified as exposed may move with approval of the board or its authorized agent, from a livestock market to:

(1) Quarantined feedlot or approved slaughtering establishment after having been identified with an approved metal eartag, be hot-iron branded with the letter "S" on the left jaw or on the tail head, and accompanied by a completed VS Form 127 or similar permit; or

(2) Herd of origin premises without "S" branding, provided that the exposed animals and the premises shall be under quarantine pending further testing.

B. Cattle classified as "exposed" may move with the approval of the board or its authorized representative, from the herd of origin premises:

(1) To a quarantined feedlot or approved slaughtering establishment after having been identified with an approved metal eartag, be hot-iron branded with the letter "S" on the left jaw or the tail head, and accompanied by a completed VS Form 127 or similar permit, except that in extraordinary circumstances the director may waive the "S" branding requirement for intrastate movements; or

(2) Directly to one livestock auction market and sell for movement directly to a quarantined feedlot, or approved slaughtering establishment.

[3-1-99; Recompiled 12/31/01]

21.30.3.10 BRUCELLOSIS REACTOR HERDS:

A. All classes of cattle in a brucellosis reactor herd shall be placed under quarantine by the New Mexico Livestock Board, or its authorized representative. Such animals under quarantine shall not be removed from the quarantine, unless granted permission by the Board, or its authorized representative.

B. Whenever it is officially determined by the Livestock Board that a Market Cattle Identification (MCI) reactor is directly from a New Mexico origin herd, the New Mexico Livestock Board, or its authorized representative, shall quarantine the herd of origin.

C. Any subsequent movement of an animal, or animals, from the quarantined herd, must be by special permit of the Board, or its authorized agent, until the herd is declared negative and the quarantine lifted. [3-1-99; Recompiled 12/31/01]

21.30.3.11 DISPOSITION OF REACTORS AND INFECTED HERDS; INDEMNITY PAYMENTS:

A. All cattle testing positive to the brucellosis test shall go directly to slaughter and be slaughtered within three business days.

B. The balance of the cattle may, with the proper permit and an S brand, go to slaughter or to an approved feedlot, or they may be returned to the ranch of origin under quarantine.

C. All New Mexico cattle positive to the brucellosis test will be eligible for indemnity payments from the federal government, as stated in Part 51, Title 9 of the Code of Federal Regulations, as amended. [3-1-99; Recompiled 12/31/01]

HISTORY OF 21.20.3 NMAC

Pre-NMAC History: The material filed in this Part was derived from that previously filed with the State Records Center and Archives under:

NMLB 67-1, Cattle Sanitary Board of New Mexico Instructions to Inspectors, filed 05-03-67;

NMLB 70-1, Rules and Regulations of the New Mexico Livestock Board, filed 03-11-70; NMLB 76-1, New Mexico Livestock Board Rules and Regulations, filed 05-06-76;

NMLB 69-2, Notice-All NM Sheepmen re: branding, filed 12-10-69;

NMLB 72-2, Resolution re: Cattle Scabies Outbreak, filed 01-31-72;

NMLB 72-3, Resolution re: Cattle Scabies Outbreak, filed 01-31-72;

NMLB 72-4, Resolution re: Cattle Scabies Outbreak, filed 01-31-72;

NMLB -1, New Mexico Livestock Board Rules and Regulations, filed 10-17-79;

NMLB -2, New Mexico Livestock Board Rules and Regulations, filed 11-04-81;

NMLB Rule No. 3, New Mexico Livestock Board Rules and Regulations, filed 01-30-85.

History of Repealed Material: [RESERVED]