

Department of Agriculture, Division of Animal Health
Notice of Hearing on Proposed
Administrative Regulations, Statewide

A public hearing will be conducted at 2:00 p.m. on July 2, 2024, in the 1st floor meeting room 124 of the Kansas Department of Agriculture, 1320 Research Park Dr., Manhattan, Kansas, to consider the adoption of proposed regulations. The public hearing will be conducted in person and via video conferencing system. Members of the public who wish to attend the public hearing virtually must pre-register at: <https://kansasag.zoom.us/meeting/register/tZEqd-irqDIpGNOczSyOAzNG4BhNHo1xQIVO>.

This 60-day notice of the public hearing shall constitute a public comment period to receive written public comments regarding the proposed regulations. All interested parties may submit written comments before the hearing by mail or email to the Kansas Department of Agriculture, Attn: Ronda Hutton, 1320 Research Park Dr., Manhattan, Kansas 66502, or ronda.hutton@ks.gov. Comments may also be made via the Kansas Department of Agriculture's website at: <https://www.agriculture.ks.gov/document-services/public-comment>.

All interested parties will also be given a reasonable opportunity to orally present their views regarding the adoption of the proposed regulations during the hearing. To provide all parties with an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes. These regulations are proposed for adoption on a permanent basis. A summary of the proposed regulations and the economic impact follows:

The Kansas Department of Agriculture (KDA) is proposing revisions to K.A.R. 9-7-1 and K.A.R. 9-7-14 and revocation and replacement of regulations under Article 10 of KDA's Kansas Administrative Regulations relating to public livestock markets. These changes reflect current management practices and standards of the livestock industry, update and modernize various requirements for public livestock markets and occasional livestock sales in Kansas and organize the regulations to allow them to be more easily read and understood.

The proposed changes to the regulations are as follows:

Revoking K.A.R. 9-10-1 through K.A.R. 9-10-5, K.A.R. 9-10-7 through K.A.R. 9-10-10, K.A.R. 9-10-14 through K.A.R. 9-10-19, K.A.R. 9-10-21, K.A.R. 9-10-22a, K.A.R. 9-10-23, K.A.R. 9-10-24a, K.A.R. 9-10-25a, K.A.R. 9-10-26a, K.A.R. 9-10-27a, K.A.R. 9-10-30 through K.A.R. 9-10-33, K.A.R. 9-10-33a, K.A.R. 9-10-34 through K.A.R. 9-10-40.

Many of the requirements previously in the revoked regulations are incorporated in the following new regulations:

K.A.R. 9-10-41 provides definitions relevant to and used throughout the regulations.

K.A.R. 9-10-42 governs requirements for the construction, sanitation, and maintenance of public livestock market facilities.

K.A.R. 9-10-43 governs limitations placed on the use of public livestock market facilities. The regulation states that public livestock market facilities may only be used for selling livestock or exotic animals, holding livestock moving directly to slaughter, housing livestock or exotic

animals during emergency responses, or housing stray animals under the custody and control of law enforcement.

K.A.R. 9-10-44 governs requirements for cleaning and disinfecting a public livestock market facility and vehicles. The regulation states that the public livestock market operator is responsible for cleaning and disinfecting the facility or vehicle under the supervision of the market veterinarian with a disinfectant approved by the animal health commissioner. The regulation explains that the vehicle owner or operator shall pay for the cleaning and disinfecting of vehicles.

K.A.R. 9-10-45 governs the requirements for pens and other facilities used to quarantine livestock or exotic animals at a public livestock market. The regulation sets forth pen spacing, size, and animal feeding requirements. It requires that the market veterinarian supervise quarantine pens.

K.A.R. 9-10-46 governs quarantine requirements for diseased or exposed livestock or exotic animals at a public livestock market.

K.A.R. 9-10-47 combines several regulations governing diseases, injuries, or conditions rendering livestock or exotic animals unfit for sale, limitations on sale, euthanasia, removal, or disposal. The regulation lists the diseases, injuries, or conditions that render livestock or exotic animals unfit for sale and sets forth requirements for euthanasia, removal, or disposal of such animals.

K.A.R. 9-10-48 governs the issuance of certificates of veterinary inspection at a public livestock market or an electronic auction.

K.A.R. 9-10-49 governs requirements for consignment for public livestock markets. The regulation prescribes veterinary inspection and record-keeping requirements for public livestock markets and consent requirements for consignors.

K.A.R. 9-10-50 governs requirements for special sales at irregular intervals. The regulation requires that all sales conducted at a public livestock market follow state and federal regulations.

K.A.R. 9-10-51 governs public notices required to be posted at the public livestock market. The regulation requires that public livestock markets post disclosures about Trichomoniasis and animals that are injured, disabled, or deemed unfit for sale in a visible location at the check-in dock and in the public livestock market office area accessible to the public.

K.A.R. 9-10-52 governs occasional livestock sales, sets the fees associated with registering as an occasional livestock sale, and sets the record-keeping requirements for occasional livestock sales. The regulation also provides exemptions for the occasional livestock sale requirements.

K.A.R. 9-10-53 governs requirements for bovine sold through a public livestock market or occasional livestock sale. The regulation sets forth sale restrictions related to Trichomoniasis and bovine persistently infected with the Bovine Viral Diarrhea Virus. It also identifies specific bovines required to be officially identified at a public livestock market and sets forth backtagging procedures.

K.A.R. 9-10-54 governs requirements for poultry sold at a public livestock market or an occasional livestock sale. The regulation sets forth record keeping, labeling requirements, and pullorum testing in birds sold through a public livestock market or an occasional livestock sale.

K.A.R. 9-10-55 governs requirements for Equidae (horses, donkeys, zebras, and hybrids of any of the same) being sold at a public livestock market or occasional livestock sale. The regulation requires that all Equidae sold through a public livestock market or occasional livestock sale be

accompanied by an official negative Equine Infectious Anemia Test at the time of sale and sets forth record-keeping requirements.

K.A.R. 9-10-56 governs requirements for swine sold at a public livestock market or an occasional livestock sale. The regulation requires that swine offered for sale be identified with a form of official identification and sets forth record-keeping requirements. It also prohibits the sale of feral swine and the commingling of breeding and feeding swine at the sale facility.

K.A.R. 9-10-57 governs requirements for sheep and goats sold at a public livestock market or an occasional livestock sale. The regulation requires that sheep and goats offered for sale be identified with official identification and sets forth record-keeping requirements.

K.A.R. 9-10-58 sets forth the regulatory fees, inspection fees, and brand inspection fees charged by a public livestock market operator to each consignor.

K.A.R. 9-10-59 sets forth fees associated with licensing for public livestock markets and electronic auctions.

Amending the following regulations:

K.A.R. 9-7-1 governs general movement requirements for livestock and exotic animals moving into Kansas. The proposed changes clarify situations when livestock or exotic animals may move into Kansas without a certificate of veterinary inspection and change the record-keeping requirements.

K.A.R. 9-7-14 governs requirements for movement of equidae (horses, donkeys, zebras, and hybrids of any of the same) in Kansas. The proposed changes set forth identification and testing requirements for equidae entering Kansas, being offered for sale, changing ownership, or used for exhibition purposes.

The proposed regulations are not mandated by the federal government but are necessary to ensure the traceability of animal diseases. All contiguous states have adopted rules and regulations related to public livestock markets, and KDA's approach is similar to that of other state agencies.

These proposed regulations would exceed federal requirements related to Bovine Viral Diarrhea Virus (BVD). These proposed regulations in Kansas will require an animal persistently infected with BVD to be officially identified before being sold at a public livestock market. Movement of that animal across state lines is expressly prohibited, and intrastate movements require a certification to accompany the animal. (K.A.R. 9-10-53(b)).

These proposed regulations would also exceed the federal requirements as they relate to the equine by requiring any equine offered for sale in that state, changing ownership, or being used for exhibition purposes to be accompanied by an official form affirming a negative result for equine infectious anemia (EIA) testing completed within the previous 12 months. (K.A.R. 9-7-14).

Federal regulations and contiguous states don't prescribe record-keeping requirements for occasional livestock sales. The proposed regulations provide for the licensing of occasional sales and impose requirements for maintaining records relating to the ownership and identification of animals to maintain traceability for disease management. Certain sales will be exempted from the

licensure requirements: sales held in conjunction with a county, district, regional, or state livestock exhibition for youth exhibitors, sales intended for selling livestock to youth exhibitors, and livestock production sales with three or fewer consignors. (K.A.R. 9-7-1).

The proposed regulations will not significantly change the requirements imposed on the Kansas public livestock market and livestock industry. In most instances, the proposed regulations will simply implement current industry practice and provide more precise guidance on existing requirements.

The proposed regulations will directly affect public livestock markets, veterinarians employed by public livestock markets, and livestock producers. Kansas's economic effect from the proposed regulations is anticipated to be minimal. Any economic impact would arise from the identification and testing requirements on the individuals in the industry.

The benefits of the proposed regulation significantly outweigh the costs because the proposed regulations will modernize the requirements of Kansas's public livestock market to reflect current management practices and standards in the livestock industry. The proposed regulations will aid in KDA's ability to complete an accurate and timely animal disease trace, if necessary, and will enable consistency in dealing with potential quarantines and animals unfit for sale.

KDA does not anticipate that the proposed regulation will significantly increase or decrease revenues of cities, counties, or school districts or impose functions or responsibilities on cities, counties, or school districts that will increase their expenditures or fiscal liability. Letters of request were sent to the League of Kansas Municipalities, the Kansas Association of School Boards, and the Kansas Association of Counties. No responses were received from those entities.

KDA consulted with and solicited information from the Kansas Animal Health Board, KDA's Public Livestock Market Working Group, Kansas Cattlemen's Association, Kansas Livestock Association, Kansas Deer & Elk Association, Kansas Farm Bureau, Kansas Horse Council, Livestock Marketing Association, Kansas Pork Association, Kansas Sheep Association, K-State Research and Extension, Kansas Veterinary Medical Association, and United States Department of Agriculture Veterinary Services.

Any individual with a disability may request accommodations to participate in the public hearing and may request the proposed regulation and the economic impact statement in an accessible format. Requests for accommodations should be made at least five working days in advance of the hearing by contacting Ronda Hutton, via telephone at (785) 564-6715 or via fax at (785) 564-6777. Handicapped parking is located on the west side of the building at 1320 Research Park Drive, Manhattan, and is accessible to individuals with disabilities.

Copies of the proposed regulations and the economic impact statement may be obtained by contacting the KDA via mail at Kansas Department of Agriculture, Attn: Ronda Hutton, 1320

Research Park Drive, Manhattan, KS 66502, via telephone at (785) 564-6715, or via the Department's website at: <https://www.agriculture.ks.gov/document-services/public-comment>.

Michael M. Beam
Secretary
Kansas Department of Agriculture