

**Montana Department of Livestock responses to Montana Farm Bureau
Federation questions on the Designated Surveillance Official Order 10-01-D.**
(received January, 8th, 2010)

- 1. QUESTION:** If my ranch headquarters are located outside of the DSA and I have some land inside the DSA, is my entire ranch considered to be “in” the DSA and subject to all the regulations?
ANSWER: If a ranch manages any livestock in the DSA, that operation needs to complete a risk survey. Based on this risk survey, the ranch may be required to test a specific group, or groups of cattle.
- 2. QUESTION:** If part of my ranch is located in the DSA and I only use that part of the ranch for summer grazing, when there is no exposure to elk calving, am I still considered to be in the DSA? What if said summer pasture is “touching” or joining the rest of my ranch, outside the DSA? Would both parcels be regulated under DSA requirements? What if the property is not “touching?”
ANSWER: Please see answer to #1 above. Grazing within the DSA will be evaluated on the basis of risk. If the land within the DSA is utilized only during the low risk time June 16th through January 14th, these animals will not be required to be tested. It is important to remember that *Brucella abortus* can survive on placenta and aborted tissue expelled from a cow elk for up to 87 days (in late winter).
- 3. QUESTION:** How long is my herd plan effective?
ANSWER: Herd plans will be evaluated on an annual basis. Without a herd plan, annual entire herd testing will be required. With a herd plan containing preventative (e.g. adult brucellosis vaccination/boosters) and mitigation (fencing, hazing) measures, entire herd testing will generally only be required every 3 years if there is no comingling events with elk during the risk period of January 15th through June 15th. The herd plans will likely include change of ownership/lease and cull cow testing in between entire herd tests.
- 4. QUESTION:** When will the DOL renew or write new herd plans for producers who had herd plans in place, which are set to expire? When will DOL write new herd plans for producers who did not have a herd plan in place but are now required to create a herd plan? Who do we contact to get this done now?
ANSWER: Most of the herd plans were developed during the brucellosis case investigation associated with the 2007 and 2008 affected herds. Some of these herd plans have been renewed, but most of them have expired. Entire herd testing performed in 2008 was honored for 2009 once the BAP was implemented with an additional requirement of change of ownership/ lease and cull cow testing. Herd plans will be updated/written as rapidly as time allows, but producers are encouraged to contact Dr. Liska (406) 444-3374 if they would like to expedite the process.
- 5. QUESTION:** Will a producer have forward and adequate notice prior to the annual review? How will the producer be contacted?
ANSWER: MDOL will make every attempt to contact the producer as timely as possible for herd plan review using the contact information the individual provides. Herd plans will be a collaborative process and producer input is appreciated.
- 6. QUESTION:** What is a producer’s recourse if the State or the Federal Government does not comply with their part of the DSA requirements?

ANSWER: The DSA is State program, monitored by the MDOL with oversight from our USDA-APHIS partners. Therefore, the Montana Board of Livestock will hear grievances and appeals if necessary.

- 7. QUESTION:** If a producer operates in the DSA the herd plan includes hazing and or fencing, will my risk factor be lowered, thus allowing my to do whole herd testing less frequently than annually or to skip the 30 day requirement?

ANSWER: Producers who include hazing, fencing, and are able to adjust time of grazing (after June 15th) when possible will dramatically reduce risk and likely not have annual herd testing required. Most Brucellosis positive cattle have been found when testing for change of ownership/lease and cull cow testing. Therefore, the 30 day testing will continue for those animals that are within or have been in the DSA. The exception will be animals tested after July 15th (30 days following the end of the high risk period). These tests will be honored through February 15th (30 days following the beginning of the high risk period).

- 8. QUESTION:** If a ranch located within the DSA has completed a risk assessment survey and has virtually no exposure to elk or bison at anytime of the year, will they still be required to test annually or comply with the 30 day requirement?

ANSWER: All ranches within the DSA are likely to have some requirements. Variances to the requirements of Official Order 10-01-D will be through an operations specific herd plan. Operations that choose not to participate in a herd plan will be subject to all requirements in 10-01-D.

- 9. If a ranch is located within the DSA has completed a risk assessment survey, has a herd plan, and has virtually no exposure to elk or bison during calving, will they still be required to test annually or comply with the 30 day requirement?**

ANSWER: An annual entire herd test will not be necessary. Frequency of entire herd testing will be based on the producer's risk survey and herd plan. Most brucellosis positive cattle have been found when testing for change of ownership/lease and cull cow testing. For this reason, the 30 day testing will continue for those animals managed in the DSA. The exception will be animals tested after July 15th (30 days following the end of the high risk period). These tests will be honored through February 15th (30 days following the beginning of the high risk period).

- 10. QUESTION:** If I have a herd plan and I am in an area of the DSA which has a lower risk of transmission from elk like Beaverhead County, do I still have to test 30 days prior to sale of cattle?

ANSWER: Only 7% Beaverhead County is within the DSA. All cattle within the DSA are considered to be at potential risk for exposure to tissues containing *Brucella abortus*. For this reason, the 30 day testing will continue for those animals managed in the DSA.

- 11. QUESTION:** How will herds moving out of county for pasture be handled? Statute says that they do not have to be inspected if they have a county line grazing permit. Can the State Veterinarian order anything to the contrary?

ANSWER: MCA 81.3.211 (6)(e) Inspection of livestock before change of ownership or removal from county -- transportation permits gives MDOL discretion to issue (or not issue) a transportation permit.

Regardless of brand enforcement permits granted, the state veterinarian is able to require testing based on 81-1-301(1), 81-2-103, 81-2-102(1)(d), Montana Code Annotated § 32.3.103, 32.3.104, 32.3.105, 32.3.111, 32.3.116, 32.4.407 Administrative Rules of Montana.

12. QUESTION: Can an emergency order of a State Veterinarian supersede statute?

ANSWER: No.

13. QUESTION: Will there be written guidelines for some of these kinds of variances or will they be strictly determined by the State Veterinarian?

ANSWER: Each producer has unique circumstances that will be considered on a case by case basis. As the program evolves, more written protocols will be developed.

14. QUESTION: How will producers be reimbursed for all increased requirements which they are subject to under the DSA (i.e. not just testing, but also fencing, change of pasture use to avoid exposure, etc.)?

ANSWER: At this time, funds are available only to reimburse veterinary testing costs. There are ongoing discussions regarding reimbursement to producers for personnel, and use of (and maintenance) of facilities during testing. It is not anticipated that funding will be available to reimburse for official calfhood vaccination (OCV) for brucellosis.

15. QUESTION: What will happen to the DSA and herd plans when reimbursement dollars from either the State or the Federal Government stop?

ANSWER: Funding has been allocated by the Montana Legislature through House Bill 3 (HB3) at \$2.37M and House Bill 2 (HB2) at approximately \$700K annually. HB2 funding is authorized through June 30, 2011. Additionally, the MDOL receives approximately \$290K annually through the Greater Yellowstone Interagency Brucellosis Committee (GYIBC) cooperative agreement with USDA.

If funding is reduced, the Department of Livestock may adjust mandatory testing requirements, however, the continued marketability of Montana's cattle depends on continued surveillance in areas of enhanced risk regardless of funding availability and funding source.

16. QUESTION: Will testing requirements be reduced over time? When will the plan be completely repealed?

ANSWER: As the MDOL learns more about each operation, and the likelihood of brucellosis transmission it is expected that some requirements (entire whole herd testing) may be eased. The DSA may no longer be needed when there is no risk of transmission of brucellosis from wildlife to livestock, or when brucellosis is no longer a federally regulated disease.

17. QUESTION: How will producers appeal or protest a herd plan? Is there a formal process?

ANSWER: Please see answer to question #6. The Montana Board of Livestock will hear disputes and grievances.

18. QUESTION: What process can producers go through to see their herd plan requirements are reduced and eliminated over time?

ANSWER: Please see the response to number #15, #16, and #17. Producers may see a reduction in test requirements based on decreased risk through changes in elk distribution, a reduction in elk brucellosis prevalence, or success in mitigating the risk through vaccination or other practices.

19. QUESTION: How will this plan encourage agencies to work together?

ANSWER: The issue of brucellosis allowed the Montana Department of Fish Wildlife and Parks (FWP), USDA and the Montana Department of Livestock to work more closely together. The Fish and Game Commission and MDOL held two joint meetings and are expected to hold additional ones in the future. The annual review of the Official Order provides an opportunity for

additional involvement of FWP in discussions of current disease status in wildlife, surveillance needs and disease management.

20. QUESTION: How can pressure be applied to the Department of the Interior and USFWP to convince them to help manage this disease?

ANSWER: The DSA Official Order demonstrates the commitment of MDOL and Montana livestock producers in addressing this risk. This surveillance plan facilitates discussions about commensurate actions from FWP and Department of Interior to manage elk and bison to reduce the risk of transmission or the prevalence of the disease in wildlife.

21. QUESTION: What can be done to see that producers operating within the DSA are protected from a marketing discrimination, due to the stigma created by the DSA?

ANSWER: Unfortunately, Greater Yellowstone Area (GYA) and DSA cattle may be discounted by individual buyers regardless of Official Order 10-01-D. While the DSA does not specifically address prejudices in the market against DSA cattle, it does strive to improve marketability by building confidence in the disease free status of marketed animals from this area.

22. QUESTION: What if a producer in the DSA is not part of the system and the DOL has no record of them? For example, they have only a few cows which were purchased from a neighbor, have not attended any meetings, have never sold any cattle, and have never moved cattle from county to county and consequently have never done a risk assessment. What happens to these small operators when they try to sell a calf at the markets and have no letter from the State Vet?

ANSWER: Producers have been notified based on their contact information in the Per-Capita records. Producers not paying per-capita will learn about these requirements from their veterinarian or the brand inspector prior to movement out of county or sale.

23. QUESTION: What if a rancher just moved to the area, purchased a ranch affected by the DSA and moved his cattle here from another area of the state or from out of state. He has never paid taxes or per capita fee on his cattle because he is new to the state. How will the DOL find this person and alert him of the new requirements?

ANSWER: MDOL has made numerous efforts in public outreach including public meetings, news releases, targeted and broadly distributed mailings to producers, veterinarians, and brand inspectors. With any program, there will be individuals who were not willing, or able to get relevant information. MDOL is receptive to recommendations on how to improve public outreach.