

USDA'S PROPOSED RULE ON APPROVED LIVESTOCK MARKETING FACILITIES

USDA has published a proposed rule on changes to the regulation on Approved Livestock Facilities. Stakeholders have until **April 15, 2015** to provide comments.

A summary of the proposal is below. The entire rule and supporting documents may be viewed here - <http://www.regulations.gov/#!documentDetail;D=APHIS-2014-0018-0016>.

A list of markets that are currently approved livestock markets may be found here - [http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth/sa_livestock_markets!ut/p/a0/04_Sj9CPykssy0xPLMnMz0vMAfGjzOK9_D2MDJ0MjDzdgy1dDTz9wtx8LXzMjf09TPQLsh0VAZdihIg!/.](http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/animalhealth/sa_livestock_markets!ut/p/a0/04_Sj9CPykssy0xPLMnMz0vMAfGjzOK9_D2MDJ0MjDzdgy1dDTz9wtx8LXzMjf09TPQLsh0VAZdihIg!/)

COMPONENTS LMA WILL LIKELY SUPPORT

Terminology – Would replace terms “Approved Livestock Facilities” and “Approved Stockyards” with new term “Approved Livestock Marketing Facilities”

Veterinary Oversight – Would allow Approved Livestock Marketing Facilities to have a veterinarian on call rather than present during the sale.

Existing Documents can be used instead of Owner Shipper Statements – Clarifies that a State Veterinarian may allow cattle to move interstate to an Approved Livestock Marketing Facility without an owner shipper statement or ICVI/health certificate, as long as the movement information is recorded as soon as the cattle are unloaded.

Tagging Site Addendum – The new Approved Livestock Marketing Facility Agreement has an optional section allowing markets to sign up to be a tagging site.

COMPONENTS ON WHICH LMA NEEDS ADDITIONAL MEMBER FEEDBACK

All Facility Requirements – Under the proposal, all livestock marketing facilities, regardless of if they enter agreements to become USDA-approved facilities, must:

Allow APHIS or State representatives on their premises to conduct activities related to the detection, control, and eradication of livestock diseases. (This authority already exists today in the Animal Health Protection Act).

Provide records and receipts retained by the facility pertaining to disease detection, control, or eradication to state and federal animal health officials on request. (May already be in state law).

For five years, all markets must maintain a record of the receipt, distribution, and application of all official identification devices and USDA-approved backtags at the facility.

Inspection Requirement – **Approved facilities will be inspected by USDA APHIS or the State, at a minimum, twice a year.**

COMPONENTS LMA WILL LIKELY OPPOSE

Agreement not in Regulations – The agreement would be removed from the regulations and instead be included in the ADT General Standards document.

Appeals Process – Proposed changes to the appeal process would remove hearings that exist in certain circumstances today, but maintain the ability for a written appeal.

Backtag Location – USDA is requesting comments on whether the regulations should specify the location for placing backtags, and, if so, where it should be.

ADT exceptions for cattle moving across state lines to Approved Livestock Marketing Facilities only apply to cattle moved from Farm of Origin

Under the ADT rule, cattle can move across state lines directly to an Approved Livestock Marketing Facility on an owner shipper statement instead of an ICVI/health certificate. In addition, cattle may move across state lines directly to an Approved Livestock Marketing Facility and then directly to an approved slaughter establishment without being officially identified, so long as a USDA-approved backtag is applied.

USDA would like to clarify that the exceptions listed above only apply if the cattle are moving from the farm of origin, defined as any farm where livestock are produced or maintained for at least four months prior to movement.

COMPONENTS WHERE LMA WILL LIKELY REQUEST LANGUAGE CHANGES

Markets' Duties Listed in Agreement – The new facility agreements require that markets do the following. LMA will likely request the language in items ii, iii, and iv be adjusted to clarify the role of the market.

- i. Shall arrange for an accredited veterinarian to be available when needed at the facility to carry out State and Federal regulations, including but not limited to the issuance of ICVIs.
- ii. May not sell livestock to out-of-State buyers or allow the animals to move to interstate destinations requiring ICVIs under 9 CFR part 86 or State of destination import requirements unless the facility operator makes available an accredited veterinarian to complete the certificates.
- iii. Shall see that buyers and consignors are aware of ICVI requirements.
- iv. Shall see that the accredited veterinarian is advised of livestock being moved interstate or that need an ICVI.
- v. Shall indicate the management's plan for having an accredited veterinarian available to meet the requirements of 9 CFR by selecting the most appropriate response below.