

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control 80 Department of Agriculture and Industries

Rule No.: 80-3-18-.02

Rule Title: Prohibition Against Entry into Alabama

 New; x Amend; Repeal; Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the State's police power and the protection of the public health, safety or welfare? YES

Is there another less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? YES

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have any economic impact? YES

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official
I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer John A. Miller

Date: 9-21-15

(DATE FILED)
(STAMP)

APA-2

ALABAMA DEPARTMENT OF AGRICULTURE AND INDUSTRIES
FOOD SAFETY

NOTICE OF INTENDED ACTION

Agency Name: Alabama Department of Agriculture and Industries

Rule No. & Title: 80-3-18-.02 Prohibition Against Entry Into Alabama.

Intended Action: To Amend


Substance of Proposed Action: To ensure that poultry imported into Alabama have been tested for Avian Influenza or originated in flocks certified being free of Avian Influenza.

Time, Place, Manner of Presenting Views: Views may be presented in writing to the contact person below or in person on Tuesday, November 10, 2015 at 10:00 a.m., in the Board Room of the Richard Beard Building, 1445 Federal Drive, Montgomery, Alabama.

Final Date for Comment and Completion of Notice: November 10, 2015.

Contact Person at Agency: Patrick B. Moody, Legal Counsel, Department of Agriculture and Industries, 1445 Federal Drive, Montgomery, Alabama 36107-1123, Telephone No. (334) 240-7117.

9-21-15
Date



John McMillan
Commissioner of Agriculture
and Industries

APA-6
07/04

ECONOMIC IMPACT STATEMENT
FOR APA RULE
(Section 41-22-23 (f))

Control No. 80 Department or Agency Agriculture & Industries

Rule No. 80-3-18.02

Rule Title: Prohibition Against Entry Into Alabama

New Amend Repeal Adopt by Reference

This rule has no economic impact.

This rule has an economic impact as explained below:

1. NEED/EXPECTED BENEFIT OF RULE:

To update existing rules related to Avian Influenza to prevent and respond to a potential outbreak of Avian Influenza.

2. COST/BENEFITS OF RULE AND WHY RULE IS THE MOST EFFECTIVE, EFFICIENT, AND FEASIBLE MEANS FOR ALLOCATING RESOURCES AND ACHIEVING THE STATED PURPOSE:

The proposed rules are to most cost effective as to protect the public and the poultry industry from Avian Influenza.

3. EFFECT OF THIS RULE ON COMPETITION:

The effect of this rule on competition will be minimum since it applies to all poultry within the state and being imported into the state.

4. EFFECT OF THIS RULE ON COST-OF-LIVING AND DOING BUSINESS IN THE

GEOGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

The effect, if any, of this rule would be minimal.

5. EFFECT OF THIS RULE ON EMPLOYMENT IN THE GEORGRAPHICAL AREA WHERE THE RULE IS TO BE IMPLEMENTED:

The effect, if any would be minimal.

6. SOURCE OF REVENUE TO BE USED FOR IMPLEMENTING AND ENFORCING THIS RULE:

Existing revenue in the Department will be utilized for implementing and enforcing these rules.

7. THE SHORT-TERM/LONG-TERM ECONOMIC IMPACT OF THIS RULE ON AFFECTED PERSONS, INCLUDING ANALYSIS OF PERSONS WHO WILL BEAR THE COSTS AND THOSE WHO WILL BENEFIT FROM THE RULE:

If there is a short-term impact it will be minimal. In the long-term, this rule will provide a possible economic impact as protecting the poultry producers of this state from effects of Avian Influenza.

8. UNCERTAINTIES ASSOCIATED WITH THE ESTIMATED BENEFITS AND BURDENS OF THE RULE, INCLUDING QUALITATIVE/QUANTITATIVE BENEFITS AND BURDEN COMPARISON:

Any minimal burden associated with these rules are small in comparison to the risk and devastation that Avian Influenza can bring to the state in absence of these rules.

9. THE EFFECT OF THIS RULE ON THE ENVIRONMENT AND PUBLIC HEALTH:
These rules will ensure that poultry producers are able to supply consumers with wholesome disease free poultry.

10. DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE RULE IS NOT IMPLEMENTED:

Without these rules, producers may not be able to supply consumers with wholesome and disease free poultry and the Department will not be able to adequately respond to an outbreak of avian influenza.

80-3-18-.02 Prohibition Against Entry Into Alabama. All live poultry, their hatching eggs, and the used coops, containers, flats, or other accessories, and the vehicles or other means of conveyances used in the handling of live poultry or their hatching eggs, originating from or in transit through any area quarantined due to Avian Influenza, anywhere in the United States, are hereby prohibited entry into or transportation through the State of Alabama without prior written permission from the Commissioner of Agriculture and Industries, or his agents.

All poultry, including but not limited to hatching eggs, chicks, poults, poultry breeding stock, gamebirds, exhibition and hobby farm poultry moving into Alabama for exhibition, show, sale, change of ownership or any other purpose, that are not participating in the Pullorum-Typhoid(PT) Clean and Avian Influenza (AI) Clean programs of the National Poultry Improvement Plant (NPIP) shall be tested negative for PT and AI using an approved serology or antigen detection test or other test approved by the state veterinarian within 21 days prior to movement.

All poultry, including but not limited to hatching eggs, chicks, poults, poultry breeding stock, gamebirds, exhibition and hobby farm poultry moving into Alabama must be accompanied by an official Certificate of Veterinary Inspection (CVI) or a NPIP Form 9-2 or NPIP Form 9-3 with test results included on form.

Author: Charles H. Barnes, Patrick B. Moody

Statutory Authority: Code of Ala. 1975, §§2-15-170, 41-22-5(b).

History: Emergency adoption effective January 31, 1984.

Permanent adoption: Filed June 7, 1984. **Amended:** Emergency adoption Filed: September 18, 2015. **Amended:** Permanent adoption Filed: