

**DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP**

**Adopted and Filed Emergency**

Rule making related to \_\_\_\_\_.

The Department of Agriculture and Land Stewardship hereby amends Chapter 64, “Infectious and Contagious Diseases,” Iowa Administrative Code.

***Legal Authority for Rule Making***

This rule making is adopted under the authority provided in Iowa Code section 163.1.

***State or Federal Law Implemented***

This rule making implements, in whole or in part, Iowa Code Chapter 163.

***Purpose and Summary***

The rule making makes highly pathogenic avian influenza (HPAI) a reportable disease to the Department for all species. Previously, reporting HPAI was limited to poultry.

***Reason for Adoption of Rule Making Without Prior Notice and Opportunity for Public Participation***

Pursuant to Iowa Code section 17A.4(3), the Board finds that notice and public participation are unnecessary or impractical because emergency adoption was approved by the Administrative Rules Review Committee

In compliance with Iowa Code section 17A.4(3)“a,” the Administrative Rules Review Committee at its May 6, 2024, meeting reviewed the Board’s determination and this rule making and approved the emergency adoption.

***Reason for Waiver of Normal Effective Date***

Pursuant to Iowa Code section 17A.5(2)“b”(1)(b), the Department also finds that the normal effective date of this rule making, 35 days after publication, should be waived and the rule making made effective as soon as possible, upon approval by the Administrative Rules Review Committee. Earlier adoption of this rule will allow the Department to better respond to the emerging foreign animal disease concerns related to highly pathogenic avian influenza in dairy animals, which will confer a benefit to the public.

***Adoption of Rule Making***

This rule making was adopted by the Department on April 29, 2024.

***Concurrent Publication of Notice of Intended Action***

In addition to its adoption on an emergency basis, this rule making has been initiated through the normal rule-making process and is published herein under Notice of Intended Action as to ARC XXXXC allow for public comment.

***Fiscal Impact***

This rule making has no fiscal impact to the State of Iowa.

***Jobs Impact***

After analysis and review of this rule making, no impact on jobs has been found.

***Waivers***

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions pursuant to 21-Chapter 8.

***Effective Date***

This rule making will become effective on May 6, 2024.

The following rule-making action is adopted:

**Item 1:** Amend Chapter 21-64.1(1) as follows

**64.1(1)** *Multiple species diseases.*

- Anthrax
- Aujeszky's disease
- Bluetongue
- Brucellosis (*Brucella abortus*)
- Brucellosis (*Brucella melitensis*)
- Brucellosis (*Brucella suis*)
- Crimean Congo haemorrhagic fever
- Echinococcosis/hydatidosis
- Epizootic haemorrhagic disease
- Equine encephalomyelitis (Eastern)
- Foot and mouth disease
- Heartwater
- Highly pathogenic avian influenza
- Japanese encephalitis
- Johne's disease
- Leptospirosis
- New world screwworm (*Cochliomyia hominivorax*)
- Old world screwworm (*Chrysomya bezziana*)
- Q fever
- Rabies
- Rift Valley fever
- Rinderpest
- Surra (*Trypanosoma evansi*)
- Trichinellosis
- Tularemia
- Vesicular stomatitis
- West Nile fever

**Item 2:** Amend 21-64.1(6) as follows

**64.1(6)** *Avian diseases.*

- Avian chlamydiosis
- Avian infectious bronchitis
- Avian infectious laryngotracheitis
- Avian mycoplasmosis (*M. gallisepticum*)
- Avian mycoplasmosis (*M. synoviae*)
- Duck virus hepatitis
- Fowl cholera
- Fowl typhoid
- ~~Highly pathogenic avian influenza and low~~ Low pathogenic avian influenza in poultry
- Infectious bursal disease (Gumboro disease)
- Marek's disease
- Newcastle disease
- Pullorum disease
- Turkey rhinotracheitis