TEXAS ANIMAL HEALTH COMMISSION

"SERVING TEXAS SINCE 1893"

TEXAS ADMINISTRATIVE CODE
TITLE 4, AGRICULTURE
PART 2, TEXAS ANIMAL HEALTH COMMISSION

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TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 31 ANTHRAX

RULE §31.1. Diagnosis

A veterinarian who makes a presumptive diagnosis that an animal may have died from anthrax shall immediately prepare a suitable specimen from the animal and submit it to the Texas Veterinary Medical Diagnostic Laboratory in College Station or Amarillo for examination. The specimen shall be accompanied by the name and address of the owner or caretaker of the animal and the location of the premises on which the animal died. Information describing the species of animal, any clinical symptoms, and number of mortalities is to be furnished.

Source Note: *The provisions of this §31.1 adopted to be effective December 18, 1992, 17 TexReg 8286.*

RULE §31.2. Quarantine

Upon laboratory confirmation of the disease by approved laboratory methods, the Texas Animal Health Commission (TAHC) shall establish quarantines upon infected and exposed animals and premises, advise the owner or caretaker how to properly dispose of carcasses, and require such treatment and vaccination as may be necessary to control and eradicate the disease. TAHC will notify the Texas Department of Health of the quarantine. Unless otherwise specified by TAHC, a quarantine will be released 10 days after vaccination of the herd with a product approved by TAHC and after proper disposal of carcasses as specified in §31.3 of this title (relating to Disposal).

Source Note: *The provisions of this §31.2 adopted to be effective December 18, 1992, 17 TexReg 8286; amended to be effective April 4, 1999, 24 TexReg 2298*

RULE §31.3. Disposal

Any person who is the owner or caretaker of animals that have died from anthrax, or who owns or controls the land on which the animals have died, is responsible for assuring that the carcass of each animal is set on fire and burned until it is thoroughly consumed.

Source Note: *The provisions of this §31.3 adopted to be effective December 18, 1992, 17 TexReg 8286; amended to be effective April 4, 1999, 24 TexReg 2298*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 32 HEARING AND APPEAL PROCEDURES

RULE §32.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Act--The Administrative Procedure Act, Texas Government Code, Chapter 2001.

(2) Commission--The Texas Animal Health Commission.

(3) Executive director--The chief executive officer of the commission appointed by the commissioners.

(4) Hearing officer--An administrative law judge designated by the State Office of Administrative Hearings to conduct proceedings pursuant to the Act.

(5) Party--A person or agency named or admitted by the executive director as a party to a proceeding before the commission.

(6) Person--An individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character.

Source Note: *The provisions of this §32.1 adopted to be effective December 18, 1992, 17 TexReg 8287; amended to be effective September 6, 1998, 23 TexReg 8828.*

RULE §32.2. Appeal of a Decision or Order by the Executive Director

A person receiving written notice of an order by the executive director has 15 days from receipt of the notice to file notice of appeal. The notice of appeal must be in writing and filed with the executive director at the commission's office in Austin. The notice must specifically state the issues for consideration on appeal. The administrative hearing on the specific issues appealed will be held in Austin, pursuant to provisions of the Act, this Chapter, and the rules of the State Office of Administrative Hearings (Title 1, Texas Administrative Code, Chapters 155-157).

Source Note: *The provisions of this §32.2 adopted to be effective December 18, 1992, 17 TexReg 8287; amended to be effective September 6, 1998, 23 TexReg 8828.*

RULE §32.5. Decisions and Orders

(a) After the completion of the hearing, no further evidence shall be received or considered. The commission may, in its discretion, allow oral arguments.

(b) Seven commission members shall constitute a quorum. By a majority of those present or by a majority of the quorum, whichever is greater, the commission will adopt findings of fact and conclusions of law which shall be part of the commission's final decision or order. Findings of fact shall be based exclusively on the evidence or on matters officially noticed.

(c) Upon rendition of the commission's final decision, parties adversely affected may file a motion for rehearing in accordance with the Act. Judicial review will be by district court in Travis County, in accordance with the Act.

Source Note: *The provisions of this §32.5 adopted to be effective December 18, 1992, 17 TexReg 8287; amended to be effective September 6, 1998, 23 TexReg 8828.*

RULE §32.6. Transcript of the Hearing

The agency shall have the formal hearing recorded. The cost of preparing the transcript shall be assessed against and is to be paid by the party or parties requesting the transcription.

Source Note: *The provisions of this §32.6 adopted to be effective December 18, 1992, 17 TexReg 8287.*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 33 FEES

RULE §33.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Fee--A charge for services, activity or a program provided by the Commission. The Commission's mission is to protect the health of Texas animal agriculture. Services to promote the Commission's mission are known as Commission services. All fees due the Commission shall be sent to TAHC, P.O. Box 12966, Austin, Texas 78711-2966, or paid through other means as identified by the Commission, within 30 days.

(2) Inspection--Ensuring all requirements are met related to testing, official identification, bio-security standards, recordkeeping, and other applicable regulations for all animals.

(3) Livestock market--A stockyard, sales pavilion, or sales ring where livestock, exotic livestock, or exotic fowl are assembled or concentrated at regular or irregular intervals for sale, trade, barter, or exchange and where the Commission has an inspector present.

Source Note: *The provisions of this §33.1 adopted to be effective October 11, 2011, 36 TexReg 6718*

RULE §33.2. Certificate of Veterinary Inspection

(a) All veterinarians, licensed and accredited in Texas, that utilize a Certificate of Veterinary Inspection (CVI) for livestock, exotic livestock or domestic fowl shall use a current CVI issued by the Commission on or after September 1, 2005. All certificates printed and issued prior to September 1, 2005, will be null and void for issuance after October 31, 2005.

(b) The Commission shall assess a fee of $7.00 for each individual CVI. CVI's will be sold in books of ten certificates per book.

(c) The CVI may be obtained from the Commission through a written request, accompanied by a check or money order, for the full amount to cover the requested number of CVI's. The written request shall be sent to Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711-2966. When established, the Commission may also accept phone orders paid for by an accepted credit card. Phone orders may be made by calling 1-800-550-8242.

Source Note: *The provisions of this §33.2 adopted to be effective February 5, 2013, 38 TexReg 492*

RULE §33.3. Inspection of Foreign Cattle Fee

(a) All cattle originating from foreign countries may be inspected at the first point of destination or any mutually agreed upon location in Texas within 7 days of entry. The owner or caretaker will submit a fee to the Commission, within 30 days of arrival, in accordance with the schedule provided in subsection (b) of this section. An inspection can include, but is not limited to, compliance with test requirements, verification of animal identification, and evaluation of bio-security standards or other standards as prescribed by the Commission.

(b) $1.00 for every animal.

Source Note: *The provisions of this §33.3 adopted to be effective October 11, 2011, 36 TexReg 6718*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 34 VETERINARY BIOLOGICS

RULE §34.1. Definitions

The following words and terms, when used in these sections, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Commission--Texas Animal Health Commission (TAHC).

(2) Executive director--The executive director of the commission.

(3) Recognized laboratory--A laboratory recognized by the executive director for purposes of this chapter.

(4) USDA, APHIS, VS--The United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

(5) Veterinary biologics include, but are not limited to--

(A) viruses, serums, toxoids, allergins, toxins (excluding substances that are selectively toxic to microorganisms, e.g. antibiotics), and analogous products of natural or synthetic origin;

(B) products synthesized or prepared from any type of genetic manipulation, such as diagnostics, reagents, antitoxins, vaccines, bacterins, live microorganisms, killed microorganisms, and genes or genetic sequences; and

(C) the antibodies, antitoxins, immunostimulants, and antigenic or immunizing components of microorganisms, intended for use in the diagnosis, treatment, or prevention of diseases in animals.

Source Note: *The provisions of this §34.1 adopted to be effective December 18, 1992, 17 TexReg 8287; amended to be effective March 21, 1999, 24 TexReg 1767*

RULE §34.2. General Requirements

(a) Importation. Veterinary biologics produced under a regular license issued by the USDA, APHIS, VS may be imported into the State of Texas, however, prior to initial importation of any licensed veterinary biologic for sale, use, or distribution within the state, written approval of the executive director is required. The executive director may allow the importation of unlicensed or conditionally licensed veterinary biologics when it is determined necessary for the protection of humans or domestic animals or for research purposes.

(b) Restriction of biologics for disease control.

(1) Rabies vaccines shall be sold, distributed, and administered as prescribed by Chapter 826, Health and Safety Code, and rules adopted by the Texas Board of Health.

(2) All veterinary biologics used to control or diagnose any of the following diseases listed in subparagraphs (A)-(K) of this paragraph are restricted:

(A) brucellosis;

(B) equine infectious anemia;

(C) equine viral arteritis;

(D) hog cholera;

(E) laryngotracheitis;

(F) Mycoplasma gallisepticum (MG);

(G) paratuberculosis;

(H) pseudorabies;

(I) tuberculosis;

(J) vesicular stomatitis.

(3) Restricted veterinary biologics may be purchased, administered, or otherwise used under the following conditions listed in subparagraphs (A)-(C) of this paragraph.

(A) Laryngotracheitis (LT) chick embryo origin vaccine may be used upon tentative or confirmed diagnosis by a recognized laboratory and pursuant to a written agreement between the commission and the flock owners in a designated area.

(B) Mycoplasma gallisepticum (MG) attenuated vaccine may be used upon confirmed diagnosis by a recognized laboratory, and where a written permit for its use has been issued by the commission. MG vaccine may be used without restriction following approval outlined in subsection (a) of this section.

(C) Other restricted veterinary biologics may be purchased, administered, or otherwise used:

(i) under the direct supervision of licensed veterinarians;

(ii) by employees of the commission or USDA;

(iii) by research agencies or laboratories as authorized by the commission;

(iv) in emergency disease control programs as authorized by the commission; or

(v) for other limited purposes authorized by the commission and not likely to pose a threat to public health or to the health of animals.

(c) Solicitation of information. The commission may solicit information and recommendations on the following topics listed in paragraphs (1)-(4) of this subsection prior to approving a veterinary biologic for sale, use, or distribution within the state:

(1) known effectiveness of the biologic;

(2) to what extent the disease for which the veterinary biologic is used or intended to be used is present in this state;

(3) degree of isolation of the affected animals and area; and

(4) any other factor which may constitute a hazard to animal or public health in this state.

(d) Reporting. Any person using a veterinary biologic shall report to the commission any suspected or actual disease outbreak or adverse reaction that occurs in connection with use of the veterinary biologic.

(e) Petition for review. Any person or entity may petition the commission for a review of the sale and distribution of a veterinary biologic.

(f) Appeal. Any person or other entity that receives an adverse decision by the executive director on a request to sell, distribute, or use veterinary biologics in this state may appeal such decision pursuant to the provisions of the Administrative Procedure Act.

Source Note: *The provisions of this §34.2 adopted to be effective December 18, 1992, 17 TexReg 8287; amended to be effective March 21, 1999, 24 TexReg 1767*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 35 BRUCELLOSIS

SUBCHAPTER A ERADICATION OF BRUCELLOSIS IN CATTLE

RULE §35.1 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Adjacent herds--A herd of cattle or bison that occupies a premise that lies within one mile of a "herd known to be affected."

(2) Affected herd--Any herd in which any cattle have been classified as a reactor or suspect and which has not completed the requirements of the individual herd plan.

(3) Approved brucella vaccine--A product that is produced under license of the USDA and used in accordance with the current guidelines of USDA for its use in cattle to enhance their resistance to brucellosis.

(4) Approved personnel--Texas Animal Health Commission inspectors and veterinarians; Federal Animal Health technicians and veterinarians; accredited Texas veterinarians; and others who have been approved to do those assigned duties as described in these regulations for brucellosis control and eradication.

(5) Auction--A public sale of cattle.

(6) Auctioneer--A person who sells or makes a business of selling cattle at auction.

(7) Brucellosis (Bang's Disease contagious abortion)--For purposes of this regulation, brucellosis is a contagious, infectious disease of cattle, sheep, goats, horses, and swine caused by bacteria of the genus brucella.

(8) Cattle--All dairy and beef animals (genus Bos) and bison (genus Bison).

(9) Class "Free" area--An area of two or more contiguous counties which has remained free from field strain brucella abortus infection for 12 months or longer. A 12 months adjusted MCI reactor prevalence rate not to exceed one reactor per 2,000 cattle tested (0.050%) must be maintained.

(10) Class "A" area--An area of two or more contiguous counties which has an accumulated 12 months herd infection rate due to field strain brucella abortus that does not exceed 0.25% or 2.5 herds per 1,000 and must maintain a 12 months adjusted MCI reactor prevalence rate not to exceed one reactor per 1,000 cattle tested (0.100%).

(11) Class "B" area--An area of two or more contiguous counties which has an accumulated 12 months herd infection rate due to field strain brucella abortus that does not exceed 1.5% or 15 herds per 1,000. A 12 months adjusted MCI reactor prevalence rate not to exceed three reactors per 1,000 cattle tested (0.30%) must be maintained.

(12) Commission--The Texas Animal Health Commission.

(13) Commission firm--A person, partnership, other legal entity, or corporation which buys and sells cattle as a third party and who reports to the seller and to the buyer details of the transactions. This includes any such person or group whether or not a fee is charged for the service.

(14) Commuter herd--A herd of cattle located in two or more states that is documented as a valid ranching operation by those states in which the herd is located and which requires movement of cattle interstate from a farm of origin or returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premise owned, leased, or rented by the same individual. An application for "commuter herd" status must be signed by the owner and approved by the states in which the herd is located. This status will continue until canceled by the owner or one of the signatory states.

(15) Dealer--

(A) Any person engaged in the business of buying or selling cattle in commerce on his own account, as an employee or agent of the vendor, the purchaser, or both, or on a commission basis.

(B) The term shall not include a person who buys or sells cattle as part of his own bona fide breeding, feeding, dairy, or stocker operations but does include livestock markets and commission merchants.

(16) Designated Pens--A set of pens in a feedlot under a plan of restricted movement, approved jointly by Animal and Plant Health Inspection Service, Veterinary Services, and the Commission in which all cattle are classified as exposed to brucellosis. The pens may be pre-approved, but the approval period will begin with initial arrival of the exposed cattle. The Designation will be automatically renewed every 12 months if requirements specified in these regulations and the approved agreement continue to be met by the feedlot. The status will continue until:

(A) the feedlot requests deactivation; or

(B) the Commission determines the status should be eliminated because of the feedlot's failure to comply with the Designation Agreement or these regulations; or

(C) changes in Federal or State law or regulations require elimination of or change in the status.

(17) Epidemiologist--A veterinarian who has received a degree in epidemiology and is employed by the commission or USDA, APHIS, VS.

(18) Executive director--The chief executive officer of the Texas Animal Health Commission appointed by the commissioners and authorized to act for the commissioners in the absence of the chairman.

(19) Exempt Cattle (from testing requirements)--Cattle that have been physically rendered sterile for breeding.

(20) Exposed cattle--Cattle that are part of an affected herd or cattle that have been in contact with reactors in marketing channels for periods of 24 hours; and periods of less than 24 hours if the reactor has recently aborted, calved, or has a vaginal or uterine discharge. These cattle shall be classified as exposed regardless of any blood test results.

(21) Feedlot--A confined drylot area for finish feeding of cattle on concentrated feed with no facilities for pasturing or grazing. All cattle in a feedlot are considered a "herd" for purposes of these regulations.

(22) Herd--

(A) All cattle under common ownership or supervision or cattle owned by a spouse that are on one premise; or

(B) All cattle under common ownership or supervision or cattle owned by a spouse on two or more premises that are geographically separated, but on which the cattle have been interchanged or where there has been contact among the cattle on the different premises. Contact between cattle on the different premises will be assumed unless the owner establishes otherwise and the results of the epidemiological investigation are consistent with the lack of contact between premises; or

(C) All cattle on common premises, such as community pastures or grazing association units, but owned by different persons. Other cattle owned by the persons involved which are located on other premises are considered to be part of this herd unless the epidemiological investigation establishes that cattle from the affected herd have not had the opportunity for direct or indirect contact with cattle from that specific premises. Quarantined feedlots and quarantined pastures are not considered to be herds.

(23) High risk herd--A herd that is epidemiologically judged by a state-federal veterinarian to have a high probability of having or developing brucellosis. A high risk herd need not be located on the same premise as an infected or adjacent herd.

(24) Hold Order--A document restricting movement of a herd, unit, or individual animal pending the determination of disease status.

(25) Individual herd plan--A herd disease management and testing plan to prevent, control, and eliminate brucellosis in a herd of cattle.

(26) Market cattle identification--The process of individually identifying cattle on change of ownership by backtag or eartag issued by USDA showing their herd of origin.

(27) Official backtag--A United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) approved identification backtag that conforms to the national uniform tagging system. It uniquely identifies each individual animal with alpha-numeric identification. The official backtag may not be reused on another animal.

(28) Official eartag--A Veterinary Services approved identification eartag (metal, plastic, or other) that conforms to the nine-character alpha-numeric National Uniform Eartagging System. It uniquely identifies each individual animal with no duplication of the alpha-numeric identification, regardless of the materials or colors used. The term includes the special orange-colored eartag series used to identify calfhood vaccinates. The official eartag may not be removed from the animal.

(29) Official Vaccinate--

(A) Calfhood Vaccinate: Female cattle (dairy and beef) vaccinated between four and 12 months of age with an approved Brucella vaccine.

(B) Adult Vaccinate: Female cattle that have been blood tested negative within ten days prior to vaccination and vaccinated at an age over the ages given in subparagraph (A) of this paragraph with an approved dose of Brucella vaccine as part of a whole herd vaccination plan.

(30) Parturient--Visibly prepared to give birth or within two weeks of giving birth.

(31) Permit--A document adopted by the commission with specified conditions relative to movement, testing and vaccinating of cattle which is required to accompany the cattle entering, leaving or moving within the State of Texas.

(A) "E" permit--Premovement authorization for entry of cattle into the state by the Texas Animal Health Commission. The "E" permit states the conditions under which movement may be made, and restrictions and test requirements after arrival.

(B) "S" permit--A premovement authorization for exposed, suspect or nontested cattle in marketing channels having restricted destination.

(C) "B" permit (VS Form 1-27)--A premovement authorization for movement of reactor cattle in marketing channels moving to slaughter.

(32) Postparturient--Having already given birth.

(33) Premise--An area defined by the outermost boundary of land under common ownership or control enclosed by a perimeter fence or other boundary. A premise may consist of more than one pasture.

(34) Priority Herd--Exposed herd from which a reactor has been classified, infected herd, or adjacent herd.

(35) Quarantined feedlot--A feedlot under a plan of restricted movement, approved jointly by Animal and Plant Health Inspection Service, Veterinary Services and the commission in which all cattle except steers and spayed heifers are classified as exposed to brucellosis.

(36) Quarantined pasture--A designated confined area for limited grazing under a plan of restricted movement approved jointly by Animal and Plant Health Inspection Service, Veterinary Services and the commission. All cattle except steers and spayed heifers shall be classified as exposed to brucellosis. All cattle permitted to a quarantined pasture must originate from a Texas farm or ranch and move directly to a quarantined pasture or through a Texas market to a quarantined pasture.

(37) Reactor--Cattle classified as being infected with brucellosis as a result of serological testing or microbiological culturing of blood, tissue, secretions, or excretions from the animal.

(38) Spayed Heifer--A United States origin heifer which has been neutered by an accredited veterinarian and identified with an official eartag and hot iron brand applied high on the left hip near the tailhead with an open spade design not less than three inches high. The heifer shall be identified on a TAHC Spaying Certificate form completed by an accredited veterinarian or a Texas Animal Health Commission representative. Each spayed heifer imported into the United States from Mexico shall be identified with a distinct, permanent, and legible "M_x " mark applied with a freeze brand, hot iron, or other method prior to arrival at a port of entry, unless the spayed heifer is imported for slaughter. The "M_x " mark shall be not less than 2 inches nor more than 3 inches high, and shall be applied to each animal's right hip, high on the tailhead (over the junction of the sacral and first coccygeal vertebrae.

Attached Graphic

(39) Suspect--Cattle classified as suspicious of being infected with brucellosis as a result of serological testing of blood, secretions, or excretions from the animal.

(40) Tested herd--Herd of cattle located in a noncertified area for which a state has records showing that the herd has been subjected to official testing for brucellosis in accordance with the procedures for herd tests within 12 months prior to movement and that the herd is not known to be affected with brucellosis.

(41) Test-Eligible Cattle in other than Priority Herds--All cattle 18 months of age and over (as evidenced by the loss of the first pair of temporary incisor teeth), except steers and spayed heifers.

(42) Test-Eligible Cattle in Priority Herds--All sexually intact female cattle four months of age and older and all bulls 18 months of age and older.

(43) Traceback of reactors--The epidemiological procedure in locating the premise or premises and the cattle that have been in contact with the reactor during a specified period of time.

Source Note: *The provisions of this §35.1 adopted to be effective September 27, 1983, 8 TexReg 3616; amended to be effective April 1, 1987, 12 TexReg 787; amended to be effective February 15, 1988, 13 TexReg 602; amended to be effective September 20, 1989, 14 TexReg 4469; amended to be effective December 31, 1989, 14 TexReg 6547; amended to be effective May 20, 1991, 16 TexReg 2469; amended to be effective November 1, 1993, 18 TexReg 7156;*

amended to be effective March 22, 1994, 19 TexReg 1649; amended to be effective July 22, 1994, 19 TexReg 5475; amended to be effective May 31, 1995, 20 TexReg 3325; amended to be effective October 22, 1995, 20 TexReg 7974; amended to be effective March 1, 1996, 21 TexReg 865; amended to be effective April 16, 1997, 22 TexReg 3397; amended to be effective February 5, 1998, 23 TexReg 739; amended to be effective September 6, 1998, 23 TexReg 8828; amended to be effective December 24, 2000, 25 TexReg 12376

RULE §35.2. General Requirements

(a) Testing of blood and semen.

(1) All tests shall be made by approved personnel only as the basis for compliance with these regulations.

(2) All tests must be confirmed by a state-federal laboratory as the basis for compliance with these regulations. Non-quarantined cattle may be moved based upon the card test results. All samples initially tested at other than state-federal laboratories shall be submitted (mailed) within 48 hours of collection and confirmed at the state-federal laboratory.

(3) When a discrepancy occurs between test results of the state-federal laboratory and those of the person who originally tested the animal(s), the entire consignment, shipment, or herd will be traced and held pending results of a retest on the animal(s) with the discrepancy.

(4) Samples for all retest purposes will be collected by accredited veterinarians that are approved by the Commission to perform brucellosis program duties, or by commission or APHIS personnel and submitted to the state-federal laboratory for confirmation testing. An epidemiologist may designate those cattle that do not require a test. The herd of origin, as well as the herd in which the animal(s) is presently located, will be affected by the test results of the state-federal laboratory. The state-federal laboratory initial test results will prevail if the traced animal cannot be positively identified or if it has been slaughtered and cannot be retested.

(5) When the state-federal laboratory is unable to confirm results of a test because of insufficient serum, hemolyzed blood, or broken tubes, the commission may require a trace and retest of the animals not confirmed.

(6) When the commission has reason to believe the tests are controversial, contested, or disputed, it may require that its personnel be present at the time of blood collection and testing as a basis for compliance with these regulations. In such case, the commission shall notify the herd owner prior to the test.

(b) Classification of cattle. Cattle shall be classified by approved personnel by an evaluation of titer responses for all cattle to serological tests, or by identification of Brucella abortus in specimens taken from these cattle. The following serological tests may be used for the classification of cattle.

(1) Card test. The card test (buffered Brucella is a test antigen) that may be used to classify cattle as suspects. Results of the card test may be used with other test results conducted in the state-federal laboratory to aid in the classification of

cattle as reactors. The card test may be used as a test to classify cattle as reactors on written approval of the owner or his agent. The owner or his agent's signature on test charts prior to "B" branding will be accepted as approval. Card tests may be used to classify cattle negative on surveillance samples collected at slaughter, on routine samples collected on farms, at livestock markets, and on tests of suspicious and affected herds.

(2) Manual Complement fixation test. The manual complement fixation test is an official test when it is conducted at the cooperative state-federal brucellosis laboratory using recognized methods.

(A) Interpretation of the manual CF test results.

Attached Graphic

(B) Interpretation of test result codes. The following codes are utilized by the laboratory to represent the corresponding test results:

Attached Graphic

(3) Rivanol test. The rivanol test is an official test when conducted in cooperative state-federal brucellosis laboratories. Vaccinated cattle tested under the MCI program that show complete agglutination at dilutions of 1:25 or greater must be reported as MCI reactors for the purpose of state or area classification.

(A) Interpretation of rivanol test results.

Attached Graphic

(B) Interpretation of test result codes. The following codes are utilized by the laboratory to represent the corresponding test results:

Attached Graphic

(4) Brucellosis Milk Surveillance Test (BMST). The brucellosis milk surveillance test, conducted by methods approved by USDA-APHIS-VS, is a test that may be used to classify herds or cattle as suspected of being infected with brucellosis.

(5) Buffered acidified plate antigen test. Buffered acidified plate antigen tests may be used to classify cattle as negative on MCI samples collected at slaughter and at livestock markets. This test may also be used in state-federal laboratories for routine samples collected on farms.

(6) Rapid screening test (RST). The RST may be used as a test for classifying cattle as negative in state-federal laboratories.

(7) Standard tube agglutination test (STT) or standard plate agglutination test (SPT). The blood or semen titers of cattle and bison tested by the STT or SPT methods are interpreted in the following ways:

Attached Graphic

(8) Particle concentration fluorescence immunoassay (PCFIA) test. May be used to determine the brucellosis disease status of test-eligible cattle and bison when conducted by methods approved by USDA, APHIS, VS. When used as a supplemental test on card-positive Strain 19 vaccinated dairy cattle, a negative PCFIA result will allow them to be classified as negative for intrastate movement only.

(9) Concentration immunoassay test (CITE). Used as a supplemental test in market channels where cattle have been disclosed as positive by use of the card test. CITE positive animals will be considered as reactors and the remainder of the consignment be considered as exposed and moved in accordance with subsection (i)(2) of this section.

(10) New tests under research. Laboratory tests approved by the executive director are authorized to be used in conjunction with tests listed in this subsection for evaluation of their future usefulness in the program.

(c) Reclassification of reactors. Cattle initially classified reactors may be reclassified provided a complete epidemiological investigation of the herd is conducted and there is no evidence of field strain Brucella abortus infection or exposure thereto.

(d) Requirements for a herd test.

(1) Test eligibility.

(A) Priority herds--All sexually intact female cattle four months of age and older and all bulls 18 months of age and older.

(B) Other than priority herds--All cattle that are parturient or post parturient or 18 months of age and older except steers and spayed heifers.

(2) Calfhood vaccination requirements. All female cattle between four and 12 months of age in affected herds must be vaccinated at the time of testing.

(3) Identification requirements. All cattle tested shall be identified with either an official eartag, an individual registration tattoo, or individual registration brand. All cattle in priority herds except steers, spayed heifers, and bulls under 18 months must be officially identified regardless of test eligibility.

(e) Requirements of a market test.

(1) All cattle 18 months of age and over except steers and spayed heifers shall be tested unless they were tested within the previous 30 days and:

(A) are accompanied by a test document approved by the commission; and

(B) identified with official eartag; and

(C) either identified with legible individual brand, bangle tag, chalk number, or backtag with this identification shown on a test document; or each animal examined so that the eartag can be matched to the test document.

(2) Each animal(s) tested at the market shall be identified by official eartag and official backtag.

(3) The market shall supply the following information to the accredited veterinarian prior to conducting the card test for inclusion on the VS Form 4-54 after results of the test are known:

(A) full name, street address and/or route address, and zip code of the owner of the cattle at the time cattle are delivered to the market;

(B) backtag number, with prefix, for each head of cattle.

(4) The veterinarian shall not conduct the card test prior to receiving the name and address of the owner from the market.

(5) At time of testing of the cattle, the following additional information is required to be included on the VS Form 4-54.

(A) eartag number (list all nine characters);

(B) date of test;

(C) full name and address of the market;

(D) tester's card test permit number; and

(E) signature of the person who tested the cattle.

(6) The veterinarian interpreting the card test results shall, at the time of testing, immediately report any and all positive test results to the state-federal market inspector by means of the completed VS Form 4-54.

(7) Cattle which show a positive reaction to the card test shall have another blood sample collected from them by an inspector. The inspector will conduct another card test and the CITE test or deliver the sample to a laboratory for a PCFIA test. If negative to the CITE or PCFIA tests, Strain 19 vaccinated dairy cattle shall be classified negative for intrastate movement only and marked on the hip with yellow paint. If negative to the CITE or PCFIA tests, beef cattle and non-Strain 19 vaccinated dairy cattle shall be classified as suspect(s) and may be permitted to return to the premises of origin under hold order for retest or be "S"-branded and permitted to slaughter or to a quarantined feedlot or designated pen. In either case, the remainder of the consignment may move unrestricted. Samples tested with the CITE test shall then be submitted to a state/federal laboratory in a vacutainer for supplemental testing and accompanied by a completed Form 91-28 which lists only the card positive cattle.

(f) Requirements of a slaughter test. Slaughter plants operating in Texas shall collect blood from all cattle 18 months of age and over except steers and spayed heifers and finish fed cattle under 36 months of age. All blood samples collected at slaughter shall be submitted to a state-federal laboratory. Identification of the cattle

in relation to the sample shall be maintained so that reactors or suspects may be traced to their herd of origin. The following collection procedures shall be followed:

(1) Blood samples shall be collected from each animal in tubes numbered in sequence for each day's kill and placed in innercell mailing cartons furnished by USDA.

(2) The samples shall be listed in numerical order on the USDA Test Record, Market Cattle Testing Program Form (VS 4-54). All man-made identification devices such as backtags, eartags, and bangle tags for each animal shall be recorded on the VS 4-54 in the appropriate columns to the corresponding blood sample.

(3) Known brucellosis reactors shall be identified on the VS 4-54 by entering "FR" in the test interpretation column.

(4) The full name and address of each person or firm from which each animal was secured shall be recorded on the VS 4-54 and daily kill sheets. Test records shall show the slaughter plant name and address, the date of collection (kill date), and the signature of collector.

(5) The blood samples with the complete VS 4-54 and daily kill sheets shall be promptly submitted to the appropriate state-federal laboratory.

(6) If cattle are delivered by someone other than the slaughterer or the slaughterer's agent, the license plate number of the vehicle delivering the cattle shall be recorded on slaughter records and made available to commission personnel upon request.

(g) Retest of reactors. Reactors in markets or initial tests on farms and ranches will be retested at the owner or his agent's request; provided this request is within five days of his notification of the original blood test results and prior to identification of the reactors by "B" brand and eartag. Retest of reactors will be accomplished within five days of approval for retest in dairies and 10 days of approval for retest in beef herds. Reactor animals will be isolated from other cattle while awaiting retest. Animals classified as reactors on the retest will be branded within 48 hours of classification. Retesting of reactors on subsequent tests of the herd will be as provided for in the herd plan.

(h) Identification of brucellosis affected cattle.

(1) Reactor cattle. All reactor cattle shall be permanently identified within 15 days of classification by hot iron branding with the letter "B" (at least two by two inches), placed high on the left hip near the tailhead. An approved reactor tag shall be placed in the left ear. Identification shall be prior to movement.

(2) Exposed Cattle. All exposed cattle moving to a quarantined feedlot, designated pen, quarantined pasture, or to slaughter shall be identified by branding with a hot iron the letter "S" (at least two by two inches) placed high on the left hip near the tailhead. Identification shall be prior to movement, except exposed cattle on the premise of origin may be "S" permitted to a livestock market where they shall be identified by "S" brand upon arrival. Exposed cattle

returned from the livestock market to the herd of origin are exempt from such identification.

(3) Suspects. Cattle classified as suspects in markets will be identified as exposed cattle.

(i) Movement of cattle classified as reactors, exposed or suspects. There shall be no diversion from the permitted destination. When moved, the cattle must be maintained separate and apart from all other classes of livestock in pens reserved for this purpose at livestock markets or trucking facilities. These pens must be thoroughly cleaned and disinfected before reuse.

(1) Reactors. Reactors shall remain on the premises where disclosed until a "B" permit for movement to immediate slaughter has been obtained. Movement for immediate slaughter must be to a slaughtering establishment where federal or state meat inspection is maintained or to a livestock market for sale to such slaughtering establishment.

(2) Exposed cattle. All exposed cattle moving from a premise of origin or from a livestock market to a quarantined pasture, designated pen, quarantined feedlot, or to immediate slaughter shall remain on the premise where disclosed until an "S" permit VS Form 1-27 for movement has been prepared by a TAHC Representative and signed by the person or other legal entity moving the cattle. The completed "S" permit shall accompany the shipment of cattle to the permitted destination. Movement for immediate slaughter must be to a slaughtering establishment where Federal or State meat inspection is maintained or to a livestock market for sale to such slaughtering facility.

(3) Suspects. Suspects will be moved the same as exposed cattle, except at a livestock market in a consignment of otherwise negative cattle from a producer's herd of origin where the suspect is card positive on the presumptive test and negative to supplemental tests, cattle may move as follows:

(A) For beef cattle and non-Strain 19 vaccinated dairy cattle, the owner shall either:

(i) return the suspect under hold order to the herd of origin until:

(I) the suspect is negative to the card test, in which case the hold order will be released; or

(II) the suspect is classified as a reactor, in which case it must be disposed of as described in subsection (j) of this section; or

(ii) sell the suspect to a quarantined feedlot, designated pen, quarantined pasture, or to slaughter, identified with an "S" brand and a 1-27 permit.

(B) For Strain 19 vaccinate beef cattle, the owner shall either:

(i) return the suspect under hold order to the herd of origin until:

(I) the suspect is negative to the card test, in which case the hold order will be released; or

(II) the suspect is declared a stabilized suspect by an epidemiologist after subsequent testing conducted in not less than 30 days after the positive card test was conducted; or

(III) the suspect is classified as a reactor, in which case it must be disposed of as described in subsection (j) of this section; or

(ii) sell the suspect to a quarantined feedlot, designated pen, quarantined pasture, or to slaughter, identified with an "S" brand and a 1-27 permit.

(j) Immediate slaughter of reactors. Reactor cattle shall be sold for immediate slaughter and removed from the premise under "B" permit within 15 days from the date of identification for beef cattle and within seven days from the date of identification for dairy cattle. Movement for immediate slaughter shall be to a slaughtering establishment where Federal or State inspection is maintained or to a livestock market for sale to such a slaughtering establishment. When it has been determined by the Executive Director that a specific reactor or reactors present a significant risk of spread of brucellosis, those specific animals must move direct to slaughter and may not be moved to a livestock market.

(k) Removal of heifer calves from quarantined herds. Heifers born in an infected herd shall be removed from the herd immediately after they are weaned and kept as a separate heifer herd under quarantine, or moved to market with "S" permit to be "S" branded, or "S" branded and permitted prior to movement to a quarantined pasture, designated pen, quarantined feedlot, or slaughter.

(l) Requirements following classification of a dairy or a beef animal or a bison as a reactor or a suspect.

(1) The herd of which the reactor or the suspect was a part shall be placed under quarantine or hold order. When brucellosis infection is diagnosed in a herd, a quarantine will be placed on the herd. Any herd with fence line or across the road contact with the quarantined herd will be evaluated by a USDA or TAHC epidemiologist who will determine whether the herd should be placed under hold order. Other adjacent or high risk herds may be placed under hold order.

(2) All cattle in the herd except steers and spayed heifers are included in the quarantine or hold order. Any movement of quarantined cattle shall conform to subsections (h) and (i) of this section concerning identification and movement of reactor, exposed, or suspect cattle. Release of the quarantine will be as described in paragraph (7) of this subsection.

(3) An initial test of the herd which contained the reactor(s) or the suspect(s) and/or any other affected, adjacent or high risk herds will be conducted in accordance with subsection (d) of this section within a specified time set by state-federal personnel upon consultation with each herd owner unless waived by epidemiologist. If the Executive Director determines, based on epidemiological principles, that immediate action is necessary, the time for testing may be set without consultation with the herd owner.

(4) The results of the initial herd test of the herd which contained the reactor(s) or the suspect(s) and/or any other affected, adjacent or high risk herds will be used

to determine the need for, and development of an individual herd plan for prevention or elimination of brucellosis in that herd. The plan shall be developed by a State-Federal veterinarian of the brucellosis control program in consultation with the herd owner or caretaker and his veterinarian (if so requested by the owner). The plan developed by the Commission shall be final and the owner or caretaker will be provided a copy. Any proposed herd plan which has identified special management requirements will be reviewed by a State-Federal epidemiologist who will either support or modify the plan. A regional epidemiologist may waive vaccinating cattle over twelve months of age in infected herds. The terms and conditions of a herd plan may be amended in writing by the Commission upon good cause.

(5) The plan will consist of the following.

(A) Testing Procedures.

(i) All sexually intact female cattle four months of age and older and all bulls 18 months of age and older in the herd shall be presented for testing or retesting at intervals stated in the herd plan until the quarantine is released.

(ii) All cattle to be added to the herd shall be tested prior to commingling with the herd.

(iii) All stray cattle found in the herd shall be presented for testing.

(iv) Cattle identified as reactors shall be removed in accordance with subsection (j) of this section.

(v) Heifers born in the herd shall be removed in accordance with subsection (k) of this section.

(B) Vaccination Procedures.

(i) All nonvaccinated heifers shall be presented as soon as possible after they reach the age of four months and before the age of 12 months to be tested for brucellosis and vaccinated with an approved B. abortus vaccine. In the event heifers tested at the time of vaccination disclose reactor level titers, they will be classified and handled as reactors.

(ii) All female cattle over 12 months of age shall be presented to be adult vaccinated with an approved B. abortus vaccine within ten days of their negative serological test.

(iii) Replacement female cattle over 12 months of age shall be presented within ten days after a negative test, to be adult vaccinated prior to their addition to an already vaccinated herd. The epidemiologist will determine if adult vaccination of replacements must continue if the quarantine extends past 18 months, or if only calfhood vaccinates may be added.

(iv) Previously vaccinated negative female cattle shall be presented for revaccination with an approved B. abortus vaccine as determined by the epidemiologist.

(6) A person may protest an initial test or a herd plan for the prevention or elimination of brucellosis in each herd classified as affected, adjacent, or high risk due to a reactor or suspect animal, after consultation with the state-federal veterinarian of the Brucellosis Control Program.

(A) To protest, the herd owner must request a meeting, in writing, with the executive director of the commission within 15 days of receipt of the herd plan or notice of an initial test and set forth a short, plain statement of the issues that shall be the subject of the protest, after which:

(i) the meeting will be set by the executive director no later than 21 days from receipt of the request for a meeting;

(ii) the meeting or meetings shall be held in Austin; and

(iii) the executive director shall render his decision in writing within 14 days from date of the meeting.

(B) Upon receipt of a decision or order by the executive director which the herd owner wishes to appeal, the herd owner may file an appeal within 15 days in writing with the chairman of the commission and set forth a short, plain statement of the issues that shall be the subject of the appeal.

(C) The subsequent hearing will be conducted pursuant to the provisions of the Administrative Procedure and Texas Register Act, and Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(D) If the executive director determines, based on epidemiological principles, that immediate action is necessary, the executive director may shorten the time limits, as set out in subparagraphs (A) and (B) of this paragraph, to not less than five days. The herd owner must be provided with written notice of any time limits so shortened.

(7) Requirements for Quarantine Release.

(A) A herd is eligible for quarantine release following a minimum of three consecutive herd blood tests that are classified as negative. The first negative test shall be conducted at least 30 days after the last reactor is removed from the herd. The second negative test shall be conducted at least 120 days after the last reactor is removed from the herd. The third negative test shall be conducted a minimum of 12 months after the last reactor is removed from the herd.

(B) Heifers born in the herd and were removed from the herd and kept separately shall remain under quarantine until they test negative 30 days following calving.

(C) On the releasing test, official vaccinates that demonstrate suspect titers on the approved supplemental test shall be classified as suspects. After Strain 19 vaccinated suspects are stabilized, the remainder of the herd may be released from quarantine. These suspects shall remain under a hold order.

(D) To obtain a quarantine release, the owner/caretaker shall retest all cattle 18 months of age and over except steers and spayed heifers in units not under quarantine. The retest must be conducted not less than six months after the removal of the last reactor from the quarantined unit. This retest, together with the third negative test of the quarantined unit, may be used for herd certification if conducted no more than 14 months following a negative herd test after the removal of the last reactor. A designated brucellosis epidemiologist may exempt units from these retest requirements.

(E) Epidemiological data may be considered in the release of the quarantine.

(m) Official vaccination requirements.

(1) All official vaccinations will be conducted by approved personnel only.

(2) Calfhood vaccinated animals shall be permanently identified. If the animal is already identified with an official eartag before vaccination, an additional official eartag is not required. Vaccination tattoos must be applied to the right ear. For Brucella abortus Strain 19 vaccinates, the tattoo will include the U.S. Registered Shield and "V" which will be preceded by a number indicating the quarter of the year and followed by a number corresponding to the last digit of the year in which the vaccination was done. For Brucella abortus Strain RB 51 vaccinates, the tattoo will include the U.S. Registered Shield and "V," which will be preceded by a letter "R" and followed by a number corresponding to the last digit of the year in which the vaccination was done. Official vaccination (orange) eartags must be applied to the right ear unless the animal is already identified with an official eartag. If the cattle or bison are registered by a breed association recognized by VS, individual animal registration tattoos or individual animal registration brands may be used for identifying animals in place of official eartags.

(3) Adult vaccinated cattle that have been vaccinated over calfhood age as part of authorized whole-herd vaccination plans shall be permanently identified as vaccinates by the following procedures: tattoo or by hot "V" brand and by official eartag. Adult-vaccinated cattle and/or bison in these herds must be identified by either a "V" hot brand high on the hip near the tailhead with the open end down for RB 51, open end up for Strain 19, or by an official "AV" (adult vaccination) tattoo in the right ear. For Brucella abortus Strain 19 vaccinated animals, the "AV" in the tattoo is to be preceded by a number indicating the quarter of the year, and followed by a number corresponding to the last digit of the year in which the vaccination was done. For brucella abortus Strain RB 51 vaccinated animals, the "AV" in the tattoo is to be preceded by the letter "R," and followed by a number corresponding to the last digit of the year in which the vaccination was done. The brand or tattoo is in addition to the official eartag identification. If the cattle or bison are registered by a breed association recognized by VS, individual animal registration tattoos or individual animal registration brands may be used for identifying animals in place of official eartags. Official eartags, if required, will be placed in the right ear.

(4) Vaccination will be done by state/federal personnel following a negative test within ten days prior to adult vaccination.

(n) Community notification of infected herds.

(1) The status of infected herds and the application of quarantined feedlots, designated pens, and quarantined pastures are to be made known to herd owners in the immediate community. Notification of such herd owners may be achieved by means of an educational letter delivered through personal contact or by mail. When the herd has completed its individual herd plan, or the Quarantined Premise approval is terminated, the herd owners shall also be notified within 30 days by means of an educational letter delivered by personal contact or by mail.

(2) Notification to the Texas Department of Health. The Texas Department of Health will be notified within 15 days of the classification of an infected herd.

(o) Requirements for a quarantined feedlot. All parturient and post parturient cattle must be officially tested for brucellosis within 30 days prior to entry into a quarantined feedlot. All cattle except steers and spayed heifers in a quarantined feedlot shall be classified as exposed to brucellosis. The quarantined feedlot shall be maintained for finish feeding of cattle in drylot with no provisions for pasturing or grazing except in adjacent quarantined pastures. Negative exposed and untested test-eligible cattle must be permanently identified with a hot iron "S" brand high on the tailhead upon entering the quarantined feedlot. All cattle except steers and spayed heifers located in feedlots adjacent to quarantined pastures must be permanently identified with a hot iron "S" brand high on the tailhead upon entering such feedlots. All cattle except steers and spayed heifers leaving such feedlot must go directly to slaughter; or may be moved directly to another quarantined feedlot or designated pen with an "S" permit.

(p) Requirements of a quarantined pasture for "S"-branded heifers. The Commission in conjunction with the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Services (APHIS), Veterinary Services (VS) may issue an approval to a landowner or operator to operate a quarantined pasture for a period not to exceed eight months, which approval is personal to the person named, and nontransferable to any other premises from the premises described in the approval. To be considered, an applicant must submit a completed application in writing to the Texas Animal Health Commission. Hereafter, the word "operator" is used to indicate the person who received the approval to operate a quarantined pasture.

(1) The commission or USDA, APHIS, VS personnel shall make an on-site inspection of the premises prior to granting approval of the quarantined pasture to identify persons who own or control land having fence-line contact with the proposed quarantined pasture. Persons identified as owning or controlling land with fence-line contact shall be notified by the commission through certified mail of the pending application, and shall have the right to protest its approval under Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(A) Following notification of an application for a quarantined pasture for heifers, a person or persons owning or having control of land in fence-line contact with the proposed pasture may within 15 days of receipt of notification protest the application and request a meeting with the

executive director of the commission in writing, stating the grounds for his protest, which grounds may include, but are not limited to, the following:

(i) probability of disease transmission; or

(ii) condition of fences.

(B) After expiration of the period within which the persons owning or having control of land in fence-line contact with the proposed pasture may submit their protests, the executive director shall inform the protester(s) and the applicant of a meeting date, which meeting shall take place in Austin. The applicant shall furthermore be informed of the grounds stated in the protest(s).

(C) At the meeting, the protester(s) and the applicant shall have the right to adduce any evidence in support of their stated position.

(D) Within 14 days following the meeting, the executive director shall render his decision in writing and inform the protester(s) and the applicant of his decision by certified mail.

(E) Upon receipt of an adverse decision or order, the protester(s) or the applicant may within 15 days of such receipt file a written notice of appeal with the chairman of the commission stating the grounds for such appeal. The subsequent administrative hearing on the appeal shall be held before the commission in Austin, which hearing it may delegate to a hearing examiner. Such hearing shall be conducted in conformity with the Administrative Procedure and Texas Register Act and Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(2) The approval to operate a quarantined pasture shall automatically expire eight months from the date of approval.

(3) The operator may only admit "S" branded Texas heifers, whether spayed or not. He may not accept bulls and bull calves.

(A) The operator may only admit "S" branded heifers who have their central pair of deciduous (temporary) incisor teeth and weigh less than 500 pounds at the time of admission.

(B) The operator may not admit "S" branded heifers that show visible evidence of pregnancy.

(4) The operator shall obtain an "S" brand permit for all heifers prior to their leaving the quarantined pasture and shall be responsible for their moving either:

(A) to a market to be sold for movement directly to slaughter or to a quarantined feedlot or designated pen; or

(B) directly to slaughter; or

(C) directly to a quarantined feedlot or designated pen.

(5) Prior to expiration of the quarantined pasture application for "S" branded heifers, the operator may reapply for renewal of the quarantined pasture

designation for the same premises. An on-site inspection of the premise shall be made by commission or USDA, APHIS, VS personnel prior to granting approval for renewal of the quarantined pasture pursuant to requirements of paragraphs (1) and (3) of this subsection.

(6) An applicant denied approval may reapply any time upon a substantial change in circumstances.

(q) Market cattle identification. All cattle 18 months of age and older except steers and spayed heifers which are being moved from markets to slaughtering establishments shall be identified by a USDA approved backtag placed just below the midline and just behind the shoulder of the animal. The check-in document will identify each backtagged animal to the consignor.

(r) Requirements for Designated Pens. Cattle exposed to brucellosis may be moved into designated pens in feedlots provided they meet the following requirements.

(1) The designated pens shall be maintained for finish feeding of cattle in dry lot with no provisions for pasturing or grazing.

(2) Double cattle-proof fences shall separate the designated pens from the remainder of the feedlot with at least 12 feet of space between the fences where cattle are not maintained. An alley may satisfy this separation requirement as long as neither food nor water is available and cattle are not maintained in the alley.

(3) All parturient and post parturient cattle must be officially tested negative for brucellosis within 30 days prior to entry into designated pens, classified as exposed to brucellosis and handled as specified in this section.

(4) Cattle going to designated pens will be unloaded and moved directly into those pens, and not held in common receiving areas used for cattle not destined for designated pens.

(5) All cattle must be permanently identified with a hot iron "S" brand either on the left jaw or high on the tailhead upon entering the designated pens.

(6) Cattle fed in designated pens may be processed or treated in common processing, sick, or hospital areas if the common area is cleaned and disinfected with an approved disinfectant after each use for these cattle and prior to use by cattle not from designated pens. If separate facilities are used for cattle from designated pens, cleaning and disinfecting are not necessary.

(7) All cattle leaving such designated pens must go directly to slaughter accompanied by a VS 1-27 permit.

(8) Detailed records of all cattle entering and leaving the designated pens, including dates and numbers of cattle, must be maintained by the feedlot for inspection by Commission representatives.

(9) If designated pen status is eliminated or deactivated, either on the feedlot's request or on determination by the Commission, the designated pen status will be removed after the need for cleaning and disinfecting of the designated pens is evaluated.

(s) Entering premises. Representatives engaged in the Brucellosis Control Program are authorized to enter into any property for the exercise of any authority or the performance of any duties authorized in this regulation and shall practice such sanitary procedures so as to minimize the risk of physically transmitting the disease to other premises. Owners and caretakers owning or having charge of cattle shall gather their cattle and furnish necessary labor in drawing blood or milk samples, vaccinating and identifying animals.

(t) Requirements for cleaning and disinfecting.

(1) Dairy. When reactors are disclosed in cattle which use the same facilities daily, those facilities will be cleaned and disinfected under the supervision of Approved Personnel upon removal of infected animals.

(2) Beef. As determined by Approved Personnel under individual herd plan following removal of reactor animals.

(u) Requirements on dealer recordkeeping. Any dealer must maintain records of cattle that are parturient or postparturient or 18 months of age or older. Such records shall show the buyer's and seller's name and address, county of origin, number of animals, and a description of each animal, including sex, age, color, breed, brand, and individual identification such as eartag, bangle tag, backtag, tattoo or firebrand. Records at auctions and commission firms shall show the delivery vehicle license number. All dealer records must be maintained for a minimum of two years after the date of the transaction.

(v) Brucellosis advisory committees. There may be one or more committees of cattle owners in the state, appointed by the chairman of the commission, to serve at the pleasure of the Commission, for the purposes of advising the commission on matters pertaining to the brucellosis program.

Source Note: *The provisions of this §35.2 adopted to be effective September 27, 1983, 8 TexReg 3616; amended December 5, 1985, 10 TexReg 4523; amended to be effective August 12, 1986, 11 TexReg 3437; amended to be effective April 1, 1987, 12 TexReg 787; amended to be effective October 15, 1987, 12 TexReg 3541; amended to be effective February 15, 1988, 13 TexReg 602; amended to be effective May 5, 1988, 13 TexReg 1910; amended to be effective July 11, 1988, 13 TexReg 3223; amended to be effective February 13, 1989, 14 TexReg 567; amended to be effective February 16, 1989, 14 TexReg 691; amended to be effective July 14, 1989, 14 TexReg 3143; amended to be effective July14,1989, 14 TexReg 3201; amended to be effective September 20, 1989, 14 TexReg 4469; amended to be effective December 31, 1989, 14 TexReg 6547; amended to be effective March 26, 1990, 15 TexReg 1291; amended to be effective June 19, 1990, 15 TexReg 3081; amended to be effective September 28, 1990, 15 TexReg 5357; amended to be effective May 20, 1991, 16 TexReg 2469; amended to be effective August 19, 1991, 16 TexReg 4151; amended to be effective August 19, 1991, 16 TexReg 4223; amended to be effective March 15, 1992, 17 TexReg 1535; amended to be effective July 20, 1992, 17 TexReg 4747; amended to be effective March 22, 1994, 19 TexReg 1649; amended to be effective July 22, 1994, 19 TexReg 5475; amended to be effective*

October 22, 1995, 20 TexReg 7974; amended to be effective March 1, 1996, 21 TexReg 865; amended to be effective December 31, 1996, 21 TexReg 11477; amended to beeffectiveApril 16, 1997, 22 TexReg 3397; amended to be effective May 24, 1998, 23 TexReg 4902; amended to be effective September 6, 1998, 23 TexReg 8828; amended to be effective January 12, 2000, 25 TexReg 77; amended to be effective December 24, 2000, 25 TexReg 12376

RULE §35.3. Requirements for Certified Brucellosis Free Herd of Cattle

(a) Complete and sign herd plan agreement with the Texas Animal Health Commission and the United States Department of Agriculture, Animal and Plant Health Inspection Service and Veterinary Services.

(b) Testing will be on a herd basis including all offspring that are of an age to be tested. Certified free herd status is for a 12-month period.

(c) Cattle required to be tested. All cattle, except steers and spayed heifers, are subject to test requirements at 18 months of age.

(d) Qualifying methods. A herd may qualify by one or more of the following methods:

(1) Initial certification.

(A) Brucellosis Milk Surveillance Test (BMST). A minimum of four consecutive, negative brucellosis milk surveillance tests conducted at not less than 90-day intervals, followed by a negative herd blood test conducted within 90 days after the last negative brucellosis milk surveillance test.

(B) Complete herd blood test. Two consecutive, negative blood tests of all cattle required to be tested not less than 10 months, nor more than 14 months apart.

(2) Recertification. For continuous certification, a herd must have a negative herd blood test of all cattle required to be tested conducted within 60 days before the certification anniversary date. If the certification test is conducted within 60 days after the anniversary date, the certification period will be 12 months from the anniversary and not 12 months from the date of the recertifying test. During the interval between the anniversary date and the recertifying test, certification will be suspended. If a herd blood test for recertification is not conducted within 60 days after the anniversary date, the certification requirements are the same as for initial certification. BMST procedures are not used for recertifying herds.

(3) Purchase of a certified free herd.

(A) A negative herd blood test is not required when the cattle remain on the premises. A new certificate will be issued in the owner's name. The anniversary date and the herd number will remain the same.

(B) All or part of a certified free herd purchased and moved directly to premises without other cattle may qualify without a test. A new certification number will be issued. The anniversary date of the new herd is established by the test date of the herd of origin or by a new herd test of the purchased cattle.

(e) Qualifying Standards.

(1) Herd infection rates. The individual herd must disclose no evidence of infection at the time of initial certification or recertification. (A negative blood test and a complete epidemiological investigation may be used to resolve a suspicious BMST in qualifying a dairy herd.)

(2) Animal infection rates. The individual animals must disclose no evidence of infection at the time of initial herd certification or recertification.

(3) Suspects. When suspects are disclosed, an individual herd plan shall be developed for the future testing of the suspect(s) and the handling of the herd.

(4) Herd status, if reactors are classified. When one or more reactors are disclosed in a certified herd or in a herd under test for initial certification, it shall be considered affected and the quarantine and retest provisions shall apply. If a retest of a certified herd or of animals from such a herd reveals only one reactor, the certification status will be suspended until all provisions for release of quarantine have been met. If more than one reactor is disclosed, the herd certification is terminated until all provisions for release of quarantine have been met, and when additional provisions for initial certified brucellosis-free herd status required under subsection (d)(1) of this section have been met. Herd retests for quarantine release, and to fulfill the provisions required under subsection (d)(1) of this section may be conducted concurrently.

(5) Movement of cattle into a certified brucellosis-free herd.

(A) From certified brucellosis-free herds or class free states or areas. No test requirements on breeding or dairy cattle originating from certified brucellosis-free herds or class free states or areas. Cattle added to a certified brucellosis-free herd under this provision shall not receive new herd status for sale purposes until they have passed a 60-120 day post-entry retest.

(B) From Class "A" or "B" states or areas. Cattle required to be tested from herds not under quarantine must meet all interstate and intrastate movement requirements and must be retested negative between 60 and 120 days after being moved. Cattle added to a certified brucellosis-free herd under this provision shall not receive new herd status for sale purposes until they have passed a 60-120 day post-entry retest and have been included in an anniversary herd test.

(f) Proof of qualifying as a certified brucellosis herd.

(1) Initially a certificate will be issued.

(2) Recertification will be done by renewal certificate showing only the certified free herd number, number of animals, and owner.

Source Note: *The provisions of this §35.3 adopted to be effective September 27, 1983, 8 TexReg 3616; amended to be effective April 1, 1987, 12 TexReg 787; amended to be effective July 15, 1993, 18 TexReg 4235; amended to be effective May 24, 1998, 23 TexReg 4903; amended to be effective September 6, 1998, 23 TexReg 8828; amended to be effective December 24, 2000, 25 TexReg 12376*

RULE §35.4. Entry, Movement, and Change of Ownership

(a) Requirements for cattle from foreign countries without comparable brucellosis status that enter and remain in Texas. (Note: Cattle from foreign countries with comparable brucellosis status would enter by meeting the requirements for a state with similar status.)

(1) Permit requirement. Sexually intact cattle must obtain an "E" permit from the Texas Animal Health Commission prior to moving to a destination in Texas other than direct to slaughter, quarantined feedlot, or designated pens. The permit number must be entered on the Importation Certificate (VS Form 17-30) and a copy of that certificate forwarded to the Commission's office in Austin immediately following issuance.

(2) Branding requirements.

(A) Sexually intact cattle destined for a quarantined feedlot or designated pen must be "S"-branded prior to or upon arrival at the quarantined feedlot or designated pen.

(B) Spayed heifers shall be identified by branding prior to entry as specified in §35.1 of this title (relating to Definitions).

(3) Vaccination requirement. Nonvaccinated sexually intact female cattle between four and 12 months of age entering for purposes other than immediate slaughter or feeding for slaughter in a quarantined feedlot or designated pen shall be placed under quarantine on arrival and officially brucellosis vaccinated as outlined in §35.2(m) of this title (relating to General Requirements). The quarantine may be released after meeting test requirements.

(4) Testing requirements for bulls entering for purposes other than immediate slaughter or feeding in a quarantined feedlot or designated pen. Bulls entering for purposes other than immediate slaughter or feeding in a quarantined feedlot or designated pen shall be tested at the port of entry into Texas under the supervision of the port veterinarian, and placed under quarantine and retested 120 to 180 days after arrival. The quarantine will be released following a negative brucellosis test.

(5) Testing requirements for females entering for purposes other than immediate slaughter or feeding in a quarantined feedlot or designated pen. All sexually intact female cattle entering for purposes other than immediate slaughter or feeding for slaughter in a quarantined feedlot or designated pen shall be tested at the port of entry into Texas under the supervision of the port veterinarian, and placed under quarantine on arrival and retested for brucellosis in no less than 120 days nor more than 180 days after arrival for release of the quarantine; however, if the sexually intact female cattle have not had their first calf prior to the 120 to 180 day post entry test, the quarantine will not be released until a second negative test for brucellosis is conducted no sooner than 30 days after the animal has had its first calf and the second negative test has been confirmed.

(6) Testing requirements for sexually intact cattle moving directly to a quarantined feedlot or designated pen. All sexually intact cattle destined for feeding for slaughter in a quarantined feedlot or designated pen must be tested at the port of entry into Texas under the supervision of the port veterinarian. These cattle must be "S"-branded prior to or upon arrival at the quarantined feedlot or designated pen, and may move to the quarantined feedlot or designated pen only in sealed trucks with a VS 1-27 permit issued by a representative of TAHC or USDA.

(7) Responsibility for costs. All costs of calfhood vaccination, testing, and retesting shall be borne by the owner.

(b) Requirements for cattle entering Texas from other states.

(1) Vaccination. All non vaccinated female cattle between four and 12 months of age shall be officially vaccinated prior to entry. Exceptions to these vaccination requirements are:

(A) Female cattle entering for purposes of shows, fairs and exhibitions and returning to their original location.

(B) Female cattle moving within commuter herds.

(C) Spayed heifers.

(D) Female cattle from free states.

(E) Female cattle from other than free states shall be vaccinated as follows:

(i) Entering from an out-of-state farm of origin will be accompanied by a waybill to a Texas market, a feedlot for feeding for slaughter, or direct to slaughter. These cattle may be vaccinated at the market at no expense to the state prior to leaving the market and be moved freely. If these cattle are not vaccinated at the market, then they shall be consigned from the market only to a feedlot for feeding for slaughter or direct to slaughter, accompanied by an "S" permit. If consigned to a feedlot, they shall also be "F" branded high on the tail-head prior to or upon entering the feedlot.

(ii) Entering from an out-of-state livestock market to a Texas livestock market, a feedlot for feeding for slaughter or direct to slaughter will be accompanied by an "S" brand permit or certificate of veterinary inspection. Individual identification is not required. These cattle may be vaccinated at no expense to the state prior to leaving the market and be moved freely. If these cattle are not vaccinated at the market, then they shall be consigned from the market only to a feedlot for feeding for slaughter, or direct to slaughter, and accompanied by an "S" permit. If consigned to a feedlot, they shall also be "F" branded high on the tail-head prior to or upon entering the feedlot.

(iii) Entering from any out-of-state location and destined for a Texas premise may enter on a calfhood vaccination permit and must be vaccinated at no expense to the state within 14 days after arriving at the premise of destination.

(2) Testing. All non-quarantined cattle that are parturient or post parturient or that are 18 months of age and over (as evidenced by the loss of the first pair of temporary incisor teeth), except steers and spayed heifers entering Texas:

(A) shall be moved directly from:

(i) a class free state or area; or

(ii) a certified free herd; or

(iii) a commuter herd as defined in these sections; or

(B) Cattle not from class free states or areas, certified brucellosis free herds, or commuter herds shall be "S"-branded and moved directly to a quarantined feedlot, to designated pens, or to slaughter, accompanied with an "S" permit, or moved directly from a farm of origin to a USDA specifically approved livestock market to be "S"-branded and moved directly to a quarantined feedlot, to designated pens, or to slaughter accompanied with an "S" permit; or

(C) shall be tested negative one or more times as described in this subparagraph:

(i) cattle from a Class "A" state or area shall:

(I) be tested negative within 30 days prior to entry; or

(II) be moved directly from a farm of origin to a USDA specifically approved livestock market for a negative test prior to sale;

(ii) cattle from a class "B" state or area shall:

(I) be tested negative within 30 days prior to entry, accompanied with an "E" permit, and held under quarantine for a negative retest 45-120 days at a farm, ranch, or feedlot; or

(II) be moved directly from a farm of origin to a USDA specifically approved livestock market for a negative test and held under quarantine for a negative retest 45-120 days after sale to a farm, ranch, or feedlot.

(3) Requirements for cattle entering Texas directly from the Brucellosis Designated Surveillance Area (DSA) located in the states of Idaho, Wyoming, and Montana.

(A) All breeding bulls and sexually intact female cattle entering Texas for purposes other than immediate slaughter or feeding for slaughter in a feedlot shall be tested for brucellosis 60 to 120 days post entry or other time frames as approved by the commission to accommodate unique management practices.

(B) Sexually intact female cattle entering Texas that have not calved must be held until tested negative 30 to 90 days after calving (post parturient) or other time frames as approved by the commission to accommodate unique management practices.

(C) Nonvaccinated sexually intact female cattle between 4 and 12 months of age entering Texas for purposes other than immediate slaughter or feeding for slaughter shall be officially brucellosis vaccinated prior to entry as provided in paragraph (1) of this subsection. The vaccination exception in paragraph (1)(D) of this subsection does not apply to heifers from the DSA.

(D) All cattle must also meet the applicable requirements contained in Chapter 51 of this title (relating to Entry Requirements). All breeding bulls and sexually intact female cattle require an entry permit from the commission as provided for in §51.2 of this title (relating to General Requirements).

(4) Requirements for cattle entering Texas from the states of Idaho, Wyoming, and Montana that currently do not reside in the DSA:

(A) All breeding bulls and post parturient female cattle shall enter Texas with one of the following statements on the Certificate of Veterinary Inspection:

(i) The cattle represented on this certificate never resided in the DSA; or

(ii) The cattle represented on this certificate tested negative for brucellosis at least 60 days after leaving the DSA.

(B) Sexually intact female cattle that have not calved shall meet the requirements listed in paragraph (3)(B) of this subsection or may enter Texas with a statement on the Certificate of Veterinary Inspection that the cattle represented on this certificate never resided in the DSA.

(C) All cattle must also meet the applicable requirements contained in Chapter 51 of this title.

(5) Requirements for cattle entering Texas from states other than Idaho, Wyoming, and Montana that previously resided in the DSA:

(A) A statement on the Certificate of Veterinary Inspection indicating that the cattle represented on this certificate tested negative for brucellosis at least 60 days after leaving the DSA; or

(B) Must meet the applicable requirements contained in paragraph (3)(A) or (B) of this subsection.

(c) Change of ownership within Texas. It is recommended that all female cattle between four and 12 months of age being purchased or sold for use in grazing, breeding, or dairying operations be officially vaccinated.

(d) Movement to Mexico. All cattle 18 months of age and older except steers and spayed heifers must be tested negative within 120 days prior to export to Mexico for slaughter. Steers, spayed heifers, and feedlot finished bulls and heifers are not required to be tested prior to export. Test results must be recorded on the Certificate of Veterinary Inspection.

Source Note: *The provisions of this §35.4 adopted to be effective September 27, 1983, 8 TexReg 3616; amended to be effective March 21, 1984, 9 TexReg 1435; amended to be effective November 5, 1984, 9 TexReg 5477; amended to be effective July 11, 1985, 10 TexReg 2119; amended to be effective December 5, 1985, 10 TexReg 4523; amended to be effective*

May 23, 1986, 11 TexReg 2180; amended to be effective August 12, 1986, 11 TexReg 3437; amended to be effective November 10, 1986, 11 TexReg 4482; amended to be effective April 1, 1987, 12 TexReg 787; amended to be effective October 15, 1987, 12 TexReg 3541; amended to be effective February 15, 1988, 13 TexReg602; amended to be effective July 11, 1988, 13 TexReg 3223; amended to be effective September 20, 1989, 14 TexReg 4471; amended to be effective October 9, 1992, 17 TexReg 6443; amended to be effective December 18, 1992, 17 TexReg 8288; amended to be effective February 16, 1993, 18 TexReg 580; amended to be effective July 15, 1993, 18 TexReg 4235; amended to be effective September 17, 1993, 18 TexReg 5837; amended to be effective November 1, 1993, 18 TexReg 7156; amended to be effective March 22, 1994, 19 TexReg 1649; amended to be effective July 22, 1994, 19 TexReg 5476; amended to be effective May 31, 1995, 20 TexReg 3325; amended to be effective October 22, 1995, 20 TexReg 7974; amended to be effective September 30, 1996, 21 TexReg 8216; amended to be effective April 16, 1997, 22 TexReg 3397; amended to be effective September 6, 1998, 23 TexReg 8828; amended to be effectiveDecember 24, 2000, 25 TexReg 12376; amended to be effective April 8, 2001, 26 TexReg 2533; amended to be effective June 23, 2002, 27 TexReg 5167; amended to be effective April 9, 2003, 28 TexReg 2923; amended to be effective July 13, 2010, 35 TexReg 6061; amended to be effective July 2, 2012, 37 TexReg 4859; amended to be effective February 2, 2013, 38 TexReg 493; amended to be effective October 7, 2013, 38 TexReg 6908

RULE §35.6.Indemnity Payments to Owners of Cattle Exposed to Brucellosis

(a) Herd eligibility for payment of indemnity funds:

(1) the entire herd (all cattle under common ownership or management) must have been tested; and

(2) an indemnity agreement must be signed and approved for payment by the executive director and USDA, APHIS, VS veterinarian-in-charge; and

(3) the herd owner must comply with each requirement pertaining to herd depopulation and payment for indemnity; and

(4) the herd must be recommended for indemnity by the state epidemiologist.

(b) Criteria for selection of herds for indemnity payment:

(1) the herd must have a professional diagnosis, supported by culture or significant serology and compatible history; or

(2) a herd not meeting paragraph (1) of this subsection is recommended for indemnity by the state epidemiologist;

(3) all selections of herds or cattle for payment of indemnity are subject to availability of funds.

(c) General Requirements.

(1) The Commission, through its Executive Director, will determine the amount and number of animals for which indemnity will be paid. The owner of a herd selected for indemnity may be reimbursed from TAHC funds for depopulation at a total rate not to exceed:

(A) $100 per head for up to a total of 100 head of cattle which can be composed of exposed nursing males and negative exposed sexually intact females 18 months of age and older; and

(B) $100 per head for not more than five negative exposed bulls 18 months of age and older; and

(C) Actual cost of spaying not to exceed $10 per head. A spaying certificate and the proof of payment for cost of spaying must be submitted simultaneously with the indemnity claim.

(2) Depopulation funds shall not be paid for weaned steers or spayed heifers.

(3) All nursing male calves shall be castrated or "B" branded and permitted for immediate slaughter.

(4) To receive TAHC indemnity funds, all sexually intact cattle approved for depopulation must be removed from the premise within 45 days after the offer for indemnity payment is made to the herd owner. The offer date will be documented on the form TAHC 93-14.

(5) Depopulated sexually intact cattle shall be branded with the letter "B" high on the left hip near the tailhead and identified with a reactor eartag within the specified time intervals according to applicable state/federal requirements and prior to movement from the premise.

(6) Sexually intact cattle shall be moved from the premise accompanied with a VS 1-27. They shall either be moved directly to slaughter or through an approved livestock market for sale directly to slaughter and accompanied with a VS 1-27 from the market. In either case the cattle shall be slaughtered within the specified time intervals according to applicable state/federal regulations following identification. Steers and spayed heifers may be retained on the premise or move without restrictions.

(7) The owner of a herd approved for depopulation must agree to complete a herd test of all cattle 18 months of age and older except steers and spayed heifers no later than six months after repopulation with test-eligible breeding replacements.

(8) The owner of a herd approved for depopulation must agree to complete a herd test of all cattle 18 months of age and older except steers and spayed heifers in units not depopulated six to 12 months after depopulation.

(d) If approved by the State Epidemiologist, an owner may be paid $200 per B. abortus Strain 19 reactor, not to exceed the greater of five head or 5.0% of the herd.

Source Note: *The provisions of this §35.6 adopted to be effective September 28, 1990, 15 TexReg 5357; amended to be effective May 20, 1991, 16 TexReg 2469; amended to be effective November 22, 1991, 16 TexReg 6290; amended to be effective March 22, 1994, 19 TexReg 1649; amended to be effective December 5, 1994, 19 TexReg 9295; amended to be effective October 22, 1995, 20 TexReg 7974; amended to be effective March 1, 1996, 21 TexReg 865; amended to be effective December 31, 1996, 21 TexReg 11477; amended to be effective September 6, 1998, 23 TexReg 8828.*

RULE §35.7. Disposition of Animals Other Than Cattle That React to a Brucellosis Test

Equine that react positively to brucellosis testing and are diagnosed as infected shall be moved direct to slaughter accompanied by a VS Form 1-27 permit. Reactor equine may be permitted to an approved market for sale to slaughter if approved by a State-Federal epidemiologist. The permit must individually describe each horse and show any individual identification.

Source Note: The provisions of this §35.7 adopted to be effective August 19, 1991, 16 TexReg 4152; amended to be effective October 22, 1995, 20 TexReg 7974.

SUBCHAPTER B ERADICATION OF BRUCELLOSIS IN SWINE

RULE §35.41. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Adjacent herd--A herd of swine that occupies a premise that borders a herd known to be affected. (This includes herds separated by roads or fordable streams.)

(2) Boar--An uncastrated male swine that has reached a stage of maturity that allows him to be used as a breeding animal. The term also includes those uncastrated male swine that because of age or infirmity are no longer capable of being used for breeding.

(3) Brucellosis exposed swine--Swine that are part of a known infected herd or that have been in contact with brucellosis reactors in marketing channels for periods of 24 hours or longer, or for a period of less than 24 hours if the reactor has recently aborted, farrowed, or has a vaginal or uterine discharge. These animals are considered exposed regardless of the blood test results. Brucellosis suspect swine are also considered to be exposed. Brucellosis exposed swine must be placed under hold order or quarantine and restricted pending slaughter or pending release by the Texas Animal Health Commission (TAHC).

(4) Herd--

(A) all swine under common ownership or supervision that are grouped on one or more parts of any single premises (lot, farm, or ranch);

(B) all swine under common ownership or supervision on two or more premises that are geographically separated, but on which swine have been interchanged or where there has been contact among them on the different premises. Contact between swine on the different premises will be assumed unless the owner establishes otherwise and the results of the epidemiologic investigation are consistent with the lack of contact between premises; or

(C) all swine on common premises, such as community pastures, grazing association units, or waste food feeding complexes but owned by different persons. Other groups of swine owned by the persons involved which are located on other premises are considered to be part of this herd unless the epidemiological investigation established that swine from the affected herd have not had the opportunity for direct or indirect contacts with swine from that specific premises.

(5) Herd of origin of swine--Any herd or premises on which swine are farrowed and raised or premises on which those swine were maintained for a period of 60 days or more immediately before being shipped.

(6) Herd test--The herd test shall include all sexually intact swine six months of age and older. All swine tested shall be identified with an eartag, tattoo, or other permanent identification. (All swine held for feeding purposes are exempt from herd test provided they are maintained separate and apart from the breeding herd.)

(7) High risk herd--A herd that is epidemiologically judged by a state/federal veterinarian to have a high probability of having or developing brucellosis. A high risk herd need not be located on the same premise as an infected or adjacent herd.

(8) Identification of reactor--Reactor swine are to be identified by placing a red serially numbered reactor tag in the left ear.

(9) Infected herd--A herd of swine in which one or more reactors has been disclosed.

(10) Infected herd retest--A retest of an infected herd shall include all sexually intact swine of weaning age or older.

(11) Market swine test (MST)--Tests on sows and boars moving in trade through livestock markets, stockyards, buying stations, or to slaughter establishments and those sows and boars assembled at farms or ranches that are being readied for immediate movement to markets, stockyards, or a slaughter establishment or to other sales.

(12) Sow--A female swine that has given birth to one or more pigs or that is parturient.

(13) Swine classification--

(A) Negative--An animal that is considered and judged to be free of swine brucellosis by a state/federal veterinarian according to the guidelines found in §35.42 of this title (relating to Classification of Swine by Blood and Semen Tests).

(B) Suspect--An animal which tests indicate may be infected with brucellosis and classified as such by a state/federal veterinarian according to the guidelines found in §35.42 of this title (relating to Classification of Swine by Blood and Semen Tests). Animals classified as suspects will be identified as brucellosis exposed swine.

(C) Reactor--An animal considered and determined to be infected with swine brucellosis by a state/federal veterinarian based on testing and guidelines in §35.42 of this title (relating to Classification of Swine by Blood and Semen Tests).

(14) Swine Commuter Herd--A swine entity with operations in two or more states and whose normal management practices involve movement of swine interstate between operations which it controls, without change of ownership. A swine Commuter Herd Agreement must be signed by a representative of the swine entity and the State Chief Animal Health Officials where swine entity is located. This Agreement will continue until canceled by the swine entity or one of the signatory states.

(15) Waste food feeding complex--A premise where more than one owner raises swine and where at least one of the owners feeds waste food to swine.

(16) Waste food feeding operation (garbage feeder)--A swine operation that feeds material defined as garbage in §55.3 of this title (relating to Feeding of Garbage).

Source Note: *The provisions of this §35.41 adopted to be effective July 1, 1990, 15 TexReg 3081; amended to be effective September 28, 1990, 15 TexReg 5357; amended to be effective July 20, 1992, 17 TexReg 4747; amended to be effective September 6, 1998, 23 TexReg 8828; amended to be effective August 22, 1999, 24 TexReg 6279*

RULE §35.42. Classification of Swine by Blood and Semen Tests

(a) Tests on blood serum.

(1) Standard card test (SCT). Card test results are used to classify swine as positive or negative. All swine positive to the SCT should be subjected to confirmatory testing.

(2) Confirmatory test procedures. The Particle Concentration Fluorescence Immunoassay (PCFIA) will serve as the confirmatory test.

Attached Graphic

(3) Rivanol test. The results of the Rivanol test are to be evaluated by the designated brucellosis epidemiologist.

Attached Graphic

(b) Semen plasma test. This test is approved for use as a supplemental test of boars used for artificial insemination but must be employed with other serological tests. Final classification will be based on the most reactive test procedure.

(c) Animals testing positive on any blood test performed will be considered as brucellosis exposed swine and an initial test of the herd of origin will be conducted within a specified time set by a state-federal veterinarian upon consultation with the herd owner unless waived by the designated brucellosis epidemiologist.

(d) When deemed necessary to the establishment of a final herd diagnosis by the epidemiologist, the purchase of an individual animal with equivocal serological testing results is authorized in order to secure the tissues needed to arrive at a definitive herd diagnosis. The rate of indemnity shall not exceed the fair market value for an individual animal. The indemnity is subject to the availability of funds. The Commission will pay the owner the unreimbursed amount determined by deducting the salvage value and any applicable federal indemnity from the appraised value not to exceed $100.00 for each animal classified under this subsection.

(e) Reclassification. Animals may be reclassified by the designated epidemiologist when consideration and evaluation of relevant bacteriologic, serologic, or epidemiological evidence justifies the reclassification.

Source Note: *The provisions of this §35.42 adopted to be effective July 20, 1992, 17 TexReg 4747; amended to be effective August 22, 1999, 24 TexReg 6279; amended to be effective December 24, 2000, 25 TexReg 12376*

RULE §35.43. Persons Authorized To Conduct Official Test

(a) Collection of samples. Only veterinarians who are accredited by the United States Department of Agriculture, or their employees, or regularly employed representatives of the Texas Animal Health Commission or the United States Department of Agriculture are authorized to collect blood samples for the purpose of conducting tests for brucellosis. The accredited veterinarian is responsible for all acts of his employees engaged in brucellosis testing.

(b) Conducting official test. The following persons or facilities are authorized to conduct the BBA card test:

(1) veterinarians approved by the commission and the United States Department of Agriculture;

(2) regularly employed and authorized representatives of the Texas Animal Health Commission or the United States Department of Agriculture;

(3) other individuals approved by the commission and the United States Department of Agriculture.

(c) Reporting test results. Results of all swine brucellosis tests must be reported to the Texas Animal Health Commission within 48 hours.

Source Note: *The provisions of this §35.43 adopted to be effective September 28, 1990, 15 TexReg 5357; amended to be effective July 20, 1992, 17 TexReg 4748.*

RULE §35.44.Identification and Movement of Brucellosis Infected and Exposed Swine

(a) Reactors. Reactor swine shall be identified with a red serially numbered reactor tag in the left ear and be sold to slaughter under state or federal permit (VS 1-27) within 15 days of the date they are identified as reactors. (Reactor herds under Plan 2, Chapter 35.47, may handle reactors according to recommended procedures of the plan.) Reactors must remain on the premises where they were found until the owner obtains a state or federal permit for movement to slaughter. Swine moved for immediate slaughter must go to a recognized slaughter establishment or to a state or federally approved market and held separate and apart from other swine for sale to a recognized slaughter establishment. Reactor swine must be slaughtered as soon as practical. The time may be extended for reasons mutually acceptable to the cooperating state and federal officials in charge.

(b) Quarantined and exposed swine. Quarantined and exposed swine, when moved, must be accompanied by a permit (VS 1-27). They can be moved for immediate slaughter. When moved, the swine must be segregated from all other classes of livestock. When moved to premises other than the herd of origin, exposed animals must be individually identified by eartag and the number must be recorded on the permit.

Source Note: *The provisions of this §35.44 adopted to be effective September 28, 1990, 15 TexReg 5358; amended to be effective July 20, 1992, 17 TexReg 4748.*

RULE §35.45. Procedures for Handling Brucellosis Infected, Adjacent, and High Risk Herds of Swine

(a) Infected herds. All swine in infected herds must be confined to the premises under quarantine until the herd has been freed of brucellosis or sold for slaughter under permit. Three negative infected herd retests are required for release of quarantine, with the first retest occurring not sooner than 30 days nor more than 60 days after all reactors have been removed for slaughter. The second retest must be conducted 60 to 90 days after the first negative retest. A third negative infected herd retest is required 60 to 90 days following the second retest. Herds of origin of market swine test (MST) reactors that fail to reveal additional reactors on a herd test would not be required to be held under quarantine for additional testing unless there is evidence of Brucella infection or exposure to brucellosis.

(b) Adjacent and high risk herds. All swine in adjacent and high risk herds may be quarantined until an epidemiologist through testing or other epidemiological evidence determines the herd is not infected or not at risk of becoming infected.

(c) Depopulation. Any infected, adjacent, or high risk herd may be depopulated. The commission may order depopulation of a herd following a determination by the epidemiologist that the herd is a problem herd based on test results or other epidemiological data involving the herd.

(d) Indemnity. Indemnity may be paid to the herd owner, whose herd has been ordered depopulated, if funds are made available for indemnity purposes. The following criteria will be used in the payment of indemnity.

(1) The entire herd (all swine under common ownership or management) must have been declared as infected or exposed.

(2) An indemnity agreement must be signed and approved for payment by the executive director and the USDA, APHIS, VS veterinarian-in-charge.

(3) The herd owner must comply with each requirement pertaining to herd depopulation and payment for indemnity.

(4) All swine in a herd must be depopulated. They will be either permitted to slaughter on a VS Form 1-27 or euthanized.

(5) State indemnity funds, when available, will be used for the reimbursement to the owner for swine not eligible for federal indemnity funds. The amount of state indemnity will be determined by an appraisal of the market value of the swine at time of depopulation less salvage, not to exceed $50 per head.

Source Note: *The provisions of this §35.45 adopted to be effective September 28, 1990, 15 TexReg 5358; amended to be effective July 20, 1992, 17 TexReg 4748; amended to be effective March 22, 1994, 19 TexReg 1650.*

RULE §35.46. Plans for Eradicating Brucellosis from Infected Swine Herds

If infection is disclosed in swine herds, one of the following plans or one similar shall be selected for eradicating the disease. If the herd owner fails to agree to a plan to eradicate brucellosis from the herd, a plan shall be developed by the veterinarian representing the commission.

(1) Plan one. This plan is recommended for commercial herds. The following procedures should be carried out:

(A) market the entire herd for slaughter as soon as practicable;

(B) clean and disinfect houses and equipment;

(C) restock premises with animals preferably from validated brucellosis-free herds, placing them on ground that has been free of swine for at least 60 days.

(2) Plan two. This plan is recommended for use in infected purebred herds only where it is desired to retain valuable bloodlines. The following procedures should be carried out:

(A) separate gilt pigs from sows at 28 days of age or less and isolate;

(B) market infected herd for slaughter as soon as practicable. Infected sows should not be rebred and should be slaughtered as soon as possible. Complete isolation of infected animals is essential. The separated weanling pigs form the nucleus for establishment of the infection-free herd;

(C) test the gilts to be used for the following breeding season about 30 days before breeding. Save only the gilts that are negative. Breed only to negative boars;

(D) retest the gilts after farrowing and before removing them from individual farrowing pens. If reactors are found, they should be segregated from the remainder of the herd and slaughtered as soon as possible. Select only pigs from negative sows for breeding gilts;

(E) after three consecutive negative infected herd retests the herd is eligible for release from quarantine. The first test must be at least 30 days after all reactors have been removed and slaughtered and the second test must be 60 to 90 days after the first test. A third test is required 60 to 90 days following the second negative retest.

(3) Plan three. This plan is not recommended in general, but it has been found useful in herds where only a few reactors are found and where no clinical symptoms of brucellosis have been noted. Carry out the following procedures:

(A) market reactors(s) for slaughter;

(B) retest herd at 30-day intervals removing reactors for slaughter until the entire herd is negative;

(C) if the herd is not readily freed of infection, abandon this plan in favor of plan one or plan two.

(D) After three consecutive negative infected herd retests the herd is eligible for release from quarantine. The first test must be at least 30 days after all reactors have been removed and slaughtered and the second test must be 60 to 90 days after the first test. A third test of the herd is required 60 to 90 days following the second negative retest.

Source Note: *The provisions of this §35.46 adopted to be effective September 28, 1990, 15 TexReg 5359; amended to be effective July 20, 1992, 17 TexReg 4749.*

RULE §35.47. Owner Assistance

If ordered by the commission or its representative, the owner or caretaker of swine shall submit the swine and furnish labor and facilities used in normal operation in order that

the swine may be tested, vaccinated, or otherwise handled in accordance with these rules.

Source Note: *The provisions of this §35.47 adopted to be effective November 22, 1991, 16 TexReg 6290.*

RULE §35.48. Initial Validation and Revalidation of Individual Swine Herd

(a) Qualifying methods. Swine herds may be validated or revalidated as brucellosis-free by the following methods.

(1) Complete herd test. Swine herds may be initially validated or revalidated when the herd test is negative.

(2) Increment testing. Swine herds may be validated or revalidated when all breeding swine (six months of age and older) in the herd are tested negative in the 25% increments every 80 to 105 days or in 10% increments every 25 to 35 days according to a specified herd testing plan with each breeding animal in the herd tested at least once during the one-year validation period. No swine may be tested twice in one year to comply with the 25% requirement or twice in 10 months to comply with the 10% requirement.

(b) Conditions for validating the herd.

(1) Size of unit. Validated free herd status applies to entire herds and includes all offspring.

(2) Duration of status. A herd is validated for 12 months. There is no grace period.

(3) Testing period.

(A) For initial validation, a herd can be validated based on the results of one negative herd test or through increment testing on a quarterly or monthly basis.

(B) For revalidation a herd must:

(i) have a negative herd test conducted within 10 to 12 months of the last validation date; or

(ii) show that all breeding swine (six months of age and older) in the herd are tested negative in 25% increments every 80 to 105 days or in 10% increments every 25 to 35 days according to a specified herd testing plan, with each breeding animal tested at least once during the one-year validation period. No swine may be tested twice in one year to comply with the 25% requirement or twice in 10 months to comply with the 10% requirement.

(4) Herd infection rate. There must be no evidence of infection at the time the herd is initially validated or revalidated.

(5) Animal infection rate. There must be no evidence of infection in individual animals at the time the herd is initially validated or revalidated.

(6) Suspects. If swine that are classified as suspect are found in a herd that is otherwise serologically, bacteriologically, and epidemiologically negative, the herd may be held under quarantine until the suspects are further evaluated and their status is determined.

(7) Herd status, if infection occurs. When one or more reactors are found in a validated herd or in a herd being tested for initial validation, it will be considered infected and quarantined and the eradication procedures in this section will apply.

(A) Initial validation. A herd qualifies for initial validated brucellosis-free status when it is free of infection, when all provisions for release of quarantine have been met, and when the additional provisions required under subsection (a)(1) of this section have been met.

(B) Revalidation. If a complete or partial test of a validated herd reveals reactors, herd validation status is terminated until all provisions for release of quarantine have been met, and the additional provisions for initial validated brucellosis-free herd status required under subsection (a)(1) of this section have been met.

(C) Herd retests for release of quarantine may also be used to fulfill the provisions required under subsection (a)(1) of this section.

(8) Movement of swine into validated brucellosis-free herds.

(A) Swine originating from validated brucellosis-free herds may enter without test.

(B) Breeding swine originating from nonvalidated herds must have a negative test within 30 days prior to date of entry. These animals must be held in isolation and be retested 30 to 60 days after arrival.

(C) Swine from feedlots may not be added to validated brucellosis-free herds. However, swine may be consigned to feedlots on premises with validated brucellosis-free herds without testing, provided those swine are held in isolation and segregated from all breeding stock.

(D) Consignments of slaughter swine may not be added to validated brucellosis-free herds.

(9) Use of swine semen in validated brucellosis-free herds. All semen used must be from boars in validated brucellosis-free herds.

Source Note: *The provisions of this §35.48 adopted to be effective July 1, 1990, 15 TexReg 3085; amended to be effective July 20, 1992, 17 TexReg 4749.*

SUBCHAPTER C ERADICATION OF BRUCELLOSIS IN GOATS

RULE §35.60. Definitions

The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Adjacent herd--A herd of livestock that occupies a premise that lies within one mile of an affected herd.

(2) Affected herd--A herd in which any animal(s) has been classified as a reactor or suspect and the requirements of the individual herd plan have not been met.

(3) Approved laboratory--A State or Federal veterinary diagnostic laboratory for brucellosis testing that must be approved by USDA, APHIS, VS and State animal health authorities.

(4) Approved personnel--Texas Animal Health Commission inspectors and veterinarians; Federal Animal Health technicians and veterinarians; accredited Texas veterinarians; and others who have been approved to do those assigned duties as described in these regulations for brucellosis control and eradication.

(5) Brucellosis--For purposes of this regulation, brucellosis is a contagious, infectious disease of cattle, sheep, goats, horses, and swine caused by *Brucella melitensis.*

(6) Certified free herd-- A Herd that is operating under a signed agreement with the commission and has met the requirements of §35.62 (d) of this title (relating to Requirements for Certified Brucellosis Free Herd of Goats).

(7) Commission--Texas Animal Health Commission.

(8) Epidemiologist--A veterinarian who has received a degree in epidemiology and is y the commission or USDA, APHIS, VS.

(9) Executive director--The chief executive director of the Texas Animal Health Commission appointed by the commissioners and authorized to act for the commissioners in the absence of the chairman.

(10) Exposed livestock--Animals that are part of an affected herd or animals that have been in contact with an affected animal. These animals shall be classified as exposed regardless of any blood test results.

(11) Goats--Domestic caprine (genus Capra) kept for the purpose of producing meat, milk or fiber.

(12) Herd-- All animals maintained on a single premise which are commingled; and all animals under common ownership or supervision on two or more premises with animal interchange between the premises.

(13) High risk herd--A herd that is epidemiologically judged by a state-federal veterinarian to have a high probability of having or developing brucellosis. A high risk need not be located on the same premise as an infected or adjacent herd.

(14) Hold order--A document restricting movement of a herd, unit, or individual animal pending the determination of disease status.

(15) Individual herd plan--A disease management and testing plan to prevent, control, and eliminate brucellosis in a herd.

(16) Official identification--A Veterinary Services or TAHC approved identification eartag, registration tattoo, or other approved device that uniquely identifies each individual animal. The official identification may not be removed from the animal.

(17) Premise--An area defined by the outermost boundary of land under common ownership or control enclosed by a perimeter fence of other boundary. A premise may consist of more than one pasture.

(18) Reactor-- Animals classified as being infected with brucellosis as a result of serological testing or microbiological culturing of blood, tissue, secretions, or excretions from the animal.

(19) Regulatory Veterinarian--A veterinarian employed by TAHC or USDA, APHIS, VS.

(20) Sheep--Domestic ovine (genus ovis) kept for the purpose of producing milk, meat, or fiber.

(21) Suspect--Animals classified as suspicious of being infected with brucellosis as a result of serological tests.

Source Note: *The provisions of this §35.60 adopted to be effective September 28, 1990, 15 TexReg 5359; amended to be effective December 24, 2000, 25 TexReg 12376*

RULE §35.61. General Requirements

(a) Testing of blood.

(1) All tests shall be made by approved personnel only as the basis for compliance with these regulations.

(2) All tests must be confirmed by an approved laboratory as the basis for compliance with these regulations.

(3) Samples for all retest purposes will be collected by commission or APHIS personnel and submitted to an approved laboratory for confirmation testing.

(b) Classification or goats. (Note: this paragraph also pertains to sheep). Test results shall be interpreted by State or Federal regulatory veterinarians. The following are approved tests:

(1) Card test. The card (buffered Brucella antigen, or BBA test) may be used to test goats. The 3% (antigen concentration) BBA test is used as a presumptive or screening test. The 8% (antigen concentration) BBA test may be used as a definitive test. Results of the card test may be used with other test results conducted in the approved laboratory to aid in the classification of animals.

(2) Manual complement fixation (CF) test.

(A) Interpretation of the manual CF test results.

Attached Graphic

(B) Interpretation of test result codes. The following codes are utilized by the laboratory to represent the corresponding test results:

Attached Graphic

(3) Standard tube agglutination test (STT) or standard plate agglutination test (SPT). Interpretation of STT and SPT tests.

Attached Graphic

(4) Particle concentration fluorescence immunoassay (PCFIA) test. May be used to determine the brucellosis disease status of livestock when conducted by methods approved by USDA, APHIS, VS. Interpretation of PCFIA test results.

Attached Graphic

(5) New tests under research. Laboratory tests approved by the executive director are authorized to be used in conjunction with tests listed in this subsection for evaluation of their future usefulness in the program.

(c) Reclassification of reactors. Animals initially classified as reactors may be reclassified provided a complete epidemiological investigation of the herd is conducted and there is no evidence of field strain *Brucella melitensis* infection exposure thereto.

(d) Requirements of a herd test.

(1) Test eligibility--All goats that are one year of age or older as evidenced by the eruption of their first permanent incisor teeth shall be included in the herd test. Testing requirements for species other than goats will be specified by the epidemiologist.

(2) Identification requirements. All animals tested shall be identified with an official identification.

(e) Procedures in affected herds.

(1) Herds which contain animals classified as suspects shall be placed under hold order. The suspect or herd shall be retested as necessary to establish a final diagnosis.

(2) Herds which infection has been diagnosed by a State/Federal regulatory veterinarian based on culture, serology, or epidemiological evidence, with concurrence by the epidemiologist, will be placed under quarantine. An individual herd plan outlining procedures to eliminate the disease will be developed by the

regulatory veterinarian in consultation with the epidemiologist and the herd owner or caretaker and his veterinarian (if requested by the owner). If a plan cannot be agreed upon, then the plan developed by the commission shall be final and the owner caretaker will be provided a copy. The plan shall include provisions for depopulation of exposed livestock as specified in (f) of this section. The quarantine may be released 30 days after completion of depopulation and any required cleaning/disinfecting. The premise shall not be restocked prior to quarantine release.

(3) An epidemiological investigation will be performed following the diagnosis of infection. All exposed livestock, adjacent and high risk herds shall be placed under hold order and tested one or more times as deemed necessary by the epidemiologist. Testing requirements for species other than goats will be specified by the epidemiologist.

(f) Depopulation with indemnity.

(1) All exposed livestock shall be humanely destroyed and disposed of on the premise where disclosed or at a facility approved by the Executive Director.

(2) When it has been determined that an animal has brucellosis or was exposed the Commission may pay indemnity. This is subject to the availability of funds and this is determined by the unreimbursed amount determined by deducting the federal compensation from the appraised value not to exceed $100.00 for each animal classified under this subsection for no more than one hundred (100) animals.

Source Note: *The provisions of this §35.61 adopted to be effective September 28, 1990, 15 TexReg 5359; amended to be effective December 24, 2000, 25 TexReg 12376*

RULE §35.62. Requirements for Certified Brucellosis Free Herd of Goats

(a) A certified brucellosis free goat agreement must be completed and signed with the Texas Animal Health Commission.

(b) Brucellosis testing will be on a herd basis. Certified free herd status is for a 12-month period.

(c) Goats required to be tested--all sexually intact goats are required to be tested at one year of age or older as evidenced by the eruption of their first pair of permanent incisor teeth.

(d) Qualifying methods:

(1) Initial certification. Two consecutive, negative blood tests of all goats required to be tested not less than 10 months, nor more than 14 months apart;

(2) Recertification. For continuous certification, a herd must have a negative herd test of all goats required to be tested conducted within 60 days before the certification anniversary date. If the certification test is conducted within 60 days after the anniversary date, the certification period will be 12 months from the anniversary and not 12 months from the date of the recertifying test. During the interval between the anniversary date and the recertifying test, certification will be

suspended. If a herd test for recertification is not conducted within 60 days after the anniversary date, the certification requirements are the same as for initial certification.

(3) Purchase of a certified free herd:

(A) A negative herd blood test is not required when the goats remain on the premises. A new certificate will be issued in the owner's name. The anniversary date and the herd number will remain the same;

(B) All or part of a certified free herd purchased and moved directly to premises without other goats may qualify without a test. A new certification number will be issued. The anniversary date of the new herd is established by the test date of the herd of origin or by a new herd test of the purchased goats.

(e) Qualifying standards:

(1) Herd infection rates. The individual herd must disclose no evidence of infection at the time of initial certification or recertification;

(2) Animal infection rates. The individual animals must disclose no evidence of infection at the time of initial herd certification or recertification;

(3) Requirements following classification of a goat as a reactor or suspect. Goat herds with animals classified as reactors or suspects will be placed under hold order or quarantine and follow requirements as outlined in §35.61 of this title (relating to General Requirements).

(4) Movement of goats into a certified brucellosis free herd from certified brucellosis free herds. No test is required on goats originated from certified brucellosis free herds. Goats added to a certified brucellosis free herd under this provision shall not receive new herd status for sale purposes until they have passed a 60-120 day post entry test.

(f) Proof of qualifying as a certified brucellosis free herd:

(1) Initially a certificate will be issued.

(2) Recertification will be done by renewal certificate showing only the certified free herd number, number of animals, and owner.

Source Note: *The provisions of this §35.62 adopted to be effective December 24, 2000, 25 TexReg 12376*

SUBCHAPTER D ERADICATION OF BRUCELLOSIS IN CERVIDAE

RULE §35.80. Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise:

(1) Approved laboratory - A State or Federal veterinary diagnostic laboratory for brucellosis testing that must be approved by USDA, APHIS, VS and State animal health authorities.

(2) Approved personnel - Texas Animal Health Commission inspectors and veterinarians; Federal Animal Health technicians and veterinarians; accredited Texas veterinarians; and others who have been approved to do those assigned duties as described in these regulations for brucellosis control and eradication.

(3) Area Veterinarian-In-Charge (AVIC) - The official of USDA-APHIS-VS, who is assigned by the VS Deputy Administrator to supervise and perform the official animal health work of APHIS in the State or States concerned.

(4) Brucellosis - An infectious disease of animals and humans caused by bacteria of the genus Brucella.

(5) Brucellosis negative animal - An animal for which laboratory tests fail to disclose evidence of Brucella infection.

(6) Brucellosis reactor - An animal diagnosed with Brucella based on laboratory results, clinical signs, and/or epidemiologic investigation.

(7) Brucellosis suspect - An animal for which laboratory test results are inconclusive but suggest Brucella infection.

(8) Certified Brucellosis-Free Cervid Herd - A herd of cervidae that has qualified for and has been issued a certified brucellosis free cervid herd certificate signed by both the State animal health official and the APHIS AVIC.

(9) Cervidae - Deer, elk, moose, caribou and related species in the Cervidae family, raised under confinement or agricultural conditions for the production of meat or other agricultural products or for sport or exhibition, and free-ranging cervidae when they are captured for any purpose.

(10) Cervid herd - A herd that contains one or more animals of any cervid species.

(11) Herd Test - An official brucellosis blood test of all test-eligible animals in a herd.

(12) Official cervid identification - A VS approved eartag or other VS-approved identification device that conforms to the alphanumeric Uniform Eartagging System, and uniquely and permanently identifies the animal. All official identification is to be placed in the right ear unless otherwise specified.

(13) Official test - An approved brucellosis blood test conducted a an approved laboratory to support the classification of cervidae as brucellosis negative, suspect or reactor.

(14) Test-eligible animal - All cervidae one year of age or older.

Source Note: *The provisions of this §35.80 adopted to be effective August 22, 1999, 24 TexReg 6279*

RULE §35.81. General Requirements

(a) Testing

(1) All tests shall be made by approved personnel only as the basis for compliance with these regulations.

(2) All tests must be confirmed by an approved laboratory as the basis for compliance with these regulations.

(3) Samples for all retest purposes will be collected by Commission or APHIS personnel and submitted to the approved laboratory for testing. An epidemiologist may designate those animals that do not require a test. The herd of origin, as well as the herd in which the animal(s) is presently located, will be affected by the test results of the approved laboratory. The approved laboratory initial test result will prevail if the traced animal cannot be positively identified or if it has been slaughtered or died and cannot be retested.

(4) When the approved laboratory is unable to confirm results of a test because of insufficient serum, hemolyzed blood or broken tubes, the Commission may require a trace and retest of the animal(s) not confirmed.

(b) The following tests have been designated as official brucellosis laboratory tests in Cervidae:

(1) Card test

(2) Standard plate agglutination test (SPT)

(3) Complement-fixation test (CF)

(4) Rivanol test

(5) PCFIA

(c) Serologic Classification.

(1) Card test. Test results are recorded as either negative or Positive. An animal is considered a reactor when the card test is the only test conducted and the test is positive. An animal is considered a suspect when the card test is positive but supplemental tests or an epidemiologist's review support a suspect classification.

(2) Standard plate agglutination (BPI) test. The blood titers of Cervidae tested by the SPT method are interpreted in the following table.

Attached Graphic

(3) Manual complement fixation (CF) test. The manual CF test is interpreted in the following table.

Attached Graphic

(4) Rivanol test. Test results are interpreted in the following table.

Attached Graphic

(5) PCFIA. Test results are interpreted in the following table.

Attached Graphic

Source Note: *The provisions of this §35.81 adopted to be effective August 22, 1999, 24 TexReg 6279*

RULE §35.82. Requirements for Certified Brucellosis Free Cervidae Herd

(a) Complete and sign a herd plan agreement with the Texas Animal Health Commission and the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services.

(b) Testing will be on a herd basis. For initial certification, all sexually intact cervids in the herd that are 12 months of age or older must have two consecutive negative tests 9 to 15 months apart. Once certified status of the herd has been attained, the herd is certified for 36 months. All previously tested animals must be accounted for on a following test.

(c) Recertification.

(1) To qualify for recertification, the herd must pass a test within a period of 33 to 39 months of the anniversary date. The recertification period will be 36 months from the anniversary date, and not 36 months from the date of the recertification test. For continuous certification, the herd must have a negative test of all animals, required to be tested, conducted within 90 days before the certification anniversary date. If the test is not conducted prior to the anniversary date, but is conducted within 90 days following the anniversary date, the certification will be suspended until the recertification test is completed. If a herd blood test for recertification is not conducted within 90 days after the anniversary date, the certification requirements are the same as for initial certification. A recertification test must be conducted every 33 to 39 months after initial certification in order to maintain Certified Brucellosis Herd Status.

(2) If suspects or reactors are found on recertification testing, certification status will be suspended and a herd investigation will be initiated.

(d) Movement into a certified brucellosis-free cervid herd

(1) From other certified brucellosis-free cervid herds. Animals originating from other certified brucellosis-free cervid herds do not need to be tested prior to movement.

(2) From other herds. Animals purchased from cervid herds not certified brucellosis-free cannot be considered part of the certified herd until the following three serologic tests have been conducted:

(A) Within 30 days prior to movement from the herd of origin;

(B) Between 60 and 180 days after addition to the certified brucellosis-free cervid herd; and

(C) As part of the herd test on the recertification test following the second test above.

(e) Recognition of certified brucellosis-free cervid herds. The Texas Animal Health Commission and the APHIS AVIC will issue a certified brucellosis-free cervid herd certificate when the herd first qualifies. Recertification will be done by renewal certificate showing only the certified free herd number, number of animals, and owner.

Source Note: *The provisions of this §35.82 adopted to be effective August 22, 1999, 24 TexReg 6279; amended to be effective June 14, 2007, 32 TexReg 3171; amended to be effective March 17, 2008, 33 TexReg 2287*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 36 EXOTIC LIVESTOCK AND FOWL

RULE §36.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Camelidae--Members of the family of animals which includes camels, lamas, and vicunas. The domestic members of the genus lama includes the llama, alpaca, and guanaco.

(2) Commission--Texas Animal Health Commission.

(3) Exotic Bovidae--Non-indigenous members of the family of animals which includes water buffalo, gnu (wildebeest), addax, antelope and nilgai (among others).

(4) Exotic Cervidae--Non-indigenous members of the family of animals which includes deer, elk, moose, caribou, reindeer and the sub-family musk deer.

(5) Exotic fowl--Any avian species that is not indigenous to this state. The term includes ratites.

(6) Exotic livestock--Grass-eating or plant-eating, single-hooved or cloven-hooved mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, camel, llama, rhinoceros, elephant, deer, and antelope families.

(7) Livestock--Cattle, horses, mules, asses, sheep, goats, llamas, alpacas, exotic livestock, and hogs, unless otherwise defined.

(8) Ratite--Exotic fowl with a flat breastbone and small or nonexistent wings, such as ostriches, emu, moa, and kiwi.

Source Note: *The provisions of this §36.1 adopted to be effective September 28, 1990, 15 TexReg 5360; amended to be effective May 20, 1991, 16 TexReg 2470; amended to be effective August 19, 1991, 16 TexReg 4152; amended to be effective December 12, 1994, 19 TexReg 9489; amended to be effective July 5, 1998, 23 TexReg 6713; amended to be effective May 23, 1999, 24 TexReg 3706; amended to be effective August 25, 2008, 33 TexReg 6794*

RULE §36.2. General

The entry requirements are located in Chapter 51, §51.9 of this title (relating to Exotic Livestock and Fowl).

Source Note: *The provisions of this §36.2 adopted to be effective June 23, 2002, 27 TexReg 5168*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 37 SCREWWORMS

RULE §37.1. Control and Eradication

(a) Any area, county, or part of a county within the state which has been determined to be infested with screwworms may be quarantined when deemed necessary by the Texas Animal Health Commission.

(b) All livestock or any animals that are susceptible to screwworm infestation and fowl leaving an area quarantined for screwworm infestation must be accompanied by an inspection certificate issued by personnel designated by the Texas Animal Health Commission, certifying that the animals are free from screwworms and screwworm fly eggs and wounds.

(1) Any livestock or any animals that are susceptible to screwworm infestation or fowl which are determined to have open wounds must be restrained for the purpose of having these wounds treated with a remedy approved by the executive director. The inspection certificate must state the date and method of treatment.

(2) In addition to the treatment of wounds, all animals other than lactating dairy animals and young animals under two weeks of age must be sprayed with a spray approved by the executive director.

(c) Any animals that are susceptible to screwworm infestation are to be removed from the shipment, and will be permitted to leave the quarantined area only after any wounds have been determined to be free of screwworms, or the animal has been treated by an agent of the Texas Animal Health Commission. An agent of the commission will issue a certificate certifying that such animals are free of screwworms.

(1) Animals with open wounds from castrating, dehorning, or other causes must be inspected and treated at the point of origin and may be held at the quarantine line until wounds are individually treated and the animal is certified as being free of danger of screwworm infestation.

(2) Shipments of animals with open wounds are made at the owner's or hauler's risk and the owner and hauler are responsible for any costs incurred because of the treatment required by these regulations.

(d) Any shipment of livestock or any animals that are susceptible to screwworm infestation which are transported to the screwworm quarantine line without inspection and treatment as required in this regulation must be unloaded, inspected, and treated as required by these regulations prior to crossing the screwworm quarantine line.

(e) All livestock trucks, trailers, railroad cars, or other vehicles which have carried livestock or fowl within a quarantined area within two weeks prior to leaving the quarantined area must be cleaned and disinfected under the supervision of Texas Animal Health Commission personnel before leaving the area.

(f) The commission, at its discretion, may check the movement of any animals or fowl leaving the quarantined area and determine that all animals and fowl have been inspected and treated as required. When such inspection stations are established, all trucks or vehicles which have hauled animals or fowl in the quarantined area within the last two weeks and are leaving the quarantined area must obtain clearance at one of these inspection stations.

(g) Representatives of the Texas Animal Health Commission and the United States Department of Agriculture are authorized to inspect, treat, and spray as necessary any animals or fowl at any public or private premise within the state in order to effect screwworm eradication.

Source Note: *The provisions of this §37.1 adopted to be effective November 1, 1993, 18 TexReg 7157.*

RULE §37.2. Interstate Movement Requirements

The screwworm requirements for entry into Texas are located in Chapter 51, §51.7(b) of this title (relating to All Livestock--Special Requirements).

Source Note: *The provisions of this §37.2 adopted to be effective June 23, 2002, 27 TexReg 5169*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 38 TRICHOMONIASIS

RULE §38.1. Definitions

(1) Accredited Veterinarian--A licensed veterinarian who is approved to perform specified functions required by cooperative state-federal disease control and eradication programs pursuant to Title 9 of the Code of Federal Regulations, Parts 160 and 161.

(2) Affected Herd--Any herd in which any cattle have been classified as Trichomonas foetus positive on an official test and which has not completed the requirements for elimination of the disease from the herd.

(3) Cattle--All dairy and beef animals (genus Bos), excluding bison (genus Bison).

(4) Certified Veterinarians--Veterinarians certified with, and approved by the commission to collect Trichomoniasis samples for official Trichomoniasis testing and to perform any other official function under the Trichomoniasis program.

(5) Commission--The Texas Animal Health Commission.

(6) Executive Director--The Executive Director of the Texas Animal Health Commission or his designee.

(7) Exempt Cattle (from testing requirements)--Cattle that have been physically rendered incapable of intromission at a facility recognized by the commission.

(8) Exposed Cattle--Cattle that are part of an affected herd or cattle that have been in contact with Trichomoniasis infected cattle.

(9) Herd--

(A) All cattle under common ownership or supervision or cattle owned by a spouse that are on one premise; or

(B) All cattle under common ownership or supervision or cattle owned by a spouse on two or more premises that are geographically separated, but on which the cattle have been interchanged or where there has been contact among the cattle on the different premises. Contact between cattle on the different premises will be assumed unless the owner establishes otherwise and the results of the epidemiological investigation are consistent with the lack of contact between premises; or

(C) All cattle on common premises, such as community pastures or grazing association units, but owned by different persons. Other cattle owned by the persons involved which are located on other premises are considered to be part of this herd unless the epidemiological investigation establishes that cattle from the affected herd have not had the opportunity for direct or indirect

contact with cattle from that specific premises. Approved feedlots and approved pastures are not considered to be herds.

(10) Herd Test--An official test of all non-virgin bulls in a herd.

(11) Hold Order--A document restricting movement of a herd, unit, or individual animal pending the determination of disease status.

(12) Infected Cattle--Any cattle determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as infected.

(13) Infected Herd--The non-virgin bulls in any herd in which any cattle have been determined by an official test or diagnostic procedure to be infected with Trichomoniasis or diagnosed by a veterinarian as being infected.

(14) Movement Permit--Authorization for movement of infected or exposed cattle from the farm or ranch of origin through marketing channels to slaughter or for movement of untested animals to a location where the animals will be held under hold order until testing has been accomplished.

(15) Movement Restrictions--A "Hold Order," "Quarantine," or other written document issued or ordered by the commission to restrict the movement of livestock or exotic livestock.

(16) Negative--Cattle that have been tested with official test procedures and found to be free from infection with Trichomoniasis.

(17) Official Identification/Officially Identified--The identification of livestock by means of an official identification device, official eartag, registration tattoo, or registration brand, or any other method approved by the commission and/or Administrator of APHIS that provides unique identification for each animal. Official identification includes USDA alpha-numeric metal eartags (silver bangs tags), 840 RFID tags, 840 bangle tags, official breed registry tattoos, and official breed registry individual animal brands.

(18) Official Trichomoniasis Test--A test for bovine Trichomoniasis, approved by the commission, applied and reported by TVMDL or any other laboratory approved as an official laboratory by the commission. The test document is valid for 60 days, provided the bull is isolated from female cattle at all times, and may be transferred within that timeframe with an original signature of the consignor.

(19) Official Laboratory Pooled Trichomoniasis test samples--Up to five samples individually collected by a veterinarian and packaged and submitted to an official laboratory which can then pool the samples.

(20) Positive--Cattle that have been tested with official test procedures and found to be infected with Trichomoniasis.

(21) Quarantine--A written commission document or a verbal order followed by a written order restricting movement of animals because of the existence of or exposure to Trichomoniasis. The commission may establish a quarantine on the affected animals or on the affected place. The quarantine of an affected place

may extend to any affected area, including a county, district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen. The commission may establish a quarantine to prohibit or regulate the movement of any article or animal that the commission designates to be a carrier of Trichomoniasis and/or an animal into an affected area, including a county district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen.

(22) Registered Breeding Cattle--Cattle that belong to a breed registry, which maintains an official list of animals within a specific breed for which there is an association of unique identification for each head of cattle.

(23) Test-Eligible Cattle--All sexually intact non-virgin male cattle and all sexually intact male cattle which have erupting or erupted permanent incisor teeth (or older), which are being sold, leased, gifted or exchanged in the state of Texas for breeding purposes.

(24) Trichomoniasis--A venereal disease of cattle caused by the organism Trichomonas foetus.

(25) TVMDL--The official laboratory for testing is the Texas A&M Veterinary Medical Diagnostic Laboratory.

(26) Virgin Bull--Sexually intact male registered breeding cattle which have not serviced a cow and which are not more than 18 months of age as determined by the eruption of the two permanent central incisors or birth date on breed registry papers certified by the breeder; or not more than 30 months of age and certified by both the breeder based on birth date and confirmed by his veterinarian that the bull facility is sufficient to prevent contact with female cattle. The virgin certification by the breeder is valid for 60 days, provided the bull is isolated from female cattle at all times, and may be transferred within that timeframe with an original signature of the consignor.

Source Note: *The provisions of this §38.1 adopted to be effective January 1, 2010, 34 TexReg 1977; amended to be effective November 2, 2010, 35 TexReg 9687; amended to be effective August 14, 2011, 36 TexReg 5090; amended to be effective February 5, 2013, 38 TexReg 494; amended to be effective October 9, 2014, 39 TexReg 7911; amended to be effective October 28, 2015, 40 TexReg 7395; amended to be effective January 2, 2017, 41 TexReg 10554; amended to be effective October 6, 2019, 44 TexReg 5611*

RULE §38.2. General Requirements

(a) Test Requirements. All Texas origin bulls sold, leased, gifted, exchanged or otherwise changing possession for breeding purposes in the State of Texas shall meet the following testing or certification requirements prior to sale or change of ownership in the state:

(1) Be certified as virgin, by the breeder or his representative, on and accompanied by a breeder's certificate of virgin status; or

(2) If from a herd of unknown status (a herd that has not had a whole herd test), be tested negative on three consecutive culture tests conducted not less than

seven days apart or one RT-PCR test conducted within 60 days of sale or movement, be held separate from all female cattle since the test sample was collected, and be accompanied by a Trichomoniasis test record showing the negative test results.

(b) Identification of Bulls. All bulls certified as virgin bulls shall be identified by an official identification device or method on the breeder's certification of virgin status. All bulls tested for Trichomoniasis shall be officially identified at the time the initial test sample is collected. That official identification shall be recorded on the test documents prior to submittal.

(c) Confirmatory Test. The owner of any bull which tests positive for Trichomoniasis may request in writing, within five days of the positive test, that the commission allow a confirmatory test be performed on the positive bull. If the confirmatory test is positive the bull will be classified as infected with Trichomoniasis. If the confirmatory test is negative the bull shall be retested in not less than seven days to determine its disease status. If the confirmatory test reveals that the bull is only infected with fecal trichomonads, the test may be considered negative.

(d) Untested Bulls. Bulls presented for sale without a breeder's certification of virgin status for registered breeding cattle or a Trichomoniasis test record showing negative test results may:

(1) Be sold for movement only directly to slaughter; or

(2) Be sold for movement to an approved feedlot and then moved to slaughter or transported back to a livestock market under permit, issued by commission personnel, to be sold in accordance with this chapter; or

(3) Be sold and moved under a Hold Order to such place as specified by the commission for testing to change status from a slaughter bull. Such bulls shall be officially individually identified with a permanent form of identification prior to movement, move to the designated location on a movement permit, and be held in isolation from female cattle at the designated location where the bull shall undergo three consecutive culture tests at least seven days apart or one RT-PCR test. If the results of any test are positive, all bulls in the herd of origin of the positive bull shall be placed under hold order and tested as provided by subsection (e) of this section. The positive bull shall be classified as infected and be permitted for movement only directly to slaughter or to a livestock market for sale directly to slaughter; or

(4) Be sold and moved to another physical location under permit issued by commission personnel, and then to a livestock market or location to be resold within seven days from the date of issuance. The bull cannot be commingled with female cattle during the seven days.

(e) Herd of Origin or Unit Testing.

(1) All bulls that are part of a herd of origin from which a bull is sold in accordance with subsection (d)(3) of this section and is found to be infected with Trichomoniasis shall be placed under hold order and officially tested for Trichomoniasis.

(2) All bulls that are part of a unit of origin, as epidemiologically determined by the commission, from which a bull becomes separated and that bull is found to be positive for Trichomoniasis shall be placed under a hold order and officially tested for Trichomoniasis. All bulls that are part of the unit on which the separated positive bull was located, as epidemiologically determined by the commission, shall also be placed under hold order and officially tested for Trichomoniasis.

(3) Officially tested, as used in this subsection, requires at a minimum three official culture tests conducted not less than seven days apart, or one official RT-PCR test. If the results of any test that are required by this subsection are positive, the herd shall be tested as provided by §38.3 of this chapter (relating to Infected Herds).

Source Note: *The provisions of this §38.2 adopted to be effective January 1, 2010, 34 TexReg 1977; amended to be effective November 2, 2010, 35 TexReg 9687; amended to be effective February 5, 2013, 38 TexReg 494; amended to be effective February 4, 2014, 39 TexReg 484; amended to be effective October 9, 2014, 39 TexReg 7911; amended to be effective October 6, 2019, 44 TexReg 5611*

RULE §38.3. Infected Herds

(a) Bulls that have been determined to be infected by culture or by RT- PCR test and/or by confirmatory RT-PCR test shall be placed under hold order along with all other non-virgin bulls in the bull herd. Infected bulls must be isolated from all female cattle from the time of diagnosis until final disposition or as directed by the commission. Breeding bulls which have been disclosed as reactors may be retested provided: the owners, or their agents initiate a request to the TAHC Regional Director where the bull is located; that retests are conducted within 30 days after the date of the original test; test samples for retests are submitted to the TVMDL for testing; and the positive bull is held under quarantine along with all other exposed bulls on the premise. If they are retested, they must have two negative tests by RT-PCR to be released within 30 days of the initial test.

(b) Positive bulls may be moved directly to slaughter or to a livestock market for sale directly to slaughter. In order to move, the bulls shall be individually identified by official identification device on a movement permit authorized by the commission from the ranch to the market and from the market to the slaughter facility, or from the ranch directly to the slaughter facility. Movement to slaughter shall occur within 30 days from disclosure of positive test results (or confirmatory test results) or as directed by the commission.

(c) All bulls that are part of a herd in which one or more bulls have been found to be infected shall be placed under hold order in isolation away from female cattle until they have undergone at least two additional culture tests with negative results (not less than a total of three negative culture tests or two negative RT-PCR tests) within 60 days of the initial test unless handled in accordance with subsection (d) of this section. All bulls remaining in the herd from which an infected bull(s) has been identified must be tested two more times by culture or one more time by RT-PCR

test. Any bull positive on the second or third test shall be classified as positive. All bulls negative to all three culture tests or both RT-PCR tests shall be classified as negative and could be released for breeding.

(d) Breeding bulls that are part of a quarantined herd or a herd that is under a hold order and tests negative to the first official Trichomoniasis test may be maintained with the herd if the owner or caretaker of the bulls develops a Trichomoniasis herd control plan with a certified veterinarian. The Trichomoniasis herd control plan shall require all breeding bulls to be tested annually with an official Trichomoniasis test aand include other best management practices to control, eliminate and prevent the spread of Trichomoniasis. The Trichomoniasis herd control plan, unless otherwise approved or disapproved by the commission, expires three years from the date the plan is signed by the herd owner or caretaker and the authorized veterinarian. Breeding bulls that are part of a Trichomoniasis herd control plan that expires or that is disapproved must be tested for Trichomoniasis as required by subsection (c) of this section.

(e) When Trichomoniasis is diagnosed in female cattle or fetal tissue, all breeding bulls associated with the herd will be restricted under a Hold Order for testing in accordance with this section.

(f) If male or female cattle are found to be infected with Trichomoniasis, then bulls that are located or were located on property adjacent to the infected animal within 30 days from the date the infected animal was removed from such property shall be officially tested for Trichomoniasis. Such bulls shall be tested within a timeframe as determined by the commission. The commission shall provide written notification to the owner or caretaker of the bulls specifying the timeframe in which the bulls must be tested. The commission may waive this testing requirement if it is epidemiologically determined by the commission that testing is not required.

Source Note: *The provisions of this §38.3 adopted to be effective January 1, 2010, 34 TexReg 1977; amended to be effective November 2, 2010, 35 TexReg 9687; amended to be effective August 14, 2011, 36 TexReg 5090; amended to be effective February 5, 2013, 38 TexReg 494; amended to be effective October 9, 2014, 39 TexReg 7911; amended to be effective October 28, 2015, 40 TexReg 7395; amended to be effective October 6, 2019, 44 TexReg 5611*

RULE §38.4. Certified Veterinary Practitioners

(a) Only veterinarians certified through the Commission may perform Trichomoniasis program procedures, including but not limited to, collection of samples for official tests for Trichomoniasis within the state of Texas, submission of samples to official laboratories, identification of tested bulls and virgin bulls, management of Trichomoniasis infected bull herds, movement of infected bulls, and reporting of test results. In order to collect and submit Trichomoniasis samples a veterinary practitioner shall be certified to perform Trichomoniasis program procedures. In order to be certified, a veterinarian shall also be licensed to practice veterinary medicine in the state of Texas and be accredited through USDA.

(b) All veterinarians desiring to perform Trichomoniasis program functions shall participate in a certification program on Trichomoniasis program requirements and

procedures before performing any Trichomoniasis program functions, including but not limited to review of the disease, proper sample collection techniques, sample preservation and laboratory submission, identification of animals, management of infected herds and shipment of infected or exposed animals to slaughter. The official certification program shall be conducted by or under the auspices of the Commission. Certified veterinarians shall be recertified every five years.

(c) Certified veterinarians shall utilize approved procedures for collection of samples, identification of animals and submission of samples to laboratories.

(d) Certified veterinarians shall only utilize the official laboratories for culture of Trichomoniasis samples.

(e) Certified veterinarians shall submit all Trichomoniasis samples including all official identification on official Trichomoniasis test and report forms to the TVMDL in accordance with §38.6 of this chapter (relating to Official Trichomoniasis Tests).

Source Note: *The provisions of this §38.4 adopted to be effective January 1, 2010, 34 TexReg 1977; amended to be effective February 5, 2013, 38 TexReg 494; amended to be effective January 2, 2017, 41 TexReg 10554*

RULE §38.5. Official Laboratories

(a) The official Trichomoniasis laboratories are the TVMDL laboratories or other laboratories approved by the Commission.

(b) All results of Trichomoniasis tests shall be reported to the Commission within forty-eight (48) hours of completion of the tests, by the testing laboratory or the veterinarian making the diagnosis.

Source Note: *The provisions of this §38.5 adopted to be effective January 1, 2010, 34 TexReg 1977*

RULE §38.6. Official Trichomoniasis Tests

Approved Tests. Approved tests for Trichomoniasis testing within the State of Texas shall include the culture or Real Time Polymerase Chain Reaction (RT-PCR) testing of samples collected by certified veterinarians following approved collection, handling and shipping protocols, then tested in approved laboratories.

(1) Official Culture Tests. An official test is one in which the sample, collected in an InPouch, is received in the official laboratory, in good condition, within 48 hours of collection or is incubated in an InPouch by the collecting veterinarian for 48 hours after collection, and such sample is submitted to be tested according to the "Official Protocol for Culture of Trichomoniasis." Samples in transit for more than 48 hours will not be accepted for official culture testing. During transportation, the organisms should be protected from exposure to daylight and extremes of temperature, which should remain above 15 degrees Celsius (59 degrees Fahrenheit) and below 37 degrees Celsius (98.6 degrees Fahrenheit).

(2) Official Polymerase Chain Reaction Tests. Polymerase Chain Reaction is accepted as an official test or an official confirmatory test when completed by a qualified laboratory, approved by the Executive Director, and meets the following requirements:

(A) A Trichomoniasis sample submitted in an InPouch must be received in the official laboratory, in good condition, within 48 hours of collection or incubated by the collecting veterinarian for 48 hours after collection and submitted to arrive at the laboratory within 96 hours of collection. Trichomoniasis samples pooled at the laboratory may qualify as official tests at a ratio of up to five individually collected samples pooled for one test. Veterinary practitioners may not submit pooled samples for an official test.

(B) A Trichomoniasis sample submitted in phosphate buffered saline must be received in the official laboratory, in good condition, within 96 hours of collection.

(3) Other Official Tests. Other tests for Trichomoniasis may be approved by the Commission, as official tests, after the tests have been proven effective by research, have been evaluated sufficiently to determine efficacy, and a protocol for use of the test has been established.

Source Note: *The provisions of this §38.6 adopted to be effective January 1, 2010, 34 TexReg 1977; amended to be effective August 14, 2011, 36 TexReg 5090; amended to be effective February 5, 2013, 38 TexReg 494; amended to be effective January 2, 2017, 41 TexReg 10554; amended to be effective September 12, 2017, 42 TexReg 4613; amended to be effective October 6, 2019, 44 TexReg 5611*

RULE §38.7. Review of the Program

The Commission shall establish a Trichomoniasis Program Review Working Group consisting of members from the cattle industry, veterinary profession, veterinary diagnostic laboratory, veterinary college, extension service and agency representatives which shall annually review the Trichomoniasis program and make recommendations to the Commission on amendments to program components or operation, or whether or not the program should be continued.

Source Note: *The provisions of this §38.7 adopted to be effective January 1, 2010, 34 TexReg 1977*

RULE §38.8. Herd Certification Program--Breeding Bulls

Enrollment Requirements. Herd owners who enroll in the Trichomoniasis Herd Certification Program shall sign a herd agreement with the commission and maintain the herd in accordance with the herd agreement and following conditions:

(1) All non-virgin breeding bulls shall be tested annually for T. foetus for three consecutive years as required by the herd agreement.

(2) During the three year inception period, all non-virgin breeding bulls that are sold, leased, gifted, exchanged or otherwise change possession shall be tested for T. foetus within 30 days prior to such change in possession. The test must be completed and test results known prior to the time a bull(s) is physically transferred to the receiving premises or herd.

(3) Negative T. foetus bulls will be identified with official identification.

(4) All slaughter bulls removed from the herd must be tested for T. foetus. The test may be performed at a slaughter facility if prior arrangement with a certified veterinarian and an appropriate agreement with the slaughter facility management is made.

(5) Bovine females added to a certified herd shall not originate from a known T. foetus infected herd. Female herd additions must originate from a certified T. foetus free herd or qualify in one of the following categories:

(A) calf at side and no exposure to other than known negative T. foetus bulls;

(B) checked by an accredited veterinarian, at least 120 days pregnant and so recorded;

(C) virgin; or

(D) heifers exposed as virgins only to known negative T. foetus infected bulls and not yet 120 days pregnant.

(6) Records must be maintained for all tests including all non-virgin bulls entering the herd and made available for inspection by a designated accredited veterinarian or state animal health official.

(7) All non-virgin bulls shall be tested for T. foetus every two years after the initial three year inception period to maintain certification status.

(8) Herd premises must have perimeter fencing adequate to prevent ingress or egress of cattle.

(9) All bulls originating from a Trichomoniasis Certified Free Herd that is maintained in accordance with this section and the herd agreement are exempt from the testing requirement found in §38.2 of this chapter (relating to General Requirements).

Source Note: *The provisions of this §38.8 adopted to be effective July 13, 2010, 35 TexReg 6062; amended to be effective August 14, 2011, 36 TexReg 5090; amended to be effective October 9, 2014, 39 TexReg 7911*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 39 SCABIES AND MANGE MITES

RULE §39.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Approved product--A product indicated to be effective for the treatment and control of scabies and mange mites in livestock.

(2) Authorized veterinarian--Veterinarians who are licensed to practice veterinary medicine in Texas, are Category II accredited by USDA, APHIS, VS for the State of Texas; and have satisfactorily completed Texas Animal Health Commission disease control or eradication program training or provide documentation to the executive director that they have satisfactorily completed substantially similar disease control or eradication program training.

(3) Commission--The Texas Animal Health Commission.

(4) Exposed livestock--Livestock that have had direct or indirect contact with animals infested with scabies or mange mites.

(5) Exposed or infested herd--Herd of livestock where one or more head have been confirmed to be infested with scabies or mange mites. The exposed status continues until the prescribed course of treatment is completed and inspected by the commission, USDA, APHIS, VS or an authorized veterinarian.

(6) Infested livestock--Livestock that have been confirmed to be infested with the scabies or mange mite.

(7) Livestock--Cattle, sheep, or goats.

(8) Scabies or mange mites--As used herein include *Chorioptes bovis, Psoroptes bovis,* and *Sarcoptes scabiei* mites which are reportable to the commission and commonly referred to as chorioptic, psoroptic and sarcoptic mange, mange or scabies.

(9) USDA, APHIS, VS--United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services.

Source Note: *The provisions of this §39.1 adopted to be effective October 9, 2014, 39 TexReg 7913*

RULE §39.2. Scabies or Mange Mites Infested or Exposed Livestock

(a) The owner or caretaker of livestock infested with or exposed to scabies or mange mites must treat the livestock as prescribed herein and under supervision of the commission, the USDA, APHIS, VS or an authorized veterinarian.

(b) All livestock infested with or exposed to scabies or mange mites must be treated with an approved product. The product must be applied in a manner consistent with the product's label or labeling, which includes, but is not limited to, the target species, product indications, use, dosage, administration, intervals, withdrawal, animal safety warnings, precautions and all other conditions specified in the label.

(c) If there is a discrepancy between requirements contained in federal laws or regulations, state laws or regulations, or the product label, the most restrictive requirement shall apply unless otherwise authorized by the commission or the USDA, APHIS, VS.

(d) The person treating any infested or exposed livestock must maintain records of all livestock treated for a minimum of five years from the date of the last treatment. The records must show the owner's or caretaker's name and address, county of origin for the livestock, species and number of animal(s) treated, date of treatment, product used, method of treatment and concentration or dose of treatment.

(e) Treated livestock must be maintained physically separated from all untreated livestock until quarantine release.

(f) When dipping or spraying is the selected treatment, livestock must be treated in a manner to allow complete saturation of the livestock's skin and head.

Source Note: *The provisions of this §39.2 adopted to be effective October 9, 2014, 39 TexReg 7913*

RULE §39.3. Quarantines and Release

Livestock infested with or exposed to scabies or mange mites will be immediately quarantined. Unless otherwise approved by the commission, the quarantine will not be released until such time that all livestock in the herd have been properly treated and inspected not less than 14 days after the last required treatment is completed. The herd must be inspected by the commission, the USDA, APHIS, VS, or an authorized veterinarian and the quarantine will be released only when such inspection shows all livestock to be free from scabies or mange mites.

Source Note: *The provisions of this §39.3 adopted to be effective October 9, 2014, 39 TexReg 7913*

RULE §39.4. Duties of Owners or Caretakers of Livestock Infested with or Exposed to Scabies or Mange Mites

It shall be the duty of all owners and caretakers of livestock quarantined for infestation or exposure to scabies or mange mites to:

(1) Assist in the inspection and treatment of the livestock;

(2) Provide suitable vats, corrals, pens, or other equipment for the treatment and handling of the livestock;

(3) Provide the approved product used for treatment; and

(4) Prevent movement of livestock that is in violation of the quarantine.

Source Note: *The provisions of this §39.4 adopted to be effective October 9, 2014, 39 TexReg 7913*

RULE §39.5. Livestock at Shows, Fairs, and Exhibitions

Livestock that are found to be infested with or exposed to scabies or mange mites must be immediately removed from the premises quarantined at a new location, and physically separated from all other livestock. These livestock must be treated as prescribed by this chapter.

Source Note: *The provisions of this §39.5 adopted to be effective October 9, 2014, 39 TexReg 7913*

RULE §39.6. Permitted Dips for Scabies and Mange Mite Eradication

(a) The commission will authorize for official dipping of animals only those dips, in the appropriate concentrations, that have been approved by the commission for treatment of scabies and mange mites.

(b) The concentration of the dipping chemical used shall be maintained in the percentage specified for official use by means of the approved vat management techniques established for the use of the applicable agent or by an officially approved vat-side test of the commission.

Source Note: *The provisions of this §39.6 adopted to be effective October 9, 2014, 39 TexReg 7913*

RULE §39.7. Interstate Movement Requirements for Livestock

The scabies and mange mites requirements for entry into Texas are located in Chapter 51, §51.7(a) of this title (relating to All Livestock - Special Requirements).

Source Note: *The provisions of this §39.7 adopted to be effective October 9, 2014, 39 TexReg 7913*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 40 CHRONIC WASTING DISEASE

RULE §40.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Approved Laboratory--A diagnostic laboratory approved by the APHIS Administrator to conduct official tests for CWD in accordance with 9 CFR §55.8.

(2) Certified CWD Sample Collector--An individual who has completed appropriate training recognized by his or her State on the collection and preservation of samples for CWD testing and on proper recordkeeping, and who has been certified to perform these activities by the Commission.

(3) Chronic Wasting Disease (CWD)--A transmissible spongiform encephalopathy (TSE) of susceptible species.

(4) Commingled/Commingling--Farmed cervids are commingled if they are housed or penned together having direct physical contact with each other, have less than 10 feet of physical separation (except in cases of "limited contact"; see definition) or any activity where uninhibited contact occurs such as sharing an enclosure, a section of a transport vehicle, or sharing equipment, pens or stalls, pasture, or water sources/watershed (i.e., housed in a pen that receives runoff or shares a natural or man-made body of water with another pen). Commingling includes contact with bodily fluids or excrement from other farmed animals. Farmed cervids commingled with other farmed cervids assume the status of the lowest program status animal in the group.

(5) Commission--The Texas Animal Health Commission.

(6) CWD Exposed Animal--An animal that is part of a CWD-positive herd, or that has been commingled with a CWD-positive animal or resided on contaminated premises within the five years before diagnosis.

(7) CWD Profile--A cervid 12 months of age or older that is emaciated and exhibits some combination of clinical signs including abnormal behavior, increased salivation, tremors, stumbling, incoordination, difficulty in swallowing, excessive thirst, and excessive urination.

(8) CWD Susceptible Species--All species in the cervidae family determined to be susceptible to CWD, which means any species that has had a diagnosis of CWD confirmed by means of an official test conducted by a laboratory approved by USDA/APHIS. This includes white-tailed deer *(Odocoileus virginianus),* mule deer *(Odocoileus hemionus),* black-tailed deer *(Odocoileus hemionus*

columbianus), North American elk or wapiti *(Cervus Canadensis),* red deer *(Cervus elaphus),* Sika deer *(Cervus Nippon),* moose *(Alces alces),* and any associated subspecies and hybrids.

(9) CWD Test Eligible--Unless otherwise specifically provided in these rules, all cervidae 12 months of age and over.

(10) Farmed or Captive--Privately or publicly maintained or held for economic or other purposes within a perimeter fence or confined area, or temporarily captured from a wild population for interstate movement and release.

(11) Herd--An animal or group of animals that are:

(A) Under common ownership, control, or supervision and are grouped on one or more parts of any single premises (lot, farm, or ranch) where commingling of animals occurs; or

(B) A single herd also is considered to be all animals under common ownership, control, or supervision on two or more premises which are geographically separated but on which animals have been commingled or had direct contact with one another. If an owner wishes to maintain separate herds, he or she must maintain separate herd inventories, records, working facilities, water sources, equipment, and land use. Herds must be separated by a distance of 30 feet or more. No commingling of animals may occur. If movement of animals does occur between herds, this movement must be recorded as it would if they were separately owned herds.

(12) Limited Contact--Any brief contact with a farmed animal such as in sale or show rings and alleyways at fairs, livestock auctions, sales, shows, and exhibitions. Limited contact does not include penned animals having less than ten feet of physical separation or contact through a fence, or any activity where uninhibited contact occurs such as sharing an enclosure, a section of a transport vehicle, sharing equipment, food, or water sources, or contact with bodily fluids or excrement. Pens at fairs, livestock auctions, sales, shows, and exhibitions must be thoroughly cleaned and all organic material removed after use and before holding another animal.

(13) Official Animal Identification--A device or means of animal identification approved by APHIS for use in the Certification Program to uniquely identify individual animals. The official animal identification must include a nationally unique animal identification number that adheres to one of the following numbering systems:

(A) National Uniform Eartagging System;

(B) Animal Identification Number (AIN);

(C) Premises-based number system using a Premises Identification Number (PIN) in conjunction with a livestock production numbering system; or

(D) Any other numbering system approved by the Commission for the identification of animals in commerce.

(14) Complete Herd Inventory--One in which all animals in the herd must be validated by the person officially performing the inventory verification.

(15) Positive Herd--A herd in which a CWD-positive animal resided at the time it was diagnosed.

(16) Suspicious Animal--A cervid which has clinical signs that resemble the CWD profile.

(17) Suspicious Herd--A herd in which one or more animals are observed with clinical signs that resemble the CWD profile.

(18) Trace Herd--The term includes both trace-back and trace-forward herds. A trace-back herd is any herd where an affected animal has resided during a 60 month period prior to death. A trace-forward herd is any herd which has received animals from a positive herd during a 60 month period prior to death of the affected animal.

Source Note: *The provisions of this §40.1 adopted to be effective August 22, 1999, 24 TexReg 6280; amended to be effective February 5, 2013, 38 TexReg 495; amended to be effective October 7, 2013, 38 TexReg 6911*

RULE §40.2. General Requirements

(a) Procedures for issuing hold orders and quarantines.

(1) All herds suspicious of CWD, in which one or more animals are observed with signs which resemble the CWD profile, shall be reported to a representative of the Commission. The herd shall be restricted by hold order until the investigation and diagnosis have been completed.

(2) Trace herds shall be restricted by hold order until an epidemiologic investigation has been completed and the herd has met all requirements specified in a herd plan.

(3) CWD positive herds shall be restricted by quarantine until the herd has met all requirements specified in a herd plan.

(4) All suspicious, trace, and positive herds not complying with the requirements of an investigation or herd plan shall be restricted by quarantine.

(b) Procedures in suspicious, trace, and positive herds.

(1) CWD suspicious animals shall be presented to a representative of the Commission for the purpose of collection and submission of appropriate samples to an official laboratory for diagnosis.

(2) Disposition of a positive herd without evidence of transmission within the herd as determined by a TAHC or USDA epidemiologist following completion of the investigation. A herd plan will be developed by a TAHC or USDA epidemiologist in consultation with the herd owner, and their veterinarian (if requested by the owner). The herd plan shall include the following requirements for a period of five years:

(A) Routine visual inspection of all animals in the herd by a TAHC or USDA veterinarian for the purpose of early detection of CWD suspicious animals.

(B) Annual verification of herd inventory by a TAHC or USDA veterinarian.

(C) Mandatory reporting of all CWD suspicious animals and all death losses. Mortality in animals of any age shall be immediately reported to a TAHC or USDA veterinarian for the purpose of collection of appropriate samples for submission to an official laboratory for CWD surveillance.

(D) CWD exposed animals must be removed from the herd and:

(i) Humanely destroyed, tested for CWD, and disposed of as specified in subsection (c) of this section; or

(ii) Maintained under hold order for 60 months from the last case of CWD.

(3) Disposition of a positive herd with evidence of transmission within the herd as determined by a TAHC or USDA epidemiologist following completion of the investigation. A herd plan will be developed by a TAHC or USDA epidemiologist in consultation with the owner, and their veterinarian (if requested by the owner). The herd plan shall include the following requirements for a period of five years:

(A) Routine visual inspection of all animals in the herd by a TAHC or USDA veterinarian for the purpose of early detection of CWD suspicious animals.

(B) Annual verification of herd inventory by a TAHC or USDA veterinarian.

(C) Mandatory reporting of all CWD suspicious animals and all death losses. Mortality in animals of any age shall be immediately reported to a TAHC or USDA veterinarian for the purpose of collection of appropriate samples for submission to an official laboratory for CWD surveillance.

(D) CWD exposed animals must be removed from the herd and:

(i) Humanely destroyed, tested for CWD, and disposed of as specified in subsection (c) of this section; or

(ii) Maintained under hold order for 60 months from the last case of CWD.

(E) The herd shall remain under quarantine for 60 months from the last case of CWD.

(4) Disposition of trace herds. A herd plan will be developed by a TAHC or USDA epidemiologist in consultation with the owner, and their veterinarian (if requested by the owner). The herd plan shall include the following requirements for a period of five years:

(A) Routine visual inspection of all animals in the herd by a TAHC or USDA veterinarian for the purpose of early detection of CWD suspicious animals.

(B) Annual verification of herd inventory by a TAHC or USDA veterinarian.

(C) Mandatory reporting of all CWD suspicious animals and all death losses. Mortality in animals of any age shall be immediately reported to a TAHC or

USDA veterinarian for the purpose of collection of appropriate samples for submission to an official laboratory for CWD surveillance.

(D) CWD exposed animals must be removed from the herd and:

(i) Humanely destroyed, tested for CWD, and disposed of as specified in subsection (c) of this section; or

(ii) Maintained under hold order for 60 months from the last potential exposure.

(c) Destruction of suspicious and CWD exposed animals. Animals destroyed due to a presumptive diagnosis of CWD, including CWD exposed animals in positive and trace herds, shall be humanely euthanized, appropriate samples collected to confirm the diagnosis, and disposed of by deep burial or incineration, including all animal products, by-products, and contaminated materials:

(1) on the premises where disclosed; or

(2) at a facility approved by the executive director.

(d) Payment of indemnity. The Commission may participate in paying indemnity to purchase and destroy CWD positive animals, CWD exposed animals, and CWD suspect animals. Subject to available funding, the amount of the state payment for any such animals will be five percent of the appraised value established in accordance with 9 CFR §55.3. This payment is in participation with any Federal payments made in accordance with 9 CFR §55.2.

Source Note: *The provisions of this §40.2 adopted to be effective August 22, 1999, 24 TexReg 6280; amended to be effective August 25, 2002, 27 TexReg 7513; amended to be effective February 5, 2013, 38 TexReg 495; amended to be effective October 7, 2013, 38 TexReg 6911*

RULE §40.3. Herd Status Plans for Cervidae

(a) Enrollment Requirements. Herd owners who enroll must agree to maintain their herds in accordance with the following conditions:

(1) Each animal must be identified before reaching 12 months of age. All animals less than one year of age shall be officially identified on a change of ownership or when moved from the premise of origin.

(2) Herd premises must have perimeter fencing adequate to prevent ingress or egress of cervids.

(3) The herd owner shall:

(A) Report, within five business days, all animals that *escape* or *disappear,* and all wild cervids that enter the facility; and

(B) Test all deaths (including animals killed on premises maintained for hunting and animals sent to slaughter) aged 12 months or older, in accordance with subsection (b) of this section.

(4) An annual inventory:

(A) An annual inventory shall be verified by TAHC personnel, USDA personnel or an accredited veterinarian. If requested by a producer to verify the inventory, the Commission will assess a fee of $100.00 per hour.

(B) The herd owner shall maintain herd records that include a complete inventory of animals with documents showing all escaped or disappeared animals and all test results for those animals that died.

(C) For animals seeking to qualify for movement in interstate commerce, a complete herd inventory must be performed at the time a herd is enrolled and a complete herd inventory must be performed for all herds enrolled in the CWD Herd Certification Program no more than three years after the last complete herd inventory for the herd.

(D) The herd owner is responsible for assembling, handling, and restraining the animals and for all costs incurred to present the animals for inspection.

(5) To maintain separate herds, a herd owner shall:

(A) Maintain separate herd inventories and records;

(B) Separate working facilities;

(C) Separate water sources;

(D) Separate equipment or cleaned and maintained in accordance with Appendix V of the CWD Program Standards; and

(E) There shall be at least 30 feet between the perimeter fencing around separate herds, and no commingling of animals may occur. Movement of animals between herds must be recorded as if they were separately owned herds.

(6) New animals may be introduced into the herd only from other herds enrolled in the CWD Herd Certification Program. Addition of animals from a lesser status herd will result in the receiving herd's status being lowered to that of the contributing herd.

(b) Testing Requirements. CWD test samples shall be collected and submitted to an official laboratory for CWD diagnosis using a United States Department of Agriculture (USDA) validated test. Test reporting shall be directed to the appropriate TAHC Regional Office. The samples may be collected by a state or federal animal health official, an accredited veterinarian, or a Certified CWD Sample Collector. Tissue samples submitted must include the obex and at least one retropharyngeal lymph node from each animal being tested. If samples are missed, or poor quality samples are submitted, the state epidemiologist or his designee will review the circumstances and determine if the herd status will be advanced, held, reduced, or removed.

(c) Herd Status. Herd status designation shall be assigned on the basis of the number of years of participation provided that CWD is not confirmed in the herd:

(1) First Year - starts on enrollment when the herd is in compliance with the requirements of the CWD Herd Certification Program.

(2) Second Year - starts on the anniversary date of the first year after full completion of the requirements for first year status.

(3) Third Year - starts on the anniversary date of the second year after full completion of the requirements for second year status.

(4) Fourth Year - starts on the anniversary date of the third year after full completion of the requirements for third year status.

(5) Fifth Year - starts on the anniversary date of the fourth year after full completion of the requirements for fourth year status.

(6) Certified Status - achieved after five years participation in the program and in compliance with all the program requirements.

(7) Additions to enrolled herds.

(A) Additions may originate from herds of equal or higher status with no change in the status of the receiving herd.

(B) Additions may originate from herds of lower status with the receiving herd acquiring the lower status of the herd(s) involved.

(d) Identification Requirements. Each animal required to be identified by this section must have at least two forms of animal identification attached to the animal.

(1) One of the animal identifications must be a nationally unique animal identification number that is linked to that animal in the CWD National Database.

(2) Second identification must be unique for the individual animal within the herd and linked to the CWD National Database.

(e) Record Keeping. The herd owner shall maintain records for animals including any movements and for a transfer of ownership, and provide those to Commission personnel upon request. Records required to be kept under the provisions of this section shall be maintained for not less than five years. The records shall include the following information:

(1) All identifications (tags, tattoos, electronic implants, etc.);

(2) Birth date;

(3) Species;

(4) Sex;

(5) Date of acquisition and source of each animal that was not born into the herd (owner name, city, state);

(6) Date of removal and destination of any animal removed from herd (owner name, city, state);

(7) Date and cause of death for animals dying within the herd (if cause is known); and

(8) Date of CWD sample submission, submitter, owner, premises, animal information, and official CWD test results from approved laboratory.

(f) Inspection. A premise where a herd is located may be inspected by the Commission to determine compliance with the requirements.

(g) Fees. Participation in a Commission CWD Herd Status Program for Cervidae requires that a fee be paid as provided for in §33.5 of this title (relating to Herd Status/Certification Fees). An annual inventory verified by Commission personnel is assessed a fee of $100.00 per hour.

(h) Cancellation or suspension of enrollment by the Executive Director. The Executive Director may cancel or suspend enrollment after determining that the herd owner failed to comply with any requirements of this chapter. Before enrollment is canceled or suspended, notification will be provided which will inform the herd owner of the reasons for the action.

(1) The herd owner may appeal the cancellation of enrollment of a herd, or loss or suspension of herd status, by writing to the Executive Director within 15 days after receipt of the action. The appeal must include all of the facts and reasons upon which the herd owner relies to show that the reasons for the action are incorrect or do not support the action.

(2) The herd owner may request a meeting, in writing, with the Executive Director of the Commission within 15 days of receipt of the action and set forth a short, plain statement of the issues that shall be the subject of the meeting, after which:

(A) the meeting will be set by the Executive Director no later than 21 days from receipt of the request for a meeting;

(B) the meeting or meetings shall be held in Austin; and

(C) the Executive Director shall render his decision in writing within 14 days from date of the meeting.

(3) Upon receipt of a decision or order by the Executive Director which the herd owner wishes to appeal, the herd owner may file an appeal within 15 days in writing with the Chairman of the Commission and set forth a short, plain statement of the issues that shall be the subject of the appeal.

(4) The subsequent hearing will be conducted pursuant to the provisions of the Administrative Procedure and Texas Register Act and Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(5) If the Executive Director determines, based on epidemiological principles, that other action is necessary, the Executive Director shall provide the herd owner with written notice of the action.

Source Note: *The provisions of this §40.3 adopted to be effective August 22, 1999, 24 TexReg 6280; amended to be effective June 23, 2011, 36 TexReg 3710; amended to be effective February 5, 2013, 38 TexReg 495; amended to be effective October 7, 2013, 38 TexReg 6911*

RULE §40.4. Entry Requirements

(a) The entry requirements are located in Chapter 51, §51.10 of this title (relating to Cervidae).

(b) CWD Susceptible Species Carcass Movement Restrictions for Entering the State. No person may:

(1) Transport into this state or possess any part of a susceptible species from a state, Canadian province, or other place outside of Texas where CWD has been detected in free-ranging or captive herds, except as provided in this section.

(2) Subsection (b)(1) of this section does not apply to susceptible species processed in accordance with this section as follows:

(A) meat that has been cut up and packaged (boned or filleted);

(B) a carcass that has been reduced to quarters with no brain or spinal tissue present;

(C) a cleaned hide (skull and soft tissue must not be attached or present);

(D) a whole skull (or skull plate) with antlers attached, provided the skull plate has been completely cleaned of all soft tissue;

(E) finished taxidermy products;

(F) cleaned teeth; or

(G) tissue prepared and packaged for delivery to and use by a diagnostic or research laboratory.

(c) The skinned or unskinned head of a susceptible species from a state, Canadian province, or other place outside of Texas may be transported to a taxidermist for taxidermy purposes, provided all brain material, soft tissue, spinal column and any unused portions of the head are disposed of in a landfill in Texas permitted by the Texas Commission on Environmental Quality.

Source Note: *The provisions of this §40.4 adopted to be effective June 23, 2002, 27 TexReg 5173; amended to be effective January 2, 2017, 41 TexReg 10556*

RULE §40.5. Surveillance and Movement Requirements for Exotic CWD Susceptible Species

(a) Definitions:

(1) Eligible Mortality--The death from any cause of an Exotic CWD Susceptible Species that is 16 months of age or older on any and all premises which raise and/or contain any Exotic CWD Susceptible Species, whether a premises engages in live transport of these animals or not. This includes hunter harvest or herd culling on the premises, natural mortalities on the premises, or animals moved directly to slaughter.

(2) Exotic CWD Susceptible Species--A non-native cervid species determined to be susceptible to CWD, which means a species that has had a diagnosis of CWD confirmed by means of an official test conducted by a laboratory approved by USDA/APHIS. This includes North American elk or wapiti *(Cervus Canadensis),* red deer *(Cervus elaphus),* Sika deer *(Cervus Nippon),* moose *(Alces alces),* and any associated subspecies and hybrids. All mule deer, white-tailed deer, and other native species under the jurisdiction of the Texas Parks and Wildlife Department are excluded from this definition and application of this section.

(3) Premises--A physical location(s) which is contiguous, that is under common ownership or management, and represents a unique and describable geographic location.

(4) Transport--Movement of an Exotic CWD Susceptible Species from one non-contiguous property or premises to another.

(b) Surveillance Requirements. Each calendar year, the owner of a premises shall have all eligible mortalities CWD tested until such time that three animals are tested and valid test results are obtained. The owner of the premises shall ensure that the CWD samples are properly collected and submitted in compliance with the collections requirements. The owner must report the test results to the commission within 30 days of receiving the test results. This requirement applies to any premises where these species are located and is not dependent on the live movement of any of these species.

(c) Movement Reporting and Identification Requirements.

(1) Live Exotic CWD Susceptible Species moved or transported within the state shall be identified with an official identification device, which may include an eartag that conforms to the USDA alphanumeric national uniform ear tagging system (NUES), is a visible and legible animal identification number (AIN) or other identification methods approved by the commission, including a RFID device.

(2) In order to move live Exotic CWD Susceptible Species to or from a premises, the owner must obtain a Premises Identification Number (PIN). A PIN means a unique official seven character alphanumeric identification code issued under this chapter to identify a specific and unique premises.

(3) An owner of a premises where Exotic CWD Susceptible Species are located within a high fence shall keep herd records that include an annual inventory and mortality log for all Exotic CWD Susceptible Species. The inventory shall be submitted to the commission on or before April 1 of each year.

(4) A complete movement record for all live Exotic CWD Susceptible Species that are moved onto or off of a premises shall be submitted to the commission, either in hard or electronic copy on forms provided or authorized by the commission. The person moving the Exotic CWD Susceptible Species must have documentation with the Exotic CWD Susceptible Species being moved to show compliance with the requirements of this subsection. A copy of this documentation must be provided to any market selling these species. Such

record shall be submitted within 48 hours of the movement. Movement reporting shall be directed to the commission by either writing to Texas Animal Health Commission, CWD Susceptible Species Reporting, P.O. Box 12966, Austin, Texas 78711-2966; or by fax to (512) 719-0729; or by email to CWD_reports@tahc.texas.gov.

(d) Testing Requirements. CWD test samples shall be collected and submitted to an official laboratory for CWD diagnosis using a USDA validated test for all eligible mortalities. Test reporting shall be directed to the appropriate commission region office. The samples may be collected by a state or federal animal health official, an accredited veterinarian, or a Certified CWD Postmortem Sample Collector. Tissue samples shall be the obex and a retropharyngeal lymph node from each animal tested eligible mortality.

(e) Test Result Reporting. The owner shall report all test results to the commission within 30 days of receiving the test results by either writing to Texas Animal Health Commission, CWD Susceptible Species Reporting, P.O. Box 12966, Austin, Texas 78711-2966; or by fax to (512) 719-0729; or by email to CWD_reports@tahc.texas.gov.

(f) Mortality Record Keeping.

(1) The owner of a premises where an Exotic CWD Susceptible Species eligible mortality occurs shall maintain the following mortality records:

(A) the date the Exotic CWD Susceptible Species dies or was harvested;

(B) the species, age, and sex of the animal;

(C) any RFID or NUES tag number affixed to the animal; and

(D) any other identification number, official or unofficial, on the animal.

(2) The mortality records shall be made available upon request to any commission employee acting in the performance of official duties.

(3) The mortality records shall be submitted to the commission on or before April 1 of each year either by writing to Texas Animal Health Commission, CWD Susceptible Species Reporting, P.O. Box 12966, Austin, Texas 78711-2966; or by fax to (512) 719-0729; or by email to CWD_reports@tahc.texas.gov.

(4) The mortality record shall be on a form provided or approved by the commission and shall be retained for a period of one year following submission to the commission.

(g) Inspection. In order to ensure compliance with these rules, a premises where Exotic CWD Susceptible Species are located may be inspected by the commission or authorized agents of the commission.

(h) Dealer Requirements. A dealer is a person engaged in the business of buying or selling Exotic CWD Susceptible Species in commerce on the person's own account, as an employee or agent of a vendor, purchaser, or both, or on a commission basis. To maintain separate herd status for the animals a dealer sells, a dealer shall maintain separate herd facilities and separate water sources; there shall be at least

30 feet between the perimeter fencing around separate herds; and no commingling of animals may occur. Movement of animals between herds must be recorded as if they were separately owned herds. A dealer shall maintain records for all Exotic CWD Susceptible Species transported within the state or where there is a transfer of ownership, and provide these to commission personnel upon request. Records required to be kept under the provisions of this section shall be maintained for not less than five years and shall include the following information:

(1) Owner's name;

(2) Location where the animal was sold or purchased;

(3) Official ID and/or Ranch tag (additional field for retag);

(4) Gender and age of animal;

(5) Source of animal (if purchased addition);

(6) Movement to other premises; and

(7) Disposition of the animal.

Source Note: *The provisions of this §40.5 adopted to be effective June 12, 2013, 38 TexReg 3538; amended to be effective May 30, 2017, 42 TexReg 2820*

RULE §40.6. CWD Movement Restriction Zones

(a) Definitions:

(1) Check Station--Department established mandatory check stations in any CZ or SZ or any portion of a CZ or SZ for the purpose of collecting biological information on Chronic Wasting Disease (CWD) susceptible species taken within a CZ or SZ.

(2) CWD Containment Zone (CZ)--A geographic area which would include a known affected area or a (quarantined) premises under a herd plan because a positive result was obtained in a CWD susceptible species or an area within Texas where CWD has been detected or where there is a high risk of CWD existing or where the commission has determined may exist.

(3) CWD Surveillance Zone (SZ)--A geographic area in the state which the commission has determined or where there is a risk of CWD existing and surveillance is necessary.

(4) CWD Non-Native Susceptible Species--A non-native cervid species which includes North American elk or wapiti (Cervus Canadensis), red deer (Cervus elaphus), Sika deer (Cervus Nippon), moose (Alces alces), and any associated subspecies and hybrids.

(5) CWD Native Susceptible Species--All mule deer, white-tailed deer, and native species under the jurisdiction of the Texas Parks and Wildlife Department are excluded from this definition and application of this section.

(6) Department--Texas Parks and Wildlife Department.

(7) High fence premises--A premises enclosed on all sides by a fence adequate to prevent the ingress or egress of all non-native CWD susceptible species.

(8) Unnatural Movement--Any artificially induced movement of a live susceptible species or the carcass of a susceptible species.

(b) Declaration of area restricted for CWD. CWD has been detected in susceptible species in different locations in Texas. This creates a high risk for CWD exposure or infection in susceptible species in these geographic areas. In order to protect other areas of the state from the risk of exposure and spread of CWD, restricted areas are created to protect against the spread of and exposure to CWD and have necessary surveillance to epidemiologically assess the risk. The high risk areas are delineated as follows:

(1) Containment Zone Boundaries:

(A) Containment Zone 1. That portion of the state within the boundaries of a line beginning in Culberson County where U.S. Highway (U.S.) 62-180 enters from the State of New Mexico; thence southwest along U.S. 62-180 to Farm-to-Market Road (F.M.) 1111 in Hudspeth County; thence south on F.M. 1111 to I.H. 10 thence west along I.H. 10 to S.H. 20; thence northwest along S.H. 20 to F.M. 1088; thence south along F.M. 1088 to the Rio Grande River; thence northwest along the Rio Grande River to the Texas-New Mexico border.

(B) Containment Zone 2. That portion of the state within the boundaries of a line beginning where I.H. 40 enters from the State of New Mexico in Deaf Smith County; thence east along I.H. 40 to U.S. 385 in Oldham County; thence north along U.S. 385 to the Oklahoma state line.

(C) Containment Zone 3. Boundaries consist of properties under the same ownership or management for facilities operating under a herd plan due to a positive result in a CWD susceptible species in Medina and Uvalde counties.

(2) Surveillance Zone Boundaries:

(A) Surveillance Zone 1. That portion of the state within the boundaries of a line beginning where U.S. 285 enters from the State of New Mexico in Reeves County; thence southeast along U.S. 285 to R.M. 652; thence west along R.M. 652 to Rustler Springs Rd./FM 3541 in Culberson County; thence south along Rustler Springs Rd./F.M. 3541 to F.M. 2185; thence south along F.M. 2185 to Nevel Road; thence west along Nevel Road to County Road 501; thence south along County Road 501 to Weatherby Road; thence south along Weatherby Road to F.M. 2185; thence southwest along F.M. 2185 to S.H. 54; thence south on S.H. 54 to U.S. 90; thence south along U.S. 90 to the Culberson County line; thence southwest along the Culberson County line to the Rio Grande River in Hudspeth County; thence north along the Rio Grande River to F.M. 1088; thence northeast along F.M. 1088 to S.H. 20; thence southeast along S.H. 20 to I.H. 10; thence southeast along I.H. 10 to F.M. 1111; thence north on F.M. 1111 to U.S. 62/180; thence east and north along U.S. 62/180 to the New Mexico state line in Culberson County.

(B) Surveillance Zone 2. That portion of the state within the boundaries of a line beginning at the New Mexico state line where U.S. 60 enters Texas; thence northeast along U.S. 60 to U.S. 87 in Randall County; thence north along U.S. 87 to I.H. 27; thence north along U.S. 87/I.H. 27 to U.S. 287 in Moore County; thence north along U.S. 287 to the Oklahoma state line.

(C) Surveillance Zone 3. That portion of the state within the boundaries of a line beginning at U.S. 90 in Hondo in Medina County; thence west along U.S. 90 to F.M. 187 in Uvalde County; thence north along F.M. 187 to F.M. 470 in Bandera County; thence east along F.M. 470 to Tarpley in Bandera County; thence south along F.M. 462 to U.S. 90 in Hondo.

(c) Containment Zone Requirements:

(1) Movement. No non-native CWD susceptible species may be transported outside the CZ unless from a herd with a certified status as established through §40.3(c)(6) (relating to Herd Status Plans for Cervidae) of this chapter.

(2) Released Animals. No non-native CWD susceptible species may be released within the CZ outside a high fence premises.

(3) Testing. All non-native CWD susceptible species, 16 months of age or older, that are hunter harvested shall be tested for CWD. No part of a carcass of a susceptible species, either killed or found dead may be removed from the CZ unless a testable CWD sample from the carcass is collected and tested. The results shall be provided to the commission or the Department within 30 days of receiving the test results.

(4) Carcass Movement Restrictions. No part of a carcass of a susceptible species, either killed or found dead, within the CZ may be removed from the CZ unless it is in accordance with the requirements of §40.6 (g) of this section.

(5) Escaped Animals. Any escaped non-native CWD susceptible species which originated or resided in a CZ shall be captured and returned to the high fence premises of origin.

(6) Herd Plans. Facilities and associated properties in the CZ that have been issued a herd plan shall operate in accordance to the herd plan requirements as determined by the commission.

(7) Identification. All non-native CWD susceptible species released in a CZ shall be identified with a visible official identification device, which may include an eartag that conforms to the USDA alphanumeric national uniform ear tagging system and/or an animal identification number (AIN) and may include a RFID device. If a susceptible species is released into a high fence premises, the animal shall retain the acceptable official identification.

(d) Surveillance Zone Requirements:

(1) Movement. Prior to the movement of a non-native CWD susceptible species outside an SZ or from one premises in the SZ to another premises within the SZ, the premises of origin shall have an epidemiological risk assessment conducted by the commission.

(2) Released Animals. No non-native CWD susceptible species may be released within the SZ outside a high fence premises.

(3) Testing. All non-native CWD susceptible species, 16 months of age or older, that are hunter harvested shall be tested for CWD. No part of a carcass of a susceptible species, either killed or found dead may be removed from the SZ unless a testable CWD sample from the carcass is collected and tested. The results shall be provided to the commission or the Department within 30 days of receiving the test results.

(4) Carcass Movement Restrictions. No part of a carcass of a susceptible species, either killed or found dead, within the SZ may be removed from the SZ unless it is in accordance with the requirements of §40.6(e) of this section.

(5) Escaped Animals. Any escaped non-native CWD susceptible species which originated or resided in an SZ shall be captured and returned to the high fence premises of origin.

(6) Herd Plans. Facilities and associated properties in the SZ that have been issued a herd plan shall operate in accordance with the herd plan requirements as determined by the commission.

(7) Identification. All non-native CWD susceptible species released in an SZ shall be identified with a visible official identification device, which may include an eartag that conforms to the USDA alphanumeric national uniform ear tagging system and/or an animal identification number (AIN), which may include a RFID device. If a susceptible species is released into a high fence premises, the animal shall retain the acceptable official identification.

(e) Carcass Movement Restrictions:

(1) No person shall transport or cause the transport of any part of a susceptible species from a property within a CZ or SZ unless:

(A) meat has been cut up and packaged (boned or filleted);

(B) a carcass has been reduced to quarters with no brain or spinal tissue present;

(C) a cleaned hide (skull and soft tissue must not be attached or present);

(D) a whole skull (or skull plate) with antlers attached, provided the skull plate has been completely cleaned of all soft tissue;

(E) finished taxidermy products;

(F) cleaned teeth; or

(G) tissue prepared and packaged for delivery to and use by a diagnostic or research laboratory with results accessible to the commission.

(2) A susceptible species harvested in a CZ or SZ may be transported from the CZ or SZ, provided it is accompanied by a Department-issued check-station receipt, which is required during the operation of the mandatory Department check-stations in the CZ or SZ, and that receipt shall remain with the susceptible

species until it reaches the possessor's permanent residence. The skinned or unskinned head of a susceptible species from a CZ or SZ may be transported to a taxidermist for taxidermy purposes, provided all brain material, soft tissue, spinal column, and any unused portions of the head are disposed of by the taxidermist in a landfill in Texas permitted by the Texas Commission on Environmental Quality.

(f) The Executive Director may authorize movement. If movement is necessary or desirable to promote the objectives of this chapter and/or to minimize the economic impact of the restricted susceptible species without endangering those objectives or the health and safety of other susceptible species within the state, the Executive Director may authorize movement in a manner that creates minimal risk to the other susceptible animals in the state.

(g) Commission staff shall annually review the movement restrictions zones and make recommendations to the commission on whether the zones should be modified or rescinded.

Source Note: *The provisions of this §40.6 adopted to be effective January 2, 2017, 41 TexReg 10556*

RULE §40.7. Executive Director Declaration of a CWD Movement Restriction Zone

(a) Definitions:

(1) High risk area or county--An area or county that is epidemiologically judged to have a high probability for species susceptible for having, developing or being exposed to Chronic Wasting Disease (CWD).

(2) Hold Order--A document restricting movement of a herd, unit, or individual animal pending the determination of its s disease status.

(b) Order Declaring a CWD High Risk County or Area. The Executive Director of the Texas Animal Health Commission may issue an order to declare a CWD high risk area or county based on sound epidemiological principles for disease detection, control, and eradication. The epidemiological criteria used for designating an area or county as high risk may include the presence of disease, multiple positive animals in the area, and common husbandry and animal use practices that could lead to disease exposure.

(c) The Order shall contain the following elements:

(1) The epidemiological criteria for which the order is being issued.

(2) A description of the area or county determined to be high risk that enables a person to identify the area and determine if a premise is included in the area.

(3) A statement that movement of CWD susceptible species is prohibited, if the Executive Director determines the threat of disease spread warrants such action.

(4) Any exceptions, terms, conditions, or provisions prescribed under this chapter must be stated in the order.

(5) State the class of persons authorized by the commission or the Executive Director to issue certificates or permits permitting movement.

(6) Any authorized movement certificate or permit must be issued in conformity with the requirements stated in the high risk notice:

(A) The Executive Director may provide for a written certificate or written permit authorizing the movement of CWD susceptible species from locations where the CWD susceptible species have been restricted.

(B) The certificate or permit must be issued by a Commission personnel or other person authorized by the Commission to issue a certificate or permit.

(7) If the order prohibits the movement of any CWD susceptible species until tested negative for the disease, the Executive Director may prescribe:

(A) any exceptions;

(B) terms;

(C) conditions; or

(D) provisions that the Executive Director considers necessary or desirable to promote the objectives of this chapter or to minimize the economic impact of the equine without endangering those objectives or the health and safety of other CWD susceptible species.

(d) Publication of Notice. The Executive Director shall give notice of the Order:

(1) By publishing notice in a newspaper published in the county in which the high risk area is established; or

(2) By delivering a written notice to the owner or caretaker of the animals or places to be restricted.

Source Note: *The provisions of this §40.7 adopted to be effective February 5, 2013, 38 TexReg 495*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 41 FEVER TICKS

RULE §41.1. Definition of Terms

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Adjacent premise--A premise that borders an exposed or infested premise, including premises separated by roads, double fences, or fordable streams. A premise that would normally be classified as adjacent may be exempted from adjacent premise requirements by a State or Federal epidemiologist if the premise is separated from the exposed or infested premise by double fencing, sufficient to prevent the spread of ticks, with one of the fences being game-proof.

(2) Animal--Any domestic, free-range, or wild animal capable of hosting or transporting ticks capable of carrying Babesia, including livestock; zebras, bison, and giraffes; and deer, elk, and other cervid species.

(3) Certificate--A document authorizing movement of livestock issued by an authorized representative of the commission after the livestock have been treated in a manner prescribed by the commission for the area and premise from which they originate.

(4) Check premise--A premise located in a tick eradication quarantine area, temporary preventative quarantine area, or control purpose quarantine area that is not classified as an infested, exposed, or adjacent premise.

(5) Control purpose quarantine area--A premise or property designated by the commission for a systematic inspection of livestock and premises and control of the movement of livestock in order to investigate and control a suspected exposure of animals to ticks outside the tick eradication quarantine area. The boundaries of the area will be determined by evaluation of the barriers to the potential spread of ticks.

(6) Designated Fever Tick Epidemiologist (DFTE)--A State or Federal epidemiologist designated to make decisions concerning the use and interpretation of exposure to fever ticks and to manage the Fever Tick program. The DFTE must be selected jointly by the Executive Director of the commission and the USDA-APHIS, VS representative for Texas. The DFTE has the responsibility to determine the scope of epidemiologic investigations, determine the status of herds, assist in development of individual herd plans, and coordinate fever tick surveillance and eradication programs within his or her geographic area of responsibility. The DFTE has authority to make independent decisions concerning the management of herds and use of property and limiting

the impact of wildlife when those decisions are supported by sound fever tick eradication principles.

(7) Dipping or treating--If the commission requires livestock to be dipped, the livestock shall be submerged in a vat. A spray-dip machine may be used in areas where a vat is not reasonably available. Careful hand spraying may be used for easily restrained horses and show cattle, and when specifically authorized, certain zoo or domestic animals. Livestock unable to go through a dipping vat because of size or physical condition may be hand sprayed. The treatment must be paint marked so that it can be identified for at least 17 days. If the commission determines that free-ranging wildlife and exotic animals, which are capable of hosting fever ticks, require treatment, they shall be treated by methods and for the duration of time approved by the commission.

(8) Exposed livestock--Any of the following factors shall constitute livestock as being exposed:

(A) Livestock that have entered an infested or exposed premise and have not been dipped and removed from the infested or exposed premise within 14 days after entry.

(B) Livestock that have occupied an exposed premise and have not completed treatment required for movement from an exposed premise.

(C) Livestock that have entered Texas from Mexico without a certificate from the United States Department of Agriculture.

(9) Exposed premise--A premise shall be considered exposed if systematic treatment has not been completed and if either of the following conditions apply:

(A) Ticks have been found on livestock that have been on the premise for less than 14 days.

(B) A premise that has received exposed livestock, or equipment or material capable of carrying ticks from an infested or exposed premise.

(10) Fever Tick Vaccine--A biological treatment administered by injection to an animal that stimulates a potent immune response against fever tick proteins, which prevents the infestation of ticks capable of carrying Babesia.

(11) Free area--An area designated by the commission as being free of ticks or exposure to ticks. The extent of the area will be determined by the appropriate barriers to the potential spread of ticks.

(12) Game proof fence--A fence that has a minimum height of eight feet, consisting of wire mesh of sufficiently small size to prevent or impede the movement of domestic or exotic wildlife over, under, or through the fenced area.

(13) Individual herd plan--A written disease management plan that is developed by the herd or land owner(s) and/or their representative(s), and a State or Federal DFTE to eradicate fever ticks or potential exposure to fever ticks from an affected herd or property. The herd plan will include appropriate treatment frequencies, treatments to be employed, and any additional fever tick

management or herd management practices, including vaccination, deemed necessary to eradicate fever ticks from the herd or on an infected or exposed premise in an efficient and effective manner. The plan must be approved by the Executive Director of the commission and the USDA-APHIS, VS representative for Texas, and have the concurrence of the DFTE.

(14) Infested livestock--Livestock shall be considered infested if eradication treatment for movement from an infested premise has not been completed and if either of the following conditions apply:

(A) Ticks have been found on livestock.

(B) Livestock which occupy a premise where ticks have been found on livestock that have been on the premise more than 14 days.

(15) Infested premise--A premise where ticks have been found on livestock that have been on the premise for more than 14 days, and systematic treatment has not been completed.

(16) Livestock--Any domestic animal or any free ranging animals found on a premise or captured wild animal that is capable of hosting or transporting ticks capable of carrying babesia (the causative agent of cattle tick fever), including, but not limited to, cattle, horses, mules, jacks, jennets, zebras, buffalo, giraffe, and deer.

(17) Permit--A document issued by an authorized representative of the commission allowing specified movement of livestock.

(18) Premise--An area which can be defined by boundaries of recognizable physical barriers that prevent livestock from crossing the boundaries under ordinary circumstances; or an area that livestock do not ordinarily inhabit that the commission defines by recognizable features.

(19) Premise inspection--A routine inspection by an authorized representative of the commission of premise boundaries and the livestock within for the purpose of documenting exposure of the premise.

(20) Premise under vacation--A premise from which all livestock have been removed as prescribed by the commission.

(21) Range inspection of livestock--An inspection of livestock to see the animal close enough to detect ticks on the animal.

(22) Scratch inspection of livestock--An inspection of livestock by an authorized representative of the commission in an approved facility that allows the inspector to touch and see all parts of the livestock.

(23) Temporary preventative quarantine area--An area designated by the commission for systematic inspection and treatment of livestock and premises, and control of movement of livestock, in order to detect and eradicate infestation and exposure from infested or exposed premises outside the tick eradication quarantine area. The extent of the area will be determined by evaluating the

barriers to the potential spread of ticks. This is also designated as a "Blanket Disease Quarantine."

(24) The commission--The Texas Animal Health Commission.

(25) Tick--Any tick capable of transmitting bovine Babesiosis (cattle tick fever or bovine piroplasmosis).

(26) Tick eradication quarantine area--An area designated by the commission for systematic inspection and treatment of livestock and premises, and control of movement of livestock, in order to detect and eradicate infestation from infested or exposed premises. The extent of the area will be determined by evaluating the barriers to the potential spread of ticks. This is the permanent quarantine area which is designated in §§41.14 - 41.22 of this chapter (relating to Quarantine Line; Defining and Establishing Tick Eradication Areas), and in the United States Department of Agriculture Code of Federal Regulations Part 72.5, parallel to the Rio Grande River, commonly known as the buffer zone or systematic area.

(27) Treatment--A procedure or management practice used on an animal to prevent the infestation of, control or eradicate ticks capable of carrying Babesia.

Source Note: *The provisions of this §41.1 adopted to be effective June 23, 2002, 27 TexReg 5175; amended to be effective September 11, 2005, 30 TexReg 5321; amended to be effective November 2, 2010, 35 TexReg 9688; amended to be effective February 4, 2014, 39 TexReg 484; amended to be effective June 15, 2016, 41 TexReg 4245*

RULE §41.2. Designation of an area

(a) Each area of the state will be classified by the commission as a free area, control purpose quarantine area, temporary preventative quarantine area, or tick eradication quarantine area. The commission will immediately redesignate an area when any change in circumstances warrants reclassification. Each area will be determined by the Animal Health Commission according to the needs of inspection and treatment for known or suspected infestation of ticks.

(b) Upon the designation of any area other than a free area, and upon the request of five livestock owners within that area, the commission will appoint an area advisory committee from recommendations made by livestock owners within the area. The committee will be kept informed of the general plan of inspection and treatment for the area, of the results of all inspections of livestock and premises, and of changes in boundaries.

(c) The commission will notify all livestock owners within an area, except the free area, as to the type area in which their livestock are located. All changes in designation of an area will be in writing with the reason for change given.

Source Note: *The provisions of this §41.2 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.3. Designation of a premise

(a) Each premise within a tick eradication quarantine area, temporary preventative quarantine area, or control purpose quarantine area will be classified by the commission as an infested, exposed, adjacent, or check premise. The commission will immediately redesignate a premise when a change in circumstances warrants reclassification. The boundaries of each premise will be determined according to inspection and treatment needs for known or suspected infestation of ticks. A premise which has received untreated livestock from a premise later found to be tick infested, and the length of such infestation is unknown, may be classified as control purpose instead of exposed if livestock on the premise are found to be tick free, the owner agrees in writing to present the animals for inspection when required by the Commission, and such classification does not present a threat of the spread of ticks to the surrounding premise(s).

(b) The commission will notify all livestock owners within an area, except the free area, as to the type premise on which their livestock are located. All changes in designation of premises will be in writing with the reason for change given.

(c) A premise that would normally be classified as adjacent may be exempted from adjacent premise requirements by a State or Federal epidemiologist if the premise is separated from the exposed or infested premise by double fencing, sufficient to prevent the spread of ticks, with one of the fences being game-proof.

Source Note: *The provisions of this §41.3 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.4. Quarantines

The commission may establish quarantines on land, premises, and livestock for the purpose of regulating the handling of livestock and eradicating ticks or exposure to ticks in the free area or for the purpose of preventing the spread of tick infestation into the free area. An owner or caretaker of livestock in the free area and the commissioners court of a county all or part of which is located in the free area shall cooperate with the commission in the manner provided by this chapter for tick eradication in the tick eradication area.

(1) Control purpose quarantine area-A premise or property designated by the commission, in writing, for a systematic inspection of livestock and premises and control of the movement of livestock in order to investigate and control a suspected exposure of animals to ticks outside the tick eradication quarantine area. The boundaries of the area will be determined by evaluation of the barriers to the potential spread of ticks.

(2) Temporary preventative quarantine area--An area designated by the commission for systematic inspection and treatment of livestock and premises, and control of movement of livestock, in order to detect and eradicate infestation and exposure from infested or exposed premises outside the tick eradication quarantine area. The extent of the area will be determined by evaluating the barriers to the potential spread of ticks.

(3) Tick eradication quarantine area--An area designated by the commission, through boundaries established by this chapter, for systematic inspection and treatment of livestock and premises, and control of movement of livestock, in order to detect and eradicate infestation from infested or exposed premises. The extent of the area will be determined by evaluating the barriers to the potential spread of ticks. This is the permanent quarantine area which is designated in §§41.14 - 41.22 of this Chapter (relating to Quarantine Line; Defining and Establishing Tick Eradication Areas), and in the United States Department of Agriculture Code of Federal Regulations Part 72.5, parallel to the Rio Grande River, commonly known as the buffer zone or systematic area.

Source Note: *The provisions of this §41.4 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.5. Movement of livestock

(a) When livestock are moved from any quarantined area the person moving the livestock must have in his or her possession a copy of any certificate or permit required for movement.

(b) A permit or certificate is void unless the livestock begin movement to the stated destination immediately upon issuance.

(c) Movement must be direct to the destination stated on the permit or certificate. No livestock may be unloaded at any destination not shown on the permit or certificate.

(d) Any livestock that become exposed during movement must be scratch inspected and dipped within 14 days of the exposure.

(e) No certificate for movement will be issued unless the owner of the livestock has fully complied with these regulations.

(f) When livestock are allowed to move after a required dip, the livestock must be loaded in the transporting conveyance wet, or held on a premise for a period of time approved by an authorized representative of the commission.

(g) Livestock may not move when a dip is required prior to movement, if rain or exposure to water results in the dip dripping to the ground before the dip dries. In such event, the certificate for movement is void, and another dip is required before movement.

(h) Gently using horses, which can be handled and utilized, (may be certified for movement within and from the systematic area upon close inspection and spraying every 14 days. In all cases, a final spraying must be certified by an Authorized Representative of the Commission for an animal to be relieved of the 14 day spraying requirement. The 14 day interval may be extended due to circumstances beyond the control of the owner upon approval by an authorized representative of the Commission. In no event will the extension be more than three days. If the extension is granted, the animal may not be removed from the 14 day pass until the next treatment on the regular 14 day schedule.

(i) Movement of cattle imported or originating from Mexico shall meet the requirements contained in §41.11 of this Chapter (relating to Protest of Designation of Area or Premise).

Source Note: *The provisions of this §41.5 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.6. Restrictions on Movement of Livestock

(a) Movement from a free area. There are no restrictions on the movement of livestock from a designated free area.

(b) Movement is restricted from leaving a tick eradication quarantine area, temporary preventative quarantine area, or control purpose quarantined area. The owner or caretaker of livestock located in a tick eradication quarantine area, temporary preventative quarantine area, or control purpose quarantine area shall not move, or allow the movement of, any livestock from the area without the livestock having a commission approved permanent official identification device and a permit or certificate for movement issued by an authorized representative of the commission. No person may accept a shipment of livestock from a tick eradication quarantine area, temporary preventative quarantine area, or control purpose quarantine area, unless the livestock are accompanied by an original permit or certificate for movement.

(1) Movement from an infested premise or exposed premise. A certificate for movement will be issued after the livestock, if moving directly to slaughter by sealed conveyance, have had two consecutive dips not less than seven nor more than 14 days apart without scratch inspection unless required by §41.8 of this title (relating to Dipping of Livestock); or have had two dips not less than seven days nor more than 14 days apart, with each dip following a scratch inspection that does not reveal ticks; or have been dipped through a swim vat following a scratch inspection and not less than 12 days nor more than 14 days after being dipped through a swim vat following a scratch inspection that does not reveal ticks.

(2) Movement from an adjacent premise or check premise. Certificates for movement will be issued after the livestock have been found free from ticks by scratch inspection and then dipped; or have had three dips not less than seven nor more than 14 days apart without scratch inspection unless required under §41.8 of this title or, if moving directly to slaughter by sealed conveyance, have had two dips not less than seven nor more than 14 days apart without scratch inspection unless required under §41.8 of this title if moving directly to slaughter by sealed conveyance.

(c) Movement originating in other states. In addition to other requirements, livestock originating in a fever tick quarantined area must be accompanied by a certificate issued by an authorized representative of the commission showing them to be free of infestation and exposure and that they were dipped under supervision in an approved dipping solution immediately prior to shipment. The livestock must be transported in clean and disinfested trucks, railroad cars, or other vehicles.

Source Note: *The provisions of this §41.6 adopted to be effective June 23, 2002, 27 TexReg 5175; amended to be effective March 4, 2007, 32 TexReg 752; amended to be effective October 28, 2015, 40 TexReg 7396*

RULE §41.7. Movement Restrictions on hides and carcasses

(a) Movement from a free area. There are no restrictions on the movement of hides and carcasses from a free area.

(b) Movement from any quarantine area. Hides and carcasses and parts thereof of any animal must be inspected and undergo any treatment deemed necessary. A permit for movement issued by a representative of the commission must accompany the shipment.

Source Note: *The provisions of this §41.7 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.8. Dipping, Treatment, and Vaccination of Animals

Unless otherwise determined by the DFTE and approved by the Executive Director, the following requirements shall apply:

(1) General Requirements:

(A) All scratch inspections, dipping, treatment, and vaccination prescribed in this section must be done under the supervision of a representative authorized by the commission.

(B) All scratch inspections, dipping, treatment, or vaccination must be done under instructions issued by the commission. All requirements will be in written form directed to the owner or caretaker. An inspector for the commission will deliver the instructions in person along with a copy of these regulations. All premises boundaries will be listed in the instructions.

(C) The owner or caretaker of livestock on infested and exposed premises must comply with the TAHC approved Quarantine Schedule as follows:

(i) The starting date for infested premises for Table I (Pasture Treatment or Vacation Schedule, South of Highway 90) and Table II (Pasture Treatment or Vacation Schedule, North of Highway 90), is the date of the first clean dipping of 100% of the livestock.

(ii) The starting date for exposed premises for Table I and Table II is when 100% of the livestock on the premises have been dipped.

(iii) Copies of Table I (Pasture Treatment or Vacation Schedule, South of Highway 90) and Table II (Pasture Treatment or Vacation Schedule, North of Highway 90) may be obtained from the Texas Animal Health Commission, P.O. Box 12966, Austin, Texas 78711-2966.

Attached Graphic

(D) The owner or caretakers must gather and present all livestock for scratch inspection, dipping, treatment or vaccination required by the commission. The owner or caretaker is responsible for all costs associated with and labor necessary for presenting the owner or caretaker's cattle for scratch inspection, dipping, treatment, or vaccination at the location prescribed by the commission.

(2) Requirements for Dipping, Treatment, or Vaccination:

(A) Dipping Requirements:

(i) The owner or caretaker of livestock on infested or exposed premises must present the livestock to be scratch inspected and dipped with subsequent dipping every seven to 14 days until the livestock are moved from the premises in accordance with these regulations, except as provided in subsection (1)(C) of this section.

(ii) The 14-day interval may be extended due to circumstances beyond the control of the owner upon approval by an authorized representative of the commission. In no event will the extension be more than three days. If the extension is granted, no certificate for movement will be issued after the 14th day, and the next dip must be on the original 14-day schedule.

(iii) The scratch inspection and first dip must be within 14 days from the date infestation or exposure is discovered unless otherwise approved by the commission.

(iv) A dip is not official unless 100% of the livestock within the premises affected are dipped on schedule.

(v) The commission will authorize for use in dipping only those dips that have been approved by the Animal and Plant Health Inspection Service of the United States Department of Agriculture and the commission for use in official dipping to rid animals of the tick.

(vi) The concentration of the dipping chemical used must be maintained in the percentage specified for official use by means of the approved vat management techniques established for the use of the agent; or, if applicable, by an officially approved vat side test or field test of the commission.

(vii) If the commission requires livestock to be dipped, the livestock shall be submerged in a vat. A spray-dip machine may be used in areas where a vat is not reasonably available.

(viii) Careful hand spraying may be used for easily restrained horses and show cattle, and when specifically authorized by a commission representative, certain zoo or domestic animals.

(ix) Livestock unable to go through a dipping vat because of size or physical condition, as determined by a commission representative, may be hand sprayed.

(x) The dip treatment must be paint marked on the animals so that it can be identified for as treated for at least 17 days after the treatment.

(B) Authorized Treatment Requirements:

(i) Following the first clean dipping of 100% of the livestock, the cattle may be treated with injectable doramectin in lieu of systematic dipping. The owner or caretaker of cattle on an infested or exposed premises must present the livestock to be scratch inspected and treated with injectable doramectin every 25-28 days until the livestock are moved from the premises in accordance with these regulations, except as provided in subsection (1)(C) of this section.

(ii) Treatment of doramectin shall by administered by subcutaneous injection by a representative of the commission.

(iii) The owner or caretaker must comply with the slaughter withholding period (35 days) of doramectin by holding cattle at the premises of origin until the withdrawal period is completed.

(iv) Treatment is not official unless 100% of the livestock within the premises affected are treated on schedule.

(v) Free-ranging wildlife or exotic livestock that are found on infested or exposed premises, and which are capable of hosting fever ticks will be treated by methods approved by the commission and for the length of time specified by the commission.

(I) Ivermectin medicated corn may be administered to free-ranging wildlife or exotic livestock by a representative of the commission following the close of the hunting season, provided that treatment is terminated at least 60 days prior to the beginning of the next hunting season to comply with the required withdrawal period.

(II) Permethrin impregnated roller devices may be used for topical treatment of free-ranging wildlife or exotic livestock during periods when ivermectin medicated corn is not administered. The commission may specify the use of other pesticides for treatment of wildlife or exotic livestock when deemed necessary to control and eradicate fever ticks.

(C) Vaccination Requirements:

(i) The fever tick vaccine shall be administered by employees or authorized agents of the USDA/APHIS/Veterinary Services or the commission.

(ii) The owner or caretaker must comply with the 60 day slaughter withholding period, or other slaughter withholding timeframe as specified by the label. The owner or caretaker must hold vaccinated cattle at the premises of origin until the withdrawal period is completed.

(iii) In addition to any dipping or treatment required by this section, beef cattle two months of age or older located within the tick eradication quarantine area shall be vaccinated with the fever tick vaccine at intervals prescribed by the commission. The vaccine must be administered when cattle are gathered and presented for annual inspection as required by §41.9 of this chapter (relating to Vacation and Inspection of a Premise) and at other times specified by the commission.

(iv) In addition to any dipping or treatment required by this section, the commission may require fever tick vaccination of beef cattle two months of age and older located within the temporary preventative quarantine area, control purpose quarantine area or other beef cattle or premises epidemiologically determined by the commission to be at an increased risk for fever ticks. The cattle shall be vaccinated at intervals prescribed by the commission.

(3) Herd Plan and Protest. Each premises within a tick eradication quarantine area, temporary preventative quarantine area, or control purpose quarantine area will be classified by the commission as an infested, exposed, adjacent, or check premises and is required to execute a herd management plan and remain under restrictions until no evidence of fever ticks is disclosed or a complete epidemiologic investigation fails to disclose evidence of exposure to fever ticks, with the concurrence of the DFTE. A person may protest an initial test or a herd plan for each premises classified as increased risk for fever ticks.

(A) To protest, the responsible person must request a meeting, in writing, with the Executive Director of the commission within 15 days of receipt of the herd plan or notice of an initial test and set forth a short, plain statement of the issues that shall be the subject of the protest, after which:

(i) the meeting will be set by the Executive Director no later than 21 days from receipt of the request for a meeting;

(ii) the meeting or meetings shall be held in Austin; and

(iii) the Executive Director shall render his decision in writing within 14 days from date of the meeting.

(B) Upon receipt of a decision or order by the executive director which the herd owner wishes to appeal, the herd owner may file an appeal within 15

days in writing with the Chairman of the commission and set forth a short, plain statement of the issues that shall be the subject of the appeal.

(C) The subsequent hearing will be conducted pursuant to the provisions of the Administrative Procedure and Texas Register Act, and Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(D) If the Executive Director determines, based on epidemiological principles, that immediate action is necessary, the Executive Director may shorten the time limits to not less than five days. The herd owner must be provided with written notice of any time limits so shortened.

Source Note: *The provisions of this §41.8 adopted to be effective June 15, 2016, 41 TexReg 4245; amended to be effective May 30, 2017, 42 TexReg 2824*

RULE §41.9. Vacation and Inspection of a Premise

(a) Vacation of premise. Upon the removal of all livestock from a premise, the premise remains classified as before for the period shown on Table I (Pasture Vacation Schedule, South of Highway 90) or Table II (Pasture Vacation Schedule, North of Highway 90), whichever is applicable. The starting date is the date of the first clean dipping during which 100% of the livestock on the premise have been dipped and continued on an official dipping schedule until removed from the premise. The premise will be reclassified to a Check Premise, as provided by subsection (b) of this section, upon the expiration of the time shown in Tables I (Pasture Vacation Schedule, South of Highway 90) or II (Pasture Vacation Schedule, North of Highway 90), whichever is applicable. The Check Premise restrictions will be released when determined by the commission that the premise has no infestation.

(b) Required inspection of premise. An infested premise, exposed premise, or adjacent premise will be inspected every 14 days by an authorized representative of the commission. The 14-day interval may be extended due to circumstances that prevent the inspection. A check premise will be inspected when deemed necessary by an authorized representative of the commission.

(c) Required scratch inspection of livestock. The owner or caretaker of livestock on any premise must present them to be scratch inspected at any time specified by notice from an authorized representative of the commission.

(d) Free-ranging wildlife and exotic animals that are found on vacated pastures or check premises and which are capable of hosting fever ticks shall be treated by methods approved by the commission and for the length of time specified by the commission.

(e) All livestock maintained in the permanent quarantine zone as defined by §§41.14 - 41.22 of this title (relating to Quarantined Areas) shall be gathered and presented annually for inspection in the presence of an authorized representative of the commission. All of these animals shall be identified with a permanent and official identification device recognized by the commission.

(f) Required identification of livestock. Livestock located on a premise in a control purpose quarantine area, temporary preventative quarantine area or tick eradication quarantine area, as defined by §41.4 of this title (relating to Quarantines), shall be identified with a permanent official identification device approved by the commission. The owner or caretaker of livestock shall identify the livestock on or before the first date of inspection, as required by this section.

Source Note: *The provisions of this §41.9 adopted to be effective June 23, 2002, 27 TexReg 5175; amended to be effective September 11, 2005, 30 TexReg 5321; amended to be effective June 12, 2013, 38 TexReg 3541; amended to be effective October 28, 2015, 40 TexReg 7396*

RULE §41.10 Handling and feeding of livestock

(a) All conveyances which have contained infested or exposed livestock must be cleaned, treated, and determined to be free of ticks before reloading. All of these functions must be conducted in the presence of an authorized representative of the commission.

(b) All material removed from a conveyance or that has held infested or exposed livestock must be kept in an enclosure inaccessible to livestock, at a minimum distance of 15 feet. No material will be removed from the enclosure without approval in writing by the commission.

(c) Hay, feed, or any other commodity capable of carrying ticks may not be moved from an infested or exposed premise without a permit.

Source Note: *The provisions of this §41.10 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.11. Protest of designation of area or premise

Protest of designation of area or premise, dipping directions, or other orders. Any person who desires a hearing for the purpose of protesting the designation of an area or premise, or any dipping direction, or scratching notice, or any other order of the commission issued under the provisions of these regulations, may file an appeal pursuant to Chapter 32 of this title (relating to Hearing and Appeal Procedures).

Source Note: *The provisions of this §41.11 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.12. Regulations on cattle and products imported from Mexico

(a) All cattle moved into Texas from Mexico shall be identified with an "M"-brand prior to moving to a destination in Texas. Metal eartags applied in Mexico must not be removed from the animals.

(b) A copy of the certificate issued by an authorized inspector of the Animal and Plant Health Inspection Service, United States Department of Agriculture, for the movement of Mexico cattle into Texas must accompany such animals to their final destination in Texas, or so long as they are moving through Texas.

(c) The owner or caretaker of livestock that have been imported from Mexico, within six months of their entry into Texas, may not move or allow the movement of the livestock to any area of Texas other than a free area; nor may any person accept a shipment of such livestock into the Tick eradication quarantine area.

(d) No person, firm, corporation, or carrier may move or transport from Mexico into Texas any commodity capable of carrying ticks unless the commodity has been treated in accordance with requirements of the commission and the United States Department of Agriculture. A certificate of treatment issued by an authorized inspector must accompany such products to their final destination in Texas, or so long as they are moving through Texas.

Source Note: *The provisions of this §41.12 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.13. Tick Program Research and Field Studies

Tick Program Research and Field Studies. The Executive Director may authorize different requirements for dipping, movement, and other handling of livestock under quarantine when done pursuant to a research program or field study.

Source Note: *The provisions of this §41.13 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.14. Quarantine Line Defining and Establishing Tick Eradication Areas

(a) Under existing statutes, it is unlawful to move, or allow or permit to move, any livestock from the quarantined area except in a manner prescribed by the Texas Animal Health Commission. Movement must be on a written permit or certificate issued by an inspector of the commission or the United States Department of Agriculture, Animal and Plant Health Inspection Services, Veterinary Services in accordance with the law and the regulations of the commission.

(b) All of the area lying south and west of the boundary lines set forth in §§41.14 - 41.22 of this title (relating to Quarantine Line; Defining and Establishing Tick Eradication Areas) are designated as the systematic tick eradication area.

(c) All of the area lying north and east of the boundary lines set forth in §§41.14 - 41.22 of this title (relating to Quarantine Line; Defining and Establishing Tick Eradication Areas) are designated as the free area; provided, however, that individual quarantines for tick eradication, heretofore or hereafter established in this free area, are not affected by this designation.

Source Note: *The provisions of this §41.14 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.15. Quarantined area: Val Verde County

Quarantined areas are as follows for Val Verde County. Beginning at a point on the south bank of the Devils River where the Amistad Dam Compound east fence intersects the water line and following this east fence of the compound in a southerly direction to

the southeast corner of the Amistad Dam Compound, approximately 1 3/4 miles; thence, following the meanderings of this compound fence in a southwesterly direction to where it intersects the east right-of-way fence of the old railroad, approximately 3 1/4 miles; thence, following the old railroad right-of-way fence in a southeasterly direction to its intersection with the right-of-way fence of the present Southern Pacific Railroad, approximately 3 1/8 miles; thence, following Southern Pacific Railroad in a southeasterly direction to a point directly north across a gravel road from the northeast corner of the Slover Field, approximately 5 3/4 miles; thence, south across this gravel road to the northeast corner of the Slover Field and following the meanderings of the east fence of the Slover Field in a southwesterly direction to where it intersects the northeast corner of the Woodson Field 1, approximately 1/8 mile; thence, following the meanderings of Woodson Field 1 east fence in a southwesterly direction to the southwest corner of the same, approximately 1/4 mile to the north fence of the Payne Pasture; thence, following the north fence of the Payne Pasture in a westerly direction to the southwest corner of the same, approximately 100 yards; thence, following the west fence of the Payne Pasture in a southeasterly direction across Cienegas Creek to its junction with Kite Road, approximately 100 yards; thence, following Kite Road in a southerly direction to where it intersects Garza Lane, approximately .3 mile; thence, following Garza Lane in a westerly direction to a corner, approximately 1/8 mile; thence, following Garza Lane in a southeasterly direction to where it intersects U.S. Highway 277 Spur, approximately 1 1/8 miles; thence, following U.S. Highway 277 Spur in a southeasterly direction to its intersection with Hudson Drive, approximately .5 mile; thence, following Hudson Drive in a southeasterly direction to where it joins Rio Grande Drive, formerly called Silo Field Road, approximately .6 mile; thence, following the west fence of Rio Grande Drive in a southeasterly direction to where it joins the east fence of the Rudy Mota Vega, approximately .4 mile; thence, following the east fence of the Rudy Mota Vega in a southeasterly direction to where it joins the San Felipe Creek, approximately .3 mile; thence, following San Felipe Creek in an easterly direction to where it joins the W.L. Moody Rancho Rio Grande north fence of the Leroyce Pasture, approximately 1.2 miles; thence, following the meanderings of the Leroyce Pasture north fence in an easterly direction to a corner where it intersects the west right-of-way fence of U.S. Highway 277 being the east fence of the Rancho Rio Grande, approximately 3.2 miles; thence, following the Rancho Rio Grande east fence (on the west side of U.S. Highway 277) in a southeasterly direction to where it intersects the Val Verde-Kinney County line approximately 9.2 miles.

Source Note: The provisions of this §41.15 adopted to be effective June 23, 2002, 27 TexReg 5175

RULE §41.16. Quarantined area: Kinney County

Quarantined areas are as follows for Kinney County. Beginning at a point where the Rancho Rio Grande east fence intersects the Val Verde-Kinney County line; thence, following the meanderings of the Rancho Rio Grande east fence in a southeasterly direction to where it intersects the Kinney-Maverick County line, approximately 14 miles.

Source Note: *The provisions of this §41.16 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.17. Quarantined area: Maverick County

Quarantined areas are as follows for Maverick County. Beginning at a point where the Rancho Rio Grande east fence intersects the Kinney-Maverick County line; thence, following the Rancho Rio Grande east fence in a southeasterly direction to where it joins the southeast corner of the Rancho Rio Grande four section pasture, approximately 2.7 miles; thence following the south fence of the Rancho Rio Grande four section pasture in a westerly direction to a point where it intersects the Maverick County Water District main canal, approximately 1.5 miles; thence, following the Maverick County Water District main canal in a southeasterly direction to where it intersects the west right-of-way fence of U.S. Highway 277 approximately 2.5 miles; thence, following the west right-of-way fence of U.S. Highway 277, in a southerly direction to where it intersects Maverick County Water District Lateral #2, approximately .5 mile; thence, following the Maverick County Water District Lateral #2 in a southerly direction to where it intersects the north fence of the Calley property, approximately 5 1/4 miles; thence, east along the north fence of the Calley property to a corner, approximately 200 yards; thence following the east fence of the Calley property in a southerly direction to the northeast corner of the Hal Bowles Ranch, approximately 3/8 mile; thence, following the east fence of the Hal Bowles Ranch in a southeasterly direction to where it intersects the north fence of the Lehman Brothers Ranch, approximately 3/4 mile; thence, following the Lehman north fence in a southeasterly direction to a drainage canal, approximately 1/8 mile; thence following the drainage canal in a southerly direction to the north fence of the Las Vegas Ranch, approximately 7/8 mile; thence, following the meanderings of the Las Vegas Ranch fence in a southeasterly direction to the northeast corner of the same, approximately one mile; thence, following the meanderings of the east fence of the Las Vegas Ranch in a southerly direction to where it intersects the Alex Ritchie north fence, approximately 3.5 miles; thence along the north fence of the Alex Ritchie Farm in an easterly direction to where it intersects the Maverick County Water District main canal, approximately 3/8 mile; thence, following the meanderings of the Maverick County Water District main canal in a southerly direction to where it intersects the CPL Power Plant Road, approximately 3.5 miles; thence, following the CPL Power Plant Road in an easterly direction to where it intersects the west right-of-way fence of U.S. Highway 277, approximately 1-5/8 mile; thence, following U.S. Highway 277 in a southerly direction into the City of Eagle Pass and following the meanderings of U.S. Highway 277 in a southerly direction to its intersection with Church Street, approximately 8.5 miles; thence, following Church Street in a westerly direction to its intersection with Commercial Street, approximately .5 mile; thence, following Commercial Street in a southerly direction to its intersection with Garrison Street, approximately .7 mile; thence, following Garrison Street in an easterly direction to its intersection with Adams Street, approximately .2 mile; thence, following the meanderings of Adams Street in a southerly direction to where it becomes Industrial Park Road, approximately one mile; thence, following the meanderings of Industrial Park Road to where it intersects Brown Street, approximately 1.5 miles; thence, following Brown Street in an easterly direction to the intersection of Farm Road 1021, approximately .5 mile; thence, following Farm Road 1021 (Mines Road) in a southeasterly direction to the Webb County Line, approximately 43.5 miles.

Source Note: The provisions of this §41.17 adopted to be effective June 23, 2002, 27 TexReg 5175

RULE §41.18. Quarantined area: Webb County

Quarantined areas are as follows for Webb County. Beginning at a point where the Maverick-Webb County line intersects the Mines Road and following this road in a southeasterly direction to its intersection with Del Mar Boulevard and IH 35, approximately 63 miles; thence, following IH 35 in a southerly direction to its intersection with Matamoros Street (U.S. Highway 83) approximately 4.1 miles; thence, following Matamoros Street in an easterly direction approximately one mile to where Matamoros Street becomes Guadalupe Street; thence, following Guadalupe Street in an easterly direction approximately 1 1/2 miles to where U.S. Highway 83 turns in a southerly direction; thence, following U.S. Highway 83 in a southerly direction, approximately 16.7 miles to where it intersects the Webb-Zapata County line.

Source Note: *The provisions of this §41.18 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.19. Quarantined area: Zapata County

Quarantined areas are as follows for Zapata County. Beginning at a point where U.S. Highway 83 intersects the Webb-Zapata County line and following U.S. Highway 83 in a southerly direction to where it intersects the Zapata-Starr County line, approximately 56 miles.

Source Note: *The provisions of this §41.19 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.20. Quarantined areas: Starr County

Quarantined areas are as follows for Starr County. Beginning at a point where U.S. Highway 83 intersects the Zapata-Starr County line and following U.S. Highway 83 in a southeasterly direction to the south fence of the M. Ramirez Pasture at the north city limits of Roma, approximately 17 miles; thence, following the south fence of the M. Ramirez Pasture in a northeasterly direction to where it intersects the west fence of the G. Madrigal Ranch, approximately .4 mile; thence, following the meanderings of the west fence of the G. Madrigal Ranch in a southeasterly direction, around the east side of the R. Pena addition to the City of Roma to a dirt road, approximately .9 mile; thence, following the same dirt road in a southerly direction to where it intersects U.S. Highway 83 at the Roma Graveyard, approximately .3 mile; thence, following the north side of D.S. Highway 83 in an easterly direction through Rio Grande City to its intersection with Loop 83, approximately 18 miles; thence, following the north side of Loop 83 in an easterly direction to its intersection with the MP Railroad right-of-way, approximately 3.5 miles; thence, following the north side of MP Railroad in an easterly direction to the Starr-Hidalgo County Line, approximately 13 miles.

Source Note: *The provisions of this §41.20 adopted to be effective June 23, 2002, 27 TexReg 5175; amended to be effective March 4, 2007, 32 TexReg 752*

RULE §41.21 Quarantined area: Hidalgo County

Quarantined areas are as follows for Hidalgo County. Beginning at a point where the MP Railroad right-of-way intersects the Starr-Hidalgo County line and following the north side of the MP Railroad right-of-way in an easterly direction to where it intersects Old Military Road approximately three-fourths of a mile; thence, following Old Military Road in an easterly direction to where it intersects the IBWC Levee, approximately eight miles; thence, following the IBWC Levee in a southeasterly direction to where it intersects the Old Military Road, approximately 8.5 miles; thence, following the Old Military Road in an easterly direction to where it joins FM Road Number 1016 at Madero, approximately 1 3/4 miles; thence, following FM Road Number 1016 in a southeasterly direction to where it joins the Old Military Road, approximately one mile; thence, following the Old Military Road in a southeasterly direction to the North Granjeno Road, approximately 1 3/4 mile; thence, following the North Granjeno Road in an easterly direction to where it intersects Shary Road, approximately 5/8 mile; thence, south on Shary Road to where it intersects the IBWC Levee, approximately 50 yards; thence, following the meanderings of the IBWC in an easterly direction to where it intersects FM Road 1926, approximately three miles; thence, following FM 1926 in a southerly direction to where it intersects U.S. Highway 281 Spur, approximately 27 miles; thence, following U.S. Highway 281 Spur in an easterly direction to where it becomes U.S. Highway 281, approximately 4.2 miles; thence, following U.S. Highway 281, in an easterly direction to where it intersects the Hidalgo-Cameron County line, approximately 22 miles.

Source Note: *The provisions of this §41.21 adopted to be effective June 23, 2002, 27 TexReg 5175*

RULE §41.22. Quarantined area: Cameron County

Quarantined areas are as follows for Cameron County. Beginning at a point where the Hidalgo-Cameron County line intersects U.S. Highway 281, following U.S. Highway 281 in an easterly direction to where it intersects Boca Chica Boulevard, approximately 26.2 miles; thence, following Boca Chica Boulevard in an easterly direction to where it becomes Boca Chica Road and continuing in the same direction on Boca Chica Road to where it intersects a drain ditch, approximately 9.5 miles; thence, following this drain ditch in a northerly direction to where it intersects the Brownsville Ship Channel, approximately three miles; thence, following the Brownsville Ship Channel in a northeasterly direction to where it enters the Gulf of Mexico, a distance of approximately 17.5 miles.

Source Note: *The provisions of this §41.22 adopted to be effective June 23, 2002, 27 TexReg 5175*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 43 TUBERCULOSIS

SUBCHAPTER A CATTLE AND BISON

RULE §43.1. Definitions

The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Accredited Veterinarian--A veterinarian jointly approved by the Executive Director of the Commission and the Administrator of APHIS, to perform functions required by cooperative State-Federal animal disease control and eradication programs.

(2) Adjacent herds--A herd of livestock or exotic livestock that occupies a premises that lies within one mile of "an affected herd."

(3) Affected herd--A herd of livestock or exotic livestock in which there is strong and substantial evidence that *Mycobacterium bovis* exists. This evidence should include, but is not limited to, any of the following: histopathology, polymerase chain reaction (PCR) assay, bacterial isolation or detection, testing data, or epidemiologic evidence such as contact with known sources of infection.

(4) Approved feedyard/approved pens--A confined area, either the entire feedyard or designated pens within the feedyard, jointly approved by the Executive Director of the Commission and the Administrator of APHIS for feeding of restricted livestock and exotic livestock. Biosecurity standards, to include requirements for geographic separation, shall be enforced to prevent potential spread of diseases to other livestock on the premises and adjacent premises. Procedures for accountability of inventory, animal identification, and movement control shall be enforced to ensure that restricted livestock and exotic livestock remain within approved facilities until verification of slaughter.

(5) Approved livestock facility--A stockyard, livestock market, buying station, concentration point, or any other premises under State or Federal veterinary supervision where livestock are assembled and that has been approved under Title 9, Code of Federal Regulations (9 CFR), Section 71.20.

(6) Approved slaughtering establishment--A slaughtering establishment operating under the provisions of the Federal Meat Inspection Act (21 U.S.C. 601 et seq.), or a State-inspected slaughtering establishment that has inspection by a State inspector at the time of slaughter.

(7) Bovine Tuberculosis Eradication--Uniform Methods and Rules (UM&R)--The minimum standards adopted and approved by the Deputy Administrator,

Veterinary Services, Animal and Plant Health Inspection, for the maintenance of tuberculosis-free accredited herds of cattle and bison, and the maintenance of State or zone status in the U.S. Department of Agriculture's (USDA) tuberculosis eradication program.

(8) Certificate--An official document for movement of livestock, including a certificate of veterinary inspection, or other approved document, issued by an accredited veterinarian, state or federal animal health official or other approved official at the point of origin for the shipment of animals. The document shall include the official identification, age, breed, and sex of each animal to be moved; the purpose for which the animals are to be moved; the date and place of issuance; the points of origin and destination; the consignor and consignee; and the results of all tests required for movement.

(9) Commuter herd--A herd that has been recognized and approved by the state animal health officials and the AVIC in both the state of origin and the state of destination for movement of animals interstate or interzone, without change of ownership, during the course of normal production operations

(10) Dealer--All persons engaged in the business of buying or selling livestock in commerce either on their own account or as the employees or agents of the vendor, purchaser, or both, or all persons engaged in the business of buying or selling livestock in commerce on a commission basis. The term shall not include persons who:

(A) buy or sell livestock as part of their own bona fide breeding, feeding, or dairy or beef operations;

(B) are not engaged in the business of buying, selling, trading, or negotiating the transfer of livestock; or

(C) receive livestock exclusively for immediate slaughter on their own premises.

(11) Designated Accredited Veterinarian--An Accredited Veterinarian trained and approved to conduct specific tuberculosis tests and/or other tuberculosis program activities as determined by the commission.

(12) Designated Tuberculosis Epidemiologist (DTE)--A State or Federal epidemiologist designated in each State to make decisions concerning the use and interpretation of diagnostic tests for tuberculosis and to manage the tuberculosis program. The DTE must be selected jointly by the cooperating Chief State Animal Health Official, the AVIC, and the Regional Tuberculosis Epidemiologist. The National Center for Animal Health Programs Eradication and Surveillance Team Staff of VS must concur with the appointment. The DTE has the responsibility to determine the scope of epidemiologic investigations, determine the status of herds, assist in development of individual herd plans, and coordinate disease surveillance and eradication programs within his or her geographic area of responsibility. The DTE has authority to make independent decisions concerning the use and interpretation of diagnostic tests and the

management of herds when those decisions are supported by sound disease eradication principles.

(13) Direct shipment to slaughter--The shipment of livestock from a premises, without unloading, directly to a slaughter establishment under State or Federal inspection and without diversion to assembly points, such as auctions, dealers, commission firm premises, public stockyards, or feedlots.

(14) Executive Director--The Executive Director of the Texas Animal Health Commission or his designee.

(15) Exotic Livestock--Grass-eating or plant-eating, single-hoofed or cloven-hoofed mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, camel, llama, rhinoceros, elephant, deer, and antelope families.

(16) Exposed animals--Any livestock or exotic livestock that have been exposed to bovine tuberculosis by reason of associating with other livestock or exotic livestock in which *M. bovis* has been diagnosed.

(17) Feedyard--A confined dry lot area for feeding of animals on concentrated feed. All animals in a feedyard are considered a "herd" for purposes of these regulations.

(18) Geographic separation--A minimum of 30 feet of separation, between groups of animals for which there are no common or shared handling facilities or equipment, watering or feeding facilities, or feed vehicles that enter the pens, pastures, or premises, of herds of different status.

(19) Herd--

(A) All livestock under common ownership or supervision that are grouped on one or more parts of any single premises, feedlot, farm, or ranch; or

(B) All livestock under common ownership or supervision on two or more premises that are geographically separated, but in which the animals have been interchanged or had contact with animals from different premises. It will be assumed that contact between units or groups of animals on the different premises has occurred unless the owner establishes otherwise and the results of the epidemiologic investigation are consistent with the lack of contact between premises; or

(C) All livestock on common premises, such as community pastures or grazing association units, but owned by different persons. Other groups of animals owned or co-owned by the persons involved that are located on other premises are considered to be part of a herd unless the epidemiologic investigation establishes that animals from an affected herd have not had the opportunity for direct or indirect contact with animals from that specific premises.

(20) Herd test--An official tuberculosis test of all test eligible livestock and exotic livestock in a herd.

(21) High risk herd--A herd that is epidemiologically determined by a state-federal veterinarian to have a high probability of having or developing tuberculosis. A high risk herd need not be located on the same premises as an infected or adjacent herd.

(22) Hold Order--A written commission document restricting movement of a herd, unit, or individual animal pending the determination of disease status.

(23) Individual herd plan--A written disease management plan that is developed by the herd owner(s) and/or their representative(s), and/or the owner's veterinarian and a State or Federal veterinarian to eradicate tuberculosis from an affected herd while reducing animal and human exposure to the disease. The herd plan will include appropriate herd test frequencies, tests to be employed, and any additional disease management or herd management practices deemed necessary to eradicate tuberculosis from the herd in an efficient and effective manner. The plan must be approved by the Executive Director of the Commission and AVIC, and have the concurrence of the DTE or Regional Tuberculosis Epidemiologist.

(24) Movement Restrictions--A "Hold Order," "Quarantine," or other written document issued or ordered by the Commission to restrict the movement of livestock or exotic livestock.

(25) No gross lesion (NGL)--Any animal that has no visible lesion(s) of bovine tuberculosis detected upon necropsy or slaughter inspection.

(26) Official identification device--An identification device approved by the Commission and/or by the APHIS Administrator that provides unique identification for each individual animal.

(27) Official identification/officially identified--The identification of livestock by means of an official identification device, official eartag, registration tattoo, or registration brand, or any other method approved by the Commission and/or Administrator of APHIS, that provides unique identification for each animal.

(28) Official tuberculosis test--A test for bovine tuberculosis, approved by the Commission and APHIS, applied and reported by designated personnel in accordance with the UM&R and these rules. The official tuberculosis tests for cattle and bison are the:

(A) Caudal fold tuberculin (CFT) test

(B) Comparative cervical tuberculin (CCT) test

(C) Cervical tuberculin (CT) test

(D) Bovine interferon gamma assay (cattle only)

(29) Quarantine--A written commission document restricting movement of animals because of the existence of or exposure to tuberculosis. The commission may establish a quarantine on the affected animals or on the affected place. The quarantine of an affected place may extend to any affected area, including a county, district, pasture, lot, ranch, farm, field, range,

thoroughfare, building, stable, or stockyard pen. The commission may establish a quarantine to prohibit or regulate the movement of any article or animal that the commission designates to be a carrier of tuberculosis and/or an animal into an affected area, including a county district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen.

(30) Permit--An official document issued by a VS representative, a State representative, an Accredited Veterinarian, a designated Accredited Veterinarian or other designated person that is required to accompany any reactor, suspect, exposed livestock, or animals of unknown status to an approved destination, or to slaughter.

(31) Premises identification number--A Commission and/or APHIS-approved method of identification that includes the assignment of a unique number or alpha-numeric number to a premises by State or Federal animal health officials.

(32) Reactor--Any livestock or exotic livestock that shows a response to an official tuberculosis test and is classified a reactor by the testing veterinarian or DTE in accordance with the policy established by the cooperating State and Federal animal health officials and the test classification requirements defined in the UM&R, or any suspect animal that is classified a reactor by the DTE upon slaughter inspection or necropsy, histopathological examination, PCR assay, and/or culture of selected tissues collected by the Federal or State veterinarian performing or supervising the slaughter inspection or necropsy.

(33) Responder--Any livestock or exotic livestock that has a visible or palpable response at the site of a tuberculin test injection.

(34) Suspect--Any livestock or exotic livestock that show a response to a presumptive diagnostic test (CFT test in cattle and bison, SCT test in exotic bovidae and cervidae) and are not classified as reactor; or that have been classified as suspect by CCT test; the bovine interferon gamma assay; or any other official test for tuberculosis.

Source Note: *The provisions of this §43.1 adopted to be effective January 1, 2006, 30 TexReg 8676*

RULE §43.2. General Requirements

(a) Tuberculosis: This subchapter shall govern procedures for the prevention, surveillance, control, management and eradication of bovine tuberculosis in Texas. For the purpose of controlling and eradicating tuberculosis the following documents are incorporated by reference: The January 1, 2005, Edition of "Bovine Tuberculosis Eradication Uniform Methods and Rules" (UM&R) and the Code of Federal Regulations, Title 9, Parts 71, 77, and 161.

(b) Movement Restrictions: Whenever the Texas Animal Health Commission (Commission) has reason to believe that any livestock or exotic livestock have been exposed to or is infected with tuberculosis, that premises and all livestock and exotic livestock thereon shall have movement restricted, using either a "hold order" or "quarantine", subject to a determination or results of tuberculosis test conducted by

authorized personnel or as directed by the Designated Tuberculosis Epidemiologist or the Executive Director. Movement of livestock or exotic livestock under movement restrictions must be authorized by the Designated Tuberculosis Epidemiologist or the Executive Director and accompanied by a written permit. The permit will list:

(1) the reactor tag number or official ear tag number in the case of reactor, suspect, or exposed livestock;

(2) the owner's name and address;

(3) origin and destination locations;

(4) number of animals covered;

(5) the purpose of the movement; and

(6) if the animals are required to be shipped under seal then the permit should also show the number on the seal. If a change in destination becomes necessary, a new permit must be issued by authorized personnel. No diversion from the destination on the permit is allowed.

(c) Official Tests: All official tuberculosis tests shall be conducted by a designated personnel employed by the Commission, or the United States Department of Agriculture (USDA) or by an accredited veterinarian designated to perform approved tuberculosis tests by the Executive Director of the Commission. Each individual designated to conduct official tuberculin tests shall meet a performance standard, as referenced in the UM&R - Appendix C; entitled "Performance Standards for Caudal Fold Tuberculin (CFT) Testing". Each individual authorized to conduct official CFT tests shall be in compliance with these standards for the CFT.

(d) Reporting: All official tests shall be reported on VS Form 6-22 and continuation sheet VS Form 6-22B and mailed to the Commission within seven days of reading the results. The information on the VS Form 6-22B, shall include:

(1) the official individual identification;

(2) the name and post office address of the owner;

(3) the location of the premises and the animals;

(4) the dates of injection and reading of the test;

(5) the kind of test conducted;

(6) the result of the test;

(7) the reason for testing (i.e., Herd Accreditation, Sale or Show, Other); and

(8) the signature and accreditation number of the testing veterinarian.

(e) Identification. All animals tested must be permanently individually identified by an official identification device, an official registration tattoo or an official registration brand as specifically recognized or authorized by the commission.

(f) Tuberculin Test Interpretation, Classification, and Reporting Requirements.

(1) The site of administration of a tuberculin test shall be examined at 72 (+/-6) hours following injection. Examination shall be made by visual observation and palpation. Observation without palpation shall constitute cause for removal of veterinary accreditation.

(2) Any animal with a visible or palpable response at the site of injection shall be classified as a Suspect by the testing veterinarian.

(3) Any animal classified as a Suspect shall:

(A) be reported by the testing veterinarian to the appropriate Area Office within 48 hours following examination; and

(B) the reporting veterinarian shall inform the owner or caretaker that the herd is restricted from movement until a determination of disease status has been made by the Commission.

(g) Disposition of Suspects and Reactors

(1) Reactors shall remain on the premise where they were disclosed until a State or Federal permit for movement has been obtained. Movement for immediate slaughter shall be within 15 days of classification and shall be directly to a slaughtering establishment where approved State or Federal inspection is maintained. Alternatively, the animals may be destroyed on the premises or in a postmortem examination facility under the direct supervision of a State or Federal animal health veterinarian to ensure that a proper postmortem examination is conducted; that the carcasses are disposed of by deep burial or burning, and that the facilities are adequately cleaned and disinfected.

(2) Herds containing suspects to the CFT test shall be quarantined until the suspect animals are:

(A) Negative to a CCT test; or

(B) Negative on the bovine interferon gamma assay; or

(C) Shipped, under permit, directly to slaughter in accordance with State and Federal laws and regulations with postmortem examinations conducted according to requirements outlined in paragraph (5) of this subsection.

(3) Suspects to the CCT test must be:

(A) Negative to a CCT retest 60 or more days after the previous CCT injection; or

(B) Shipped under permit directly to slaughter.

(4) Animals positive on the bovine interferon gamma assay and classified as suspect must be:

(A) Negative on a bovine interferon gamma assay retest conducted within 30 days of the CFT injection (the DTE or Regional Tuberculosis Epidemiologist must concur with the retest); or

(B) Shipped, under permit, directly to slaughter for postmortem examination.

(5) Postmortem examinations shall be witnessed by a State or Federal animal health veterinarian and selected tissue specimens, to include any tissue with granulomatous appearing lesions and representative head and thoracic lymph nodes, must be submitted for laboratory examination.

(h) Requirements on Dealer Recordkeeping: Any dealer must maintain records of livestock and exotic livestock that are purchased or sold. Such records shall show the buyer's and seller's name and address, county of origin, number of animals, and a description of each animal, including sex, age, color, breed, brand, and official identification. Records at auctions and commission firms shall show the delivery vehicle license number. These records must be maintained for a minimum of five years. Such records must be made available to State or Federal animal health officials, upon request, during normal business hours.

(i) Slaughter Plant Collections and Submissions: Slaughter plants for cattle are required to collect and submit diagnostic specimens for the purpose of testing for tuberculosis as directed by state or federal inspection personnel. The slaughter of cattle shall be conducted so that the carcass and any diagnostic specimens can be identified as being derived from a particular animal. Handling shall include, but is not limited to, the retention of official eartags, official backtags, herd identification ear tags, ear bangles, electronic implants, and other man made identifying devices affixed to the animal, in a way that correctly relates the diagnostic specimen to the carcass from which it was taken. All identification devices shall be included with the documentation submitted with a diagnostic specimen to an approved laboratory.

(j) Retesting and release of movement restrictions.

(1) Sale of feeder calves from quarantined herds will be restricted. Feeder calves under 12 months of age that have passed a CFT test within 60 days prior to movement may be "S" branded and permitted to move intrastate to an approved feedlot or approved pens in a feedlot.

(2) Herds in which *Mycobacterium bovis* infection has been confirmed shall be depopulated; or shall remain under quarantine until all requirements of an individual herd plan have be completed in accordance with procedures prescribed in the UM&R.

(3) Herds in which NGL reactor(s) only occur and no evidence of *Mycobacterium bovis* infection has been disclosed may be released from movement restrictions after a 60 day negative retest on the entire herd.

(4) Herds in which Suspect animal(s) are disclosed shall remain under movement restrictions until the Suspect(s) have been retested and classified negative, or are shipped direct to slaughter under permit and no evidence of *Mycobacterium bovis* infection is disclosed. If animals are slaughtered as suspects but show no gross lesions and selected tissues, to include representative head and thoracic lymph nodes, are found negative on histopathology and bacteriological culture for *Mycobacterium bovis* and a complete epidemiologic investigation, including a herd test of all eligible animals, fails to disclose evidence of infection with or

exposure to bovine tuberculosis, the herd, with the concurrence of the DTE and Regional Tuberculosis Epidemiologist, may be considered free of bovine tuberculosis.

(k) A person may protest an initial test or a herd plan each herd classified as increased risk for Tuberculosis:

(1) To protest, the herd owner must request a meeting, in writing, with the Executive Director of the Commission within 15 days of receipt of the herd plan or notice of an initial test and set forth a short, plain statement of the issues that shall be the subject of the protest, after which:

(A) the meeting will be set by the Executive Director no later than 21 days from receipt of the request for a meeting;

(B) the meeting or meetings shall be held in Austin; and

(C) the Executive Director shall render his decision in writing within 14 days from date of the meeting.

(2) Upon receipt of a decision or order by the executive director which the herd owner wishes to appeal, the herd owner may file an appeal within 15 days in writing with the Chairman of the Commission and set forth a short, plain statement of the issues that shall be the subject of the appeal.

(3) The subsequent hearing will be conducted pursuant to the provisions of the Administrative Procedure and Texas Register Act, and Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(4) If the Executive Director determines, based on epidemiological principles, that immediate action is necessary, the Executive Director may shorten the time limits to not less than five days. The herd owner must be provided with written notice of any time limits so shortened.

(l) Tuberculosis accredited herd. A herd must meet the standards of the UM&R as provided in Part IV.

(m) Interstate Movement Requirements: See §51.8 of this title (relating to Cattle).

(n) Intrastate Movement of Dairy Cattle. All dairy cattle being transported within Texas shall be identified prior to movement with official identification device or identification device approved by the commission.

(o) Requirements for cattle originating from Mexico: Any certificate, form, record, report or chart issued by an authorized person for cattle that originate from Mexico, have resided in Mexico or are "M" branded shall include the statement, "the cattle represented on this document are of Mexican origin."

Source Note: *The provisions of this §43.2 adopted to be effective January 1, 2006, 30 TexReg 8676; amended to be effective October 14, 2007, 32 TexReg 7038; amended to be effective June 3, 2014, 39 TexReg 4236*

RULE §43.3. Approved Feedyards/Approved Pens

(a) Approved Feedyards/Approved Pens: A confined area, either the entire feedyard or designated pens within the feedyard, jointly approved by the Executive Director of the Commission and the Administrator of APHIS for feeding of restricted livestock and exotic livestock.

(b) Designation Agreement: In order to be recognized as an approved feedyard or approved pen there shall be a signed designation agreement with TAHC and USDA-APHIS-VS indicating that the facility can meet the necessary standards to accept restricted cattle, bison or exotic livestock. The agreement will contain standards and procedures which the facility must meet in order to be approved. The Agreement will provide for isolation of animals, to separate and prevent contact, with restricted animals and unrestricted animals through fencing and geographic separation; official identification; biosecurity standards; and recordkeeping requirements, which include information for all animals entering and leaving a facility. Failure to meet and maintain those standards and procedures will cause a facility to have the approve status rescinded. Known exposed animals must be tested negative within 60 days and be "S" branded prior to entering the approved feedyard. These animals will be placed under hold order and permitted out to slaughter.

(c) Standards and procedures

(1) Geographic separation: Adequate isolation of animals which separate and prevent contact with tested animals and untested animals by fencing and geographic separation. Geographic separation shall be sufficient to meet the minimum standards in the UM&R as well as to prevent potential spread of diseases to other livestock on the premises and adjacent premises.

(2) Official identification: All animals entering and leaving the facility must be officially identified and that information is to be recorded and maintained as required by paragraph (4) of this subsection.

(3) Biosecurity standards: All approved facilities may not be required to be cleaned and disinfected between groups of cattle unless specifically directed by the DTE to clean and disinfect all or portions of the pen or other parts of the facility. Additionally, approved facilities shall not be required to vacate pens, that have contained tuberculosis infected animals, for thirty (30) days unless specifically required by the DTE to vacate the pens.

(4) Recordkeeping requirements: An approved facility shall maintain records which indicated the movement of all animals that enter and leave a facility. An approved facility must maintain the records as required by §43.2(i) of this title (relating to Requirements on Dealer Record Keeping).

(5) Grazing: In order for the Commission to recognize an approved facility having grazing the, commission must enter into a MOU with USDA-APHIS and the facility must be able to show an ability to maintain isolation of those animals from other animals. Any provisions for grazing or pasturing restricted cattle or bison entering an approved feedlot/approved pens must be formalized in a Memorandum of Understanding (MOU) by the Chief State Animal Health Official

and the Administrator. The MOU must include adequate isolation and fencing requirements as recommended by the DTE and the Regional Tuberculosis Epidemiologist. An animal leaving the confined area must be destined to either another approved feedlot or approved pen, or to an approved slaughter facility.

(6) The approved status must be renewed by the operator every two years provided that the requirements specified in these regulations and the approved agreement continue to be met by the feedyard. If the Executive Director determines the feedyard's failure to comply with the Approved Pens Agreement or these regulations then he can rescind the agreement.

Source Note: *The provisions of this §43.3 adopted to be effective January 1, 2006, 30 TexReg 8676*

RULE §43.4. Increased Risk Herds or Animals

Testing of increased-risk herds.

(1) In herds where *Mycobacterium bovis* infection has been confirmed but the herd not depopulated, the herd shall remain under quarantine until all requirements of their individual herd plan have be completed as well as all applicable statutory and regulatory requirements.

(2) In a newly assembled herd on premises where a tuberculosis affected herd has been depopulated, two annual herd tests shall be applied to all livestock and exotic livestock ; the first test shall be applied approximately six months after assembly of the new herd. If the premises are vacated for one year, these requirements may be waived.

(3) In herds that are an increased risk for *Mycobacterium bovis* infection as determined by the Designated Tuberculosis Epidemiologist or the Executive Director in order to control or eradicate Bovine Tuberculosis from this state.

(4) Slaughter traceback investigations

(A) Tracebacks to a herd: Herds indicated as the source of slaughter traceback case investigations shall have movement restrictions in place and all livestock and exotic livestock shall be tested. The testing will be conducted by a representative of the Texas Animal Health Commission or USDA personnel.

(B) Tracebacks to a feedlot: Except for approved feedlots and approved pens livestock and exotic livestock in feedlots known to be exposed to tuberculosis shall have movement restrictions in place and exposed animals shall be moved under permit for direct shipment to slaughter. When an affected lot originates from a non approved pen or feedyard, the pen must be cleaned and disinfected as directed by the DTE. In addition, this pen must be vacated for 30 days or as directed by the DTE. When an affected lot originates from an approved pen or feedlot, the requirements for cleaning and disinfection

shall be according to the provisions specified in §43.3(c)(3)of this title (relating to Standards and Procedures).

(5) Other increased risk herds: Herds located adjacent to an affected herd, herds that have contained known exposed animals, and herds that have been implicated as the source of animals found to be affected in an affected herd shall then have movement restricted until all conditions specified in the UM&R have been satisfied.

Source Note: *The provisions of this §43.4 adopted to be effective January 1, 2006, 30 TexReg 8676*

RULE §43.5. Indemnification

Indemnification to cattle owners. After said suspects or reactors are slaughtered, the owner may submit to the Texas Animal Health Commission a written statement made by said establishment showing the amount of salvage paid for each animal.

(1) Cattle that are slaughtered in compliance with the tuberculosis program or as a result of a response on an official test can be indemnified as follows. Subject to the availability of funds, the Commission may pay the owner the unreimbursed amount determined by deducting the salvage value and the federal indemnity from the appraised value not to exceed:

(A) 1,000 for each animal classified as a suspect or a reactor;

(B) $100 for each negative exposed animal slaughtered as a result of a whole herd depopulation.

(2) All animals in the herd must be tested for indemnity to be paid.

(3) All provisions of the law and the regulations of the Commission must be complied with for indemnity to be paid.

Source Note: *The provisions of this §43.5 adopted to be effective January 1, 2006, 30 TexReg 8676*

RULE §43.6. Dairy Calf Ranches

(a) Definitions:

(1) Calf Ranch--A facility that feeds more than 10 dairy calves (sexually intact and/or steers) less than of 6 months age (determined by the presence of 1st molar or approximately 300 pounds) when not located on site of the dairy of origin.

(2) Colostrum--The "first milk" produced by a cow for a few days following parturition.

(3) Waste Milk/Hospital Milk--Milk produced by dairy cattle which is unsellable for human consumption.

(b) Declaration of High Risk: A facility that is feeding dairy calves (sexually intact and/or steers) from two or more dairies may be considered high risk for transmitting bovine tuberculosis. Other high risk factors may include but are not limited to the feeding dairy calves from out of state, calves from unknown sources, calves without required identification, the feeding of unpasteurized colostrum or waste milk, and/or other criteria as determined by TAHC veterinarians, based on veterinary science, and sound epidemiological principles.

(c) Colostrum/Waste Milk Recordkeeping Requirements: Calf ranches must maintain records of the source of colostrum and/or waste milk that they receive/feed. Such records shall show the seller's name and address, county of origin, date and approximate volume received. These records must be maintained for a minimum of five years. Such records must be made available to State or Federal animal health officials, upon request, during normal business hours.

(d) Recordkeeping: Calf ranches must comply with TAHC bovine tuberculosis dealer recordkeeping requirements as outlined in §43.2(h) of this chapter (relating to General Requirements).

Source Note: *The provisions of this §43.6 adopted to be effective October 10, 2012, 37 TexReg 8014*

RULE §43.7. Authorized Calf Ranch/Authorized Grower Facility

(a) Definitions:

(1) Authorized Calf Ranch--A facility that is approved by the Executive Director of the commission for the feeding of restricted cattle under six months of age.

(2) Authorized Grower Facility--A facility that is approved by the Executive Director of the commission for feeding restricted cattle that are being raised for breeding or feeding purposes in drylot conditions over six months of age.

(3) Restricted animals--Animals determined to be exposed or at risk of exposure to diseases or conditions of regulatory interest as defined by the commission.

(b) Designation To Handle Restricted Animals. A facility that is feeding or raising calves that are classified as restricted. This facility has the necessary protocols and testing standards in place to provide for minimal risk of disease spread while allowing for the designated cattle upon completion of the herd plan to move in commerce for their intended use.

(c) Designation Agreement. In order to be recognized as an Authorized Calf Ranch or Authorized Grower Facility, there shall be a signed designation agreement with the commission indicating that the facility can meet the necessary standards to accept restricted cattle. The agreement will contain standards including, but not limited to, provisions for isolation of animals through geographic separation, adequate fencing, consideration of drainage, use of official identification, biosecurity standards, testing protocols, recordkeeping requirements, and adherence with all movement restrictions for animals entering and leaving a facility.

(d) Individual Herd Plan(s) for Prevention of Tuberculosis (TB). The plan is developed between the authorized calf ranch/authorized grower facility, the owner of the cattle, and the commission. The plan shall be developed by a Designated Tuberculosis State-Federal epidemiologist (DTE) representing the commission to consider all necessary standards and procedures.

(e) Standards and procedures:

(1) Geographic separation. Adequate isolation of animals to prevent the spread of disease as determined by a DTE.

(2) Official identification. All animals entering and leaving the facility must be officially identified and that information is to be recorded and maintained as required by paragraph (4) of this subsection.

(3) Biosecurity standards. Biosecurity standards for Authorized Calf Ranches and Authorized Grower Facilities will be determined by the commission upon consultation with calf ranch management and herd owner, based upon generally accepted disease prevention principles, and any unique disease risk considerations of the individual herd. Approved facilities may be required to be cleaned and disinfected between use by different groups of cattle. Vacation of facilities may also be required in certain situations where TB has been detected in the lot or as directed by a DTE.

(4) Recordkeeping requirements. An approved facility shall maintain records for five years which indicate:

(A) Animal Owner/Operator's name and address;

(B) Number of animals;

(C) Description of each animal including sex, age, breed and official identification, date of entry into the facility, and date the animals are shipped from the facility, as well as correlating identification of any retagged animals;

(D) Origin and destination of the animals;

(E) Records on waste milk feed to calves, including source and pasteurization status; and

(F) Records for pasteurization of milk, including method, time, and temperature.

(f) Renewal/Revocation. The approved status must be renewed by the operator every two years provided that the requirements specified in these regulations and the approved agreement continue to be met by the authorized facility. If the Executive Director determines the authorized facility has failed to comply with the agreement, the status may be revoked.

Source Note: *The provisions of this §43.7 adopted to be effective June 3, 2014, 39 TexReg 4236*

SUBCHAPTER B GOATS

RULE §43.10. Definitions

The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Accredited free state--A state which maintains full compliance with all the provisions of the USDA's Uniform Methods and Rules (UMR) and where no evidence of bovine tuberculosis has been disclosed for five or more years.

(2) Goats--Domestic caprids (genus Capra).

(3) Herd--A group of goats maintained on common ground, or two or more groups of goats under common ownership or supervision geographically separated but which have an interchange or movement without regard to health status. (A Group is construed to mean one or more animals.)

(4) Individually identified--Identification by metal eartag which provides unique identification for each individual animal conforming to the nine-character, alphanumeric National Uniform Eartagging System; or by an individual registration tattoo.

(5) Modified accredited state--A state which is actively participating in the eradication of bovine tuberculosis and which maintains its status in accordance with the provisions of these UMR.

(6) Negative animals--Goats which show no response to a tuberculin test or have been classified negative by the testing veterinarian following the application of the comparative cervical test.

(7) Reactor--Any goat that shows a response to a tuberculin test and is classified a reactor by the testing veterinarian.

(8) Suspect--Any goat which shows a response to the caudal fold tuberculin test and is not classified a reactor or goats which have been classified suspects by a comparative cervical test.

(9) Tuberculin test--A test for tuberculosis applied and reported by approved personnel. The official tuberculin tests are: the caudal fold test, the comparative cervical test, and the single cervical test.

(10) Who may administer tuberculin test--Tuberculin tests shall be conducted by a veterinarian employed by the Texas Animal Health Commission or the United States Department of Agriculture or by an accredited veterinarian.

Source Note: *The provisions of this §43.10 adopted to be effective September 28, 1990, 15 TexReg 5360; amended to be effective April 4, 1999, 24 TexReg 2299; amended to be effective October 17, 1999, 24 TexReg 8735*

RULE §43.11. Accredited Herd Plan for Goats

(a) Animals to be tested. Testing of herds for accreditation or reaccreditation shall include all goats 12 months of age and older. All natural additions shall be individually identified and recorded on the test charts as members of the herd at the time of the annual test.

(b) Additions. Herd additions must originate directly from one of the following:

(1) accredited herd;

(2) herd in a modified accredited state that has passed a herd test of all animals 12 months of age and older, and the individual animals for addition were negative to the tuberculin test conducted within 60 days;

(3) herd in a modified accredited state or accredited free state (bovine) not meeting the requirements of paragraphs (1) or (2) of this subsection. Individual animals for addition must pass a negative test within 60 days prior to entering the premises of the accredited herd and must be kept in isolation from all members of the accredited herd until negative to a test conducted after 60 days of date of entry. Animals added under paragraphs (2) and (3) of this subsection shall not receive accredited herd status for sale purposes until they have been members of the herd at least 60 days and were retested and found negative 60 days after entry.

(c) Accreditation and reaccreditation. To qualify for accredited herd status, the herd must pass at least two consecutive annual tuberculin tests with no evidence of bovine tuberculosis disclosed. All animals must be bona fide members of the herd. Herds that qualify for accredited herd status shall be issued a certificate by the local state and federal officials. The accreditation period will be 12 months (365 days) from the anniversary date and not 12 months from the date of the reaccreditation test. To qualify for reaccreditation the herd must pass an annual test within a period of 10 to 14 months of the anniversary date.

(d) Requirements following classification of a goat as a reactor or suspect. Goat herds with animals classified as reactors or suspects will be quarantined and tested on the same schedule as cattle (see §43.1 of this title (relating to Cattle)).

Source Note: *The provisions of this §43.11 adopted to be effective September 28, 1990, 15 TexReg 5360; amended to be effective April 4, 1999, 24 TexReg 2299; amended to be effective October 17, 1999, 24 TexReg 8735*

RULE §43.12. Requirements for Entry into Texas

The entry requirements are located in Chapter 51, §51.11 of this title (relating to Goats).

Source Note: *The provisions of this §43.12 adopted to be effective June 23, 2002, 27 TexReg 5176*

SUBCHAPTER C ERADICATION OF TUBERCULOSIS IN CERVIDAE

RULE §43.20. Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Accredited Herd--A herd that has passed at least two consecutive official tuberculosis tests of all eligible animals conducted at nine to 15 month intervals, has no evidence of bovine tuberculosis, and meets the requirements of the UM & R

(2) Affected herd--A herd that contains or has recently contained one or more animals infected with Mycobacterium bovis and has not passed the required tests for release from quarantine.

(3) Approved laboratory--A State/Federal Veterinary Diagnostic laboratory. The primary laboratory for tuberculosis histopathology and bacteriology culture and Cervid TB Stat-Pak Antibody Testing shall be the National Veterinary Services Laboratory, Ames, Iowa. Food Safety Inspection Service, Field Service Laboratories, may be utilized for histopathology.

(4) Cervid TB Stat-Pak Antibody Test--A primary supplemental serologic test used to screen for bovine tuberculosis in elk, red deer, white-tailed deer, fallow deer, and reindeer only. Samples for this test shall only be collected by state and federal animal health officials or designated accredited veterinarians.

(5) Cervidae--All species of deer, elk, and moose raised under agricultural conditions for the production of meat, the production of other agricultural products, sport, or exhibition.

(6) Commission--The Texas Animal Health Commission.

(7) Comparative Cervical Tuberculin (CCT) Test--The intradermal injection of biologically balanced bovine Purified Protein Derivative (PPD) tuberculin and avian PPD tuberculin at separate sites in the mid-cervical area to determine the probable presence of bovine tuberculosis (Mycobacterium bovis) by comparing the response of the two tuberculins 72 hours (plus or minus six hours) following injection. This test may be used for retesting Single Cervical Tuberculin Test suspects and shall be administered only by an approved state or federal veterinarian.

(8) Designated Accredited Veterinarian (DAV)--An accredited veterinarian trained and approved to conduct the Single Cervical Test for tuberculosis on Cervids and the Cervid TB Stat-Pak Antibody Test for tuberculosis on elk, red deer, white-tailed deer, fallow deer, and reindeer.

(9) Designated Tuberculosis Epidemiologist (DTE)--An epidemiologist who has demonstrated the knowledge and ability to perform the functions specified by the Bovine Tuberculosis Eradication Uniform Methods and Rules. The DTE must be selected jointly by the cooperating State Animal Health Official, the Area

Veterinarian in Charge, and the Regional Epidemiologist. The National Animal Health Programs staff must concur in the appointment. The DTE has the responsibility to determine the scope of epidemiological investigations, assist in development of individual herd plans, and to coordinate disease surveillance and eradication programs within their geographic area of responsibility. The DTE has authority to make independent decisions concerning the use and interpretation of diagnostic tests and management of affected herds when those actions are supported by sound disease eradication principles.

(10) Direct shipment to slaughter--The shipment of tuberculosis reactors and suspects and tuberculosis-exposed cervids from the premises of origin, by permit, directly to a slaughtering establishment operating under state or federal inspection, without diversion to assembly points of any type.

(11) Dual-Path Platform Test (DPP)--A secondary more specific serologic test used when animals have non-negative results on the Stat-Pak test. The initial DPP is run on the non-negative blood submitted for the Stat-Pak test.

(12) Herd--A group of cervids and other hoof stock maintained on common ground or two or more groups of cervids and other hoof stock under common ownership or supervision that are geographically separated but can have an interchange or movement without regard to health status. (A group is construed to mean one or more animals.)

(13) Individual Herd Plan--A written disease management plan that is designed by the herd owner and/or other herd representative and a State or Federal veterinarian to eradicate tuberculosis from an affected herd while reducing human exposure to the disease. The herd plan will include appropriate herd test frequencies, tests to be employed, and any additional disease or herd management practices deemed necessary to eradicate tuberculosis from the herd in an efficient and effective manner. The plan must be approved by the State Animal Health Official and the Area Veterinarian in Charge, and have the concurrence of the Regional or Designated Tuberculosis Epidemiologist.

(14) Monitored Herd--A herd on which identification records are maintained on animals over one year of age slaughtered and inspected for tuberculosis at an approved State/Federal slaughter facility or an approved laboratory, and animals tested negative for tuberculosis in accordance with the requirements for interstate movement specified in the Tuberculosis Eradication in Cervidae Uniform Methods and Rules. The initial qualifying total herd size is the annual average of animals one year of age or older during the initial qualifying period, which period shall not exceed three years. The combined number of slaughtered or tested animals in the sample must be evenly distributed over a three year period, and no less than half of the qualifying animals must be slaughter inspected. The rate to detect infection at a 2.0% prevalence level with 95% confidence would require a maximum number of 178 animals.

Attached Graphic

(15) Negative animals--Cervids that show no response to a Single Cervical Tuberculin test or elk, red deer, white-tailed deer, fallow deer or reindeer that test negative on the Stat-Pak test. Animals that show a non-negative response on the Single Cervical Tuberculin Test or the Stat-Pak test may be classified negative by the DTE based upon history, secondary supplemental tests (CTT or DPP) or examination of carcasses.

(16) No gross lesion (NGL) animals--Cervids that do not reveal a lesion(s) of bovine tuberculosis upon necropsy.

(17) Official eartag--An identification eartag that provides unique identification for each individual animal by conforming to the alpha-numeric National Uniform Eartagging System.

(18) Official tuberculosis test--A test for bovine tuberculosis applied and reported by approved personnel. The official tests for cervidae are the single cervical test and the comparative cervical test. The Stat-Pak test and the DPP test are considered official tests for elk, red deer, white-tailed deer, fallow deer or reindeer only.

(19) Permit--An official document issued by a representative of the Commission, USDA APHIS-VS, or an accredited veterinarian that is required to accompany reactor, suspect or exposed cervids to slaughter. The permit will list the reactor tag number or official eartag number in the case of suspect and exposed cervids; the owner's name and address; origin and destination; number of cervids included; and the purpose of the movement. If a change in destination becomes necessary, a new permit must be issued by authorized personnel. No diversion from the destination of the permit is allowed.

(20) Qualified herd--A cervid herd that has undergone at least one complete official negative test of all eligible animals within the past 12 months and is not classified as an accredited herd, has no evidence of bovine tuberculosis, and meets the standards of the UM & R

(21) Reactor--Any cervid that shows a response to an official tuberculosis test and is classified a reactor by the DTE.

(22) Single Cervical Tuberculin Test (SCT)--The intradermal injection of 0.1 mL (5,000 tuberculin units) of USDA PPD Bovis tuberculin in the mid-cervical region with reading by visual observation and palpation in 72 hours (plus or minus six hours) following injection. This test shall be administered only by a state, federal, or designated accredited veterinarian.

(23) Surveyed Herd--A cervid herd in which surveillance records are maintained on all animals over one year of age that are surveyed for evidence of bovine tuberculosis by routine post mortem inspection at an approved state/federal slaughter facility, or approved diagnostic laboratory, or routine tuberculosis tests performed by a designated accredited veterinarian or by other appropriate surveillance methods approved by a representative of the TAHC.

(24) Suspect--Any cervid that shows a response to the single cervical tuberculin test or any elk, red deer, white-tailed deer, fallow deer or reindeer that test non-

negative on the Stat-Pak test and is not classified a reactor, or is classified suspect by a supplemental tuberculosis test.

(25) Tuberculin--A product that is approved by and produced under USDA license for the intradermal injection of cervids for the purpose of detecting bovine tuberculosis.

(26) Tuberculosis--A disease in Cervidae caused by Mycobacterium bovis (M. bovis).

Source Note: *The provisions of this §43.20 adopted to be effective August 31, 1995, 20 TexReg 5857; amended to be effective October 1, 1997, 22 TexReg 11345; amended to be effective June 14, 2007, 32 TexReg 3172; amended to be effective October 7, 2013, 38 TexReg 6912*

RULE §43.21. General Requirements

(a) Reporting of tests. All cervidae tested shall be officially identified at the time of an official test. A report of all tuberculosis tests, including the official identification of each animal, a record of the size of the response of the Single Cervical Tuberculin Test or the result of the TB Cervid Stat Pak Antibody Testing where indicated, and test interpretation shall be submitted in accordance with the requirements of the cooperating state and federal officials.

(b) Classification of cervidae tested.

(1) Single cervical tuberculin test.

(A) Herds of unknown status. All SCT responses shall be recorded and the animals classified as suspects and quarantined for retest with the CCT, unless in the judgment of the testing veterinarian the reactor classification is indicated.

(B) Known infected herds. All responses shall be recorded and the animals classified as reactors.

(2) Comparative cervical test--All responses are to be measured to the nearest 0.5mm.

(A) Animals having a response to bovine PPD of less than 1mm should be classified negative.

(B) Animals having a response to bovine PPD from 1mm through 2mm that is equal to or greater than the avian PPD response shall be classified as suspects.

(C) Animals having a response to bovine PPD greater than 2.0mm but equal to the avian response shall be classified as suspects, except when in the judgment of the testing veterinarian the reactor classification is indicated.

(D) Animals meeting the criteria for suspect classification on two successive CCTs shall be classified as reactors.

(E) Animals having a response to bovine PPD which is greater than 2.0mm and is 0.5mm greater than the avian PPD response shall be classified as reactors.

(3) Suspect SCT cervids may be retested by the CCT only. The CCT may be applied within ten days following the SCT injection or after 90 days. If the CCT is applied within ten days of the SCT, the opposite side of the neck shall be used. Animals positive to the CCT shall be classified as reactors.

(4) Suspects may be necropsied in lieu of retesting, and, if found without evidence of M. bovis infection by histopathology and culture (including selected NGL specimens submitted from animals having no gross lesions indicative of tuberculosis), shall be considered negative for tuberculosis.

(c) Classification of captive elk, red deer, white-tailed deer, fallow deer or reindeer tested.

(1) Cervid TB Stat Pak antibody test.

(A) Herds of unknown status. All Stat Pak non-negative responses shall be recorded and the animals classified as suspects and quarantined for retest with the DPP unless in the judgment of the DTE the reactor classification is indicated.

(B) Known infected herds. All non-negative responses shall be recorded and the animals classified as reactors.

(2) Dual-Path Platform Test shall be performed on all non-negatives samples submitted for Stat Pak Testing. Animals non-negative on the Stat-Pak test and non-negative on a single DPP test should be classified as suspect unless the DTE determines that a reactor classification is warranted.

(3) Animals classified as suspect by a single DPP test may be retested with the DPP test only with a new blood sample drawn no sooner than 30 days after the initial sample was obtained.

(4) Animals that are non-negative on two successive DPP tests should be classified as reactor.

(5) Suspects may be necropsied in lieu of retesting, and, if found without evidence of M. bovis infection by histopathology and culture (including selected NGL specimens submitted from animals having no gross lesions indicative of tuberculosis), shall be considered negative for tuberculosis.

(d) Disposition of Tuberculin-Responding Cervidae.

(1) Reactors shall remain on the premises where they were disclosed until a state or federal permit for movement has been obtained. Movement for immediate slaughter will be within 15 days of classification directly to a slaughter establishment where approved state or federal inspection is maintained. Alternatively, the animals may be destroyed and necropsy conducted by or under the supervision of a state or federal regulatory veterinarian that has been trained in tuberculosis necropsy procedures.

(2) Herds containing suspects to the SCT shall be quarantined until the suspect animals are:

(A) retested by the CCT within ten days of the SCT injection; or

(B) retested by the CCT after 90 days; or

(C) shipped under permit directly to a slaughter facility under state or federal inspection, or necropsied. If such animals are found without evidence of M. bovis infection by histopathology and culture (including selected NGL specimens submitted from animals having no gross lesions indicative of tuberculosis), they shall be considered negative for tuberculosis.

(3) Suspects to the CCT shall remain under quarantine until:

(A) comparative cervical suspects are retested by the CCT after 90 days; or

(B) such animals are shipped under permit directly to a slaughter facility under state or federal inspection, or necropsied. If such animals are found without evidence of M. bovis infection by histopathology and cultured (including selected NGL specimens submitted from animals having no gross lesions indicative of tuberculosis), they shall be considered negative for tuberculosis.

(4) An animal meeting the suspect criteria on two successive CCT tests followed by one suspect CCT test shall be classified as a reactor and be identified as such. The testing veterinarian must justify exceptions in writing and have the concurrence of State or Federal animal health personnel.

(e) Identification of Reactors. Reactor cervids shall be identified by branding with the letter "T" at least two by two inches in size, high on the left hip near the tailhead, and by tagging with an official eartag bearing a serial number and inscription "U.S. Reactor" attached to the left ear of each reactor animal.

(f) Disposition of elk, red deer, white-tailed deer, fallow deer or reindeer that are non-negative on the Stat-Pak test and non-negative on a single DPP test.

(1) Reactors shall remain on the premises where they were disclosed until a state or federal permit for movement has been obtained. Movement for immediate slaughter will be within 15 days of classification directly to a slaughter establishment where approved state or federal inspection is maintained. Alternatively, the animals may be destroyed and necropsy conducted by or under the supervision of a state or federal regulatory veterinarian that has been trained in tuberculosis necropsy procedures.

(2) Herds containing suspects to the Stat-Pak test and a single DPP test shall be quarantined until the suspect animals are:

(A) retested by the DPP test only with a new blood sample drawn no sooner than 30 days after the initial sample was obtained; or

(B) shipped under permit directly to a slaughter facility under state or federal inspection, or necropsied. If such animals are found without evidence of M. bovis infection by histopathology and culture (including selected NGL

specimens submitted from animals having no gross lesions indicative of tuberculosis), they shall be considered negative for tuberculosis.

(3) Animals that are non-negative on two successive DPP tests should be classified as reactor. Any exceptions to reactor classification must be justified by the designated TB epidemiologist in writing and have the concurrence of the regional TB epidemiologist.

(g) Quarantine procedures.

(1) All herds in which reactor animals are disclosed shall be quarantined. Exposed animals must remain on the premises where disclosed unless a state or federal permit for movement to slaughter has been obtained. Movement for immediate slaughter must be directly to a slaughter establishment where approved state or federal inspection is administered. Animals must be identified by official eartag. Use of "S" brand is required, or animals must be shipped in an official sealed vehicle. The "S" brand shall be applied to either the left jaw or the tailhead.

(2) Cervidae herds in which M. bovis is confirmed shall remain under quarantine if not depopulated, and must pass three consecutive official tuberculosis tests of all animals. The first test must be conducted 90 days or more after the last test yielding a positive animal, with two additional tests at 180-day minimum intervals. Five annual complete herd tests of all animals shall be given following the release from quarantine.

(3) Cervidae herds that have had a test of all eligible animals with NGL reactors only and no evidence of tuberculosis infection is found by histopathology and culture of M. bovis (including selected NGL specimens submitted from animals having no gross lesions indicative of tuberculosis) may be released without further restrictions.

(4) Cervidae herds in which compatible or suggestive lesions are found by histopathology without the isolation of M. bovis may be released from quarantine following a negative 90-day retest of the entire herd, provided there is no known association with M. bovis.

(5) Cervidae herds that exhibit NGL reactors in which no evidence of tuberculosis infection is found by histopathology and culture of M. bovis and are unable to conduct a test of all eligible animals, shall be evaluated by the state and/or regional tuberculosis epidemiologist for possible release of quarantine.

(h) Procedures in affected herds. Disclosure of tuberculosis in any herd shall be followed by a complete epidemiological investigation. All cervids in herds from which tuberculosis animals originate, and all cervids that are known to have associated with affected cervids or other affected animals, shall be tested promptly. These procedures shall apply to adjacent and contact herds as well as to the evaluation and testing of possible source herds for the affected herd. Herds that have received exposed animals shall be tested following the slaughter or testing of the exposed animals. Every effort shall be made to ensure the immediate elimination of the

disease from all species of animals on the premises. The herd shall be handled as outlined under subsection (g) of this section.

(i) Retest Schedules for High Risk Herds.

(1) In herds with a history of lesions compatible or suggestive for tuberculosis by histopathology, two complete annual herd tests shall be given after release from quarantine. Herds with a bacteriologic isolation of a Mycobacteria species other than M. bovis should be considered negative for bovine tuberculosis with no further testing requirements.

(2) In a newly assembled herd on premises where a tuberculosis herd has been depopulated, two annual herd tests shall be applied to all animals. The first test must be approximately six months after assembly of the new herd. If the premises are vacated for over one year, these requirements may be waived.

(3) Exposed animals previously sold from known infected herds shall be depopulated if possible, or tested with the SCT or Stat Pak/DPP by State or Federal veterinarians. All animals non-negative to either test shall be classified as reactors.

(A) If bovine tuberculosis is confirmed in the exposed animal(s), the remainder of the receiving herd shall be classified as an infected herd and handled according to subsection (g)(2) of this section.

(B) If negative to the test, the exposed animal(s) will subsequently be handled as if a part of the infected herd of origin for purposes of testing, quarantine release, and the five annual high-risk tests. The remainder of the herd shall be tested at the time of the initial investigation and retested in one year with the SCT or Stat Pak/DPP. Supplemental diagnostic tests may be used if needed.

(4) Herds indicated as the source(s) of animals in slaughter traceback investigations shall be placed under quarantine within 30 days of notification to the area office, and a herd test scheduled. Testing of source herds of slaughter animals having lesions of tuberculosis shall be done by state or federal regulatory veterinarians using the SCT or Stat Pak/DPP.

(A) If the herd of origin is positively identified and M. bovis has been confirmed by bacterial isolation from the slaughter animal, all animals responding to the SCT or Stat Pak/DPP shall be classified as reactors. In all other cases, supplemental diagnostic tests may be used.

(B) In herds identified as the source of culture negative lesioned animals, responding animals may be classified as reactors or suspects. If classified as suspects, they may be retested by supplemental diagnostic tests.

(j) Cleaning and disinfection of premises, conveyances, and materials. All premises, including all structures, holding facilities, conveyances, and materials that are determined by program officials to constitute a health hazard to humans or animals because of tuberculosis, shall be properly cleaned and disinfected. This shall be done within 15 days after the removal of tuberculosis-affected or exposed cervids in

accordance with approved procedures. However, these officials may extend the time limit for disinfection to 30 days when a request for such extension is received prior to the expiration date of the original 15-day period allowed.

Source Note: *The provisions of this §43.21 adopted to be effective August 31, 1995, 20 TexReg 5857; amended to be effective July 5, 1996, 21 TexReg 5555; amended to be effective October 1, 1997, 22 TexReg 11346; amended to be effective October 7, 2013, 38 TexReg 6912*

RULE §43.22. Herd Status Plans for Cervidae

(a) Accredited Herd Plan.

(1) Animals to be tested. Testing of herds for accreditation or reaccreditation shall include all Cervidae and all other hoof stock over 12 months of age and animals under 12 months of age that are not natural additions, except that animals under 12 months of age that are not natural additions that were born in and originate from an accredited herd will not need to be tested.

(2) Qualifying standards. To meet the requirements for accredited herd status, the herd must pass at least two consecutive official tests for tuberculosis at nine to 15 month intervals with no evidence of bovine tuberculosis disclosed. Herds meeting these standards shall be issued a certificate by the Commission.

(3) Additions. Herd additions must originate directly from one of the following and have no exposure to cervids from herds of lower status:

(A) An Accredited Herd.

(B) A Qualified or Monitored Herd. Provided, the individual animals for addition were negative to an official tuberculosis test conducted within 90 days prior to entry and isolated from members of the accredited herd until negative to an official tuberculosis test conducted at least 90 days following entry.

(C) A herd not meeting the requirements of subparagraph (A) or (B) of this paragraph. Individual animals for addition must be isolated from all other members of the herd of origin, and pass two negative official tests for tuberculosis conducted at least 90 days apart, with the second test conducted within 90 days prior to movement to the premises of the accredited herd. The additions must be kept in isolation from members of the accredited herd until negative to an official tuberculosis test conducted at least 90 days following the date of entry.

(D) Animals added under this subparagraph and subparagraph (B) of this paragraph shall not receive accredited herd status for sale or movement purposes until they are negative on a retest 90 days after entry.

(4) Reaccreditation. To qualify for reaccreditation, the herd must pass a test within a period of 33 to 39 months of the anniversary date. The accreditation period will be 36 months from the anniversary date (not 36 months from the date of the reaccreditation test).

(b) Monitored Herd Plan.

(1) Requirements. Identification records must be maintained on animals over one year of age slaughtered, inspected, and found negative for tuberculosis at an approved slaughter facility or at an approved diagnostic laboratory. Such records may also include animals that have been tested negative for tuberculosis in accordance with the requirements for interstate movement. A monitored herd must identify animals over one year of age at slaughter, and animals tested negative for interstate movement at a rate to detect infection at a 2.0% prevalence level with 95% confidence evenly distributed over a three year period. No less than half of the qualifying animals must be slaughter inspected. This rate would require a maximum of 178 animals. The qualifying total herd size is the annual average of herd members over one year of age maintained during the initial test period, which period shall not exceed three years.

Attached Graphic

(2) Maintenance of Monitored Herd Status. For monitored herd status to be renewed, an annual report shall be submitted by the person, firm or corporation responsible for the management of the herd to the Commission prior to the anniversary date. This report shall give the number of animals currently in the herd and the number of animals over one year of age, identified and slaughtered at a State/Federal approved slaughter facility and animals tested negative for tuberculosis in accordance with the requirements for interstate movement during the preceding year. The number of slaughter inspections and animals tuberculosis tested in accordance with the requirements for interstate movements reported in any given year must be at least 25% of the number required to initially qualify a herd of this size for monitored herd status, provided, however, that during each consecutive three year period, 100% of the initial qualifying total shall be achieved.

(3) Additions. Herd additions must originate from one of the following:

(A) an Accredited Herd.

(B) a Qualified or Monitored Herd. Provided, the individual animals for addition were negative to a tuberculosis test conducted within 90 days prior to entry.

(C) a herd not meeting the requirements of subparagraph (A) or (B) of this paragraph. Individual animals for addition must be isolated from other members of the herd of origin, and pass two negative official tests for tuberculosis, conducted at least 90 days apart, provided that the second test was conducted within 90 days prior to movement to the premises of the monitored herd. The additions must be kept in isolation from all members of the monitored herd until negative to an official tuberculosis test conducted at least 90 days following the date of entry. Animals added under this paragraph shall not receive monitored herd status for sale purposes until they are negative to a retest 90 days after entry.

(c) Qualified Herd Plan for Cervidae.

(1) Animals to be tested. Testing of herds for qualified herd status shall include all cervidae over 12 months of age and any animals under 12 months of age that are not natural additions, except such animals originating from accredited, qualified, or monitored herds.

(2) Qualifying Standards. To meet the requirements for qualified herd status, the herd must pass one official test for tuberculosis, within a seven month period with no evidence of bovine tuberculosis disclosed. The qualified herd status remains in effect for 12 months following the qualifying test.

(3) Additions. Herd additions must originate directly from one of the following:

(A) an accredited herd;

(B) a monitored or qualified herd, provided that the individual animals for addition were negative to an official tuberculosis test conducted within 90 days prior to entry;

(C) a herd not meeting the requirements of subparagraph (A) or (B) of this paragraph. Individual animals for addition must be isolated from other members of the herd of origin and must have negative results to two official tests for tuberculosis, conducted at least 90 days apart, provided that the second test was conducted within 90 days prior to movement to the premises of the qualified herd. The additions must be kept in isolation from all members of the qualified herd until they are negative to an official tuberculosis test conducted at least 90 days following the date of entry.

(4) Animals added under paragraph (3)(C) of this subsection shall not receive qualified herd status for sale or movement purposes until they are negative to a retest 90 days after entry.

(d) Surveyed Herd.

(1) Requirements--Surveillance records must be maintained on all animals over one year of age harvested and inspected or tested without evidence of bovine tuberculosis:

(A) at an approved slaughter facility with state/federal meat inspection, approved diagnostic laboratory; and/or

(B) routine tuberculosis testing of individual animals or consignments performed by a designated accredited veterinarian; and/or

(C) other appropriate methods of surveillance approved by a representative of the TAHC.

(2) A surveyed herd must identify animals at a rate to detect infection at a 2.0% prevalence level with 95% confidence. This rate would require an annual survey of a minimum of one-third of the total number of animals prescribed in appendix 1 for each specified herd size.

(3) Qualification and maintenance of surveyed herd status. An annual report shall be submitted by the person, firm, or corporation responsible for management of the herd to the Commission at the time of qualifying and prior to each anniversary date. The report shall include the estimated number of breeding age animals currently in the herd and the number of animals over one year of age surveyed during the preceding year.

(e) Status of newly assembled herds. A newly assembled herd shall assume the herd status of the herd from which the animals originated. If the herd is assembled from more than one herd, it shall assume the status of the originating herd with the lowest status. A newly assembled herd shall also assume the testing schedule of the herd which status it assumes. These animals must have no exposure to cervidae from herds of lesser status than the herd of origin which is determining the status of the newly assembled herd.

Source Note: *The provisions of this §43.22 adopted to be effective August 31, 1995, 20 TexReg 5857; amended to be effective October 1, 1997, 22 TexReg 11346; amended to be effective August 22, 1999, 24 TexReg 6280; amended to be effective June 14, 2007, 32 TexReg 3172*

RULE §43.23. Requirements for Entry into Texas

The entry requirements are located in Chapter 51, §51.10 of this title (relating to Cervidae).

Source Note: *The provisions of this §43.23 adopted to be effective June 23, 2002, 27 TexReg 5176*

SUBCHAPTER D MOVEMENT RESTRICTION ZONE (MRZ)

RULE §43.30. Special Requirements for Movement Restriction Zone (MRZ)

(a) The Movement Restriction Zone (MRZ) is defined as a geographic area infected with or at a high risk for bovine tuberculosis.

(b) El Paso and Hudspeth County MRZ. That portion of the state within the boundaries of a line beginning in El Paso County where Loop 375 and Interstate Highway (IH) 10 intersect; thence southeast along IH 10 to Spur 148 at Ft. Hancock in Hudspeth County; thence south along Spur 148 to State Highway (SH) 20; thence south along SH 20 to Farm to Market Road (FM) 1088; thence south along FM 1088 to the Rio Grande River; thence northwest along the Rio Grande River to South Zaragoza Road in El Paso County; thence north along South Zaragoza Road to Loop 375; thence northeast along Loop 375 to the intersection of Loop 375 and IH 10. The El Paso and Hudspeth County MRZ only applies to bovine.

Source Note: *The provisions of this §43.30 adopted to be effective April 8, 2001, 26 TexReg 2534; amended to be effective March 4, 2007, 32 TexReg 753; amended to be effective February 19, 2015, 40 TexReg 697*

RULE §43.31. Testing Requirements in Movement Restriction Zone (MRZ)

All species susceptible to bovine tuberculosis within the Movement Restriction Zone must be tested as epidemiologically determined by the commission.

Source Note: *The provisions of this §43.31 adopted to be effective April 8, 2001, 26 TexReg 2534; amended to be effective February 19, 2015, 40 TexReg 697*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 44 BOVINE VIRAL DIARRHEA

RULE §44.1. Definitions

The following words and terms, when used in this chapter, shall have the defined meanings, unless the context clearly indicates otherwise:

(1) Bovine Viral Diarrhea (BVD) - Bovine viral diarrhea is a viral disease of cattle that is caused by the bovine viral diarrhea virus (BVDV).

(2) BVDV Persistently Infected (BVDV-PI) Cattle--Any cattle with positive results on a BVDV antigen detection test (e.g., ELISA [enzyme-linked immunosorbent assay], PCR [polymerase chain reaction], or BVDV immunohistochemistry [IHC]) that either are not retested, or that have a positive result on a BVDV retest.

(3) BVDV Retest--A subsequent test for BVDV using an antigen detection test (e.g., ELISA [enzyme-linked immunosorbent assay], PCR [polymerase chain reaction], or BVDV immunohistochemistry [IHC]).

(4) Cattle--All dairy and beef animals (genus Bos).

(5) Commission--The Texas Animal Health Commission.

Source Note: *The provisions of this §44.1 adopted to be effective February 2, 2020, 45 TexReg 529*

RULE §44.2. General Requirements

(a) A seller that knowingly sells BVDV Persistently Infected Cattle must disclose the Bovine Viral Diarrhea Virus Persistently Infected status in writing to the buyer prior to or at the time of sale.

(b) Cattle that initially test positive to a BVDV antigen detection test may be administered a BVDV retest. If the retest results are negative, the cattle are considered to have been transiently infected (not persistently infected) and are not covered under this rule.

(c) The Commission shall establish a BVDV Program Review Working Group consisting of members from the cattle industry, veterinary profession, veterinary diagnostic laboratory, veterinary college, extension service and agency representatives. The working group shall annually review the BVDV control program and make recommendations to the Commission on amendments to program components or operation, and on whether or not the program should be continued.

Source Note: *The provisions of this §44.2 adopted to be effective February 2, 2020, 45 TexReg 529*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 45 REPORTABLE DISEASES

RULE §45.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Office International Des Epizooties List A Diseases--These are diseases which have the potential for very serious and rapid spread, irrespective of national borders, which are of serious socio-economic or public health consequence and which are of major importance in the international trade of animals and animal products.

(2) Foreign Animal Diseases--These are animal diseases recognized by the United States Department of Agriculture as not being found in the United States.

(3) National Program Diseases--These are animal diseases that are the subject of a national state/federal cooperative eradication program between the state of Texas and the United States Department of Agriculture.

(4) Texas Animal Health Commission Designated Diseases--Animal diseases that the Commission has determined must be reported in order that the Commission may act as necessary to eradicate or control significant animal diseases.

Source Note: *The provisions of this §45.1 adopted to be effective January 12, 2000, 25 TexReg 77*

RULE §45.2. Duty to Report

(a) A veterinarian, a veterinary diagnostic laboratory or a person having care, custody, or control of an animal, shall report the existence of the following diseases among livestock, exotic livestock, domestic fowl, or exotic fowl to the commission within 24 hours after diagnosis. The following listing includes diseases and conditions that are Office International Des Epizooties Diseases, Foreign Animal Diseases, National Program Diseases or Texas Animal Health Commission Designated Diseases.

Attached Graphic

(b) In addition to reporting the existence of a disease under subsection (a) of this section, the veterinarian shall also report to the commission information relating to:

(1) the species and number of animals involved;

(2) any clinical diagnosis or postmortem findings;

(3) any death losses;

(4) location; and

(5) owner.

Source Note: *The provisions of this §45.2 adopted to be effective January 12, 2000, 25 TexReg 77; amended to be effective June 14, 2007, 32 TexReg 3172; amended to be effective April 1, 2009, 34 TexReg 1984; amended to be effective October 15, 2009, 34 TexReg 7065; amended to be effective October 10, 2012, 37 TexReg 8014; amended to be effective October 9, 2014, 39 TexReg 7914*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 47 AUTHORIZED PERSONNEL

SUBCHAPTER A GENERAL PROVISIONS

RULE §47.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Accredited veterinarian--A veterinarian approved by USDA under the provisions of Title 9, Part 161, Code of Federal Regulations, to perform specified functions required by cooperative state-federal disease control eradication programs for Category II animals.

(2) Authorized personnel--

(A) Veterinarians and inspectors employed by the commission;

(B) USDA-APHIS, VS veterinary medical officers and animal health technicians;

(C) Veterinarians who:

(i) are licensed to practice veterinary medicine in Texas; and

(ii) are Category II accredited by USDA-APHIS, VS for the State of Texas; and

(iii) have satisfactorily completed Texas Animal Health Commission disease control or eradication program training or provide documentation to the executive director that they have satisfactorily completed substantially similar disease control or eradication program training;

(D) Veterinarians' technicians and/or employees who have satisfactorily completed the Texas Animal Health Commission disease control or eradication program training or provide documentation to the Executive Director that they have satisfactorily completed substantially similar disease control or eradication program training; and

(E) For the Chronic Wasting Disease (CWD) program, individuals who have satisfactorily completed Texas Animal Health Commission CWD disease control or eradication program training or provide documentation to the executive director that they have satisfactorily completed substantially similar CWD disease control or eradication program training.

(3) APHIS--The Animal and Plant Health Inspection Service of the United States Department of Agriculture.

(4) Commission--The Texas Animal Health Commission.

(5) Disease control or eradication program--Any state or federal disease control or eradication program for animals.

(6) Executive Director--The Executive Director of the Texas Animal Health Commission or any individual authorized to act for the Executive Director.

(7) False sample--An adulterated sample or a sample that was collected from an animal other than the animal indicated on the test document.

(8) Issue--The distribution, including electronic transmission, of an official document that has been signed.

(9) Official document--Any certificate, form, record, report, chart, tag, band, or other identification, required by the commission or USDA for use by an authorized person performing authorized functions under this chapter. This includes, but is not limited to a certificate of veterinary inspection, vaccination charts and test documents.

(10) Sign--For an authorized person to put his or her signature in his or her own hand, or by means of an approved digital signature, on an official document. No official document is signed if:

(A) Someone other than the authorized person has signed it on behalf or in the name of the authorized person, regardless of the authority granted them by the authorized person; or

(B) If any mechanical device, other than an approved digital signature, has been used to affix the signature.

(11) Veterinarian-in-Charge--The veterinary official of APHIS who is assigned by the USDA Administrator to supervise and perform the official work of APHIS in a State or group of States.

(12) VS--The Veterinary Services of the United States Department of Agriculture.

(13) Veterinarian's technician or employee--An authorized person who works under the supervision of an authorized veterinarian unless specifically exempted under this chapter, or rules of the Texas Board of Veterinary Medical Examiners as provided in 22 TAC Chapter 573, Subchapter B (relating to Supervision of Personnel), to perform certain procedures under general supervision.

Source Note: *The provisions of this §47.1 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.2. Requirements and Application Procedures

(a) Authorized Personnel:

(1) An individual shall be authorized by the commission to perform certain activities, as designated by the commission, for disease control or eradication programs.

(2) An individual shall be authorized by the commission in order to receive, complete and issue official documents.

(3) An authorized person shall receive commission approval and certification for each disease control or eradication program the authorized person will perform program activities.

(4) Except as provided by subsection (c) of this section, an authorized person shall not perform program activities in disease control or eradication program until the person receives written authorization from the commission.

(b) Application for authorized personnel status:

(1) An individual shall apply for authorized personnel status by completing an application and submitting it to the commission. In completing the application, the individual shall designate the disease control or eradication program(s) for which the individual will perform program activities.

(2) Applicants shall certify, on the application, that the applicant is able to perform all program activities and has received commission training for each disease control or eradication program the individual designates.

(3) Application for authorized personnel status shall be made on a form provided by the commission.

(4) An authorized person shall notify the commission within 30 days of any change in the information provided as part of the application.

(c) Approved personnel requirements and application procedure:

(1) An individual with approved personnel status for brucellosis, tuberculosis, trichomoniasis or chronic wasting disease shall apply for authorized personnel status by completing an application and submitting it to the commission.

(2) Upon submitting an application for authorized personnel status to the commission, an individual with approved personnel status shall have authorized personnel status for the specific disease control or eradication program(s) for which the person received approved personnel status.

(3) The commission shall notify approved personnel of the requirement to submit an application for authorized personnel status.

(4) An individual with approved personnel status as of March 1, 2014, may perform program activities in the specific disease control or eradication program for which the individual received approved personnel status until September 1, 2014, or until such time the individual is notified of the requirement to submit an application for authorized personnel status, whichever is later.

(5) An individual with approved personnel status shall apply for authorized personnel status, as provided by subsection (b) of this section, for any disease control or eradication program for which the individual has not received approved personnel status.

Source Note: *The provisions of this §47.2 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.3. Duration and Additional Training Requirements

(a) Authorized personnel status shall be valid until such time that the authorization is suspended or revoked, contingent upon the authorized person completing all additional training required by the commission.

(b) In determining whether additional training shall be required, the Executive Director may consider changes in technology, treatments, procedures and programs.

(c) If additional training is required for authorized personnel in a particular disease control or eradication program, the commission will provide notice to affected authorized personnel of the additional training requirement.

Source Note: *The provisions of this §47.3 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.4. Standards for Authorized Personnel

This rule sets the minimum standards for personnel who perform certain activities that are part of a disease control or eradication program pursuant to Texas Agriculture Code §161.0417.

(1) Authorized personnel shall:

(A) Recognize all commission required animal identification systems applicable to the disease control or eradication programs for which the authorized person performs activities;

(B) Apply all animal identification for commission required animal identification systems applicable to the disease control or eradication programs for which the authorized person performs activities;

(C) Properly complete official documents;

(D) Submit official documents to the commission in a timely manner as prescribed by commission or USDA rule;

(E) Recognize and report clinical signs and lesions of diseases applicable to the disease control or eradication program for which the authorized person performs activities;

(F) Properly collect and ship sample specimens, as prescribed by the commission, to an appropriate laboratory for testing with complete and accurate paperwork;

(G) Properly perform testing for the disease control or eradication program for which the authorized person performs activities;

(H) Perform official tests, inspections, treatments, and vaccinations and shall submit specimens to designated laboratories as prescribed by the commission;

(I) Immediately report to the commission diagnosed or suspected cases of a communicable animal disease for which the commission has a disease control or eradication program;

(J) Immediately report to the commission the existence of a disease listed in §45.2 of this title (relating to Duty to Report);

(K) Take such measures of sanitation as are necessary to prevent the spread of communicable diseases of animals by the authorized person while performing program activities;

(L) Keep him or herself currently informed on state rules governing the movement of animals and on procedures applicable to disease control and eradication programs for which the authorized person performs activities;

(M) Secure and properly use all official documents and approved digital signature capabilities used in his or her work and take reasonable care to prevent the misuse thereof; and

(N) Immediately report to the commission the loss, theft, or deliberate or accidental misuse of an official document or digital signature used in the authorized person's work.

(2) An authorized person shall not issue, or allow to be used, any official document, until, and unless, it has been accurately and fully completed, clearly identifying the animals to which it applies, and showing the dates and results of any inspection, test, vaccination, or treatment the authorized person has conducted and the dates of issuance and expiration of the document.

Source Note: *The provisions of this §47.4 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.5. Recordkeeping

(a) An authorized person shall maintain official documents at the authorized person's place of business.

(b) Official documents shall be complete and legible.

(c) Official documents shall be maintained for a minimum of five years from the original date of the document.

(d) The commission may inspect and copy official documents maintained by an authorized person.

Source Note: *The provisions of this §47.5 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.6. Grounds for Suspension or Revocation

(a) Automatic termination of authorized personnel status occurs with any one of the following events:

(1) the authorized person is separated from employment with the commission or Veterinary Services when such person's authorized personnel status is contingent upon employment with the commission or Veterinary Services;

(2) the authorized person is a veterinarian's technician or employee who is separated from employment with an accredited veterinarian;

(3) the license of an authorized veterinarian issued by the Texas State Board of Veterinary Medical Examiners is revoked or suspended by that board; or

(4) an authorized veterinarian's accreditation is revoked by Veterinary Services.

(b) Suspension of an authorized veterinarian's accreditation by Veterinary Services will result in suspension or revocation of authorized personnel status.

(c) Suspension or revocation of authorized personnel status may be made upon a determination that one or more of the following violations have occurred:

(1) submitting false samples;

(2) collecting a sample in an manner that contravenes a commission rule;

(3) failing to report test results;

(4) distributing vaccine to persons or entities not authorized by the commission;

(5) using out of date vaccine;

(6) failing to identify animals as required by commission rule;

(7) failing to submit official documents within the time prescribed by a commission or USDA rule;

(8) falsely reporting that animals have been vaccinated or tested;

(9) submitting samples that are adulterated or that have insufficient quantity to conduct confirmation testing;

(10) falsifying official documents;

(11) performing work in a commission disease control or eradication program for which the person is not authorized to perform program activities;

(12) failing to maintain official documents as required by commission rule;

(13) failing to pay an obligation owed to the commission;

(14) submitting false reimbursement claims for testing or vaccinating;

(15) failing to comply with the "Standards for Authorized Personnel" as set forth in §47.4 of this subchapter;

(16) failing to comply with a rule promulgated under this chapter relating to standards for authorized personnel; or

(17) violating a rule of the commission.

Source Note: *The provisions of this §47.6 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.7. Procedure for Suspension or Revocation

(a) Upon completion of the investigation of an alleged violation, the commission shall notify the authorized person by certified mail of the facts or conduct alleged that may warrant commission action regarding the person's authorized personnel status and invite the authorized person to an informal conference.

(b) An authorized person shall have 20 days from the date of receipt of the notice to respond to the commission or waive his or her attendance at the informal conference. If an authorized person fails to respond to the commission's notice an informal conference will be scheduled. The authorized person must receive notice of the conference at least seven days prior to the conference. The conference will be held at the Texas Animal Health Commission office in Austin.

(c) At the conclusion of the informal conference, the Executive Director shall determine whether a violation occurred and take appropriate action. Such action may include no action, warning, suspension, or revocation. The Executive Director shall notify the authorized person by certified mail of his or her decision within 15 days after the informal conference.

(d) If the Executive Director determines that a violation has occurred and that disciplinary action and/or a penalty is warranted, the Executive Director will advise the licensee of the alleged violations and offer the person a settlement in the form of an agreed order that specifies the disciplinary action and/or penalty. A suspension may be in effect for a period of up to one year. An order of suspension shall identify specific conditions or prohibitions relative to the suspension. A revocation may be in effect for a period of up to two years.

(e) An authorized person shall have 20 days from the date of the receipt of the decision to submit a written response accepting the settlement offer or requesting a hearing. The administrative hearing for the appeal will be held in Austin, pursuant to Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(f) If the authorized person accepts the settlement offer by signing the agreed order, the agreed order will be docketed for commission action at the next regularly scheduled commission meeting.

(g) The Executive Director may, upon written notice and pending final determination by the commission, summarily suspend a person's authorized personnel status when it is deemed necessary to protect the safety, health, and interest of the public. The Executive Director shall hold an informal conference within 14 days of the date of the suspension to determine if formal action should be initiated against the authorized person. The authorized person must receive notice of the conference at least 72 hours prior to the conference.

Source Note: *The provisions of this §47.7 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.8. Restoration of Authorized Personnel Status

(a) Authorized personnel status will be automatically restored after a period of suspension contingent upon the person complying with all conditions or prohibitions relative to the suspension.

(b) Application for authorized status may be made at the expiration of a period of revocation. The applicant must meet all prerequisites for initial authorization.

Source Note: *The provisions of this §47.8 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.9. Settlement of Contested Case

(a) A contested case settlement is an agreement between the commission and the respondent in a contested case which provides for a resolution different from the sanction originally proposed in the commission's notice.

(b) Contested case settlement negotiations may be in person, by phone, or through written communication, at the commission's discretion, as necessary to resolve issues related to a particular contested case.

(c) Contested case settlement may incorporate any combination of authorized sanctions, additional training, or remedial actions as an alternative to the originally proposed sanction.

(d) All contested case settlements are subject to approval by the Executive Director and the commission. The Executive Director and the commission shall state in writing the reasons for rejecting a proposed settlement.

(e) A contested case settlement is final and binding upon a respondent at the time the respondent or respondent's authorized agent signs the settlement agreement, and upon the commission when approved by the commission through a signed order.

(f) If a contested case settlement is rejected by the Executive Director or the commission, the contested case will be resolved through additional settlement negotiations consistent with the reasons for the rejection, by stipulation to the commission's originally proposed sanction or combination of sanction, or through a contested case hearing.

Source Note: *The provisions of this §47.9 adopted to be effective February 4, 2014, 39 TexReg 486*

SUBCHAPTER B BRUCELLOSIS PROGRAM

RULE §47.11. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Calfhood Vaccination--Vaccination of female cattle between four and twelve months of age with an approved *Brucella* vaccine at the appropriate dosage.

(2) Card test permit--A permit issued by USDA-APHIS, VS to an authorized person certifying that card test training has been satisfactorily completed at a state-federal laboratory and that the individual is authorized to conduct the card test according to the requirements and standards for authorized personnel and the brucellosis laws and regulations.

(3) Discrepancy--Differing result between the card test performed by an authorized person and the card test performed by the state-federal laboratory.

(4) Official eartag--A Veterinary Services approved identification eartag that conforms to the nine-character alphanumeric national uniform eartagging system. It uniquely identifies each individual animal. The term includes the orange-colored eartag series used to identify calfhood vaccinates.

Source Note: *The provisions of this §47.11 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.12. General Requirements

This regulation sets the standards for personnel who perform work in the brucellosis control program pursuant to the Texas Agriculture Code, §161.0417 and §163.064. Personnel may perform bovine brucellosis work in Texas as follows:

(1) Collecting and submitting blood samples. Only authorized personnel may collect and submit blood samples. Authorized personnel and employees of authorized veterinarians may apply official eartags and backtags and record individual identification on the test record.

(2) Performing the card test. Only authorized personnel who hold valid card test permits may conduct the card test.

(3) Vaccinating.

(A) Only authorized personnel may calfhood vaccinate eligible heifers for brucellosis. Authorized personnel employees of authorized veterinarians may affix vaccination eartags and record vaccinations on the vaccination certificate.

(B) Only commission veterinarians and inspectors, USDA veterinary medical officers and animal health technicians, and authorized veterinarians may adult

vaccinate cattle for brucellosis. Authorized veterinarians who vaccinate adult cattle shall follow commission protocols for adult vaccination.

(4) An authorized veterinarian's technician or other employee must work under the direct supervision of an authorized veterinarian while performing brucellosis work as permitted herein except an authorized employee who is only collecting blood samples on animals to be consigned directly from the ranch to slaughter and submitting them to the state/federal laboratory for testing may do so under general supervision. An authorized veterinarian's technician or other authorized employee may operate under the general supervision of an authorized veterinarian and may perform testing for brucellosis at a livestock market. The authorized veterinarian is responsible for assuring that authorized veterinarian's technicians and other employees working under his/her supervision comply with all commission regulations.

Source Note: *The provisions of this §47.12 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.13. Requirements for Brucellosis Testing

(a) Collecting samples.

(1) Individual blood collection devices shall be used for each animal.

(2) Each animal shall be individually identified by official eartag or backtag or individual registration tattoo or brand. The individual identification must be recorded on the test record to identify the corresponding blood sample.

(3) Tubes containing blood samples will be numbered in sequence. There will be a gap of one or more numbers between the last number assigned to a herd or unit and the first number assigned to the next her or unit.

(b) Performing the card test.

(1) A clean pipette and stirrer shall be used for each sample tested.

(2) Positive and negative check samples will be kept available at all times to check antigen being used.

(3) Antigen will be kept refrigerated.

(4) Antigen will not be used past the expiration date shown on the bottle.

(5) Mechanical rockers will be used to rotate the card. Timers will be used to read results of the card test at four-minute intervals.

(6) The card test will be run in an area where the sample is protected from wind and blowing dust.

(7) The authorized person who ran the card test will record the results of the card test on the appropriate test document (4-54, 4-33, or Texas Animal Health Commission Certificate of Veterinary Inspection). Actual test results for all cattle tested will be recorded at the time of the test.

(c) Market testing.

(1) Each animal tested at a livestock market will be identified with an official eartag and official backtag at the time of blood collection. At the time of test, each official eartag and backtag number will be recorded on the 4-54 market test record.

(2) The authorized person will not conduct the card test at a livestock market until complete ownership information and backtag identification have been provided by the market.

(3) Livestock market card tests will be conducted in a designated area with sufficient lighting.

(4) The authorized person interpreting the card test will immediately report all positive test results to the state-federal market inspector by means of the completed 4-54 market test record.

(d) Submission of samples.

(1) Blood samples may be submitted to a state-federal laboratory without prior field card testing.

(2) All blood samples and corresponding test records will be mailed or delivered to a state-federal laboratory within 48 hours after collection. Blood samples may be placed in a mail depository Monday through Saturday. Samples that would normally be mailed on weekends in which a federal holiday is on Friday or Monday shall be refrigerated and mailed the following work day.

(3) The number of samples submitted for confirmation testing which are untestable because of adulteration, hemolysis or insufficient serum must not exceed 5.0% of samples submitted during the previous six-month period nor more than 30% in any one submission.

(4) There must be no more than three discrepancies in confirmation test results disclosed over a six-month period where the laboratory results are positive for samples that were reported negative by the individual conducting the test.

Source Note: *The provisions of this §47.13 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.14. Brucellosis Calfhood Vaccination Requirements

(a) Brucellosis vaccine will be refrigerated until administered in accordance with the label directions. Vaccine will not be used beyond the expiration date shown on the bottle.

(b) Each calfhood-vaccinated animal must be permanently identified as vaccinates by tattoo and by official vaccination eartag. If the animal is already identified with an official eartag before vaccination, an additional official eartag is not required. Vaccination tattoos must be applied to the right ear. For Brucella abortus strain RB 51 vaccinates the tattoo will include the United States Registered Shield and "V" which will be preceded by a letter "R" and followed by a number corresponding to

the last digit of the year in which the vaccination was done. Official vaccination (orange) eartags must be applied to the right ear. Individual animal registration tattoos or individual animal registration brands may be used for identifying animals in place of official eartags if the cattle and/or bison are registered by breed associations recognized by VS. Official calfhood vaccinates are allowed to be re-tattooed by an authorized veterinarian designated by the State Veterinarian, or by a Federal or State representative, provided that:

(1) The identification of the vaccinated animal(s) is verified by official records maintained in State or Federal offices;

(2) Prior approval for re-tattooing is obtained from the State Veterinarian; and

(3) The re-tattooing produces the original tattoo given at the time of vaccination.

(c) Vaccinations will be immediately recorded on a properly completed vaccination certificate. Completed vaccination certificates must be submitted to the commission within 14 days following vaccination.

Source Note: *The provisions of this §47.14 adopted to be effective February 4, 2014, 39 TexReg 486*

RULE §47.15. Suspension or Revocation of Brucellosis Authorized Personnel Status

Suspension or revocation of brucellosis authorized personnel status may be made upon a determination that violations including, but not limited to, the following have occurred:

(1) providing card test kits or antigen to persons or entities not authorized by the commission;

(2) knowingly performing calfhood vaccination on over-age heifers;

(3) failing to identify vaccinated heifers as required by regulation;

(4) failing to submit vaccination charts within 14 days following vaccination;

(5) failing to submit test documents within seven days following testing;

(6) submitting blood samples that are adulterated or hemolyzed or that have insufficient serum to conduct confirmation testing where the number of such samples exceeds 5.0% of samples submitted during the previous six-month period or 30% in any one submission;

(7) having more than three discrepancies in confirmation test results over a six-month period;

(8) submitting false claims for reimbursement for testing or vaccinating for brucellosis;

(9) conducting the card test at a livestock market prior to receiving complete ownership information or backtag identification;

(10) a violation listed in §47.6 of this chapter (relating to Grounds for Suspension or Revocation); or

(11) violating a rule of the commission.

Source Note: *The provisions of this §47.15 adopted to be effective February 4, 2014, 39 TexReg 486*

SUBCHAPTER C CHRONIC WASTING DISEASE

RULE §47.21. Definitions The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Approved Laboratory--A diagnostic laboratory approved by the Administrator to conduct official tests for CWD in accordance with 9 CFR 55.8.

(2) Authorized personnel--For the Chronic Wasting Disease (CWD) program, a person that is certified by the commission as a Certified CWD Postmortem Sample Collector or, for veterinarians, a Certified CWD Veterinarian.

(3) Certified CWD Postmortem Sample Collector--An individual who has completed appropriate training recognized by the commission on the collection, preservation, laboratory submission, and proper recordkeeping of samples for postmortem CWD testing, and who has been certified by the commission to perform these activities.

(4) Certified CWD Veterinarian--A veterinarian who has authorized personnel status for veterinarians as defined by §47.1 of this title (relating to Definitions), has completed appropriate training recognized by the commission on the collection, preservation, laboratory submission, and proper recordkeeping of samples for antemortem CWD testing, and who has been certified by the commission to perform these activities.

(5) Chronic Wasting Disease (CWD)--A transmissible spongiform encephalopathy (TSE) of susceptible species.

(6) CWD Susceptible Species--All species in the cervidae family determined to be susceptible to CWD, which means any species that has had a diagnosis of CWD confirmed by means of an official test conducted by a laboratory approved by USDA/APHIS. This includes white-tailed deer (Odocoileus virginianus), mule deer (Odocoileus hemionus), black-tailed deer (Odocoileus hemionus columbianus), North American elk or wapiti (Cervus Canadensis), red deer (Cervus elaphus), Sika deer (Cervus Nippon), moose (Alces alces), and any associated subspecies and hybrids.

(7) Sample Identification Number--The number assigned to a CWD sample on the specimen submission form.

(8) Specimen Submission Form--USDA-APHIS VS form 10-4, electronic VS form 10-4 or equivalent submission form.

Source Note: *The provisions of this §47.21 adopted to be effective June 30, 2015, 40 TexReg 4209; amended to be effective September 13, 2016, 41 TexReg 7075*

RULE §47.22. General Requirements and Application Procedure

(a) This regulation sets the standards for personnel who perform work in the Certified CWD Authorized Personnel program pursuant to the Texas Agriculture Code, §161.0417. Personnel may collect samples for official CWD testing in Texas as follows:

(1) Effective September 1, 2015, a person, other than an accredited veterinarian licensed to practice veterinary medicine in Texas, shall be a Certified CWD Postmortem Sample Collector to collect and submit samples for official postmortem CWD testing.

(2) Effective October 15, 2016, an individual shall be a Certified CWD Veterinarian to collect and submit samples for antemortem CWD testing.

(3) To become a Certified CWD Sample Collector or a Certified CWD Veterinarian, a person must meet the requirements and apply for Certified CWD Authorized Personnel status Collector as prescribed in §47.2 of this title (relating to Requirements and Application Procedures).

(4) A person desiring to perform official CWD testing shall participate in a certification program on CWD program requirements and procedures before performing any CWD program functions, including but not limited to review of the disease, proper sample collection techniques, sample preservation and laboratory submission, recordkeeping, and identification of animals.

(b) A Certified CWD Postmortem Sample Collector or Certified CWD Veterinarian shall meet the following requirements:

(1) Comply with §47.4 of this title (relating to Standards for Authorized Personnel);

(2) Comply with §47.5 of this title (relating to Recordkeeping);

(3) Submit CWD samples only to approved laboratories; and

(4) Follow all instructions as prescribed by the commission for collection of samples, including:

(A) collecting the proper samples necessary for CWD detection by an approved laboratory;

(B) labeling of specimen collection containers. The side label of a specimen collection container must include the following information:

(i) date of collection;

(ii) owner name;

(iii) name of the Certified CWD Postmortem Sample Collector or Certified CWD Veterinarian;

(iv) species, age and sex of animal;

(v) type of specimen(s);

(vi) herd ID (if applicable), official animal identification number;

(vii) sample identification number;

(C) packaging specimens to meet Federal transportation guidelines; and

(D) fully and accurately completing the specimen submission form, which includes listing the clinical signs of CWD observed in samples collected from CWD susceptible species:

(i) date of collection;

(ii) owner name, address, and phone number;

(iii) name, address, phone number, and email address for the Certified CWD Postmortem Sample Collector or Certified CWD Veterinarian;

(iv) species, age, and sex of the animal;

(v) type of specimen(s);

(vi) herd ID (if applicable), all animal identification devices with a quarter-sized piece of tissue (ear, hide, etc.) attached to each device; and

(vii) sample identification number.

Source Note: *The provisions of this §47.22 adopted to be effective June 30, 2015, 40 TexReg 4209; amended to be effective September 13, 2016, 41 TexReg 7075*

RULE §47.23. Duration and Additional Training Requirements

(a) Unless otherwise suspended or revoked, Certified CWD Sample Collector status shall be valid for the period of three years from the date of initial certification.

(b) Unless otherwise suspended or revoked, Certified CWD Veterinarian status shall be valid for the period of three years from the date of initial certification.

(c) Certified CWD Postmortem Sample Collector status or Certified CWD Veterinarian status must be renewed by submitting a renewal application to the commission, paying any applicable fees, and meeting any additional requirements determined by commission rule, 30 days prior to the certificate expiration date.

(d) In determining whether additional training shall be required of current Certified CWD Postmortem Sample Collectors or Certified CWD Veterinarians before certificate renewal, the commission may consider changes in technology, treatments, procedures, programs, and the performance or competency of the individual in performing CWD program activities.

(e) If the commission requires general training or testing for all CWD authorized personnel, the commission will publish notice at least six months in advance of the certificate renewal date.

(f) If the commission requires individual training or testing as a result of the CWD authorized personnel's performance or inability to perform CWD program activities, the commission may give notification and set a time and place for training or testing.

Source Note: *The provisions of this §47.23 adopted to be effective June 30, 2015, 40 TexReg 4209; amended to be effective September 13, 2016, 41 TexReg 7075*

RULE §47.24. Grounds for Suspension or Revocation

Suspension or revocation of Certified CWD Postmortem Sample Collector status or Certified CWD Veterinarian status may be made upon a determination that one or more of the following has occurred:

(1) Violating one or more of the provisions prescribed in §47.6 of this title (relating to Grounds for Suspension or Revocation);

(2) Failing to comply with one or more of the provisions prescribed in §47.4 of this title (relating to Standards for Authorized Personnel);

(3) Observing clinical signs or lesions of CWD and failing to immediately report those findings to the commission; or

(4) Failing to complete additional training or testing as prescribed in §47.23 of this title (relating to Duration and Additional Training Requirements).

Source Note: *The provisions of this §47.24 adopted to be effective June 30, 2015, 40 TexReg 4209; amended to be effective September 13, 2016, 41 TexReg 7075*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 49 EQUINE

RULE §49.1. Equine Infectious Anemia (EIA): Identification and Handling of Infected Equine

(a) Official Test. The agar gel immunodiffusion (AGID) test, also known as the Coggins test, the Competitive Enzyme-Linked Immunosorbent Assay (CELISA) test, and other USDA licensed tests approved by the commission, are the official tests for equine infectious anemia (EIA) in horses, asses, mules, ponies, zebras and any other equine in Texas.

(b) Authorization to conduct test. Only United States Department of Agriculture (USDA) approved laboratories, including USDA approved off-site laboratories, are allowed to run the AGID and CELISA or other USDA licensed tests and all tests will be official. Only test samples from accredited veterinarians or other TAHC authorized personnel accompanied by a completed VS Form 10-11 can be accepted for official testing.

(c) Official Identification of Equine Tested for EIA. All official blood tests must be accompanied by a completed VS Form 10-11 (Equine Infectious Anemia Laboratory Test) listing the description of the equine to include the following: age, breed, color, sex, animal's name, and all distinctive markings (i.e., color patterns, brands, tattoos, scars, or blemishes) and unique and permanent forms of identification, such as electronic identification that complies with ISO 11784/11785; or non-ISO electronic identification injected in the equine on or before March 11, 2014; or digital photographs sufficient to identify the individual equine. In the absence of any distinctive color markings or any form of visible permanent identification (brands, tattoos or scars), the animal must be identified by indicating the location of all hair whorls, vortices or cowlicks with an "X" on the illustration provided on the VS Form 10-11. It must list owner's name, address, the animal's home premise and county, the name and address of the authorized individual collecting the test sample, and laboratory and individual conducting the test. The EIA test document shall list one horse only.

(d) Reactor. A reactor is any equine which discloses a positive reaction to the official test. The individual collecting the test sample must notify the animal's owner of the quarantine within 48 hours after receiving the results.

(e) Retest of reactors. Equine which have been disclosed as reactors may be retested prior to branding provided:

(1) owners or their agents initiate a request to the TAHC Area Director of the area where the horse is located;

(2) retests are conducted within 30 days after the date of the original test;

(3) blood samples for retests are collected by the person who collected the sample for the first test or by TAHC personnel, and the blood samples are submitted to the Texas Veterinary Medical Diagnostic Laboratory (TVMDL) for testing;

(4) the individual collecting the retest sample is provided documentation that the animal being retested is the same as the one shown positive on the initial test and can verify the retested equine as being the same as shown on the original test document; and

(5) the positive animal is held under quarantine along with all other equine on the premise.

(f) Official identification of reactors. A reactor to the official test must be permanently identified using the National Uniform Tag Code number assigned by the USDA to the state in which the reactor was tested followed by the letter "A" (the code for Texas is 74A). The reactor identification must be permanently applied by a representative of the Texas Animal Health Commission who must use for the purpose of identification, a hot-iron brand or freeze-marking brand. The brand must be not less than two inches high and shall be applied to the left shoulder or left side of the neck of the reactor. Reactors must be branded within ten days of the date the laboratory completes the test unless the equine is destroyed. Any equine destroyed prior to branding must be described in a written statement by the accredited veterinarian or other authorized personnel certifying to the destruction. This certification must be submitted to the Texas Animal Health Commission promptly.

(g) Quarantine. Any equine animal found to be a reactor to the official test will be quarantined by a representative of the Texas Animal Health Commission to the premises of its home, farm, ranch or stable until natural death, disposition by euthanasia, slaughter, or disposition to a Texas Animal Health Commission approved, diagnostic or research facility. The quarantine shall restrict the infected equine, all other equine on the premise, and all equine epidemiologically determined to have been exposed to an EIA-positive animal to isolation at least 200 yards away from equine on adjacent premises.

(h) Movement of Reactors and Exposed Equine.

(1) Reactor equine. Following official identification, a reactor must be accompanied by a VS Form 1-27 permit issued by an accredited veterinarian or other authorized state or federal personnel when moved from its home premises either:

(A) Directly to a slaughter plant, slaughter-only market, or slaughter-only buying facility; or

(B) Directly to an approved diagnostic or research facility; or

(C) Directly to a livestock market to be sold for slaughter, provided that within 24 hours prior to entry, the equine is inspected by a TAHC veterinarian or a Texas USDA-accredited veterinarian to ensure the equine displays no clinical signs of EIA and has a normal temperature. The auction market must isolate

the positive equine from other equine, pen the positive equine under a roof, and hold the positive equine on the premise for no longer than 24 hours.

(2) Exposed equine. Exposed equine must be identified with an "S" brand placed on the left shoulder or left side of the neck, and be accompanied by a VS Form 1-27 permit issued by an accredited veterinarian or other authorized state or federal personnel when moved either:

(A) Directly to a livestock market for sale directly to slaughter provided the exposed equine is quarantined at the market in isolation from other horses; or

(B) Directly to a slaughter plant, slaughter-only market, or slaughter-only buying facility; or

(C) Directly to an approved diagnostic or research facility.

(i) Requirements for testing equine on quarantined premises. All equine determined to have been on the same premise with an EIA-positive horse at the time the positive horse was bled shall be tested by an accredited veterinarian at owner's expense or by Commission personnel. Nursing foals are exempt from testing.

(j) Requirements for Testing Exposed Equine and High Risk Herds.

(1) Exposed equine. All equine epidemiologically determined to have been exposed to an EIA-positive animal shall be quarantined and tested by an Accredited Veterinarian at owner's expense or by Commission personnel. Nursing foals are exempt from testing.

(2) Whole herd testing. All equine except nursing foals that are part of a herd from which a reactor has been classified shall be tested by an Accredited Veterinarian at owner's expense or by Commission personnel. A herd is:

(A) All equine under common ownership or supervision that are on one premise; or

(B) All equine under common ownership or supervision on two or more premises that are geographically separated, but on which the equine have been interchanged or where there has been contact among the equine on the different premises. Contact between equine on the different premises will be assumed unless the owner establishes otherwise and the results of the epidemiologic investigation are consistent with the lack of contact between premises; or

(C) All equine on common premises, such as community pastures or grazing association units, but owned by different persons. Other equine owned by the persons involved which are located on other premises are considered to be part of this herd unless the epidemiologic investigation establishes that equine from the affected herd have not had the opportunity for direct or indirect contact with equine from that specific premise.

(3) High Risk Testing. Herds determined to be at high risk shall be tested by an accredited veterinarian at owner's expense or by commission personnel. High

risk herds are those epidemiologically judged by a State-Federal veterinarian to have a high probability of having or developing equine infectious anemia. A high risk herd need not be located on the same premise as an infected or adjacent herd.

(k) Release of EIA quarantine. The EIA quarantine may be released by the Texas Animal Health Commission after all quarantined equine test negative at least 60 days following identification and removal of the last EIA-positive equine as set out in subsections (f) and (h) of this section. Epidemiological data may be considered in the release of the quarantine.

(l) Requirements for Change of Ownership. A negative EIA test within the previous 12 months is required for all equine, except zebras, which are eight months of age or older, changing ownership in Texas, except, if the animal is:

(1) sold to slaughter, to be tested at the slaughter facility at Commission expense; or

(2) a nursing foal that is transferred with its dam and the dam has tested negative for equine infectious anemia during the 12 months preceding the date of the transfer.

(m) Any equine sold, through a market, which has not had a negative EIA test in the twelve months preceding the date of sale must be permitted for movement, by an accredited veterinarian or other authorized state or federal personnel, to slaughter. The permit shall be signed by the consignor and contain information regarding either permanent identification (i.e. branding, tagging or other means acceptable to the commission) of the equine or by the number on a red collar, issued by the commission, to be verified at the slaughter plant, slaughter-only market, or slaughter-only buying facility. These equine shall arrive at the slaughter facility no later than ten days from the date of the issuance of the permit.

(n) Equine animals stabled, boarded or pastured within 200 yards of equine belonging to another person shall be considered to be a congregation point. All equine must have a negative EIA test within the last twelve months.

(o) Equine that participate in any assembly are required to have a current proof of a negative EIA test within the last 12 months. An assembly includes, but is not limited to, parades, rodeos, roping events, and trail rides. Sponsors of an assembly of equine are required to implement a procedure for review of records on each participating equine to confirm proof of a negative EIA test status within the previous 12 months prior to allowing entry of the equine into facilities or locations where the animals will be commingled. Procedures other than confirmation of proof of EIA test negative status by the event sponsor(s) at the time of arrival at the event shall be submitted to the Executive Director for consideration at least 30 days prior to the event. A decision regarding a proposed procedure will be provided to the sponsor within 10 days of receipt by the Executive Director.

(p) Equine that are in boarding stables, boarding pastures, breeding farms, and training stables are required to have a current proof of a negative EIA test within the last 12 months.

(q) Equine that utilize or ride on publicly accessible equestrian trails, and public lands open to equestrian riding, where a congregation of equine can occur, are required to have a current proof of a negative EIA test within the last 12 months.

(r) Equine entering a pari-mutuel track must have a negative EIA test within the past 12 months and a Certificate of Veterinary Inspection.

Source Note: *The provisions of this §49.1 adopted to be effective February 27, 1977, 2 TexReg 620; amended October 1, 1985, 10 TexReg 3554; amended to be effective July 1, 1987, 12 TexReg 1866; amended to be effective May 5, 1988, 13 TexReg 1910; amended to be effective September 20, 1989, 14 TexReg 4471; amended to be effective August 19, 1991, 16 TexReg 4153; amended to be effective June 10, 1994, 19 TexReg 3462; amended to be effective October 24, 1994, 19 TexReg 7522; amended to be effective January 1, 1997, 21 TexReg 5687; amended to be effective July 1, 1997, 22 TexReg 6263; amended to be effective May 24, 1998, 23 TexReg 4903; amended to be effectiveOctober 17, 1999, 24 TexReg 8736; amended to be effective June 11, 2000, 25 TexReg 5329; amended to be effective April 1, 2002, 27 TexReg 1694; amended to be effective June 23, 2002, 27 TexReg 5179; amended to be effective June 26, 2005, 30 TexReg 3567; amended to be effective October 6, 2019, 44 TexReg 5613*

RULE §49.2. Interstate Movement Requirements

The entry requirements are located in Chapter 51, §51.13 of this title (relating to Equine).

Source Note: *The provisions of this §49.2 adopted to be effective June 23, 2002, 27 TexReg 5180*

RULE §49.3. Requirements for Dealer Recordkeeping

(a) A dealer is defined as a person engaged in the business of buying or selling animals in commerce:

(1) On the person's own account;

(2) As an employee or agent of the vendor, the purchaser, or both; or

(3) On a commission basis.

(b) A dealer as defined in subsection (a) of this section does not include a person who buys or sells animals as part of the person's bona fide breeding, feeding or stocker operations, but does include livestock markets and commission merchants.

(c) Any dealer must maintain records of equine purchased and sold. Such records shall show the buyer's and seller's name and address, county of origin, number of animals, and a description of each animal, including sex, age, color and color markings, registration number, if any, and any individual identification such as tattoo, brand, or microchip number. Records at auctions and commission firms shall show the delivery vehicle license number. All dealer records must be maintained for a minimum of two years after the date of the transaction.

(d) Slaughter buyers. A slaughter buyer is someone who buys an equine on their own account, as an employee or agent of a slaughter facility, or on a commission basis for the purpose of being slaughtered. A slaughter buyer must maintain records required under subsection (c) of this section, which includes the VS Form 1-27 permit number and the name of the person who issued it.

Source Note: *The provisions of this §49.3 adopted to be effective January 1, 1997, 21 TexReg 5687; amended to be effective June 11, 2000, 25 TexReg 5329*

RULE §49.4. Equine Viral Arteritis (EVA): Reporting and Handling of Infected Equine

(a) EVA classification for reporting purposes:

(1) Carrier Stallion. A stallion that has been determined through virus isolation, positive PCR tests on semen, breeding to naive mares or any combination of procedures to shed EVA virus in semen.

(2) EVA caused abortion. An abortion in mares which has been determined to have been caused by EVA virus through a combination of clinical symptoms and laboratory procedures, including virus isolation or positive PCR tests on fetal tissues or placenta.

(3) EVA respiratory disease. A respiratory disease determined to have been caused by EVA virus through a combination of clinical history, clinical symptoms and laboratory results, including positive PCR test results on naso-pharyngeal or conjunctival swabs, or whole blood; virus isolation; or four-fold increase in serological titers on blood samples collected 14 to 21 days apart.

(b) The owners, managers or caretakers of Equine Viral Arteritis (EVA) carrier stallions shall provide written notification, to owners of mares that are to be bred to the EVA carrier stallion, either by live cover or artificial insemination, that the stallion is a EVA carrier and that the mare could become infected with EVA through breeding to the carrier stallion.

(c) The Executive Director may restrict movement of equine epidemiologically deemed to be a high risk for the spread of EVA.

Source Note: *The provisions of this §49.4 adopted to be effective October 14, 2007, 32 TexReg 7042*

RULE §49.5. Piroplasmosis: Testing, Identification of Infected Equine

(a) Official Equine Piroplasmosis Test: A test for Equine Piroplasmosis applied and reported by a laboratory approved by the Commission. The sample must be collected by or under the direct supervision of an authorized veterinarian. A completed Equine Piroplasmosis Laboratory Test chart (Form 10-07) must be submitted with the sample, listing the description of the equine to include the following: age, breed, color, sex, animal's name, and all distinctive markings (i.e., color patterns, brands, tattoos, scars, or blemishes), and any RFID numbers applied to the equine. In the absence of any distinctive color markings or any form of visible

permanent identification (brands, tattoos or scars), the equine must be identified by indicating the location of all hair whorls, vortices or cowlicks with an "X" on the illustration provided on the chart. In lieu of the manual illustration, digital photographs clearly showing the equine from the left side, right side, and full face may be incorporated in the chart. All charts must list owner's name, address, the equine's home premises and county, the name and address of the authorized individual collecting the test sample, and laboratory and individual conducting the test. The Piroplasmosis test document shall list one equine only.

(b) Reactor. A reactor is any equine which discloses a positive reaction for Piroplasmosis on a Complement Fixation (CF) or competitive Enzyme Linked Immunosorbent Assay (cELISA) applied at a laboratory approved by the Commission. The individual collecting the test sample must notify the equine's owner of the quarantine within 48 hours after receiving the results. Movement of all Piroplasmosis positive equine and all equine epidemiologically determined to have been exposed to a Piroplasmosis positive equine will be restricted. Retests of a reactor may only be performed by a representative of the Commission.

(c) Official Identification of Reactors.

(1) A reactor must be identified with an implanted radio frequency microchip identification device that provides unique identification for each individual equine and complies with ISO 11784/11785 and one of the following methods as determined by the Commission:

(A) The reactor equine may be identified with a permanent mark as described herein or as approved by the Commission. If branded the letter "P" will be applied as a hot-iron brand, freeze-marking brand or a hoof brand. For a Freeze or Hot-Iron brand the "P" brand must be not less than two inches high and shall be applied to the left shoulder or left side of the neck of the reactor. For a hoof brand the "P" brand must be applied to the front left hoof and reapplied as necessary to maintain visibility;

(B) Using an identification device or a unique tattoo, approved by the Commission, that provides unique identification for each individual equine; or

(C) Using digital photographs sufficient to identify the individual equine.

(2) Reactors must be identified by an authorized veterinarian or representative of the Commission within ten days of the equine being classified as a reactor by the Commission. Any equine destroyed prior to identification must be described in a written statement by the authorized veterinarian or other authorized personnel certifying to the destruction. The description must be sufficient to identify the individual equine including, but not limited to, name, age, breed, color, gender, distinctive markings, and unique and permanent forms of identification when present (e.g., brands, tattoos, scars, cowlicks, blemishes or biometric measurements). This certification must be submitted to the Commission within ten days of the date the equine is destroyed.

(d) Equine entering a racetrack facility must have a negative Piroplasmosis test *(Theileria equi)* within the past 12 months. A racetrack facility is grounds used to conduct live horse racing events and is not limited to facilities licensed by the Texas Racing Commission.

Source Note: *The provisions of this §49.5 adopted to be effective July 13, 2010, 35 TexReg 6062; amended to be effective June 23, 2011, 36 TexReg 3711; amended to be effective June 3, 2014, 39 TexReg 4238; amended to be effective February 19, 2015, 40 TexReg 698*

RULE §49.6. Piroplasmosis: Area or County Test

(a) Definitions:

(1) High risk area or county--An area or county that is epidemiologically judged to have a high probability for equine having or developing Equine Piroplasmosis.

(2) Hold Order--A document restricting movement of a herd, unit, or individual animal pending the determination of its Piroplasmosis disease status.

(3) Individual herd test plan--A written plan developed between the Commission and the owner for testing one or more equine for Piroplasmosis, and the management of any positive or exposed equine.

(b) Order to Test Equine in a High Risk County or Area for Piroplasmosis. The Executive Director of the Commission may issue an order for equine to be tested in a high risk area or county based on sound epidemiological principles for disease detection, control, and eradication. The epidemiological criteria used for designating an area or county as high risk may include the presence of disease vectors (ticks), multiple positive animals in the area, and common husbandry and animal use practices that could lead to disease exposure.

(c) The order shall contain the following elements:

(1) The epidemiological criteria for which the order is being issued.

(2) A description of the area or county determined to be high risk that enables a person to identify the area and determine if a premise(s) is included in the area.

(3) A statement that movement of equine is prohibited, if the Executive Director determines the threat of disease spread warrants such action.

(4) Any exceptions, terms, conditions, or provisions prescribed under this chapter must be stated in the order.

(5) State the class of persons authorized by the Commission or the Executive Director to issue certificates or permits permitting movement.

(6) Any authorized movement certificate or permit must be issued in conformity with the requirements stated in the quarantine notice:

(A) The Executive Director may provide for a written certificate or written permit authorizing the movement of equine from locations where the equine have been restricted.

(B) The certificate or permit must be issued by a veterinarian or other person authorized by the Commission to issue a certificate or permit.

(d) If the order prohibits the movement of any equine until tested negative for the disease, the Executive Director may prescribe:

(1) any exceptions;

(2) terms;

(3) conditions; or

(4) provisions that the Executive Director considers necessary or desirable to promote the objectives of this chapter or to minimize the economic impact of the equine without endangering those objectives or the health and safety of other equine.

(e) Testing Procedures:

(1) All equine located or maintained in an area shall be presented for testing. An individual herd test plan will be developed if a test date is not established within a reasonable time as determined by the Executive Director.

(2) All equine to be added to the herd shall be tested prior to commingling with the herd.

(3) All stray equine found in the area shall be presented for testing by the caretaker of the property where located.

(4) Equine identified as positive shall be removed in accordance with §49.5 of this chapter (relating to Piroplasmosis: Testing, Identification of Infected Equine).

(f) Publication of Notice. The Executive Director shall give notice of the order:

(1) by publishing notice in a newspaper published in the county in which the quarantine is established; or

(2) by delivering a written notice to the owner or caretaker of the animals or places to be quarantined.

(g) Procedure to Protest the Individual Herd Test Plan. A person may protest an initial test or a herd plan for testing their equine for Piroplasmosis after consultation with the state or federal veterinarian assigned to the testing:

(1) To protest, the herd owner must request a meeting, in writing, with the Executive Director of the Commission within 15 days of receipt of the herd plan or notice of an initial test and set forth a short, plain statement of the issues that shall be the subject of the protest, after which:

(A) the meeting will be set by the Executive Director no later than 21 days from receipt of the request for a meeting;

(B) the meeting or meetings shall be held in Austin; and

(C) the Executive Director shall render his decision in writing within 14 days from date of the meeting.

(2) Upon receipt of a decision or order by the Executive Director which the herd owner wishes to appeal, the herd owner may file an appeal within 15 days in writing with the chairman of the commission and set forth a short, plain statement of the issues that shall be the subject of the appeal.

(3) The subsequent hearing will be conducted pursuant to the provisions of the Administrative Procedure and Texas Register Act, and Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(4) If the Executive Director determines, based on epidemiological principles, that immediate action is necessary, the Executive Director may shorten the time limits, as set out in paragraph (1)(A) and (B) of this subsection, to not less than five days. The herd owner must be provided with written notice of any time limits so shortened.

Source Note: *The provisions of this §49.6 adopted to be effective October 10, 2012, 37 TexReg 8015*

RULE §49.7. Persons or Laboratories Performing Equine Infectious Anemia Tests

A person or laboratory who performs an official equine infectious anemia test in the State of Texas must meet and be in compliance with the requirements found in Title 9 Code of Federal Regulations §75.4(c), which is entitled "Approval of Laboratories, and Diagnostic or Research Facilities".

Source Note: *The provisions of this §49.7 adopted to be effective March 8, 2016, 41 TexReg 1671*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 50 ANIMAL DISEASE TRACEABILITY

RULE §50.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Animal identification number (AIN)--A numbering system for the official identification of individual animals that provides a nationally unique identification number for each animal. Only the AIN beginning with the 840 or other prefix representing a U.S. territory will be recognized as official for use on AIN tags applied to animals on or after March 11, 2015.

(2) Approved livestock facility--A stockyard, livestock market, buying station, concentration point or any other premises, under State or Federal veterinary inspection, where livestock are assembled and that has been approved by the Texas Animal Health Commission.

(3) Approved tagging site--A premises, authorized by the Texas Animal Health Commission, where livestock may be officially identified on behalf of their owner or the person in possession, care, or control of the animals when they are brought to the premises.

Source Note: *The provisions of this §50.1 adopted to be effective October 7, 2013, 38 TexReg 6913*

RULE §50.2. Approved Tagging Site

(a) In order to be approved as a tagging site the person responsible for the tagging site must agree to administer the tagging of livestock at their location in accordance with the following requirements:

(1) Obtain official identification eartags only as directed by the commission.

(2) Unload animals requiring official identification only when the owner or the person in possession, care, or control of the animals agrees to have the animals officially identified in accordance with approved tagging site protocols.

(b) Requirements for officially identifying animals:

(1) Officially identify animals required to be identified before commingling with animals from different premises, or use a backtag or other method to accurately maintain the animal's identity until the official eartag is applied. The official identification can then be correlated to the person responsible for shipping the animal.

(2) Apply only official eartags to animals not already officially identified.

(3) Do not remove official identification devices unless authorized by commission personnel.

(c) Maintain tagging records using forms or electronic systems as directed by animal health officials to include at a minimum:

(1) The name, street address, city, state, and zip code of the owner or person responsible for the animals tagged.

(2) The official identification numbers of the tags applied associated with the owner or person responsible for the animals.

(3) The date the official identification eartags were applied.

(d) Provide the records to the commission if requested.

(e) Ensure the security of official eartags and distribution records by:

(1) Maintaining a record of all official identification eartags received, distributed, and applied at the tagging site for a minimum of five years.

(2) Keeping the inventory of tags and records in a secure place accessible only to tagging site personnel.

(3) Immediately reporting any lost or stolen tags to the commission.

Source Note: *The provisions of this §50.2 adopted to be effective October 7, 2013, 38 TexReg 6913*

RULE §50.3. Cattle Identification

(a) Change of ownership within Texas. All cattle that are parturient or post parturient or 18 months of age and older, except steers and spayed heifers changing ownership within Texas, shall be officially identified with an official eartag or other form of official permanent identification as approved by the commission within seven days of the change of ownership.

(b) Cattle that are sold or consigned to move to a state or federally approved slaughter establishment within seven days of the change of ownership, where they are harvested within three days of arrival at the establishment, are exempt from the requirement of subsection (a) of this section.

Source Note: *The provisions of this §50.3 adopted to be effective February 4, 2014, 39 TexReg 488*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 51 ENTRY REQUIREMENTS

RULE §51.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Accredited veterinarian--A licensed veterinarian who is approved to perform specified functions required by cooperative state-federal disease control and eradication programs pursuant to Title 9 of the Code of Federal Regulations, Parts 160 and 161.

(2) Animal--Includes livestock, exotic livestock, domestic fowl, and exotic fowl.

(3) Assembly--Boarding stables, boarding pastures, breeding farms, parades, rodeos, roping events, trail rides, and training stables.

(4) Certificate of veterinary inspection--A document signed by an accredited veterinarian that shows the livestock, poultry, exotic livestock, or exotic fowl listed were inspected and subjected to tests, immunizations, and treatment as required by the commission. Certificates are valid for 30 days for all species.

(5) Cervidae--Deer, elk, moose, caribou and related species in the cervidae family, raised under confinement or agricultural conditions for the production of meat or other agricultural products or for sport or exhibition, and free-ranging cervidae when they are captured for any purpose.

(6) Commission--The Texas Animal Health Commission.

(7) Commuter Flock--A National Poultry Improvement Plan (pullorum-typhoid clean or equivalent) flock in good standing with operations in participating states that are under single ownership or management control whose normal operations require interstate movement of hatching eggs and/or baby poultry without change of ownership for purposes of hatching, feeding, rearing or breeding. The owner or representative of the company owning the flock and chief animal health officials of participating states of origin and destination must have entered into a signed "Commuter Poultry Flock Agreement."

(8) Commuter Cattle Herd--A herd of cattle located in two or more states that is documented as a valid ranching operation by those states in which the herd is located and which requires movement of cattle interstate from a farm of origin or returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premise owned, leased, or rented by the same individual. An application for "commuter herd" status must be signed by the owner and approved by the states in which the herd is located. This status will continue until canceled by the owner or one of the signatory states.

(9) Commuter Swine Herd--A swine herd located in two or more states that is documented as a valid ranching operation by those states in which the herd is located and which requires movement of swine interstate from a farm of origin or returned interstate to a farm of origin in the course of normal ranching operations, without change of ownership, directly to or from another premise owned, leased, or rented by the same individual. An application for "commuter herd" status must be signed by the owner and approved by the states in which the herd is located. This status will continue until canceled by the owner or one of the signatory states.

(10) Directly--Moved in a means of conveyance, without stopping to unload while en route, except for stops of less than 24 hours to feed, water or rest the animals being moved, and with no commingling of animals at such stops.

(11) Equine interstate passport--A document signed by an accredited veterinarian that shows the equine listed were inspected, subjected to tests, immunizations and treatment as required by the issuing state animal health agency, and contains a description of the equine listed. The passport is valid for six months when accompanied by proof of an official negative EIA test within the previous six months. Permanent individual animal identification in the form of a lip tattoo, brand or electronic implant is required for all equine approved for the equine interstate passport. This document is valid for equine entering from any state that has entered into a written agreement to reciprocate with Texas.

(12) Equine identification card--A document signed by the owner and a brand inspector or authorized state animal regulatory agency representative that lists the animal's name and description and indicates the location of all identifying marks or brands. This document is valid for equine entering from any state which has entered into a written agreement to reciprocate with Texas.

(13) Exotic livestock--Grass-eating or plant-eating, single-hooved or cloven-hooved mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, rhinoceros, elephant, deer, and antelope families.

(14) Exotic fowl--Any avian species that is not indigenous to this state. The term includes ratites.

(15) Federally Approved Livestock Market--A livestock market under State or Federal veterinary supervision where livestock are assembled and has been approved under Title 9 of the Code of Federal Regulation, Part 71, Section 71.20.

(16) Interstate show--A show, fair, or exhibition that permits livestock and poultry from other states to enter for show or exhibition and be held in common facilities with Texas origin livestock and poultry of the same species.

(17) Livestock--Cattle, horses, mules, asses, sheep, goats, and hogs.

(18) Owner-shipper statement--A statement signed by the owner or shipper of the livestock being moved stating the location from which the animals are moved interstate; the destination of the animals; the number of the animals covered by

the statement; the species of the animal covered; the name and address of the shipper; and the identification of each animal as required by the commission or the United States Department of Agriculture (USDA).

(19) Permit--A document recognized by the commission with specified conditions relative to movement, testing and vaccinating of animals which is required to accompany the animals entering, leaving or moving within the State of Texas.

(A) "E" permit--Premovement authorization for entry of animals into the state by the commission. The "E" permit states the conditions under which movement may be made, and will provide any appropriate restrictions and test requirements after arrival. The permit is valid for 15 days.

(B) VS 1-27 (VS Form 1-27)--A premovement authorization for movement of animals to restricted designations.

(20) Purebred registry association--A swine breed association formed and perpetuated for the maintenance of records of purebreeding of swine species for a specific breed whose characteristics are set forth in constitutions, by-laws, and other rules of the association.

(21) Radio Frequency Identification Device (RFID)--Official individual animal identification with an identification device that utilizes radio frequency technology. The RFID devices include ear tags, boluses, implants (injected), and tag attachments (transponders that work in concert with ear tags).

(22) Sponsor--An owner or person in charge of an exhibition, show or fair.

(23) Trichomoniasis--A venereal disease of cattle caused by the organism Tritrichomonas foetus.

Source Note: *The provisions of this §51.1 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective November 3, 2002, 27 TexReg 10009; amended to be effective October 16, 2003, 28 TexReg 8885; amended to be effective March 4, 2007, 32 TexReg 753; amended to be effective June 3, 2014, 39 TexReg 4240; amended to be effective February 15, 2015, 40 TexReg 698; amended to be effective June 30, 2015, 40 TexReg 4211; amended to be effective September 12, 2017, 42 TexReg 4614*

RULE §51.2. General Requirements

(a) Entry permit requirements.

(1) All animals entering Texas from any state, territory, or foreign country shall have an entry permit unless excepted by this chapter.

(2) Entry permit requests shall be directed to the commission by either writing to Texas Animal Health Commission, c/o Permits, P.O. Box 12966, Austin, Texas 78711-2966; or by telephoning (512) 719-0777 or 1-800-550-8242. In order to obtain a valid permit, the permit requester must provide the commission information necessary to determine that the animals comply with applicable entry requirements, the destination of the animals, and contact information for the requester.

(3) The entry permit number shall be written on a valid certificate of veterinary inspection by the issuing accredited veterinarian and the certificate must accompany the shipment. If a certificate of veterinary inspection is excepted by §51.3 of this chapter (relating to Exceptions), then the permit number shall be written or affixed onto the appropriate documents accompanying the shipment. The permit is valid for 15 days after issuance.

(b) Certificate of veterinary inspection.

(1) All animals entering Texas from any state, territory, or foreign country shall have a certificate of veterinary inspection unless excepted by this chapter.

(2) The certificate of veterinary inspection shall state that:

(A) the veterinarian found the animals to be free of symptoms or evidence of communicable or infectious diseases;

(B) the animals were subjected to tests, immunizations, and treatment required by rule of the commission. Animals that have been vaccinated or tested for any disease as required by the commission shall be individually identified on the certificate of veterinary inspection; and

(C) additional language may be required for a specific species or disease as provided in this chapter.

(3) A certificate of veterinary inspection is valid for 30 days after issuance.

Source Note: *The provisions of this §51.2 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective March 4, 2007, 32 TexReg 753; amended to be effective June 30, 2015, 40 TexReg 4211*

RULE §51.3. Exceptions

(a) Exceptions for a certificate of veterinary inspection and entry permit.

(1) Cattle 18 months of age and over delivered directly from the farm of origin to slaughter;

(2) Beef breed cattle 18 months of age and over entering from other than a farm-of-origin may be moved to slaughter, or to an approved feedyard when accompanied by a VS 1-27 Form on which each animal is individually identified. Brucellosis test data shall be written on the VS 1-27 Form which must include the test date and results;

(3) Beef breed cattle 18 months of age and over delivered directly to a USDA specifically approved livestock market by the owner or consigned there and accompanied by an owner-shipper statement;

(4) Beef breed steers, spayed heifers, beef breed cattle under 18 months of age, delivered to slaughter and accompanied by an owner-shipper statement or to a livestock market by the owner or consigned there and accompanied by an owner-shipper statement;

(5) Beef breed steers, spayed heifers and beef breed cattle under 18 months of age delivered to a feedlot for feeding for slaughter by the owner or consigned there and accompanied by an owner-shipper statement;

(6) Swine and poultry delivered to slaughter by the owner or consigned there and accompanied by an owner-shipper statement;

(7) Baby poultry which have not been fed or watered if from a national poultry improvement plan (NPIP) or equivalent hatchery, and accompanied by NPIP Form 9-3 or Animal and Plant Health Inspection Service (APHIS) Form 17-6, or have an approved "Commuter Poultry Flock Agreement" on file with the state of origin and the commission;

(8) Beef breed steers, spayed heifers, and beef breed cattle under 18 months of age originating in New Mexico which are accompanied by a New Mexico official certificate of livestock inspection;

(9) Feral Swine being shipped directly to slaughter. Feral swine shall be shipped in a sealed vehicle accompanied by a 1-27 permit with the seal number noted on the permit also providing the number of head on the permit;

(10) Equine when accompanied by a valid equine interstate passport or equine identification card and a completed VS Form 10-11 showing negative results to an official EIA test within the previous six months; and

(11) Swine consigned from an out-of-state premise of origin and originate from a Validated and Qualified Herd to a Texas livestock market specifically approved under Title 9, Code of Federal Regulations §71.20.

(b) Exceptions for a certificate of veterinary inspection. Equine may enter Texas when consigned directly to a veterinary hospital or clinic for treatment or for usual veterinary procedures when accompanied by a permit number issued by the commission. Following release by the veterinarian, equidae must be returned immediately to the state of origin by the most direct route. Equine entering Texas for sale at a livestock market, may first be consigned directly to a veterinary hospital or clinic for issuance of the certificate of veterinary inspection, when accompanied by a prior entry permit issued by the commission.

(c) Exceptions for an entry permit.

(1) Swine that originate from an approved Swine Commuter Herd or that originate from a Pseudorabies Stage IV or V state or area and Brucellosis free state or area and are not vaccinated for pseudorabies;

(2) Poultry that originate from an approved Poultry Commuter Flock;

(3) Cattle that originate from an approved Cattle Commuter Herd;

(4) Equine accompanied by a valid equine interstate passport or equine ID card and a completed VS Form 10-11 showing negative results to an official EIA test within the previous six months;

(5) Sheep and goats consigned from out-of-state and originating from Consistent States (having an active scrapie surveillance and control program); and

(6) Exotic fowl from out of state, except ratites.

Source Note: *The provisions of this §51.3 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective October 16, 2003, 28 TexReg 8885; amended to be effective March 16, 2004, 29 TexReg 2627; amended to be effective March 16, 2005, 30 TexReg 1439; amended to be effective January 1, 2006, 30 TexReg 8681; amended to be effective March 4, 2007, 32 TexReg 753; amended to be effective October 14, 2007, 32 TexReg 7043; amended to be effective August 25, 2008, 33 TexReg 6795; amended to be effective June 23, 2011, 36 TexReg 3712; amended to be effective July 2, 2012, 37 TexReg 4864; amended to be effective June 3, 2014, 39 TexReg 4240*

RULE §51.4. Shows, Fairs and Exhibitions

(a) Out-of-state or area origin.

(1) Animals entering for exhibition and sale shall be accompanied by a certificate of veterinary inspection and a permit for entry. Livestock entering only for exhibition purposes are required to be accompanied by a certificate of veterinary inspection.

(2) Poultry, meaning chickens or turkeys, entered in terminal public exhibition events shall be accompanied by a certificate of source which identifies the flock of origin. Poultry entering in a non-terminal public exhibition shall be accompanied by a certificate of veterinary inspection. The certificate of veterinary inspection shall state that poultry have been inspected and are free from evidence of infectious or contagious diseases; that the poultry have been vaccinated only with approved vaccines, as provided by §57.10(12) of this title, and poultry have not originated from an area that has had an active avian disease, as provided by §45.2 of this title, within thirty days of entry. Poultry entering the state for public exhibition, from other states, must have either a negative flock or individual bird test for Avian Influenza, within thirty days of entry, and the results of such test shall be recorded on or attached to the certificate of veterinary inspection. For poultry the certificate shall also state that they have passed a negative test for pullorum-typhoid within 30 days prior to shipment or that the birds originate from flocks which have met the pullorum-typhoid requirements of the Texas Pullorum-Typhoid Program and/or the National Poultry Improvement Plan.

(3) Cattle. Vaccination for brucellosis is not required for cattle from Class Free States. Texas origin dairy cattle are not required by §51.8(b)(3) of this title (relating to Cattle) to test for tuberculosis to participate in a show, fair or exhibition within this state.

(4) Equine may enter shows, fairs, exhibitions or assemblies without a certificate of veterinary inspection when accompanied by a valid equine interstate passport or equine identification card and a completed VS Form 10-11 showing negative results to an official EIA test within the previous six months. Horses entering a pari-mutuel track must have a negative EIA test within the past 12 months and a Certificate of Veterinary Inspection.

(b) In-state origin.

(1) Equine. Must have had a negative EIA test within the past 12 months if entering a show, fair, exhibition, or assembly. Horses entering a pari-mutuel track must have a negative EIA test within the past 12 months and a Certificate of Veterinary Inspection. Foals less than eight months of age, as evidenced by the lack of the eruption of the third pair of upper incisors, nursing a negative dam are exempt from testing.

(2) Breeding rams. May enter shows, fairs, and exhibitions without a test for *Brucella ovis* if they originate in Texas. (See: §51.12 of this title relating to Entry Requirements for Sheep).

(3) Other livestock shall meet the same requirements as for those entering from out-of-state, and be accompanied by a certificate of veterinary inspection when entering shows, fairs, and exhibitions that are determined to be interstate. Texas origin dairy cattle are not required by §51.8(b)(3) of this title to test for tuberculosis to participate in a show, fair or exhibition within this state. Poultry see subsection (a)(2) of this section.

(4) Exhibition swine originating in Texas. These swine entered in terminal shows are exempt from brucellosis, and pseudorabies testing requirements.

Source Note: *The provisions of this §51.4 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective November 3, 2002, 27 TexReg 10009; amended to be effective October 16, 2003, 28 TexReg 8885; amended to be effective March 4, 2007, 32 TexReg 753*

RULE §51.5. Movement of Quarantined Animals

(a) Animals under a TAHC quarantine notice. They are restricted from moving an animal out from a Quarantined area unless movement is authorized by TAHC.

(b) Animals entering Texas from quarantined herds, flocks, or areas.

(1) Animals, poultry, or birds originating in a state or area under quarantine as a result of action taken during a meeting of the commission shall not be moved into Texas except as specified in the quarantine notice.

(2) Animals, poultry, or birds affected with or recently exposed to infectious, contagious, or communicable disease and not in an area or state under the commission's quarantine or that originate in quarantined herds or flocks shall not be moved into Texas unless:

(A) they are consigned to slaughter or quarantined feedlot and are accompanied by a VS Form 1-27 permit issued by an accredited veterinarian or regularly employed veterinarians or inspectors of the state of origin or of the United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services; or

(B) upon written permission by the executive director of the commission for each consignment.

(c) Executive Director determination. If the Executive Director determines or is informed that a disease, listed in §161.061 of Texas Agriculture Code, exists in another state, territory, or country, and believes that it is necessary to protect livestock in this state, the executive director may establish a quarantine against all or the portion of the state, territory, or country in which the disease exists. Any Quarantine issued by the Executive Director will be acted on by the Commission at the next appropriate meeting.

Source Note: *The provisions of this §51.5 adopted to be effective June 3, 2002, 27 TexReg 5182*

RULE §51.6. Special Requirements

(a) An agent of the commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to:

(1) determine if the shipment is in compliance with the laws and rules administered by the commission affecting the shipment;

(2) determine if the shipment originated from a quarantined area or herd; or

(3) determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease.

(b) An agent of the commission may detain a shipment of animals or animal products that is being transported in violation of law or a rule of the commission. The commission may require that the shipment be unloaded at the nearest available loading facility.

(c) Inspection or testing. The executive director of the commission may detain and require an inspection or test of any animal for the detection of any disease or parasite or parasitic infestation when the executive director has determined there is a risk of disease or parasite transmission or infestation which would have a detrimental effect on the Texas livestock industry. Entry may be denied based on the results of these tests or inspections or all movement within Texas may be restricted based on the risk.

(d) The commission may post signs on public highways and use signaling devices, including red lights, in conjunction with signs, if necessary to effectively signal and stop vehicles for inspection.

(e) In this section, "animal product" includes hides; bones; hoofs; horns; viscera; parts of animal bodies; litter, straw, or hay used for bedding; and any other substance capable of carrying insects or a disease that may endanger the livestock industry.

(f) Brushy-tailed possums (Trichosurus vulpecula) cannot be transported into the state due to the fact that they carry and easily shed the bacteria of the genus *Brucella.*

Source Note: *The provisions of this §51.6 adopted to be effective June 3, 2002, 27 TexReg 5182*

RULE §51.7. All Livestock - Special Requirements

(a) Scabies.

(1) Livestock originating in scabies quarantined areas outside the State of Texas. Livestock originating in scabies quarantined areas outside the State of Texas must, in addition to other requirements, be accompanied by a certificate of veterinary inspection certifying that the herd of origin has been inspected and declared free of scabies infestation or exposure. Slaughter livestock originating in a quarantined area and consigned directly to an approved slaughter establishment for immediate slaughter must be accompanied by a certificate of veterinary inspection or a VS Form 1-27 permit issued by state or federal regulatory personnel certifying they are "scabies free."

(2) Any treated livestock. Any treated livestock must be accompanied by a certificate issued by state or federal regulatory personnel identifying the livestock treated and stating the date of treatment. If the livestock enter less than 14 days following treatment, the transporting vehicle must be placarded and billing marked in accordance with the Code of Federal Regulations. The livestock have been officially treated by one of the following methods:

(A) Dipping. The livestock have been dipped in Co-Ral or GX 118 (Prolate) under supervision of state or federal regulatory personnel within 10 days prior to shipment and transported in clean and disinfected vehicles.

(B) Ivermectin.

(i) The livestock have been treated with Ivermectin within 21 days prior to entry under the supervision of state or federal regulatory personnel in accordance with label directions.

(ii) The treated livestock must be kept physically separated from all untreated livestock for 21 days following treatment.

(iii) Ivermectin may not be used with female dairy cattle of breeding age. Livestock treated with Ivermectin must be withheld from slaughter according to label directions.

(C) Dectomax.

(i) The livestock have been treated with Dectomax within 21 days prior to entry under the supervision of state or federal regulatory personnel in accordance with label directions.

(ii) The treated livestock must be kept physically separated from all untreated livestock for 21 days following treatment.

(iii) Dectomax may not be used with female dairy cattle of breeding age, preruminating calves, or calves to be processed for veal. Livestock treated with Dectomax must be withheld from slaughter according to label directions.

(b) Screwworm Requirements. All animals presented for entry into Texas from any area in which the screwworm is known to exist must be free of screwworms and screwworm fly eggs. Wounds (infested or noninfested) must be treated with United States Department of Agriculture approved screwworm killer and fly repellent. Animals other than lactating dairy animals and young animals under two weeks of age must be sprayed with a spray approved by the executive director.

(c) Fever Tick Requirements. All movement of livestock from or into the Texas Fever Tick Eradication Zone shall be in accordance with Chapter 41 of this title.

(d) Vesicular Stomatitis. No equine, bovine, porcine, caprine, ovine, or cervidae may enter Texas from a premise or area under quarantine for vesicular stomatitis. All equine, bovine, porcine, caprine, ovine, or cervidae from a vesicular stomatitis affected state must have a certificate of veterinary inspection issued within 14 days of the date of entry into Texas. A copy of the certificate of veterinary inspection must accompany such animal shipments at all times.

(e) Regulations on livestock imported from Mexico.

(1) All cattle moved into Texas from Mexico shall be identified with an "M" brand prior to moving to a destination in Texas. Metal eartags applied in Mexico must not be removed from the animals.

(2) A copy of the certificate issued by an authorized inspector of the United States Department of Agriculture, Animal and Plant Health Inspection Service, for the movement of Mexico cattle into Texas must accompany such animals to their final destination in Texas, or so long as they are moving through Texas.

Source Note: *The provisions of this §51.7 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective July 2, 2012, 37 TexReg 4864; amended to be effective October 28, 2015, 40 TexReg 7401*

RULE §51.8. Cattle

(a) Brucellosis requirements. All cattle must meet the requirements contained in §35.4 of this title (relating to Entry, Movement, and Change of Ownership). Cattle which are parturient, postparturient or 18 months of age and over (as evidenced by the loss of the first pair of temporary incisor teeth), except steers and spayed heifers being shipped to a feedyard prior to slaughter, shall be officially individually identified with a permanent identification device prior to leaving the state of origin.

(b) Tuberculosis requirements.

(1) All beef cattle, bison and sexually neutered dairy cattle originating from a federally recognized accredited tuberculosis free state, or zone, as provided by Title 9 of the Code of Federal Regulations, Part 77, Section 77.8, or from a tuberculosis accredited herd are exempt from tuberculosis testing requirements.

(2) All beef cattle, bison and sexually neutered dairy cattle originating from a state or zone with anything less than a tuberculosis free state status and having an identified wildlife reservoir for tuberculosis or that have never been declared free from tuberculosis shall be tested negative for tuberculosis in accordance

with the appropriate status requirements as contained in Title 9 of the Code of Federal Regulations, Part 77, Sections 77.10 through 77.19, prior to entry with results of this test recorded on the certificate of veterinary inspection. All beef cattle, bison and sexually neutered dairy cattle originating from any other states or zones with anything less than free from tuberculosis shall be accompanied by a certificate of veterinary inspection.

(3) All dairy breed animals, including steers and spayed heifers, shall be officially identified prior to entry into the state. All sexually intact dairy cattle, that are two months of age or older may enter provided that they are officially identified, and are accompanied by a certificate of veterinary inspection stating that they were negative to an official tuberculosis test conducted within 60 days prior to the date of entry. All sexually intact dairy cattle that are less than two months of age must obtain an entry permit from the Commission, as provided in §51.2(a) of this title (relating to General Requirements), to a designated facility where the animals will be held until they are tested negative at the age of two months. Animals which originate from a tuberculosis accredited herd, and/or animals moving directly to an approved slaughtering establishment are exempt from the test requirement. Dairy cattle delivered to an approved feedlot for feeding for slaughter by the owner or consigned there and accompanied by certificate of veterinary inspection with an entry permit issued by the commission are exempt from testing unless from a restricted herd. In addition, all sexually intact dairy cattle originating from a state or area with anything less than a tuberculosis free state status shall be tested negative for tuberculosis in accordance with the appropriate requirements for states or zones with a status as provided by Title 9 of the Code of Federal Regulations, Part 77, Sections 77.10 through 77.19, for that status, prior to entry with results of the test recorded on the certificate of veterinary inspection.

(4) All "M" brand steers, which are recognized as potential rodeo and/or roping stock, being imported into Texas from another state shall obtain a permit, prior to entry into the state, in accordance with §51.2(a) of this title and be accompanied by a certificate of veterinary inspection which indicates that the animal(s) were tested negative for tuberculosis within 12 months prior to entry into the state.

(5) All other cattle from foreign countries, foreign states, or areas within foreign countries defined by the Commission, with comparable tuberculosis status, would enter by meeting the requirements for a state with similar status as stated in paragraphs (1), (2), and (3) of this subsection.

(6) All sexually intact cattle, from any foreign country or part thereof with no recognized comparable Tuberculosis status.

(A) To be held for purposes other than for immediate slaughter or feeding for slaughter in an approved feedyard or approved pen, must be tested at the port of entry into Texas under the supervision of the port veterinarian, and shall be under quarantine on the first premise of destination in Texas pending a negative tuberculosis test no earlier than 120 days and no later than 180 days after arrival. The test will be performed by a veterinarian employed by the commission or APHIS/VS.

(B) When destined for feeding for slaughter in an approved feedyard, cattle must be tested at the port-of-entry into Texas under the supervision of the port veterinarian; moved directly to the approved feedyard only in sealed trucks; accompanied with a VS 1-27 permit issued by commission or USDA personnel; and "S" branded prior to or upon arrival at the feedlot.

(7) Cattle originating from Mexico.

(A) All sexually intact cattle shall meet the requirements provided for in paragraph (6) of this subsection.

(B) Steers and spayed heifers from Mexico shall meet the federal importation requirements as provided in Title 9 of the Code of Federal Regulations, Part 93, Section 93.427, regarding importation of cattle from Mexico. In addition to the federal requirements, steers and spayed heifers must be moved under permit to an approved pasture, approved feedlot, or approved pens.

(C) Cattle utilized as rodeo and/or roping stock shall meet the requirements set out in paragraph (6)(A) of this subsection and the applicable requirement listed in clauses (i) and (ii) of this subparagraph:

(i) All sexually intact cattle shall be retested annually for tuberculosis at the owner's expense and the test records shall be maintained with the animal and available for review.

(ii) All sexually neutered horned cattle imported from Mexico are recognized as potential rodeo and/or roping stock and must:

(I) be tested for tuberculosis at the port of entry under the supervision of the USDA port veterinarian;

(II) be moved by permit to a premise of destination and remain under Hold Order, which restricts movement, until permanently identified by methods approved by the commission, and retested for tuberculosis between 60 and 120 days after entry at the owner's expense. The cattle may be allowed movement to and from events/activities in which commingling with other cattle will not occur and with specific permission by the TAHC until confirmation of the negative post entry retest for tuberculosis can be conducted; and

(III) be retested for tuberculosis annually at the owner's expense and the test records shall be maintained with the animal and available for review.

(D) Regardless of reproductive status, test history, or Mexican State of origin, Holstein and Holstein cross cattle are prohibited from entering Texas.

(E) All cattle moved into Texas from Mexico shall be identified with an "M" brand prior to moving to a destination in Texas.

(F) A copy of the certificate issued by an authorized inspector of the United States Department of Agriculture, Animal and Plant Health Inspection Service, for the movement of Mexico cattle into Texas must accompany such

animals to their final destination in Texas, or so long as they are moving through Texas.

(G) Any certificate, form, record, report, or chart issued by an accredited veterinarian for cattle that originate from Mexico, have resided in Mexico or are "M" branded shall include the statement, "the cattle represented on this document are of Mexican origin."

(c) Trichomoniasis Requirements:

(1) A breeding bull that is 12 months of age or older may enter the state provided the bull is officially identified as provided by §38.1 of this title (relating to Definitions) and accompanied by a certificate of veterinary inspection stating the bull tested negative for Trichomoniasis with an official Real Time Polymerase Chain Reaction (RT-PCR) test as provided by §38.6 of this title (relating to Official Trichomoniasis Tests) within 60 days prior to the date of entry.

(2) A breeding bull that is 12 months of age or older is exempt from the testing requirement of paragraph (1) of this subsection if the bull meets one of the following requirements:

(A) The bull enters on and is moved by a permit, issued prior to entry, from the commission, in accordance with §51.2(a) of this title, for the purpose of participating at a fair, show, exhibition or rodeo, remains in the state for less than 60 days from the date of entry, and is isolated from female cattle at all times. The certificate of veterinary inspection shall include the entry permit number. A bull that is in this state on or after the 60th day from the date of entry shall test negative for Trichomoniasis with an official RT-PCR test.

(B) The bull enters on and is moved by a permit, issued prior to entry, from the commission, in accordance with §51.2(a) of this title, directly to a feedyard that has executed a Trichomoniasis Certified Facility Agreement. The certificate of veterinary inspection shall include the entry permit number.

(C) The bull enters on and is moved by a permit, issued prior to entry from the commission, in accordance with §51.2(a) of this title, directly to a facility that tests the gain and feed conversion of cattle (bull test station) that isolates the bull from female cattle at all times. The certificate of veterinary inspection shall include the entry permit number. The bull shall return to the out-of-state premises destination directly from the bull test station or test negative for Trichomoniasis with an official RT-PCR test.

(D) A Texas bull that is enrolled in an out-of-state facility that tests the gain and feed conversion of cattle (bull test station) and isolates the bull from female cattle at all times may move directly to the Texas premises of origin. The certificate of veterinary inspection shall state the bull was enrolled in a bull test station and was isolated from female cattle.

(E) The bull is enrolled at an out-of-state semen collection facility, which complies with Certified Semen Services Minimum Requirements for Disease Control of Semen Produced for Artificial Insemination, that isolates the bull from female cattle at all times and the bull is moved directly from a semen

collection facility into the state. The certificate of veterinary inspection shall state the bull was enrolled in a semen collection facility and was isolated from female cattle.

(F) The bull originates from a herd that is enrolled in a Certified Trichomoniasis Free Herd Program or other certification program that is substantially similar, as determined by the Executive Director, to the program requirements provided by §38.8 of this title (relating to Herd Certification Program--Breeding Bulls).

(G) The bull enters from a premises of origin (farm, ranch, or dairy where the bull has been raised or maintained for breeding purposes) and moves directly to a federally approved livestock market with an owner shipper statement and does not require an entry permit or CVI.

(H) The bull enters from other than a premises of origin and is moved by a permit, issued prior to entry from the commission, in accordance with §51.2(a) of this title, directly to a federally approved livestock market that isolates the bull from female cattle at all times and the bull is Trichomoniasis tested as required by §38.2 of this title (relating to General Requirements). The certificate of veterinary inspection shall include the entry permit number.

(3) Female cattle 12 months of age or older that originate from a known Trichomoniasis positive herd, or exposed to a known Trichomoniasis positive bull, may not enter the state unless the animal is officially identified and enters on and is moved by a permit, issued prior to entry from the commission, in accordance with §51.2(a) of this title, directly to an approved slaughtering establishment. The certificate of veterinary inspection shall include the entry permit number and a statement that the animal is Trichomoniasis exposed.

(4) All breeding bulls entering from a foreign country shall enter on and be moved by a permit, issued prior to entry from the commission, in accordance with §51.2(a) of this title, to a premises of destination in Texas and shall be placed under Hold Order and officially tested for Trichomoniasis with not less than three official culture tests conducted not less than seven days apart, or an official RT-PCR test, within 30 days after entry into the state. All bulls shall be isolated from female cattle at all times until tested negative for Trichomoniasis. The Hold Order shall not be released until all other post entry disease testing requirements have been completed. All bulls tested for Trichomoniasis shall be officially identified at the time the initial test sample is collected. The identification shall be recorded on the test documents.

Source Note: *The provisions of this §51.8 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective March 16, 2005, 30 TexReg 1439; amended to be effective September 11, 2005, 30 TexReg 5322; amended to be effective March 4, 2007, 32 TexReg 753; amended to be effective October 14, 2007, 32 TexReg 7043; amended to be effective August 25, 2008, 33 TexReg 6795; amended to be effective April 1, 2009, 34 TexReg 1985; amended to be effective October 15, 2009, 34 TexReg 7066; amended to be effective November 2, 2010, 35 TexReg 9691; amended to be effective August 14, 2011, 36 TexReg 5091; amended to be effective February 5, 2013, 38 TexReg 497; amended to be effective February 4, 2014, 39 TexReg 490;amended to be effective June 3, 2014, 39 TexReg 4240;*

amended to be effective October 9, 2014, 39 TexReg 7915; amended to be effective October 28, 2015, 40 TexReg 7401; amended to be effective September 12, 2017, 42 TexReg 4614; amended to be effective September 3, 2018, 43 TexReg 5673

RULE §51.9. Exotic Livestock and Fowl

(a) Exotic Livestock. The following named species entering the State of Texas shall meet the specific requirements in paragraphs (1) - (4) of this subsection:

(1) Exotic cervidae--Negative to a brucellosis test within 30 days prior to entry if from the Brucellosis Designated Surveillance Area (DSA) located in the states of Idaho, Wyoming, and Montana or for any free ranging exotic cervidae trapped for movement. Tuberculosis test requirements see §51.10(c) of this chapter (relating to Cervidae). Susceptible species (i.e. elk) must meet the Chronic Wasting Disease requirements, see §51.10(a) and (b) of this title.

(2) Exotic Bovidae--Negative to a brucellosis test within 30 days prior to entry. Negative to a tuberculosis test within 60 days prior to entry.

(3) Camelidae--The executive director of the commission may require a brucellosis and tuberculosis test of any camelidae, from out of state, when there is epidemiological risk of exposure or infection to either disease. Entry may be denied based on the results of these tests or inspections.

(4) Exotic Swine--Tested negative to pseudorabies and brucellosis within 30 days prior to entry or originate from a brucellosis validated free and pseudorabies qualified free herd, in addition to an entry permit and a certificate of veterinary inspection.

(b) Exotic Fowl. Ratites entering the State of Texas shall meet the specific requirements listed in paragraphs (1) - (4) of this subsection:

(1) Each bird will be individually identified with either an RFID device, a permanently attached tag or an implanted electronic device (microchip). The identification will be shown on the certificate of veterinary inspection along with the location and name brand of the implanted electronic device. If an animal has more than one implanted microchip, then the location, microchip number, and name brand of each will be documented on the certificate of veterinary inspection. Birds or hatching eggs must originate from flocks that show no evidence of infectious disease and have had no history of Avian Influenza in the past six months. In addition, each bird must be tested and found to be serologically negative for Avian Influenza and Salmonella pullorum-typhoid from a sample collected within 30 days of shipment. A bird serologically positive for Avian Influenza may be admitted if a virus isolation test via cloacal swab conducted within 30 days of shipment is negative for Avian Influenza. The testing is to be performed in a state approved diagnostic laboratory in the state of origin. Serologically positive birds admitted under this section must be held under quarantine on the premise of destination in Texas for virus isolation retest.

(2) Ratites destined for slaughter only may enter Texas accompanied by an entry permit and either an owner-shipper statement or health certificate without meeting the requirements of paragraph (1) of this subsection.

(3) All ratites originating within Texas and changing ownership or being offered for public sale or sold by private treaty within the state must be individually identified with an implanted electronic device, a tag or band.

(4) All identification must be maintained in the sale records for consignments to a public sale or in the records of the buyer and seller when the animals are sold at private treaty. These records must be maintained for a period of three years.

Source Note: *The provisions of this §51.9 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective November 3, 2002, 27 TexReg 10009; amended to be effective October 16, 2003, 28 TexReg 8885; amended to be effective March 4, 2007, 32 TexReg 753; amended to be effective October 14, 2007, 32 TexReg 7043; amended to be effective January 3, 2010, 34 TexReg 9404; amended to be effective June 3, 2014, 39 TexReg 4240; amended to be effective June 12, 2019, 44 TexReg 2837*

RULE §51.10. Cervidae

(a) Chronic Wasting Disease (CWD). If either the Commission or Texas Parks and Wildlife Department issues a quarantine or a prohibition on susceptible species entering the state, that quarantine or prohibition supersedes these rules for the quarantined species. This includes white-tailed deer *(Odocoileus virginianus),* mule deer *(Odocoileus hemionus),* black-tailed deer *(Odocoileus hemionus columbianus),* North American elk or wapiti *(Cervus Canadensis),* red deer *(Cervus elaphus),* Sika deer *(Cervus Nippon),* moose *(Alces alces),* and any associated subspecies and hybrids or other cervid species determined to be susceptible to CWD, which means an animal that has had a diagnosis of CWD confirmed by means of an official test conducted by a laboratory approved by USDA/APHIS shall obtain an entry permit from the Commission prior to entering Texas. All mule deer and white-tailed deer are also required to obtain an entry permit from the Texas Parks and Wildlife Department in order to enter the state. All requests for entry must be made in writing and accompanied with the information necessary to support import qualifications of the animal(s). This should be received by the TAHC at least ten working days prior to the proposed entry date. The processing of the application can be expedited by assuring that all of the necessary documentation has been provided and that the necessary staff is available for review. The application must be accompanied by an owner's statement stating that to his/her knowledge the animals (or donor animals) to be imported have never come in contact with equipment or resided on a premise where CWD was ever diagnosed.

(b) Requirements for entry. The applicant must identify the herd of origin and the herd of destination on both the permit application and the certificate of veterinary inspection. The cervid(s) to be imported into this state, shall be identified to their herd of origin by a minimum of two official/approved unique identifiers to include, but not limited to, legible tattoo, USDA approved eartag, breed registration, RFID device or other state approved permanent identification methods. If a microchip is used for

identification, the owner shall provide the necessary reader. The shipment shall be accompanied by a certificate of veterinary inspection completed by an accredited veterinarian. Additionally, the applicant must provide documentation showing that the animal(s) originate from a herd that has successfully participated in a complete CWD herd certification program that is in compliance with the interstate movement requirements of the July 2012, USDA Edition of "Chronic Wasting Disease Program Standards" and the Code of Federal Regulations, Title 9, Parts 55 and 81, for a minimum of five years.

(c) Tuberculosis. No animal with a response to any tuberculosis test is eligible for entry unless that animal is subsequently classified negative for tuberculosis based upon an official tuberculosis test, or is consigned directly to slaughter.

(1) Accredited-Free herds. Cervids that originate from Accredited-Free herds may enter without further tuberculosis testing provided they are accompanied by a certificate stating such cervids originated from an Accredited-Free herd.

(2) Qualified herds. Cervids not known to be affected with or exposed to tuberculosis that originate from Qualified herds may enter if they are accompanied by a certificate stating that such cervids originate from a qualified herd and have been classified negative to an official tuberculosis test, which was conducted within 90 days prior to the date of movement. If the qualifying herd test was administered within 90 days of movement, the animal(s) do not require an additional test.

(3) Monitored herds. These cervids not known to be affected with or exposed to tuberculosis that originate from Monitored herds may enter if they are accompanied by a certificate stating that such cervids originate from a monitored herd and have been classified negative to an official tuberculosis test, which was conducted within 90 days prior to the date of movement.

(4) All other herds. These cervids not known to be affected with or exposed to tuberculosis that originate from all other herds may enter if they are accompanied by a certificate stating that such cervids have been classified negative to two official tuberculosis tests, which were conducted no less than 90 days apart; that the second test was conducted within 90 days prior to the date of movement; and that the animals were isolated from all other members of the herd during the testing period.

(5) Cervids less than 12 months of age that originate from and were born in accredited, qualified, or monitored herds. These cervids may enter without further tuberculosis testing provided they are accompanied by a certificate stating that such cervids originated from such herds and have not been exposed to cervids from a lower status.

(6) American Zoo and Aquarium Association (AZAA) accredited facility. Cervids moving from an American Zoo and Aquarium Association (AZAA) accredited facility directly to another facility accredited by the AZAA are exempt from these entry requirements provided those cervids being moved are not commingled with cervids from other sources during the transfer. Cervids sold or transferred from

an AZAA accredited facility located either in Texas or another state to an owner/agent in Texas, other than another AZAA accredited facility, must comply with these testing requirements.

(7) TB restricted area in Michigan. Cervids originating from the TB restricted zone(s) in Michigan shall be tested negative for tuberculosis in accordance with the appropriate status requirements as contained in Title 9 of the Code of Federal Regulations, Part 77, §§77.10 - 77.19, prior to entry with results recorded on the certificate of veterinary inspection.

Source Note: *The provisions of this §51.10 adopted to be effective August 25, 2002, 27 TexReg 7515; amended to be effective March 16, 2005, 30 TexReg 1439; amended to be effective March 4, 2007, 32 TexReg 753; amended to be effective July 13, 2010, 35 TexReg 6064; amended to be effective February 5, 2013, 38 TexReg 497*

RULE §51.11. Goats

(a) Tuberculosis. Originating from the restricted TB area in Michigan. Goats originating from the TB restricted zone(s) in Michigan shall be tested negative for tuberculosis in accordance with the appropriate status requirements as contained in Title 9 of the Code of Federal Regulations, Part 77, §§77.10 - 77.19, prior to entry with results recorded on the certificate of veterinary inspection.

(b) Scrapie. Entry requirements related to Scrapie are contained in §51.12 of this title (relating to Sheep).

Source Note: *The provisions of this §51.11 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective March 16, 2005, 30 TexReg 1439; amended to be effective July 13, 2010, 35 TexReg 6064*

RULE §51.12. Sheep

(a) *Brucella ovis.* All breeding rams six months of age and over must have had a negative ELISA test for *Brucella ovis* within 30 days prior to entry into Texas or be from a *Brucella ovis* free flock. Each ram shall be individually identified with an individual eartag or registration tattoo. This number along with the test results and name of the approved laboratory and date of test shall be entered on the Certificate of Veterinary Inspection accompanying the animal(s).

(b) Scrapie.

(1) Animals to be identified by official eartag.

(A) All breeding or exhibition animals shall have official premises, or approved USDA, eartag in place and recorded, except: Registered goats with a registration tattoo and accompanied by registration papers

(B) All animals in slaughter channels shall have official premises, or approved USDA, eartag in place, except:

(i) Sheep under 18 months of age

(ii) Goats that have not commingled with sheep

(2) Animals originating from scrapie-affected flocks, scrapie-positive, suspect, exposed, and/or high risk animals, or sheep originating from Inconsistent States, may be granted entry into Texas on a case-by-case basis only after permission of the Executive Director of TAHC or the Designated Scrapie Epidemiologist.

(3) Animals originating from Inconsistent States (without an active scrapie surveillance and control program) may enter the State of Texas only if:

(A) Obtain an entry permit,

(B) Consigned directly to a terminal feedlot,

(C) Consigned directly to slaughter.

(4) All blackface ovine females and all blackface crossbred females, except hair sheep, imported into the State of Texas for breeding purposes shall originate from a Scrapie Certified Free Flock or have documentation supporting that the animals are of the genotype RR at codon 171 or AA at codon 136 and QR at codon 171.

(5) Certificate of Veterinary Inspection: Information on the Certificate of Veterinary Inspection shall include:

(A) Complete information on the consignor, consignee, and flock of origin, including the origination and destination addresses.

(B) Date of inspection

(C) Number of animals in the consignment and description of the animals (breed, gender, and other distinguishing characteristics).

(D) Premise eartag identification number or official USDA eartag number, or (if goats accompanied by registration papers) registration tattoo).

(i) Animals for Breeding Purposes or Exhibition--All premises identification numbers (or) official USDA eartag numbers, or registration tattoos (in the accompaniment of registration papers) shall be recorded.

(ii) Animals in Slaughter Channels--identification must be present on the animals but the numbers do not need to be recorded.

(E) Statement of the purpose for transporting the animals (for exhibition, breeding purposes, or slaughter)

(F) A statement by the accredited veterinarian issuing the Certificate that the animals are not exhibiting clinical signs associated with any infectious disease, including scrapie, at the time of examination.

(G) A statement by the accredited veterinarian issuing the Certificate indicating if the animal(s) are not from a scrapie affected, high risk, source, or exposed flock.

Source Note: *The provisions of this §51.12 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective March 16, 2005, 30 TexReg 1439; amended to be effective March 4, 2007, 32 TexReg 753*

RULE §51.13. Equine

(a) Equine infectious anemia (EIA) requirements. All horses, mules, asses, ponies, zebras and all other equidae shall have a certificate of veterinary inspection and proof of a negative EIA test within the previous 12 months prior to entering Texas, along with unique and permanent forms of identification, such as electronic identification that complies with ISO 11784/11785; or non-ISO electronic identification injected in the equine on or before March 11, 2014; or digital photographs sufficient to identify the individual equine. The negative test results together with the name of the laboratory conducting the test must be shown on the certificate of veterinary inspection. Alternatively, a completed VS Form 10-11 (Equine Infectious Anemia Laboratory Test) may be attached to the certificate of veterinary inspection. Only test results from USDA-approved laboratories are acceptable. Exceptions to these test requirements are:

(1) equidae consigned directly to an approved slaughtering establishment accompanied by a prior permit issued by the Texas Animal Health Commission;

(2) equidae that have been "S" branded and consigned directly to an approved slaughter establishment accompanied by a VS 1-27 permit;

(3) equidae may enter Texas when consigned directly to a veterinary hospital or clinic for treatment or for usual veterinary procedures when accompanied by a permit number issued by the Texas Animal Health Commission. Following release by the veterinarian, equidae must be returned immediately to the state of origin by the most direct route;

(4) equidae may enter Texas for shows, fairs, exhibitions or assembly purposes when accompanied by a valid equine interstate passport or equine identification card and a completed VS form 10-11 showing negative results to an official EIA test within the previous six months.

(5) equidae entering for consignment to a livestock market, may first move directly to an EIA approved lab/vet clinic for testing. The animal must be accompanied by a prior entry permit issued by the Texas Animal Health Commission.

(6) foals, under eight months of age, accompanying and nursing a dam with a negative test within the last twelve months.

(b) Fever tick requirements: Equidae originating in a fever tick infected area must be accompanied by a certificate issued by an authorized state or federal inspector showing them free of fever tick infestation or exposure thereto and dipped in a recognized dipping solution. Dipping must be under the supervision of a state or federal inspector immediately prior to shipment, and the equidae must be transported in clean and disinfected trucks, railroad cars, or other vehicles.

(c) Equine Viral Arteritis (EVA):

(1) Owners, shippers or exporters of EVA carrier stallions, as defined in §49.4 of this title (relating to Equine Viral Arteritis (EVA): Reporting and Handling for

Breeding of Infected Equine), which are to be imported into Texas, shall notify the buyer or receiver of the stallion, in writing, prior to shipment into the state, that the stallion is an EVA carrier stallion. The equine shall be accompanied by a certificate veterinary inspection, on which the carrier status of the stallion is notated.

(2) Owners of EVA carrier stallions, who intend to ship semen from the carrier stallion into Texas, shall notify, in writing, the owners, managers or caretakers of mares to be inseminated that the semen is from an EVA carrier stallion and that the mare could become EVA infected through insemination with infective semen.

(3) Any equine that originate from an area quarantined, excluding a quarantined facility, for EVA, must be accompanied by a certificate of veterinary inspection which states that the animal does not exhibit clinical signs of EVA, and that the equine had a rectal temperature of 101° F. or less at the time of examination for entry. EVA carrier stallions shall also comply with paragraph (1) of this subsection.

Source Note: *The provisions of this §51.13 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective January 1, 2006, 30 TexReg 8681; amended to be effective March 4, 2007, 32 TexReg 753; amended to be effective October 14, 2007, 32 TexReg 7043; amended to be effective October 6, 2019, 44 TexReg 5615*

RULE §51.14. Swine

(a) Swine imported into Texas for feeding, breeding, or exhibition purposes shall be accompanied by a certificate of veterinary inspection certifying that:

(1) swine have not been fed garbage, either raw or cooked;

(2) swine have not been exposed to pseudorabies;

(3) swine have not been vaccinated for pseudorabies;

(4) for non-commercial swine entering Texas for purposes other than immediate slaughter, swine have not originated from a premises known to be affected by Novel Swine Enteric Coronavirus Disease(s) (SECD), and have not been exposed to SECD within the last 30 days; and

(5) swine have been permanently identified with one of the following:

(A) official identification eartag approved by the commission or USDA;

(B) ear notching, if the ear notching has been recorded in the book of record of a purebred registry association;

(C) tattoos on the ear or inner flank, if the tattoos have been recorded in the book of record of a swine registry association; or

(D) any other official identification device or method that is approved by the commission.

(b) Swine not known to be infected with or exposed to pseudorabies, and originate from a state not classified as Stage IV or V, may enter provided they:

(1) are tested negative within 30 days prior to entry and then held in isolation and under quarantine on the premise where first unloaded and tested or retested for PRV in not less than 30 nor more than 60 days after arrival. Feeder swine are exempt from the retest provided that the swine enter on an entry permit from the commission and are destined directly to a designated feedlot and remain restricted to the feedlot until they are sent to slaughter; or

(2) originate from a qualified PRV-negative herd; or

(3) are shipped directly from a farm of origin in a Stage IV or free state or area as described in the National PRV Program; or

(4) originate from and are sold at an approved feeder-pig market in a Stage IV or free state or area and enter the state directly from that market.

(c) Additionally, breeding swine shall have a negative brucellosis test within the previous 30 days or originate from a validated brucellosis-free herd or state and shall be vaccinated within the previous 30 days with Leptospirosis vaccine containing the following strains: Canicola, Hardjo, Icterohaemorrhagiae, Grippotyphosa, and Pomona.

(d) Exhibition swine originating in Texas entered in terminal shows are exempt from brucellosis and pseudorabies requirements.

(e) Swine imported into Texas for slaughter purposes shall either be consigned directly to slaughter or to a federally approved livestock market where a VS 1-27 will be issued to accompany them to slaughter following sale.

Source Note: *The provisions of this §51.14 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective October 16, 2003, 28 TexReg 8885; amended to be effective March 16, 2005, 30 TexReg 1439; amended to be effective March 4, 2007, 32 TexReg 753; amended to be effective July 2, 2012, 37 TexReg 4864; amended to be effective October 9, 2014, 39 TexReg 7915; amended to be effective February 15, 2015, 40 TexReg 698*

RULE §51.15. Poultry

(a) All poultry must meet the requirements contained in §57.11, of this title (relating to Entry Requirements).

(b) Live domestic poultry, except those entering for slaughter and processing at a slaughter facility owned or operated by the owner of the poultry entering, may enter Texas only under the following circumstances:

(1) The domestic poultry originate from a flock that is certified as Avian Influenza clean in accordance with the National Poultry Improvement Plan and the shipment is accompanied by a Certificate of Veterinary Inspection; or

(2) The domestic poultry is from an Avian Influenza negative flock that participates in an approved state-sponsored Avian Influenza monitoring program and the shipment is accompanied by a Certificate of Veterinary Inspection indicating participation and listing the general description of the birds, test date, test results, and name of testing laboratory; or

(3) The domestic poultry originate from a flock in which a minimum of 30 birds, 4 weeks of age or older, or the complete flock, if fewer than 30, are serologically negative to an Enzyme Linked Immunosorbent Assay (ELISA) or Agar Gel Immunodiffusion (AGID) test for Avian Influenza within 30 days of entry or a minimum of 10 birds (e.g. two pools of 5 birds per house) are tested negative on trachea swabs to a real-time reverse-transcriptase polymerase chain reaction (RRT-PCR) test within 30 days of entry or negative to other tests approved by the Commission; the shipment shall be accompanied by a Certificate of Veterinary Inspection listing the general description of the birds, test date, test results, and name of testing laboratory.

(4) Live domestic poultry from states affected with Avian Influenza may enter Texas for slaughter and processing only under the following circumstances: A minimum of 30 birds per flock are serologically negative to an ELISA or AGID test for Avian Influenza within 72 hours of entry, or a minimum of 10 birds (e.g., two pools of 5 birds per house) are tested negative on tracheal swabs to a RRT-PCR test within 72 hours of entry or negative to other tests approved by the TAHC, and specific written permission has been granted.

(5) Live domestic poultry broilers from states affected with Infectious Laryngotracheitis and vaccinated with chick embryo vaccine may enter Texas for immediate slaughter and processing only under the following conditions. The request for authorization to bring poultry into the state must be in writing and shall include a proposed route to slaughter that would not pose a disease risk to Texas poultry. The initial request must be approved by the Executive Director prior to entry of the poultry. All shipments of poultry qualifying for entry under this subsection shall have an entry permit in accordance with §51.2 of this title (relating to General Requirements) and documentation of the origin of the shipment.

Source Note: *The provisions of this §51.15 adopted to be effective June 3, 2002, 27 TexReg 5182; amended to be effective August 25, 2002, 27 TexReg 7515; amended to be effective March 16, 2004, 29 TexReg 2627; amended to be effective March 4, 2007, 32 TexReg 753; amended to be effective October 14, 2007, 32 TexReg 7043*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 53 MARKET REGULATION

RULE §53.1. Facilities

(a) Each livestock market shall furnish at least one cattle chute suitable for animal restraint for inspection, testing, tagging, vaccination, and other treatment and procedures that may be required.

(b) When swine that are known to be affected by or exposed to any infectious, contagious, or communicable disease or condition are sold, facilities, including the sales area, scales, and alleyways, must be cleaned and disinfected prior to movement of any swine of unknown status through the area.

(c) Each livestock market must provide work space for Texas Animal Health Commission (TAHC) representatives.

(d) If laboratory facilities are not available near a market, the market must provide laboratory space of sufficient size to adequately house brucellosis testing equipment. The space must be adequately lighted, heated, and air conditioned, and must be equipped with a refrigerator, sink with drain, and hot and cold running water. The space must be maintained in a sanitary condition.

(e) Each livestock market must arrange for the services of a veterinarian approved by TAHC and accredited by USDA to perform brucellosis work.

Source Note: *The provisions of this §53.1 adopted to be effective December 18, 1992, 17 TexReg 8289.*

RULE §53.2. Release of Animals

(a) All livestock consigned to a market shall be inspected, examined, and tested as required by Texas Animal Health Commission (TAHC) regulations.

(b) When necessary, a TAHC representative or other approved personnel will examine certificates and permits covering animals consigned to a market. The representative is authorized to issue documents, permits, and certificates as permitted by TAHC regulations in order to facilitate the movement of livestock from the market. The decision of the representative will be final in any controversy regarding testing, classification, and disposition of livestock believed to be affected by or exposed to any infectious, contagious, or communicable disease or condition.

(c) Cattle affected with carcinoma shall be surgically treated and released or sold for immediate slaughter.

Source Note: *The provisions of this §53.2 adopted to be effective December 18, 1992, 17 TexReg 8289.*

RULE §53.3. Quarantine

(a) Livestock showing evidence of, infection with, or exposure to brucellosis or any other infectious, contagious, or communicable disease, feral swine, and livestock that have moved to the market on permits other than cattle permitted to market for vaccination, shall be placed in quarantine pens clearly marked with the designation "QUARANTINE PENS" in letters at least three inches high. All livestock confined in quarantine pens shall be moved only on a permit issued by a Texas Animal Health Commission (TAHC) representative.

(b) After the occurrence of, infection with, or exposure to a disease or condition that is infectious or contagious, TAHC may quarantine a livestock market or portion thereof. TAHC may prescribe the conditions under which the quarantine will be released, including any cleaning and disinfection procedures.

(c) A livestock market is not to permit the removal of any animal quarantined or under hold order until a permit for movement is issued by a TAHC employee or until a TAHC employee releases the quarantine or hold order.

Source Note: *The provisions of this §53.3 adopted to be effective December 18, 1992, 17 TexReg 8289.*

RULE §53.4. Market Identification

(a) The market shall identify each head of cattle tested at the market with an official United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services approved eartag and backtag. The market shall supply this information to the accredited veterinarian prior to testing as provided in §35.2(e)(3) of this title (relating to General Requirements).

(b) The market shall identify each sow and boar over six months of age consigned to the market with an official United States Department of Agriculture, Animal and Plant Health Inspection Service, Veterinary Services approved identification backtag. The market shall record the backtag numbers for each consignment.

Source Note: *The provisions of this §53.4 adopted to be effective December 18, 1992, 17 TexReg 8289.*

RULE §53.5. Market Recordkeeping

(a) A market must maintain records of all cattle consigned that are parturient or postparturient or 18 months of age or older. The records must show the buyer's and seller's names and addresses, county of origin of the cattle, number of animals, delivery vehicle license number, and a description of each animal including sex, age, color, breed, brand, and individual identification such as eartag, bangle tag, backtag, tattoo, or firebrand. Such records must be maintained for a minimum of two years after the date of the transaction and must be made available for inspection by Texas Animal Health Commission (TAHC) representatives.

(b) A market must maintain records of all swine sold including the buyer's and seller's names and addresses, county of origin of the swine, number of animals,

delivery vehicle license number, and a description of each animal, including sex, age, color, breed, and individual identification such as eartag, bangle tag, earnotch, backtag, or slap tattoo. Such records must be maintained for a minimum of two years after the date of the transaction and must be made available for inspection by TAHC representatives.

Source Note: *The provisions of this §53.5 adopted to be effective December 18, 1992, 17 TexReg 8289.*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 54 DOMESTIC AND EXOTIC FOWL REGISTRATION

RULE §54.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Baby poultry"--Any newly hatched poultry that has not been fed or watered.

(2) "Caretaker"--A person who is the owner or lessee of a pen, or other place on which fowl are located and has control of that place, or who exercises care or control over fowl.

(3) "Distributor"--Any person engaged in sales and/or movement of live domestic or exotic fowl between a production system and a live bird market or fowl market or acquires domestic or exotic fowl from multiple flocks or geographic areas for resale to another person.

(4) "Domestic Fowl"--Any species of fowl domestically propagated and maintained for food, eggs, or agricultural exhibition and recreation. Domestic Fowl includes, but is not limited to, the various domesticated breeds of chickens (Gallus gallus domesticus), turkeys (Meleagris gallopavo), Domestic Mallard ducks (Anas platyrhynchos domesticus), Muscovy ducks (Cairina moschata domesticus), Domestic geese (Anser anser domesticus).

(5) "Exotic fowl"--Any avian species that is not indigenous to Texas, and normally used for non-agricultural purposes, such as companion pets, or for ornamental, exhibition, or entertainment purposes. Exotic Fowl includes, but is not limited to, budgerigars (i.e. budgies or parakeets), canaries, cockatiels, finches, parrots, and other cage birds. Exotic Fowl also includes ratites.

(6) "Fowl Market"--location where domestic fowl or domestic and exotic fowl are assembled or concentrated at regular or irregular intervals for sale, trade, barter, or exchange.

(7) "Hold Order"--A commission document restricting movement of a flock, unit, or individual fowl pending the determination of disease status.

(8) "Live Bird Marketing Distributor"--Any person engaged in sales and/or movement of live domestic or exotic fowl between a production system and a live bird market or fowl market or acquires domestic or exotic fowl from multiple flocks or geographic areas for resale to another person.

(9) "Live Bird Market" (LBM)--Any facility on which live domestic fowl or domestic and exotic fowl are congregated to be slaughtered and dressed for sale to the public or local restaurants.

(10) "Live Bird Production Unit"--Any production facility that is the origin of live domestic fowl or domestic and exotic fowl offered for sale in a LBM.

(11) "Live Bird Marketing System"--Any Live Bird Market, Live Bird Marketing Distributor, or Live Bird Production Unit.

(12) "Person"--Any individual, firm, partnership, corporation, estate, trust, fiduciary, or other group or combination acting as a unit.

(13) "Premises identification number" (PIN)--A unique official seven (7) character alpha numeric identification code issued under this chapter to identify a specific and unique premises.

(14) "Seller"--Any person who sells, trades, exchanges or barters domestic or exotic fowl.

(15) "Transporter"--A person that transports, for hire, domestic or exotic fowl from a producer premises to another premises, a live bird market, a fowl market or to another person.

Source Note: *The provisions of this §54.1 adopted to be effective May 1, 2004, 29 TexReg 2628; amended to be effective March 25, 2009, 34 TexReg 1987*

RULE §54.2. Registration Requirements

(a) A seller, distributor, or transporter of live domestic or exotic fowl in this state shall register with the commission. The registration requirements apply to the following groups:

(1) a seller who sells:

(A) domestic fowl or domestic and exotic fowl at a location, other than the premise of origin, or

(B) domestic fowl or domestic and exotic fowl at a location where domestic fowl or domestic and exotic fowl are congregated, or

(C) any fowl where it has been epidemiologically determined by the commission to be a high risk for disease.

(2) a distributor of domestic fowl or domestic and exotic fowl.

(3) a transporter of domestic fowl or domestic and exotic fowl.

(b) A person participating in a disease surveillance program recognized by the commission under §54.3 of this chapter is exempt from the registration requirements.

(c) Any person intending to operate as a seller, distributor, or transporter of live domestic or exotic fowl, as provided for in subsection (a) of this section, shall obtain a certificate of registration and pay an annual nonrefundable fee. To receive a certificate of registration a person shall complete an application that includes a list of each location at which the person conducts the sale, distribution, or transportation of domestic or exotic fowl. Application forms may be obtained from the Commission. An application for a certificate of registration or a renewal of a certificate of

registration is made by submitting a completed application and an annual fee to the Commission. All certificates of registrations shall be issued for a period of one (1) year and shall expire twelve months from the date of issue. Renewal applications shall be completed and submitted 30 days prior to the expiration date.

(d) The certificate of registration shall be issued in the name used by the person or entity for transactions involving domestic and exotic fowl. Any change in the name of a registrant or additions or deletions of operation locations shall be promptly submitted to the Commission in writing. The registrant shall maintain proof of registration at each location where the activity takes place.

(e) All out of state sellers, distributors, or transporters of live domestic or exotic fowl that transact business in Texas shall register under this chapter.

Source Note: *The provisions of this §54.2 adopted to be effective May 1, 2004, 29 TexReg 2628*

RULE §54.3. Registration Exemption

(a) The commission may exempt from registration a person participating in a disease surveillance program recognized by the commission.

(b) The commission recognizes the following disease surveillance programs:

(1) National Poultry Improvement Plan ("NPIP") with the "U.S. Pullorum-Typhoid Clean" ("PT") and "U.S. Avian Influenza Clean" ("LPAI") programs

(2) The Texas Poultry Federation Avian Influenza Monitoring Program

(3) sellers, distributor or transporter of only fowl classified as baby poultry, at the time of receipt, from NPIP hatchery and accompanied by NPIP Form 9-3, or APHIS Form 17-6.

(c) A disease surveillance program not identified in subsection (b) of this section may request approval for recognition provided it contains the following minimum elements:

(1) Verifiable disease testing protocol

(2) Includes PT and LPAI requirements

(3) Specified risk based sample size

(d) In order to recognize a disease surveillance program not identified in subsection (b) of this section, a person shall submit a detailed explanation of the surveillance program to the Executive Director for consideration. A decision to recognize a disease surveillance program will be provided to the requestor within 30 days of receipt by the Executive Director.

Source Note: *The provisions of this §54.3 adopted to be effective May 1, 2004, 29 TexReg 2628*

RULE §54.4. Registration Fee

(a) The annual registration fee for a seller shall be based on the maximum number of fowl, during the previous twelve (12) months, being owned or managed by the registrant at any one time:

(1) $35.00 for less than 100 fowl.

(2) $125.00 for 100 to 499 fowl.

(3) $250.00 for 500 through 999 fowl.

(4) $400.00 for 1000 to 2,499 fowl.

(5) $600.00 for 2,500 fowl or greater.

(6) $600.00 for any registrant whose flock does not reside in the state of Texas, except in cases where the out of state registrant provides to the Commission an affidavit certifying a verified maximum flock size, then the registration fee will be the same as the fee for Texas registrants with a corresponding flock size.

(b) The annual certificate of registration fee for a distributor or transporter of fowl shall be $600.00.

(c) The annual certificate of registration fee for a combination seller, distributor or transporter of fowl shall be $800.00.

Source Note: *The provisions of this §54.4 adopted to be effective May 1, 2004, 29 TexReg 2628; amended to be effective June 23, 2011, 36 TexReg 3712*

RULE §54.5. Program Requirements

(a) Testing:

(1) Chickens, turkeys, game birds of all ages, and other domestic fowl offered for public sale shall meet the requirements as provided in §57.11(c) of this title.

(2) Chickens, turkeys, and game birds, and other domestic fowl entering Texas from other states shall be accompanied by a certificate of veterinary inspection from the state of origin, and meet the requirements for a pullorum-typhoid test as provided for in §57.11(e) of this title and Avian Influenza test as provided in §51.15(b) of this title.

(3) If the agency determines there is exposure to a disease or an agent of transmission of a disease the executive director may require testing under §54.7 of this chapter

(b) Inspection: The Commission may make inspections of any premises or vehicle and the domestic or exotic fowl therein and review records to ensure compliance with the requirements of the fowl registration program.

(c) Biosecurity:

(1) Sanitation--Registrants shall maintain facilities where fowl are kept in clean and sanitary conditions. If there is excessive die off fowl, the facility housing the fowl shall be thoroughly cleaned and disinfected. Cleaning and disinfection shall

include removal of organic material, thoroughly washed with soap and water followed by disinfection with a disinfectant approved by the commission.

(2) Infection with or exposure to any disease, which is reportable to the Commission under provisions of §45.2 of this title, shall be reported immediately to the Commission.

(3) At sales locations fowl shall be kept confined until final disposition and removal from sales site.

Source Note: *The provisions of this §54.5 adopted to be effective May 1, 2004, 29 TexReg 2628*

RULE §54.6. Recordkeeping

(a) Registrants shall keep and maintain records of all domestic fowl, or exotic fowl bought, sold or exchanged.

(b) The records shall include the buyer's and seller's name and address, county of origin, date of transaction, number of fowl; and a description of the fowl, including sex, age, color, breed, and any individual identification.

(c) An agent of the commission may inspect and copy the registrant records of domestic fowl or exotic fowl transactions. A registrant shall maintain copies of all movement or health status documents which demonstrate compliance with any applicable commission requirements. All registrant records shall be maintained for a minimum of two years from the date of the transaction.

Source Note: *The provisions of this §54.6 adopted to be effective May 1, 2004, 29 TexReg 2628*

RULE §54.7. Movement and Testing Restrictions

(a) Movement and Testing Restrictions: If the agency determines there is exposure to or infection with a disease or an agent of transmission of a disease the movement of exposed or infected fowl shall be restricted, by a quarantine or hold order, to any specified location when an owner or caretaker for fowl has received written notice that movement restrictions are in place. Movement restrictions, by a hold order, may be issued to a person not in compliance with the registration requirements of this chapter. Movement restrictions shall remain in place until the commission determines that the risk of disease transmission no longer exists. The executive director may require testing, vaccination, or another epidemiologically sound procedure in order to control and eradicate the disease and/or require registration prior to authorizing movement from restricted locations.

(b) Inspection of Shipment of Fowl: Agent's of the commission are authorized to stop and inspect any shipment of fowl being transported in this state in order to determine if the shipment presents a danger to the public health or fowl industry of the state.

Source Note: *The provisions of this §54.7 adopted to be effective May 1, 2004, 29 TexReg 2628*

RULE §54.8. Enforcement

(a) An offense under Section 161.0411 of the Texas Agriculture Code is a Class C misdemeanor unless it is shown on the trial of the offense that the defendant has been previously convicted under this section, in which event the offense is a Class B misdemeanor.

(b) The commission may impose an administrative penalty against a person who violates a rule or order adopted under this chapter. The penalty for a violation may be in an amount not to exceed $1,000. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. The amount of the penalty shall not be based on a per head basis.

Source Note: *The provisions of this §54.8 adopted to be effective May 1, 2004, 29 TexReg 2628*

RULE §54.9. Live Bird Marketing System

(a) Registration/Licensing. Live Bird Markets, Live Bird Production Units, and Live Bird Market Distributors shall submit:

(1) An application including:

(A) Business name and Owner name, address, and telephone number;

(B) Hours of operation;

(C) Bird capacity, which is based on the maximum number of fowl during the previous 12 months, being owned or managed by the registrant at any one time;

(D) Other businesses under the same ownership in the LBM system, including other dealerships, bird transportation businesses, and commercial poultry operations;

(E) A list of all avian and non-avian species distributed; and

(F) NAIS unique premises identification number.

(2) An annual registration fee as provided in §54.4 of this title (relating to Registration Fee).

(b) Record Keeping. Requirements for Live Bird Markets, Live Bird Production Units, and Live Bird Market Distributors:

(1) Are responsible for verifying bird identification, using PIN or Lot identification and maintaining identification and obtaining and maintaining documentation of test-negative status of all birds at the time of their receipt. If records do not accompany the shipment the management is prohibited from allowing those fowl to enter the premises.

(2) Records for avian species shall include the date of entry into a LBM, the premises-of-origin identification number, with lot identifier; the number and

species of birds in the lot; the distributor license number; the date of sale and a copy of the negative test results for the source flock.

(3) These records must be maintained for a minimum of two years. Such records must be made available to State or Federal animal health officials, upon request, during normal business hours.

(c) Biosecurity. Live Bird Markets, Live Bird Production Units, and Live Bird Market Distributors shall:

(1) Develop and follow a biosecurity protocol approved by the Commission. This protocol shall include standards for cleaning & disinfecting (C&D) of facilities, conveyances, and equipment. This protocol shall also call for management practices and physical barriers that prevent migratory water fowl from accessing any water supply being used by or shared with the fowl at the facility.

(2) Train all personnel that work for the company in biosecurity by State or Federal personnel or by a trained company representative. Certification of employee training must be maintained in the personnel files for a minimum of two years. Such records must be made available to State or Federal animal health officials, upon request, during normal business hours.

(3) Once delivered to a market, birds must be slaughtered and processed before leaving the facility, unless otherwise provided for in the biosecurity protocol.

(4) Confine domestic and exotic fowl in a cage, pen or other structure in order to provide a physical barrier at all times so as to keep the fowl separate and apart from all other fowl of infected, exposed or unknown health status and to limit exposure to wild bird populations.

(d) Inspections.

(1) The Commission may make inspections of any facilities, conveyances, and equipment and the domestic or exotic fowl therein and review records to ensure compliance with the requirements of the fowl registration program.

(2) Live Bird Markets, Live Bird Production Units, and Live Bird Market Distributors shall allow State and/or Federal animal health officials to have access to records upon request and to permit official inspections and testing of birds, premises, vehicles, and equipment as deemed appropriate by the Commission.

(3) Indication or evidence that paperwork received has been altered or that it misrepresents the sources or test status of birds coming into the LBM, the LBMS, or distributor must be reported to a Federal or State animal health official.

(e) Avian Influenza Test Requirements. All domestic fowl in a Live Bird Marketing System shall participate in testing for avian influenza virus which shall include but is not limited to using AGID on serum or egg yolk samples from gallinaceous birds, RRT-PCR on tracheal swabs from gallinaceous birds, or virus isolation on cloacal swabs from waterfowl and other birds:

(1) Live Bird Markets and Live Bird Marketing System distributors shall be tested:

(A) at least quarterly; and

(B) may include live birds, environment, conveyances, and crates.

(2) All birds provided to a distributor or directly to the LBM must originate from an avian influenza negative flock and must bear or be accompanied by identification to a premises of origin. The categories of production units and the testing requirements for each category are as follows:

(A) AI-monitored flock: This is a flock that is tested monthly for AI for at least 3 months using AGID on serum or egg yolk samples from gallinaceous birds, RRT-PCR on tracheal swabs from gallinaceous birds, or virus isolation on cloacal swabs from waterfowl and other birds. At least 30 birds per flock are tested monthly by an approved laboratory.

(B) Established flock: This is a flock that has been maintained together for at least 21 days prior to sample collection with no additions to the flock. For an established flock to qualify for the first shipment into the LBM system or to requalify after any breaks in the monthly sample-testing regimen, 30 birds must be tested by AGID or other approved procedure within 10 days prior to movement.

(C) Commingled flock: This is a group of poultry from multiple sources that has been assembled for one or more shipments. When untested birds are added to the flock, previous test reports are void and the flock must requalify as an established flock by waiting 21 days before resampling, and then following the protocol as for a nonmonitored flock.

(D) Nonmonitored flock: This is a flock that has not been on a program of monthly testing for at least 3 months. To qualify for sale in the LBM system, 30 birds in a nonmonitored flock must have been tested within 10 days of movement.

(f) Infected flock. Any Live Bird Marketing System flock where fowl are positive on virus isolation or RRT-PCR for a disease reportable to the Commission under Chapter 45 of this title (relating to Reportable Diseases):

(1) Any specimens positive for virus will be submitted to the NVSL for virus isolation and characterization. The premises will be movement restricted by a hold order until results are obtained from the NVSL.

(2) Infected flocks will be placed under quarantine, the fowl depopulated, and the facility cleaned and disinfected unless an alternate approach to disease elimination is approved by the Commission. No new fowl may be added to the quarantined flock unless approved by the Commission. A flock plan shall be developed between the flock owner and the Commission addressing the length of time the facility is to remain vacant of fowl, the testing schedule following repopulation, and other details germane to the management of the flock and elimination of disease.

(3) RRT-PCR or VI positives at LBMs and distribution facilities will result in trace-backs to a supplier of origin by State or Federal personnel in the State of origin.

(g) Violations of these requirements will be handled as provided in §54.8 of this title (relating to Enforcement).

Source Note: *The provisions of this §54.9 adopted to be effective March 25, 2009, 34 TexReg 1987; amended to be effective July 13, 2010, 35 TexReg 6064; amended to be effective June 3, 2014, 39 TexReg 4241*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 55 SWINE

Rule §55.1. Testing Breeding Swine Prior to Sale or Change of Ownership

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Breeding Swine--Swine that are six months of age or older and are sexually mature, intact animals.

(2) Change of Ownership--Taking possession of breeding swine as a result of a gift or by some other form of remuneration.

(3) Test or Testing--Collection and examination of blood samples taken from swine by using recognized tests for Pseudorabies and Swine Brucellosis infection.

(4) Test Eligible--A term used to describe those sexually intact breeding swine, that are six months of age or older, are required to be tested for Pseudorabies and Brucellosis.

(5) Commercial Production Swine--Those swine that are continuously managed and have adequate facilities and practices to prevent exposure to either transitional production swine or feral swine.

(6) Transitional Production Swine--Swine that have a reasonable opportunity to be exposed to feral swine or captive feral swine.

(7) Farm of Origin--A farm where swine were born or on which they have resided for at least 90 consecutive days immediately prior to movement.

(8) Infected Herd--Any herd in which any swine have been determined to be infected with pseudorabies virus by an official pseudorabies epidemiologist.

(b) Testing Prior to Change of Ownership.

(1) All breeding swine shall be tested negative for Pseudorabies and Swine Brucellosis within 30 days prior to change of ownership in Texas. Swine from herds with a current disease-free status are exempt from this test requirement.

(2) Blood will be collected by TAHC or USDA, VS Regulatory personnel or Texas licensed, USDA Accredited Veterinarians or their employees and tested using tests referenced in current national disease program standards.

(3) Breeding Swine from which blood was collected at a livestock market may be moved from the market to a recognized slaughter facility without receiving test results. No permit or Hold Order is required for movement to a recognized slaughter facility.

(4) Breeding Swine from which blood was collected at a livestock market may be moved from the market to the premise of the buyer under Hold Order pending

results of the test and should be isolated from other swine until test results are known.

(5) Each animal tested shall be identified by a USDA Veterinary Services approved identification eartag (metal, plastic, or other) that conforms to the nine-character alpha-numeric National Uniform Eartagging System.

***Source Note**: The provisions of this §55.1 adopted to be effective September 6, 1998, 23 TexReg 8831; amended to be effective March 16, 2005, 30 TexReg 1441; amended to be effective April 18, 2010, 35 TexReg 2849*

RULE §55.2. Prohibition on the Use of Modified Live Virus Hog Cholera Vaccine

The use of modified live virus hog cholera vaccine is prohibited for any reason by any person within the State of Texas.

***Source Note**: The provisions of this §55.2 adopted to be effective January 1, 1976.*

RULE §55.3. Feeding of Garbage

(a) In addition to the definitions set out in the Texas Agriculture Code, Chapter 165 and Chapter 55 of this title (relating to Swine) and Chapter 35 Subchapter B, of this title (relating to Brucellosis), the following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Restricted garbage--includes the animal refuse matter and the putrescible animal waste resulting from handling, preparing, cooking, or consuming food containing all or part of an animal carcass, the animal waste material by-products or commingled animal and vegetable waste material by-products of a restaurant, kitchen, cookery, or slaughterhouse, and refuse accumulations of animal matter, commingled animal and vegetable matter, liquid or otherwise.

(2) Unrestricted garbage--includes the vegetable, fruit, dairy, or baked goods refuse matter and vegetable waste and refuse accumulations resulting from handling, preparing, cooking, or consuming food containing only vegetable matter, liquid or otherwise.

(3) Person--includes any individual, partnership, association, corporation, company, joint stock association, governmental subdivision, public or private organization of any character, body politic or any organized group of persons, whether incorporated or not; including any trustee, receiver, assignee, or similar representative thereof.

(b) A person is prohibited from feeding restricted garbage to swine or providing restricted garbage to any person for the purpose of feeding swine.

(c) A person may feed unrestricted garbage to swine only if the person first registers with and secures a permit from the commission.

(1) Each location where unrestricted garbage is fed to swine shall be registered with the Commission.

(2) Registered locations shall be issued a permit upon compliance with the requirements contained in this section.

(3) Feral swine shall not be fed on the premises of a registered location.

(4) Prior to registration/re-registration approval, a brucellosis and pseudorabies negative test may be required on all breeding swine based on the outcome of a disease risk analysis of the herd. Tests for other diseases may be conducted on the samples collected for registration approval or renewal.

(5) An annual disease risk analysis shall be conducted by a state or federal inspector on each registered location.

(6) As determined by an analysis of risk for brucellosis and pseudorabies and other diseases of concern that may be transmitted among swine or to other species of livestock, the commission may require a test or tests of swine on the registered location at any time the commission determines that the risk is sufficient to warrant a test.

(d) Garbage feeding permit.

(1) Permits are valid for a two year period from the date of issuance.

(2) Application. Application for a permit shall be submitted on a form prescribed by the Commission providing at least the following information:

(A) Name, address and telephone number of applicant

(B) Physical location of the garbage feeding facility

(C) Type of garbage to be fed and source(s) of garbage received

(3) Renewal.

(A) A disease risk analysis shall be conducted on each registered location 30 - 60 days prior to expiration of the permit and it will be necessary to reapply.

(B) If a properly completed application for the renewal of a permit is not made between 30 - 60 days prior to its expiration, the permit will terminate at the end of its stated term.

(C) An extension of the permit expiration date may be provided pending completion of the disease risk analysis and any required testing resulting from the analysis.

(e) Inspection authority.

(1) For the purpose of inspection, examination, or sampling, Commission representatives are entitled to enter at reasonable hours any building or place owned, controlled, or operated by a permitted person if from probable cause it appears that the building or place is in the business of feeding garbage to swine.

(2) A commission representative shall perform inspections of applicants for registration at a time when normal feeding activities can be observed.

(f) Facilities.

(1) Garbage shall not be fed on the ground.

(2) If feeding platforms are used, there must be watertight platform space of at least three square feet for each hog to be fed.

(3) If troughs are used, at least one linear foot must be supplied for each hog to be fed.

(g) Records: The permit holder shall maintain a daily log reflecting the amount of garbage collected and the sources of such garbage. A copy of the log shall be provided to a commission representative upon request.

(h) Sanitation

(1) Water.

(A) There shall be a sufficient supply of water for cleaning.

(B) There shall be a sufficient supply of clean water available for swine to drink at all times.

(C) Shelters and feeding areas shall be constructed to provide for satisfactory drainage.

(2) Rodent and Pest Control.

(A) Effective fly and rodent control measures shall be used.

(B) Containers used to transport or store garbage shall be closed and sufficiently sealed to prevent access by rodents or insects. These containers shall be kept clean and free from accumulations of grease or foreign matter.

(3) Excess garbage shall be removed from the premises, and is not to remain on the premises over 36 hours. Unused, excess, or spoiled garbage shall be buried or burned and shall under no circumstances be poured or dumped in the feeding or cooking area.

(4) Dead animals shall be removed from the registered location premises promptly and disposed of in accordance with local ordinances.

(i) Violations and Penalties. In addition to any other violations that may arise under the act or this chapter:

(1) It is a violation for any person to falsify an application.

(2) Any violation of these rules is subject to the appropriate administrative, civil or criminal penalties. In addition, the agency may revoke or deny renewal of a permit, and/or assess administrative penalties against any person for a violation of these rules.

(j) The prohibition contained in subsection (b) of this section is nonapplicable for a facility operated by the Texas Department of Criminal Justice if the garbage is properly treated in accordance with applicable federal requirements.

Source Note: *The provisions of this §55.3 adopted to be effective December 11, 2001, 26 TexReg 10047; amended to be effective June 11, 2008, 33 TexReg 4501*

RULE §55.4. Livestock Markets Handling Swine

(a) An official backtag is a United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS), Veterinary Services (VS) approved identification backtag. It must conform to the national uniform tagging system and uniquely identifies each individual animal with alpha-numeric identification. The tag may be encased in a strip of nylon mesh that adheres to the tag.

(b) Test eligible swine at markets are defined to mean sexually, intact swine that are six months of age or older.

(c) Livestock markets that handle feeder and breeder swine must have well-constructed, well-lighted, concrete or other approved imperviously surfaced pens. Those markets not in compliance with this rule on the date of adoption shall have 120 days after such adoption to bring their facilities up to standards. If adequate pens have not been constructed at any market within the aforesaid 120 days, no further sales of feeder and breeder swine shall be permitted at that market.

(d) Feeder and breeder swine must be maintained separately from slaughter swine. Feeder and breeder swine must be sold before the sale ring is used for slaughter swine.

(e) No feeder or breeder swine will be permitted to remain in the livestock market for more than 72 hours. No slaughter swine will be permitted to remain in the livestock market for more than 120 hours (five days).

(f) No slaughter swine will be released from the livestock market unless they are:

(1) consigned for immediate slaughter; or

(2) consigned to one other livestock market for sale only to slaughter as long as dealer records are maintained on both the buyer and seller and swine are moved under permit when moving from markets that are not approved under the Code of Federal Regulations, Part 76.

(g) When there is evidence of hog cholera within a livestock market, all swine therein shall be immediately quarantined. No swine movement into, out of, or within the market shall be permitted until authorized by a representative of the commission.

(h) Market identification with an official backtag is required on all test eligible swine in each consignment to a livestock market. The market shall record the following information on each consignment to the market:

(1) full name, street address and/or route address and zip code of the owner of the swine at the time of delivery to the market;

(2) backtag number with prefix for each head of swine; and

(3) delivery vehicle license number.

(i) Requirements for testing of test eligible swine at the market.

(1) Blood samples shall be collected from test-eligible swine that are sold for testing for swine brucellosis and pseudorabies. These samples may be collected either prior to or after sale but prior to leaving the market.

(2) If result of the blood test is unknown prior to leaving the market, swine may be moved to the premise of the buyer under permit and Hold Order pending result of that test.

(3) Swine that originate directly from a herd with a recognized free status for that disease or if they were tested negative within the previous 30 days are exempt from the testing requirement. Proof of a disease-free status or negative test must be presented at time of sale.

(4) Each animal(s) tested shall be identified by a USDA Veterinary Services approved identification eartag (metal, plastic, or other) that conforms to the nine-character alpha-numeric National Uniform Ear tagging System and an official backtag.

(5) Pursuant to §55.8 of this title, the market shall maintain official backtag information correlating the backtag number to both the seller and the buyer of those swine.

(6) At the time of blood sample collection, the swine test chart (TAHC Form 4-54S) shall be completed in its entirety.

Source Note*: The provisions of this §55.4 adopted to be effective January 1, 1976; amended to be effective July 1, 1990, 15 TexReg 3085; amended to be effective October 15, 1995, 20 TexReg 7483; amended to be effective July 16, 1997, 22 TexReg 6733; amended to be effective September 6, 1998, 23 TexReg 8831; amended to be effective March 16, 2005, 30 TexReg 1441*

RULE §55.5. Pseudorabies

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless indicated otherwise.

(1) Approved feeder pig market--A livestock market where only feeder pigs from the following herds of origin are accepted for sale in accordance with federal interstate regulations and applicable provisions of the program standards:

(A) pseudorabies qualified negative herd;

(B) pseudorabies monitored herd;

(C) official 30-day pseudorabies serologic test of each animal; or

(D) from a Stage IV or V state.

(2) Approved slaughter market--A livestock market at which shipments of slaughter swine only are permitted in accordance with applicable state and federal regulations. No swine may be released from an approved slaughter market unless consigned directly to a recognized slaughtering establishment for immediate slaughter.

(3) Commercial Production Swine (Commercial Swine)--Those swine that are continuously managed and have adequate facilities and practices to prevent exposure to either transitional production swine or feral swine.

(4) Commission--Texas Animal Health Commission.

(5) Continuous flow feedlot--A premise on which there is a constant population of swine in various stages of finish, being fed for slaughter purposes.

(6) Direct shipment--Movement without unloading en route, without contact with swine of lesser pseudorabies status, and without contact with infected or exposed livestock.

(7) Farm of origin--A farm where the swine were born, or on which they have resided for a least 60 consecutive days immediately prior to movement.

(8) Official random sample test--A sampling procedure utilizing official pseudorabies serologic tests which provides a 95% probability of detecting infection in a herd in which at least 5.0% of the swine are seropositive for pseudorabies. Each segregated group of swine on an individual premises must be considered a separate herd and sampled as follows:

(A) less than 100 head--test 45 or entire herd, whichever is the smaller;

(B) 100-200 head--test 51;

(C) 201-999 head--test 57;

(D) 1,000 and over--test 59.

(9) Recognized tests--Tests for the diagnosis of pseudorabies approved by USDA, APHIS, VS. Those tests are:

(A) microtitration serum-virus neutralization;

(B) virus isolation and identification;

(C) fluorescent antibody tissue section;

(D) Enzyme Linked Immunosorbent Assay (ELISA);

(E) latex agglutination.

(10) Transitional Production Swine--Swine that have a reasonable opportunity to be exposed to feral swine or captive feral swine.

(b) Commercial Swine: To qualify as a producer of commercial swine, the producer must implement sufficient safeguards (i.e., management practices, perimeter fencing, confinement etc.) to prevent commingling or ensure that nose to nose contact with feral or transitional swine cannot occur. Feral swine shall not be intentionally commingled with commercial swine.

(c) Animal Identification. Breeding swine sold or destined for slaughter are required to be identified, using a method recognized by the commission, to the farm-of-origin.

(d) Movement Restrictions: All herds suspicious of PRV will be placed under movement restrictions and investigated pending final determination. Final determination of the presence or absence of PRV in a herd shall be made by the investigating veterinarian in consultation with official pseudorabies epidemiologist. Official diagnosis shall be based on standard diagnostic procedures including the serum neutralization or other recognized tests.

(e) Pseudorabies Management of Infected, Exposed or Area Herds.

(1) If an animal is determined to be infected with PRV, it shall be identified by placing a red serially numbered reactor tag in the left ear. The infected herd shall be disposed of within 15 days after test results are reported. Disposition may include destruction or permitted to slaughter by a VS 1-27.

(2) Following a determination that a herd is infected, a herd plan to eradicate the disease from a swine herd will be developed. The plan shall be developed by a state/federal veterinarian of the swine pseudorabies control program in consultation with the herd owner or caretaker and his veterinarian. The plan shall include provisions for release of quarantine as specified in this subsection. The plan developed by the commission shall be final and the owner or caretaker will be provided a copy.

(3) All exposed herds will be placed under movement restrictions, using a quarantine or hold order, until results of exposure are determined.

(4) All swine herds within a 2.0 mile radius of infected premises will be monitored either by a test of all breeding swine or an official random sample test. All exposed swine herds as determined by epidemiological investigation and all swine herds within 2 miles of the new case shall be tested with an official sample test (95/5). Testing of the herds must be accomplished, with negative test results, no earlier than 30 days and no later than 60 days after depopulation of the affected herd and of the premises.

(5) Swine showing clinical signs of PRV shall not be removed from the premises. Swine on a quarantined premise not showing clinical signs of PRV may be moved only directly to a slaughter plant and accompanied by a permit issued by a state or federal inspector, or may be shipped directly to a slaughter plant in an official sealed vehicle, when accompanied by a permit.

(6) Vehicles used for slaughter delivery of restricted swine will be cleaned and disinfected immediately after unloading and prior to loading with other livestock.

(7) Movement Restrictions will be released in the following instances:

(A) when all reactor animals have been removed from the premise;

(B) when there have been no clinical signs of PRV on the premises after removal of the reactor swine; and

(C) when all exposed swine over six months of age along with a number of progeny equal to 20% of the breeding swine selected from the oldest portion of swine under six months of age remaining in the herd have withstood one negative herd test. The test must be conducted not less than 30 days from removal of last infected animals. Herd additions must be tested negative prior to being added to the herd, remain on the premises 30 or more days, and be retested negative; or

(D) when all swine on the premises are depopulated; the premises are cleaned and disinfected under the direction of state or federal personnel and 30 days have passed with no swine on the premises following cleaning and disinfecting.

(f) PRV vaccine.

(1) Vaccination of swine with a PRV vaccine is prohibited without written permission of the executive director. Written permission may be granted only for use in high risk herds or as part of an approved herd-cleanup plan.

(2) Approved PRV vaccine shall be a product for which there is a laboratory test approved by the executive director available to differentiate between vaccine and field infection titers.

(3) The executive director of the Texas Animal Health Commission will restrict the sale of approved PRV vaccine to a practicing accredited veterinarian for use only in infected and high risk herds. Official state laboratory confirmation of PRV constitutes an infected herd. The executive director will request a specific number of doses of vaccine to be shipped to the practicing veterinarian making the request.

(4) The herd owner will sign a memorandum of understanding with the Texas Animal Health Commission, and the practicing veterinarian will be accountable for the vaccine and its use by signing an agreement to this effect.

(5) All vaccinated animals are to be marked with a hole punched in the left ear of not less than 1/2 inch in diameter at the time of vaccination.

(6) The movement restrictions will be released as provided for in this section utilizing an approved test that will identify vaccine titers.

(g) Qualified pseudorabies negative herd.

(1) Qualified PRV negative herd status is attained by 100% testing of the adult breeding herd over six months of age plus a number of progeny equal to 20% of the breeding swine population in the herd and finding them negative to an official pseudorabies serologic test. Progeny shall be randomly selected from the oldest swine in the herd less than six months of age. The herd must not have been a known infected herd within the past 30 days. A minimum of 90% of the swine in the herd must have been on the premises and part of the herd for at least 60 days prior to the qualifying official pseudorabies serologic test, or have entered directly from another qualified pseudorabies negative herd.

(2) Qualified pseudorabies negative herd status is maintained by conducting an official pseudorabies serologic test on at least 80% of the swine over six months of age and on a number of progeny equal to 20% of the breeding swine population of the herd at least once each year. All swine tested shall be randomly selected and in the case of adult swine, representative of all age groups on the premises. This must be accomplished by testing 25% of the required breeding swine and progeny every 80 to 105 days and finding all swine so tested negative, or by testing 10% of the required breeding swine and progeny each month and finding all swine so tested negative.

(3) If on a qualifying official pseudorabies serologic test or any subsequent official pseudorabies test, any swine are tested positive, qualified pseudorabies negative herd status is suspended until the infection status of the herd is determined

through testing and an epidemiological study of the herd. Before qualified pseudorabies negative herd status may be attained or maintained, all seropositive swine must be sold for slaughter and the herd tested and released from movement restrictions as provided for in this section. Herd additions must be tested negative with the SN or any recognized PRV test within 30 days prior to entry on the premises; isolated at least 30 days and retested prior to adding them to the herd or:

(A) moved directly from another qualified PRV negative herd;

(B) added from another qualified pseudorabies negative herd, but with interim contact with swine other than those from a single qualified pseudorabies negative herd, isolated until they have been found negative to an official pseudorabies serologic test, conducted 30 days or more after the swine have been placed in isolation;

(C) isolated upon return to the herd after contact with swine other than those from a single qualified pseudorabies negative herd. They shall be isolated until found negative to an official pseudorabies serologic test conducted 30 days or more after being placed in isolation.

(4) Test records will be maintained by the Texas Animal Health Commission at its Austin office. Herd owners will receive a letter from the executive director of the Texas Animal Health Commission listing test dates, test results, the laboratory in which test was run, and the qualified herd status of the herd.

(h) Requirements for a pseudorabies monitored feeder pig herd. To qualify as a monitored feeder pig herd, breeding swine must have been sampled and tested negative by an official pseudorabies serologic test during the last 12 months at the following rate:

(1) 10 head--test all;

(2) 11 to 35 head--test 10;

(3) 36 or more--test 30% or 30, whichever is less. Breeding swine that are tested are to be selected at random from all age groups, including herd boars, with all groups to be proportionately represented.

(i) Requirements for continuous flow feedlots on premises on which there are no breeding animals. When provisions of the State-Federal-Industry Program Standards for Pseudorabies Eradication require surveillance testing of these feedlots for advancement of the state to the next stage of the eradication program, one of the following methods will be used to satisfy this requirement.

(1) Collection of blood from a random sample of swine in the feedlot in the following representation:

(A) less than 100 head in the feedlot--test 25;

(B) 100-200 head--test 27;

(C) 201-999 head--test 28;

(D) 1,000 and over--test 29.

(2) Collection of blood from swine consigned from feedlot at slaughter using the criteria shown in paragraph (1) of this subsection, to determine the number of swine to be tested.

(j) Owner assistance. If ordered by the commission or its representative, the owner or caretaker of swine shall submit the swine and furnish labor and facilities used in normal operation in order that the swine may be tested, vaccinated, or otherwise handled in accordance with this chapter.

Source Note*: The provisions of this §55.5 adopted to be effective January 2, 1978, 2 TexReg 4908; amended to be effective September 10, 1979, 4 TexReg 3080; amended to be effective July 1, 1990, 15 TexReg 3087; amended to be effective September 28, 1990, 15 TexReg 5360; amended to be effective November 22, 1991, 16 TexReg 6291; amended to be effective July 20, 1992, 17 TexReg 4750; amended to be effective August 15, 1995, 20 TexReg 5500; amended to be effective March 16, 2005, 30 TexReg 1441; amended to be effective June 12, 2013, 38 TexReg 3541*

RULE §55.6. Entry Requirements

All swine must meet the requirements contained in §51.14 of this title (relating to Entry Requirements).

Source Note: The provisions of this §55.6 adopted to be effective October 15, 1987, 12 TexReg 3549; amended to be effective April 14, 1989, 14 TexReg 1581; amended to be effective July 1, 1990, 15 TexReg 3088; amended to be effective October 9, 1992, 17 TexReg 6444; amended to be effective January 5, 1994, 18 TexReg 9845; amended to be effective July 16, 1997, 22 TexReg 6734; amended to be effective September 6, 1998, 23 TexReg 8831; amended to be effective October 16, 2003, 28 TexReg 8888

RULE §55.7. Slaughter Plant Requirements

(a) Requirements of a slaughter test. Slaughter plants that kill sows and boars shall:

(1) maintain identification of sows and boars to allow tracing to their herd of origin, including, but not limited to, packer's lot number, seller's name and address, and number of animals;

(2) arrange for blood collection from carcasses of all sows and boars that can be traced to a farm of origin;

(3) enter on the VS 4-54 individual identification of the swine in relation to the samples collected and submit the blood samples with the completed VS 4-54 to the state-federal laboratory for brucellosis and pseudorabies tests on the blood;

(4) submit daily kill sheets and the completed test record (VS 4-54) to the laboratory showing the identification of each animal to the person or firm from which the swine were secured (full name and address).

(b) Collection of samples at slaughter plants.

(1) Veterinarians, authorized slaughter plant employees, or regularly employed representatives of the Texas Animal Health Commission or the United States

Department of Agriculture are authorized to collect blood samples for the purpose of conducting tests for brucellosis and pseudorabies.

(2) The slaughter plant is responsible for mailing blood samples and records to the designated state lab within 24 hours following collection.

***Source Note**: The provisions of this §55.7 adopted to be effective September 28, 1990, 15 TexReg 5361.*

RULE §55.8. Dealer Recordkeeping

(a) Definitions. Dealer:

(1) any person engaged in the business of buying or selling swine in commerce on his own account, as an employee or agent of the vendor, the purchaser, or both, or on a commission basis;

(2) shall not include a person who buys or sells swine as part of his own bona fide breeding, feeding, or stocker operations but does include livestock markets and commission merchants.

(b) Requirements of dealer recordkeeping. Any dealer, auctioneer, or commission firm must maintain records of swine handled. Such records shall show the seller's and buyer's name and address, county of origin, number of animals, breed, and sex with some form of individual identification numbers. Records at auctions and commission firms shall show the delivery vehicle license number. All dealer records must be maintained for a minimum of two years after the date of the transaction.

***Source Note**: The provisions of this §55.8 adopted to be effective September 28, 1990, 15 TexReg 5361; amended to be effective July 20, 1992, 17 TexReg 4750.*

RULE §55.9. Feral Swine

(a) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Approved holding facility--A pen or pens approved by the commission to temporarily hold feral swine pending movement to a recognized slaughter facility, an authorized hunting preserve, or another approved holding facility.

(2) Authorization--The written and signed commission documents required of this chapter to show compliance with the requirements of the chapter.

(3) Authorized Hunting Preserve--Land where feral swine are authorized to be released for the purpose of hunting.

(4) Domestic Swine--Swine (Sus scrofa) other than feral swine.

(5) Feral swine--Swine that have lived all (wild) or any part (feral) of their lives free-roaming.

(6) Free-Roaming--Not confined by man to pens, houses or other facilities designed to hold swine and prevent their escape.

(7) Recognized slaughter facility--A slaughter facility operated under the state or federal meat inspection laws and regulations.

(8) Swine-Proof Fence--A fence constructed to sufficient construction standards with materials of hog-proof net, woven or welded wire and wood, metal or other approved posts and maintained to prevent the ingress or egress of feral swine.

(b) Required Authorization for Movement of Feral Swine. These requirements apply to any person who traps feral swine and moves live feral swine from the premises or location where the feral swine were trapped or otherwise captured. Movement of live feral swine is prohibited unless authorized by paragraphs (1) - (7) of this subsection:

(1) The feral swine are moved directly from the premises where the feral swine were trapped to a recognized slaughter facility;

(2) The feral swine are moved directly from the premises where the feral swine were trapped to an approved holding facility;

(3) The feral swine are moved directly from the premises where the feral swine were trapped to an authorized hunting preserve;

(4) The feral swine are moved from an approved holding facility to a recognized slaughter facility;

(5) The feral swine are moved from an approved holding facility to an authorized hunting preserve;

(6) The feral swine are moved from an approved holding facility to another approved holding facility;

(7) Feral swine that have been trapped and are being held for transportation to an authorized location, as provided by this subsection, may be held in an escape-proof cage on the vehicle or trailer that transported them from their original premise, or held within the transport trailer itself for up to seven days.

(c) Approved Holding Facility.

(1) To hold live feral swine at a location other than the premises where the feral swine were trapped or otherwise captured, a person must apply and receive commission authorization for an approved holding facility. Authorization is required for each holding facility.

(2) Written approval for a feral swine holding facility may be given after an initial inspection by commission personnel determines that the facility meets the following criteria:

(A) The facility has a swine-proof fence constructed to prevent any feral swine from escaping and continually maintained by the owner and/or operator to prevent the ingress or egress of feral swine;

(B) The facility shall not be located within two hundred yards of any domestic swine pens;

(C) Only feral swine may be placed in the facility;

(D) Records shall be maintained by the registrant as provided in paragraph (4) of this subsection and the facility must provide records when requested or inspected;

(E) Feral swine shall not be intentionally commingled with domestic or exotic swine;

(F) Feral swine shall not be fed any garbage or waste as it is defined in Chapter 165 of the Texas Agriculture Code;

(G) Dead animals shall be removed from the approved holding facility premises promptly and disposed of in accordance with any applicable requirement or applicable ordinances or at the direction of commission personnel; and

(H) Feral swine shall only be moved from the facility directly to an approved slaughter facility, an authorized hunting preserve, or another approved holding facility.

(3) Application for Approved Holding Facility. Application and renewal for an approved holding facility shall be on a form prescribed by the commission and include at least the following information:

(A) Name, address and telephone number of applicant;

(B) Facility name, physical location, county, directions to facility and telephone number;

(C) Diagram of the surrounding areas and the pens;

(D) Pictures of the pens;

(E) Signature of the owner/manager;

(F) The authorization is valid for two years from the date of issuance and shall expire on the two year anniversary date of the date of issuance unless re-authorized; and

(G) Re-authorization of the approved holding facility shall be completed within 30 to 60 days prior to the expiration date.

(4) Record Keeping.

(A) Records to be generated and maintained by owners and/or operators of approved holding facilities and authorized hunting preserves shall include the following:

(i) The number of swine placed in and removed from the facility and/or preserve;

(ii) The approximate weight, size, color, sex and any applied identification for each feral swine;

(iii) Dates feral swine were placed and/or removed from the facility;

(iv) The physical location where feral swine were trapped;

(v) The physical location that feral swine were moved to, including any unique identification number; and

(B) The records shall be provided to an authorized agent of the commission upon request. Records shall be kept and maintained for not less than five years from the date the record was generated.

(5) Suspension/Revocation. The commission may suspend the authorization for an approved holding facility if the owner or operator fails to generate, maintain or provide records on feral swine as provided in paragraph (4) of this subsection, fails to maintain swine-proof fences to prevent the ingress or egress of feral swine, or violates any of the provisions of this chapter or the provisions of Chapter 161 of the Agriculture Code. The suspension will remain in effect until the deficiencies that were the cause of the suspension are corrected and any penalties assessed as result of the suspension are satisfied and a written suspension release is provided by the agency. The authorization for a holding facility may be revoked for blatant or repetitive violation(s) of the feral swine law or rules or for repeated failure to meet the requirements contained in this chapter.

(d) Authorized Hunting Preserve.

(1) To trap, move, and release live feral swine, a person must apply and receive commission authorization for a hunting preserve. Authorization is required for each hunting preserve.

(2) If feral swine are to be trapped and moved for release to a hunting preserve, the hunting preserve shall meet the following requirements:

(A) Only male feral swine (i.e. boars and/or barrows) may be trapped, moved and released to a hunting preserve;

(B) Any feral swine released must be individually identified with a commission approved form of identification prior to release;

(C) Records shall be generated and maintained as provided in subsection (c)(4) of this section;

(D) Have a Hunting Lease License with the Texas Parks and Wildlife Department and the license must be current and in good standing with that agency, as provided for in Chapter 43 of the Texas Parks and Wildlife Code;

(E) Be enclosed by a swine-proof fence and the fence shall be maintained continually to prevent the egress of feral swine;

(F) Feral swine shall not be fed any garbage or waste as defined in Chapter 165 of the Texas Agriculture Code; and

(G) The authorization for a hunting preserve may be suspended or rescinded if owner and/or the operator fails to generate, maintain or provide records on feral swine as provided in subsection (c)(4) of this section, sufficient fences are not maintained, or violates any of the provisions of this chapter or the provisions of Chapter 161 of the Agriculture Code. The suspension will remain in effect until the deficiencies that were the cause of the suspension

are corrected and any penalties assessed as result of the suspension are satisfied. The preserve will be notified in writing when the suspension has been lifted. The authorization for a hunting preserve may be rescinded for blatant or repetitive violation(s) of the feral swine law or rules or for repeated failure to meet the requirements contained in this chapter.

(3) Application for Authorized Hunting Preserve.

(A) Applications shall be completed on a form prescribed by the commission, which includes the following information:

(i) Name, address and telephone number of applicant;

(ii) Physical location and county, directions to facility and telephone number;

(iii) A current copy of the Hunting Lease License issued by Texas Parks and Wildlife Department; and

(iv) Signature of the owner/manager that states that facility fences meet the requirements for swine-proof fences as contained in subsection (a) of this section.

(B) The authorization is valid for two years from the date of issuance. The authorization shall expire on the two year anniversary date of the date of issuance unless re-authorized. Re-authorization of the hunting preserve shall be completed within 30 to 60 days prior to the expiration date.

(C) The facility may be inspected periodically by agency personnel and must continually meet the requirements of this chapter.

(e) Change in Classification of Feral Swine. Free-roaming swine may be qualified for reclassification as domestic swine upon completion of the following test protocol:

(1) Three consecutive tests for brucellosis and pseudorabies, with negative results, shall be conducted on all swine in the herd unit in order to qualify for reclassification. The first test must be at least 30 days after any reactors have been removed and slaughtered and the second test must be 60 to 90 days after the first test. A third test is required 60 to 90 days following the second negative results; and

(2) In addition to the requirements in paragraph (1) of this subsection, any sexually intact female swine must also undergo a brucellosis and pseudorabies test, with negative results, not less than 30 days after their initial farrowing.

(f) Testing. Feral swine which are positive for brucellosis and/or pseudorabies shall be handled in accordance with the requirements for brucellosis, as contained in Chapter 35, Subchapter B of this title (relating to Eradication of Brucellosis in Swine) and for pseudorabies as contained in Chapter 55 of this title (relating to Swine).

(g) Inspection Authority.

(1) A person employed by the commission may enter public or private property for the exercise of an authority or performance of a duty under this chapter.

(2) A commission representative shall perform periodic inspections of authorized facilities and locations, and records related thereto, to ensure compliance with the requirements of the act or this chapter.

(h) Violations and Penalties. In addition to any other violations that may arise under the act or this chapter:

(1) It is a violation for any person to falsify an application.

(2) Any violation of these rules is subject to the appropriate administrative, civil or criminal penalties. In addition, the agency may revoke or deny renewal of a permit and/or assess administrative penalties against any person for a violation of these rules.

Source Note*: The provisions of this §55.9 adopted to be effective October 1, 2008, 33 TexReg 6796; amended to be effective June 30, 2015, 40 TexReg 4212*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 56 GRANTS, GIFTS AND DONATIONS

RULE §56.1. Purpose

The purpose of these sections is to establish rules for acceptance of private donations and to establish standards of conduct to govern the relationships between officers and employees of the Texas Animal Health Commission and private donors.

Source Note: *The provisions of this §56.1 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §56.2. Definitions

The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Commission--the Texas Animal Health Commission.

(2) Employee--A regular, acting, or exempt, full- or part-time employee of the Commission.

(3) Officer--A member of the Commission's governing board.

(4) Private donor--One or more individuals or organizations that offer to give nonpublic financial assistance to the Commission.

Source Note: *The provisions of this §56.2 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §56.3. Acceptance of Grants, Gifts and Donations

(a) Donations in the amount of less than five hundred dollars may be accepted upon determination of the Commission's executive director that the donation is for purposes consistent with Texas Agriculture Code, Chapter 161.

(b) Gifts, grants and donations valued at five hundred dollars ($500.00) or more must be accepted by a majority of the board, in an open meeting not later than the 90th day after the date the gift is received by the Commission. The Commission, when it accepts the gifts in open meeting, will record the name of the donor, a description of the gift, and a statement of the purpose of the gift in the minutes of the Commission's meeting.

(c) Donations of real property (real estate) shall be accepted by the Commission only upon authorization of the legislature.

(d) Donations to the Commission may be for any amount and for specified or unspecified purposes.

Source Note: *The provisions of this §56.3 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §56.4. Solicitation

(a) The solicitation of grants, gifts and donations by the Commission shall be limited to purposes consistent with Chapter 161 of the Texas Agriculture Code and in accordance with §56.6 of this chapter.

(b) The Commission shall report to the legislature by December 31 of each year the source and amount of each grant, gift, and donation received under this section.

Source Note: *The provisions of this §56.4 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §56.5. Restricted/Unrestricted

(a) Conditional or restrictive donations for purposes specified by the donor may be accepted if the conditions are consistent with the approved purposes of the Commission and consistent with state laws and these rules. Upon acceptance, restrictive donations shall be used only for purposes specified by the donor.

(b) Unconditional donations shall be used to carry out the approved purposes of the Commission, consistent with state laws and these rules.

Source Note: *The provisions of this §56.5 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §56.6. Standards of Conduct between Employees and Officers and Private Donors

(a) An officer or employee shall not accept or solicit any gift, favor, or service from a private donor that might reasonably tend to influence his/her official conduct.

(b) An officer or employee shall not accept employment or engage in any business or professional activity with a private donor which the officer or employee might reasonably expect would require or induce him/her to disclose confidential information acquired by reason of his/her official position.

(c) An officer or employee shall not accept other employment or compensation from a private donor which could reasonably be expected to impair the officer's or employee's independence of judgment in the performance of his/her official duties.

(d) An officer or employee shall not make personal investments in association with a private donor which could reasonably be expected to create a substantial conflict between the officer's or employee's private interest and the interest of the Commission.

(e) An officer or employee shall not solicit, accept, or agree to accept any benefit for having exercised his/her official powers on behalf of a private donor or performed his official duties in favor of a private donor.

(f) An officer or employee who has policy direction over the Commission and who serves as an officer or director of a private donor shall not vote on or otherwise participate in any measure, proposal, or decision pending before the private donor if the Commission might reasonably be expected to have an interest in such measure, proposal, or decision.

(g) An officer or employee shall not authorize a private donor to use property of the Commission unless the property is used in accordance with a contract between the Commission and the private donor, or the Commission is otherwise compensated for the use of the property.

Source Note: *The provisions of this §56.6 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §56.7. Acceptance of Gift From Party to Contested Case Prohibited

The Commission will not accept a gift from a person who is a party to a contested case before the agency until the 30th day after the date the decision in the case becomes final under §2001.144 of the Texas Government Code. In this section, "contested case" has the meaning assigned by §2001.003.

Source Note: *The provisions of this §56.7 adopted to be effective December 11, 2001, 26 TexReg 10048*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 57 POULTRY

RULE §57.10 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Approved laboratories--Texas A&M Poultry Diagnostic Laboratories located at College Station, Center, and Gonzales, Texas, the National Veterinary Services Diagnostic Laboratory located in Ames, Iowa, and other laboratories specifically approved by the commission.

(2) Baby poultry--Any newly hatched poultry that has not been fed or watered.

(3) Commission--The Texas Animal Health Commission.

(4) Commuter Flock--A National Poultry Improvement Plan (pullorum-typhoid clean or equivalent) flock in good standing with operations in participating states that are under single ownership or management control whose normal operations require interstate movement of hatching eggs and/or baby poultry without change of ownership for purposes of hatching, feeding, rearing or breeding. The owner or representative of the company owning the flock and chief animal health officials of participating states of origin and destination must have entered into a signed "Commuter Poultry Flock Agreement."

(5) Designated areas--Laryngotracheitis (LT) area. An area considered exposed to LT consisting of a minimum of a one-mile radius around an infected farm and in which chick embryo origin LT vaccine may be used as provided in the regulations and where other specific procedures apply.

(6) Endemic--A disease of low occurrence that is constantly present in a given animal population.

(7) Hatching eggs--Poultry eggs for hatching purposes including embryonated eggs.

(8) Permit--A written authorization for movement issued by the commission.

(9) Person--A partnership, firm, corporation, association, or individual.

(10) Poultry--Chickens, turkeys, game birds of all ages, and other domestic fowl, except baby poultry as defined in this section.

(11) Reportable poultry disease--

(A) Infection of and/or exposure to any of the following diseases shall be reported immediately upon disclosure of the disease to the Commission:

(i) Viral.

(I) Avian influenza.

(II) Exotic Newcastle (VVND).

(III) Infectious laryngotracheitis (LT).

(IV) Duck plague (duck enteritis).

(V) Avian Encephalitis.

(VI) Paramyxovirus Disease other than Exotic Newcastle (VVND).

(ii) Bacterial.

(I) Salmonellosis (Pullorum, Fowl Typhoid).

(II) Avian tuberculosis.

(III) Ornithosis.

(B) Any other disease of poultry, when not considered to be endemic in the State of Texas, is reportable under these regulations.

(12) Vaccine--A suspension of attenuated or killed micro-organisms administered for the prevention or treatment of an infectious poultry disease and approved for use by USDA and the commission. The following is a list of approved vaccines:

(A) Newcastle disease (B and LaSota strains);

(B) infectious bronchitis without restriction;

(C) fowl pox;

(D) pigeon pox;

(E) Marek's disease;

(F) tenosynovitis (viral arthritis);

(G) avian encephalomyelitis (AE);

(H) infectious bursal disease;

(I) erysipelas bacterin;

(J) fowl cholera (bacterin and live attenuated CU strain vaccine);

(K) infectious coryza bacterin;

(L) combinations of approved vaccines, e.g., Newcastle disease and infectious bronchitis;

(M) laryngotracheitis--modified tissue culture without restriction; or Chick Embryo Origin use upon tentative or confirmed diagnosis by an approved laboratory and upon written agreement between the commission and flock owners in a designated area for laryngotracheitis;

(N) Salmonella arizonae bacterin is restricted to use in flocks where a confirmed diagnosis by an approved laboratory of Salmonella arizonae has been made. Written permit from the commission is required for use of this bacterin;

(O) Mycoplasma gallisepticum (MG) attenuated vaccine is restricted to use in flocks where a confirmed diagnosis by an approved laboratory has been made. A written permit from the commission is required for use of the vaccine. MG vaccine may be used without restriction following approval outlined in §34.2(a) of this title (relating to Importation).

Source Note: *The provisions of this §57.10 adopted to be effective November 5, 1981, 6 TexReg 3909; amended to be effective January 3, 1984, 8 TexReg 5347; amended to be effective July 31, 1984, 9 TexReg 3871; amended to be effective April 14, 1989, 14 TexReg 1582; amended to be effective July 20, 1992, 17 TexReg 4751; amended to be effective December 18, 1992, 17 TexReg 8289; amended to be effective September 30, 1996, 21 TexReg 8217; amended to be effective June 11, 2000, 25 TexReg 5330*

RULE §57.11 General Requirements

(a) Quarantine provisions.

(1) Poultry and/or premises shall be placed under quarantine when evidence of infection or possible exposure to any contagious and/or communicable disease not considered to be endemic exists in the State of Texas. A quarantine shall remain in effect until epidemiological evidence of the existing disease or exposure thereto is satisfied. After due consideration of epidemiological evidence, the executive director of the commission may cause the quarantine to be released.

(2) When Laryngotracheitis infection is confirmed in any house on a farm, the entire farm will be placed under quarantine, and all poultry on that farm will be considered infected and no molting will be allowed until after the quarantine has been released. Official quarantine signs will be posted in a prominent place at the entrance to the premise and on the doors of each house. The doors should be locked when the house is unattended.

(3) Premises may be released from a Laryngotracheitis quarantine when:

(A) the farm has been depopulated and established cleaning and disinfection procedures have been applied;

(B) all infected poultry have been removed and all replacement poultry have been vaccinated twice with cell culture vaccine, no chick embryo origin vaccine has been used, and a surveillance system as established by the commission is carried out with no evidence of active infection; or

(C) all dead poultry and caked litter are removed; the houses are sprayed with disinfectant and closed for 15 to 30 days; and two consecutive sets of nonvaccinated poultry are raised in the houses with no evidence of infection based on commission surveillance.

(4) When fowl typhoid (S. gallinarum) infection is confirmed in a flock, the farm on which the flock is located shall be placed under quarantine and the flock depopulated. Following depopulation and burial or incineration of all poultry, nest material, and litter, the premise and facilities shall be cleaned and disinfected. The premise shall remain quarantined for at least 180 days following

depopulation during which time poultry shall not be reintroduced to the premises. Following removal of the quarantine, repopulation of the premises may be allowed with poultry that have been tested negative to fowl typhoid.

(b) Public exhibitions. Poultry entered in public exhibition shall originate from flocks or hatcheries free of pullorum disease and fowl typhoid or have a negative pullorum-typhoid test within 30 days before exhibition. Chickens or turkeys entered in public exhibition shall be accompanied by a certificate of source.

(c) Public sales. Poultry offered for public sale or trade at markets such as trade days, flea markets, auctions, or any other public sale shall originate from pullorum-typhoid clean flocks or hatcheries. The seller shall furnish proof of the source of poultry or hatching eggs offered for public sale. The owner or management of any market or public sale shall prevent the sale, trade, or offer for sale of any poultry that is not properly qualified under the Texas Pullorum-Typhoid Program as prescribed by the Texas Veterinary Medical Diagnostic Laboratory (TVMDL) and/or the National Poultry Improvement Plan. Failure to enforce this requirement may result in the seeking of a court order prohibiting any further sale of poultry on the grounds. Poultry from states other than Texas shall be accompanied by a health certificate from the state of origin, including a negative pullorum-typhoid test within 30 days of the sale as described in subsection (e)(1) of this section. Poultry not properly identified and qualified as pullorum-typhoid clean are prohibited from sale and shall be returned to the owner's or dealer's premises.

(d) Surveillance. The commission may pick up dead poultry at farms to determine if Laryngotracheitis or any other disease is present in any area.

(e) Interstate Movement.

(1) Poultry shipped into the State of Texas shall be accompanied by an official health certificate issued by an accredited veterinarian within 30 days prior to shipment. The health certificate shall state that the poultry have been inspected and are free of evidence of infectious or contagious disease; that the poultry have been vaccinated only with approved vaccines as defined in this regulation; and that the poultry have not originated from an area that has had active Laryngotracheitis or chicken embryo origin Laryngotracheitis vaccine virus within the last 30 days. The certificate shall also state the poultry have passed a negative test for pullorum-typhoid within 30 days prior to shipment or that they originate from flocks which have met the pullorum-typhoid requirements of the Texas Pullorum-Typhoid Program and/or the National Poultry Improvement Plan. Baby poultry will be exempt from this section if from an NPIP, or equivalent, hatchery, and accompanied by NPIP Form 9-3, or APHIS Form 17-6; or, are covered by an approved "Commuter Poultry Flock Agreement" on file with the state of origin and the commission.

(2) An official health certificate is not required on poultry consigned to slaughter establishments, which maintain federal postmortem inspection, provided the shipment is accompanied by a waybill indicating the plant of destination.

(3) Live poultry, unprocessed poultry, hatching eggs, unprocessed eggs, egg flats, poultry coops, cages, crates, other birds, and used poultry equipment affected with, or recently exposed to, infectious, contagious, or communicable disease, or originating in state or federal quarantined areas shall not enter Texas without express written consent from the commission.

(f) Depopulation and disposition of poultry and eggs. The commission shall depopulate or dispose of poultry and/or hatching eggs that pose a threat to the poultry industry of the State of Texas after a hearing before the commission pursuant to the Administrative Procedure Act.

(g) Dead poultry disposal. Dead poultry are to be disposed of by incinerating, burying in disposal pits, or hauling to a rendering plant in closed containers.

(h) Cleaning and disinfecting.

(1) Premises found to have housed, incubated, brooded, or ranged an infected flock shall be cleaned and disinfected under the supervision of the commission within 15 days following depopulation, unless an extension of time is granted. Infected premises shall not be restocked with poultry or eggs for hatching purposes until the cleaning and disinfecting requirement of this subsection is certified complete by the commission. The following cleaning and disinfection procedures are approved for Laryngotracheitis:

(A) completely clean house, spray with disinfectant, and close for 15-30 days; or

(B) remove all dead poultry and caked litter, spray with disinfectant, and close for 15-30 days.

(2) Trucks, loading equipment, cages, or coops used in hauling poultry vaccinated with restricted vaccines or infected with a reportable disease within a designated area or from a designated area shall be cleaned and disinfected prior to entering premises on which the disease has not been diagnosed and the vaccine has not been used or as directed by the commission.

(i) Designated area for Laryngotracheitis. The following procedures shall apply to all poultry operations:

(1) Replacement poultry. All poultry housed in the designated area will be vaccinated twice (no earlier than four weeks of age and again at least four weeks later) with cell culture (eye drop) modified vaccine before being housed for egg production. A certificate of vaccination must be on file with the owner, farm manager, and the commission. Prior entry permit and health certificate with vaccination history are required for poultry originating out-of-state. These poultry may receive the second vaccination upon arrival at farm, but the first vaccination must be no earlier than four weeks of age.

(2) Molted hens.

(A) Any hen molted and retained for egg production must be vaccinated with cell culture vaccine after molting.

(B) The hens on known infected premises may be allowed to complete the laying cycle but shall not be molted. Empty houses shall be repopulated only with pullets that have been vaccinated twice with cell culture vaccine at the proper age.

(3) Broilers may be vaccinated with chick embryo vaccine under the following conditions.

(A) No vaccination except by agreement with the commission.

(B) Agreements signed under the following conditions:

(i) broilers less than five weeks of age located within a designated area;

(ii) the next two flocks following an infected flock if epidemiologically sound;

(iii) chick embryo vaccine can be used in layers or breeders only to stop an outbreak and only by agreement with the commission.

(4) Movement.

(A) Permits are required for movement of all non infected flocks between farms in the designated area. Poultry may move from a designated area only to slaughter and only under permit.

(B) Infected flocks and chick embryo origin vaccinated flocks can be moved only to slaughter under permit.

(5) Trucks.

(A) Cleaning and disinfection is required for all trucks hauling infected flocks and chick embryo origin vaccinated flocks.

(B) Farms with poultry infected with Laryngotracheitis or vaccinated with chick embryo origin vaccine are to be serviced the last trip of the day. The driver should not enter the poultry house. The driver must wear rubber boots and disinfect them before leaving the farm. All vehicles should be disinfected after entering an infected premise.

(6) Personnel.

(A) Employees from infected or chick embryo origin vaccinated farms are not to enter houses on non infected or non chick embryo origin vaccinated farms.

(B) When entering infected houses, managers must wear protective clothing and change before entering non infected houses.

(C) Catching crews must follow cleaning and disinfection procedures before entering and leaving all infected or chick embryo origin vaccinated premises.

(7) Equipment.

(A) Egg flats from infected or chick embryo origin vaccinated premises are to be returned to infected houses or disposed of or disinfected.

(B) Equipment from infected or chick embryo origin vaccinated farms cannot be moved to other farms without cleaning and disinfection.

(8) Dead poultry disposal must be according to regulations.

Source Note: *The provisions of this §57.11 adopted to be effective November 5, 1981, 6 TexReg 3909; amended to be effective January 3, 1984, 8 TexReg 5384; amended to be effective July 31, 1984, 9 TexReg 3871; amended to be effective September 20, 1989, 14 TexReg 4471; amended to be effective September 30, 1996, 21 TexReg 8218; amended to be effective June 11, 2000, 25 TexReg 5330; amended to be effective February 19, 2015, 40 TexReg 699*

RULE §57.12. Dealer Records

(a) The commission requires that dealers of domestic fowl, or exotic fowl maintain records of all domestic fowl, or exotic fowl bought and sold. In this section, "dealer" means a person engaged in the business of buying or selling animals in commerce:

(1) on the person's own account;

(2) as an employee or agent of the vendor, the purchaser, or both; or

(3) on a commission basis.

(b) The records shall show the buyer's and seller's name and address, county of origin, number of animals, and a description, including sex, age, color, breed, and any individual identification.

(c) An agent of the commission may inspect and copy the dealer records of a domestic fowl, or exotic fowl dealer that relate to his/her buying and selling activities. A dealer of out-of-state domestic fowl, or exotic fowl shall maintain copies of health certificates, and documentation of compliance with any applicable agency health requirements. All dealer records must be maintained for a minimum of two years after the date of the transaction.

Source Note: The provisions of this §57.12 adopted to be effective January 5, 2003, 27 TexReg 12184

RULE §57.13. Indemnification

(a) Indemnification to poultry owners. Poultry that are slaughtered in compliance with the disease program standards or as a result of a response on an official test may be indemnified. The commission may pay the owner the unreimbursed amount determined by deducting the salvage value and any other indemnity from the appraised value, subject to the availability of funds.

(b) Flock eligibility for payment of indemnity funds:

(1) The entire flock shall all be under common ownership or management;

(2) An indemnity agreement must be signed and approved for payment by the Executive Director of the commission; and

(3) The flock owner must comply with each indemnity agreement requirement including, but not limited to, those provisions pertaining to flock depopulation and disposal, cleaning, and disinfecting premises and materials, and payment for indemnity.

(c) Criteria for selection of flocks for indemnity payment:

(1) The flock must have a professional diagnosis supported by culture or significant serology and compatible history;

(2) The flock must be recommended for indemnity by the state epidemiologist;

(3) All selections of flocks or poultry for indemnity payment are subject to the availability of funds; and

(4) The commission, through its Executive Director, will determine the amount and number of poultry for which indemnity will be paid.

(d) Poultry infected with or exposed to a disease that are required to be destroyed shall be appraised by an authorized agent of the commission, or, if the Executive Director approves, by a USDA-APHIS representative.

(e) The appraisal of poultry shall be based on the fair market value and shall be determined by the meat, egg production or breeding value of such poultry. Poultry may be appraised in groups providing they are the same species and type. When appraisal is by the head, poultry in the group is the same value per head or when appraisal is by the pound, poultry in the group is the same value per pound.

(f) Appraisals of poultry shall be reported on forms furnished by the commission. Reports of appraisals shall show the number of fowl of each species and the value per head or the weight and value by pound.

Source Note: *The provisions of this §57.13 adopted to be effective February 4, 2014, 39 TexReg 491*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 58 EMERGENCY RESPONSE AND MANAGEMENT

SUBCHAPTER A GENERAL REQUIREMENTS

RULE §58.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) "Animal" includes livestock, exotic livestock, domestic fowl water fowl, and exotic fowl or any invertebrate or non-invertebrate.

(2) "Animal Product" means hides; bones; hoofs; horns; viscera; parts of animal bodies; litter, straw, or hay used for bedding; and any other substance capable of carrying insects or a disease that may endanger the livestock industry.

(3) "Caretaker of Animal" means a person is presumed to control the animal if the person is the owner or lessee of the pen, pasture, or other place in which the animal is located and has control of that place, or exercises care or control over the animal.

(4) "Dealer" means a person engaged in the business of buying or selling animals in commerce on the person's own account; as an employee or agent of the vendor, the purchaser, or both; or on a commission basis.

(5) "Declaration of State of Disaster" The governor by executive order or proclamation may declare a state of disaster if the governor finds a disaster has occurred or that the occurrence or threat of disaster is imminent.

(6) "Effect of Disaster Declaration" An executive order or proclamation issued by the Governor declaring a state of disaster:

(A) activates the disaster recovery and rehabilitation aspects of the state emergency management plan applicable to the area subject to the declaration; and

(B) authorizes the deployment and use of any forces to which the plan applies and the use or distribution of any supplies, equipment, and materials or facilities assembled, stockpiled, or arranged to be made available under this chapter or other law relating to disasters.

(7) "Emergency Management Plan Council" composed of the heads of state agencies, boards, and commissions and representatives of organized volunteer

groups to advise and assist the Governor in all matters relating to disaster mitigation, preparedness, response, and recovery. The commission is a member of that council.

(8) "Emergency Management Plan" is a state prepared plan together with annexes designed to address all emergency management functional responsibilities. This plan defines the organization, establishes operational concepts, assigns responsibilities, and outlines coordination procedures for accomplishing comprehensive emergency management objectives in Texas.

(9) "Emergency Management Plan - Appendix Four to Annex H (Health and Medical Services)" means the State of Texas Emergency Management Plan annex which provides the state guidance for mitigating against, preparing for, identifying and responding to, and recovering from any highly contagious animal disease affecting Texas livestock and wildlife.

(10) "Exotic livestock" means grass-eating or plant-eating, single-hooved or cloven-hooved mammals that are not indigenous to this state and are known as ungulates, including animals from the swine, horse, tapir, rhinoceros, elephant, deer, and antelope families.

(11) "Exotic fowl" means any avian species that is not indigenous to this state. The term includes ratites.

(12) "Exposure or Infection" means if a veterinarian employed by the commission determines that a communicable disease exists among livestock, domestic animals, or domestic fowl or on certain premises or that livestock, domestic animals, or domestic fowl have been exposed to an agent of transmission of a communicable disease, the exposure or infection is considered to continue until the commission determines that the exposure or infection has been eradicated through methods prescribed by rule of the commission.

(13) "Feedlot" means a confined drylot area for finish feeding of cattle on concentrated feed with no facilities for pasturing or grazing. All cattle in a feedlot are considered a "herd" for purposes of these regulations.

(14) "Foreign Animal Diseases" means these are animal diseases recognized by the United States Department of Agriculture as not being found in the United States.

(15) "Hold Order" means a document restricting movement of a herd, unit, or individual animal pending the determination of disease status.

(16) "Livestock" includes cattle, horses, mules, asses, sheep, goats, hogs, domestic fowl, exotic livestock and exotic fowl.

(17) "Livestock market" means a stockyard, sales pavilion, or sales ring where livestock, exotic livestock, or exotic fowl are assembled or concentrated at regular or irregular intervals for sale, trade, barter, or exchange.

(18) "Office International Des Epizooties List A Diseases" are diseases which have the potential for very serious and rapid spread, irrespective of national borders, which are of serious socio-economic or public health consequence and

which are of major importance in the international trade of animals and animal products.

(19) "Show, fair, or exhibition" means a show, fair, or exhibition that permits livestock and poultry to enter for the purpose of showing or exhibiting livestock.

(20) "Texas Emergency Response Team" (TERT) is comprised of members of the Commission and the USDA, APHIS, VS. The TERT plans, coordinates, and collaborates in order be able respond effectively and efficently to a foregin animal disease outbreak.

Source Note: *The provisions of this §58.1 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §58.2. Disease Control

(a) Purpose: The purpose of this chapter is to provide the executive director the necessary authorization to act for the commission in order to respond expeditiously to an animal health emergency. All actions of the executive director, under this chapter, will be in accordance with any direction, action or authorization provided by the commission.

(b) The commission will protect all livestock from any exposure to a disease or an agent of transmission of one of the diseases which:

(1) is recognized by the United States Department of Agriculture as a foreign animal disease;

(2) is named on "List A" of the Office International Des Epizooties; or

(3) is the subject of a state of emergency, as declared by the governor.

(c) If the executive director determines that livestock have been exposed to or infected with a disease, other than bluetongue, or an agent of transmission of one of the diseases listed in subsection (b) and determines that an animal health emergency exists, then the executive director is authorized to exercise all the necessary authority through this chapter to act for the commission to respond as expediently as possible to the emergency.

(d) The executive director is authorized to determine the necessary requirements related to quarantine, disposal, testing, movement, inspection, and treatment.

Source Note: *The provisions of this §58.2 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §58.3. General Requirements

(a) The State of Texas Emergency Management Plan. This plan defines the organization, establishes operational concepts, assigns responsibilities, and outlines coordination procedures for accomplishing comprehensive emergency management objectives in Texas. The plan contains "Appendix Four to Annex H" which provides guidance for mitigating against, preparing for, identifying and responding to, and recovering from any highly contagious animal disease affecting Texas livestock.

(b) Emergency Management Council. The Emergency Management Council is composed of the heads of state agencies, boards, and commissions and representatives of organized volunteer groups to advise and assist the Governor in all matters relating to disaster mitigation, preparedness, response, and recovery. The Texas Animal Health Commission is a member of that commission. The executive director is authorized to utilize the resources of the commission to fully participate and act to assist the Governor in all matters relating to disaster mitigation, preparedness, response, and recovery.

(c) Executive Director Authorization. The executive director is authorized to utilize all the appropriate resources of the commission to act in accordance with the State Emergency Management Plan and Appendix Four to Annex H. The Texas Emergency Response Team (TERT) is an interagency team comprised of commission personnel and working to respond quickly to emergency's through out the state. They are authorized to respond to potential emergencies and disasters.

(d) Commission Written Instruments. The commission authorizes the executive director and authorized agents of the commission to sign written instruments on behalf of the commission including, but not limited to, issuing, modifying, rescinding a quarantine, any movement restriction as provided in this chapter or in requiring livestock exposed to or infected with disease to be slaughtered as provided in Section 58.31. A written instrument, including a quarantine or written notice of an order to slaughter, signed in support of this chapter has the same force and effect as if signed by the entire commission.

(e) Entry Power. A commissioner or a veterinarian or inspector employed by the commission may enter public or private property for the exercise of an authority or performance of a duty under this chapter.

(f) Requirements on dealer recordkeeping. Any dealer of livestock is required by §161.049 of the Texas Agriculture Code to maintain records of livestock sales. Such records shall show the buyer's and seller's name and address, county of origin, number of animals, and a description of each animal, including sex, age, color, breed, brand, and individual identification such as eartag, bangle tag, backtag, tattoo or firebrand. Records at auctions and commission firms shall show the delivery vehicle license number. A dealer is required to provide records to authorized agents of the commission acting under the authority of this chapter in order to determine whether livestock have been exposed to or infected with a disease as identified in Section 58.2 of this chapter.

Source Note: *The provisions of this §58.3 adopted to be effective December 11, 2001, 26 TexReg 10048*

SUBCHAPTER B QUARANTINE REQUIRMENTS

RULE §58.11. Establishment of Quarantine

(a) Executive Director Authority. If the executive director determines that a disease as identified in §58.2 (a) of this title (relating to Disease Control) or an agent of transmission of one of those diseases exists in a place in this state, or that livestock are exposed to or infected with one of those diseases or an agent of transmission of one of those diseases, then the executive director shall establish a quarantine on the affected animals or on the affected place. The quarantine of an affected place may extend to any affected area, including a county, district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen. The executive director may establish a quarantine to prohibit or restrict the movement of any article or animal that is designated to be a carrier of a disease as identified in §58.2 of this chapter.

(b) Existence or Exposure to a listed disease. A quarantine will remain in effect until the commission determines that the exposure or infection has been eradicated or controlled through appropriate methods.

(c) Effect of Quarantine. A quarantine that is established for any location has the effect of quarantining all livestock, domestic animals, or domestic fowl of the kind mentioned in the quarantine notice that are on or enter that location during the existence of the quarantine, regardless of who owns or controls the livestock, domestic animals, or domestic fowl. The movement of animals or articles designated as a potential carrier of one of those diseases into a quarantined herd, premise, or area is prohibited.

(d) Conditions of movement. The Executive Director may designate conditions under which movement may take place and designate who is authorized permit movement and under what conditions. The executive director may require testing, vaccination, or another epidemiologically sound procedure in order to authorize movement.

Source Note: *The provisions of this §58.11 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §58.12. Notice of Quarantine

(a) Publication of Notice. The executive director shall give notice of a quarantine established within this state:

(1) by publishing notice in a newspaper published in the county in which the quarantine is established,

(2) by posting notice at the courthouse door of that county, or

(3) by delivering a written notice to the owner or caretaker of the animals or places to be quarantined.

(b) Contents of Notice. The quarantine notice must state:

(1) the cause for which the quarantine is established, whether for infection or for exposure,

(2) describe the area or premises quarantined in a reasonable manner that enables a person to identify the area or premises (but is not required to describe the area or premises by metes and bounds),

(3) if the seriousness of the disease is sufficient to warrant prohibiting the movement of animals, the notice must state that the movement is prohibited,

(4) any exceptions, terms, conditions, or provisions prescribed under this chapter must be stated in the quarantine notice,

(5) state the class of persons authorized by the commission or the Executive Director to issue certificates or permits permitting movement,

(6) any authorized movement certificate or permit must be issued in conformity with the requirements stated in the quarantine notice.

(A) The executive director may provide for a written certificate or written permit authorizing the movement of commodities or animals from quarantined places or the movement of quarantined commodities or animals.

(B) The certificate or permit must be issued by a veterinarian or other person authorized by the commission to issue a certificate or permit.

(7) if the quarantine regulates or prohibits the movement of a carrier or potential carrier of a disease, the Executive Director may prescribe:

(A) any exceptions,

(B) terms,

(C) conditions, or

(D) provisions that the executive director considers necessary or desirable to promote the objectives of this chapter or to minimize the economic impact of the quarantine without endangering those objectives or the health and safety of the public.

Source Note: *The provisions of this §58.12 adopted to be effective December 11, 2001, 26 TexReg 10048*

SUBCHAPTER C MOVEMENT RESTRICTION REQUIRMENTS

RULE §58.21. Livestock Movement Restrictions

(a) Purpose: Livestock in Texas are subject to a variety of highly contagious, foreign animal diseases (FAD). The infection or exposure of Texas livestock to a FAD would create an animal health emergency requiring the commission to respond as expediently as possible. A FAD may be very contagious; it may affect both farm/ranch animals and wildlife in Texas, and it may be extremely difficult to identify, isolate, control, and eradicate. It may spread to other areas in the state or other states and countries if the outbreak is not controlled in an expedient or effective manner. Any time delay in responding to such an emergency could cause a severe impact to, or even destroy, the agricultural economic stability and viability of the State and possibly the Nation. The purpose of this section is to authorize the executive director to be able to respond quickly and restrict the movement of livestock from specific areas or facilities in order to reduce any potential exposure of Texas livestock to a disease as provided in §58.2 of this title (relating to Disease Control).

(b) Emergency Response Movement Restrictions: As a control measure, the commission by rule may regulate the movement of livestock in this state. Movement restrictions contained in this section are to become effective upon a determination that there is exposure to a disease or an agent of transmission of one of the diseases as identified in §58.2 of this title (relating to Disease Control) and that these restrictions are necessary to protect livestock in this state.

(c) Executive Director Authority: The executive director may restrict movement of livestock in any part or all of the state, through this section, if the executive director determines that livestock are exposed or infected with a disease as identified in §58.2 of this title (relating to Disease Control) and believes that the disease presents a danger to the public health or livestock industry and that the executive director considers it necessary to protect livestock in this state, by restricting movement under this subchapter. The executive director may require testing, vaccination, or another epidemiologically sound procedure in order to authorize movement from restricted locations.

(d) Effect of Movement Restrictions: These movement restrictions will remain in effect until the executive director has determined that the exposure to the disease or infection from the disease has been eradicated or controlled.

(e) Inspection of Shipment of Animals or Animal Products: An agent of the commission is entitled to stop and inspect a shipment of animals or animal products being transported in this state in order to determine if the shipment originated from a quarantined area or herd; or determine if the shipment presents a danger to the public health or livestock industry through insect infestation or through a communicable or noncommunicable disease. An authorized agent of the commission may issue a hold under this chapter to detain a shipment of animals or animal products in order to determine if the shipment had been exposed to a disease as identified in §58.2 of this title (relating to Disease Control) or to determine

if the shipment is being transported in violation of this chapter. The authorized agent of the commission may require that the shipment be unloaded at the nearest place designated as appropriate unloading/loading and boarding facility in order to assess health status or to protect against possible exposure from a disease provided by §58.2 of this title.

(f) Restricted Movement Locations: If the executive director has determined that there is an animal health emergency and that there is a need to restrict movement of livestock, then movement of livestock is restricted, until authorized by the commission through an agent of the commission, at the following locations:

(1) Livestock Market;

(2) Feedlots;

(3) Shows, Fairs and Exhibitions;

(4) Any premise where a caretaker for livestock has received written notice that movement restrictions are in place based on possible exposure to a disease as identified in §58.2 of this title (relating to Disease Control).

(g) Notice of Restrictions: Restricted movement from locations provided for in subsection (f) of this section are effective upon receipt of notice in accordance with §58.22 of this title (relating to Notice of Livestock Movement Restrictions).

(h) Statewide application or part of state: The movement restrictions contained in this section can be made effective for all or part of the state in order to protect against exposure from a disease as identified in §58.2 of this title (relating to Disease Control).

Source Note: *The provisions of this §58.21 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §58.22. Notice of Livestock Movement Restrictions

(a) Notice. The executive director shall give written notice of movement restriction requirements, as provided in §58.21 of this title (relating to Livestock Movement Restrictions), which are in effect within this state or part of the state:

(1) by fax, or

(2) by mail, or

(3) by delivering a written notice to the owner or caretaker of the animals or places where the movement of livestock is restricted.

(b) Contents of Notice. The notice of movement restriction, as provided under §58.21 of this title (relating to Livestock Movement Restrictions), shall state:

(1) the cause for which the movement restriction is established, whether for infection or for exposure;

(2) any exceptions, terms, conditions, or provisions prescribed under this chapter must be stated in the movement restriction notice;

(3) state the class of persons authorized by the commission or the executive director to issue certificates or permits permitting movement. Any authorized movement certificate or permit must be issued by a veterinarian or other person authorized by the commission to issue a certificate or permit.

Source Note: *The provisions of this §58.22 adopted to be effective December 11, 2001, 26 TexReg 10048*

SUBCHAPTER D DISPOSAL REQUIRMENTS

RULE §58.31. Disposal of Diseased or Exposed Livestock

(a) Executive Director Authorization: The commission authorizes the executive director to issue an order to require the slaughter of livestock, under the direction of the commission, or the sale of livestock for immediate slaughter if the livestock is exposed to or infected with a disease as identified in §58.2 of this title (relating to Disease Control) and necessary to eradicate or control the disease as well as to protect the livestock of this state.

(b) Disposal of Diseased Livestock Carcass: A person who is the owner or caretaker of livestock that have been infected or exposed to a disease as identified in §58.2 of this title (relating to Disease Control), if ordered by the executive director, shall dispose of the livestock under the direction of authorized agents of the commission and in accordance with all appropriate legal standards and requirements.

Source Note: *The provisions of this §58.31 adopted to be effective December 11, 2001, 26 TexReg 10048*

RULE §58.32. Compensation of Livestock Owner

(a) Compensation: Livestock that are exposed or infected with a disease as identified in §58.2 of this title (relating to Disease Control) and required to be slaughtered in compliance with §58.31 of this title (relating to Disposal of Diseased or Exposed Livestock) may be subject to compensation from the commission. The executive director will provide the owner with information regarding any available indemnity funds. To the extent possible the commission will assist the owner with accessing, processing and qualifying for any available source of indemnity funds.

(b) Availability of Commission Funds: Subject to the availability of funds, the executive director may authorize an indemnity payment for livestock exposed or infected with a disease as identified in §58.2 of this title (relating to Disease Control) and required to be slaughtered in compliance with §58.31 of this title (relating to Disposal of Diseased or Exposed Livestock). In no event will the Commission pay the owner any compensation, which exceeds appraised value, deducting any salvage value and any other indemnity for the livestock.

(c) Indemnity Agreement: In order to qualify for compensation from the commission, an indemnity agreement must be signed by the owner and approved for payment by the Executive Director, or designee.

Source Note: *The provisions of this §58.32 adopted to be effective December 11, 2001, 26 TexReg 10048*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 59 GENERAL PRACTICES AND PROCEDURES

RULE §59.1. Definitions

The following words and terms, when used in this part, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Commission--The Texas Animal Health Commission.

(2) Executive director--The chief executive officer of the commission appointed by the commissioners.

Source Note: *The provisions of this §59.1 adopted to be effective June 19, 1990, 15 TexReg 3088; amended to be effective December 18, 1992, 17 TexReg 8290.*

RULE §59.2. General Responsibilities

(a) Commission. The Texas Animal Health Commission shall have the following powers and duties:

(1) The Commission shall formulate the policy objectives for the agency and shall appoint and supervise the agency's Executive Director. The Commission shall approve actions of the Executive Director where such approval is required by law, requested by the Executive Director, or desired by the Commission.

(2) The Commission shall propose, adopt, and amend regulations as required by the Government Code, Chapter 2001.

(3) The Commission shall determine the amount of the agency's requests for legislative appropriations, and approve the operating budget.

(4) The Commission shall supervise the agency's Internal Auditor.

(5) When allowed by law, the Commission may delegate any power or duty to a committee of its members or to the agency's Executive Director. The Chair may establish a committee and appoint committee members in an open meeting. The Chair may appoint committee members who are not members of the Commission, but a committee with such members will be advisory only and may not take final action on any issue.

(6) The Commission shall issue final orders and assess administrative penalties as outlined in the Government Code, Chapter 2001 and Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(b) Executive Director. The Executive Director of the Texas Animal Health Commission shall have the following powers and duties:

(1) The Executive Director shall administer the programs of the agency and has all powers necessary for such administration, as well as any specific duties assigned or functions delegated by the Commission. The Executive Director shall take those actions necessary to comply with and enforce federal and state laws applicable to the Texas Animal Health Commission.

(2) The Executive Director shall adopt personnel policies and employ persons in accordance with personnel policies to perform the work of the agency. The Executive Director may prescribe these employees' duties and compensation, subject to Commission approval of the budget and in accordance with personnel policies.

(3) The Executive Director may delegate any authority or duty to agency personnel.

(4) The Executive Director shall issue orders and set administrative penalties as allowed by this title and the Texas Agriculture Code.

(c) Extenuating circumstances. In case of unusual circumstances or individual hardship, the executive director may vary or waive any provisions of commission rules provided such waiver is not in conflict with sound epidemiologic principles. Individual hardship will commonly mean unforeseen circumstances that affect the owner or the owner's operation and are beyond the owner's control. Any waiver or variance from agency rule will be documented and presented to the Commission at the next scheduled meeting.

(d) Public Comment and Complaints.

(1) At least twice a year, the public will be provided an opportunity to appear at Commission meetings to speak on any issue under the Commission's jurisdiction. The Chair may limit the time allotted to a speaker.

(2) The public and those regulated by the Commission will be notified of the name, mailing address, and telephone number of the Commission for the purpose of directing complaints and comments to the Commission. The information shall be included on:

(A) orders and decisions directed to persons and entities regulated by the agency;

(B) at least annually in a publication distributed by the agency.

(e) Program and Facility Accessibility. Citizens who do not speak English or who have a physical, mental, or developmental disability will be provided reasonable access to the Commission itself and to the Commission's programs in that:

(1) All Commission facilities are in compliance with statutes concerning architectural barriers;

(2) If necessary, the agency will arrange for approved personnel status testing to be conducted orally, in sign language, or in a foreign language;

(3) Upon prior reasonable notice to the commission, the agency will provide interpreters and/or sign language specialists to assist citizens in presenting their input to the Commission.

Source Note: *The provisions of this §59.2 adopted to be effective June 19, 1990, 15 TexReg 3088; amended to be effective September 28, 1990, 15 TexReg 5361; amended to be effective November 22, 1991, 16 TexReg 6291; amended to be effective March 15, 1992, 17 TexReg 1536; amended to be effective December 18, 1992, 17 TexReg 8290; amended to be effective April 16, 1997, 22 TexReg 3397; amended to be effective September 6, 1998, 23 TexReg 8831.*

RULE §59.3. Operation of Committees; Designation of Commission Vice Chair and Ad Hoc Chair

(a) Committees.

(1) Appointment of Committee Chair. For each committee, the Commission Chair will specify the purpose of the committee and name a committee chair. An ad hoc committee chair may be named to act by majority vote of the committee in the absence or unavailability of the chair.

(2) Quorum. A simple majority of the commission members appointed to the committee shall constitute a quorum. A committee must have a quorum present to convene and take action. Action may be taken by a majority vote of those present or by a majority vote of the quorum, whichever is greater.

(b) Vice chair. Following the designation of a chair by the governor of Texas, the commission will name a vice chair by majority vote. The vice chair will act for the chair in the absence or unavailability of the chair, and will have the same powers and authority as those of the chair.

(c) Ad hoc chair. An ad hoc chair may be named to act by majority vote of the commission in the event neither the chair nor the vice chair can be present for a commission meeting. The ad hoc chair will have the same powers and authority as those of the chair.

Source Note: *The provisions of this §59.3 adopted to be effective December 18, 1992, 17 TexReg 8290; amended to be effective September 6, 1998, 23 TexReg 8831.*

RULE §59.4. Cooperation with the Texas Department of Public Safety Regarding Enforcement of Entry Requirements

Commission staff will provide information to Texas Department of Public Safety (DPS) officers regarding health papers and permits required for entry of livestock into the state, and investigate possible entry violations reported by DPS officers. Commission staff will notify DPS, when appropriate, of the location of commission roadblocks or special or night operations.

Source Note: *The provisions of this §59.4 adopted to be effective December 18, 1992, 17 TexReg 8291.*

RULE §59.5. Open Records

(a) Charges for Copies of Public Records. The charge to any person requesting copies of any public record of the Texas Animal Health Commission (TAHC) will be the charge established by the General Services Commission at 1 TAC §§111.61-111.70. TAHC shall furnish public records without charge if it determines that waiver of the fees is in the public interest. Examples of records that may be furnished without charge are:

(1) records provided in response to requests from government agencies; and

(2) records that relate directly to the requester, such as the requester's own test or employment records.

(b) Requests for Public Records. Members of the public may request public records by sending a written request to the Texas Animal Health Commission, Attention: General Counsel, P.O. Box 12966, Austin, Texas 78711-2966.

Source Note: *The provisions of this §59.5 adopted to be effective December 12, 1994, 19 TexReg 9490.*

RULE §59.6. Petitions for Rules or Changes to Rules

(a) Any person may petition for a rule or rule change by submitting a request to the commission's executive director that complies with the following requirements.

(1) The petition shall be typed or legibly printed and shall be signed by the petitioner or the petitioner's authorized agent.

(2) The petition shall:

(A) state its purpose;

(B) contain a concise statement of facts in support of the petition; and

(C) include the text of the proposed rule or revision and the proposed effective date.

(b) Upon receipt of the petition, the executive director shall take the following action.

(1) If the petition does not comply with the form or content requirements of this section, or if there are statutory requirements preventing the promulgation of the rule or rule change, the executive director shall return to the petitioner by certified mail, return receipt requested, the petition and a statement describing how the petition fails to comply with the requirements of this section.

(2) If the petition complies with the requirements of this section, the executive director shall prepare the document for presentation to the commission.

(c) After presentation of the document to the commission, the commission may direct commission staff to compile information relevant to the petition to be presented at a subsequent commission meeting; propose rules in response to the petition; vote to take no action regarding the petition; or take other action it deems appropriate.

Source Note: *The provisions of this §59.6 adopted to be effective December 12, 1994, 19 TexReg 9490; amended to be effective September 6, 1998, 23 TexReg 8831.*

RULE §59.7. Private Real Property Rights Affected by Governmental Action

(a) Purpose. The purpose of this section is to establish procedures whereby the agency determines if private real property rights are affected by governmental action taken by the Commission.

(b) Categorical Determination. Categorical Determinations that no private real property interests are affected by the proposed governmental action obviates need for further compliance with the Private Real Property Preservation Act (Chapter 2007, Government Code).

(1) The following activities and programs, and policies or regulations promulgated to implement them do not affect private real property interests:

(A) Activities related to personnel management;

(B) Activities related to purchase of goods and services;

(C) Activities related to the general administrative practice and procedures of the agency;

(D) Requirements regarding the handling of animals, including requirements concerning testing, movement, inspection, identification, reporting of disease, and treatment;

(E) Requirements related to hearings and appeals;

(F) Activities related to the sale and distribution of veterinary biological products.

(c) Making a No Private Real Property Impact (No PRPI) Determination. If it is determined that there are no private real property interests impacted by a specific governmental action, the need for any further compliance with the Private Real Property Preservation Act is obviated.

(1) A No Private Real Property Impact (No PRPI) Determination is determined by answering the following question: Does the covered governmental action result in a burden on private real property as that term is defined in the Act?

(2) Whether the governmental action results in a burden on private real property is determined by the answers to the following questions:

(A) Will the action involve a physical seizure or occupation of private real property?

(B) Will the action involve a regulation of private real property or of activities occurring on private real property?

(C) Will the action diminish or destroy the right of a private property owner to exclude others from the property, to possess it, or dispose of it?

(D) Will the value of private real property that is the subject of the action be reduced by 25% or more as a result of the action?

(3) If the answer to each of the four questions is NO, there is a No Private Real Property Impact (No PRPI) Determination and no further action pursuant to Chapter 2007 of the Government Code is needed for the action. If the answer to any of the four questions is YES, a Taking Impact Assessment (TIA) is required.

(d) Taking Impact Assessment (TIA).

(1) Prior to Completion of TIA. Before a TIA is completed, it should be determined by the above procedure that:

(A) The contemplated governmental action does not fall within the Categorical Determinations for which no TIA is required; and

(B) That there may be an impact on Private Real Property Interests.

(2) Elements of the TIA. The specific elements that must be evaluated when proposing to undertake a governmental action that requires a TIA include the following:

(A) Describe the specific purpose of the proposed action and identify whether and how the proposed action substantially advances its stated purpose; and

(B) Describe the burdens imposed on private real property; and

(C) Describe the benefits to society resulting from the proposed use of private real property; and

(D) Determine whether engaging in the proposed governmental action will constitute a "taking" by answering:

(i) Is there a "taking" under the United States Constitution; or

(ii) Is there a "taking" under the Texas Constitution; or

(iii) Is there a "taking" under the Act (25% diminution in value or property subject of the governmental action); and

(E) Describe reasonable alternative actions that could accomplish the specified purpose and compare, evaluate, and explain:

(i) How an alternative action would further the specified purpose; and

(ii) Whether an alternative action would constitute a taking.

(e) A TIA prepared under this section is public information.

Source Note: *The provisions of this §59.7 adopted to be effective April 16, 1997, 22 TexReg 3398.*

RULE §59.9. Historically Underutilized Business Programs

The Texas Animal Health Commission adopts by reference the rules of the Texas Comptroller of Public Accounts in 34 TAC Part 1, Chapter 20, Subchapter B (relating to Historically Underutilized Business Program).

Source Note: *The provisions of this §59.9 adopted to be effective July 5, 2001, 26 TexReg 4870; amended to be effective May 30, 2017, 42 TexReg 2827*

RULE §59.10. Agency Vehicles

(a) Vehicles owned, leased by, or rented by the Commission shall be maintained, assigned and operated in accordance with policies issued by the Executive Director and consistent with the state's vehicle management plan.

(b) Each agency vehicle, with the exception of a vehicle assigned to a field employee, will be assigned to the agency motor pool and be available for checkout; and

(c) The Commission will assign a vehicle to an individual administrative or executive employee on a regular or everyday basis only if the Executive Director makes a written documented finding that the assignment is critical to the needs and mission of the agency.

Source Note: *The provisions of this §59.10 adopted to be effective July 5, 2001, 26 TexReg 4870*

RULE §59.11. Executive Declaration of a High Risk Disease Movement Restriction Zone

(a) Definitions:

(1) High risk area or county--An area or county that is epidemiologically judged to have a high probability for animals to be either infected with or exposed to a disease.

(2) Hold Order--A document restricting movement of a herd, unit, or individual animal pending the determination of disease status.

(3) Individual herd or flock plan--A herd disease management and testing plan to test a herd or flock of animals at high risk for exposure to a disease.

(b) Order to Test Animals in a High Risk County or Area. The Executive Director may eradicate or control any disease or agent of transmission that affects livestock, exotic livestock, domestic fowl, or exotic fowl, by issuing an order designating an area or county as high risk for a disease based on sound epidemiological principles. The order may designate standards to require testing, movement, inspection, and treatment. The epidemiological criteria used for designating an area or county as high risk may include the presence of disease vectors, multiple animals in the area, and common husbandry and animal use practices that could lead to disease exposure.

(c) The order shall contain the following elements:

(1) The epidemiological criteria for which the order is being issued;

(2) A description of the area or county determined to be high risk for a disease that enables a person to identify the area or premises;

(3) If the seriousness of the disease is sufficient to warrant prohibiting the movement of animals using a hold order, the order must state that the movement is prohibited;

(4) Any exceptions, terms, conditions, or provisions prescribed under this chapter must be stated in the order;

(5) The class of persons authorized by the Commission or the Executive Director to issue certificates or permits authorizing movement; and

(6) Any authorized movement certificate or permit must be issued in conformity with the requirements stated in the order.

(A) The Executive Director may provide for a written certificate or written permit authorizing the movement of animals from locations where the animals have been restricted.

(B) The certificate or permit must be issued by a veterinarian or other person authorized by the Commission to issue a certificate or permit.

(d) If the order prohibits the movement of an animal until tested negative for a disease, the Executive Director may prescribe:

(1) any exceptions;

(2) terms;

(3) conditions; or

(4) provisions that the Executive Director considers necessary or desirable to promote the objectives of this chapter or to minimize the economic impact of the animal without endangering those objectives or the health and safety of other animals.

(e) Testing Procedures.

(1) All animals located or maintained in an area shall be presented for testing or retesting at intervals stated in the herd plan until the hold order is released.

(2) All animals to be added to the herd shall be tested prior to commingling with the herd.

(3) All stray animals found in the area shall be presented for testing by the caretaker of the property where located.

(4) All animals identified as positive shall be removed in accordance with Commission requirements.

(f) Publication of Notice. The Executive Director shall give notice of the Order:

(1) by publishing notice in a newspaper published in the county in which the quarantine is established; or

(2) by delivering a written notice to the owner or caretaker of the animals or places to be quarantined.

(g) Procedure to Protest the Individual Herd Test Plan. A person may protest an initial test or a herd plan for testing their animals for a disease due to being classified as high risk, after consultation with the state or federal veterinarian assigned to the testing.

(1) To protest, the herd owner must request a meeting, in writing, with the Executive Director of the Commission within 15 days of receipt of the herd plan or notice of an initial test and set forth a short, plain statement of the issues that shall be the subject of the protest, after which:

(A) the meeting will be set by the Executive Director no later than 21 days from receipt of the request for a meeting;

(B) the meeting or meetings shall be held in Austin; and

(C) the Executive Director shall render his decision in writing within 14 days from date of the meeting.

(2) Upon receipt of a decision or order by the Executive Director, the herd owner may file an appeal within 15 days in writing with the chairman of the commission and set forth a short, plain statement of the issues that shall be the subject of the appeal.

(3) The subsequent hearing will be conducted pursuant to the provisions of the Administrative Procedure and Texas Register Act and Chapter 32 of this title (relating to Hearing and Appeal Procedures).

(4) If the Executive Director determines, based on epidemiological principles, that immediate action is necessary, the Executive Director may shorten the time limits, as set out in paragraph (1)(A) and (B) of this subsection, to not less than five days. The herd owner must be provided with written notice of any time limits so shortened.

Source Note: *The provisions of this §59.11 adopted to be effective February 5, 2013, 38 TexReg 498*

RULE §59.12. Carcass Disposal Requirements

(a) Definitions:

(1) "Animal" means livestock, exotic livestock, domestic fowl, or exotic fowl.

(2) "Executive Director" means the Executive Director of the Texas Animal Health Commission

(3) "Air Curtain Incineration" means a mechanical process of incineration by which super-heated air is continuously circulated to enhance combustion.

(4) "Burial" means interment of a dead animal below the natural surface of the ground.

(5) "Burning" means the act of consuming or destroying by fire with or without the use of an accelerant.

(6) "Composting" means the biological decomposition of organic matter under controlled conditions.

(7) "Dead Animals" means carcasses and parts of carcasses from animals that are dead from a disease.

(8) "Dead Animal Emergencies" means those situations involving dead animals that may require extenuating disposal measures as determined by the Executive Director.

(9) "Decomposition" means the decay of dead animals under natural conditions.

(10) "Digestion" means a process by which organic matter is hydrolyzed.

(11) "Disposal" means the management of a dead animal.

(12) "Incineration" means the controlled and monitored combustion of dead animals for the purposes of volume reduction and pathogen control.

(13) "Person" means any individual, association, partnership, firm, joint stock company, joint venture, trust, estate, political subdivision, public or private corporation, state or federal government department, agency or instrumentality, or any legal entity, which is recognized by law as the subject of rights and duties.

(14) "Rendering" means the process or business of recycling dead animals and animal by-products.

(15) "Sanitary Landfill" means a solid waste disposal site permitted or approved by the Texas Commission on Environmental Quality.

(b) Carcass Disposal. A person who is the owner or caretaker of livestock, exotic livestock, domestic fowl, or exotic fowl that die from a disease listed in §161.041 of the Texas Agriculture Code, or who owns or controls the land on which the livestock, exotic livestock, domestic fowl, or exotic fowl die or upon which a diseased carcass of a dead animal is exposed to other animals, shall dispose of the carcass in the manner required by the commission under this section.

(c) Executive Director Authorization. The commission authorizes the executive director to issue Orders regarding the disposal of carcasses of livestock, exotic livestock, domestic fowl, or exotic fowl as necessary to eradicate or control the disease as well as to protect the livestock of this state. The Executive Director may also publish directives, guidelines and standards to be followed for carcass disposal in general events involving a diseased animal.

(d) Disposal of Diseased Carcass. A person who is the owner or caretaker of livestock, exotic livestock, domestic fowl, or exotic fowl, if ordered by the executive director, shall dispose of the carcasses under the direction of authorized agents of

the commission and in accordance with all appropriate legal standards and requirements.

(e) Disposal Methods Determined by the Executive Director. The Executive Director may determine the appropriate method of disposal for animals that die of infectious or contagious diseases or agents as listed in §161.041 of the Texas Agriculture Code or any other high consequence disease.

(1) Rendering. If a licensed and approved rendering facility accepts the dead animal, rendering is an approved method of disposal.

(2) Burial. Dead animals shall be buried to such a depth that no part of the dead animal shall be nearer than three (3) feet to the natural surface of the ground. Every part of the dead animal shall be covered with at least three (3) feet of earth. The location of a burial site shall be in compliance with any applicable set backs for sanitary or public health reasons.

(3) Disposal in an Approved Sanitary Landfill. Arrangements shall be made with a city, county, regional, or private landfill official in order to dispose of a dead animal in a city, county, regional, or private landfill.

(4) Composting. Composting of dead animals shall be accomplished in a manner approved by the Executive Director.

(5) Digestion. Digestion of dead animals shall be accomplished in a properly designed and sized dead animal digester approved by the Executive Director.

(6) Incineration.

(A) Incineration of dead animals shall be accomplished in an approved incineration facility, or by a mobile air curtain incinerator at a site approved by the Executive Director.

(B) The incineration shall be thorough and complete, reducing the carcass to mineral residue.

(7) Burning. Any person who is the owner or caretaker of animals that have died from anthrax, or who owns or controls the land on which the animals have died, is responsible for assuring that the carcass of each animal is set on fire and burned until it is thoroughly consumed as found in §31.3 of this title (relating to Disposal).

(8) Decomposition. Animals that die on private or state rangeland from causes other than significant infectious or contagious diseases or agents may be left to decompose naturally provided their location is not in violation of another legal requirement.

(9) Wavier of Requirements by the Executive Director. The Executive Director may grant variances from the requirements on a case-by-case basis.

(f) Dead Animal Emergencies. Dead animal emergencies are those situations involving dead animals that have been determined by the Executive Director to require extraordinary disposal measures.

(1) Situations Requiring Extraordinary Disposal Measures. These situations include, but are not limited to, the following:

(A) Situations where one (1) or more animals die of an infectious or contagious disease or agent that may pose a significant threat to humans or animals;

(B) Situations wherein the number of dead animals is large enough to require extraordinary disposal measures.

(2) Executive Director to Determine Disposal Methods. The Executive Director may employ exceptional or extraordinary methods of dead animal disposal as necessary to protect the health and welfare of the human and animal populations of the state of Texas. Such methods may include, but shall not be limited to:

(A) Open burning;

(B) Pit burning;

(C) Burning with accelerants;

(D) Pyre burning;

(E) Air curtain incineration;

(F) Mass burial; or

(G) Natural decomposition.

Source Note: *The provisions of this §59.12 adopted to be effective December 19, 2007, 32 TexReg 9339*

RULE §59.13. Posting of Certain Contracts; Enhanced Contract Monitoring

(a) Pursuant to §2261.253 of the Texas Government Code, the commission will implement the following procedures for contracts for the purchase of goods or services from private vendors:

(1) The commission will list information pertaining to its contract with private vendors on its website. The information will include:

(A) The name of the vendor with whom the contract is made;

(B) A description of the competitive bidding process for the contract, or, if the contract did not involve competitive bidding, a citation and explanation of the legal authority supporting exemption from the competitive bidding process;

(C) A link to a copy of the request for proposal for the contract, if applicable, until the contract expires or is completed; and

(D) A link to a copy of the contract with the vendor until the contract expires or is completed.

(2) The commission will implement the following enhanced contract or performance monitoring procedures:

(A) For each contract with a value greater than $25,000, the commission will evaluate whether enhanced contract or performance monitoring is appropriate. Criteria that may be considered include:

(i) Total cost of the contract;

(ii) Risk of loss to the commission under the contract;

(iii) Commission resources available for enhanced contract or performance monitoring; and

(iv) Duration of the contract.

(B) After evaluation of the contract, the commission will report to the commission members:

(i) The basis for determination as to whether enhanced contract or performance monitoring is appropriate;

(ii) Include any serious issues or risks identified with the contract, if applicable; and

(iii) If enhanced contract or performance monitoring is appropriate, the commission's plan for carrying out the enhanced contract or performance monitoring.

(b) This rule does not apply to memorandums of understanding, interagency contracts, interlocal agreements or contracts that do not involve a cost to the commission.

Source Note: *The provisions of this §59.13 adopted to be effective May 30, 2017, 42 TexReg 2827*

RULE §59.14. Educational and Training Assistance

(a) The commission may use state funds to provide education and training for its employees in accordance with the State Employee Training Act (Texas Government Code, §656.104).

(b) The commission's employee education and training program benefits both the commission and the employees participating by:

(1) Preparing for technological, scientific and professional developments;

(2) Increasing work capabilities;

(3) Increasing the number of qualified employees in areas for which the commission has difficulty in recruiting and retaining employees; and

(4) Increasing the competence of commission employees.

(c) The commission's employee education and training program may include:

(1) Mandatory commission-sponsored training required for all employees;

(2) Education related to technical or professional certifications and licenses;

(3) Education and training related to the promotion of employee development;

(4) Employee partially funded external education;

(5) Commission funded external education, including continuing legal education, online courses, and courses not credited towards a degree; and

(6) Other commission sponsored education and training determined by the commission to fulfill the purposes of the State Employee Training Act.

(d) The education or training shall be related to the employee's current duties or prospective job duties within the agency.

(e) Participation in commission assisted education or training program requires the appropriate level of approval prior to participation and is subject to the availability of funds within the commission's budget.

(f) Reimbursement for completing program courses offered by institutions of higher education or private or independent institutions of higher education requires the approval of the Executive Director.

(g) When an employee seeks reimbursement for a training or education program offered by an institution of higher education or private or independent institution of higher education, the commission may only reimburse the tuition expenses or partial expenses for a program course successfully completed by the employee at an accredited institution of higher education.

(h) Commission employees may be required to complete an education or training program related to the employee's duties or prospective duties as a condition of employment.

(i) Commission employees may be required to conduct training for other department employees based on the information or skills learned through an education or training program.

(j) Approval to participate in any portion of the commission's education and training program shall not in any way affect an employee's at-will status or constitute a guarantee or indication of continued employment, nor shall it constitute a guarantee or indication of future employment in a current or prospective position.

(k) Permission to participate in any education and training program may be withdrawn if the commission determines, in its sole discretion, that participation would negatively affect the employee's job duties or performance.

(l) The executive director or designee shall develop policies for administering the employee and education program. These policies shall provide clear and objective guidelines and shall include, at a minimum, the following:

(1) Eligibility requirements for participation;

(2) Approval procedures for participation; and

(3) Obligations of program participants.

Source Note: *The provisions of this §59.14 adopted to be effective September 3, 2018, 43 TexReg 5677*

TITLE 4 AGRICULTURE
PART 2 TEXAS ANIMAL HEALTH COMMISSION
CHAPTER 60 SCRAPIE

RULE §60.1. Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

(1) Accredited Veterinarian--a veterinarian approved by the Commission and the USDA in accordance with the provisions 9 CFR Part 161.

(2) Adjacent Flock--flock of sheep or goats on contiguous property.

(3) Administrator--the administrator of APHIS or any employee of USDA to whom the Administrator has delegated to act for the Administrator.

(4) Animal--a sheep or goat.

(5) APHIS--Animal and Plant Health Inspection Service, an agency of the USDA, or employees thereof.

(6) Approved Laboratory--a diagnostic laboratory approved by the TAHC and the USDA to conduct one or more scrapie tests, or genotype tests.

(7) Approved Test--a test for the diagnosis of scrape that is approved by the Administrator of APHIS for use in the scrapie eradication program or certification program.

(8) Blackfaced Sheep--any purebred Suffolk, Hampshire, Shropshire, or cross thereof, any non-purebred sheep known to have Suffolk, Hampshire, or Shropshire ancestors, and any non-purebred wool sheep of unknown ancestry with a black face. Hair sheep with black or dark faces are not considered to be in this category.

(9) Breed Associations and Registries--organizations that maintain the permanent records of ancestry or pedigrees of animals (including the animal's sire and dam), individual identification of animals, and/or ownership of animals.

(10) Certificate of Veterinary Inspection--a numbered interstate Certificate of Veterinary Inspection or a similar titled document that is a record of veterinary health inspection of one or more animals, issued on an official form by an accredited veterinarian from the state of origin. A Certificate of Veterinary Inspection shall be valid for 30 days following the inspection of the animals.

(11) Commercial Sheep or Goat--any animal from a flock from which animals are moved either directly to slaughter or through slaughter channels to slaughter or any animal that is raised only for meat or fiber production, or for commercial breeding purposes, and is not registered with a sheep or goat registry or used for exhibition.

(12) Commingle, Commingled or Commingling--animals grouped together having physical contact with female animal(s) during or up to 30 days after she (they) lambed, kidded, or aborted, or while visible vaginal discharge was present, including contact through a fence, but not limited contact.

(13) Consistent State--A state listed in 9 CFR 79.1, that the APHIS Administrator has determined as conducting an active State scrapie control program.

(14) Designated Scrapie Epidemiologist--A State or Federal epidemiologist with a knowledge of scrapie epidemiology, and designated by APHIS to make decisions about the use and interpretation of diagnostic tests, field investigation data and the management of scrapie affected flocks.

(15) Destroyed or Destruction--animals that are:

(A) Euthanized by a means other than slaughter and the carcass disposed of by means authorized by the Administrator; or,

(B) in the case of exposed or high-risk animals that are not known to be infected, either euthanized or disposed of by slaughter; or,

(C) moved to a quarantined research facility, if Executive Director of TAHC and Administrator has approved the movement.

(16) Direct Movement to Slaughter--animals that are transported to a facility for slaughter without stop or unloading en route, other than for food and water, during which the animals are not commingled with any other animals.

(17) Epidemiological Investigation--an investigation to determine the risks or presence of a condition affecting a population of animals or animal products.

(18) Exposed Animal:

(A) Any animal that has been in a flock at the same time as a scrapie-positive animal excluding limited contact; or,

(B) any animal born in a flock after a scrapie-positive female animal was born into that flock or lambed in that flock, unless it has been after that flock completes the requirements of a flock plan; or,

(C) any animal that was commingled with a scrapie-positive female during or up to 30 days after she lambed, kidded, or aborted, or while a visible vaginal discharge was present, including during activities such as shows and sales or while in marketing channels; or, any animal in a non-compliant flock

(19) Exposed Flock--any flock in which a scrapie-positive animal was born or lambed. Any flock that currently contains a female high-risk, or suspect animal, or that once contained a female high-risk, or suspect animal that lambed in the flock and from which tissues were not submitted for official testing and found negative. A flock that has competed a post-exposure management and monitoring plan following the exposure will no longer be an exposed flock.

(20) Flock--all animals that are maintained on a single premises and all animals under common ownership or supervision on two or more premises with animal interchange between the premises. Changes in ownership of part or all of a flock do not change the identity of the flock or the regulatory requirements applicable to the flock. The term "flock" shall be interchangeable with the term "herd." More than one flock may be maintained on a single premise if:

(A) the flocks are enrolled as separate flocks in the Scrapie Flock Certification Program.

(B) a State or APHIS representative determines, based upon examination of flock records, that:

(i) no animals have moved between flocks

(ii) the flocks never commingle and are kept at least 30 feet apart at all times or are separated be a solid wall through which contact cannot occur;

(iii) the flocks have separate flock records and identification; the flocks have separate lambing facilities, including buildings and pastures, and a pasture or building used for lambing by one flock is not used by the other flock at any time;

(iv) the flocks do not share equipment without cleaning and disinfection in accordance with the guidelines published in the Scrapie Eradication UM & R standards.

(21) Genetic Risk determined by genotype at codon 171.

(A) High Risk: QQ

(B) No Risk: RR

(C) Low Risk: QR, HR

(22) Flock of Origin--the flock in which an animal most recently resided. The determination that an animal originated in a flock must be based either on the physical presence of the animal in the flock, the presence of official identification on the animal traceable to the flock, the presence of other identification on the animal that is listed on the bill of sale, or other evidence, such as registry records.

(23) Flock Plan--a written management agreement signed by the owner of the flock, the accredited veterinarian, if one is employed by the owner, and a State or APHIS representative in which each participant agrees to undertake actions specified in the flock plan for a flock that contains high-risk or an exposed animal. As part of a flock plan, the flock owner must provide the facilities and personnel needed to carry out the requirements of the flock plan. The flock plan must include the requirements in 9 CFR 54.5.

(24) Goats--Animals of the genus Capra.

(25) High-Risk Animal--

(A) a sexually intact female, that has tested QQ at codon 171 or AA at codon 136.

(B) the progeny of a scrapie-positive dam; or,

(C) born in the same flock during the same lambing season as progeny of a scrapie-positive dam, unless the progeny of the scrapie-positive dam are from separate contemporary lambing groups; or,

(D) born in the same flock during the same lambing season that a scrapie-positive animal was born, or during any subsequent lambing season, if born before that flock completes the requirements of a flock plan; or,

(E) an exposed female sheep that has not tested QR, HR, or RR at codon 171; or,

(F) designated as a high-risk animal by the Designated Scrapie Epidemiologist.

(26) Infected Flock--the flock of origin of a female animal that a representative of the TAHC or USDA has determined to be:

(A) A scrapie-positive animal; or,

(B) A flock that a scrapie-positive animal has resided unless an epidemiological investigation conducted by a representative of the TAHC or USDA shows that the animal did not lamb or abort in the flock.

(C) A flock will no longer be considered an infected flock after it has completed the requirements of the Flock Plan.

(27) Interstate Commerce--trade, traffic, transportation, or other commerce between a place in a State or any place outside of that State, or between points within a State but through any place outside of that State.

(28) Limited Contact--incidental contacts between animal off the flock's premises such as:

(A) at fairs, shows, exhibitions, and sales; or,

(B) between ewes being inseminated, flushed, or implanted; or,

(C) between rams at ram test or collection stations; or,

(D) as determined by the Designated Scrapie Epidemiologist;

(E) do not include any contact, incidental or otherwise, with an animal during or up to 30 days after she has lambed, kidded, or aborted, or when there is any visible vaginal discharge.

(F) do not include any activity where uninhibited contact occurs, such a sharing an enclosure, or residing in other flocks for breeding or other purposes, except as allowed by the Scrapie Flock Certification Program standards. Note: Embryo transfer, artificial insemination equipment, and

surgical tools must be sterilized between animals for these contacts to be considered to be limited contacts.

(29) Live-Animal Screening Test--any test for the diagnosis of scrapie in a live animal that is approved by the APHIS Administrator but not necessarily definitive for diagnosing scrapie, and is conducted in an Approved Laboratory.

(30) Low-Risk Commercial Sheep--animals that are identified with an official eartag that are commercial whitefaced, whitefaced cross, or commercial hair sheep, from a flock with no known risk factors for scrapie, including any exposure to female blackfaced sheep and that are not scrapie-positive, suspect, high-risk, or exposed animals and are not animals from infected, source, or exposed flock. Low-risk commercial sheep may exist in a State where scrapie has not been diagnosed in the previous 10 years in commercial whitefaced, whitefaced cross, or hair sheep that had not commingled with female blackfaced sheep.

(31) Low-Risk Goat--A goat that is not scrapie-positive, high-risk, or exposed, and that has not been commingled with sheep, except low-risk commercial sheep, and/or that is from:

(A) A state in which scrapie has not been identified in a goat during the previous 10 years.

(B) A state in which scrapie has been identified in a goat during the previous 10 years, but the scrapie-positive goat was not born in the state and had resided in the state for less than 72 months and did not kid while in the state; or,

(C) A state in which scrapie has been identified in a goat during the previous 10 years, and the scrapie-positive goat was commingled with sheep, but flock records allowed an epidemiological investigation to be completed and all resulting infected, source, and exposed goat herds have completed flock plans and are in compliance with post-exposure monitoring plans.

(32) National Veterinary Services Laboratories (NVSL)--The National Veterinary Services Laboratories of USDA-APHIS-Veterinary Services, and its cooperating and contract laboratories.

(33) Non-Compliant Flock:

(A) Any source or infected flock whose owner declines to enter into a flock plan or post-exposure management and monitoring plan agreement within 30 days of being so designated, or whose owner is not compliant with either agreement;

(B) Any exposed flock whose owner fails to make animals available for testing within 60 days of notification, or mutually agreed date, or whose owner fails to submit to required postmortem samples;

(C) Any flock whose owner has misrepresented, or who employs a person who has misrepresented, their scrapie status of an animal or any other information on a certificate, permit, owner statement, or other official document within the past 5 years; or,

(D) Any flock whose owner or manager has moved an animal in violation of this chapter within the past 5 years, or who employs a person who has moved an animal in violation of this chapter within the past 5 years.

(34) Official Genotype Test--Any test to determine the genotype of a live or dead animal that is conducted at an Approved Laboratory, when the animal is officially identified and the samples used for the test are collected and shipped to the laboratory by either an accredited veterinarian or a State or USDA representative.

(35) Official Identification--Identification approved by APHIS and TAHC for use in the scrapie eradication program.

(36) Official Test--Any test for the diagnosis of scrapie in a live or dead animal that is approved by the Administrator of APHIS for that use and conducted either at an approved laboratory or at the NVSL.

(37) Owner--a person, partnership, company, corporation, or any other legal entity which has legal or rightful title to animals, whether or not they are subject to a mortgage, or his or her agent.

(38) Permit--The VS Form 1-27, an official document issued in connection with interstate movement of animals, that is issued by an APHIS or TAHC representative, State representative, or an accredited veterinarian authorized to sign the permit. The permit lists:

(A) Owner's name and address

(B) Points of origin and destination

(C) Number of animals in the consignment

(D) Purpose of the movement

(E) Statement of whether the animals are scrapie-positive, high-risk, exposed, or scrapie suspect

(F) The license number of the transporting vehicle.

(G) The seal number (if the shipment is under seal)

(H) Official identification numbers (individual or premise) Note: This definition does not pertain to the movement of healthy unexposed animals.

(39) Post-Exposure Management and Monitoring Plan--A written agreement signed by the owner of the flock, an accredited veterinarian employed by the owner, and a State or APHIS representative in which each participant agrees to undertake actions specified in the agreement to monitor for the occurrence of scrapie in the flock for at least 5 years after the last high-risk or scrapie-positive animal is removed from the flock or after the last exposure of the flock to a scrapie-positive animal, unless otherwise specified by a State or APHIS representative. The flock owner must provide the facilities and personnel needed to carry out the requirements of the plan. The plan must include the requirements specified in 9 CFR 54.8.

(40) Premises Identification Eartag--An identification eartag approved by the TAHC and APHIS as being sufficiently tamper-resistant for the intended use and providing unique identification for each premise of origin (officially assigned premise identification number.

(41) Program--The cooperative State-Federal-Industry program administered by APHIS and Consistent States to control and eradicate scrapie.

(42) Scrapie--A non-febrile, transmissible insidious degenerative disease affecting the central nervous system of sheep and goats.

(43) Scrapie Control Pilot Project--A pilot project authorized by the APHIS and TAHC in writing, designed to test or improve program procedures or to facilitate research, in order to control and eradicate scrapie.

(44) Scrapie Eradication Program--The cooperative State-Federal program administered by APHIS and Consistent States to control and eradicate scrapie.

(45) Scrapie Eradication Uniform Methods and Rules (UM&R)--Cooperative procedures and standards adopted by APHIS and Consistent States for controlling and eradication scrapie.

(46) Scrapie Flock Certification Program:

(A) a voluntary State-Federal-Industry cooperative effort established and maintained to reduce the incidence and spread of scrapie, and which contributes to the eventual eradication of scrapie; and,

(B) a monitoring program to identify individual flocks that have been free of evidence of scrapie over specified time periods.

(47) Scrapie Flock Certification Program Standards--Cooperative procedures and standards adopted by State and APHIS scrapie certification boards for reducing the incidence and spread of scrapie, and to identify flocks which have not exhibited clinical signs of scrapie over specified periods of time.

(48) Scrapie-Positive Animal--An animal for which a diagnosis of scrapie has been made by the NVSL or another laboratory authorized by the Administrator to conduct official scrapie tests in accordance with 9 CFR 54, through:

(A) histopathological examination of central nervous system (CNS/brain stem) tissues from an animal with characteristic microscopic lesions of scrapie; or,

(B) the use of protease-resistant protein analysis methods including but not limited to live or dead animal for which a given method has been approved by the Administrator and TAHC on that tissue; or,

(C) bioassay (inoculation of laboratory animals for the diagnosis of infection); or,

(D) scrapie associated fibrils (SAF) detected by electron microscopy; or,

(E) any other test method approved by the Administrator in accordance with 9 CFR 54.10.

(49) Sheep--Animals of the genus Ovis.

(50) Slaughter Channels--Animals in slaughter channels include any animal that is sold, transferred, or moved either:

(A) Directly to a slaughter facility; or,

(B) To an individual for custom slaughter; or,

(C) For feeding for the express purpose of improving the animals' condition for movement to slaughter.

(51) Source Flock--A flock in which a TAHC or APHIS representative has determined that at least one animal was born that was diagnosed as a scrapie-positive animal at the age of 72 months or less. The determination that an animal was born in a flock must be based on either:

(A) the presence of official identification on the animal that is traceable to the flock; or,

(B) the presence of other identification on the animal that is listed on the bill of sale; or,

(C) registry records showing that the scrapie-positive animal originated from the flock

(52) State -Texas, or any of the 50 States, the District of Columbia, the Northern Mariana Island, Puerto Rico, and all territories or possessions of the United States.

(53) State Representative--An individual employed in animal health activities by the TAHC, or that is authorized by the State of Texas to perform functions related to the Program.

(54) Suspect Animal:

(A) An animal exhibiting clinical signs of scrapie and that has been determined to be suspicious for scrapie by an accredited veterinarian or a State or APHIS representative:

(i) weight loss despite retention of appetite

(ii) behavioral abnormalities

(iii) pruritis (excessive itching)

(iv) wool pulling

(v) biting at legs or flanks

(vi) lip smacking

(vii) motor abnormalities such as incoordination:

(I) high-stepping gait of forelimbs,

(II) bunny hop movement of rear legs,

(III) swaying of back end.

(viii) increased sensitivity to noise and sudden movement

(ix) tremors

(x) head pressing

(B) An animal that has tested positive for scrapie or for the prion protein associated with scrapie on the live animal screening test, or any other test, unless the animal is designated as a scrapie-positive animal.

(C) An animal that has had a suspicious or inconclusive test result on an official live-animal test for scrapie.

(55) Terminal Feedlot:

(A) A dry lot approved by a State or APHIS representative or an accredited veterinarian authorized to perform this function where the animals are separated from all other animals by at least 30 feet at all times or are separated by a solid wall through, over, or under which fluids cannot pass and contact cannot occur and from which animals are moved only to another terminal feedlot or to slaughter; or,

(B) A pasture approved by a State or APHIS representative or an accredited veterinarian in which only non-pregnant animals are permitted, where there is no direct fence-to-fence contact with another flock, and from which animals are moved only to another terminal feedlot or directly to slaughter.

(56) TAHC--Texas Animal Health Commission, or representatives thereof.

(57) USDA--United States Department of Agriculture, APHIS, ARS, or representatives thereof

Source Note: The provisions of this §60.1 adopted to be effective September 1, 2002, 27 TexReg 8183

RULE §60.2. Animal Identification and Record Keeping

(a) The following classes of sheep and goats shall be identified using official identification eartags and applied before they are moved from the farm for intrastate or interstate commerce, exhibition, or to be commingled with animals from other farms.

(1) Animals to be identified:

(A) All sheep 18 months of age and older

(B) All breeding sheep regardless of age

(C) Sexually intact show or exhibition animals

(D) All breeding goats, except low risk goats

(E) If the animals are registered, an acceptable alternative to premise identification eartag is the registration tattoo when the animal(s) are accompanied by the registration papers.

(F) All exposed, Scrapie-positive, suspect, test-positive, and high-risk animals

(2) Wethers or commercial goats that haven't had contact with sheep, are exempt from identification requirements.

(b) Animals shall be identified with premises identification prior to commingling with animals from other farms.

(c) Issuance of premises identification numbers:

(1) The TAHC will issue a premises identification number to each sheep and goat owner upon request. The premises identification will consist of the State Postal abbreviation (TX) followed by up to five alphanumeric digits.

(2) Livestock auction markets, slaughter establishments, and owner agents (such as agriculture science instructors, veterinarians, and Texas Cooperative Extension Agents representing 4 H clubs) may also request and receive premises identification.

(d) Official identification:

(1) Only USDA provided or approved tags shall be used.

(2) Premises eartags shall not be removed, and required records must be maintained (see 60.2 (e)).

(3) If the animals are registered, an acceptable alternative to an official eartag is the registration tattoo when the animal(s) are accompanied by the registration papers.

(e) Eartag application and associated record keeping is the responsibility of any person handling animals under this regulation. Animals do not need to be retagged unless previous tag is lost. Records shall be maintained on all retagged animals.

(f) Record Keeping:

(1) General Requirements:

(A) For the purpose of officially identifying animals that are changing ownership, the person acquiring the animals may act as an agent for the person disposing of or selling these animals. Each person who buys or sells sheep or goats covered under this regulation for his or her own account, or as the agent of the buyer or seller, transports, receives for transportation, offers for sale or transportation, or otherwise handles sheep or goats must insure that the animals are identified as required and must maintain records relating to the transfer of ownership, shipment, or handling of said animals such as auction market drive-in documents, yarding receipts, sale tickets, invoices and waybills.

(B) Animals that lose their official identification may be retagged, provided that all possible flocks of origin are listed in the record describing the new identification that is applied. Persons who buy or sell animals that are required to be officially identified must identify the animals if not already officially identified and must maintain records as described in paragraph (3) of this subsection.

(C) Said records shall be maintained for a minimum of five years after transaction or transport takes place by the person(s) stipulated in (A).

(D) Said records shall be made available to State or APHIS representatives, or an authorized accredited veterinarian, upon request.

(E) Premises identification numbers on scrapie suspect, positive, exposed, and high risk animals shall be recorded on VS form 5-20, or other acceptable documents, and forwarded to the Designated Scrapie Epidemiologist.

(2) Information required of persons applying, or recording, premises identification numbers prior to movement, or sale, of animals from the premises.

(A) Date officially identified

(B) Date of movement

(C) Number of animals identified

(D) Premises number applied

(E) If born after January 1, 2002:

(i) If not already identified to the flock of birth, insert premises eartag of current owner and record the name and address of the owner of the flock of birth with the individual animal identification number on the premises identification number.

(ii) If bearing that premises identification number was applied at the flock of birth, that premises identification number, and (if known) the name and address of the flock of birth shall be recorded.

(3) Records required of persons who acquire or who sell or dispose of animals.

(A) following records:

(i) The number of animals acquired.

(ii) The date of purchase or acquisition.

(iii) The name and address of the person, or market, from whom the animals were purchased or otherwise acquired.

(iv) The species and breed or class of animal.

(B) Persons who sell or dispose of sheep or goats must maintain the following records:

(i) The number of animals sold or disposed of.

(ii) The date of sale.

(iii) The name and address of the buyer or person who acquired the animals.

(iv) The species and breed or class of animal.

(4) Records required of persons (such as accredited veterinarians, markets, dealers, or agents) who apply premises identification that is not assigned to the

owner of the premises of origin must record the following information (eartags do not have to be applied in animals already bearing premises identification) and maintained for a minimum of 5 years: For animals without official identification.

(A) The date tagged.

(B) The number of sheep and the number of goats identified.

(C) The serial numbers applied.

(D) The name and address of the owner of the flock of origin.

(E) If the person who currently owns the animals is different from the owner of the flock of origin or birth, the current owner's name and address.

(F) If the owner of the flock of birth is different from the owner of the flock of origin, and if the animals were born after January 1, 2002, the name and address of the owner of the flock of birth if known.

(5) Records required of persons overseeing terminal feedlots:

(A) Must be maintained for a minimum of 5 years after the animal leaves the feedlot

(B) Shall include the name and address of the person consigning the animal to the feedlot

(C) Shall include the name and address of the slaughter establishment to which the animal is consigned

(D) These records must be made available, upon request, to a TAHC or APHIS representative.

Source Note: *The provisions of this §60.2 adopted to be effective September 1, 2002, 27 TexReg 8183*

RULE §60.3. Interstate Movement of Sheep and Goats into Texas

All sheep and goat must meet the requirements contained in §51.11 and §51.12 of this title (relating to Entry Requirements).

Source Note: *The provisions of this §60.3 adopted to be effective September 1, 2002, 27 TexReg 8183; amended to be effective March 16, 2005, 30 TexReg 1443*

RULE §60.4. Monitoring and Surveillance

(a) Scrapie Flock Certification Program-Producers have the opportunity to enroll their flock in this TAHC-APHIS sponsored program through to certify their flock free of scrapie. Standards include:

(1) Flocks are monitored for a period of five years for the presence of clinical signs of scrapie, to achieve "Certified Free" status.

(2) All animals one year of age and older are officially identified with a tamper resistant premise and individual identification eartag or at less than 12 months of age if a change of ownership occurs.

(3) Flock owner shall immediately report animals displaying clinical signs suspicious of scrapie to his/her veterinarian or an APHIS or TAHC representative who will conduct an investigation. The owner shall sacrifice suspicious animals for appropriate histopathological testing when requested.

(4) Owner shall maintain records on all acquisitions, departures, movements, births, and account for all deaths in the flock.

(5) Owner shall allow breed associations, livestock markets, and slaughter facilities to disclose records to TAHC and/or APHIS representatives if necessary.

(6) Owner shall provide necessary facilities and personnel to assist in inspections and examination of the flock to:

(A) verify animal identification; and,

(B) check for clinical signs consistent with scrapie; and,

(C) check records for completeness and accuracy.

(7) Owner shall report to the State Certification Board all acquisitions of sheep from flocks with lower status or from flocks not participating in the program.

(b) Farm, slaughter, and market surveillance.

(1) Disposition of suspicious animals at the market or on the farm:

(A) Clinically suspect and test-positive animals may not be moved from the premises where identified except under permit to a research facility designated by TAHC or APHIS, to a site for destruction, or, when appropriate, back to the flock of origin under hold order.

(i) An investigation will be conducted on the animal and the flock of origin.

(ii) The animal may be purchased for diagnostic purposes and necropsied, or maintained under hold order until it recovers and is released, or dies and is subjected to a postmortem examination.

(B) Clinically suspect animals identified at slaughter facilities must be condemned according to Food Safety and Inspection Service (FSIS) regulations, and samples collected for diagnosis and the carcass removed from the food chain.

(2) A random sampling of animals at slaughter will be conducted to identify scrapie-infected flocks.

(c) Live animal surveillance testing: TAHC or APHIS representatives may conduct live animal sampling on high-risk animals. Restrictions on the flock will remain until all high-risk animals have been tested negative when they die or are culled from the flock.

Source Note: *The provisions of this §60.4 adopted to be effective September 1, 2002, 27 TexReg 8183*

RULE §60.5. Management of Affected and Source Flocks, and Exposed, High-Risk, and Suspect Animals

(a) All flocks determined to be infected (as per definition of a scrapie positive animal in 60.1) shall be placed under quarantine.

(1) All animals and the flock shall be identified.

(A) Red tags for positive or QQ animals.

(B) White tags for all other animals.

(2) The following options shall be offered to the owner.

(A) Standard flock plan

(B) Pilot project flock plan

(C) Post-exposure, management, and monitoring flock plan

(D) Complete depopulation of the flock with indemnity (while funds are available)

(E) Flocks whose owners decline the options listed in subparagraphs (A)-(D) of this paragraph will be designated as non-compliant and remain under quarantine until the requirements for quarantine release are met.

(b) All flocks containing animals suspicious of scrapie, and source flocks, will be placed under hold order and investigated pending final determination:

(1) Scrapie suspect animals and animals suspected of other neurological or chronic debilitating disease are required to be made available for destruction (depending on the decision of the Designated Scrapie Epidemiologist) so that diagnostic specimens can be collected and submitted to an APHIS approved laboratory for diagnostic purposes.

(2) The Designated Scrapie Epidemiologist for any of the following reasons may remove the suspect designation, of animals reported as positive on the live animal test:

(A) If the animal is not showing clinical signs of scrapie, is over 18 months of age, is negative on the third eyelid test, and is RR at the 171 codon on the genotype test; or,

(B) An epidemiological investigation shows the animal is not likely to be infected and the third eyelid test cannot be done due to lack of sufficient tissue; or,

(C) The animal is purchased for diagnostic purposed, is sacrificed, and is negative on the histopathological tests conducted on tissues submitted.

(3) Require removal of the following animals

(A) Offspring of positives regardless of genotype

(B) Suspects - i.e., animals showing clinical signs or that are positive on an unofficial test

(C) Scrapie positive animals

(D) Female goats

(E) QQ sheep unless exempted and maintained as described in paragraph (4)(E) of this subsection

(4) Cleanup options

(A) Full flock depopulation - they must either do full genotype plan or take full depopulation, we will allow them to pick and choose QR and RR sheep to keep.

(B) Genotype the flock.

(C) Retain RRs only. (There was some concern about paying indemnity for QR animals.) Require an enhanced basis PEMMP which would be reviewed annually.

(D) Retain RRs and QRs. Follow with enchanted basic PEMMP.

(E) Retain RRs, QRs and some QQs under the following conditions:

(i) All QQ sheep are quarantined to premise or move by VS 1-27 to slaughter only and arrangements must be made for them to be sampled for testing at slaughter, culling or death.

(ii) Keep QQ sheep only if they have negative third eyelid tests (APHIS pays for one test on each QQ sheep, owner is responsible for additional tests).

(iii) Full PEMMP as defined in 9 CFR plus the requirements listed here for 5 years after the last positive animal is removed or until all of the original QQs have been removed which ever is longer.

(iv) Use double tested RR bucks on entire flock i.e. male animals must be castrated, removed to another premises or tested twice as RR before they reach sexual maturity. Owner could use a QR ram but would be required to genotype the offspring, the first year APHIS would pay for testing, subsequent years would be at owners' expense. (This will allow producers additional time to find a RR ram.)

(v) QQ sheep will be identified with two forms of ID, one of which will be an official ear tag or APHIS assigned tattoo in the case of animals that can not retain an ear tag.

(vi) QR, HR, or RR genotype of animals sold for breeding purposes must be documented using an official ID and test document or retested at owners' expense prior to sale.

(vii) The DSEs determination, based on low scrapie prevalence in flock and adequate management and facilities, that theses retained animals poses a minimal risk.

(viii) Establish separate flock with separate equipment for QQ animals.

(ix) Require proper lambing hygiene.

(c) High-risk animals in other flocks that have been traced out of source or infected flocks will be placed under quarantine until depopulated and tested or the Designated Scrapie Epidemiologist makes another determination.

(d) Exposed animals will be placed under hold order and a post-exposure management and a monitoring plan formulated. The Designated Scrapie Epidemiologist will determine the final disposition of the animals.

Source Note: *The provisions of this §60.5 adopted to be effective September 1, 2002, 27 TexReg 8183*

RULE §60.6. Requirements for Flock Plans, Post-Exposure, Pilot Project Flock Plans and Monitoring Flock Plans

(a) The flock owner or his or her agent shall identify all animals 1 year of age and older within the flock. All animals less than one year of age shall be identified with an approved tamper resistant premises identification eartag with individual animal identification when a change of ownership occurs, with the exception of animals under 1 year in slaughter channels.

(1) Infected or QQ animals identified with Red tags

(2) All others identified with White or Silver Tags.

(b) Upon request by TAHC or APHIS, the owner of the flock shall allow an accredited veterinarian or an APHIS or TAHC representative to collect tissues from animals for scrapie diagnostic purposes and submit them to an APHIS approved laboratory.

(c) Upon request by a TAHC or APHIS representative, the owner of the flock shall present animals in the flock, and the required records, for inspection and testing.

(d) The owner of the flock shall meet TAHC or APHIS requirements to monitor for scrapie, prevent its recurrence, and prevent its spread to other flocks. These include, but are not limited to:

(1) Utilization of a live-animal test;

(2) Restrictions on animals removed from the flock;

(3) Segregated lambing;

(4) Cleaning and disinfection of lambing facilities; and/or,

(5) Education of the flock owner, and personnel, to recognize clinical signs of scrapie and control its transmission.

(e) The flock owner shall immediately report animals exhibiting the following clinical signs to a TAHC or APHIS representative, or an accredited veterinarian, and shall not remove such animals from the flock:

(1) weight loss despite retention of an appetite

(2) pruritis (itching)

(3) motor abnormalities such as incoordination

(4) wool pulling

(5) biting at the legs or flanks

(6) lip smacking

(7) high stepping gait of forelimbs

(8) bunny hop movement of rear legs

(9) swaying of the back end

(10) increased sensitivity to noise and sudden movement

(11) tremor

(12) head pressing

(13) or, animals that have tested positive for scrapie on a live animal screening test or any other test for scrapie.

(f) The following are for flock plans only:

(1) An epidemiological investigation must be conducted to identify high-risk an exposed animals that currently reside in the flock or that previously resided in the flock, and all high-risk animals, scrapie-positive animals and suspect animals must be removed from the flock. The animals must be removed to an approved research facility, or by euthanasia and disposal of the carcasses by burial, incineration, or by other approved methods.

(2) The premises under the flock plan must be cleaned and disinfected (C & D'd) in accordance with 9 CFR 54.7.

(3) Premises, or a portion of the premises, may be exempted from the cleaning and disinfection if the Designated Scrapie Epidemiologist determines, based on epidemiological investigation that the C & D of such buildings, holding facilities, conveyances, or other material on the premises will not significantly reduce the risk of transmission of scrapie. No facility where a scrapie-positive animal lambed or aborted may be exempted.

(4) The flock owner shall request breed associations and registries, livestock markets, and packers to disclose records to TAHC or APHIS representatives to be used to identify trace-ins and trace-outs, source flocks and exposed and high-risk animals.

(5) The flock owner shall agree to conduct post-exposure management and monitoring.

(g) The following are the requirements for post-exposure management and monitoring plans only. The plan requires that a TAHC or APHIS representative inspect the flock and flock records at least every 12 months. The flock owner shall maintain records for 5 years following removal of the animals from the flock. Recorded shall include:

(1) Any identifying marks or tags present on the animal, including but not limited to the premises identification number, individual animal identification number, and any secondary form of identification the owner may employ;

(2) Sex, year of birth, breed, and (when possible) the sire, dam, and offspring of the animal;

(3) Date of acquisition and the previous flock owner and address, if the animal was not born in the flock; and,

(4) Disposition of the animal, including the date and cause of death, if known, or date of removal from the flock and name and address of the person to whom the animal was transferred.

(h) Flock plans and post-exposure management and monitoring plans may be modified by the Designated Scrapie Epidemiologist to accommodate the situation of a particular flock if the modified plan requires:

(1) A TAHC or APHIS representative inspect the flock and records at least once every 12 months;

(2) The animals are tested at a level that will result in a 99% confidence of detecting a one-percent prevalence in the flock (for flock plans only);

(3) Identification by approved method of all animals leaving the premises of the flock, for purposes other than slaughter, and of all animals over 18 months of age (as evidenced by the eruption of the second incisor) in slaughter channels; and,

(4) Record keeping shall include:

(A) For acquired animals, the date of acquisition, name and address of the person from whom the animal was acquired, and all identification.

(B) For animals leaving the premises of the flock, the disposition of the animal, including those animals that are required to be identified, any identifying marks, and all identification, the date and cause of death, if known, or date of removal from the flock, and name and address of the person to whom the animal was transferred.

(5) Continued for at least 5 years.

(i) Post-exposure management and monitoring plans are for exposed flocks that were not source flocks and in which a scrapie infected animal did not give birth. A Designated Scrapie Epidemiologist shall determine the testing and monitoring requirements for these flocks based on the exposure risk of the individual flock.

(j) Waiver of requirements for scrapie control pilot projects is allowable if approved by the Administrator of APHIS and the state has a Pilot Project MOU in place.

(k) Minimum Requirements for Pilot Project Flock Plans:

(1) Restriction of high-risk animals to the premises for movement to slaughter only;

(2) Necropsy and testing of all animals over 14 months of age that die, particularly high-risk animals;

(3) Third eye-lid testing of all exposed animals over 14 months of age, or when they reach 14 months of age;

(4) Retest of all test eligible animals 18 months after the last known exposure to scrapie;

(5) Removal of all test-positive animals;

(6) Restrictions on the movements of other animals out of the flock except to slaughter unless testing or other methods have been used to insure that they are low risk for spreading scrapie; and,

(7) Genotype testing for use as a selection criteria.

(8) Removal of all QQ animals.

(9) May keep QR and RR animals.

(10) Purchase of RR ram(s).

Source Note: *The provisions of this §60.6 adopted to be effective September 1, 2002, 27 TexReg 8183*

RULE §60.7. Exhibition Requirements

(a) Official premises identification is required for sexually intact sheep to be exhibited. For goats, the registration tattoo may be used in lieu of the eartag if the registration papers are in accompaniment of the animals.

(b) All female animals over 12 months of age (as evidenced by the eruption of the first pair of incisors) shall be penned separately from animals from different flocks. All animals enrolled in the Scrapie Flock Certification Program shall be handled in such a way that direct contact does not occur with animals from other flocks of lower status. Spacing or solid partitions may be used to maintain separation.

(c) If sheep or goats within 30 days pre- or post-parturition, or have a vaginal discharge, are allowed to show, special arrangements shall be made to keep them separate from animals from different flocks and in an area that can and will be properly disinfected, in accordance with 9CFR 54.7.

Source Note: *The provisions of this §60.7 adopted to be effective September 1, 2002, 27 TexReg 8183*

Attached Graphics

Figure: 4 TAC §351.(38)

Figure: 4 TAC §35.2(b)(2)(A)

Test Interpretation	Non-Strain 19 Vaccinated	Strain 19 Vaccinated
Negative	1 + 1:10 or lower	1 + 1:10 or lower
Suspect	2 + 1:10 through 2 + 1:20	2 + 1:10 through 4 + 1:20
Reactor	2 + 1:20 or higher	1 + 1:40 or higher

Degree of fixation of complement: 1 + = 25%; 2 + = 50%; 3 + = 75%; 4 + = 100%

Figure: 4 TAC §35.2(b)(2)(B)

Manual CF Test

Code	Test Result	Code	Test Result
01	1+ @ 1:5	41	1+ @ 1:40
02	2+ @ 1:5	42	2+ @ 1:40
03	3+ @ 1:5	43	3+ @ 1:40
04	4+ @ 1:5	4	4+ @ 1:40
05	Neg @ 1:5	81	1+ @ 1:80
10	Neg @ 1:10	82	2+ @ 1:80
11	1+ @ 1:10	83	3+ @ 1:80
12	2+ @ 1:10	84	4+ @ 1:80
13	3+ @ 1:10	X1	1+ @ 1:160
14	4+ @ 1:10	X2	2+ @ 1:160
21	1+ @ 1:20	X3	3+ @ 1:160
22	2+ @ 1:20	X4	4+ @ 1:160
23	3+ @ 1:20	AC	Anticomplementary
24	4+ @ 1:20		

Figure: 4 TAC §35.2(b)(3)(A)

Test Interpretation	Non-Strain 19 Vaccinated	Strain 19 Vaccinated
Negative	Negative @ 1:25	Negative @ 1:25 however, within 5 months after adulthood vaccination of cattle or bison, a positive titer at 1:50 or lower is considered to be negative
Suspect	Non applicable	Positive @ 1:25 to Positive @ 1:50 provided the CF test if performed and is interpreted as Negative or Suspect
Reactor	Positive @ 1:25 or higher	Positive @ 1:25 or higher provided the CF test is not performed or when the CF test result is interpreted as a Reactor, or Positive at 1:100 or higher on the Rivanol test regardless of CF test results

Figure: 4 TAC §35.2(b)(3)(B)

Rivanol Test

Code	Test Result
0	Negative @ 1:25
2	Positive @ 1:25
4	Positive @ 1:50
6	Positive @ 1:100
8	Positive @ 1:200

Figure: 4 TAC §35.2(b)(7)

Interpretation of STT and SPT Results

Test Results			Non-Strain 19 Vaccinated	Strain 19 Vaccinated
1:50	1:100	1:200		
-	-	-	Negative	Negative
I	-	-	Suspect	Negative
+	-	-	Suspect	Negative
+	I	-	Suspect	Suspect
+	+	-	Reactor	Suspect
+	+	I	Reactor	Suspect
+	+	+	Reactor	Reactor

(- equals No Agglutination; I equals Incomplete Agglutination; + equals Complete Agglutination)

Figure: 4 TAC 35.42(a)(2)

S/N Value	**Interpretation**
<.50	Reactor
.51-.70	Suspect
>.70	Negative

Figure: 4 TAC 35.42(a)(3)

Agglutination	**Dilution**	**Interpretation**
None	<1:25	Negative
Incomplete	1:25	Negative
Complete	>1:25	Reactor

Figure: 4 TAC §35.61(b)(2)(A)

Test Results	Test Interpretation
1+1:10 or lower	**Negative**
2+1.10 through 2+ 1.20	**Suspect**
2+1.20 or higher	**Reactor**

Degree of fixation of complement: 1+ = 25%; 2+ = 50%; 3+ = 75%; 4+ = 100%

Figure: 4 TAC §35.61(b)(2)(B)

Manual CF Test

Code	Test Result	Code	Test Result
05	Neg @ 1:5	82	2+ @ 1:80
11	1+ @ 1:10	83	3+ @ 1:80
12	2+ @ 1:10	84	4+ @ 1:80
13	3+ @ 1:10	161	1+ @ 1:160
14	4+ @ 1:10	162	2+ @ 1:160
21	1+ @ 1:20	163	3+ @ 1:160
22	2+ @ 1:20	164	4+ @ 1:160
23	3+ @ 1:20	AC	Anticomplementary
24	4+ @ 1:20		
41	1+ @ 1:40		
42	2+ @ 1:40		
43	3+ @ 1:40		
44	4+ @ 1:40		
81	1+ @ 1:80		

Figure: 4 TAC §35.61(b)(3)

Interpretation of STT and SPT Results

Test Results			**Test Interpretation**
1:50	**1:100**	**1:200**	
-	**-**	**-**	**Negative**
I	**-**	**-**	**Suspect**
+	**-**	**-**	**Suspect**
+	**I**	**-**	**Suspect**
+	**+**	**-**	**Reactor**
+	**+**	**I**	**Reactor**
+	**+**	**+**	**Reactor**

(- equals No Agglutination; I equals Incomplete Agglutination;

+ equals Complete Agglutination)

Figure: 4 TAC §35.61(b)(4)

Test Results	Test Interpretation
S/N values greater than 0.6	**Negative**
S/N values less than or equal to 0.6 and greater than 0.3	**Suspect**
S/N values less than or equal to 0.3	**Reactor**

Figure: 4 TAC §35.81(c)(2)

Interpretation of standard plate agglutination (SPT) test results

Test Results			Test Interpretation
1:50	1:100	1:200	
-	-	-	Negative
I	I	-	Suspect
+	I	-	Suspect
+	+	+/-	Reactor

Key: - = no agglutination; I = incomplete agglutination; + = complete agglutination

Figure: 4 TAC §35.81(c)(3)

Interpretation of manual complement fixation test results

Test Results	Test Interpretation
1+ 1:10 or lower	Negative
2+ 1:10, but less than 2+ 1:20	Suspect
2+ 1:20 or higher	Reactor

Key to degree of fixation of complement: 1 + = 25%; 2 + = 50%; 3 + = 75%; 4 + = 100%

Figure: 4 TAC §35.81(c)(4)

Interpretation of rivanol test results

Test Results	Test Interpretation
I 1:25 or lower	Negative
Not Applicable	Suspect
+ 1:25 or higher	Reactor

Key: I = incomplete agglutination; + = complete agglutination

Figure: 4 TAC §35.81(c)(5)

Interpretation of PCFIA test results

Test Results	Test Interpretation
S/N values greater than .6	Negative
S/N values less than or equal to 0.6 and greater than 0.3	Suspect
S/N values less than or equal to 0.3	Reactor

Figure: 4 TAC §41.8(1)(C)(iii)

QUARANTINE SCHEDULE FOR INFESTED AND EXPOSED PREMISES

North of Highway 90

Date of Pasture Vacation or Systematic Treatment		Date of Pasture Release	
August	16 - 31	June	16 - 30
September	1 - 30	July	1 - 31
October	1 - 31	August	1 - 31
November	1 - 30	September	1 - 30
December	1 - 31	September	30
January	1 - 31	September	30
February	1 - 28	September	30
March	1 - 31	September	30
April	1 - 30	October	1 - 31
May	1 - 31	November	1 - 31
June	1 - 15	December	1 - 15

June 16 - **August** 15

	June														
V	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
R	16	19	22	25	28	31	3	6	9	12	15	18	21	24	27
	December						**January**								

	July														
V	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
R	30	2	5	8	11	14	17	20	23	26	1	4	7	10	13
	Jan	**February**									**March**				

	July															
V	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
R	17	20	23	26	29	1	4	7	10	13	16	19	22	25	28	1
	March					**April**										**May**

	August														
V	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
R	4	7	10	13	16	10	22	25	28	31	3	6	9	12	15
	May										**June**				

V - Date Vacated R - Date Released

Fever tick eradication activity must be started within two weeks from the time fever tick infestation or exposure is found and reported to the owner or his agent, unless otherwise prescribed by the Texas Animal Health Commission.

Date of Systematic Treatment is first treatment of all livestock with no cattle fever ticks found on scratch inspection.

QUARANTINE SCHEDULE FOR INFESTED AND EXPOSED PREMISES

South of Highway 90

Date of Pasture Vacation or Systematic Treatment		Date of Pasture Release	
August	1 - 31	May	1 - 31
September	1 - 30	June	1 - 30
October	1 - 31	July	1 - 31
November	1 - 30	August	1 - 31
December	1 - 31	September	1 - 30
January	1 - 31	September	30
February	1 - 28	September	30
March	1 - 31	September	30
April	1 - 30	October	1 - 31
May	1 - 31	November	1 - 31
June	1 - 15	December	1 - 15

June 16 - **July** 31

	June														
V	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
R	16	19	22	25	28	31	3	6	9	12	15	18	21	24	27
	December						**January**								

	July														
V	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
R	30	2	5	8	11	14	17	20	23	26	1	4	7	10	13
	Jan	**February**									**March**				

	July															
V	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
R	17	20	23	26	29	1	4	7	10	13	16	19	22	25	28	1
	March					**April**										**May**

V - Date Vacated R - Date Released

This eradication activity must be started within two weeks from the time tick infestation or exposure is found and reported to the owner or his agent, unless otherwise prescribed by the Texas Animal Health Commission.

Date of Systematic Treatment is first treatment of all livestock with no cattle fever ticks found on scratch inspection.

Figure: 4 TAC §43.20

APPENDIX I

NUMBER OF ANIMALS TO BE INSPECTED IN INDIVIDUAL HERDS – monitored herd plan for Cervidae

HERD SIZE	# ANIMALS TO BE INSPECTED PER HERD, PER YEAR	# ANIMALS TO BE INSPECTED DURING A 3 YEAR PERIOD
10	2	6
20	4	12
30	6	18
40	8	24
50	10	30
100	20	60
200	40	120
300	48 to 49	145
400	50	150
500	51	153
1,000	56	168
1,500	58 to 59	175
1,700	59 to 60	178

APPENDIX 2

NUMBER OF ANIMALS TO BE SURVEYED IN INDIVIDUAL HERDS – surveyed herd plan for Cervidae

HERD SIZE	# ANIMALS TO BE SURVEYED PER HERD, PER YEAR	# ANIMALS TO BE SURVEYED DURING A 3 YEAR PERIOD
10	1 to 2	5
20	3 to 4	10
30	5	15
40	6 to 7	20
50	8 to 9	25
100	16 to 17	50
200	33 to 34	100

300	40	120
400	41 to 42	125
500	42 to 43	128
1,000	46 to 47	140
1,500	48 to 49	146
1,700	49 to 50	148

Figure: 4 TAC §43.22(b)(1)

APPENDIX I

NUMBER OF ANIMALS TO BE INSPECTED IN INDIVIDUAL HERDS – monitored herd plan for Cervidae

HERD SIZE	# ANIMALS TO BE INSPECTED PER HERD, PER YEAR	# ANIMALS TO BE INSPECTED DURING A 3 YEAR PERIOD
10	2	6
20	4	12
30	6	18
40	8	24
50	10	30
100	20	60
200	40	120
300	48 to 49	145
400	50	150
500	51	153
1,000	56	168
1,500	58 to 59	175
1,700	59 to 60	178

APPENDIX 2

NUMBER OF ANIMALS TO BE SURVEYED IN INDIVIDUAL HERDS – surveyed herd plan for Cervidae

HERD SIZE	# ANIMALS TO BE SURVEYED PER HERD, PER YEAR	# ANIMALS TO BE SURVEYED DURING A 3 YEAR PERIOD
10	1 to 2	5
20	3 to 4	10
30	5	15
40	6 to 7	20
50	8 to 9	25
100	16 to 17	50

200	33 to 34	100
300	40	120
400	41 to 42	125
500	42 to 43	128
1,000	46 to 47	140
1,500	48 to 49	146
1,700	49 to 50	148