

CHAPTER 38. TRICHOMONIASIS

4 TAC §§38.1 - 38.3

The Texas Animal Health Commission (Commission) proposes amendments to §38.1, concerning Definitions, §38.2, concerning General Requirements and §38.3, concerning Infected Bulls and Herds.

Bovine Trichomoniasis (aka trichomoniasis or trich) is a venereal disease of cattle caused by the protozoa *Trichostrongylus axei* (*T. axei*). Control of *T. axei* in an infected herd includes testing bulls and culling those infected. A Trichomoniasis (Trich) Working Group (TWG) met on September 26, 2008, to provide recommendations to the Commission on the components and implementation strategy for a Trichomoniasis Control Program for the State of Texas. The members were in agreement with the goal and a control program was implemented on January 1, 2010.

The Trichomoniasis Working Group met again on May 12, 2010, to evaluate the recently implemented Trichomoniasis Program. The group discussed educational outreach, program overview to date, the management of infected herds, as well as to consider rule changes.

The group wanted to make virgin certificates be valid for the same length of time as test charts, as well as transferable within the same time frame. The Commission concurred and has added to the definition of the certificate that they are valid for sixty (60) days. Also, the certificates may be transferred with the original signature of the reconsignor. The Commission had been evaluating the movement of untested bulls to feedlot for slaughter and the group agreed with that option. Therefore, in §38.2(d) the Commission is proposing to add that untested bulls may be moved to a feedlot. Also, the group felt like we should not require a Trichomoniasis test for bulls entering Texas from CSS certified artificial insemination facilities. That exemption will be added to Chapter 51, entitled "Entry Requirements."

Also, a sub-committee was created by the group to develop voluntary "guidelines" for management of female cattle in infected herds and the best practices for biosecurity of same, which will be given to all infected and adjacent herd owners. The group felt that education and outreach are still considered critical to the success of the program and they will meet again next year.

In §38.1 the Commission amends the definitions for "Official Trichomoniasis test" and "Virgin Bull." Both amendments were for the purpose of stating that the test document is valid for sixty (60) days and may be transferred within that timeframe with an original signature of the consignor. Also, the virgin certificate is valid for sixty (60) days and may be transferred within that timeframe with an original signature of the consignor.

In §38.2 the Commission is removing the term a "Trich infected herd" from §38.2(a)(2) in order to clarify as a non status herd they should be tested once.

In §38.3 the Commission is adding to subsections (a) and (b) that positive bulls may also be moved at the direction of the Commission. This is in order to allow some direction in the timeframes of the rule to allow for unforeseen circumstances.

FISCAL NOTE

Dr. Matt Cochran D.V.M, Deputy Director for Administration and Finance, Texas Animal Health Commission, has determined that for the first five-year period the rules are in effect, there will be no significant additional fiscal implications for state or local government as a result of enforcing or administering the rules. There will be no effect to individuals required to comply with the rules as proposed. An Economic Impact Statement (EIS) is required if the proposed rules have an adverse economic effect on small businesses. The agency has evaluated the requirements and determined that there is not an adverse economic impact. For that reason, the Commission has determined that there is not an adverse impact and therefore there is no need to do an EIS. Implementation of these rules poses no significant fiscal impact on small or micro-businesses.

PUBLIC BENEFIT NOTE

Dr. Cochran has also determined that for each year of the first five years the rules are in effect, the public benefits anticipated as a result of enforcing the rules will be to protect our livestock industry from exposure to Trichomoniasis and ensure they are properly tested.

LOCAL EMPLOYMENT IMPACT STATEMENT

In accordance with Texas Government Code §2001.022, this agency has determined that the rules will not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission.

TAKINGS ASSESSMENT

The agency has determined that the proposed governmental action will not affect private real property. These rules are an activity related to the handling of animals, including requirements for testing, movement, inspection, identification, reporting of disease, and treatment, in accordance with 4 TAC §59.7, and are, therefore, compliant with the Private Real Property Preservation Act in Government Code, Chapter 2007.

REQUEST FOR COMMENT

Comments regarding the proposed amendments may be submitted to Delores Holubec, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0721 or by e-mail at "comments@tahc.state.tx.us."

STATUTORY AUTHORITY

The amendments are proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code. The Commission is vested by statute, §161.041(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The Commission is authorized, by §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock. If the Commission determines that a disease listed in §161.041 of this code or an agent of transmission of one of those diseases exists in a place in this state among livestock, or that livestock are exposed to one of those diseases or an agent of transmission of one of those diseases, the Commission shall establish a quarantine on the affected animals or on the affected place. That authority is found in §161.061.

As a control measure, the Commission, by rule may regulate the movement of animals. The Commission may restrict the intrastate movement of animals even though the movement of the animals is unrestricted in interstate or international commerce. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. That authority is found in §161.054. 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. That authority is found in §161.048.

Section 161.005 provides that the Commission may authorize the executive director or another employee to sign written instruments on behalf of the Commission. A written instrument, including a quarantine or written notice signed under that authority, has the same force and effect as if signed by the entire Commission.

No other statutes, articles, or codes are affected by the amendments.

§38.1. Definitions.

The following words and terms, when used in this chapter, shall have the defined 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) Affected Herd--Any herd in which any cattle have been classified as *Trichostrongylus axei* 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*) and 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 sterile for breeding.

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

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

(16) 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 included USDA alpha-numeric metal eartags (silver bangs tags), 840 RFID tags, 840 bangle tags, official breed registry tattoos, official breed registry individual animal brands, and official Trich tags issued by the animal health official of the state of origin of imported bulls.

(17) Official Trichomoniasis test--A test for bovine trichomoniasis, approved by the Commission, applied and reported by TVMDL or any other laboratory classified as an official laboratory by the Commission. The test document is valid for sixty (60) days and may be transferred within that timeframe with an original signature of the consignor.

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

(19) Permit[---](VS 1-27)--A premovement 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.

(20) 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.

(21) 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 imported into the state of Texas or is being sold, leased, gifted or exchanged in the state of Texas for breeding purposes.

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

(23) TVMDL--The official laboratory for testing is the Texas Veterinary Medical Diagnostic Laboratory.

(24) Virgin Bull--Sexually intact male cattle which have not serviced a cow and which are not more than 24 months of age as determined by the presence of the two permanent central incisors

in wear 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 certification by the breeder is valid for sixty (60) days and may be transferred within that timeframe with an original signature of the consignor.

§38.2. General Requirements.

(a) Test Requirements: All Texas origin bulls sold, leased, gifted, exchanged or otherwise change 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), ~~[-or a Trich infected herd,]~~ be tested negative on three consecutive culture tests conducted not less than seven days apart or one RT-PCR test conducted within 30 days of sale or movement, be held separate from all female cattle since the test, sample was collected, and be accompanied by a Trich test record showing the negative test results.

(b) Identification of Bulls ~~[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 identified by an official identification device or method at the time the initial test sample is collected. Official identification includes: Official Alpha-numerical USDA metal ear tags (bangs tags), Official 840 RFID tags, Official 840 flap or bangle tags, and Official individual animal breed registry tattoo or breed registry individual animal brands. That 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 (5) 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 or a Trich test record showing negative test results may:

(1) Be sold for movement only directly to slaughter; ~~[-or,]~~

(2) Sold for movement to a feed lot and then to slaughter; or

(3) [(2)] 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 to a breeding bull. Such bulls shall be officially

individually identified with a permanent form of identification prior to movement, move to the designated location on a VS 1-27 permit, be held in isolation from female cattle at the designated location for not less than 21 days where the bull shall undergo three culture tests or for not less than 7 days where the bull shall undergo one RT-PCR test. If the results of any test are positive the bull shall be classified as infected and be permitted for movement only directly to slaughter or to a market for sale directly to slaughter.

§38.3. Infected Bulls and 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.

(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 VS[-]1-27 movement permit 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). All bulls remaining in the herd from which an infected bull(s) has been identified would have to be tested two more times by culture or one more time by RT-PCR test. Any bull positive on the second or third test would be classified as positive. All bulls negative to all three culture tests or both RT-PCR tests would be classified as negative and could be released for breeding.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

Filed with the Office of the Secretary of State on June 23, 2010.

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Gene Snelson

General Counsel

Texas Animal Health Commission

Earliest possible date of adoption: August 8, 2010

For further information, please call: (512) 719-0700

