

The Texas Animal Health Commission (Commission) proposes an amendment to Chapter 45, Reportable Diseases, §45.2 concerning Duty to Report. The purpose of this amendment is to add Schmallenberg virus to the list of reportable diseases.

Section 161.101 of the Texas Agriculture Code provides for the duty of a veterinarian, veterinary diagnostic laboratory or a person having care, custody, or control of an animal to report specified animal health diseases to the Commission. The Commission has a specific list of reportable diseases in Chapter 45 of the Commission rules.

Since August 2011, a newly-identified infectious disease has been reported in cattle, sheep, goats, and bison in Europe. This disease was first reported in German dairy cows that exhibited signs of fever, anorexia, reduced milk yield, and loss of condition. Herd morbidities were high (20-70%) over 2-3 weeks, with affected individuals recovering in a few days. Reports of disease among cattle in Germany, and subsequently in the Netherlands, persisted throughout September and into October. By November 2011, farmers began reporting abortions and stillbirths associated with congenital malformations, mostly among sheep but also in goats and cattle. Some dystocias, with no other clinical signs, were observed in mature animals. The virus caused fever, viremia, and diarrhea in a small number of experimentally infected calves. By mid-March 2012, the virus had been identified on more than 2,100 farms in eight European countries. Most infected premises have been sheep farms (85%), followed by cattle (11%) and goat farms (4%) (FluTrackers.com).

This new virus is provisionally named Schmallenberg virus (SBV) after the town in Germany where the first positive samples were found. As of March 2012, cases of Schmallenberg virus infection has been confirmed in Germany, the Netherlands, Belgium, France, the United Kingdom, Luxembourg, Italy, and Spain. Spread of SBV from mainland Europe to Great Britain has been tentatively linked to natural movements of insects from infected areas, similar to the pattern of bluetongue virus in 2008 (European Commission 2012). In experimental challenge trials, three calves inoculated intravenously or subcutaneously with blood that was PCR positive for SBV became infected and had positive PCR results 2-5 days post-inoculation. The viremic stage in cattle seems to be short, as viral detection was negative in all three infected animals 6 days after inoculation, and clinical signs subsided within a few days.

USDA-APHIS-VS has placed additional restrictions on shipments of ruminant semen and embryos (germplasm) originating from the European Union (EU), and from countries that are not formally part of the EU but which follow EU legislation (see list below). These restrictions became effective February 21, 2012, and were placed to address the emergence of Schmallenberg virus in Europe. The virus, thought to be distributed by flying insects such as midges and possibly mosquitos, is not known to be present in the U.S. and has not been reported to be of human health concern. Infection with the virus causes transient disease in adult cattle, sheep and goats, resulting in production losses, but has also been associated with a high percentage of fetal malformations, abortions,

dystocias and death of infected pregnant animals. No treatments or vaccines are currently available, and testing is currently limited in nature.

Shipments of bovine germplasm collected in EU countries after June 1, 2011, are no longer eligible for importation to the U.S. To be eligible for importation, any consignments of bovine germplasm originating from the countries listed below must include a statement on the official export health certificate that they were collected prior to June 1, 2011. All other APHIS import requirements continue to apply.

Importations of live ruminants from the EU are currently prohibited due to bovine spongiform encephalopathy there. Sheep and goat semen protocols are currently being negotiated with the EU, and will be revised to include similar restrictions for Schmallenberg virus. Cervid and camelid germplasm shipments are not affected by these additional restrictions for Schmallenberg virus. No restrictions have been placed by APHIS at this time on any ruminant products or by-products.

FISCAL NOTE

Ms. Debbie Metzler, Director of Financial Services, Texas Animal Health Commission, has determined for the first five-year period the rule is in effect, there will be no additional fiscal implications for state or local government as a result of enforcing or administering the rule. An Economic Impact Statement (EIS) is required if the proposed rule has an adverse economic effect on small businesses. The agency has evaluated the requirements and determined that there is not an adverse impact and therefore, there is no need to do an EIS. Implementation of this rule poses no significant fiscal impact on small or micro-businesses.

PUBLIC BENEFIT NOTE

Ms. Metzler has also determined that for each year of the first five years the rule is in effect, the public benefit anticipated as a result of enforcing the rule will allow the Commission to be made quickly aware of specific diseases that may be diagnosed in this state.

LOCAL EMPLOYMENT IMPACT STATEMENT

In accordance with Texas Government Code §2001.022, this agency has determined that the proposed amendment 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. This proposed amendment is 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 is, therefore, compliant with the Private Real Property Preservation Act in Texas Government Code, Chapter 2007.

REQUEST FOR COMMENT

Comments regarding the proposed amendments may be submitted to Carol Pivonka, 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 amendment is proposed under the following statutory authority as found in Chapter 161 of the Texas Agriculture Code. Section 161.101 provides that the Commission may adopt rules that require a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report a disease not covered by Subsection (a) or (b) if the Commission determines that action to be necessary for the protection of animal health in this state. The Commission shall immediately deliver a copy of a rule adopted under this subsection to the appropriate legislative oversight committees. A rule adopted by the Commission under this subsection expires on the first day after the last day of the first regular legislative session that begins after adoption of the rule unless the rule is continued in effect by act of the legislature. House Bill 4006 relating to veterinarian reports of diseased animals was passed during the 81st Legislative Session and amended the requirements found in §161.101.

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

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.

[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.