

The Texas Animal Health Commission (commission) proposes amendments to §51.1, concerning Definitions, and §51.2, concerning General Requirements, in Chapter 51, which is entitled “Entry Requirements”. The purpose of the amendments is to shorten the length of time that Certificates of Veterinary Inspection (CVI) are valid from 45 days to 30 days maximum for equine entering the state and to correct language regarding exceptions to entry permits and CVI requirements.

A CVI is a document signed by an accredited veterinarian that shows the equine were inspected and subjected to tests, immunizations, and treatment as required by the commission. The change of equine CVI length of validity for entry into Texas will accomplish three objectives.

First, the change will bring commission rules into compliance with Title 9, Code of Federal Regulations §161.4(b), which states in part that “certificates, forms, records, and reports shall be valid for 30 days following the date of inspection of the animal identified on the document,…”.

Second, the results of a recent 2014 poll of other state animal health agencies showed that no other state has a CVI length of validity for equine greater than 30 days.

Third, a number of emerging diseases have occurred in recent years including Vesicular Stomatitis (VS) and Equine Herpes Encephalomyelopathy (EHM or Equine Herpes Virus-1 (EHV-1)) that threaten the equine industry in Texas and in other states. Both diseases are reportable to the commission.

VS is a viral disease which is endemic in the Southwestern United States. The disease creates vesicular lesions in and around the mouth hampering the ability of an animal to eat or drink, and can also cause hoof lesions which may result in lameness. The incubation period for VS is usually between days two through eight. Texas and Colorado experienced the largest VS outbreak in recent history in the summer of 2014. The VS outbreak affected 62 premises and 13 counties in Texas and 370 premises and 17 counties in Colorado.

EHM is a viral disease which can result in symptoms such as respiratory disease, abortions, neurologic manifestations and death. The incubation period for EHM is normally between days two through ten. The EHM virus can be reactivated during times of stress such as strenuous exercise and long distance transport. There have been numerous outbreaks of EHM in recent years at large horse facilities and events in other states that have affected Texas animals either at the event, or created tracing of exposed Texas horses.

A shorter validity timeframe for CVIs issued on equine entering Texas will better protect the Texas equine population from the introduction of the above mentioned diseases as well as other traditional and emerging diseases, bring Texas into compliance with the federal regulations regarding the validity of certificates issued by accredited veterinarians, and also make the Texas CVI entry requirements consistent with all other state CVI timeframes.

FISCAL NOTE

Ms. Larissa Schmidt, Director of Administration, Texas Animal Health Commission, has determined 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. 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 economic 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, or to individuals.

PUBLIC BENEFIT NOTE

Ms. Schmidt has also determined that for each year of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing the rules will be to ensure that equine have a validity timeframe for a CVI that will lessen the ability for them to be exposed and disclose a diagnosis prior to entry into Texas.

LOCAL EMPLOYMENT IMPACT STATEMENT

In accordance with Texas Government Code §2001.022, this agency has determined that the proposed 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. The proposed amendments 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 proposal may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by email at “comments@tahc.texas.gov”.

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, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

Pursuant to §161.005, entitled “Commission Written Instruments”, 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.

Pursuant to §161.006, entitled “Documents to Accompany Shipment”, if required that a certificate or permit accompany animals or commodities moved in this state, the document must be in the possession of the person in charge of the animals or commodities, if the movement is made by any other means.

Pursuant to §161.044, entitled “Regulation of Livestock Movement from Stockyards or Railway Shipping Pens”, the commission may regulate the movement of livestock out of stockyards or railway shipping pens and require treatment or certification of those animals as reasonably necessary to protect against communicable diseases.

Pursuant to §161.046, entitled “Rules”, the commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.048, entitled “Inspection of Shipment of Animals or Animal Products”, the commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. 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.

Pursuant to §161.049, entitled “Dealer Records”, the commission may require a livestock, exotic livestock, domestic fowl, or exotic fowl dealer to maintain records of all livestock, exotic livestock, domestic fowl, or exotic fowl bought and sold by the dealer.

Pursuant to §161.054, entitled “Regulation of Movement of Animals”, 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.

Pursuant to §161.081, entitled “Importation of Animals”, the commission by rule may regulate the movement, including movement by a railroad company or other common carrier, of livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl into this state from another state, territory, or country.

Pursuant to §161.112, entitled “Rules”, the commission shall adopt rules relating to the movement of livestock, exotic livestock, and exotic fowl from livestock markets and shall require tests, immunization, and dipping of those livestock as necessary to protect against the spread of communicable diseases.

Pursuant to §161.114, entitled “Inspection of Livestock”, an authorized inspector may examine livestock consigned to and delivered on the premises of a livestock market

before the livestock are offered for sale. If the inspector considers it necessary, the inspector may have an animal tested or vaccinated. Any testing or vaccination must occur before the animal is removed from the livestock market.

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

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 ~~45 days for equine and~~ 30 days for all ~~other~~ 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) 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.

(11) 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.

(12) 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.

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

(14) 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.

(15) Livestock--Cattle, horses, mules, asses, sheep, goats, and hogs.

(16) 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).

(17) 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.

(18) 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.

(19) 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).

(20) Sponsor--An owner or person in charge of an exhibition, show or fair.

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 ~~accepted~~ 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 ~~compliance~~ with applicable ~~the~~ entry requirements ~~for the animals to enter the state~~, the destination of the animals, and ~~animal(s) as well as~~ 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 ~~health~~ certificate of veterinary inspection is excepted ~~accepted~~ 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 ~~fifteen~~ 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 ~~accepted~~ 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. ~~Chapter;~~ and

(3) ~~(D)~~ A a certificate of veterinary inspection is valid for 30 days; after issuance. ~~For equine, a certificate of veterinary inspection is valid for 45 days after issuance.~~