

The Texas Animal Health Commission (Commission) in a duly noticed meeting on November 18, 2025, adopted amendments to Title 4, Part 2, Chapter 51 §51.15, concerning Poultry in the Texas Administrative Code, Title 4, Part 2, Chapter 51, titled "Entry Requirements." The Commission adopted amendments to §51.15 with non-substantive changes to §51.15(e) of the proposed text published in the September 19, 2025 issue of the *Texas Register* (50 TexReg 6092) to clarify language concerning applicable quarantine areas. The rule will be republished.

JUSTIFICATION FOR RULE ACTION

The Commission is tasked with creating and enforcing entry requirements for livestock, fowl, exotic livestock, and exotic fowl. The Commission adopts amendments to the entry requirements governing poultry to simplify and consolidate rules across chapters and to add entry requirements concerning egg drop syndrome virus (EDSv).

Previously, entry requirements for poultry were located in §51.15 and in §57.11. The amendments move the requirements from §57.11 to §51.15. These changes create concise and clear guidelines for entry. Additionally, prior rules were written in large paragraph blocks that were difficult to understand. The amendments seek to break the requirements down into easy to follow lists. The amendments to §51.15 are adopted concurrently with amendments to §57.11.

Further, the amendments to §51.15 include new entry requirements for poultry entering from EDSv affected states. The amendments require birds from affected states or birds that have been vaccinated against EDSv to submit a written request prior to entry and obtain authorization from the executive director prior to entry. Egg drop syndrome virus (EDSv) is an infectious disease caused by an adenovirus which can affect many species of poultry and birds. The disease results in malformed eggs and decreased egg production. Currently, there is no treatment for EDSv. The amendments to §51.15 are adopted concurrently with an amendment to §45.3 which adds EDSv to the Commission's reportable and actionable disease list.

HOW THE RULES WILL FUNCTION

Section 51.15 includes entry requirements for poultry. The amendments consolidate entry requirements previously found in §57.11 for clarity and conciseness. The amendments reorganize existing entry requirements into easier to follow lists rather than bulky paragraphs. And the amendments create new requirements for birds

entering Texas from EDSv affected states similar to existing requirements for birds entering Texas from Infectious Laryngotracheitis affected states.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day comment period ended October 19, 2025.

During this period, the Commission received one comment in support of the amendments from the Texas Poultry Federation.

The Texas Poultry Federation thanked the Commission for its proactive approach to protecting Texas poultry from emerging disease threats. TPF expressed concern with possible confusion over language in §51.15(e) and requested the Commission clarify that birds from both state quarantine and federal quarantine areas shall not enter without express written consent.

Response: The Commission thanks the commenter for its feedback.

The Commission agrees that the language can be made clearer. Changes to the proposal were made to clarify that birds from both state quarantine and federal quarantine areas shall not enter without express written consent.

STATUTORY AUTHORITY

The amendments are adopted under the Texas Agriculture Code, Chapter 161, §161.046 which authorizes the Commission to promulgate rules in accordance with the Texas Agriculture Code.

Pursuant to §161.041, titled "Disease Control," the Commission shall protect all livestock, exotic livestock, domestic fowl, and exotic fowl from diseases the Commission determines require control or eradication. Pursuant to §161.041(b) the Commission may act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl, or exotic fowl. The Commission may adopt any rules necessary to carry out the purposes of this subsection, including rules concerning testing, movement, inspection, and treatment.

Pursuant to §161.043, titled "Regulation of Exhibitions," the Commission may regulate the entry of livestock and may require certification of those animals as reasonably necessary to protect against communicable diseases.

Pursuant to §161.048, titled "Inspection of Shipment of Animals or Animal Product," 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 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 non-communicable disease.

Pursuant to §161.054, titled "Regulation of Movement of Animals; Exception," the Commission may by rule regulate the movement of animals, and 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.

Pursuant to §161.056(a), titled "Animal Identification Program," the Commission, to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, may develop and implement an animal identification program that is no more stringent than a federal animal disease traceability or other federal animal identification program. Section 161.056(d) authorizes the Commission to adopt rules to provide for an animal identification program more stringent than a federal program only for control of a specific animal disease or for animal emergency management.

Pursuant to §161.081, titled "Importation of Animals," the Commission by rule may provide the method for inspecting and testing animals before and after entry into Texas. The Commission may create rules for the issuance and form of health certificates and entry permits.

Pursuant to §161.101, titled "Duty to Report," a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal shall report the existence of the disease, if required by the Commission, among livestock, exotic livestock, bison, domestic fowl, or exotic fowl to the Commission within 24 hours after diagnosis of the disease.

No other statutes, articles, or codes are affected by this adoption.

<rule>

§51.15. Poultry.

(a) 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 and shall have an entry permit in accordance with §51.2 of this title (relating to General Requirements). The health certificate shall state:

(1) Poultry have been inspected and are free of evidence of infectious or contagious disease;

(2) Poultry have been vaccinated only with approved vaccines as defined in this regulation;

(3) Poultry have not originated from an area that has had active Laryngotracheitis or chicken embryo origin Laryngotracheitis vaccine virus within the last 30 days; and

(4) 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.

(5) Live domestic poultry from states not affected with Avian Influenza may enter Texas under the following circumstances:

(A) The domestic poultry originates from a flock that is certified in accordance with the National Poultry Improvement Plan as U.S. Avian Influenza Clean, U.S. H5/H7 Avian Influenza Clean, or U.S. H5/H7 Avian Influenza Monitored; or

(B) The domestic poultry is from an Avian Influenza negative flock that participates in an approved state-sponsored Avian Influenza monitoring program and participation in the program and the general description of the birds, test date, test results, and name of testing laboratory are documented on the CVI; or

(C) 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 general description of the birds, test date, test results, and name of testing laboratory are documented on the CVI.

(b) Movement of poultry from disease affected states.

(1) Live domestic poultry from states affected with Avian Influenza may enter Texas for immediate slaughter and processing only under the following circumstances:

(A) 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

(B) Specific written permission has been granted.

(2) Live domestic poultry from states affected with Infectious Laryngotracheitis or poultry that has been vaccinated with chick embryo vaccine may enter Texas for immediate slaughter and processing only under the following conditions:

(A) 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;

(B) The initial request must be approved by the executive director prior to entry of the poultry;

(3) Live domestic poultry from states affected with egg drop syndrome virus or poultry that has been vaccinated against the virus may enter Texas for immediate slaughter and processing only under the following conditions:

(A) 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;

(B) The initial request must be approved by the executive director prior to entry of the poultry;

(c) An official health certificate is not required on poultry consigned to slaughter establishments, which maintain federal or state ante and postmortem inspection, provided the shipment is accompanied by a waybill indicating the plant of destination.

(d) Baby poultry will be exempt from this section if from an NPIP, or equivalent, hatchery, and accompanied by NPIP Form 9-3 or 9-3i; or, if covered by an approved "Commuter Poultry Flock Agreement" on file with the state of origin and the commission.

(e) 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 quarantined areas or federal quarantined areas shall not enter Texas without express written consent from the commission.