



For Immediate Release
May 12, 2023

TAHC Rule Proposal and Rule Reviews Open for Public Comment

Chapter 40, Chronic Wasting Disease Proposal, Repeal and Replacement

AUSTIN, TX – The Texas Animal Health Commission (TAHC) held a regularly scheduled Commission meeting April 4, 2023, at its headquarters in Austin.

The following amendments were proposed during the meeting and are open for comment from May 12, 2023 – June 12, 2023.

Chapter 40, Chronic Wasting Disease

The proposed amendments to §40.1, Definitions, adds to the list of definitions, amends the definitions of existing language and removes outdated definitions from the list.

The proposed amendments to §40.2, General Requirements, improve readability and clarify the following: movement restriction shall remain in place until the TAHC performs the epidemiologic investigation and approved laboratory testing is complete; to whom CWD-suspect animals shall be presented and reported; all mortalities of all CWD susceptible species shall be immediately reported to a TAHC or USDA veterinarian to collect appropriate test samples; what shall happen to CWD-exposed animals, how they shall be postmortem tested, or how long the CWD-exposed animals should be maintained; what happens to CWD-trace herds; and the disposal of CWD-suspect animal(s) and CWD-exposed animal carcasses processes. The new definitions in §40.1 are proposed to be utilized in this section.

The proposed amendments to §40.5, Surveillance and Movement Requirements for Exotic CWD Susceptible Species, improves readability, changes the definition of Eligible Mortality to lower the age of death that would qualify as an eligible mortality from 16 months to 12 months of age, and adds muntjac (*Muntiacus*) to the definition of Exotic CWD Susceptible Species. Additionally, specification that all eligible mortalities be tested for CWD within seven days using an official CWD test in accordance with the requirements in §40.5 is proposed. The amendments also remove the limit to test only three animals a year, removes unnecessary additional language to explain the defined term “official animal identification”, and adds information on where to report annual inventories. Clarification of testing requirements and reporting and a change requiring test results and reports be submitted within 14 days is also proposed.

The TAHC proposes the repeal of existing §40.3, Herd Certification Program for Cervidae, in conjunction with the proposal of a new §40.3, concerning CWD Herd Certification Program, published simultaneously and currently open for comment. Structurally, the new proposed section is divided into several subsections to provide clear guidance to participants and provides clear topics, including: definitions, program enrollment requirements, program requirements, herd status advancement and herd



certification, effect of new animals on a herd, detection of CWD in an enrolled herd, and actions affecting enrollment. For more information read the entire [proposal of the CWD Herd Certification Program](#) section.

Rule Reviews

Per Texas Government Code §2001.039, the TAHC must review and consider each of its rules for re-adoption at least every four years. The rule reviews provide the public an opportunity to comment and suggest amendments on TAHC's rules as they currently exist. In compliance with §2001.039, the commission proposed review of the following rules:

- Chapter 32, Hearing and Appeal Procedures
- Chapter 36, Exotic Livestock and Fowl
- Chapter 38, Trichomoniasis
- Chapter 43, Tuberculosis
- Chapter 45, Reportable and Actionable Diseases
- Chapter 47, Authorized Personnel
- Chapter 50, Animal Disease Traceability
- Chapter 51, Entry Requirements
- Chapter 56, Grants, Gifts and Donations
- Chapter 59, General Practices and Procedures
- Chapter 60, Scrapie

The TAHC will also accept comments on the rules under review from May 12, 2023 through June 12, 2023 and will make a final assessment regarding whether the reasons for initially adopting these rules continues to exist and if these rules should be revised, readopted or repealed.

Comments on the rule proposals and rule reviews may be submitted to Amanda Bernhard, Texas Animal Health Commission, by mail at 2105 Kramer Lane, Austin, Texas 78758, by fax at (512)-719-0719 or by email to comments@tahc.texas.gov. When commenting, please indicate in the subject line the intent to comment on the specific rule in reference.

Complete details of the rule proposals and rule reviews are also available on the TAHC website at <https://www.tahc.texas.gov/regs/proposals.html#proposals>.

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The Texas Animal Health Commission (TAHC) was established in 1893 as the Livestock Sanitary Commission and charged with protecting the state's domestic animals "from all contagious or infectious diseases of a malignant character." TAHC remains true to this charge while evolving with the times to protect the health and marketability of all Texas livestock and poultry. Learn more about the TAHC by visiting www.tahc.texas.gov.