

The Texas Animal Health Commission (commission) proposes amendments to §49.5, concerning Piroplasmosis: Testing, Identification of Infected Equine, in Chapter 49, which is entitled “Equine”. The purpose of the amendments is to require animals known to be reactors for Equine Piroplasmosis (EP) to be implanted with a radio frequency microchip identification device.

Equine Piroplasmosis is a tick-borne protozoal infection of horses. At least one tick species, *Amblyomma cajennense*, has proven capable of transmitting the blood parasite. This species of tick is endemic to South Texas and several other southern states. Also, the disease may be spread between horses by unsafe animal husbandry practices such as sharing needles or equipment that is contaminated with EP positive blood. While EP can be a fatal disease, many horses may display vague signs of illness, such as fever, inappetence or jaundice.

In the past, EP infected animals were required to be quarantined or euthanized. Through research, a treatment protocol has been developed that can clear the infection and allow the quarantine to be released for those successfully treated animals. However, because EP positive animals can potentially expose any equine that unknowingly associates with the positive equine, the commission believes it is prudent to require an EP reactor to be implanted with a radio frequency microchip identification device that provides unique identification for each individual animal. The commission also believes it is reasonable to require EP reactors to have a second form of identification. In addition to existing forms of identification (e.g. brands, tattoos, and other identification devices) the commission may permit EP reactors to be identified by digital photographs that are sufficient to identify the individual equine.

FISCAL NOTE

Ms. Larissa Schmidt, Director of Administration, Texas Animal Health Commission, has determined for the first five-year period the rule is 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 rule is in effect, the public benefit anticipated as a result of enforcing the rule will be to protect the livestock industry, specifically Equidae (horses, donkeys, mules and zebras), from exposure to EP by ensuring EP reactors are permanently identified.

LOCAL EMPLOYMENT IMPACT STATEMENT

In accordance with Texas Government Code §2001.022, this agency has determined that the proposed rule 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) 719-0721 or by email 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, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

H.B. 2311 was passed during the 83rd Texas Legislative Session and amends §161.056. Section 161.056(a) authorizes the commission, in order to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, to 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 by a two-thirds vote 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 §161.046, entitled "Rules", the commission may adopt rules as necessary for the administration and enforcement of this chapter.

Pursuant to §161.048, and 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 §161.054, and 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 §161.101, entitled “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 diseases, 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.

Pursuant to §161.113, entitled “Testing or Treatment of Livestock”, if the commission requires testing or vaccination under this subchapter, the testing or vaccination must be performed by an accredited veterinarian or qualified person authorized by the commission. The state may not be required to pay the cost of fees charged for the testing or vaccination. And if the commission requires the dipping of livestock under this subchapter, the livestock shall be submerged in a vat, sprayed, or treated in another sanitary manner prescribed by rule of the commission.

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.

49.5. Piroplasmiasis: Testing, Identification of Infected Equine.

(a) Official Equine ~~Piroplasmiasis~~ ~~Piroplasmiasis~~ Test: A test for Equine Piroplasmiasis applied and reported by a laboratory approved by the Commission. The sample must be collected by or under the direct supervision of an accredited veterinarian. A completed Equine Piroplasmiasis Laboratory Test chart (Form 10-07) must be submitted with the sample, listing the description of the equine to include the following: age, breed, color, sex, animal's name, and all distinctive markings (i.e., color patterns, brands, tattoos, scars, or blemishes), and any RFID numbers applied to the ~~equine animal~~. In the absence of any distinctive color markings or any form of visible permanent identification (brands, tattoos or scars), the ~~equine animal~~ must be identified by indicating the location of all hair whorls, vortices or cowlicks with an "X" on the illustration provided on the chart. ~~In its~~ In lieu of the manual illustration, digital photographs clearly showing the ~~equine horse~~ from the left side, right side, and full face may be incorporated in the chart. All charts must list

owner's name, address, the equine's animal's home premises premise and county, the name and address of the authorized individual collecting the test sample, and laboratory and individual conducting the test. The Piroplasmosis test document shall list one equine horse only.

(b) Reactor. A reactor is any equine which discloses a positive reaction for Piroplasmosis on a Complement Complement Fixation (CF) or competitive Enzyme Linked Immunosorbent Assay (cELISA) applied at a laboratory approved by the Commission. The individual collecting the test sample must notify the equine's animal's owner of the quarantine within 48 hours after receiving the results. Movement of all AH Piroplasmosis positive equine animals and all equine epidemiologically determined to have been exposed to a Piroplasmosis positive equine will be restricted. Retests of a reactor may only be performed by a representative of the Commission.

(c) Official Identification of Reactors-Equine Positive for Piroplasmosis.

(1) A reactor must be identified with an implanted radio frequency microchip identification device that provides unique identification for each individual equine and complies with ISO 11784/11785 and one of the following methods as determined by the Commission:

(A)(1) The reactor equine may be identified with a permanent mark as described herein or as approved by the Commission. If branded the letter "P" will be applied by a representative of the Texas Animal Health Commission as a hot-iron brand, or freeze-marking brand, or a hoof brand. For a Freeze or Hot-Iron brand the "P" brand must be not less than two inches high and shall be applied to the left shoulder or left or right side of the neck of the reactor. For a hoof brand the "P" brand must be applied to the front left right hoof and reapplied by a Commission representative as necessary to maintain visibility;- Reactors must be identified within ten (10) days of the date the laboratory completes the test unless the equine is destroyed. Any equine destroyed prior to identification must be described in a written statement by the accredited veterinarian or other authorized personnel certifying to the destruction. This certification must be submitted to the Texas Animal Health Commission promptly; or

(B) (2) Using an official identification or identification device or a unique tattoo, approved by the Commission, that provides unique identification for each individual equine animal; or

(C) Using digital photographs sufficient to identify the individual equine.

(2) Reactors must be identified by an accredited veterinarian or representative of the Commission within ten days of the equine being classified as a reactor by the Commission. Any equine destroyed prior to identification must be described in a written statement by the accredited veterinarian or other authorized personnel certifying to the destruction. The description must be sufficient to identify the individual equine including, but not limited to, name, age, breed, color, gender, distinctive markings, and unique and permanent forms of identification when present (e.g., brands, tattoos, scars, cowlicks, blemishes or biometric measurements). This certification must be submitted to the Commission within ten days of the date the equine is destroyed.

(d) Equine entering a racetrack facility must have a negative Piroplasmosis test (*Theileria equi*) within the past 12 months. A racetrack facility is grounds used to conduct organized horse racing.