

The Texas Animal Health Commission (Commission) proposes amendments to Title 4, Texas Administrative Code, Chapter 38 titled "Trichomoniasis." Specifically, the Commission proposes amendments to §38.1 regarding Definitions, §38.2 regarding General Requirements, §38.3 regarding Infected Herds, and §38.8 regarding Herd Certification Program--Breeding Bull.

## BACKGROUND AND PURPOSE

The Commission proposes amendments to Chapter 38 to correct and update test result language and certain testing requirements regarding the Trichomoniasis program.

Bovine Trichomoniasis is a sexually transmitted disease of cattle caused by the organism *Trichomonas foetus*. The trichomoniasis organism is found on the surface of an infected bull's penis and on the inside of the prepuce. Once a bull is infected, it is infected for life and is a reservoir for the organism. An infected bull will not show symptoms but will physically transmit the organism to female cattle during the breeding process. Clinical indications of the presence of trichomoniasis in female cattle include reduced pregnancy rates, changes in pregnancy pattern, pyometras and higher rates of abortion throughout the pregnancy.

Unlike bulls, Trichomoniasis infected females will show an immune response to the presence of the *Trichomonas foetus* organism in their reproductive tract. Antibodies are produced both within the reproductive tract and blood which helps in the clearance of the infection in many exposed females. The immunity is short-lived and cattle that have previously cleared the infection can become re-infected if exposed to the organism during a following breeding. Infected female cattle can remain infected throughout their pregnancy, deliver a live calf and be a potential threat in spreading the disease in the next breeding season.

The Bovine Trichomoniasis Working Group (TWG) met on July 10, 2025, to review the effectiveness of the current program. The TWG discussed the program overview to date and the need for updated rule language and possible revisions to the program's assurance testing requirements.

The TWG recommended to update rule language that references "negative" test result to "not detected" results. This change reflects the most correct way to report results from a test that does not find a target pathogen because pathogens may not

be present or there may merely be insufficient genetic material from the target pathogen such that it was not found above the detection limit of the test.

The second recommendation is to eliminate the assurance testing requirements for bulls that are part of a herd one year after the date the hold order or quarantine on the herd was released. This requirement was originally put in place to address repeat infections. The TWG's evaluation of this requirement found that the testing has not served that purpose, there is not a need for additional surveillance at this time, and the requirement is administratively burdensome.

As a result of the TWG's review, the Commission proposes amendments to Chapter 38 to update "negative" test result to "not detected," and to remove the official testing requirement for bulls that are part of an infected one year after the release of a hold or quarantine order

## SECTION-BY-SECTION DISCUSSION

Section 38.1 includes definitions for the Trichomoniasis program. The proposed amendments change "negative" test result to "not detected."

Section 38.2 outlines the general requirements of the Trichomoniasis program. The proposed amendments update "negative" test result to "not detected."

Section 38.3 concerns infected herds. The proposed amendments update "negative" test result to "not detected." Additionally, the proposed amendments eliminate the assurance test requirement for bulls in herds one year after a hold order or quarantine was released. The proposed amendments also adjust numbering.

Section 38.8 includes the Herd Certification Program for breeding bulls. The proposed amendments update "negative" test result to "not detected." The proposed amendments corrects formatting to italicize scientific names.

## FISCAL NOTE

Ms. Jeanine Coggeshall, General Counsel for the Texas Animal Health Commission, determined that for each year of the first five years that the rule is in effect, enforcing or administering the proposed rules does not have foreseeable implications relating to costs or revenues of state or local governments. Commission employees will administer and enforce these rules as part of their current job duties and resources.

Ms. Coggeshall also determined for the same period that there is no estimated increase or loss in revenue to the state or local government as a result of enforcing or administering the proposed amendments.

#### PUBLIC BENEFIT NOTE

Ms. Coggeshall determined that for each year of the first five years the rule is in effect, the anticipated public benefits are more accurate rule language and an elimination of unnecessary testing.

#### TAKINGS IMPACT ASSESSMENT

The Commission determined that the proposal does not restrict, limit, or impose a burden on an owner's rights to his or her private real property that would otherwise exist in the absence of government action. Therefore, the proposed rules are compliant with the Private Real Property Preservation Act in Texas Government Code §2007.043 and do not constitute a taking.

#### LOCAL EMPLOYMENT IMPACT STATEMENT

The Commission determined that the proposed rules would not impact local economies and, therefore, did not file a request for a local employment impact statement with the Texas Workforce Commission pursuant to Texas Government Code §2001.022.

#### REGULATORY ANALYSIS OF MAJOR ENVIRONMENTAL RULES

The Commission determined that this proposal is not a "major environmental rule" as defined by Government Code §2001.0225. "Major environmental rule" is defined to mean a rule the specific intent of which is to protect the environment or reduce risk to human health from environmental exposure and that may adversely affect, in a material way, the economy, a sector of the economy, productivity, competition, jobs, the environment or the public health and safety of a state or a sector of the state. This proposal is not specifically intended to protect the environment or reduce risks to human health from environmental exposure.

#### GOVERNMENT GROWTH IMPACT STATEMENT

In compliance with the requirements of Texas Government Code §2001.0221, the Commission prepared the following Government Growth Impact Statement. The Commission determined for each year of the first five years the proposed rules would be in effect, the proposed rules:

- Will not create or eliminate a government program;
- Will not require the creation or elimination of employee positions;
- Will result in no assumed change in future legislative appropriations;
- Will not affect fees paid to the Commission;
- Will not create new regulation;
- Will reduce existing regulations by eliminating certain testing requirements;
- Will change the number of individuals subject to the rule; and
- Will not affect the state's economy.

#### SMALL BUSINESS, MICRO-BUSINESS, AND RURAL COMMUNITY IMPACT ANALYSIS

Ms. Coggeshall also determined that there will be no adverse economic effect on small businesses, micro-businesses, or rural communities pursuant to Texas Government Code, Chapter 2006. The rules do not impose any additional costs on small businesses, micro-businesses, or rural communities that are required to comply with the rules.

#### COSTS TO REGULATED PERSONS

The proposed amendments to Chapter 38 do not impose additional costs on regulated persons and are designed to update rule language to accurately reflect testing procedures and remove unnecessary testing requirements. The proposed rules do not otherwise impose a direct cost on a regulated person, state agency, a special district, or a local government within the state.

#### PUBLIC COMMENT

Written comments regarding the proposed amendments may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by e-mail to [comments@tahc.texas.gov](mailto:comments@tahc.texas.gov). To be considered, comments must be received no later than thirty (30) days from the date of publication of this proposal in the *Texas Register*. When faxing or emailing comments, please indicate "Comments on Proposed Rule-Chapter 38, Trichomoniasis" in the subject line.

## 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 §161.0417, entitled "Authorized Personnel for Disease Control", a person, including a veterinarian, must be authorized by the Commission in order to engage in an activity that is part of a state or federal disease control or eradication program for animals.

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 §161.054, titled "Regulation of Movement of Animals; Exception", 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. The Commission may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. The Commission is authorized, through §161.054(b), to prohibit or regulate the movement of animals into a quarantined herd, premises, or area. The executive director of the Commission is authorized, through §161.054(d), to modify a restriction on animal movement, and may consider economic hardship.

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 §161.061, titled "Establishment", if the Commission may establish a quarantine against all or the portion of a state, territory, or country in which a disease listed in rules adopted under Section 161.041. Section 161.061(b), a quarantine established may extend to any affected area, including a county, district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen. Section 161.061(c), the Commission may establish a quarantine to prohibit or regulate the movement of infected animals and the movement of animals into an affected area. Section 161.061(d) allows the Commission to delegate its authority to establish a quarantine to the executive director.

Pursuant to §161.065, titled "Movement from Quarantined Area; Movement of Quarantined Animals", the Commission may provide a written certificate or written permit authorizing the movement of animals from quarantined places. If the Commission finds animals have been moved in violation of an established quarantine or in violation of any other livestock sanitary law, the Commission shall quarantine the animals until they have been properly treated, vaccinated, tested, dipped, or disposed of in accordance with the rules of the commission.

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. The Commission may require the owner or operator of a livestock market to furnish adequate equipment or facilities or have access to essential equipment or facilities within the immediate vicinity of the livestock market.

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.

Pursuant to §161.148, titled "Administrative Penalty", the Commission may impose an administrative penalty on a person who violates Chapter 161 or a rule or order adopted under Chapter 161. The penalty for a violation may be in an amount not to exceed \$5,000, effective September 1, 2021.

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

The Commission hereby certifies that this proposal has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority.

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#### Rule §38.1. Definitions

The following words and terms, when used in this chapter have the following meanings unless the context clearly indicates otherwise.

(1) – (15) (No change.)

(16) Not Detected [~~Negative~~]-Cattle that have been tested with official test procedures and found to have insufficient *Tritrichomonas foetus* genetic material or

live protozoal organisms to be classified as infected [~~be free from infection with Trichomoniasis~~].

(17) – (26) (No change.)

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## Rule §38.2. General Requirements

(a) Test Requirements. All Texas origin bulls sold, leased, gifted, exchanged or otherwise changing possession for breeding purposes in the State of Texas shall meet the following testing or certification requirements prior to sale or change of ownership in the state:

(1) Be certified as virgin, by the breeder or his representative, on and accompanied by a breeder's certificate of virgin status; or

(2) If from a herd of unknown status (a herd that has not had a whole herd test), be tested not detected [~~negative~~] on three consecutive culture tests conducted not less than seven days apart or one PCR test conducted within 60 days of sale or movement, be held separate from all female cattle since the test sample was collected, and be accompanied by a Trichomoniasis test record showing the not detected [~~negative~~] test results.

(b) (No change.)

(c) Confirmatory Test. The owner of any bull which tests positive for Trichomoniasis may request in writing to the TAHC Region Director, within five days of the positive test, that the commission allow a confirmatory test be performed on the positive bull. The confirmatory test must be conducted within 30 days after the date of the original test.

(1) If the confirmatory test is positive, the bull will be classified as infected with Trichomoniasis.

(2) If the confirmatory test is not detected [~~negative~~], the bull shall be retested in not less than seven days to determine its disease status.

(3) If the confirmatory test reveals that the bull is only infected with fecal trichomonads, the test may be considered not detected [~~negative~~].



(d) Untested Bulls. Bulls presented for sale without a breeder's certification of virgin status for registered breeding cattle or a Trichomoniasis test record showing not detected [~~negative~~] test results may:

(1) Be sold for movement only directly to slaughter; or

(2) Be sold for movement to a Trichomoniasis certified facility and then moved to slaughter or transported back to a livestock market under permit, issued by commission personnel, to be sold in accordance with this chapter; or

(3) Be sold and moved under a Hold Order to such place as specified by the commission for testing to change status from a slaughter bull. Such bulls shall be officially individually identified with a permanent form of identification prior to movement, move to the designated location on a movement permit, and be held in isolation from female cattle at the designated location where the bull shall undergo three consecutive culture tests at least seven days apart or one PCR test. Testing shall be conducted within seven days of the purchase date. If the results of any test are positive, all bulls in the herd of origin of the positive bull shall be placed under hold order and tested as provided by subsection (e) of this section. The positive bull shall be classified as infected and be permitted for movement only directly to slaughter or to a livestock market for sale directly to slaughter; or

(4) Be sold and moved to another physical location under permit issued by commission personnel, and then to a livestock market or location to be resold within seven days from the date of issuance. The bull cannot be commingled with female cattle during the seven days.

(e) (No change.)

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#### Rule §38.3. Infected Herds

(a) Bulls that have been determined to be infected by culture or by PCR test and/or by confirmatory PCR test shall be placed under hold order along with all other non-virgin bulls in the bull herd. Infected bulls must be isolated from all female cattle from the time of diagnosis until final disposition or as directed by the commission. Breeding bulls which test positive for Trichomoniasis may be retested provided: the owners, or their agents initiate a written request to the TAHC Region Director where the bull is located within five business days of the positive test; that retests are

conducted within 30 days after the date of the original test; test samples for retests are submitted to the TVMDL for testing; and the positive bull is held under quarantine along with all other exposed bulls on the premise. If they are retested, they must have two consecutive not detected [~~negative~~] tests by PCR within 30 days of the initial test to be released from hold order or quarantine.

(b) (No change.)

(c) All bulls that are part of a herd in which one or more bulls have been found to be infected shall be placed under hold order in isolation away from female cattle until they have undergone at least two additional culture tests with not detected [~~negative~~] results (not less than a total of three not detected [~~negative~~] culture tests or two not detected [~~negative~~] PCR tests) within 60 days of the initial test unless handled in accordance with subsection (d) of this section. All bulls remaining in the herd from which an infected bull(s) has been identified must be tested two more times by culture or one more time by PCR test. Any bull positive on the second or third test shall be classified as positive. All bulls not detected [~~negative~~] to all three culture tests or both PCR tests shall be classified as not detected [~~negative~~] and could be released for breeding.

(d) Breeding bulls that are part of a quarantined herd or a herd that is under a hold order and tests not detected [~~negative~~] to the first official Trichomoniasis test may be maintained with the herd if the owner or caretaker of the bulls develops a Trichomoniasis herd control plan with a certified veterinarian. The Trichomoniasis herd control plan shall require all breeding bulls to be tested annually with an official Trichomoniasis test and include other best management practices to control, eliminate and prevent the spread of Trichomoniasis. The Trichomoniasis herd control plan, unless otherwise approved or disapproved by the commission, expires three years from the date the plan is signed by the herd owner or caretaker and the authorized veterinarian. Breeding bulls that are part of a Trichomoniasis herd control plan that expires or that is disapproved must be tested for Trichomoniasis as required by subsection (c) of this section.

~~[(e) All bulls that are part of a herd one year after the date the hold order or quarantine on the herd was released shall be officially tested for Trichomoniasis.]~~

(e)[(f)] When Trichomoniasis is diagnosed in female cattle or fetal tissue, all breeding bulls associated with the herd will be restricted under a Hold Order for testing in accordance with this section.

(f)[(g)] If male or female cattle are found to be infected with Trichomoniasis, then bulls that are located or were located on property adjacent to the infected animal within 30 days from the date the infected animal was removed from such property shall be officially tested for Trichomoniasis. Such bulls shall be tested within a timeframe as determined by the commission. The commission shall provide written notification to the owner or caretaker of the bulls specifying the timeframe in which the bulls must be tested. The commission may waive this testing requirement if it is epidemiologically determined by the commission that testing is not required.

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#### Rule §38.8. Herd Certification Program--Breeding Bulls

Enrollment Requirements. Herd owners who enroll in the Trichomoniasis Herd Certification Program shall sign a herd agreement with the commission and maintain the herd in accordance with the herd agreement and following conditions:

(1) All non-virgin breeding bulls shall be tested annually for *Tritrichomonas foetus* [~~*Tritrichomonas foetus*~~] for three consecutive years as required by the herd agreement.

(2) During the three year inception period, all non-virgin breeding bulls that are sold, leased, gifted, exchanged or otherwise change possession shall be tested for *Tritrichomonas foetus* [~~*Tritrichomonas foetus*~~] within 30 days prior to such change in possession. The test must be completed and test results known prior to the time a bull(s) is physically transferred to the receiving premises or herd.

(3) Not detected *Tritrichomonas foetus* [~~Negative *Tritrichomonas foetus*~~] bulls will be identified with official identification.

(4) All slaughter bulls removed from the herd must be tested for *Tritrichomonas foetus* [~~*Tritrichomonas foetus*~~]. The test may be performed at a slaughter facility if prior arrangement with a certified veterinarian and an appropriate agreement with the slaughter facility management is made.

(5) Bovine females added to a certified herd shall not originate from a known *Tritrichomonas foetus* [~~*Tritrichomonas foetus*~~] infected herd. Female herd additions must originate from a certified *Tritrichomonas foetus* [~~*Tritrichomonas foetus*~~] free herd or qualify in one of the following categories:

(A) calf at side and no exposure to other than known not detected *Tritrichomonas foetus* [~~negative *Tritrichomonas foetus*~~] bulls;

(B) checked by an accredited veterinarian, at least 120 days pregnant and so recorded;

(C) virgin; or

(D) heifers exposed as virgins only to known not detected *Tritrichomonas foetus* [~~negative *Tritrichomonas foetus*~~] infected bulls and not yet 120 days pregnant.

(6) Records must be maintained for all tests including all non-virgin bulls entering the herd and made available for inspection by a designated accredited veterinarian or state animal health official.

(7) All non-virgin bulls shall be tested for *Tritrichomonas foetus* [~~*Tritrichomonas foetus*~~] every two years after the initial three year inception period to maintain certification status.

(8) Herd premises must have perimeter fencing adequate to prevent ingress or egress of cattle.

(9) All bulls originating from a Trichomoniasis Certified Free Herd that is maintained in accordance with this section and the herd agreement are exempt from the testing requirement found in §38.2 of this chapter (relating to General Requirements).