

The Texas Animal Health Commission (Commission) proposes amendments to §49.5, concerning Piroplasmosis: Identification of Infected Equine.

This proposal will define an official piroplasmosis test and require a standardized test form for piroplasmosis submission. The rule is also amended so that positive animals are restricted and a test requirement for equine entering into a racing facility is added.

In October 2009, equine piroplasmosis was disclosed on a premise in south Texas. Equine piroplasmosis is a tick-borne protozoal infection of horses. At least one species of tick, *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 blood. This has brought about the disclosure that there are quite a few positive animals which are for the purpose of racing, either through sanctioned events or otherwise. While piroplasmosis can be a fatal disease, many horses may display vague signs of illness, such as fever, inappetance or jaundice. Several states have imposed interstate movement restrictions on horses from Texas.

Discussion is on-going regarding the need to develop a control program. However, these positive equine can potentially expose any equine that unknowingly associates with the positive equine. The Commission already requires that these animals be positively identified and is adding requirements regarding the movement restrictions automatically evoked upon disclosure of a positive. The rule is also requiring that all test submission be on a standardized test form. This ensures that all the necessary information is collected and allows for more efficient review for any user based on standardization.

Furthermore, in testing for positive animals the agency has discovered that there is a distinct group of positive horses that are classified in some way as race horses. Based on this realization the Commission believes that it is prudent to require that all equine who participate in racing events have a negative piroplasmosis test in order to participate. This requirement is intended to ensure that the positive animals are disclosed as well as to be protective of those animals which participate.

FISCAL NOTE

Dr. Matt Cochran, D.V.M, Assistant Executive Director for Administration, Texas Animal Health Commission, has determined for the first five-year period the rule is in effect, there will be no additional fiscal implications for state or local government as a result of enforcing or administering the rule. 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 on the equine industry because the use of the test form will make test submittals easier on the practitioner through standardization and therefore, there is no need to do an EIS. Also, the purpose of the rule, by requiring a standardized test submission form, will make the testing process more efficient for both the veterinary practitioner as well as the equine owner by ensuring all the necessary information is collected and improve anyone's review of the form, and test results, by presenting the

information in the same format. The requirement that all equine, entering a racing facility, have a negative test will ensure that there is a reduced risk of exposure to their horse or other horses. Implementation of this rule poses no significant fiscal impact on small or micro-businesses.

PUBLIC BENEFIT NOTE

Dr. Cochran has also determined that for each year of the first five (5) years the rule is in effect, the public benefit anticipated as a result of enforcing the rules will be clear and concise regulations for identifying positive animals.

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. This proposed rule is an activity related to the handling of animals, including requirements for testing, movement, inspection, identification, reporting disease, and treatment, in accordance with Title 4 TAC §59.7, and is, therefore, compliant with the Private Real Property Preservation Act in Government Code, Chapter 2007.

REQUEST FOR COMMENT

Comments regarding the proposed amendment may be submitted to Delores Holubec, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0721 or by e-mail at "comments@tahc.state.tx.us."

STATUTORY AUTHORITY

The amendment is 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 by §161.041(b) to act to eradicate or control any disease or agent of transmission for any disease that affects livestock. If the Commission determines that a disease listed in §161.041 of this code or an agent of transmission of one of those diseases exists in a place in this state among livestock, or that livestock are exposed to one of those diseases or an agent of transmission of one of those diseases, the Commission shall establish a quarantine on the affected animals or on the affected place. That is found in §161.061.

As a control measure, 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, by §161.054, 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. That authority is found in §161.048.

Section 161.005 provides that 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. No other statutes, articles, or codes are affected by the amendments.

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49.5. Piroplasmiasis: Testing, Identification of Infected Equine.

(a) Official Equine 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 animal. In the absence of any distinctive color markings or any form of visible permanent identification (brands, tattoos or scars), the 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 lieu of the manual illustration, digital photographs clearly showing the 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 animal's home premise and county, the name and address of the authorized individual collecting the test sample, and the laboratory and individual conducting the test. The Piroplasmiasis test document shall list one horse only.

(b) Reactor. A reactor is any equine which discloses a positive reaction for Piroplasmiasis on a 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 animal's owner of the quarantine within 48 hours after receiving the results. All Piroplasmiasis positive animals will be restricted. Retests may only be performed by a representative of the Commission.

(c) Official Identification of Equine Positive for Piroplasmiasis. A reactor must be identified with one or both of the following methods as determined by the Commission:
(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 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

(2) Using official identification or identification device or a unique tattoo approved by the Commission that provides unique identification for each individual animal.

(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.