

The Texas Animal Health Commission (Commission) proposes new §43.6, Dairy Calf Ranches, in Chapter 43, Tuberculosis, Subchapter A, which is entitled “Cattle and Bison”. The proposed new section is for the purpose of defining dairy calf ranches as high risk for disease transmission, and outlining desired management and record keeping concepts that would facilitate epidemiological oversight necessary for adequate disease investigation processes. This proposed rule is also intended to mitigate the risk of Tuberculosis, and other diseases, being inadvertently spread throughout the dairy industry.

The “off-site” (not at location of the birthplace dairy) concentrated feeding practice for young dairy calves at a calf ranch has become common practice in the dairy industry. Co-mingling of calves in high numbers from multiple dairies increases the risk of disease transmission. The feeding of non-pasteurized colostrum or waste milk to calves prior to weaning, or not properly cleaning milk bottles between uses, can further exacerbate the possibility of transferring disease pathogens to a native calf population. Calf ranches have been implicated as the possible source of infection in many past bovine tuberculosis infected dairies in Texas and other states. The inability to completely trace the movement of calves through affected facilities in past investigations has also created the situation where exposed or infected calves could not be located for follow up testing, thus posing a risk to the entire dairy industry.

FISCAL NOTE

Ms. Debbie Metzler, Director of Financial Services, 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. These responsibilities will be handled in the course and scope of ongoing activities. These requirements do not create a fiscal impact for these types of facilities other than compliance with existing requirements or by keeping and maintaining records for inspection if requested by the agency. As such, implementation of this rule poses no significant fiscal impact on small or micro-businesses.

PUBLIC BENEFIT NOTE

Ms. Metzler 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 the ability of the Commission to trace and follow up on any Tuberculosis suspects based on exposure to infected colostrum or waste milk fed to dairy calves. This is in response to an outbreak in a Colorado dairy because of Tuberculosis transmission through these products.

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 of disease, and treatment, in accordance with 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 proposal may be submitted to Carol Pivonka, 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 new section 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 may require testing, vaccination, or another epidemiologically sound procedure before or after animals are moved. That is found in §161.054. 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 161.061 provides that if the Commission determines that a disease listed in §161.041 of this Code or an agency of transmission of one of those diseases exists in a place in this state or among livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl, or that a place in this state where livestock, exotic livestock, domestic animals, domestic fowl, or exotic fowl are exposed to one of those diseases or an agency of transmission of one of those diseases, the Commission shall establish a quarantine on the affected animals or on the affected place.

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

43.6. Dairy Calf Ranches.

(a) Definitions:

(1) Calf Ranch -- A facility that feeds more than 10 dairy calves (sexually intact and/or steers) less than of 6 months age (determined by the presence of 1st molar or approximately 300 pounds) when not located on site of the dairy of origin.

(2) Colostrum -- The “first milk” produced by a cow for a few days following parturition.

(3) Waste Milk/Hospital Milk -- Milk produced by dairy cattle which is unsellable for human consumption.

(b) Declaration of High Risk: A facility that is feeding dairy calves (sexually intact and/or steers) from two or more dairies may be considered high risk for transmitting bovine tuberculosis. Other high risk factors may include but are not limited to the feeding dairy calves from out of state, calves from unknown sources, calves without required identification, the feeding of unpasteurized colostrum or waste milk, and/or other criteria as determined by TAHC veterinarians, based on veterinary science, and sound epidemiological principles.

(c) Colostrum/Waste Milk Recordkeeping Requirements: Calf ranches must maintain records of the source of colostrum and/or waste milk that they receive/feed. Such records shall show the seller's name and address, county of origin, date and approximate volume received. These records must be maintained for a minimum of 5 years. Such records must be made available to State or Federal animal health officials, upon request, during normal business hours.

(d) Record Keeping: Calf ranches must comply with TAHC bovine tuberculosis dealer record keeping requirements as outlined in §43.2(h) of this chapter (relating to General Requirements).