

The Texas Animal Health Commission (commission) proposes an amendment to §45.2, concerning Duty to Report, in Chapter 45, which is entitled “Reportable Diseases”.

The purpose of the amendment is to add Novel Swine Enteric Coronavirus Disease(s) to the list of reportable diseases. Novel Swine Enteric Coronavirus Disease(s) (SECD) is a disease in swine caused by emerging porcine coronaviruses, which includes but is not limited to porcine epidemic diarrhea virus (PEDv) and porcine delta coronavirus (PDCoV). SECD affects swine causing diarrhea, vomiting, and 50-100% mortality of infected piglets. The clinical presentation of SECD infections in growing pigs can be variable in its severity and not readily distinguishable from many other causes of diarrhea in growing pigs. While adult pigs can become infected, mortality is low. SECD is clinically indistinguishable from transmissible gastroenteritis (TGE), another swine disease caused by a coronavirus that is endemic in the United States.

The United States Department of Agriculture’s (USDA) National Veterinary Services Laboratories (NVSL) confirmed the first PEDv diagnosis in the United States on May 17, 2013. As of May 7, 2014, 29 states, including Texas, had at least one confirmed case of PEDv. NVSL confirmed the first PDCoV diagnosis in the United States in March 2014. As of May 7, 2014, 14 states, including Texas, had at least one confirmed case of PDCoV.

SECD is not a zoonotic disease, does not affect people, and is not a food safety concern. The main, and perhaps only, mode of SECD transmission is fecal-oral; however, contaminated personnel, equipment or other fomites may introduce SECD into a susceptible herd. No vector or reservoir has been implicated in its spread. Economic loss occurs directly in the form of death and production loss in swine. Further monetary loss occurs because of the cost of biosecurity.

On April 18, 2014, USDA announced that in an effort to further enhance the biosecurity and health of the US swine herd while maintaining movement of pigs in the US, the USDA will require reporting of PEDv and PDCoV in order to slow the spread of this disease across the United States. USDA is taking this latest action due to the devastating effect on swine health since it was first confirmed even though PEDv and PDCoV are not a reportable disease under international standards established by the World Organization for Animal Health (OIE).

The commission has also determined after reviewing the rate of morbidity and mortality and the spread of SECD in North America, that requiring a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report SECD, which includes but is not limited to PEDv or PDCoV, is necessary to protect swine health in this state.

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 additional fiscal implications for state or local government as a result of enforcing or administering the rule. 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 prompt notification to the commission of a specific disease that may be diagnosed in this state.

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 amendment 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 Texas 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) 719-0719 or by email at “comments@tahc.texas.gov”.

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 §161.041, entitled “Disease Control”, with the requirement to protect all livestock, domestic animals, and domestic fowl from disease.

Pursuant §161.041(b), the commission may act to eradicate or control any disease or agent of transmission for any disease that affects livestock, exotic livestock, domestic fowl or exotic fowl. The commission may adopt any rules necessary to carry out the purpose of this subsection.

Pursuant to §161.101, entitled “Duty to Report”, the commission may adopt rules that require a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report the existence of a disease other than bluetongue in an animal to the commission within 24 hours after diagnosis if the disease is (1) recognized by the United States Department of Agriculture as a foreign animal disease, (2) is the subject of a cooperative eradication program with the United States Department of Agriculture; (3) is a disease reportable to the Office International Des Epizooties; or (4) is the subject of a state of emergency, as declared by the governor.

Pursuant to §161.101(c), the commission may adopt rules that require a veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal to report a disease not covered by subsection (a) or (b) if the commission determines that action to be necessary for the protection of animal health in this state. The commission shall immediately deliver a copy of a rule adopted under this subsection to the appropriate legislative oversight committees. A rule adopted by the commission under this subsection expires on the first day after the last day of the first regular legislative session that begins after adoption of the rule unless the rule is continued in effect by act of the legislature.

Pursuant to §161.046, entitled “Rules”, the commission may adopt rules as necessary for the administration and enforcement of this chapter.

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

45.2. 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 following diseases among livestock, exotic livestock, domestic fowl, or exotic fowl to the commission within 24 hours after diagnosis. The following listing includes diseases and conditions that are Office International Des Epizooties Diseases, Foreign Animal Diseases, National Program Diseases or Texas Animal Health Commission Designated Diseases.

Attached Graphic

(b) In addition to reporting the existence of a disease under subsection (a) of this section, the veterinarian shall also report to the commission information relating to:

- (1) the species and number of animals involved;
- (2) any clinical diagnosis or postmortem findings;
- (3) any death losses;
- (4) location; and
- (5) owner.