

The Texas Animal Health Commission (commission) proposes an amendment to §57.11, concerning General Requirements, in Chapter 57, which is entitled “Poultry”. The purpose of the amendment is to ensure that poultry shipped into Texas have not originated from an area that has had active infection with chicken embryo origin Laryngotracheitis vaccine virus within the last 30 days.

There are several types of vaccines available to prevent Laryngotracheitis. Certain recombinant/vectored or modified live/tissue culture vaccines are approved for use in Texas without restriction; however, domestic poultry broilers from states affected with Laryngotracheitis and vaccinated with chick embryo vaccine (CEO) may enter Texas only for immediate slaughter and processing only under specific conditions. CEO-vaccinated birds can shed the Laryngotracheitis virus even though they do not appear sick, which can then cause illness in unvaccinated chickens. For poultry entering Texas, the proposed amendment will add a requirement that the health certificate state the poultry have not originated from an area that has had active chicken embryo origin Laryngotracheitis vaccine virus within the last 30 days.

#### **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 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 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 Texas poultry and the industry from birds infected with or exposed to an active chicken embryo origin Laryngotracheitis vaccine virus.

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

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

Pursuant to §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 purposes of this subsection.

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

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.

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

### **57.11. General Requirements.**

(a) Quarantine provisions.

(1) Poultry and/or premises shall be placed under quarantine when evidence of infection or possible exposure to any contagious and/or communicable disease not considered to be endemic exists in the State of Texas. A quarantine shall remain in effect until epidemiological evidence of the existing disease or exposure thereto is satisfied. After due consideration of epidemiological evidence, the executive director of the commission may cause the quarantine to be released.

(2) When Laryngotracheitis laryngotracheitis infection is confirmed in any house on a farm, the entire farm will be placed under quarantine, and all poultry on that farm will be considered infected and no molting will be allowed until after the quarantine has been released. Official quarantine signs will be posted in a prominent place at the entrance to the premise and on the doors of each house. The doors should be locked when the house is unattended.

(3) Premises may be released from a Laryngotracheitis laryngotracheitis quarantine when:

(A) the farm has been depopulated and established cleaning and disinfection procedures have been applied;

(B) all infected poultry have been removed and all replacement poultry have been vaccinated twice with cell culture vaccine, no chick embryo origin vaccine has been used, and a surveillance system as established by the commission is carried out with no evidence of active infection; or

(C) all dead poultry and caked litter are removed; the houses are sprayed with disinfectant and closed for 15 to 30 days; and two consecutive sets of nonvaccinated poultry are raised in the houses with no evidence of infection based on commission surveillance.

(4) When fowl typhoid (*S. gallinarum*) infection is confirmed in a flock, the farm on which the flock is located shall be placed under quarantine and the flock depopulated. Following depopulation and burial or incineration of all poultry, nest material, and litter, the premise and facilities shall be cleaned and disinfected. The premise shall remain quarantined for at least 180 days following depopulation during which time poultry shall not be reintroduced to the premises. Following removal of the quarantine, repopulation of the premises may be allowed with poultry that have been tested negative to fowl typhoid.

(b) Public exhibitions. Poultry entered in public exhibition shall originate from flocks or hatcheries free of pullorum disease and fowl typhoid or have a negative pullorum-typhoid test within 30 days before exhibition. Chickens or turkeys entered in public exhibition shall be accompanied by a certificate of source.

(c) Public sales. Poultry offered for public sale or trade at markets such as trade days, flea markets, auctions, or any other public sale shall originate from pullorum-typhoid clean flocks or hatcheries. The seller shall furnish proof of the source of poultry or hatching eggs offered for public sale. The owner or management of any market or public sale shall prevent the sale, trade, or offer for sale of any poultry that is not properly qualified under the Texas Pullorum-Typhoid Program as prescribed by the Texas Veterinary Medical Diagnostic Laboratory (TVMDL) and/or the National Poultry Improvement Plan. Failure to enforce this requirement may result in the seeking of a court order prohibiting any further sale of poultry on the grounds. Poultry from states other than Texas shall be accompanied by a health certificate from the state of origin, including a negative pullorum-typhoid test within 30 days of the sale as described in subsection (e)(1) of this section. Poultry not properly identified and qualified as pullorum-typhoid clean are prohibited from sale and shall be returned to the owner's or dealer's premises.

(d) Surveillance. The commission may pick up dead poultry at farms to determine if Laryngotracheitis ~~laryngotracheitis~~ or any other disease is present in any area.

(e) Interstate Movement.

(1) Poultry shipped into the State of Texas shall be accompanied by an official health certificate issued by an accredited veterinarian within 30 days prior to shipment. The health certificate shall state that the poultry have been inspected and are free of evidence of infectious or contagious disease; that the poultry have been vaccinated only with approved vaccines as defined in this regulation; and that the poultry have not originated from an area that has had active Laryngotracheitis or chicken embryo origin Laryngotracheitis vaccine virus within the last 30 days. The certificate shall also state the poultry have passed a negative test for pullorum-typhoid ~~pullorum-typhoid~~ within 30 days prior to shipment or that they originate from flocks which have met the pullorum-typhoid requirements of the Texas Pullorum-Typhoid Program and/or the National Poultry Improvement Plan. Baby poultry will be exempt from this section if from an NPIP, or equivalent, hatchery, and accompanied by NPIP Form 9-3, or APHIS Form 17-6; or, are covered by an approved "Commuter Poultry Flock Agreement" on file with the state of origin and the commission ~~Texas Animal Health Commission~~.

(2) An official health certificate is not required on poultry consigned to slaughter establishments, which maintain federal postmortem inspection, provided the shipment is accompanied by a waybill indicating the plant of destination.

(3) Live poultry, unprocessed poultry, hatching eggs, unprocessed eggs, egg flats, poultry coops, cages, crates, other birds, and used poultry equipment affected with, or recently exposed to, infectious, contagious, or communicable disease, or originating in state or federal quarantined areas shall not enter Texas without express written consent from the commission.

(f) Depopulation and disposition of poultry and eggs. The commission shall depopulate or dispose of poultry and/or hatching eggs that pose a threat to the poultry industry of the State of Texas after a hearing before the commission pursuant to the Administrative Procedure Act.

(g) Dead poultry disposal. Dead poultry are to be disposed of by incinerating, burying in disposal pits, or hauling to a rendering plant in closed containers.

(h) Cleaning and disinfecting.

(1) Premises found to have housed, incubated, brooded, or ranged an infected flock shall be cleaned and disinfected under the supervision of the commission within 15 days following depopulation, unless an extension of time is granted. Infected premises shall not be restocked with poultry or eggs for hatching purposes until the cleaning and disinfecting requirement of this subsection is certified complete by the commission. The following cleaning and disinfection procedures are approved for Laryngotracheitis ~~laryngotracheitis~~:

(A) completely clean house, spray with disinfectant, and close for 15-30 days; or

(B) remove all dead poultry and caked litter, spray with disinfectant, and close for 15-30 days.

(2) Trucks, loading equipment, cages, or coops used in hauling poultry vaccinated with restricted vaccines or infected with a reportable disease within a designated area or from a designated area shall be cleaned and disinfected prior to entering premises on which the disease has not been diagnosed and the vaccine has not been used or as directed by the commission.

(i) Designated area for Laryngotracheitis laryngotracheitis. The following procedures shall apply to all poultry operations:

(1) Replacement poultry. All poultry housed in the designated area will be vaccinated twice (no earlier than four weeks of age and again at least four weeks later) with cell culture (eye drop) modified vaccine before being housed for egg production. A certificate of vaccination must be on file with the owner, farm manager, and the commission. Prior entry permit and health certificate with vaccination history are required for poultry originating out-of-state. These poultry may receive the second vaccination upon arrival at farm, but the first vaccination must be no earlier than four weeks of age.

(2) Molted hens.

(A) Any hen molted and retained for egg production must be vaccinated with cell culture vaccine after molting.

(B) The hens on known infected premises may be allowed to complete the laying cycle but shall not be molted. Empty houses shall be repopulated only with pullets that have been vaccinated twice with cell culture vaccine at the proper age.

(3) Broilers may be vaccinated with chick embryo vaccine under the following conditions.

(A) No vaccination except by agreement with the commission.

(B) Agreements signed under the following conditions:

(i) broilers less than five weeks of age located within a designated area;

(ii) the next two flocks following an infected flock if epidemiologically sound;

(iii) chick embryo vaccine can be used in layers or breeders only to stop an outbreak and only by agreement with the commission.

(4) Movement.

(A) Permits are required for movement of all non infected flocks between farms in the designated area. Poultry may move from a designated area only to slaughter and only under permit.

(B) Infected flocks and chick embryo origin vaccinated flocks can be moved only to slaughter under permit.

(5) Trucks.

(A) Cleaning and disinfection is required for all trucks hauling infected flocks and chick embryo origin vaccinated flocks.

(B) Farms with poultry infected with Laryngotracheitis laryngotracheitis or vaccinated with chick embryo origin vaccine are to be serviced the last trip of the day. The driver should not enter the poultry house. The driver must wear rubber boots and disinfect them before leaving the farm. All vehicles should be disinfected after entering an infected premise.

(6) Personnel.

(A) Employees from infected or chick embryo origin vaccinated farms are not to enter houses on non infected or non chick embryo origin vaccinated farms.

(B) When entering infected houses, managers must wear protective clothing and change before entering non infected houses.

(C) Catching crews must follow cleaning and disinfection procedures before entering and leaving all infected or chick embryo origin vaccinated premises.

(7) Equipment.

(A) Egg flats from infected or chick embryo origin vaccinated premises are to be returned to infected houses or disposed of or disinfected.

- (B) Equipment from infected or chick embryo origin vaccinated farms cannot be moved to other farms without cleaning and disinfection.
- (8) Dead poultry disposal must be according to regulations.