



Virginia
Regulatory
Town Hall

Proposed Regulation Agency Background Document

Agency Name:	Agriculture and Consumer Services
VAC Chapter Number:	2 VAC 5-140
Regulation Title:	Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia
Action Title:	Amend
Date:	May 4, 2001

This information is required pursuant to the Administrative Process Act (§ 9-6.14:9.1 *et seq.* of the *Code of Virginia*), Executive Order Twenty-Five (98), Executive Order Fifty-Eight (99), and the *Virginia Register Form, Style and Procedure Manual*. Please refer to these sources for more information and other materials required to be submitted in the regulatory review package.

Summary

Please provide a brief summary of the proposed new regulation, proposed amendments to an existing regulation, or the regulation proposed to be repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation; instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Enter Statement Here

The present regulation establishes requirements and qualifications that animals must meet before being admitted into Virginia. It also establishes a monitoring system of health certificates (Certificates of Veterinary Inspection) issued by other states from which animals originate and certifying that the animals entering Virginia meet Virginia's health requirements. The proposed amendments to this regulation reflect (a) newer animal testing technology and procedures, (b) lesser testing requirements as justified by the advances made in certain national eradication programs, including brucellosis, (c) the application of knowledge gained from epidemiological

investigations of disease spread, and (d) the use of information gained from research indicating the best techniques for identifying, controlling, and eradicating animal diseases.

Basis

Please identify the state and/or federal source of legal authority to promulgate the regulation. The discussion of this statutory authority should: 1) describe its scope and the extent to which it is mandatory or discretionary; and 2) include a brief statement relating the content of the statutory authority to the specific regulation. In addition, where applicable, please describe the extent to which proposed changes exceed federal minimum requirements. Full citations of legal authority and, if available, web site addresses for locating the text of the cited authority must be provided. Please state that the Office of the Attorney General has certified that the agency has the statutory authority to promulgate the proposed regulation and that it comports with applicable state and/or federal law.

Sections 3.1-724, 3.1-726, and 3.1-730 of the Code of Virginia (1950), as amended, require the State Board of Agriculture and Consumer Services, the State Veterinarian, and all other veterinarians within the Commonwealth to use their best efforts to protect the domestic animals and poultry from disease. Consequently, the Virginia Board of Agriculture and Consumer Services and the State Veterinarian shall establish rules and regulations to prevent the entry of animal diseases and to establish livestock and poultry disease surveillance, control, and eradication programs to prevent the possible interstate and subsequent statewide spread of diseases.

The language of section 3.1-724 of the Code of Virginia uses the word "duty", and language of section 3.1-730 uses the word "requires," both being words of mandate. However, section 3.1-726 of the Code of Virginia uses the word "authorizes," which is discretionary.

These cited Code sections of the Code of Virginia provide the agency sufficient authority to amend the present regulation covering the requirements and qualifications that animals must meet before being allowed admission into Virginia.

Cited legal authority can be located at: <http://legis.state.va.us/codecomm/codehome.htm>

The Office of the Attorney General has certified that the agency has the required statutory authority.

Purpose

Please provide a statement explaining the need for the new or amended regulation. This statement must include the rationale or justification of the proposed regulatory action and detail the specific reasons it is essential to protect the health, safety or welfare of citizens. A statement of a general nature is not acceptable, particular rationales must be explicitly discussed. Please include a discussion of the goals of the proposal and the problems the proposal is intended to solve.

The amendments are being proposed because there are newer animal testing technology and procedures presently available and because the advances made in certain national animal disease

eradication programs justify lesser testing requirements, including brucellosis, tuberculosis, and pseudorabies. Preventing and controlling infectious and contagious diseases within an animal population is dependent upon the status of health of any new individual introduced into that population. Therefore, the first goal is to establish and maintain a monitoring system that will provide a continual flow of information to regulatory authorities about the health status and origin of any animal being brought into the Commonwealth. This proposed amendment to the present regulation establishes requirements and qualification that animals must meet before being admitted into Virginia. The second goal is to establish a monitoring system of official health certificates (Certificates of Veterinary Inspection) issued by other states and foreign countries of origin, which certify that the animal entering Virginia meets Virginia's health requirements.

In addition to preventing and controlling infectious and contagious diseases that affect Virginia's livestock and poultry populations, the proposed regulation is essential to protect the health of the citizens of the Commonwealth. Certain contagious and infections diseases affect both animals and man. Two of these diseases, by way of example, are tuberculosis and brucellosis. Humans can become infected with tuberculosis, either by inhaling tuberculosis bacteria given off by infected animals (through breathing, sneezing, or coughing) or by consuming unpasteurized milk or uncooked meat from infected animals. Tuberculosis can lie dormant for years in the body of its host, only to become active later and ultimately fatal to its host. Brucellosis, also called Bang's abortion disease, is a contagious disease affecting animals and humans caused by bacteria of the genus *Brucella*. In cattle, brucellosis is characterized by abortion and infertility. In humans, it causes undulant fever, which is characterized by a persistent and recurring fever marked by weakness and painful joints. It is transmitted to man through ingestion of milk or handling of the meat or carcasses of infected animals. By ensuring that the livestock in Virginia are free of such diseases as tuberculosis or brucellosis, the possibility of a person becoming infected with these diseases is greatly reduced.

Because healthy animals bring better prices and are therefore more valuable at market, it is beneficial to Virginia's livestock producers and to the welfare of the state's citizens that the state takes steps to keep diseases out of Virginia, thus reducing risk to resident herds and flocks. For example, states, such as Virginia, that have attained brucellosis-, tuberculosis-, and pseudorabies-free status enjoy freer trade and tend to get better prices for their livestock than do other states and the marketing costs to farmers and others are less. This improves the financial well being of farmers, and in turn, of those who do business with farmers. This is especially true of the poultry industry in Virginia that provides an inexpensive form of animal protein for human consumption which is based, in part, on a readily available supply of birds. Such birds would be hard to supply should an outbreak of exotic Newcastle disease or other infectious and contagious diseases of poultry that infect humans occur. Regulations providing a system to allow the early detection of infectious and contagious disease of livestock and poultry are important to the public welfare because they help protect Virginia's animal industries that contribute several billion dollars annually to Virginia's economy.

Substance

Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. Please note that a more detailed discussion is required under the statement providing detail of the regulatory action's changes.

The following are the amendments of substance to the Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia:

1. Several proposed definitions are added to define new terms and revision of some definitions is included for clarity of meaning in connection with proposed amendments to the present regulation.
2. It is proposed that owners and operators of not-for-hire, privately owned conveyances (in addition to common carriers) that are used to transport livestock and poultry into Virginia must keep their vehicles in a sanitary condition and such animals will be in compliance with Virginia import health requirements.
3. The proposed regulation would extend regulatory coverage regarding health certification and testing requirements for brucellosis and tuberculosis to qualify bison (used for breeding purposes) for entry into Virginia.
4. Proposed is an amendment eliminating brucellosis import permit requirements for cattle and a requirement that all female bovine animals be vaccinated for brucellosis to qualify for entry into Virginia.
5. It is proposed that import requirements for sheep and goats include health assurances that such animals are free of the diseases contagious ecthyma, caseous lymphadenitis, tuberculosis, brucellosis, and scrapie.
6. It is proposed that sheep and goats moving from another state into a Virginia approved sheep and goat auction market (where regulatory personnel are assigned and such animals are required to be identified) be exempted from health certification.
7. The proposed regulation would simplify the current requirements for swine entering Virginia. (No testing for brucellosis or pseudorabies would be required if the swine originate from a nationally recognized brucellosis- and pseudorabies-free state.) It is also proposed to raise the minimum age of breeder and exhibition swine entering Virginia from four months to six months relative to testing for brucellosis.
8. It is proposed to create an exception from present requirements that equine (horses, donkeys, etc.) transported from another state be tested for equine infectious anemia (EIA) before shipment and be accompanied by a health certificate. The exception would apply to equine shipped directly to a "Virginia approved equine market" (a defined term in the proposed regulation); existing livestock auction markets qualify for this designation. The Virginia approved equine market would be supervised by on-site regulatory personnel (such regulatory personnel are already supervising the health-protection aspects of animals in Virginia livestock auction markets), and the market must agree to test each equine presented for sale for EIA. This proposal would eliminate duplication of testing for EIA and represent a saving to equine owners. It is also proposed that the minimum

- age for testing equine for EIA be raised to six months in order to avoid problems of immuno-competency in animals less than six months of age.
9. It is proposed that the options for entry of poultry and hatching eggs into Virginia be expanded, that the requirement that eggs or poultry originate exclusively from flocks participating in the national Poultry or Turkey Improvement Plans be deleted, and that the time for which required tests are valid for qualifying poultry to enter Virginia be extended (from 10 days to 30 days).
 10. Amendments are proposed to expand regulatory coverage to require that health certificates accompany all companions animals (dogs, cats, etc.) being transported into Virginia and to include cats in the regulatory requirements pertaining to rabies vaccination.
 11. It is proposed to delete the isolation and antibiotic treatment requirements for psittacine birds imported into Virginia.
 12. Proposed is an expansion of regulatory coverage to (a) all camelids (camels, llamas, etc.), (b) cervids (deer, elk, etc.), and (c) ratites (ostriches, emus, etc.) to include health certification and specific appropriate tests to qualify such animals for entry into Virginia.
 13. The present regulation requires all animals, except those imported for immediate slaughter, to be accompanied by a health certificate and it is proposed to also exclude ornamental aquarium fish and invertebrate animals from needing a health certificate to enter the Commonwealth.

Issues

Please provide a statement identifying the issues associated with the proposed regulatory action. The term "issues" means: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please include a sentence to that effect.

The primary advantage of the proposed amendments to the public is to prevent the introduction of contagious and infectious diseases into the animal population of the Commonwealth. By establishing disease-testing requirements that animals must meet before they enter the state and by establishing an effective monitoring system of official health certificates issued by other states and countries of origin before any animal is brought into Virginia, the health and welfare of the citizens are protected. However, because some additional testing and a health certificate are required to import certain animals, such as camelids (camels, llamas, etc.), cervids (deer, elk, etc.), and ratites (ostriches, emus, etc.), there will be costs incurred by the Virginia importer of such animals. There is no specific data available to determine the numbers of camelids, cervids and ratites that may be imported, but these kinds of animals do not exist in great numbers in Virginia and the interest in propagating such species is limited. On the other hand, recognition of the brucellosis-, tuberculosis-, and pseudorabies-free status of other states will result in less expense to qualify cattle, bison, swine, and sheep to enter Virginia. Since these species represent the majority of livestock raised in Virginia, there would be considerable savings to the producers of these animals.

There are no disadvantages to the Commonwealth or the agency associated with this proposed rule making since the requirements for testing for certain contagious diseases and a health certificate reflecting a veterinary examination of the animal to be exported to Virginia decreases the risk of allowing a contagious and infectious animal disease to be introduced into the Commonwealth. Absence of disease among the animal population is a major advantage in light of the monies and manpower required to control and eradicate a disease incursion.

Fiscal Impact

Please identify the anticipated fiscal impacts and at a minimum include: (a) the projected cost to the state to implement and enforce the proposed regulation, including (i) fund source / fund detail, (ii) budget activity with a cross-reference to program and subprogram, and (iii) a delineation of one-time versus on-going expenditures; (b) the projected cost of the regulation on localities; (c) a description of the individuals, businesses or other entities that are likely to be affected by the regulation; (d) the agency's best estimate of the number of such entities that will be affected; and e) the projected cost of the regulation for affected individuals, businesses, or other entities.

There are no increased costs to the state to implement or enforce the proposed regulation since the mechanism and personnel are already in place to administer the regulatory requirements of the proposals. The individuals, businesses or other entities that will likely be affected by the regulation are livestock producers and dealers who import animals for breeding or exhibition purposes. There are thousands of livestock producers and approximately 500 animal dealers who will find that the lesser requirements proposed will allow freer movement of livestock and poultry with less costly testing required. There are thousands of individuals who possibly will want to bring in a companion or pet animal, and they will have no required testing but will have to pay a veterinarian to examine their animal and complete a veterinary health certificate. Because there is a wide variation in the price for such veterinary service, it will be hard to estimate the cost to the individuals importing pet animals.

Detail of Changes

Please detail any changes, other than strictly editorial changes, that are being proposed. Please detail new substantive provisions, all substantive changes to existing sections, or both where appropriate. This statement should provide a section-by-section description - or cross-walk - of changes implemented by the proposed regulatory action. Where applicable, include citations to the specific sections of an existing regulation being amended and explain the consequences of the proposed changes.

In section 2 VAC 5-140-10 "Definitions," several definitions have been added to clarify their meaning since such terms were included in the present regulation but were not clearly defined. These new such proposed definitions include "Accredited veterinarian," "Animal," "Approved livestock market," "Approved slaughter establishment," "Common carrier," "Companion animal," "Equine," "Livestock," "Official brucellosis test," "Official tuberculosis test," "State Veterinarian," "Validated brucellosis free herd," and "Validated brucellosis free state." The definition for "Horses" (term incorporated in the new definition "Equine") and the definition for "Official pseudorabies serological test" (definition is not needed) have been deleted. New

definitions for “Bison,” “Camelid,” “Cats,” “Cervid,” “Ornamental aquarium fish,” “Ratite,” “State animal health official,” “Virginia approved equine auction market,” and “Virginia approved goat and sheep auction market” were added to clarify the meaning of animals newly impacted by the proposed regulation and certain types of auction markets proposed to be approved by the State Veterinarian. The definitions for “Approved slaughter market,” “Monkeys,” and “Poultry” were modified to make their meanings clearer and more appropriate for their use in connection with other proposed amendments to the regulation. Appropriate changes throughout the regulation have been made to conform to these definitions.

Proposed amendments to section 2 VAC 5-140-20 “Official health certificates” reflect the new definition of “Animals,” which is any species of nonhuman vertebrate animal, including but not limited to livestock, poultry, birds, companion animals and wild animals that must be accompanied by a health certificate. The proposed amendments also indicate two specific exceptions for the required veterinary health certification; i.e., animals imported for immediate slaughter and ornamental aquarium fish and invertebrates. In the first exception, a health certificate for animals that will be slaughtered is unnecessary since veterinary inspection of such animals is accomplished prior to and during slaughter, and in the second exception, there is no evidence that ornamental (not edible) fish and invertebrates pose a risk of introducing diseases that are contagious to other animals.

Amendments to section 2 VAC 5-140-30 “Entry by permit only” indicate the use of new or amended definitions to clarify the content of the section.

In section 2 VAC 5-140-40 “Common carriers and other animal conveyances” amendments are proposed to require that not-for-hire, privately owned conveyances (in addition to common carriers, such as shipping lines, motor carriers, etc.) used to transport livestock, poultry and other animals be kept in a sanitary condition. Additionally, such animals transported in not-for-hire, privately owned vehicles shall be in compliance with Virginia’s animal import health requirements.

In section 2 VAC 5-140-50 “Cattle and bison” amendments are proposed that require bison to meet the same requirements as cattle to qualify for importation into Virginia for breeding and exhibitions purposes. Regulatory coverage regarding health certification and testing requirements for brucellosis and tuberculosis should be applied to bison, like cattle, since both species belong to the Bovidae family and are susceptible to the same diseases. Parts of this section relative to the classification of states based on the U.S. Department of Agriculture’s National Brucellosis Eradication Program have been deleted since there are no longer any states that are lower than Class A (Texas and Missouri are the only Class A states which have not had a confirmed case of brucellosis in the last 12 months) and there are 48 states and all U.S. territories classified as Brucellosis-Free.

An amendment to section 2 VAC 2-140-60 “ Sheep” proposes to eliminate the requirement for sheep to originate from a state officially designated scabies free by the U. S. Department of Agriculture (USDA) since the entire United States has been designated as scabies free by the USDA. An additional amendment proposes to require that sheep be accompanied by a health certificate which certifies that the sheep are free of symptoms of contagious ecthyma (also

known as orf, sore mouth or contagious pustular dermatitis) and caseous lymphadenitis. Contagious ecthyma is an infectious dermatitis of sheep and goats that affects the lips of young animals, and man is occasionally affected. Caseous lymphadenitis, which involves abscessation of the lymph nodes and internal organs, creates economic losses resulting from reduced weight gain, reproductive efficiency and wool and milk production, as well as condemnation of carcasses. This proposed amendment involving these two diseases is designed to prevent an incursion of the diseases into Virginia. It is also proposed to allow the importation of sheep from tuberculosis- and brucellosis-free states or flocks or tuberculosis-test-negative and brucellosis-test-negative flocks (whole herd tested within 12 months prior to entry into Virginia) without requiring a test for either of these diseases. Otherwise, tests for tuberculosis and brucellosis of the individual animals within 60 days and 30 days, respectively, prior to entry into Virginia would be required. This proposal is justified because of the required testing in order to qualify the flock of origin as free of these two diseases, and such testing reduces the risk of introducing such diseases into the sheep and goat populations of the Commonwealth. To promote freer movement of sheep into the state, it is proposed to allow sheep to enter Virginia from other states without an accompanying health certificate if the sheep enter auction markets approved by the State Veterinarian based on the markets individually identifying each sheep. Such "Virginia approved goat and sheep auction markets" will be under state veterinary supervision and if the market qualifies, a written approval permit will be issued to the market. In order to prevent the entry of sheep from known scrapie-infected flocks, scrapie source flocks, or scrapie trace flocks, it is proposed to not allow the importation of any sheep from such flocks into the Commonwealth. Scrapie is an insidious fatal neurologic disease that produces encephalopathy in adult sheep, and feedstuff derived from sheep meat and bone meal that had been inadequately treated during manufacture was a probable source of bovine spongiform encephalopathy (sometimes called "mad cow disease").

In section 2 VAC 5-140-70 "Swine" it is proposed to raise the minimum age of swine that require a health certificate to qualify for importation into Virginia in order to create a consistent minimum age requirement for both testing and certification. An additional reason for amending the minimum age requirement is to match the minimum age requirement established by the U.S. Department of Agriculture for the National Pseudorabies Eradication Program and the National Swine Brucellosis Control/Eradiation Program based on the problems encountered in young pigs relative to their immuno-competency capabilities. In this section, it is proposed to allow swine to move without a brucellosis test if from validated brucellosis-free states or herds or from herds tested within 12 months prior to entry into the Commonwealth. Otherwise, individual swine are required to be tested twice, 30 to 45 days apart, and be negative to a brucellosis test. In addition, it is proposed that swine may be imported without a required test for pseudorabies if the pigs originate from a pseudorabies monitored herd or a qualified pseudorabies negative herd or from a state that is classified as Stage IV (Surveillance) or V (Free) by the U. S. Department of Agriculture Pseudorabies Eradication Program. Swine that do not originate from pseudorabies-tested negative states or herds are required to be tested negative prior to entry and subsequently retested 30 to 60 days after entry. There are also individual animal identification requirements proposed for imported swine.

It is proposed that in section 2 VAC 5-140-80 "Equine" the health certificate accompanying each equine indicate a negative test for equine infectious anemia (EIA) within the previous 12 months

and that equines from infected premises not be allowed entry without first obtaining a permit from the State Veterinarian. It is also proposed that entry of positive EIA equine be restricted to movement to an institution for research purposes, only. A minimum age of six months is proposed for equine to be tested for EIA in order to qualify for entry into Virginia. Additionally, it is proposed that equine from other states may enter a “Virginia approved equine auction market” and be exempted from the health certificate and testing requirements, provided that the auction market has been recognized and a permit issued by the State Veterinarian as satisfying the EIA testing requirements of the Commonwealth. Because a veterinarian will be on duty in each approved equine market and will test the equine for EIA, as well as being able to look at the animal for signs of disease, it is believed that this proposal will provide a mechanism for freer movement of equine without increasing the risk of introducing disease into the equine population of the state.

In section 2 VAC 5-140-90 “Poultry and Hatching Eggs” it is proposed to amend the present regulation requirements for importing poultry over four months of age intended for breeding, feeding or exhibition to allow such birds to be accompanied by either a health certificate or an official National Poultry Inspection (NPIP) federal form indicating that the poultry originate from a U.S Department of Agriculture recognized pullorum-typhoid clean state or flock or that each bird has been individually tested negative for pullorum-typhoid within 30 days prior to entry. It is also proposed that breed, sex and a leg band number must identify birds intended for exhibition. For poultry under four months of age, the required health certificate or NPIP federal form will indicate the source of such birds to be either a pullorum-typhoid clean state or flock. Individual testing is inappropriate for these young birds. For hatching eggs to qualify for entry, such eggs must originate from a recognized pullorum-typhoid clean state or flock and must obtain an approval number from the State Veterinarian prior to the eggs entering Virginia. An exemption for required health certification is proposed to allow poultry and hatching eggs passing directly through the state or if poultry are to be slaughtered at an approved slaughter establishment.

Relative to requirements for importing goats into Virginia, it is proposed in section 2 VAC 5-140-100 “Goats,” that the same requirements relative to certifications for freedom from symptoms of the diseases contagious ecthyma and caseous lymphadenitis as indicated for sheep in section 2 VAC 2-140-60 be applicable to goats. It is also proposed to allow the importation of goats from tuberculosis-free states or herds or tuberculosis-test-negative herds (whole herd tested within 12 months prior to entry into Virginia) or from a brucellosis-test-negative herd without requiring a test for either of these diseases. Otherwise, a test for tuberculosis and brucellosis of individual goats over 6 months of age within 60 days and 30 days, respectively, prior to entering the Commonwealth would be required. It is also proposed that goats be allowed to enter Virginia from other states without an accompanying health certificate if the goats enter “Virginia approved goat and sheep auction markets.” The State Veterinarian will issue a written approval permit based on the market individually identifying each goat, and the market agreeing to be under state veterinary supervision. This approval of such markets will promote freer movement of goats and will establish a goat identification system for tracing disease to herds of origin.

It is proposed in section 2 VAC 5-140-110 “Companion Animals” to expand the present regulation to include more animals other than dogs relative to health certification. There is also a

proposal to include cats along with dogs for a required vaccination for rabies. Because of the public health concerns for rabies, this proposal is appropriate and needed.

In section 2 VAC 5-140-120 “Monkeys” it is proposed to indicate the process for the application of tuberculin by an accredited veterinarian (defined in section 2 VAC 5-140-10) in order to appropriately test monkeys for tuberculosis.

It is proposed in section 2 VAC 5-140-130 “Psittacine Birds” that the requirements for the isolation and antibiotic treatment requirements for psittacine birds imported into Virginia now indicated in the present regulation be deleted. The regimen indicated in the present regulation for treating psittacine birds for psittacosis (also known as chlamydiosis or ornithosis) has been proven in subsequent research to be inappropriate and ineffective. Consequently, it is proposed that pet psittacine birds be accompanied by a health certificate wherein the issuing veterinarian has examined the birds within 30 days prior to entry into the Commonwealth. For purposes of wholesale or retail sale, shippers of psittacine birds will continue to be required to obtain an approval number from the State Veterinarian based on a statement by an accredited veterinarian after inspecting the aviary premises of origin and finding no evidence of infectious, contagious, or communicable disease. The disease psittacosis is transmissible to humans and it is important that such import restrictions be applied in order to protect the general public that purchases psittacine birds (parrots, parakeets, etc.) for pets.

In section 2 VAC 5-140-140 “Camelids” it is proposed to expand the coverage of all animals belonging to the family Camelidae (see section 2 VAC 5-140-10 “Definitions” for “Camelid”) instead of just llamas, as indicated in the present regulation. It is proposed to require health certification for all camelids entering Virginia and that such animals be tested for tuberculosis and brucellosis unless they originate from a herd of camelids that tested negative for such diseases within the last 12 months. It is proposed to delete a test for the disease bluetongue that was a part of qualifying llamas for importation because there is no scientific evidence indicating that camelids pose any greater risk of introducing bluetongue than do cattle. It is also proposed to expand the kinds of acceptable identification approved by the State Veterinarian for the convenience of owners of camelids.

The present regulation does not include requirements for importing cervids (see section 2 VAC 5-150-10 “Definitions” for “Cervid”) or ratites (see section 2 VAC 150-10 “Definitions” for “Ratite”). It is proposed in section 2 VAC 140-150 “Cervids,” that cervids (deer, elk, etc.) be accompanied by a health certificate and originate from a tuberculosis-free and brucellosis-free herd or be individually tested for tuberculosis within 60 days prior to entry and for brucellosis within 30 days prior to entry. These proposed requirements will assure that these types of animals will not introduce disease into Virginia. It is proposed in section 2 VAC 140-160 “Ratities,” that ratities (ostriches, emus, etc.) be accompanied by a health certificate and an official certification of a negative test for salmonella pullorum-typhoid accomplished within 30 days prior to entry. It is also proposed that all ratites have a negative test for the disease avian influenza prior to entry into Virginia. These requirements are necessary in order to prevent an incursion of these two diseases, either of which could be disastrous to the poultry industry of the Commonwealth.

Alternatives

Please describe the specific alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action.

The alternative to this regulation is not to require official health certificates (Certificates of Veterinary Inspection), which provide a description of the health status and place of origin of any animal brought into the Commonwealth. The agency rejects this alternative because without the health-monitoring system provided by the certificates, diseased animals could be shipped freely into Virginia, the source of these animals would be difficult to determine or remain unknown, and the risk of widespread disease within the Commonwealth would be increased. An additional alternative is to not test for certain animal diseases prior to the entry of the animals into Virginia. This alternative is rejected because it is much easier to prevent disease than to control or eradicate it once the disease has entered the state and is impacting the hitherto unaffected resident animal population. The costs of controlling and/or eradicating a disease would be expensive for the agency and the affected livestock or poultry industry, as well as the related agribusinesses whose livelihood depends on the successful and profitable operation of livestock and poultry producers.

Public Comment

Please summarize all public comment received during the NOIRA comment period and provide the agency response.

The agency received no comments during the NOIRA comment period.

Clarity of the Regulation

Please provide a statement indicating that the agency, through examination of the regulation and relevant public comments, has determined that the regulation is clearly written and easily understandable by the individuals and entities affected.

The regulation is clearly written and easily understood by the individuals and entities affected.

Periodic Review

Please supply a schedule setting forth when the agency will initiate a review and re-evaluation to determine if the regulation should be continued, amended, or terminated. The specific and measurable regulatory goals should be outlined with this schedule. The review shall take place no later than three years after the proposed regulation is expected to be effective.

The agency will submit the regulation to review every three years after the effective date of this amended regulation.

Goals:

1. The protection of the public's health and welfare with the least possible cost and intrusiveness to the citizen and businesses of the Commonwealth.
2. The minimization and control of the spread of animal disease among animals entering the Commonwealth.
3. The establishment of health certification and testing requirements for animals to qualify for importation into Virginia.

Family Impact Statement

Please provide an analysis of the proposed regulatory action that assesses the potential impact on the institution of the family and family stability including the extent to which the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

Unless otherwise discussed in this report, this regulation has no impact upon families.