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## Notice of Intended Regulatory Action (NOIRA) Agency Background Document

<b>Agency name</b>	Virginia Department of Agriculture and Consumer Services
<b>Virginia Administrative Code (VAC) citation</b>	2 VAC 5-140
<b>Regulation title</b>	Rules and Regulations Pertaining to the Health Requirements Governing the Admission of Livestock, Poultry, Companion Animals, and Other Animals or Birds into Virginia
<b>Action title</b>	To update admissions requirements for animals that are consistent with current animal disease epidemiology, research, and testing technologies while providing optimum protection of animal and public health from diseases or risks of diseases that exist in other states.
<b>Date this document prepared</b>	April 3, 2009

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Purpose

*Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.*

This regulation establishes the requirements for testing and documentation of livestock and certain other animals to be allowed to come into Virginia. The existing regulation will be reviewed and updated where appropriate to require the use of appropriate testing methods for those animals entering Virginia permanently and for exhibition. The regulation currently requires that animals coming into Virginia shall be accompanied by a certificate of veterinary inspection to create a record to document the origin, the destination, test results, and relevant vaccinations of animals coming into Virginia from other states. The information required on the certificates of veterinary inspection will be reviewed for compatibility with current epidemiology practices and record management systems. The regulations will also be reviewed for continuing need and effectiveness.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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Sections 3.2-6001, 3.2-6002, and 3.2-6004 of the Code of Virginia require the Board of Agriculture and Consumer Services, the Commissioner, 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 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.

### Need

*Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.*

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The requirements for testing and documentation of livestock and certain other animals before coming into Virginia provide a stronger safeguard against the spread of disease. The proposed regulatory action is necessary to (a) incorporate updated animal testing technology and procedures; (b) where appropriate, allow for fewer testing requirements as justified by the advances made in certain national eradication programs, including brucellosis; (c) allow for the application of knowledge gained through epidemiological investigations of disease spread; and, (d) facilitate the use of information gained from research indicating the best techniques for identifying, controlling, and eradicating animal diseases.

### Substance

*Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.*

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In order to effectuate the most appropriate and updated regulation for preventing the entry of animal diseases into the Commonwealth, the following amendments are under consideration:

1. Removing the requirement that psittacine birds transported into Virginia be confined and provided feed or seed treated with the antibiotic, chlortetracycline, for 15 continuous days as a treatment for the possible exposure and infection with the disease psittacosis.
2. Deleting the requirement for a negative test for bluetongue for South American camelids of the genus Lama (llamas, alpacas, guanacos, and vicunas) entering Virginia.
3. Changing the tuberculosis testing requirement from no more than 30 days to no more than 60 days prior to importation for South American camelids.
4. Adding a requirement that members of the Cervidae family be tested for tuberculosis and brucellosis or are a part of a herd that meets the national program requirements for herd certification for brucellosis and accreditation for tuberculosis before being imported into Virginia. Recent evidence has shown that these animals can harbor these diseases and that only a small percentage of the cervidae population in the U.S. has been tested for brucellosis and tuberculosis.

5. Inserting bison (animals in the genus *Bison*) in the text of the regulation wherever requirements (testing, vaccination, etc.) are indicated for cattle. The regulations and requirements set by the U.S. Department of Agriculture for the national State-Federal Eradication Programs for Brucellosis and Tuberculosis have been expanded to include bison. This action was taken because bison have the same susceptibility to both brucellosis and tuberculosis as cattle, and must be treated in a similar manner if these diseases are to be eliminated from the United States.
6. Eliminating the requirement for mandatory brucellosis vaccination of cattle and bison originating from those states not declared Brucellosis-Free by the U.S. Department of Agriculture.
7. Eliminating certain categories of brucellosis infected states as defined by U. S. Department of Agriculture regulations and presently included in this regulation because there are no longer any states which have such high levels of brucellosis infection among their cattle population.
8. Adding definitions to the regulation which are required to explain proposed amendments.

Additionally, other portions of the regulation will be reviewed for continuing need and effectiveness.

## Alternatives

*Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.*

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Considered alternatives to this regulation are: (1) to set no requirements for the testing of imported animals to determine possible exposure to disease; and, (2) to not require official certificates (Certificates of Veterinary Inspection), which provide a description of the health status and place of origin and destination of any animal brought into the Commonwealth. The agency rejects these alternatives because without the health-monitoring system provided by the testing of imported animals and the Certificates of Veterinary Inspection, diseased animals could be shipped freely into Virginia, and the source of these animals would be difficult to determine or remain unknown. Also, the risk of widespread disease within the Commonwealth would be increased.

## Public participation

*Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.*

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The agency is seeking comments on the intended regulatory action, including but not limited to: (1) ideas to assist in the development of a proposal; (2) the costs and benefits of the alternatives stated in this background document or other alternatives; and, (3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include: (1) projected reporting, recordkeeping and other administrative costs; (2) probable effect of the regulation on affected small businesses; and, (3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments may do so at the public hearing or by mail, email or fax to:

Richard D. Saunders  
P.O. Box 1163  
Richmond, Virginia 23218  
Phone: 804-692-0601  
Fax: 804-371-2380  
E-mail: [doug.saunders@vdacs.virginia.gov](mailto:doug.saunders@vdacs.virginia.gov)

Written comments must include the name and address of the commenter. In order to be considered, comments must be received by the last day of the public comment period.

In addition, the agency is seeking information on: (1) the continued need for the regulation; (2) the complexity of the regulation; (3) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and, (4) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation.

A public hearing will be held and notice of the hearing may be found on the Virginia Regulatory Town Hall website ([www.townhall.virginia.gov](http://www.townhall.virginia.gov)) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

### Participatory approach

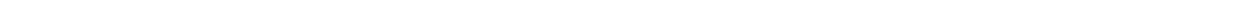
*Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.*



The agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

### Family impact

*Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent 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.*



The agency estimates that overall the proposed regulatory action will have a neutral impact on family and family stability across the state. The agency recognizes that lack of adequate animal disease control can have a devastating impact on a farm family that depends on the Commonwealth's protection of its animals in maintaining profitability and economic stability. To the extent that the proposed regulatory changes will provide greater protection for animals on family farms, they will provide greater financial stability for hundreds of families who depend on their animals for income.