Virginia Regulatory Town Hall

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Notice of Intended Regulatory Action (NOIRA)
Agency Background Document

Agency name	Department of Agriculture and Consumer Services
Virginia Administrative Code (VAC) citation	2 VAC 5 -70
Regulation title	Rules and Regulations Pertaining to the Health Requirements Governing the Control of Equine Infectious Anemia in Virginia
Action title	Amend
Document preparation date	June 11, 2004

This information is required for executive review (www.townhall.state.va.us/dpbpages/apaintro.htm#execreview) and the Virginia Registrar of Regulations (legis.state.va.us/codecomm/register/regindex.htm), pursuant to the Virginia Administrative Process Act (www.townhall.state.va.us/dpbpages/dpb_apa.htm), Executive Orders 21 (2002) and 58 (1999) (www.governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html), and the *Virginia Register Form, Style, and Procedure Manual* (http://legis.state.va.us/codecomm/register/download/styl8_95.rtf).

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.

Equine infectious anemia (EIA) is a chronic viral disease of all members of the equine family (horses, mules, etc.) No vaccine is available to prevent the disease and there is no known cure. The virus is spread from infected to healthy horses by biting flies or contaminated instruments such as hypodermic needles, rather than by direct horse-to-horse contact. Protection of healthy horses can come only by isolating or removing infected animals since they remain carriers of the virus for life. Regulatory identification and control of infected horses with EIA is highly desirable in preventing and controlling this disease in the equine population of Virginia.

This regulation establishes the testing requirements for EIA that equines must meet when assembling at a public gathering, sale or auction in Virginia. Horses assembled at a show, fair, race, or other such functions in Virginia must be accompanied by official documentation indicating a negative test for EIA, conducted within twelve months prior to such event.

In the past, livestock markets, sales or auctions have been exempted from these requirements under provisions of Section 30 of the regulation which gives the State Veterinarian the authority to approve alternate testing requirements. The alternate testing requirements allow horses to be assembled at a sale or auction without a negative test for EIA, provided all horses shall have blood drawn for EIA testing on-site and each buyer of a non-slaughter horse shall sign a release form signifying his agreement to maintain such horse or horses at a specified location until notified of the results of the EIA test.

Effective December 1, 2003, the State Veterinarian withdrew the approval of alternate testing requirements for horses assembled at livestock markets and sales. Benefits of standardized testing requirements include:

1. Horses are tested and found negative for EIA before they assemble.
2. Owners are not required to retest horses every time they assemble at a sale or auction within a 12 month period.
3. Testing requirements for shows, fairs, or other exhibitions are the same as for sales and auctions. A negative report of a test performed within the past 12 months valid for horses assembled for a show, fair or other exhibition is valid for an auction or sale.
4. Buyers do not need to sign a release form agreeing to maintain the horse purchased at a specific location until notified of the results of the tests.
5. Horses at the sale or auction reportedly destined for slaughter who do not make it to a slaughter establishment may avoid testing by the alternate testing requirement.
6. Horses that are assembled but sold or traded outside the sale or auction ring may be more likely to avoid testing by the alternate testing requirement.

The proposed regulatory action will provide for a review of the regulation for effectiveness and continued need, as well as amending the testing requirements for EIA.

Legal basis

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

Sections 3.1-724, 3.1-726 and 3.1-730 of the Code of Virginia (1950), as amended, require the Board of Agriculture and Consumer Services, the State Veterinarian and all other veterinarians in the Commonwealth to use their best efforts to protect the domestic animals and poultry from disease. Additionally, the Board of Agriculture and Consumer Services and the State Veterinarian shall establish rules and regulations to prevent the entry of animal disease and to establish livestock and poultry disease surveillance, control and eradication programs to prevent the possible interstate and subsequent statewide spread of 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. Include the specific reasons why the regulation is essential to protect the health, safety, or welfare of citizens. Delineate any potential issues that may need to be addressed as the regulation is developed.

The testing requirements will be amended to specify that horses assembled for any event will be required to have a negative EIA test result prior to assembling. As a result, Section 30 – Alternate Testing Requirements will be deleted.

The majority of the horse industry will support the repeal of the alternate testing requirements. However, there will likely be some livestock market managers who will oppose the amendment to the regulation based on what they feel are benefits of the alternate testing requirements. Those benefits include: 1) It is more convenient and less expensive to test horses assembled at a sale or auction than to collect samples and get negative test results at individual premises before horses depart for sale or auction; 2) there is greater surety that the negative test result corresponds to the horse sold at the sale or auction; and 3) from a disease surveillance standpoint, more tests are performed annually in Virginia because some horses are tested multiple times within a 12 month period. While the alternate testing requirements may provide some cost benefit to owners, the agency feels that the standardized requirement of having a negative EIA test prior to horses assembling at sales or auctions would enhance disease control.

This regulation is essential to protecting the welfare of citizens. EIA is a debilitating disease from which infected horses do not recover. Measures to control the spread of the disease among horses in Virginia and the identification and control of horses infected with this disease is highly desirable in protecting Virginia's equine industry, which generates $1.46 billion dollars a year (according to USDA, Virginia Agricultural Statistics Service 2003 census).

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.

An alternative to the proposed amendments is to continue allowing alternate testing requirements for sales and auctions. However, the agency feels that standardized testing requirements would enhance the agency's efforts to control EIA in Virginia by requiring a negative test result prior to horses assembling at sales or auctions.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability.

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