

The Texas Animal Health Commission (commission) proposes a new Chapter 39, §§39.1 - 39.7, concerning Scabies and Mange Mites.

The commission is contemporaneously proposing the repeal of the existing Chapter 39, concerning Scabies. The purpose of the new chapter is to make substantial changes to the requirements for treatment of livestock infested with or exposed to scabies or mange mites.

Mange (from Latin: *scabere*, “to scratch”) is a contagious condition of the skin caused by a variety of mite species. Scabies or mange may occur in a number of domestic and wild animals; the mites that cause these infestations are of different subspecies and refer to *Chorioptes bovis*, *Psoroptes bovis*, and *Sarcoptes scabiei* mites, which are commonly referred to as chorioptic, psoroptic, and sarcoptic mange, mange, mange mites or scabies. Scabies or mange affected animals suffer severe itching and secondary skin infections.

The commission is proposing to modify the title and content of the current chapter to accurately identify that scabies and other contagious skin diseases identified in the new chapter are caused by mange mites and to include new types of acceptable treatment for those mange mites. The new chapter will allow the use of products approved for use on the specific type of scabies or mange mite infestation or exposure under the supervision of the commission, United State Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services (USDA, APHIS, VS), or an authorized veterinarian. The new chapter also requires that the product be applied according to label directions, unless there is a discrepancy between requirements contained in federal laws or regulations, state laws or regulations, or the product label. Under the new chapter, the most restrictive requirement would apply unless otherwise authorized by the commission or USDA, APHIS, VS.

FISCAL NOTE

Ms. Larissa Schmidt, Director of Administration, Texas Animal Health Commission, has determined for the first five-year period the rules are in effect, there will be no significant additional fiscal implications for state or local government as a result of enforcing or administering the rules. 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 these rules 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 rules are in effect, the public benefit anticipated as a result of enforcing the rules will be to protect the Texas livestock industry from exposure to scabies and mange by allowing the use of new treatment products.

LOCAL EMPLOYMENT IMPACT STATEMENT

In accordance with Texas Government Code §2001.022, this agency has determined that the proposed rules 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 amendments are 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 are, 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 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 new chapter 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(a), with the requirement to protect all livestock, domestic animals, and domestic fowl from disease. The commission is authorized, through §161.041(b), to act to eradicate or control any disease or agent of transmission for any disease that affects livestock.

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 §161.061, entitled “Quarantines”, if the commission determines that a disease listed in §161.041 or an agent of transmission of one of those diseases exists in a place in this state among livestock, or that livestock are exposed to one of those diseases or an agency of transmission of one of those diseases, the commission shall establish a quarantine on the affected animals or on the affected place. The quarantine of an affected place may extend to any affected

area, including a county, district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen. The commission may establish a quarantine to prohibit or regulate the movement of (1) any article or animal that the commission designates to be a carrier of a disease listed in §161.041 or a potential carrier of one of those diseases, if movement is not otherwise regulated or prohibited; and (2) an animal into an affected area, including a county district, pasture, lot, ranch, farm, field, range, thoroughfare, building, stable, or stockyard pen.

Pursuant to §161.005, entitled “Commission Written Instruments”, the commission may authorize the executive director or another employee to sign written instruments on behalf of the commission. A written instrument, including a quarantine or written notice signed under that authority, has the same force and effect as if signed by the entire commission.

Pursuant to §161.056(a), entitled “Animal Identification Program”, the commission, in order to provide for disease control and enhance the ability to trace disease-infected animals or animals that have been exposed to disease, may develop and implement an animal identification program that is no more stringent than a federal animal disease traceability or other federal animal identification program. Section 161.056(d) authorizes the commission to by a two-thirds vote adopt rules to provide for an animal identification program more stringent than a federal program only for control of a specific animal disease or for animal emergency management.

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.

Pursuant to §161.101, entitled “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 diseases, if required by the commission, among livestock, exotic livestock, bison, domestic fowl, or exotic fowl to the commission within 24 hours after diagnosis of the disease.

Pursuant to §161.113, entitled “Testing or Treatment of Livestock”, if the commission requires testing or vaccination under this subchapter, the testing or vaccination must be performed by an accredited veterinarian or qualified person authorized by the commission. The state may not be required to pay the cost of fees charged for the testing or vaccination. And if the commission requires the dipping of livestock under this subchapter, the livestock shall be submerged in a vat, sprayed, or treated in another sanitary manner prescribed by rule of the commission.

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

39.1. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) Approved product--A product indicated to be effective for the treatment and control of scabies and mange mites in livestock.
- (2) Authorized veterinarian--Veterinarians who are licensed to practice veterinary medicine in Texas, are Category II accredited by USDA, APHIS, VS for the State of Texas; and have satisfactorily completed Texas Animal Health Commission disease control or eradication program training or provide documentation to the executive director that they have satisfactorily completed substantially similar disease control or eradication program training.
- (3) Commission--The Texas Animal Health Commission.
- (4) Exposed livestock--Livestock that have had direct or indirect contact with animals infested with scabies or mange mites.
- (5) Exposed or infested herd--Herd of livestock where one or more head have been confirmed to be infested with scabies or mange mites. The exposed status continues until the prescribed course of treatment is completed and inspected by the commission, USDA, APHIS, VS or an authorized veterinarian.
- (6) Infested livestock--Livestock that have been confirmed to be infested with the scabies or mange mite.
- (7) Livestock--Cattle, sheep, or goats.
- (8) Scabies or mange mites--As used herein include *Chorioptes bovis*, *Psoroptes bovis*, and *Sarcoptes scabiei* mites which are reportable to the commission and commonly referred to as chorioptic, psoroptic, and sarcoptic mange, mange or scabies.
- (9) USDA, APHIS, VS--United States Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services.

39.2. Scabies or Mange Mites Infested or Exposed Livestock.

- (a) The owner or caretaker of livestock infested with or exposed to scabies or mange mites must treat the livestock as prescribed herein and under supervision of the commission, the USDA, APHIS, VS or an authorized veterinarian.
- (b) All livestock infested with or exposed to scabies or mange mites must be treated with an approved product. The product must be applied in a manner consistent with the product's label or labeling, which includes, but is not limited to, the target species, product indications, use, dosage, administration, intervals, withdrawal, animal safety warnings, precautions and all other conditions specified in the label.
- (c) If there is a discrepancy between requirements contained in federal laws or regulations, state laws or regulations, or the product label, the most restrictive requirement shall apply unless otherwise authorized by the commission or the USDA, APHIS, VS.
- (d) The person treating any infested or exposed livestock must maintain records of all livestock treated for a minimum of five years from the date of the last treatment. The records must show the owner's or caretaker's name and address, county of origin for the livestock, species and number of animal(s) treated, date of treatment, product used, method of treatment and concentration or dose of treatment.
- (e) Treated livestock must be maintained physically separated from all untreated livestock until quarantine release.
- (f) When dipping or spraying is the selected treatment, livestock must be treated in a manner to allow complete saturation of the livestock's skin and head.

39.3. Quarantines and Release.

Livestock infested with or exposed to scabies or mange mites will be immediately quarantined. Unless otherwise approved by the commission, the quarantine will not be released until such time that all livestock in the herd have been properly treated and inspected not less than 14 days after the last required treatment is completed. The herd must be inspected by the commission, the USDA, APHIS, VS, or an authorized veterinarian and the quarantine will be released only when such inspection shows all livestock to be free from scabies or mange mites.

39.4. Duties of Owners or Caretakers of Livestock Infested with or Exposed to Scabies or Mange Mites.

It shall be the duty of all owners and caretakers of livestock quarantined for infestation or exposure to scabies or mange mites to:

- (1) Assist in the inspection and treatment of the livestock;
- (2) Provide suitable vats, corrals, pens, or other equipment for the treatment and handling of the livestock;
- (3) Provide the approved product used for treatment; and
- (4) Prevent movement of livestock that is in violation of the quarantine.

39.5. Livestock at Shows, Fairs, and Exhibitions.

Livestock that are found to be infested with or exposed to scabies or mange mites must be immediately removed from the premises, quarantined at a new location, and physically separated from all other livestock. These livestock must be treated as prescribed by this chapter.

39.6. Permitted Dips for Scabies and Mange Mite Eradication.

- (a) The commission will authorize for official dipping of animals only those dips, in the appropriate concentrations, that have been approved by the commission for treatment of scabies and mange mites.
- (b) The concentration of the dipping chemical used shall be maintained in the percentage specified for official use by means of the approved vat management techniques established for the use of the applicable agent or by an officially approved vat-side test of the commission.

39.7. Interstate Movement Requirements for Livestock.

The scabies and mange mites requirements for entry into Texas are located in Chapter 51, §51.7(a) of this title (relating to All Livestock-Special Requirements).