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Emergency Rule Filing Form

Emergency rules are effective from date of filing for a period of up to 180 days.

Agency/Board/Commission:	Department of Agriculture
Division:	Division of Regulatory Services
Contact Person:	Keith Hodges
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Rule Type:

Emergency Rule

Revision Type (check all that apply):

Amendment

New

Repeal

Statement of Necessity:

Pursuant to T.C.A §§ 4-5-208(a)(1), the Department of Agriculture is authorized to adopt an emergency rule if it finds that an immediate danger to the public health, safety or welfare exists, and the nature of this danger is such that the use of any other form of rulemaking authorized by T.C.A. Title 4, Chapter 5 would not adequately protect the public.

Emergency rules are necessary to protect the health of Tennessee cattle, and the Tennessee cattle industry, from bovine trichomoniasis, a venereal disease caused by the parasite *Trichomonas foetus*. Bovine trichomoniasis can cause decreased reproductive efficiency, early embryonic death, abortion, pyometra and transient infertility in infected cattle, and has had a severe economic impact on beef operations and some dairies. Given the effects of disease and the ease with which it can be transmitted if not contained, the Department finds that there is an emergency creating a danger to the public welfare such that the use of any other form of rulemaking authorized by the Administrative Procedures Act would not adequately protect the public.

For a copy of these public necessity rules, contact Keith Hodges, Department of Agriculture, Division of Regulatory Services, P.O. Box 40627, Nashville, Tennessee 37204, telephone (615) 837-5331.

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only **ONE** Rule Number/RuleTitle per row)

Chapter Number	Chapter Title
0080-02-01	Health Requirements for Admission and Transportation of Livestock and Poultry
Rule Number	Rule Title
0080-02-01-.01	Definitions
0080-02-01-.18	Trichomoniasis – Importation Requirements
0080-02-01-.19	Trichomoniasis – Breeding Bulls in Tennessee

Chapter 0080-02-01
Health Requirements for Admission and
Transportation of Livestock and Poultry

Amendments

Paragraph (1) of Rule 0080-02-01-.01 Definitions is amended by deleting the paragraph in its entirety and substituting instead the following language so that, as amended, the paragraph shall read:

- (1) For Purposes of these Rules:
 - (a) Accredited Veterinarian - An accredited veterinarian shall be as defined in 9 C.F.R. 160.1.
 - (b) Approved Livestock Market - A stockyard, livestock market, buying station, concentration point, or any other premises under state or federal veterinary supervision where livestock are assembled for sale or sale purposes, and which has been approved by the USDA, or the appropriate state animal health official in accordance with 9 C.F.R. 71.20.
 - (c) Approved Slaughter Establishment - Any slaughter establishment operating under the provisions of the Federal Meat Inspection Act, 21 U.S.C. 601, et seq.
 - (d) Breeding Bull - Any bull that is capable of breeding cows and heifers and is not a virgin bull.
 - (e) Breeding Swine - Swine that are used or intended to be used for breeding, including all swine other than feeder swine or slaughter swine.
 - (f) Brucellosis Suspect - An animal subjected to an official test resulting in a Brucellosis suspect classification or reclassified as a Brucellosis suspect by a designated epidemiologist, as provided in the definition of official test.
 - (g) Certified Brucellosis-Free Herd - A herd of cattle that has qualified for such status in accordance with 9 C.F.R. 78.1.
 - (h) Change of Ownership - Ownership changing from one individual or entity to another, either through selling, bartering, trading, or donating to another individual or entity.
 - (i) Classification of States - The definitions of Class A, Class B, Class C and Class Free states shall be as set forth in 9 C.F.R. 78.1.
 - (j) Commercial Production Swine - Those swine that are continuously managed and have adequate facilities and practices to prevent exposure to either transitional production or feral swine.
 - (k) Dairy and Breeding Cattle - Shall include all intact male and female cattle other than feeder cattle or slaughter cattle.
 - (l) Department - The Tennessee Department of Agriculture.
 - (m) Domestic Animals - Shall include cattle, bison, horses, mules, asses, sheep, goats, swine, dogs, cats, avian species, and all Class III animals as defined by T.C.A. 70-4-403(3).
 - (n) Entry Permits - A verbal or written pre-movement authorization for entry of livestock into Tennessee, issued by the Tennessee state veterinarian or his agent.

- (o) Exposed Animal (Brucellosis) - Any animal, except a Brucellosis reactor animal, that is part of a herd known to be affected by, or that has been in contact with, a Brucellosis reactor animal in marketing or other channels for twenty-four (24) hours, or for less than twenty-four (24) hours if such Brucellosis reactor animal has aborted or calved within the past thirty (30) days or has a vaginal discharge.
- (p) Farm of Origin (Cattle) - A farm or other premises where the cattle were born or have been kept for not less than four (4) months prior to the date of shipment, and which has not been used within such time to assemble, buy, or sell cattle from other sources.
- (q) Farm of Origin (Swine) - The farm on which swine were born or have resided for at least ninety (90) consecutive days immediately prior to shipment, and which has not been used within such time to assemble, buy, or sell swine from other sources
- (r) Feeder Cattle - Cattle which are intended for the sole purpose of feeding or grazing prior to slaughter and are less than eighteen (18) months of age as evidenced by the absence of eruption of the first permanent incisor teeth and are not parturient or post parturient, including steers and spayed heifers of any age.
- (s) Feeder Swine - Swine that are less than four (4) months of age and are intended for feeding purposes prior to slaughter.
- (t) Feral or Wild Swine - Swine that have lived part (feral) or all (wild) of their lives as free-roaming animals.
- (u) Herd - A herd is all animals under common ownership or which have been in physical contact with each other within the preceding twelve (12) months, whether located on one or more premises.
- (v) Negative - The designation of an animal as "negative" shall be as determined by a test approved by the USDA for such disease.
- (w) Official Backtag - A backtag issued by the USDA that uniquely identifies each animal.
- (x) Official Certificate of Veterinary Inspection
 1. An official certificate of veterinary inspection is a legible record on a form adopted and approved for such use by the appropriate animal health official of the state of origin, that is prepared by an accredited veterinarian of the state of origin, and that certifies the inspection or examination of the animal(s) described thereon. Legal requirements shall not be met until an approved copy is forwarded by the appropriate animal health official of the state of origin to the Tennessee state veterinarian.
 2. The official certificate of veterinary inspection shall list the names and addresses of the consignor and consignee, the origin of the animals, and the final destination of the animals, if different. It shall include an accurate description sufficient to identify each animal(s), which may include information about the animal's age, sex, breed, tags, tattoos, and/or brands. It shall include the dates and results of required tests, and the dates of required vaccinations.
 3. Certificates of veterinary inspection shall be void after thirty (30) days from the date of inspection. No certificate of veterinary inspection shall be issued except in compliance with all import requirements of the State of Tennessee, unless otherwise specifically authorized by the Tennessee state veterinarian.
 4. An Equine Interstate Event Permit (a/k/a an equine passport) is an official document that has been signed by the state veterinarian, the chief animal health officer, or the equivalent, of the state issuing the permit. At minimum, such permits

shall include: the owner's name, complete address and phone number; the official certificate of veterinary inspection number that was the basis for issuing the permit; the date the official certificate of veterinary inspection was issued; a unique permit number issued by the state; the expiration date of the permit; a complete description of the horse, including its name, breed, color, age, and sex; the date of the horse's last EIA test; the name of the laboratory that performed the test; and the laboratory accession number of the laboratory that performed the test. The Equine Interstate Event Permit shall be valid for six (6) months when accompanied by proof of the official, negative EIA test (VS Form 10-11 or other equivalent document) specified in the Equine Interstate Event Permit. In no instance shall a permit be valid for more than twelve (12) months after the date of a negative EIA test. Equine shall have permanent, individual, animal identification in the form of a unique lip tattoo, brand, electronic implant, or digital photograph, which must be incorporated into the permit. Where digital photography is used for identification, the photograph must include images of the entire left and right sides of the animal, and a front view of the animal, including the head from the ear tips to below the lower lip.

- (y) Official Culture Test - A laboratory test method whereby a specimen is grown in a specially prepared nourishing culture medium specifically formulated for a particular bacteria or protozoon such as *Trichomonas foetus*. A culture test for trichomoniasis shall be performed by a lab approved by the state veterinarian in order to be accepted as an official test.
- (z) Official Permanent Identification - A Brucellosis ear tag, an 840 radio frequency identification device (RFID) or bangle tag, a fifteen digit non-840 RFID tag, an individual animal breed registry brand or tattoo, or an official state of origin trichomoniasis tag.
- (aa) Official Polymerase Chain Reaction (PCR) Test - A scientific technique in molecular biology used to determine a particular DNA sequence that can be used to diagnose certain diseases such as trichomoniasis. A PCR test for trichomoniasis shall be performed by a lab approved by the state veterinarian in order to be accepted as an official test.
- (bb) Official Proof of Test - Any documentation approved by state and federal animal health officials that bears a permanent individual identification of an animal and certification by an accredited veterinarian or regulatory animal health employee that the animal has been tested for a particular disease.
- (cc) Official Seal - A serially numbered metal or plastic strip that is self-locking and cannot be reused if opened, and which is applied by a representative of the USDA, or state veterinarian.
- (dd) Official Test - Official tests for specifically named diseases as referred to herein shall be such tests as are recognized as official by the appropriate animal health official of the state of origin and the USDA. The date of the test shall be the date the sample is taken from the animal.
- (ee) Official Vaccinate - Any animal vaccinated and identified in accordance with 9 C.F.R. 78.1 and 85.1.
- (ff) Parturient - Visibly pregnant; commonly referred to as "springing".
- (gg) Person - An individual, corporation, association, partnership, or other legal entity.
- (hh) Pet Swine - Non-commercial swine, including, but not limited to, those kept as pets, rescued, kept in collections or menageries, or used in displays, petting zoos or attractions at fairs or exhibitions.

- (ii) Post Parturient - Having already given birth.
- (jj) Pseudorabies-monitored Feeder Pig Herd - A swine breeding herd, of which the breeding animals over six (6) months of age have tested negative on an official Pseudorabies test according to the criteria below. Such test shall be conducted at least once a year, but may be required more frequently as ordered by the state veterinarian.

1-10 sows	test all
11-35 sows	test 10
36 or more	test 30% or 30 head, whichever is less
- (kk) Qualified Pseudorabies Negative Herd - A herd of swine that has qualified for such status in accordance with 9 C.F.R. 85.1.
- (ll) Quarantined Feedlot - A confined area as set forth by 9 C.F.R. 78.1 and 85.1.
- (mm) Reactor - Any animal that is subjected to an official test and found positive.
- (nn) Shipping Permit - Shall mean a VS Form 1-27 or other document defined as a "permit" in 9 C.F.R. that is required to accompany livestock when movement is restricted.
- (oo) Slaughter Cattle - Any cattle shipped directly to an approved slaughter establishment for slaughter within five (5) days. The designation of cattle as slaughter cattle is determined solely by the fact that such animals are consigned and shipped directly to an approved slaughter establishment, not by the origin, type, condition, health, or any other characteristic of such animals.
- (pp) Slaughter Swine - Swine of any age, breed, or sex, which have been consigned and transported directly to an approved slaughter establishment for slaughter within five (5) days, or to an approved swine market for sale to a slaughter establishment.
- (qq) Sporting Swine - Swine that are intended to be used solely for hunting.
- (rr) Test-Eligible Cattle - All cattle, with the exception of steers and spayed heifers, that are eighteen (18) months of age or older as evidenced by the eruption of the first permanent incisor teeth, regardless of vaccination status; and all female cattle that are parturient or post-parturient, regardless of vaccination status and age.
- (ss) Transitional Production Swine - Swine that have had reasonable opportunities to be exposed to feral or wild swine.
- (tt) Transportation Document - Any document that accompanies a shipment of animals, including, but not limited to, a certificate of veterinary inspection, waybill, bill-of-sale, bill-of-lading, cargo manifest, shipping permit or an invoice that lists:
 1. The point from which the animals are moved;
 2. The destination of the animals;
 3. The number and kind of animals covered by the document; and
 4. The name and address of the owner or shipper.
- (uu) Trichomoniasis - A cattle disease caused by the protozoan parasite Trichomonas foetus that can result in infertility, open cows, and occasional abortions in cows and heifers.
- (vv) USDA - The United States Department of Agriculture.

- (ww) Validated Brucellosis-Free Herd (Swine) - A swine herd that has qualified for such status in accordance with 9 C.F.R. 78.1.
- (xx) Virgin Bull - A bull less than two years of age, as evidenced by dentition or breed registry papers, which is not known to have been comingled with a cow or heifer within the past six months.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

Chapter 0080-2-1
Health Requirements for Admission and
Transportation of Livestock and Poultry

New Rules

0080-02-01-.18 Trichomoniasis – Importation Requirements.

(1) Importation of Breeding Bulls into Tennessee

- (a) Except as noted under (c) below, breeding bulls originating from herds with no history of trichomoniasis shall:

1. Enter with a certificate of veterinary inspection (CVI) which includes the breeding bull's official permanent identification and a statement on the CVI signed by the herd veterinarian and the breeding bull's owner stating that, to the best of their knowledge, the herd of origin has never been diagnosed with a case of trichomoniasis and the bull has not been comingled with a herd where a case of trichomoniasis has been known to exist; and
2. Have proof of either a negative official PCR test result from a specimen of the bull taken within thirty days prior to the bull's entering the state, or proof of three consecutive negative official cultures taken from one to three weeks apart, with the last culture being taken within thirty days prior to the bull's entering the state.

- (b) Except as noted under (c) below, breeding bulls originating from herds with a history of trichomoniasis shall:

1. Enter with a certificate of veterinary inspection containing the breeding bull's official permanent identification; and
2. Provide proof of two consecutive negative official PCR test results from a specimen of the bull taken seven to ten days apart.

- (c) Exceptions

1. Exhibition and rodeo bulls that are temporarily in the state for the sole purpose of the event, will be leaving the state after the event, and are not comingled with breeding bulls, cows and heifers while in the state, are exempt from the trichomoniasis entry requirements above.
2. Bulls consigned directly to slaughter are exempt from the trichomoniasis entry requirements above.

(2) Importation of Virgin Bulls into Tennessee

- (a) Virgin bulls originating from herds with no history of trichomoniasis shall enter with a certificate of veterinary inspection containing the breeding bull's official permanent identification and a statement on the CVI signed by the herd veterinarian and the breeding bull's owner stating that to the best of their knowledge, the herd of origin has never been diagnosed with a case of trichomoniasis and the bull is a virgin bull as defined above.

- (b) Virgin bulls originating from herds with a history of trichomoniasis shall enter with a certificate of veterinary inspection containing the virgin bull's official permanent identification and a statement signed by the herd veterinarian and the virgin bull's owner stating that the bull is a virgin bull and has not been commingled with breeding bulls, cows or heifers.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

0080-02-01-.19 Trichomoniasis – Breeding Bulls in Tennessee.

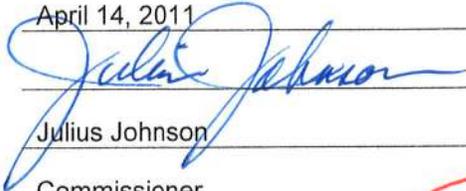
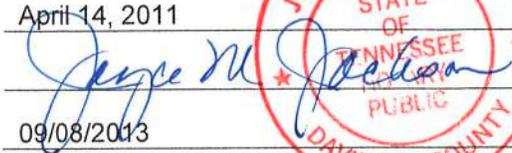
- (1) All sample collection for trichomoniasis testing for bulls shall be performed by an accredited veterinarian approved by the state veterinarian or be performed by a state or federal animal health official.
- (2) All positive test results for trichomoniasis shall be reported by the accredited veterinarian and the approved laboratory to the state veterinarian within 24 hours after receipt of test results.
- (3) Any bull testing positive on an official PCR test or official culture test shall be immediately separated from the herd, isolated and quarantined. If the positive test result is from an official culture test, a request can be made to the state veterinarian within five days to confirm the positive test result with official PCR testing. If the confirming PCR test comes back positive, then the bull shall be considered to be infected and subject to the restrictions set out in these regulations. Two consecutive negative official PCR tests performed seven to ten days apart shall be required for the bull to be designated trichomoniasis-negative and have the quarantine released.
- (4) Infected bulls shall only be moved under a USDA Veterinary Services 1-27 permit issued by the state veterinarian or his/her representative.
- (5) An infected bull accompanied by a USDA Veterinary Services 1-27 permit issued by the state veterinarian or his/her representative shall be moved directly to slaughter, or sold directly for slaughter through a licensed livestock market, within 30 days from receipt of the positive test results of the original test or the results of the confirming PCR test, whichever is later.
- (6) All breeding bulls that have been comingled with a trichomoniasis-positive bull for any period of time within the last six (6) months, and all breeding bulls comingled with females that have been comingled with a trichomoniasis-positive bull for any period of time within six (6) months prior to the receipt of a positive trichomoniasis test result shall immediately be separated and quarantined from other cattle and tested for trichomoniasis. Two PCR tests conducted at least seven to ten days apart or three separate official culture tests, each conducted from one to 3 weeks apart, shall be performed on each bull. Test samples shall not be pooled. Each official test conducted on a bull shall show a negative result before the tested bull will be released from the quarantine.
- (7) When any of the following occurs, breeding bulls within the state of Tennessee shall be officially designated trichomoniasis-negative for a period of thirty days from the date of the last specimen taken:
 - (a) One official negative PCR test result is obtained from a specimen taken from a bull whose herd has never tested positive for trichomoniasis.
 - (b) Two separate negative PCR test results are obtained from specimens taken from a bull with a herd history of trichomoniasis seven to ten days apart, or;
 - (c) Three separate and consecutive official negative culture test results are obtained from specimens taken from one week to three weeks apart.

Authority: T.C.A. §§ 4-3-203 and 44-2-102.

* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: April 14, 2011
Signature: 
Name of Officer: Julius Johnson
Title of Officer: Commissioner
Subscribed and sworn to before me on: April 14, 2011
Notary Public Signature: 
My commission expires on: 09/08/2013



All emergency rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.


Robert E. Cooper, Jr.
Attorney General and Reporter
4-19-11
Date

Department of State Use Only

Filed with the Department of State on: 04/20/2011
Effective for: 180 *days
Effective through: 10/17/2011

* Emergency rule(s) may be effective for up to 180 days from the date of filing.


Tre Hargett
Secretary of State

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PUBLICATIONS

Impact on Local Governments

Pursuant to T.C.A. 4-5-220 and 4-5-228 "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The proposed rules will have no impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to TCA 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The proposed rules would establish safeguards to protect Tennessee's cattle and cattle industry from bovine trichomoniasis, a costly cattle disease.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

There are no such laws or regulations.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Tennessee's cattle industry would be most directly affected by these rules. Members of the cattle industry and the University of Tennessee College of Veterinary Medicine were contacted about these rules, but did not express any opposition to them.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

There are no such opinions or rulings.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The impact on state and local government revenues and expenditures will be negligible.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Charles W. Hatcher, DVM
State Veterinarian
(615) 837-5183

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Charles W. Hatcher, DVM
State Veterinarian