

**DEPARTMENT OF FOOD AND AGRICULTURE
PROPOSED CHANGES IN THE REGULATIONS**

TITLE 3. FOOD AND AGRICULTURE
DIVISION 2. ANIMAL INDUSTRY
CHAPTER 2. LIVESTOCK DISEASE CONTROL

INITIAL STATEMENT OF REASONS

SUBJECT MATTER OF PROPOSED REGULATION

Bovine Trichomonosis Control Program & Cattle Movement

SECTIONS AFFECTED

Sections 820, 820.4, 831, and 831.4

PROBLEM STATEMENT

The existing regulations lack clarity regarding the regulated exemption to allow for a bull to be sent to a feedlot prior to slaughter or be sold directly to slaughter. The Bull Slaughter Agreement exemption to Trichomonosis testing at sale as currently in regulation is onerous on the livestock markets, agents, livestock owners and buyers and has been identified as restrictive in its application and therefore is not sufficient for the movement for a small number of animals.

Additionally, existing regulations related to the movement of cattle need some minor amendments that were inadvertently missed, to ensure they are consistent with previously revised regulations.

PURPOSE

The Department is proposing to amend sections 820 and 820.4, Article 12 Bovine Trichomonosis Control Program, of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to provide clarity for the application and scope of the regulated exemption for Trichomonosis test eligible animals that is consistent with best practices and animal industry standards.

The Department is proposing to amend sections 831 and 831.4, Article 14 Animal Disease Traceability, of Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to include changes consistent with previous regulations changes.

BENEFITS OF THIS REGULATORY ACTION

The benefit of this amendment is to provide the public with clear and accurate information for the requirements of the Bull Slaughter Agreement exemption and allow for easier movement of animals through sale to slaughter and to provide consistency with existing regulations previously amended related to cattle movement.

STATEMENT OF FACTUAL BASIS AND RATIONALE

The Department is responsible for promoting and protecting the agricultural industry of California. Further, the Department seeks to enhance, protect, and perpetuate the ability of the agricultural industry to produce food and fiber in a way that benefits the general welfare and economy of California, and maintains the economic well-being of agriculturally dependent rural communities in California.

It is the intent and responsibility of the Department to prevent and control livestock diseases to ensure a safe, wholesome and economical food supply is available to the citizens of the State. Similarly, California ranchers and farmers work hard to protect their livelihood by keeping their animals healthy and producing meat, milk, and fiber in a manner that meets consumer demands all while keeping consumers confident that their products are healthy and safe. To coordinate the goals and efforts of the Department and California producers, the Department maintains regulations for the prevention, control, and eradication of livestock diseases.

Specifically, the Animal Health Branch (AHB) within the Department is the State's professional veterinary medical unit that protects livestock, consumers, and California's economy from catastrophic animal diseases and diseases of public health concern. It addresses diseases and other issues that cannot be successfully controlled on an individual animal or herd basis but require statewide coordinated efforts. The Branch is responsible for deterring any activities that have the potential to compromise California's abundant food supply or the safety of public and animal health.

Bovine Trichomonosis (aka Trichomoniasis or Trich) is a venereal disease of cattle caused by the protozoa *Tritrichomonas foetus*. The organism lives in the skin folds of the prepuce and internal sheath in bulls, and colonizes the vagina, cervix, uterus and oviducts of cows. It causes abortion and extended calving seasons. While cows generally clear the infection after two to three heat cycles, bulls will remain persistently infected and spread infection from cow to cow during natural service. Bulls over four years old are typically the main reservoir of infection in a herd as older bulls often have deeper preputial folds (crypts), which serve as a more hospitable environment for Trich to live.

Certain herd management practices are risk factors for infection such as commingled

grazing or fence-line contact with other herds. Control of *T. foetus* in an infected herd includes testing bulls and culling those infected. Although use of younger bulls has been recommended as a control strategy due to a lower prevalence of infection relative to older bulls; such use will not eliminate the possibility of infection.

Trichomonosis is a serious economic threat to California's cattle herds and can be devastating to herds affected. Although costs are difficult to quantify. Economic losses due to *T. foetus* infection can exceed 22% of expected annual income, which can exponentially increase with increasing prevalence (number of bulls infected in a herd). Losses to cow-calf herds include cost of replacement bulls, loss of genetic potential due to culling (selective slaughter), increased days-to-conception, and subsequently lighter weaning weights.

The California Cattlemen's Association and the Western United Dairies sponsored legislation to develop a Trichomonosis control program. In partnership with the livestock industry, the California Department of Food and Agriculture (CDFA) developed regulations to support the program. At the request of the cattle industry, the control program was strengthened with new laws as well as the addition of Real-Time PCR diagnostics. Continuing efforts to improve the program led to additional changes; including requiring PCR for certain testing, addressing non-virgin bulls less than 18 months of age, and utilizing Trichomonosis approved eartags.

Bovine Trichomonosis is on the CDFA's "List of Reportable Diseases" under regulatory conditions. Veterinarians, laboratories, or owners must report cases of Trichomonosis to CDFA within two days of diagnosis. Negative Trichomonosis tests must be reported to CDFA within 30 days. CDFA personnel investigate Trichomonosis cases, notify owners of potentially exposed cattle, and quarantine bulls in infected and exposed herds. Infected bulls will be quarantined to their facility and may only be sold for slaughter.

Existing regulations in section 820.4 of Article 12, of Chapter 2 (Livestock Disease Control) of Division 2 (Animal Industry) of Title 3 of the California Code of Regulations provides the requirements for the sale of bulls in California. Subsection (c) provides non-virgin bulls less than 18 months of age, and bulls 18 months of age and over, changing ownership in California, must be accompanied by a negative DNA detection or amplification-based Trichomonosis test result, from a sample taken by a Trichomonosis approved veterinarian, within 60 calendar days prior to sale. Bulls may be exempt from the Trichomonosis test required in subsection (c) if the bull is being sold to a buyer entering into a Bull Slaughter Agreement with the Department. A Bull Slaughter Agreement provides an exemption from the negative Trichomonosis test at change of ownership if the requirements of the agreement are met. The requirements of the Bull Slaughter Agreement include: bulls will move directly to a facility for feeding and slaughter; bulls will be slaughtered within seven (7) calendar days after the date of purchase; bulls will not be resold; bulls will not be in

contact with cattle that are not moving to slaughter; CDFA personnel shall be permitted to inspect the destination facilities and review and copy the associated documents, including sales slips, bull identification, slaughter facilities used, and dates slaughtered which shall be maintained by the buyer for a period of five (5) years. The agreement between the buyer and the CDFA is valid for 12 months from the date of signature. Failure to comply with any of the requirements of the Bovine Trichomonosis Control Program, California Code of Regulations, Title 3, Article 12, constitutes a violation punishable by a fine up to five hundred dollars (\$500) for each violation and may result in additional adverse actions such as cancellation of the agreement.

The Bull Slaughter Agreement exemption to Trichomonosis testing as currently provided in regulations has been shown to be onerous on the livestock markets, agents, livestock owners and buyers at sale. Additionally, the existing regulations are open to interpretation, ambiguous, and are not consistent with the original intent of the exemption to allow for a bull to be sent to a feedlot prior to slaughter or be sold directly to slaughter. Furthermore, the existing regulation has been identified as restrictive in its application.

Pursuant to existing regulations section 10610(b)(1) which requires the secretary to consult with the advisory task force prior to the adoption of regulations, the Department consulted with the Cattle Health Advisory Task Force (Board) on June 30th, 2022. Alternative wording was proposed for the existing Bull Slaughter Agreement exemption because the current regulations are confusing and may not align with the original intent of the exemption. On December 8, 2022, the Department consulted with the Board on the use and definition of the term “Trichomonosis approved facility for feeding” to provide clarity to the regulated public on what constitutes an approved facility for feeding.

Pursuant to Food and Agricultural Code section 10610 the Department seeks to revise the Bull Slaughter Agreement exemption to provide clarity to the regulated public with the direct scope and application of the regulated exemption which would allow for easier movement of animals through sale to slaughter while maintaining proper disease control and to make minor revisions to existing regulations to maintain consistency with other existing regulations related to cattle movement.

SPECIFIC PURPOSE OF EACH ADOPTION, AMENDMENT, OR REPEAL

Outlined below are the specific changes the Department is proposing to Title 3 of the California Code of Regulations.

The Department is proposing to amend sections 820 and 820.4, Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations:

Section 820. (21) is being added to include the definition of a “Trichomonosis approved facility” to provide clarity to the use of the term in section 820.4 (c)(1)(E)(2)(i) and includes the requirements to be considered a “Trichomonosis approved facility”.

Section 820. (21) is being renumbered to subsection (22) because of the addition of the new subsection (21).

Section 820. (22) is being renumbered to subsection (23) because of the addition of the new subsection (21).

Section 820. (23) is being renumbered to subsection (24) because of the addition of the new subsection (21).

Section 820. (24) is being renumbered to subsection (25) because of the addition of the new subsection (21).

Section 820. (25) is being renumbered to subsection (26) because of the addition of the new subsection (21).

Section 820.4 (c)(1)(E)(2)(i) is being amended to provide clarity and indicate the scope of the exemption for test eligible animals that is within the framework of typical animal industry standards.

Section 820.4 (c)(1)(E)(2)(ii) is being revised to reorder the requirements listed under this section. This section was previously section 820.4 (c)(1)(E)(2)(iv).

Section 820.4 (c)(1)(E)(2)(iii) is being revised to reorder and reword for clarity the requirements listed under this section. This section was previously section 820.4 (c)(1)(E)(2)(ii).

Section 820.4 (c)(1)(E)(2)(iv) is being revised to reorder the requirements listed under this section. This section was previously section 820.4 (c)(1)(E)(2)(iii).

The Department is proposing to amend sections 831 and 831.4, Article 14, Chapter 2, Division 2, of Title 3 of the California Code of Regulations:

Section 831(b)(3) is being revised to delete the word dairy to provide consistency with amendments made to brucellosis requirements for movement of cattle. This section now applies to both dairy and beef heifers, not just dairy.

Section 831(b)(3)(A)(iii) is being revised to correct grammatical errors for proper use of

lower-case letters in the words name, date, and official.

Section 831.4(d)(3) is being adopted for consistency with other species movement requirements due to many show animals return to California without permits after attending shows out of state.

TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENT

1. Cattle Health Advisory Task Force Meeting Minutes dated June 30, 2022, Sacramento, CA. (Attachment 1)
2. Cattle Health Advisory Task Force Meeting Minutes dated December 8, 2022, Sacramento, CA. (Attachment 2)
3. Bull Slaughter Agreement, current version dated July 12, 2016 (Attachment 3)

SPECIFIC TECHNOLOGIES OR EQUIPMENT

This regulation does not mandate the use of specific technologies or equipment.

ECONOMIC IMPACT ASSESSMENT

Business Impact

The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made an initial determination that the proposed regulatory action will have no significant, statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

Persons/Businesses affected by this proposal:

There are no persons or businesses that will be affected as a result of this proposal. This proposal is being made to provide clarity and a define scope for application of an exemption that already exists in regulations.

Anticipated compliance requirements for persons or businesses are as follows:

There are no new reporting requirements as a result of this proposal.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment:

The Department is not aware of any benefits to the health and welfare of California residents, worker safety, and the State's environment that would be provided by this proposal. The proposed regulations benefit the health and welfare of California residents by ensuring the protection of the state's food supply.

Economic Impact Assessment Conclusion

The Department has made an initial determination that the proposed regulatory action will not have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states by making it more costly to produce goods or services, and that it will not create or eliminate jobs or occupations. The proposal does not affect the creation of new businesses or the elimination of existing businesses within the State of California and does not affect the expansion of businesses currently doing business within the State of California. The proposed regulation benefits animal health, public health, the food supply, and the economy by providing clarity to an existing testing exemption that aides the cattle industry in the sale of bulls within the state while simultaneously ensuring the spread of Trichomonosis is prevented that without intervention could result in an economic loss to the industry and disrupt the state's food supply.

REASONABLE ALTERNATIVES THE DEPARTMENT HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESSES

No alternatives were identified by the Department and no adverse impact to small businesses are expected as a result of this proposed action.

FACTS, EVIDENCE, DOCUMENTS, TESTIMONY OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS

Based upon the reasons stated in the economic impact assessment, the Department has initially determined that these proposed changes to the regulations would not have a significant adverse economic impact to persons that are compliant with section 820.4, Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.

CONSIDERATION OF REASONABLE ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested

persons are invited to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS

This proposal does not duplicate or conflict with federal regulations.