

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

TITLE 3. FOOD AND AGRICULTURE
DIVISION 2. ANIMAL INDUSTRY
CHAPTER 2. LIVESTOCK DISEASE CONTROL (ANIMAL QUARANTINE)
Article 11 Emergency Control and Eradication of Animal Diseases

INITIAL STATEMENT OF REASONS

SUBJECT MATTER OF PROPOSED REGULATION

Importation of Equidae from Countries Known to Have Contagious Equine Metritis (CEM)

SECTIONS AFFECTED

Section 810.1

PROBLEM STATEMENT

The current regulations do not include the additional approved CEM quarantine facility for the University of California Davis, Center for Equine Health.

PURPOSE

The Department is proposing to amend section 810.1, Article 11, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, to update the address of the currently approved CEM quarantine facility and add a new approved facility for the University of California Davis, Center for Equine Health, both under the control and management of the University of California Davis.

BENEFITS OF THIS REGULATORY ACTION

The benefit of this amendment is to provide an additional location at Templeton Farms in Templeton, California which is located in the Southern part of California, to utilize in those cases where importation of stallion and/or mares require quarantine for inspections, treatment and testing required to determine the disease status for CEM, as set forth in CCR section 810.1. The primary equine health benefit is decreased length of travel and decreased transportation stress for imported horses, as well as improved transportation logistics for stakeholders importing the equines. This additional facility would be located near the port of Los Angeles, the most frequently used facility for international equine

importation into California and many western states, and the current Northern California location in Davis near the populous Bay Area would also be retained to service the northern part of the state as well as horses destined for other neighboring and northern states. Currently the only UC Davis Center for Equine Health CEM quarantine facility is the location in Davis, California.

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 other health issues. 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.

To ensure the protection of California's equine industry, the AHB recognizes the need to vigilantly regulate and prevent the introduction and spread of CEM. CEM is a non-systemic, venereal disease of equines that causes short-term infertility in mares and rare abortion. The etiological agent is *Taylorella equigenitalis*, a fastidious, microaerophilic, Gram-negative coccobacillus. CEM was first recognized in the US when it was found in Thoroughbred stallions and mares in Kentucky in 1978. Several incursions of CEM have occurred in the US. A significant outbreak occurred in 2008-2010 in which over 1,000 exposed horses in 48 states were required to be tested and 23 contaminated stallions and 5 infected mares were ultimately identified and treated. The source of that outbreak was a stallion imported into the US from a

CEM-affected country in 2000. The extended duration of the carrier state in this individual emphasizes the need to maintain vigilance and follow protocols proven effective in preventing the introduction and spread of the disease. CEM is an OIE listed equine disease and a transboundary disease in the USA. It is immediately reportable to the United States Department of Agriculture (USDA) and State Animal Health Officials in all 50 states and territories.

Asymptomatic stallions carry *Taylorella equigenitalis* as a commensal organism on their external genitalia. Infection in the mare is confined to the reproductive tract. Mares bred to a carrier stallion by natural cover or artificial insemination with contaminated semen can develop a mucopurulent vaginal discharge that may last for up to 2-3 weeks. Infection is characterized by inflammation (often marked) of the oviducts, endometrium, cervix, and vagina. The organism can be recovered from mares for about three months after primary infection and may or may not be accompanied by clinical signs. A mare bred with contaminated semen may have difficulty conceiving on the first or second estrus after exposure. However, subsequent breeding(s) will often result in normal pregnancy. Most mares eventually clear the infection, but a small percentage of mares can become persistently infected carriers for an extended period. *Taylorella equigenitalis* can be detected by directly swabbing specific sites in the mare and the stallion, placing each swab in a separate tube of Amies transport medium with charcoal and sending the swab set to a USDA-approved laboratory for testing for CEM.

All stallions or mares over 731 days of age originating from a region/country affected by CEM is subject to CEM quarantine before being allowed into the United States as set forth in Code of Federal Regulations Title 9, Part 93.304, unless the horse is on an import permit waiver as set forth in the Code of Federal Regulations Title 9, Part 93.301. Each individual CEM quarantine facility is State operated and overseen by the U.S. Department of Agriculture (USDA). The Center for Equine Health at UC Davis serves as the USDA's California CEM Quarantine and Treatment Station. For decades, the CEM Quarantine and Treatment Station has been meeting the needs of horse owners and as a quarantine facility has not released a CEM positive animal.

Boarding at the Center for Equine Health CEM quarantine facility for each stallion requires a minimum of 33 days for the CEM testing protocol to be conducted. To complete testing of each stallion, two local mares must be successfully bred and tests performed to establish their CEM-free status. Ovariectomized mares (mares that have had their ovaries removed) are used for test breeding so that they can be synchronized easily, and no pregnancy can result. They are bred to the stallion, then cultured and a blood sample is taken to establish that no CEM bacteria have been transmitted from the stallion to the mare. This procedure is essential to validate a negative result. The boarding for each

mare requires a minimum of 15 days for the CEM testing protocol to be conducted. Mares are tested and cultured periodically throughout their quarantine period. Prior or necessary treatment with antibiotics or positive test results may prolong the required stay time.

The Department has identified the need to update California's approved CEM quarantine facility locations to include The Center for Equine Health, UC Davis' new location Templeton Farms, in Templeton, California.

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 section 810.1, Article 11, Chapter 2, Division 2, of Title 3 of the California Code of Regulations:

Section 810.1(b). Amend section 810.1(b) of the California Code of Regulations, to clearly identify the two approved CEM quarantine facilities in California available for use for the Center for Equine Health, both under the control and management of the University of California Davis.

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

No technical, theoretical or empirical study, report, or similar document was used in the formulation of this proposal

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:

California Equine Industry – The equine industry plays a critical role in the economic infrastructure of California; therefore, it's protection is a top priority within the Department. According to the American Horse Council census, California has approximately 700,000 horses and has a total economic impact valued at approximately \$7 billion. The equine industry generates approximately 54,200 direct jobs and 130,200 total jobs across the state of California.

Anticipated compliance requirements for persons or businesses are as follows:

This proposal does not set any additional compliance requirements for persons or businesses.

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 specific benefits this proposal will have on the health of California residents, worker safety or the State's environment.

The proposed regulation benefits welfare of California residents, including animal health, the equine industry and the State's economy by serving to prevent the spread of CEM in the State of California when stallions or mares are imported from foreign countries where CEM exists.

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 and welfare, the equine industry, and the economy by serving to prevent the spread or introduction of CEM when stallions or mares over 731 days of age are imported into California under a United States Department of Agriculture (USDA) permit from a foreign country where CEM exists.

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 810.1, Article 11, Chapter 2, Division 2, of Title 3 of the California Code of Regulations.

This regulatory action is intended to promote and protect the State's thriving equine industry by adding an approved CEM quarantine facility that conducts inspections, treatment and testing to ensure the animals are free of a communicable disease.

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.