

RULEMAKING HEARING RULES

OF

THE TENNESSEE DEPARTMENT OF AGRICULTURE

ANIMAL INDUSTRIES DIVISION

CHAPTER 0080-2-10

REGULATIONS CONCERNING HORSES AND OTHER EQUIDAE

NEW RULES

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0080-2-10-.01 TEST OF PUBLIC SALE HORSES

- A) When the number of equidae in any county or area positive to official test for equine infectious anemia exceeds 3% of the number tested and the incidence of the disease is determined by the State Veterinarian to be a threat to other equidae he may order every horse or other member of the equidae family six (6) months of age or older which is sold or offered for sale through a Tennessee livestock market, public horse auction, or other event where equidae are offered for sale, to be tested for Equine Infectious Anemia by the Tennessee Department of Agriculture. Animals testing positive shall be subject to all appropriate regulations regarding the handling of such animals.
- B) The owner or manager of each sale shall be responsible for maintaining sufficient documentation so that animals tested positive can be traced to their destination.
- C) Horses or other equidae which are sold for slaughter only shall be exempt from the Equine Infectious Anemia test. Such horses or other equidae shall be separated at the sale and marked for slaughter only by a letter "T" three (3) inches by three (3) inches in size in red oil base paint, placed vertically on the top of the hip.

12-01-85  
0080-02-01  
0080-02-11

Statutory Authority: TCA Sections 4-3-203; 44-2-104 and 44-2-203.

Administrative History: Original rules filed May 15, 1977; effective June 14, 1977. Repealed by Public Chapter 261; effective July 1, 1983.

0080-2-10-.02 TEST OF STABLED HORSES

- A) Every horse or other member of the equidae family six (6) months of age or older, assembled by more than one owner at boarding, breeding or training stables or pastures shall have tested negative for Equine Infectious Anemia within the preceding twelve (12) months.
- B) The owner or manager of said premises shall be responsible for maintaining proof of an official negative test for each animal on the premises and shall make these records available for inspection by all officers or inspectors charged with the enforcement of this section.
- C) Positive or untested horses may be stabled at approved quarantined premises upon written permit by the State Veterinarian provided the conditions of the quarantine are met and maintained.

Statutory Authority: TCA SECTIONS 4-3-203; 44-2-104 AND 44-2-203.

Administrative History: Original rules filed May 15, 1977; effective June 14, 1977. Repealed by Public Chapter 261; effective July 1, 1983.

0080-2-10-.03 TESTING OF OTHER ASSEMBLED HORSES

- A) Every horse or other member of the equidae family six (6) months of age or older, which participates in any horse show, competition or other assembly, except public horse auctions or other event where equidae are offered for sale, shall be required to be accompanied by proof of an official negative test for Equine Infectious Anemia conducted within the preceding twelve (12) months.
- B) The manager of each assembly or event shall be responsible for insuring that each animal which he enters, permits, or has control of is accompanied by proof of an official negative test and shall not allow animals not so certified to participate in the event, or to congregate with other equidae. The owner of each animal shall also be responsible for meeting these requirements.

Statutory Authority: TCA Sections 4-3-203; 44-2-104 and 44-2-203.

Administrative History: Original rules filed May 15, 1977; effective June 14, 1977. Repealed by Public Chapter 261; effective July 1, 1983.

0080-2-10-.04 OTHER REQUIRED TESTING

- A) When a horse or other member of the equidae family tests positive to an official test for Equine Infectious Anemia, testing will be required of:
  - 1) All equidae located on the premises where the positive animal is stabled or pastured.

- 2) All equidae located adjacent to the infected premises or within two hundred (200) yards.
  - 3) All equidae exposed to the infected animal within the previous six (6) months in the manner described in Items 1 and 2.
- B) This testing shall be conducted within thirty (30) days from the time the infected animal has been diagnosed as positive for Equine Infectious Anemia.
- C) The owner, or his agent, of any animal found positive to an official test or exposed to a positive animal, shall present the animal(s) and render such assistance as may be required to enable the State Veterinarian, or his representative, to apply the required test or to identify the animal(s).

Statutory Authority: TCA SECTIONS 4-3-203; 44-2-104 and 44-2-203.

Administrative History: Original rules filed May 15, 1977; effective June 14, 1977. Repealed by Public Chapter 261; effective July 1, 1983.

#### AMENDMENTS

Rule 0080-2-1-.01 DEFINITIONS is amended by adding the following part, (mm), after part (ll) so that as amended the rule shall read:

- (mm) Approved Equine Auction Market - An equine market whose owner or manager has entered into a written agreement with the Tennessee State Veterinarian to:
- (1) Conduct regularly scheduled auction sales of horses or other equidae, stating time and frequency of such sales;
  - (2) Cooperate in obtaining compliance with all state and federal animal health requirements;
  - (3) Provide proper and well constructed pens equipped with adequate watering and feeding facilities for the safe and humane handling of the animals;
  - (4) Maintain strict insect control;
  - (5) Require that all horses and other equidae six (6) months of age and older originating outside the state have:
    - (A) official evidence of a negative test for Equine Infectious Anemia upon entry into the market premises; or
    - (B) be sampled for Equine Infectious Anemia testing prior to leaving the market premises; or
    - (C) be marked by a letter "T" three (3) inches by three (3) inches in red oilbase paint on the top of the hip and consigned to slaughter; and

- (6) Maintain and make available to state and/or federal personnel the following records:
- (A) a legible record of names and addresses and telephone numbers of buyers and sellers of all equidae handled through the market;
  - (B) a legible record of the age, sex, breed, and physical description of the equidae handled through the market.

Rule 0080-2-1-.06 - HORSES AND OTHER EQUIDAE is amended by deleting paragraphs (2) and (3) in their entirety, and substituting the following language in their stead so that paragraphs (2) and (3) of the rule as amended shall read:

- (2) Equine Infectious Anemia - All horses or other equidae six (6) months of age or older shall be accompanied by evidence of a negative official test for Equine Infectious Anemia, (EIA, Swamp Fever) conducted not more than six (6) months prior to entry for sale, or not more than twelve (12) months prior to entry for any other purpose.
- (3) The Equine Infectious Anemia test required under (2) above may be waived for equidae shipped to an approved equine auction market provided that:
  - (a) All imported equidae more than six (6) months of age are marked on the top of the hip with the letter "T" at least three (3) inches by three (3) inches in size, in red oilbase paint, and the same are:
    - 1. Consigned to a state or federally approved slaughter establishment, or
    - 2. Have a blood sample taken by an approved accredited veterinarian for an Equine Infectious Anemia test before leaving the market or assembly premises.

AUTHORITY: TCA Sections 44-2-104; 44-2-203.

0080-2-11-.01 GENERAL is amended by deleting the figure 250 which appears in paragraph (4) between the words "within" and "yards", and substituting in its place and stead the figure 200 so that, as amended, paragraph (4) shall read:

- (4) Officially branded reactor horses shall be put under written quarantine until destroyed or dead of natural causes. If no other horses are located within 200 yards without common shade, pasture, quarantine will suffice. If there are other horses sharing the stable or farm, a screened stall shall be required.

Authority: TCA Section 44-2-104.

Administrative History: Original rule filed June 20, 1983; effective July 20, 1983.

Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules.

Peggy F. Williams  
Peggy F. Williams  
Staff Attorney

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Department of Agriculture on the 9<sup>th</sup> day of October, 1989.

Further, I certify that these rules are properly presented for filing, a notice of rulemaking hearing having been filed in the Department of State on the 21<sup>st</sup> day of March, 1989, and such notice of rulemaking hearing having been published in the April, 1989 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 1<sup>st</sup> day of May, 1989.

L. H. Ivy  
L. H. Ivy, Commissioner

Subscribed and sworn to before me this the 9<sup>th</sup> day of October, 1989.

Billie M. Smalhearn  
Notary Public

My commission expires March 27, 1993.

All rulemaking hearing 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.

Charles W. Burson  
Charles W. Burson  
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State and will become effective on the 29<sup>th</sup> day of January, 1989.  
90.

Gentry Crowell  
Gentry Crowell  
Secretary of State

OFFICE OF  
SECRETARY OF STATE

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BY: Jannice Davis