

SUBJECT: Regulatory authority over disposal of diseased animal remains

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 4 ayes — Hardcastle, Burnam, D. Jones, Swinford
0 nays
3 absent — Miller, B. Brown, Laney

WITNESSES: For — *(Registered, but did not testify:)* Ken Horton, Texas Pork Producers Association; J.B. Rogers, Jr., Texas Veterinary Medical Association of General Practitioners

Against — None

On — Chris Copeland and William W. Rugeley, DVM, Texas Veterinary Medical Association; Bob Hillman, DVM, Texas Animal Health Commission

BACKGROUND: Agriculture Code, sec. 161.004 sets forth requirements for disposing of a diseased livestock carcass. The owner or caretaker is responsible for burying or burning a diseased animal within 24 hours of finding the carcass, if the animal died from an infectious disease regulated by the Texas Animal Health Commission (TAHC) or recognized as communicable by the veterinary profession. Some of the regulated diseases include anthrax, tuberculosis, and foot-and-mouth disease.

Agriculture Code, sec. 161.0415 authorizes TAHC to order the slaughter of livestock or the sale of livestock for immediate slaughter if the animals have been infected or exposed to certain diseases.

Occupations Code, subchapter H is the Veterinarian Practice Act. Sec. 801.361 allows a veterinarian to dispose of animal remains by burial or burning if the animal is on the veterinarian's property and if he or she does not charge for it. This rule applies only in a county with a population of less than 10,000.

The Texas Commission on Environmental Quality (TCEQ) proposed updated rules for disposal of animal carcasses on-site in November 2002, setting forth certain exemptions from deed recording and notification requirements. On April 29, the rules were remanded back to staff pending legislative action on HB 3061.

DIGEST:

CSHB 3061 would prohibit TCEQ from adopting a rule for disposing of diseased livestock unless the rule was developed in cooperation with and approved by TAHC. To the extent consistent with TCEQ rules, a veterinarian could dispose of animal remains by burial or burning in the county in which the remains were discovered and on property owned by the veterinarian, whether or not the veterinarian charged for disposing of the carcass.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2003.

**SUPPORTERS
SAY:**

CSHB 3061 would prevent diseased animal carcasses from being transported across county lines for disposal. Transporting diseased carcasses is unsafe, especially when an animal has been opened up for an autopsy, and it could expose healthy animals or people to infectious zoonotic diseases, such as anthrax, that affect both animals and humans. The safest and most sanitary procedure when a large animal such as a horse or cow dies on a veterinarian's property is for the vet to burn the animal and bury it properly on site. This bill would make a common-sense change that would protect public health and the safety of Texas livestock.

The bill would ensure that TAHC, the state's regulatory agency for livestock and poultry health, had authority to review and sign off on TCEQ rules for disposing of animal remains. TCEQ convened a Livestock Carcass Rule Stakeholder Advisory Group during the interim to update rules in this regard. TAHC was invited to participate as a courtesy but not because of a statutory requirement. The bill would ensure that all future rulemaking for animal disposal involved the proper authority and expertise in both environmental quality and animal health.

CSHB 3061 would make it legal for a large animal veterinarian in a rural county to charge for a service that is both time and labor-intensive. Small

animal veterinarians and certain private companies charge \$20 or \$30 for the incineration of cats and dogs in urban counties. Rendering plants used to buy large animal carcasses from veterinarians, but only one rendering plant remains in the state (in San Angelo). It picks up animals only within a 20-mile radius and charges vets for doing so. Rural veterinarians provide a valuable service and should be compensated for it.

**OPPONENTS
SAY:**

No apparent opposition.

NOTES:

The committee substitute added the prohibition against TCEQ adopting a rule without TAHC approval and deleted language prohibiting a veterinarian from charging for disposal of an animal carcass.

A related bill, SB 216 by Zaffirini, dealing with the disposal of animal remains and medical waste, was scheduled for a public hearing by the Senate Health and Human Services Committee on April 29.