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Regulatory Analysis and Development
PPD, APHIS, Station 3A-03.8
Animal and Plant Health Inspection Service
U.S. Department of Agriculture
4700 River Road, Unit 118
Riverdale, MD 20737-1238

**Re: Docket No. APHIS-2006-0093 – National Veterinary Accreditation Program
Proposed Rule**

Dear Sir or Madam:

I am writing on behalf of the American Veterinary Medical Association (AVMA), established in 1863 and the largest veterinary medical association in the world. As a not-for-profit association established to advance the science and art of veterinary medicine, AVMA is the recognized national voice for the veterinary profession. The association's more than 75,000 members comprise approximately 86% of U.S. veterinarians, all of whom are involved in a myriad of areas of veterinary medical practice including private, corporate, academic, industrial, governmental, military, and public health services.

In our July 26, 2006 comments concerning the National Veterinary Accreditation Program proposed rule the AVMA requested that consideration be given to streamlining the process for licensed veterinarians to obtain temporary licensure and USDA accreditation in a state outside of their primary licensure and accreditation, when they are needed to perform regulatory work in responding to a declared emergency or disaster.

However, in the supplemental Federal Register notice of February 27, 2007 we note that the agency has not addressed this issue. We believe this issue requires attention as, during a National Emergency Declaration for a foreign animal disease outbreak, it may require more accredited veterinarians than are licensed in an affected state.

In our July 26, 2006 comments we also suggested that the final rule equally apply to aquatic animals. Specifically we suggested that the NVAP should assign veterinarians serving companion aquatic animals to Category I accreditation, and veterinarians serving farmed aquatic animals to Category II accreditation. In addition we suggested the regulations should appropriately refer to "terrestrial, avian, and aquatic companion animals" and "livestock, poultry, and farmed aquatic animals."

The AVMA compliments APHIS for clarifying in the Federal Register supplemental notice that Category II veterinarians will perform accredited duties relating to any food and fiber animal species including "farm-raised fish." The recent National Emergency Declarations for outbreaks of infectious salmon anemia (ISA) and spring viremia of carp (SVC), and the recent APHIS Emergency Federal Order for the epizootic of viral hemorrhagic septicemia (VHS) in the Great Lakes region clearly illustrates the need for accredited aquatic veterinarians.

However, in the February 27, 2007 supplement, no reference was made to Category I accredited aquatic animal veterinarians. We seek clarification if it is APHIS' intent to have all aquatic veterinarians be Category II accredited. If so, we believe that this would create an excessive burden for a large number of the estimated 2,500 aquatic animal veterinarians that currently only deal with what are considered ornamental or pet, and private and public aquarium or display, aquatic animals. We note that both SVC and VHS affect both farm-raised and companion finfish and having all aquatic veterinarians be Category II accredited would largely defeat the purpose of a two Category accreditation system. Furthermore, we recognize that that both Category I and II accredited aquatic veterinarians will be required for disease surveillance, issuing Certificates of Veterinary Inspection and other regulatory work (as per §161.1(d)(1) and §161.1(d)(2)) for a large number of emerging and exotic diseases in both food and fiber, and ornamental/pet/aquarium /companion, aquatic animals.

The AVMA also has concerns for the use of the term "farm-raised fish." The term "fish" is inappropriate if intended to be inclusive of all aquatic animals. Its use will imply exclusion of a large number of aquatic animal types that are not finfish (e.g. marine mammals, amphibians, aquatic reptiles, crustaceans and molluscs) and will require the attention of accredited veterinarians.

In addition, while some may consider all aquatic animals owned, managed or cultured by humans as "domestic" or "farmed," the term "farmed" or cultured is generally reserved for aquaculture in which animals are generally held, owned (often commercial purposes), bred or otherwise managed specifically for food or animal feed production, and for the replenishment of natural stocks that are later harvested for food, feed or fiber. In contrast, the aquatic animal industries, animal owners and veterinarians that provide services to owners do not consider aquatic species as "farm-raised," if they are owned or bred, grown or otherwise "cultured" and used as pets, companions and for ornamental or display purposes (e.g. public and private aquaria and zoos). These species would be more suitably defined as "ornamental or aquarium aquatic animals."

We therefore propose that the regulations should consider and define "farm-raised aquatic animals" to include any and all aquatic species that are bred, grown, owned or otherwise purposefully managed and are used for human food, fiber or animal feed, or for fisheries replenishment. This definition would and should clearly exclude those aquatic species that are owned, grown or bred primarily for ornamental, display, pet, or companion purposes. If APHIS is to establish Category I accreditation for regulatory work with non-food and fiber aquatic animals, we propose these should be defined as "ornamental or aquarium aquatic animals."

We recognize a similar problem with many other animals (e.g. birds) that are not kept for food, feed or fiber and not traditionally considered "farmed," or "poultry." Similar to aquatic animals, these are considered by most veterinarians, animal owners and the public, as ornamental, display, pet, or companion animals. We suggest APHIS consider applying the same principles and similar definitions suggested above for aquatic animals to these animals.

We understand APHIS' desire to have Category II veterinarians perform regulatory work with animals that could transmit exotic diseases to domestic livestock and to limit Category I veterinarians to performing accredited duties on animals that are not considered "domestic livestock." However, we find the proposed description and definition of the animals within Category I (§ 160.1 Definitions) to be confusing and untenable:

"Nonregulated animals. Animals other than food and fiber animals, horses, farm-raised fish, poultry, all other livestock, birds, and zoo animals that could transmit exotic animal diseases to livestock. Examples of nonregulated animals include dogs and cats."

Such a definition is an oxymoron. How can APHIS tell veterinarians, animal owners and publics that they are regulating (promulgating rules) non-regulated animals? Also, to define these animals through exclusion (“other than”) and the same time by inclusion (“all other livestock, birds, ...”) is confusing. Too many animal species and diseases will fall into a ‘gray area.’ Furthermore, while it appears that the agency clearly intends to include pet dogs and cats as Category I regulatory work the full extent of what would be required of Category I accredited veterinarians is unclear. The ambiguity in the description of Category I accredited veterinarians, particularly with reference to animals that “could transmit exotic animal diseases to livestock,” should be addressed. We suggest that this level of ambiguity will lead to all-round confusion and an ineffectual National Veterinary Accreditation Program.

Notwithstanding the above comments, if it is the intent for most, if not all of the NVAP to include Category II-type regulatory work we suggest APHIS consider simply improving the current NVAP through improved education. Alternatively, if Category I veterinarians are to perform significant function as originally conceived, we suggest that the definition of companion animal remain with consideration for including “ornamental or aquarium aquatic animals,” and that “farm-raised aquatic animals” be appropriately incorporated into the regulations.

We hope these comments provide APHIS the input sought and look forward to seeing practical and workable regulations for the NVAP in place. Should you need further explanation of any comments offered please feel free to contact Dr. David Scarfe (847-285-6634; dscarfe@avma.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Elizabeth Curry-Galvin". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Elizabeth Curry-Galvin, DVM
Director, Scientific Activities Division

ECG/AqVMC/ADS