



1931 N. Meacham Rd.
 Suite 100
 Schaumburg, IL
 60173-4360
 phone 847.925.8070
 800.248.2862
 fax 847.925.1329
www.avma.org

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Michael David, MS, VMD, MPH
 Director, National Center for Import and Export
 International Animal Health Standards
 USDA-APHIS-VS
 4700 River Rd Unit 33
 Riverdale, MD 20737
 E-mail: Debra.Beasley@aphis.usda.gov

VIA E-MAIL ONLY

Dear Dr. David:

The AVMA appreciates the opportunity to provide comments on the following 49 revised documents extracted from the report of the September 2010 meeting of the OIE Terrestrial Animal Health Standards Commission (TAHSC). As requested, when we have comments on revised or new text, our responses are formulated for each document as follows:

- a. identification of the text on which we are commenting;
- b. description of the changes we believe should be made, to include suggested language, if any, to implement the changes we believe should be made; and
- c. scientific justification or rationale for such changes; or comments if no specific changes are suggested.

When language revisions are suggested, recommended deletions are ~~struck through~~, and recommended additions are underlined.

SECTION 1—CURRENT CHAPTERS WITH CHANGES RECOMMENDED BY THE CODE COMMISSION (COMMENTS ALLOWED ONLY ON OIE CHANGES INDICATED)

1. Glossary – Definitions

- a. TEXT: ***Captive wild animal*** means an *animal* that have a phenotype not significantly affected by human selection but that are captive or otherwise live under supervision or control by humans.
- b. CHANGES & REVISIONS SUGGESTED: ***Captive wild animal*** means an *animal* that have ~~has~~ a phenotype not ~~significantly affected by~~ subject to deliberate human selection, other than to protect health and maintain genetic diversity, but that ~~are~~ is captive or otherwise ~~live~~ lives under supervision or control by humans.
- c. RATIONALE: Some captive wild animals have genotypes that have been significantly affected by human selection—both unintentional and intentional. Selection for docility (e.g., tigers), inbreeding to in-house or geographically near specimens (e.g., elephants), genetic recovery efforts (e.g., Przewalski's horses). Other changes are editorial.

- a. TEXT: ***Euthanasia*** means the act of inducing *death* using a method that causes a rapid and irreversible loss of consciousness with minimum pain and distress to the animal.
 - b. CHANGES & REVISIONS SUGGESTED: ***Euthanasia*** means the act of inducing *death* using a method that causes a rapid and irreversible loss of consciousness followed by cardiac or respiratory arrest and ultimate loss of brain function with ~~minimum~~ minimal pain and distress to the animal.
 - c. RATIONALE: For killing to be humane, consciousness must be lost for a sufficient period of time until cardiac or respiratory arrest is followed by loss of brain function. For example, inhalant gases may cause a loss of consciousness that is reversible, but they are appropriate for euthanasia when used in conjunction with another method (or prolonged exposure) that induces cardiac or respiratory arrest, ultimately leading to loss of brain function. “Minimum” to “minimal” is an editorial suggestion.
- a. TEXT: ***Feral animal*** means a previously domestic animal that now live without supervision, control by or dependence on humans.
 - b. CHANGES & REVISIONS SUGGESTED: ***Feral animal*** means a ~~a~~ previously domestic animal of a domesticated species that now live lives without supervision from, control by or dependence on humans.
 - c. RATIONALE: These are still domestic species so they are not “previously domestic.” Other changes are editorial.
- a. TEXT: ***Veterinary legislation*** means laws, regulations and all associated legal instruments that pertain to the veterinary domain.
 - b. CHANGES & REVISIONS SUGGESTED: ***Veterinary law legislations*** means legislation laws, regulations and all associated legal instruments that pertain to the veterinary domain.
 - c. RATIONALE: Legislation is law enacted by a legislative body (e.g. Parliament, Congress) that provides broad guidance on an issue, whereas regulations are specific rules or orders issued by a government department or agency delegated with such authority to do so by the legislative body, and stating what may or may not be done or how something must be done regarding a specific issue. Thus, it may be more broadly understood that veterinary law comprises legislation, regulations, and other legal instruments pertaining to veterinary medicine.
- a. TEXT: ***Wild animal*** means an animal that have a phenotype unaffected by human selection and live independent of direct human supervision or control.
 - b. CHANGES & REVISIONS SUGGESTED: ***Wild animal*** means an animal that ~~has~~ have a phenotype unaffected by human selection and lives independent of direct human supervision or control.
 - c. Rationale: Editorial.
- a. TEXT: ***Wildlife*** means any combination of *feral animals, captive wild animals and wild animals*.
 - b. CHANGES & REVISIONS SUGGESTED: ***Wildlife*** means any combination of *feral animals, captive wild animals and wild animals*.
 - c. Rationale: Considering feral animals as wild animals may be problematic in that wildlife is often seen as a protected category, whereas feral animals are generally unconstrained animals that lack conservation value.

2. Notification of disease and epidemiological information (Chapter 1.1.)

- a. TEXT: **Article 1.1.1., paragraph 1:** For the purposes of the *Terrestrial Code* and in terms of Articles 5, 9 and 10 of the OIE Organic Statutes, ~~every~~ OIE Member of the organization shall recognise the right of the *Headquarters* to communicate directly with the *Veterinary Authority* of its territory or

- territories.
- b. CHANGES & REVISIONS SUGGESTED: For the purposes of the *Terrestrial Code* and in terms of Articles 5, 9 and 10 of the OIE Organic Statutes, each OIE Member shall recognise the right of the *Headquarters* to communicate directly with the *Veterinary Authority* of its territory or territories.
 - c. RATIONALE: Editorial.

DOCUMENT 3: The AVMA offers no comments on proposed changes.

4. Veterinary Services (Chapter 3.1.)

- a. TEXT: **Article 3.1.1., paragraph 3:** The same fundamental principles should apply in countries where the responsibility for establishing or applying certain animal health or welfare measures, or issuing some *international veterinary certificates* is exercised by an organization other than the *Veterinary Services*, or by an authority or agency on behalf of the *Veterinary Services*. In all cases, the *Veterinary Services* retain ultimate responsibility for the application of these principles.
- b. CHANGES & REVISIONS SUGGESTED: None
- c. COMMENT: Because many aspects of animal welfare (including, but not limited to, on-farm production) are assured through voluntary programs (private standards) in the United States, the USDA may wish to consider whether it can reasonably assume responsibility for the conduct of the non-governmental organizations currently administering these programs. If not, then the addition of “or welfare” may not be reasonable for covered activities in the United States. We note that in the Chapter on Stray Dog Population Control (Chapter 7.7) there is a paragraph devoted to the role of nongovernmental organizations (Article 7.7.4.4). Perhaps a similar paragraph could be inserted into this Chapter on Veterinary Services to clarify the role of nongovernmental organizations (e.g., private standards [although we are aware that OIE has concerns about the application of these])?
 - a. TEXT: **Article 3.1.1., paragraph 5:** The quality of *Veterinary Services*, including veterinary legislation ~~and regulations~~, can be measured through an evaluation, whose general principles are described in Article 3.1.3 and in Article 3.1.4.
 - b. CHANGES & REVISIONS SUGGESTED: The quality of *Veterinary Services*, including ~~veterinary legislation~~ *law*, can be measured through an evaluation, whose general principles are described in Article 3.1.3 and in Article 3.1.4.
 - c. RATIONALE: We suggested modifying the Glossary definition of “veterinary legislation” to “veterinary law,” which is composed of legislation, regulation, and other legal instruments. As such, we suggest changing “veterinary legislation” in this paragraph to “veterinary law,” and italicizing the phrase to be consistent with the format in which words and phrases defined in the Glossary are italicized when used elsewhere in the Code.
- a. TEXT: **Article 3.1.2., section 7, paragraph 1:** The *Veterinary Services* should be able to demonstrate by means of appropriate legislation, sufficient financial resources and effective organisation that they are in a position to have control of the establishment and application of animal health and *animal welfare* measures, and of international veterinary certification activities.
- b. CHANGES & REVISIONS SUGGESTED: None
- c. COMMENT: Although outside the scope of comments requested by the USDA, we respectfully ask the US Delegate to the OIE to request clarification from the OIE as to whether the "certification activities" referred to in the above text apply to the process of certifying the health or disease status of animals or epidemiological units, which we believe is appropriate, or whether “certification activities” also includes the process of certifying or accrediting individual veterinarians to perform regulatory functions on behalf of the Veterinary Authority, which we believe may not be

appropriate.

5. Evaluation of Veterinary Services (Chapter 3.2.)

- d. TEXT: **Article 3.2.14., section 6, Title:** Veterinary legislation, ~~regulations~~ and functional capabilities
- e. CHANGES & REVISIONS SUGGESTED: *Veterinary legislation* law and functional capabilities
- f. RATIONALE: We suggested modifying the Glossary definition of “veterinary legislation” to “veterinary law,” which is composed of legislation, regulation, and other legal instruments. As such, we suggest changing “veterinary legislation” in the title of this article to “veterinary law,” and italicizing the phrase to be consistent with the format in which words and phrases defined in the Glossary are italicized when used elsewhere in the Code. However, in so doing, this may require changing other uses of “legislation” to “law” to encompass all components of veterinary law as defined in the suggested revision to the Glossary definition.

DOCUMENTS 6-11: The AVMA offers no comments on proposed changes.

12. Biosecurity procedures in poultry production (Chapter 6.4.)

- a. TEXT: **Article 6.4.5., section 2, item f, paragraph 1:** Heat treated feeds with or without the addition of other bacteriocidalstatic or bacteriostaticicidal treatments (e.g. addition of organic acids) ~~is~~ are recommended ~~(e.g. organic acids)~~. Where heat treatment is not possible, the use of bacteriostatic or bactericidal treatments is recommended.
- b. CHANGES & REVISIONS SUGGESTED: Heat treated feeds with or without the addition of other ~~bacteriocidal~~ bactericidal or bacteriostatic treatments (e.g. addition of organic acids) are recommended. Where heat treatment is not possible, the use of bacteriostatic or bactericidal treatments is recommended.
- c. RATIONALE: Editorial; typographical error.
- a. TEXT: **Article 6.4.5., section 2, item j:** To minimise stress ~~p~~*Poultry* should be transported in well ventilated *containers* and should not be over crowded. Exposure to extreme temperatures should be avoided.
- b. CHANGES & REVISIONS SUGGESTED: To minimise stress, *poultry* should be transported in well ventilated *containers* and should not be over crowded. Exposure to extreme temperatures should be avoided.
- c. RATIONALE: Editorial; addition of comma makes the passage read better.
- g. TEXT: **Article 6.4.5., new section 3:** Additional measures for layers Refer to Section 3 of the Codex Alimentarius Code of Hygienic Practice for Eggs and Egg Products (CAC/RCP 15-1976).
- h. COMMENTS: If relevant to this chapter, the specific desired text of this CODEX section must be incorporated; if it is not relevant, it should be deleted.
- i. RATIONALE: The OIE Code is, and should be, a stand-alone document of processes and procedures; adopting and incorporating specific text to address a specific issue into this chapter will remove any misinterpretation or ambiguity.
- a. TEXT: **Article 6.4.6., section 2:** A veterinarian should be consulted immediately.
- b. CHANGES & REVISIONS SUGGESTED: A poultry or other experienced veterinarian should be consulted immediately.
- c. RATIONALE: To add clarity, we suggest specifying the ideal qualifications of the veterinarian needed.
- a. TEXT: **Article 6.4.6., new section 5, paragraph 2:** Before restocking, the *poultry* house including equipment ~~or establishment~~ should be cleaned, *disinfected* and tested to verify that the cleaning has been

- effective. Special attention should be paid to feed equipment and water systems.
- b. CHANGES & REVISIONS SUGGESTED: Before restocking, the *poultry* house, including equipment, should be cleaned, *disinfected* and tested to verify that the cleaning has been effective. Special attention should be paid to feed equipment and water systems.
- c. RATIONALE: Editorial; addition of commas makes the passage read better.

13. Prevention, detection and control of Salmonella in poultry (Chapter 6.5.)

- a. TEXT: **Article 6.5.5., section 3, paragraph 2:** ~~The use of h~~Heat treated feeds with or without the addition of or feeds subjected to other bacteriocidalstatic or bacteriostaticicidal treatments (e.g. addition of organic acids). (e.g. organic acids) is are recommended (e.g. organic acids). Where heat treatment is not possible, the use of bacteriostatic or bactericidal treatments is recommended.
- b. CHANGES & REVISIONS SUGGESTED: Heat treated feeds with or without the addition of other ~~bacteriocidal~~ bactericidal or bacteriostatic treatments (e.g. addition of organic acids) are recommended. Where heat treatment is not possible, the use of bacteriostatic or bactericidal treatments is recommended.
- c. RATIONALE: Editorial; typographical error.

14. Transport of animals by land (Chapter 7.3)

- a. TEXT: **Article 7.3.5., section 6e, final 2 sentences:** These conditions will not normally apply to *poultry* except for one day old chicks. However, under tropical and subtropical conditions *poultry* benefit from having adequate head room to allow head cooling.
 - b. CHANGES & REVISIONS SUGGESTED: These conditions will ~~not normally~~ apply to *poultry*, except for including one day old chicks. However, under tropical and subtropical conditions *poultry* benefit from having adequate head room to allow head cooling.
 - c. RATIONALE: We are unable to identify a scientific basis on which to justify the exclusion of poultry (chicks or otherwise) from the headroom requirement. No evidence could be identified to suggest that crowding and crouching is beneficial for poultry. This may be an exclusion for practicality, but it seems questionable on welfare grounds.
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- a. TEXT: **Article 7.3.5., section 7a:** *Animals* should be positioned to enable each *animal* to be observed regularly during the *journey* to ensure their safety and good *welfare*. This condition will not normally apply to *poultry*.
 - b. CHANGES & REVISIONS SUGGESTED: *Animals* should be positioned to enable each *animal* to be observed regularly during the *journey* to ensure their safety and good *welfare*. ~~This condition will not normally apply to *poultry*.~~
 - c. RATIONALE: We are unable to identify a scientific basis on which to justify the exclusion of poultry from the observation requirement. No evidence could be identified to suggest that observing poultry en route is any less necessary than observing other species in transit for assurance of health and welfare, although it may be less convenient. This may be another exclusion for practicality, but seems questionable on welfare grounds.

DOCUMENTS 15-17: The AVMA offers no comments on proposed changes.

18. Stray dog population control (Chapter 7.7.)

- a. TEXT: **Preamble, second sentence:** Whilst acknowledging human health is a priority including the prevention of zoonotic diseases notably rabies (Chapter 8.10.), dog population management is an integral part of rabies control programmes, the OIE recognises the importance of controlling dog populations without causing unnecessary or avoidable animal suffering.

- b. CHANGES & REVISIONS SUGGESTED: Whilst acknowledging human health is a priority ~~including the prevention of zoonotic diseases notably rabies (Chapter 8.10.)~~ and that dog population management is an integral part of rabies control programmes; ~~(Chapter 8.10.)~~, the OIE recognizes the importance of controlling dog populations without causing unnecessary ~~or avoidable~~ animal suffering.
 - c. RATIONALE: Editorial suggestions to improve readability and clarity (e.g., if suffering is avoidable, it is unnecessary).
- a. TEXT: **Article 7.7.6., section 7:** Chapter 8.10. provides recommendations on the international movement of dogs, with respect to provision for ~~between rabies-free countries and countries considered to be infected with rabies.~~
 - b. CHANGES & REVISIONS SUGGESTED: Chapter 8.10. provides recommendations on the international movement of dogs with respect to provision for prevention and control of rabies.
 - c. RATIONALE: Editorial suggestions for clarity.

19. Use of animals in research and education (Chapter 7.8.)

- a. TEXT: **Article 7.8.4., third paragraph:** Ethical review of animal use may be undertaken by regional, national or local ethical review bodies or committees. Consideration should be given on how to ensure impartiality and independence from all those serving on the committees.
- b. CHANGES & REVISIONS SUGGESTED: Ethical review of animal use may be undertaken by regional, national or local ethical review bodies or committees. Consideration should be given ~~on how to ensure~~ ensuring the impartiality and independence of from all those serving on the committees.
- c. RATIONALE: Editorial suggestion. Having made this suggestion, we have an additional comment. What does it mean to be impartial and independent? A case may be made for including individuals on animal use committees who have a deep understanding of the research and its goals and who have good hands-on experience with the animals used in the study. Such people may be heavily involved in the topics under discussion and, depending on how this statement is interpreted, may not be considered eligible for appointment (i.e., those making the appointments may be driven to exclude people with valuable expertise). Thus, the AVMA respectfully asks the US Delegate to the OIE to request clarification from the TAHSC.

DOCUMENTS 20-21: The AVMA offers no comments on proposed changes.

22. Bluetongue (Chapter 8.3.)

- a. TEXT: **Article 8.3.8., first sentence of items 1, 2, and 3:** were protected from attack from *Culicoides* in an ~~insect proof~~ vector protected establishment...
 - b. CHANGES & REVISIONS SUGGESTED: were protected from attack from *Culicoides* in ~~an~~ a vector-protected establishment...
 - c. RATIONALE: Editorial.
- a. TEXT: **Article 8.3.8., item 6:** are not vaccinated and a surveillance programme in accordance with Articles 8.3.16. to 8.3.21. has been in place in the source population for a period of at least 60 days immediately prior to dispatch and no evidence of BTV transmission has been detected, and were protected from attack from *Culicoides* during transportation to the place of shipment.
 - b. CHANGES & REVISIONS SUGGESTED: are not vaccinated and a *surveillance* programme in accordance with Articles 8.3.16. to 8.3.21. has been in place in the source population for a period of at least 60 days immediately prior to dispatch and no evidence of BTV transmission has been detected, and were protected from attack from ~~*Culicoides*~~ *Culicoides* during transportation to the *place of shipment*.
 - c. RATIONALE: Editorial; *Culicoides* needs to be italicized.

23. Foot and mouth disease (Chapter 8.5.)

- a. TEXT: **Article 8.5.7bis., section 1:** have submitted documented evidence on the capacity of the veterinary services to control FMD. This evidence can be provided by countries following the OIE PVS pathway to identify gaps and the strategies to strengthen the veterinary services to sustainably control FMD;
 - b. CHANGES & REVISIONS SUGGESTED: have submitted documented evidence on the capacity of the veterinary services to control FMD. This evidence can be provided by countries, ~~using following~~ the OIE tool for evaluation of Performance of Veterinary Services (PVS) pathway to identify gaps in capacity and the strategies to bridge those gaps to strengthen the veterinary services to sustainably control FMD;
 - c. RATIONALE: To improve clarity and define PVS within this chapter so all readers clearly understand the term.
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- a. TEXT: **Article 8.5.7bis., section 2:** submit documentation indicating that the national FMD control programme consistent with the recommendation of Chapter 8.5. is applicable to the entire territory or zone;
 - b. CHANGES & REVISIONS SUGGESTED: submit documentation indicating that the national FMD control programme, consistent with the recommendation of Chapter 8.5., is applicable to the entire territory or ~~zone~~;
 - c. RATIONALE: Editorial; addition of commas makes the passage read better.
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- a. TEXT: **Article 8.5.25., Title:** Recommendations for importation from FMD infected countries or zones, where ~~an official national FMD control programme exists~~, involving compulsory systematic vaccination of cattle , has been endorsed by the OIE
 - b. CHANGES & REVISIONS SUGGESTED: Recommendations for importation from FMD infected countries or zones, where a national FMD control programme, involving compulsory systematic vaccination of cattle-, has been endorsed by the OIE
 - c. RATIONALE: Editorial; correction of a typographical error—deletion of an extra space before the final comma.

24. Foot and mouth disease (revised questionnaire; Chapter 1.6.)

- a. TEXT: **Article 1.6.3., section 6, item b:** Are there controls in place for swill feeding to pigs containing animal products? If so provide information on the extent of the practice, and describe controls and surveillance measures.
- b. CHANGES & REVISIONS SUGGESTED: Are there controls in place for swill- ~~or garbage-~~feeding to pigs containing animal products? If so provide information on the extent of the practice, and describe controls and surveillance measures.
- c. RATIONALE: The term “swill” is not universally understood; we recommend including “garbage” for greater clarity

DOCUMENTS 25-42: The AVMA offers no comments on proposed changes.

43. Classical swine fever (Chapter 15.2.)

- a. TEXT: **General provisions, first few sentences:** The pig is the only natural host for classical swine fever (CSF) virus. The definition of pig includes all varieties of *Sus scrofa*, both domestic and wild. For the purposes of this chapter, a distinction is made between domestic pig and wild pig (including feral pigs) populations. For the purposes of ~~international trade~~ the Terrestrial Code, classical swine fever

(CSF) is defined as an *infection* of domestic pigs. Domestic pig is defined as ‘all domesticated pigs, permanently captive or farmed free range, used for the production of *meat* for consumption, for the production of other commercial products or for breeding these categories of pigs.

- b. CHANGES & REVISIONS SUGGESTED: The pig is the only natural host for classical swine fever (CSF) virus. The definition of pig includes all varieties of *Sus scrofa*, both domestic and wild. Domestic pig is defined as ‘all domesticated pigs, permanently captive or farmed free range, used for the production of *meat* for consumption, for the production of other commercial products or for breeding these categories of pigs. For the purposes of this chapter, a distinction is made between domestic pig and wild or feral pig ~~(including feral pigs)~~ populations. For the purposes of the *Terrestrial Code*, classical swine fever (CSF) is defined as an *infection* of domestic pigs. ~~Domestic pig is defined as ‘all domesticated pigs, permanently captive or farmed free range, used for the production of *meat* for consumption, for the production of other commercial products or for breeding these categories of pigs.~~
- c. RATIONALE: Changes suggested reflect the change we recommended to the definitions of feral animal and wildlife in Document 1 (above). Feral animals are distinct from wild animals—specifically, feral animal means an animal of a domesticated species that now lives without supervision from, control by or dependence on humans. Change in order of sentences is suggested to improve clarity. We also recommend distinction between wild and feral pig populations be made throughout this chapter as appropriate.
- a. TEXT: **General provisions, final sentence:** A Member should not impose trade bans in response to a notification of infection with classical swine fever virus in wild pigs according to Article 1.2.3. of the *Terrestrial Code* after the Member confirms that Article 15.2.2. is appropriately implemented.
- b. CHANGES & REVISIONS SUGGESTED: A Member should not impose trade bans against another Member in response to a notification of infection with classical swine fever virus in wild or feral pigs only according to Article 1.2.3. of the *Terrestrial Code* after the Member confirms that biosecurity and disease surveillance measures outlined in Article 15.2.2. ~~is~~ are appropriately implemented.
- c. RATIONALE AND COMMENTS: The AVMA is concerned with many of the changes in this chapter, because the changes appear to suggest different ways of evaluating wild, feral and farmed pig populations for CSF, with trade implications resting on detection of CSF in domestic pigs only. If, after further review, the OIE continues to believe these changes are appropriate, then we respectfully recommend clarification in this Chapter, as suggested by the above revision, to ensure that rigorous biosecurity measures are appropriately implemented to prevent transmission of CSF from wild or feral pig populations to domestic pig populations.

44. Swine vesicular disease (New Chapter 15.4.)

- a. TEXT: No specific text identified; rather changes throughout this chapter raise some concern.
- b. CHANGES & REVISIONS SUGGESTED: No specific revisions recommended.
- c. COMMENTS: The AVMA is concerned with many of the changes in this chapter, because the changes appear to suggest different ways of evaluating wild and domestic pig populations for SVD, with trade implications resting on detection of SVD in domestic pigs only. If, after further review, the OIE continues to believe these changes are appropriate, then we respectfully recommend clarification in this Chapter to ensure that rigorous biosecurity measures are appropriately implemented to prevent transmission of SVD from wild pig populations to domestic pig populations. We also believe it may be appropriate to refer to three populations of pigs: domestic, feral, and wild.

SECTION 2—NEW OR REWRITTEN CHAPTERS (COMMENTS ALLOWED ON ALL TEXT)

45. Veterinary Legislation (Chapter 3.3)

GENERAL COMMENTS ON THIS PROPOSED NEW/REVISED CHAPTER: We have some concern regarding the changes to this chapter that center on the change in definition of veterinary legislation (we recommended a revision in Document 1, above) and the replacement of “legislation and/or regulation” with “legislation” in other chapters. We believe this ambiguity (i.e., what is legislation vs regulation; if an issue is addressed in one country through regulations promulgated under the authority of a specific piece of legislation, will such attention be considered as rigorous and valid as if the issue were addressed by legislation alone) may create problems in some countries in which the legislative and regulatory processes are very different. We believe we understand the intent of these changes; however, to those countries that clearly distinguish legislation from regulation (e.g., the USA), the changes in this chapter may appear to be dictating what Congress must legislate.

- a. TEXT: **Article 3.3.1, section 1:** “Veterinary legislation should scrupulously respect the separation between the primary legislation, represented by primary acts (laws), and the secondary legislation derived from regulations or rule books as laid down in the Constitution or fundamental texts of the country.”
 - b. CHANGES & REVISIONS SUGGESTED: No specific revisions recommended.
 - c. COMMENT: The phrases “primary legislation” and “secondary legislation,” used in this text as well as elsewhere throughout this chapter, are ambiguous. Do these terms mean legislation and regulation? Perhaps the encompassing term “veterinary law” can be used to replace “primary legislation and secondary legislation.” We offered a recommended definition of the phrase “veterinary law” in Document 1 above. If “primary legislation” and “secondary legislation” are ultimately adopted for inclusion in the Code, we recommend that a clear definition of each be developed and added to the Code Glossary.
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- a. TEXT: **Article 3.3.2, section 5, item d and Article 3.3.8:** From Article 3.3.2.5.d. “The legislation should as a minimum include relevant guidelines in order to protect: ... d. animal welfare, as defined by the OIE.” From Article 3.3.8.1.d. “Veterinary legislation should address the elements listed below: ... d. accepted practices for livestock, pets, animals used in scientific experiments, sport and leisure, and for wild animals, notably in relation to: i through v.”
 - b. CHANGES & REVISIONS SUGGESTED: No specific revisions recommended.
 - c. COMMENT: Although the language above is desirable from the perspective of ensuring good animal welfare, the USDA is well-aware that governmental authority to regulate animal welfare is not consistent in the United States. Thus, the above proposed language may be acceptable for activities covered by current statute (e.g., animals and activities covered by the Animal Welfare Act, Humane Methods of Slaughter Act, 28-Hour Law, Transport of Horses to Slaughter), but it may create challenges when it comes to monitoring the welfare of animals used for food production (particularly on-farm), some forms of entertainment, for work, and during wildlife management. While such gaps might be addressed by an appropriate statement of scope that includes reference to voluntary assurance programs (private standards), the latter afford varying degrees of attention to the measures listed in the OIE definition of animal welfare (especially those related to control of pain and ability to engage in species-appropriate behaviors). We believe it unlikely that mention of animal welfare will be stricken from this Article in the Chapter. Therefore, we recommend that USDA develop a comprehensive strategy for how it will address this issue, in collaboration with other appropriate governmental agencies. Given the complexity associated with regulating all of these activities, and the absence of OIE animal welfare guidance for most, USDA might request that

this be placed “under study.”

- a. TEXT: **Article 3.3.6., section 1, item c:** “Veterinary legislation should address the following elements: c. the power of the competent authority to control movements of animals and changes of ownership;”
 - b. CHANGES & REVISIONS SUGGESTED: Veterinary legislation should address the following elements: c. the power of the competent authority to control movements of animals and trace changes of ownership;
 - c. COMMENTS: Although we agree that the competent authority should be able to control movements of animals (e.g., by permits, certificates of veterinary inspection and quarantines), we do not believe that the competent authority can or should control changes of ownership. What is desired is that the competent authority can track animal movement through tracing changes in ownership.
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- a. TEXT: **Article 3.3.8., section 2:** “Veterinary legislation should address the elements listed below: ... b. establishments where stray animals can be held and the conditions governing their operation; c. the circumstances and the conditions of capture and of holding of stray animals; d. the outcomes for these animals, including arrangements for veterinary interventions (including euthanasia in compliance with OIE standards), and for the transfer of ownership.”
 - b. CHANGES & REVISIONS SUGGESTED: No specific revisions recommended.
 - c. COMMENT: While stray animals may be held in municipal facilities, they are also held in facilities under and not under contract to municipalities, including shelters and rescues. State-level regulation of these facilities varies considerably and, most often, shelters and rescues are excluded from regulatory requirements and inspection. In addition, voluntary assurance programs for this sector are limited in scope and application. Compliance with the guideline as currently written will be difficult. Related concerns are likely not unique to the United States; therefore, an indication of “under study” may also be appropriate for this portion of the Chapter.
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- a. TEXT: **Article 3.3.11.:** “Veterinary legislation should address the following elements: ... b. the establishment by the competent authority of: ... iv. the standards with which animals and commodities proposed for importation must comply;”
 - b. CHANGES & REVISIONS SUGGESTED: No specific revisions recommended.
 - c. COMMENT: We draw USDA-APHIS’s attention to this statement because of its implications for the further integration of animal welfare measures into trade negotiations (bilateral and otherwise). Whereas animal welfare guidance contained within the OIE Terrestrial Code was originally included as “appendices,” the “appendices” some time ago became full-fledged chapters and this seems like a further indication that their importance in trade negotiations will continue to increase. We strongly urge USDA-APHIS to consider developing a comprehensive strategy for the protection of animal welfare during covered activities, including obtaining any necessary statutory authorities.

46. Control of OIE listed diseases in heat treated, shelf stable pet food (Chapter 5.x.)

GENERAL COMMENTS ON THIS PROPOSED NEW/REVISED CHAPTER: Has the OIE determined that pet food is an actual risk to livestock for any of the OIE listed diseases? If not, and the OIE elects to address disease agents in pet food within the Code by inclusion of this new chapter, a precedent may be set for similar action on all animal feed and human food products.

- a. TEXT: **Article 5.x.2., section 3:** “Quality assurance in the processing facility should be sufficient to verify that the product has been treated as required. The facility should maintain processing records, and the system should provide alert if minimum processing is not accomplished.”

- b. CHANGES & REVISIONS SUGGESTED: Quality assurance in the processing facility should be sufficient to verify that the product has been treated as required. The facility should maintain processing records, and the system should provide an alert if minimum processing is not accomplished.
- c. RATIONALE: Editorial.
- a. TEXT: **Table 1, within the column labeled “Biological Hazard”; the row labeled “Classical swine fever”; and the sub-column labeled “Porcine”:** “70c internal pH<6 (article 15.2.21)”
- b. CHANGES & REVISIONS SUGGESTED: 70Ce internal pH<6 (article 15.2.21)
- c. RATIONALE: Editorial to retain consistency with other columns (change the lower-case “c” to an upper-case “C” to represent Celsius)

47. Rabies (Chapter 8.10.)

- a. TEXT: **Article 8.10.1, General provisions, first paragraph:** “Rabies is a disease caused by any member of the *Lyssavirus* genus. All mammals including human are susceptible to infection. Canivora and Chiroptera are the reservoirs for rabies.”
- b. CHANGES & REVISIONS SUGGESTED: Rabies is a disease caused by any member of the *Lyssavirus* genus. All mammals including ~~human~~ humans are susceptible to infection. Canivora and Chiroptera are the reservoirs for rabies.
- c. RATIONALE: Editorial.
- a. TEXT: **Article 8.10.1, General provisions, section 1:** “a case is any animal infected with the *Rabies virus* species”
- b. CHANGES & REVISIONS SUGGESTED: a case is any animal infected with any species of the *Rabies virus* ~~rabies virus species~~
- c. RATIONALE: Editorial
- a. TEXT: **Article 8.10.3, section 3:** “regulatory measures for the prevention and control of rabies are implemented consistent with the recommendations in this Chapter, including vaccination, identification and effective procedures for the importation of domestic dogs, cats and ferrets;”
- b. CHANGES & REVISIONS SUGGESTED: regulatory measures for the prevention and control of rabies are implemented consistent with the recommendations in this Chapter, including vaccination, identification and effective procedures for the importation of domestic dogs, ~~cats and ferrets;~~
- c. RATIONALE: We suggest deleting “cats and ferrets,” because Article 8.10.3 pertains only to dog-to-dog transmission.
- a. TEXT: **Beginning of Article 8.10.5:** “for wild mammals”
- b. CHANGES & REVISIONS SUGGESTED: for wild ~~mammals~~ animals
- c. RATIONALE: Later in this chapter, the term “animal” and not “mammal” is used. Use of terms should be consistent throughout.

DOCUMENT 48: The AVMA offers no comments on proposed changes.

SECTION 3—NEW OR REWRITTEN CHAPTER (COMMENTS ALLOWED ON ALL TEXT EXCEPT FOR DEFINITIONS; FOR DEFINITIONS, COMMENT ONLY ON OIE CHANGES)

49. Communication (Chapter 3.4.)

- a. TEXT: **Article 3.4.1, General Considerations, third paragraph:** “Communication should be an integral part of all the activities of the *Veterinary Services* including animal health (surveillance, early

- detection and rapid response, prevention and control), animal welfare and veterinary public health (food safety, zoonoses) and veterinary medicine.”
- b. CHANGES & REVISIONS SUGGESTED: Communication should be an integral part of all the activities of the *Veterinary Services* including animal health (surveillance, early detection and rapid response, prevention and control), animal welfare and veterinary public health (food safety, zoonoses) and veterinary medicine.
 - c. RATIONALE: Editorial; correction of formatting error.
- a. TEXT: **Article 3.4.4., section 1, items a and b:**
 - a) “Legislation providing authority to Veterinary Services under the responsibility of the CVO to communicate on matters within their mandate”
 - b) “Identified and accessible official contact points for communication”
 - b. CHANGES & REVISIONS SUGGESTED:
 - a) Legislation providing authority to Veterinary Services under the responsibility of the CVO to communicate on matters within their mandate
 - b) Identified and accessible official contact points for communication
 - c. RATIONALE: Editorial; correction of typographical and formatting errors.
- a. TEXT: **Article 3.4.4., section 4, item a(ii):** “Engaged in decision-making process”
 - b. CHANGES & REVISIONS SUGGESTED: Engaged in decision-making processes
 - c. RATIONALE: Editorial for grammar.
- a. TEXT: **Article 3.4.4., section 4, item b, final paragraph:** “The key outcomes in effectively implementing a strategic plan for communication are increased knowledge and awareness of issues by the public and stakeholders, higher understanding of the role of the Veterinary Services, higher visibility of and improved trust and credibility in the Veterinary Services. These will enhance understanding and/or acceptance of policy decisions and subsequent change of perception, attitude and/or behaviour.”
 - b. CHANGES & REVISIONS SUGGESTED: The key outcomes in effectively implementing a strategic plan for communication are increased knowledge and awareness of issues by the public and stakeholders, higher understanding of the role of the ~~Veterinary Services~~ *Veterinary Services*, higher visibility of and improved trust and credibility in the ~~Veterinary Services~~ *Veterinary Services*. These will enhance understanding and/or acceptance of policy decisions and subsequent change of perception, attitude and/or behaviour.
 - c. RATIONALE: Editorial; need to italicize Veterinary Services for consistency and because it is a term defined in the Code Glossary.

As always, we appreciate the opportunity to provide input. Should you have questions or require additional information about our comments, please do not hesitate to contact Dr. Beth Sabin, International Coordinator and Assistant Director in our Education and Research Division (esabin@avma.org; 800-248-2862, ext 6675).

Sincerely,



W. Ron DeHaven, DVM, MBA
Executive Vice President and Chief Executive Officer