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Rules Governing the Importation of Domestic Animals, Including Livestock and Poultry: Public Comment Response Summary

April 5, 2024

On January 19, 2024, the Vermont Agency of Agriculture, Food and Markets (Agency) submitted a proposed rule titled “Rules Governing the Importation of Domestic Animals, Including Livestock and Poultry” to the Vermont Secretary of State. The public comment period began on January 24, 2024, when the Secretary of State’s office published the proposed rule. In accordance with the requirements of 6 V.S.A. §840(a), the Agency held public hearings on February 23, February 27, and March 6, 2024.

Pursuant to 6 V.S.A. §840(c), the Agency is required to afford all persons reasonable opportunity to submit data, views or arguments, orally or in writing, at least through the seventh day following the last public hearing. Since submitting the proposed rule, the Agency has utilized multiple newspapers, newsletters and distribution email lists, created a new email address and webpage, and held multiple public hearings all for the purpose of engaging the public and stakeholders to submit comments. Further, the Agency afforded the public this opportunity to submit comments beyond the §840(c) required minimum seven days following its public hearing by concluding the public comment period on March 15, 2024.

In addition to affording the public a reasonable opportunity to submit public comment, 6 V.S.A. §840(d) requires that the Agency consider fully all written and oral submissions concerning its proposed rule. Comments received, whether orally or in writing, during the public comment period were compiled and evaluated by Agency staff.

The Public Comment Response Summary provides responses from the Food Safety and Consumer Protection Division to the questions and comments that were received during the public comment period on the proposed “Rules Governing the Importation of Domestic Animals, Including Livestock and Poultry.”



Summary of Comments / Questions

This response summary groups the comments/questions received by individuals/organizations and provides the Division's responses. The comments are in bold below, and the Division's response to each is in the highlighted text following.

Kathleen Gill

Hi,

I am an ambulatory equine veterinarian based out of Addison County, and have clients in Rutland and Chittenden counties as well.

I have concerns regarding the new import requirement for horses requiring a negative EIA (Coggins) test every 6 months. I have been practicing in Vermont since 2016 and there has not been an EIA positive horse in this state in those years, and to my knowledge for many years prior. If we were a state with a greater flow of horses into the state with positive cases occurring more regularly than every 8+ years, this new rule would not be so surprising. What is the reasoning behind this new rule?

Does this mean clients who do not travel out of state but simply need a coggins to trailer to their trainer or to local horse shows would need a new coggins drawn every 6 months?

The cost of horse ownership is increasing in every facet- grain, farrier, hay (especially with last year's decimation of the hay crop), and veterinary costs are all increasing. I do not believe requiring biannual Coggins testing is a reasonable cost to add to our clients.

Thank you for your comments. The 6-month requirement was proposed due to the insidious nature of the disease and an acknowledgement that a test only represents the disease status the day it was taken. EIA remains a great concern in many parts of the United States. New England had a positive case as recently as March 2024. Testing only once annually increases the risk of introduction to Vermont via importations from regions where there is a higher prevalence of this disease. However, the proposed 6-month requirement does not match the industry standard of annual testing and may also add to the cost of horse ownership. The Agency is therefore removing the proposed 6-month requirement and replacing it with the prior 12-month requirement.

Harry and Colleen O'Rourke

This document is pertaining to the new proposed Changes on page 12, section C. Equine, stating that Equines must have a 6-month coggins test to enter the state of Vermont.

Pond Hill Ranch, the O'Rourke Family is strongly opposed to this change for various reasons, not limited to the cost associated with it, the unavailable access to Veterinarians in





remote locations that our horses go to in the summer (camps), and the knowledge that 95% of the states in the US abide by the 12-month rule.

Please take into consideration our concerns.

Thank you for the comments you submitted in writing and during your participation at our public hearing. As discussed above, the proposal was intended to be a protective measure on behalf of resident equines. However, it is not our intention to impede commerce, and this would create a burden for the Vermont equine industry disproportionate to other states. We are therefore returning the requirement back to 12 month testing interval.

Mary ODonovan

Hello,

I am an equine veterinarian in Addison County.

I have reservations regarding the new import requirements for horses.

A negative EIA test every 6 months is not needed. Please explain your rationale.?! We simply do not have a problem with EIA in New England or east of the Mississippi River.

Also, requiring an import permit number for horses is also unnecessary. This will cause our equine producers unnecessary costs? Many of the largest states out west do not require import numbers for horses and they actually have highly transmissible diseases out west. Do you propose to have an electronic version available, for after hours? My colleagues out west state, they have wrote health certificates twice, and charge 2 x more when permit numbers are required.

Both of these proposals scream big government that will only increase costs unnecessarily for local businesses.

Thank you for your comments. The 6-month requirement was proposed due to the insidious nature of the disease and an acknowledgement that a test only represents the disease status the day it was taken. EIA remains a great concern in many parts of the United States. New England had a positive case as recently as March 2024. Testing only once annually increases the risk of introduction to Vermont via importations from regions where there is a higher prevalence of this disease. The proposed 6-month requirement does not match the industry standard of annual testing and may also add to the cost of horse ownership. The Agency is therefore removing the proposed 6-month requirement and replacing it with the prior 12-month requirement.



Additionally, the proposed rules do not require an import permit for horses. Instead, the Rule clarifies that exhibition permits may be obtained for horses originating in partnering states to afford the opportunity for those imports to travel with a CVI for 180 days, though only for temporary import and exhibition. Clarification has been added to the import permit section of the proposed Rule to prevent confusion in the future.

Hank Dimuzio/Rhonda Roberts

As one of the few cervid farms in Vermont, we have two comments.

First:

“Section III G. Cervids a. Importation requirements for all purposes other than immediate slaughter:

iv. All cervids imported into Vermont shall be imported directly from the herd of origin they were born into.”

All livestock moves. Why single out cervids to come only from their birth herd of origin. We have disease traceability, dual tagging, and health papers like the rest of the livestock industry. This portion of the proposed rule is biased and a restraint of trade. It should be stricken.

Second:

“F. Exhibition Animals

b. In order to temporarily import livestock, except cervids, for exhibition on an extended Certificate of Veterinary Inspection, a person must obtain an exhibition permit in accordance with the procedure adopted by the Secretary.”

This is very vague and unclear. Does this mean that cervids can’t be temporarily imported for exhibition or that they don’t need an exhibition permit, just an extended Certificate of Veterinary Inspection? Further clarification is necessary. If the intention is that they cannot be temporarily imported for exhibition purposes, why not? Again, there is no reason to isolate the cervid industry from other livestock, if all the other rules of importation are followed.

Respectfully submitted,

Thank you for your comments. Both comments stem from a perception of treating captive cervids differently than other livestock and you are correct, they are. Cervids pose a unique risk of spreading a potentially devastating disease to resident wildlife. Chronic wasting disease (CWD) can go undetected for years and has no approved antemortem regulatory test for cervid species allowed to be imported into Vermont. Due to this risk,



there are rules and restrictions on federal and state levels imposed on captive cervids beyond those required for other livestock. These rules are specifically designed to allow for the continuation of farming cervids while balancing the concerns for native wild deer and moose.

The federal standard relies on a minimum of 5 years' worth of mortality testing to gain reasonable confidence in the disease status of an individual animal. Additional layers of protection are added by evaluating the CWD status of the entire state or province of origin. Without limitations to a herd of origin, Vermont would be subject to the risk of an animal moving from a region from which it does not allow importation to a new herd in an allowable region and then into Vermont.

Cervids cannot be imported into Vermont temporarily or for exhibition. Prions that cause CWD can persist in the environment and spread to wildlife. Farms with cervids have fencing specifications beyond what is practical to require of fairgrounds. Additionally, all CWD-susceptible cervid mortalities must be reported to the state for disease sampling to determine if that individual could have spread CWD while still alive. A CWD-positive animal brought to the state temporarily could have contaminated the environment and the Agency would not have knowledge of its final disposition once it returned to its state of origin.

Julie Smith

The rule looks sound overall. I have a question about the avian influenza testing section on page 18. The description doesn't mention avian influenza testing at all, just Pullorum. Is this correct or is something missing?

All the best

Thank you, and yes, this was a typographical error. It has been corrected.

Kent Underwood

Hi team,

Please include water buffalo in one of the categories or include own category for water buffalo. There are more water buffalo milked around the world than dairy cattle.

The largest water buffalo dairy in US was in Vermont and there are still a few throughout the state.

Thank you

Thank you for catching this oversight. The original definition of "cattle" was broad enough that it covered water buffalo. Unfortunately, it technically included sheep and



goats as well. In an effort to ensure small ruminants were clearly not defined as “cattle,” the new definition was proposed, inadvertently omitting water buffalo. In response to your comment, the Agency has specified that the requirements for water buffalo are the same as those for “cattle.” Thank you.

Josh Lucas

To Whom it may concern,

I am writing to express my concern regarding the Rule Governing the Importation of Domestic Livestock. I am a cattle producer and professional grazer in western Vermont, beef cattle in particular. My concerns with the rule is that it still has Anaplasmosis testing required in Section III,A,a,ii,3. My question is why are we still requiring testing for a disease that we have many confirmed cases of right here in Vermont? There has been Anaplasmosis, that we have seen first hand with cattle born and raised right here with no exposure to out of state livestock, for the better part of the last decade. Veterinarians have tested whole herds and found many positive blood levels, and many confirmed numerous individual cases. It's pretty widespread in my area and it shows up every time you put cattle into brush filled pastures, particularly pastures with a lot of Red Cedar trees. This is a tick born illness at this point and time, it came when the tick populations exploded in the last two decades.

In addition to this, the list of states that are listed as high risk, is totally wrong, it has states on there where the producers I talk to from there have never heard of Anaplasmosis. The inverse is also true, known hot spots for Anaplasmosis are not on there at all. So I question the vitality of the list.

So as a producer who wants to do commerce nation wide, this testing is absolutely a waste of time and resources, it's already here. In the high speed world we are operating in, to ask a seller to test and hold their animals until the results come back, is just ludacris; they won't do it. So therefore, this outdated rule, is constricting our agriculture economy unnecessarily.

I would propose that the state of Vermont drop all testing requirements for Anaplasmosis.

Respectfully submitted

Thank you for your comments and perspective on behalf of your industry. Anaplasmosis is a vector spread disease that is endemic in many parts of the United States. In these endemic regions, where the disease is an everyday occurrence, the morbidity and mortality of exposed animals is significantly lower than when it is introduced to new or naïve populations. This is why many producers within the endemic states may not be aware of its presence. As the ticks responsible for spreading this disease are able to overwinter and sustain life cycles in broader geographical territories, the economic



impacts are felt along the leading edge of that geographic expansion. Vermont does have a low prevalence of anaplasmosis, and the proposed language of the rule intended to make sure the prevalence remains low. Only through pre-importation testing would the State of Vermont be able to limit disease prevalence in Vermont-resident livestock and prevent more impactful disease introduction.

However, the host range of anaplasmosis and bluetongue are changing. Inevitably they will reach Vermont in time, with or without importation restrictions. There is also limited data of the prevalence of each of these conditions in other geographic regions, and determining the states of concern identified in the proposed rule was difficult. The Agency's intention had been to protect industry from diseases that are primarily economic concerns. There are many diseases for which the Agency does not require testing, and it may be time to place anaplasmosis and bluetongue into that category. The goal of seeking public comments and the Agency's outreach to industry partners was to hear from those most significantly impacted. Individual herdsman can choose to require these tests prior to importation in the future, and though we may recommend it, it will no longer be mandated by the Agency.

Mark Rodgers

Dr Kristin Haas,

I would like to comment on VERMONT RULE #98074 Effective 2024 RULES GOVERNING THE IMPORTATION LIVESTOCK AND POULTRY

I am concerned that while the State of VT has a requirement for the testing of CWD in cervids that there is not a similar concern for MV (Meadi-Visna) otherwise referred to as OPP (Ovine Progressive Pneumonia) in sheep and CEA (Caprine arthritis-encephalitis) in goats. All are chronic wasting diseases for which there are no vaccines and no cure.

Please see following scientific details from WOA and Merck Veterinary Manual:

“Maedi-visna (MV) is a persistent lentivirus infection of sheep. It is often grouped together with caprine arthritis-encephalitis (CAE) of goats as the small ruminant lentiviruses (SRLVs). Maedi-visna is also known as ovine progressive pneumonia (OPP). Maedi-visna is an Icelandic name that describes two of the clinical syndromes recognized in MV virus From the World Organization on Animal Health:

(MVV)-infected sheep. ‘Maedi’ means ‘laboured breathing’ and describes the disease associated with a progressive interstitial pneumonitis, and ‘visna’ means ‘shrinkage’ or ‘wasting’, the signs associated with a paralyzing meningoencephalitis. Progressive lung disease is the primary finding with MVV infection. Phylogenetic analyses



comparing nucleotide sequences of MV virus (MVV) and CAE virus (CAEV) have demonstrated that these are closely related lentiviruses. One source of CAEV and MVV transmission is colostrum and milk. The source of horizontal transmission in the absence of lactation remains unknown; however, faeces and lung fluids are known to harbour infectious virus. Clinical and subclinical MV and CAE are associated with progressive, mononuclear cell inflammatory lesions in the lungs, joints, udder and central nervous system. Indurative mastitis is common in both host species, and its economic significance may be underestimated. Laboured breathing associated with emaciation caused by progressive pneumonitis is the predominant feature in clinically affected sheep, whereas polyarthritis is the main clinical sign in goats. However, most lentivirus-infected sheep and goats are largely asymptomatic, but remain persistent carriers of virus and are capable of transmitting infection via colostrum or milk and respiratory secretions. There are no vaccines available. There is no evidence that humans are susceptible to any SRLVs.”

Merck Veterinary Manual

“Currently, there is no practical, effective treatment for ovine progressive pneumonia, and no vaccines are available. Therefore, the only means for control and prevention are serologic testing and removal of positive animals. Because of the long incubation period and time to seroconversion, retesting animals once yearly, or even twice yearly, may be indicated. In addition to the approach of testing and culling, it has previously been recommended to raise lambs or kids from seropositive dams separately. Recent research suggests that seroconversion more frequently occurs when young animals join the breeding flock, and separating lambs and kids may not be necessary. Some producers may still feed lambs and kids colostrum from seronegative animals, or heat-treated colostrum, and raise the animals on milk replacer, milk from seronegative animals, or heat-treated milk as the primary method of control.

Key Points

- *Lentiviral infection is responsible for chronic diseases in sheep and goats, including ovine progressive pneumonia and [caprine arthritis and encephalitis](#).*
- *Control relies on serologic testing of herds and preventing the introduction of infected animals.”*

As is recommended by Merck Veterinary Manual, we can only resist this disease by preventing the introduction of infected animals. It is a logical conclusion that the State of Vermont should require the testing and prevention of MV (or OPP) and or CAE infected animals from entering Vermont.

I wish to go on record as insisting that the State of Vermont require that only sheep and goats negative tested for MV (or OPP) and CAE be allowed import into Vermont.





Please feel free to contact me if you wish any further discussion. I appreciate your time and consideration.

Sincerely,

Thank you for your comments and perspective on behalf of your industry. There are many diseases for which the Agency does not require testing as there are no federal or state regulatory programs to support standardized requirements. Individual herdsman can choose to request these tests prior to importation, and though recommended, it is not mandated by the Agency.

Additional comments were received from partners outside of the public comment period. These comments were separately responded to and incorporated as necessary into the final draft of the rules as submitted.

