

AQUATIC LIVESTOCK ALLIANCE

www.aquaticlivestock.org

Promoting Aquatic Livestock Commerce!

Press Release

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NEW REGULATION AFFECTS AQUATIC LIVESTOCK MOVEMENTS

BIG RAPIDS, MICHIGAN

The Aquatic Livestock Alliance is releasing this press release for the benefit of producers and buyers of aquatic livestock before the 2010 active hauling season begins. As of February 1, 2010, the United States Department of Agriculture - Animal and Plant Health Inspection Services (USDA-APHIS) implemented its' final rule regarding regulations covering the National Veterinary Accreditation Program (NVAP). The recently implemented requirements are part of the Standards for Accredited Veterinarian Duties in Title 9, Code of Federal Regulations (9 CFR), Part 161. These recent changes may partially or completely preempt certification programs currently in use. The animal health certification requirements may change significantly in some states for shipping aquatic animals across state lines. Aquatic livestock producers should be aware of the following excerpts from the Federal Register on National Veterinary Accreditation Program¹:

- APHIS has the authority to establish the NVAP under the Animal Health Protection Act (AHPA – 2002) (7 U.S.C. 8301 et seq.).
- The NVAP changes are necessary to ensure that tasks associated with the health of livestock, such as participating in disease surveillance, issuing animal health certificates,

and conducting APHIS-Veterinary Services program activities, are performed by qualified individuals.

- Much of accreditation work involves certifying an animal² for entry into interstate or international commerce³. State and country laws and regulations are typically set up to recognize the State or country of origin for an animal in commerce.
- Noting that the proposed rule would have prohibited the performance of accredited duties by “veterinarians who are not federally accredited,” two commenter’s recommended that this section address the problem of people who are not veterinarians who perform accredited duties, such as when nonveterinarians issue fraudulent health certificates. One of the same commenter’s also recommended that we address the problem of an accredited veterinarian performing duties that he or she is not authorized to perform. The National Veterinary Accreditation Program agrees that these situations need to be addressed. In this final rule, we are changing the proposed language to state:

“Anyone who performs accredited veterinarian duties that he or she is not authorized to perform will be subject to such criminal and civil penalties as are provided by the Animal Health Protection Act (7 U.S.C. 8301 et seq.) or other applicable Federal statutes or regulations.”

As of February 1, 2010, it is unlawful for nonveterinarians and unaccredited veterinarians to certify the health status⁴ of translocated animals!⁵

The following APHIS website can assist in finding an accredited veterinarian in your locality.

http://www.aphis.usda.gov/animal_health/vet_accreditation/locate_av.shtml

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¹ **64998 - 65013 Federal Register** / Vol. 74, No. 235 / Wednesday, December 9, 2009 / Rules and Regulations - http://www.aphis.usda.gov/animal_health/vet_accreditation/downloads/final_rule.pdf - accessed on February 13, 2010

² Definitions in the AHPA - 2002 define "animal" as any member of the animal kingdom; "livestock" as any farm raised animal. Direct analysis of the AHPA - 2002 finds wording to give USDA-APHIS authority to control movement of any animal or conveyance that could spread disease by moving either animals or conveyance across state lines or into the United States - this USDA-APHIS authority can be extended even within a state's boundaries under certain conditions. Hence, the Federal Order regarding Viral Hemorrhagic Septicemia that can prohibit movement of certain listed species regardless of being wild or farm-raised.

³ Definitions in the AHPA - 2002 The term "interstate commerce" means trade, traffic, or other commerce -

⁴ The producer and buyer (and regulators) must understand the purpose and extent of a "health certificate". While debated for many years, whether certification of health, per se, is possible, the official document, Certificate of Veterinary Inspection (CVI), can provide qualified assurance for the disease status and general condition of animals translocated at a given time. "Health certificates" have no implied warranty of health after leaving the place of origin or at any future date. A health certificate is an assurance document on the date of signing. A health certificate becomes an official document when it signed by an accredited veterinarian acting on behalf of the USDA-APHIS. The CVI required in this final rule and the 9 CFR will require the accredited veterinarian to conduct; an onsite visit, observation/examination of the animal population, prescribed testing and, a professional evaluation of results and findings before issuing the certificate whether it is understood to be an assurance document of disease status or health certification.

⁵ State Statutes and Regulations that would designate nonveterinarians or nonaccredited veterinarians to certify aquatic animals for interstate movement would be subject to Federal Preemption and placed under Federal Oversight of USDA-APHIS.