

TERRESTRIAL ANIMAL HEALTH STANDARDS COMMISSION
SEPTEMBER 2010 REPORT

USA Comments

CHAPTER 3.3.

VETERINARY LEGISLATION

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Article 3.3.5.

Delegation of powers

1. General principles

The veterinary legislation should provide for the possibility of the competent authorities delegating specific tasks related to official activities.

The specific tasks delegated, the body(ies) to which the tasks are delegated and the conditions of supervision by the competent authority should be defined.

2. Animal health delegation

The veterinary legislation should provide for the possibility of the competent authority delegating specific tasks in the sector of animal health to individual professional veterinarians who are not civil servants.

For that purpose the veterinary legislation should:

- a. define the field of activities and the specific tasks covered by the delegation;
- b. provide for the control, supervision and financing of the delegation;
- c. define the procedures for making delegations;
- d. define the competencies to be held by persons receiving delegation;
- e. define the conditions of withdrawals of delegations.

3. Delegation of functions relating to veterinary certification

Veterinary legislation should conform with Section 5 of the OIE Terrestrial Code concerning certification procedures, especially on the:

- a. conditions of appointment or recognition of certifying officials;

- b. role and responsibilities of the certifying officials;
 - c. conditions of certification;
 - d. means of supervision and financing of certification;
 - e. define the conditions of withdrawal of the delegation.
4. Delegation of functions relating to the identification of animals and traceability
- a. Veterinary legislation should provide for the possibility of delegating operations, under the supervision of the competent authority, to the operators that are best placed to carry out and manage the identification systems.
 - b. Veterinary legislation should define the conditions of withdrawal of the delegation.
5. Relationships with stakeholders

To ensure transparency and facilitate implementation of the veterinary legislation, the competent authority should establish relationships with stakeholders, including by:

- a. taking steps to ensure that stakeholders participate in the development of significant legislation and required follow up;
- b. supporting, as appropriate, participation of stakeholders in international discussions.

Article 3.3.6.

Health provisions relating to animal production

1. Identification and traceability

Veterinary legislation should address the following elements:

- a. the objectives and scope of animal identification;
- b. the possibility to make animal identification compulsory for certain species, regions or function;
- c. the power of the competent authority to control movements of animals and [trace](#) changes of ownership;

Rationale: The competent authority can or should be able to track animal movement through tracing the changes in animal ownership, but not control the changes of animal ownership.

- d. ...

Article 3.3.7.

Animal diseases

1. ...

3. Disease control

Veterinary legislation should address the following elements:

- a. different lists of diseases, with provision (as appropriate) for:
 - i. emergency measures in accordance with established contingency plans;
 - ii. measures for prevention, control or eradication, [carcass disposal](#);

Rationale: We recommend that veterinary legislation include measures of carcass disposal as an element of disease control.

- iii. surveillance measures;
- b. the specification of mandatory control measures for certain diseases;
- c. arrangements for the declaration of animal diseases including on the grounds of suspicion;
- d. immediate technical measures including on the grounds of suspicion;
 - i. [measures allowing for investigation of and response to emerging diseases](#);

Rationale: Article 3.3.7 as proposed does not take into account any control of and response to emerging diseases. If the proposed legislation is restricted to a list of diseases, it will be difficult for a veterinary services to respond when faced with an unknown or uncharacteristic disease that is not included on the list.

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Article 3.3.8.

Animal welfare measures1. General provisions

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2. Free-roaming and stray domestic animals ([Under study](#))

Veterinary legislation should address the elements listed below:

- a. prohibition of abandonment of animals and of allowing animals to stray;
- 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.

Rationale: While stray animals may be held in municipal facilities, they are also held in facilities not under contract to municipalities, including shelters and rescue facilities. In the United States, State or local level regulation of these facilities varies considerably and very often, shelters and rescues are excluded from regulatory requirements and inspections. Additionally, voluntary assurance programs for this sector are limited in scope and application. Compliance with guidelines as currently written will be difficult. Consequently, an indication of “under study” may be appropriate for this section of the Chapter.