

MEMORANDUM

To: AHC Organizations
From: Amy W. Mann
Date: July 19, 2002
Re: USDA Proposed Rules on Permanent Private Quarantine Stations

Introduction

The U.S. Department of Agriculture (USDA) has published the long-awaited proposal to amend the regulations regarding the importation of horses to establish standards for the approval of permanent, privately-owned quarantine facilities for the permanent importation of horses. The American Horse Council has been seeking this rule proposal for some time. USDA has asked for public comment on the specifics of the proposal. The comment period ends August 30, 2002.

The rule proposal sets forth fairly specific criteria. Anyone interested in a copy of the complete proposal, may contact the AHC. In addition, the rule proposal may also be reviewed at <http://www.aphis.usda.gov/ppd/rad/webrepor.html>.

Background

Presently, there are two federal quarantine facilities and one private facility through which horses may be imported into the U.S. As the horse industry has become increasingly international and more horses have been imported into the U.S., the need for quarantine space has increased. The horse industry has been interested for some time in the possibility of USDA establishing federal criteria for the establishment of permanent, privately-owned quarantine stations for horses.

Initially, the need was to accommodate international horses participating in U.S. events. These are horses that enter the U.S. temporarily, for a specific event, and depart the country after competing. To address the quarantine needs of these horses, the USDA has put in place a process whereby facilities at event sites could be designated as "temporary" quarantine facilities. These facilities, which must meet USDA criteria and have USDA supervision, permit horses to come directly to a track, show or competition venue, complete quarantine and compete. Once competition is completed, the horses must leave the country. The current authorization to approve these temporary facilities for specific events will not be affected by this rule proposal.

This proposed rule deals with the permanent entry of horses through privately-owned facilities. At certain times during the year, the demand for quarantine facilities for the permanent

importation of horses has exceeded the space available. Indeed this shortfall in quarantine space has become worse in the last few years. For example, demand for quarantine space at existing USDA facilities in New York and Miami has made importation of horses very difficult during the busiest seasons.

To deal with this need, the AHC asked USDA to promulgate regulations that would permit the continued, and perhaps increased, trade in horses with other countries, but also provide the highest standards of quarantine to protect our domestic horse population. Part of the AHC's concern with the current situation is that without the promulgation of a defined set of criteria, USDA might begin to approve facilities on an as-needed basis in order to deal with the increased demand. In this case, facilities might have been approved with varying standards. This would make it difficult to assess and ensure the adequacy of the facilities.

Rule Proposal

USDA's proposal would permit the establishment of permanent, privately-owned quarantine facilities for permanent-entry horses. These would be facilities that must offer quarantine services for horses to the general public on a continuing basis and are owned by an entity other than the Federal government.

USDA is proposing the change "because recent demand for quarantine services for horses has exceeded the space available at existing facilities." As a result of this demand and at the request of the horse industry, USDA has proposed "to establish requirements in the regulations for the approval and operation of such facilities." The proposed requirements are "designed to maintain the same biological security standards that are currently employed in other APHIS-approved permanent quarantine facilities." The facilities must be designed, equipped and monitored similarly to APHIS quarantine facilities to provide sufficient protection against the introduction of disease. Unlike temporary facilities, a permanent facility could be occupied on a continuing basis by a large number of horses in different lots. Therefore, the risk of disease spread within, and from, the permanent facility is different and requires tighter security measures, and different disease detection and prevention measures.

Application Process

Any permanent facility would be subject to APHIS approval and oversight. The proposed regulations provide information about how to apply for approval of a permanent facility and information concerning denial and withdrawal of approval. Any application by a private operator would be submitted to the Administrator of the USDA's Animal and Plant Health Inspection Service (APHIS). It must include the name of the applicant, address, blueprint of facility, financial resources for construction and operation, expected source of horses, size and frequency of shipments, and a contingency plan for the possible disposal of horses. USDA will review requests for approval as a permanent facility on a "first-come, first-served" basis.

If the application is complete and merits further consideration, the applicant would have to enter into a compliance agreement with APHIS to pay the cost of all APHIS's services associated with

the evaluation. If the application is denied, an applicant would have an opportunity for a hearing.

Compliance Agreement

If approved, a facility must operate in accordance with a compliance agreement between the owner and the APHIS Administrator, which must be renewed on an annual basis. This agreement is in effect the operating agreement between the parties. The operator is responsible for all costs associated with the maintenance and operation of the facility, the hiring of employees, and the care of the quarantined horses, including feed, bedding, medicines, inspections, testing, laboratory procedures and necropsy examinations.

APHIS Oversight

While the facilities would be privately-owned, they would be subject to the strict and direct oversight of APHIS representatives, who would be present at the facilities. Such APHIS oversight would include one or more veterinarians and other professional, technical and support personnel employed by APHIS. A permanent facility would have at least one APHIS representative overseeing the care of all horses in quarantine during normal business hours.

Under the proposed rules, access to the facility would be allowed only to APHIS representatives, authorized employees, and other personnel of the operator assigned to the facility. All others would be prohibited from the premises unless specifically granted access by the overseeing APHIS representative. Any visitors would be accompanied by an APHIS representative at all times.

Proposed Physical Requirements for Permanent Facilities

The proposed regulations list the basic criteria that a permanent facility must meet for approval. Additional requirements could also be imposed by APHIS pursuant to the compliance agreement to ensure that the quarantine is adequate to determine the horses' health status and prevent the transmission of diseases into, within, or from the facility.

To be approved as a permanent facility, the APHIS Administrator must determine that there are sufficient APHIS personnel, including veterinarians and animal health technicians, to ensure the biologic security of the facility. If a facility meets all the proposed requirements and there are APHIS personnel available, then APHIS would approve the facility and assign personnel to it. APHIS personnel will be assigned on a "first-come, first-served" basis. But under the rule, it is also possible the deployment of APHIS personnel to one facility might mean that there are not personnel available for another and approval could not be given.

The rule proposal sets forth specific physical criteria that any facility must meet. Among other requirements, facilities must:

1. Be located "in close proximity" to ports authorized by USDA for entry so that the Administrator may determine that the movement of the horses

- from the port to the facility poses “no significant risk of transmitting communicable diseases” to domestic horses.
2. Be located one-half mile from any premises holding livestock or horses.
 3. Be of “sound construction” with the capacity to receive and house a shipment of horses as a lot on an “all-in, all-out” basis.
 4. Be secure to prevent unauthorized persons, horses or animals from having contact with quarantined horses.
 5. Have windows and openings double-screened to prevent the entry or exit of insects or other vectors of diseases of horses.
 6. Have two loading docks, one within the facility and one without.
 7. Have all surfaces made of nonslip and wear-resistant materials, impervious to moisture and able to withstand frequent cleaning and disinfecting without deterioration.
 8. Be able to segregate different lots of horses.
 9. Include showers for personnel.
 10. Include adequate space for examining horses, drawing samples, a necropsy area, and have a heating, ventilating and air conditioning system (HVAC) that can ensure air from the quarantine area is not diverted into the non-quarantine area. Each lot-holding area would be required to have its own separate HVAC system to prevent cross contamination.
 11. Have ability to maintain the facility in clean and sanitary condition, including pest control and disinfecting equipment, adequate water for all needs, and the capability to dispose of all animal wastes by means of burial, incineration or public sewer.
 12. Satisfy state and Federal environmental requirements.
 13. Be guarded by a bonded security company or electronic surveillance.

Handling of Horses

Under the proposed rules private facilities would operate no differently than Federal horse quarantine facilities. Under the “all-in, all-out” requirement, no horses could be taken out of the lot while it is in quarantine except for diagnostic purposes and no horse could be added to the lot while the lot is in quarantine.

Comment Period

If you have any comments on the proposed rules please contact the AHC. We will submit comments based on our members’ input. If you wish to submit comments directly to USDA please send an original and four (4) copies to Docket #99-012-1, Regulatory Analysis and Development, PPD, APHIS, Suite 3 C03, 4700 River Road, Unit 118, Riverdale, MD 20737-1238. Please state that the comments refer to the Docket number listed above. Comments are due on or before August 30, 2002.