

REVIEW OF AGENCY RULES

This section contains notices of state agency rule review as directed by the Texas Government Code, §2001.039.

Included here are proposed rule review notices, which invite public comment to specified rules under review; and adopted rule review notices, which summarize public comment received as part of the review. The complete text of an agency's rule being reviewed is available in the *Texas Administrative Code* on the Texas Secretary of State's website.

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the website and printed copies of these notices may be directed to the *Texas Register* office.

Proposed Rule Reviews

Texas Commission on Fire Protection

Title 37, Part 13

The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 403, concerning Criminal Convictions and Eligibility for Certification. Chapter 403 consists of §403.1 Purpose, §403.3, Scope, §403.5, Access to Criminal History Record Information, §403.7, Criminal Convictions Guidelines, §403.9 Mitigating Factors, §403.11, Procedures for Suspension, Revocation, or Denial of a Certificate to Persons with Criminal Backgrounds, §403.15, Report of Convictions by an Individual or Department.

This review will be conducted pursuant to Texas Government Code §2001.039. The commission will accept comments for 30 days following publication of this notice in the *Texas Register* as to whether the reason for the rule continues to exist.

The Texas Commission on Fire Protection, which administers these rules, believes the reason for the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Mike Wisko, Agency Chief, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email to deborah.cowan@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the *Texas Register* in compliance with Texas Government Code, Chapter 2001, and will be open for the required public comment period prior to final adoption or repeal by the commission.

TRD-202103870

Michael Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: October 1, 2021



The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 423, concerning Fire Suppression. Chapter 423 consists of Subchapter A, Minimum Standards For Structure Fire Protection Personnel Certification. §423.1 Minimum Standards for Structure Fire Protection Personnel, §423.3, Minimum Standards for Basic Structure Fire Protection Personnel Certification, §423.5, Minimum Standards for Intermediate Structure Fire Protection Personnel Certification, §423.7, Minimum Standards for Advanced Structure Fire Protection Personnel Certification, §423.9 Minimum Standards for Master Structure Fire Protec-

tion Personnel Certification, §423.11, Higher Levels of Certification, §423.13, International Fire Service Accreditation Congress (IFSAC) Seal.

Subchapter B, Minimum Standards For Aircraft Rescue Fire Fighting Personnel, §423.201 Minimum Standards for Aircraft Rescue Fire Fighting Personnel, §423.203, Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel Certification, §423.205, Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel Certification, §423.207, Minimum Standards for Advanced Aircraft Rescue Fire Fighting Personnel Certification, §423.209, Minimum Standards for Master Aircraft Rescue Fire Fighting Personnel Certification, §423.211, International Fire Service Accreditation Congress (IFSAC) Seal, and Subchapter C, Minimum Standards For Marine Fire Protection Personnel, §423.301 Minimum Standards for Marine Fire Protection Personnel, §423.303, Minimum Standards for Basic Marine Fire Protection Personnel Certification, §423.305, Minimum Standards for Intermediate Marine Fire Protection Personnel Certification, §423.307, Minimum Standards for Advanced Marine Fire Protection Personnel Certification, §423.309, Minimum Standards for Master Marine Fire Protection Personnel Certification.

This review will be conducted pursuant to Texas Government Code §2001.039. The commission will accept comments for 30 days following publication of this notice in the *Texas Register* as to whether the reason for the rule continues to exist.

The Texas Commission on Fire Protection, which administers these rules, believes the reason for the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Mike Wisko, Agency Chief, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email to deborah.cowan@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the *Texas Register* in compliance with Texas Government Code, Chapter 2001, and will be open for the required public comment period prior to final adoption or repeal by the commission.

TRD-202103871

Michael Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: October 1, 2021



The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 425, concerning Fire Service Instructors. Chapter 425 consists of §425.1 Minimum Standards for Fire Service Instructor Certification, §425.3,

Minimum Standards for Fire Service Instructor I Certification, §425.5, Minimum Standards for Fire Service Instructor II Certification, §425.7, Minimum Standards for Fire Service Instructor III Certification, §425.9, Minimum Standards for Master Fire Service Instructor III Certification, §425.11, International Fire Service Accreditation Congress (IFSAC) Seal.

This review will be conducted pursuant to Texas Government Code §2001.039. The commission will accept comments for 30 days following publication of this notice in the *Texas Register* as to whether the reason for the rule continues to exist.

The Texas Commission on Fire Protection, which administers these rules, believes the reason for the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Mike Wisko, Agency Chief, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email to deborah.cowan@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the *Texas Register* in compliance with Texas Government Code, Chapter 2001, and will be open for the required public comment period prior to final adoption or repeal by the commission.

TRD-202103872
Michael Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: October 1, 2021

The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 427, concerning Training Facility Certification. Chapter 427 consists of Subchapter A, On-Site Certified Training Provider, §427.1, Minimum Standards for Certified Training Facilities for Fire Protection Personnel, §427.3, Facilities, §427.5, Apparatus, §427.7, Protective Clothing, §427.9, Equipment, §427.11, Reference Material, §427.13, Records, §427.18, Live Fire Training Evolutions, and §427.19, General Information, Subchapter B, Distance Training Provider, §427.201, Minimum Standards for Distance Training Provider, §427.203, Records, §427.209, General Information, Subchapter C, Training Programs For On-Site and Distance Training Providers, §427.301, General Provisions for Training Programs--On-Site and Distance Training Providers, §427.303, Training Approval Process for On-Site and Distance Training Providers, § 427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers, §427.307, On-Site and Distance Training Provider Staff Requirements, and Subchapter D, Certified Training Facilities, §427.401, General Provisions for Training Facilities not Owned by the State of Texas or Operated by a Political Subdivision of the State of Texas, §427.403, Financial Standards, §427.405, Policy Regarding Complaints, §427.407, School Responsibilities Regarding Instructors, §427.409, Advertising, §427.411, Cancellations or Suspensions, and §427.413, Liabilities.

This review will be conducted pursuant to Texas Government Code §2001.039. The commission will accept comments for 30 days following publication of this notice in the *Texas Register* as to whether the reason for the rule continues to exist.

The Texas Commission on Fire Protection, which administers these rules, believes that the reason for the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Mike Wisko, Agency Chief, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email to deborah.cowan@tcfp.texas.gov.

Any proposed changes to the rules as a result of the review will be published in the *Texas Register* in compliance with Texas Government Code, Chapter 2001, and will be open for the required public comment period prior to final adoption or repeal by the commission.

TRD-202103873
Michael Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: October 1, 2021

The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 435, concerning Fire Fighter Safety. Chapter 435 consists of §435.1, Protective Clothing, §435.3, Self-Contained Breathing Apparatus, §435.5, Commission Recommendations, §435.7, Fire Department Staffing Studies, §435.9, Personal Alert Safety System (PASS), §435.11, Incident Management System (IMS), §435.13, Personnel Accountability System, §435.15, Operating At Emergency Incidents, §435.17, Procedures for Interior Structural Fire Fighting (2-In/2-Out Rule), §435.19, Enforcement of Commission Rules, §435.21, Fire Service Joint Labor Management Wellness-Fitness Initiative, §435.23, Fire Fighter Injuries, §435.25, Courage to be Safe So Everyone Goes Home Program, §435.27, Live Fire Training Structure Evolutions, and §435.29, Federal Highway Administration Traffic Incident Management Program.

This review will be conducted pursuant to Texas Government Code §2001.039. The commission will accept comments for 30 days following publication of this notice in the *Texas Register* as to whether the reason for the rule continues to exist.

The Texas Commission on Fire Protection, which administers these rules, believes that the reason for the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Mike Wisko, Agency Chief, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email to deborah.cowan@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the *Texas Register* in compliance with Texas Government Code, Chapter 2001, and will be open for the required public comment period prior to final adoption or repeal by the commission.

TRD-202103874
Michael Wisko
Agency Chief
Texas Commission on Fire Protection
Filed: October 1, 2021

The Texas Commission on Fire Protection (commission) files this notice of intention to review and consider for re-adoption, revision, or repeal, Texas Administrative Code, Title 37, Part 13, Chapter 439, concerning Examinations For Certification. Chapter 439 consists of Subchapter A, Examinations For On-Site Delivery Training. §439.1 Requirements--General, §439.3, Definitions, §439.5, Procedures §439.7, Eligibility, §439.9 Grading, §439.11, Commission-Designated Performance Skill Evaluations, §439.13, Special Accommodations for Testing, §439.19, Number of Test Questions, Subchapter B, Examinations For Distance Training, §439.201, Requirements--General, §439.205, Performance Skill Evaluation.

This review will be conducted pursuant to Texas Government Code §2001.039. The commission will accept comments for 30 days fol-

lowing publication of this notice in the *Texas Register* as to whether the reason for the rule continues to exist.

The Texas Commission on Fire Protection, which administers these rules, believes the reason for the rules contained in this chapter continue to exist. Any questions or written comments pertaining to this notice of intention to review should be directed to Mike Wisko, Agency Chief, Texas Commission on Fire Protection, P.O. Box 2286, Austin, Texas, 78768-2286 or by email to deborah.cowan@tcfp.texas.gov. Any proposed changes to the rules as a result of the review will be published in the *Texas Register* in compliance with Texas Government Code, Chapter 2001, and will be open for the required public comment period prior to final adoption or repeal by the commission.

TRD-202103875

Michael Wisko

Agency Chief

Texas Commission on Fire Protection

Filed: October 1, 2021



Adopted Rule Reviews

Texas Animal Health Commission

Title 4, Part 2

The Texas Animal Health Commission adopts the review of 4 TAC Part 2, Chapters 33, 40, and 41. The review was conducted pursuant to Texas Government Code §2001.039. The commission finds that the reasons for initially adopting each rule continue to exist and readopts the rules.

Notice of Intent to Review Chapter 33, titled "Fees", Chapter 40, titled "Chronic Wasting Disease", and Chapter 41, titled "Fever Ticks" was published in the December 20, 2019, issue of the *Texas Register* (44 TexReg 8039). No comments were received regarding those reviews. In a duly noticed meeting on September 21, 2021, the Texas Animal Health Commission readopted existing rules in those chapters. Rule actions and amendments resulting from the review of Chapters 33 are contemporaneously published elsewhere in this issue of the *Texas Register*. Rule actions and amendments resulting from the review of Chapter 40 were published elsewhere in the October 8, 2021, issue of the *Texas Register*. The rules will not be republished.

TRD-202103887

Mary Luedeker

General Counsel

Texas Animal Health Commission

Filed: October 1, 2021



The Texas Animal Health Commission adopts the review of 4 TAC Chapter 53. The review was conducted pursuant to Texas Government Code §2001.039. The commission found that the reasons for initially adopting the rules continue to exist and readopts the rules.

Notice of Intent to Review Chapter 53 was published in the December 20, 2019, issue of the *Texas Register* (44 TexReg 8039). One comment was received regarding the review. In a duly noticed meeting on September 21, 2021, the Texas Animal Health Commission readopted Chapter 53. Amendments resulting from the review of Chapter 53 are contemporaneously published elsewhere in this issue of the *Texas Register*. The rules will not be republished.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day rule review comment period ended on January 20, 2020. During that time, the commission received one comment from the Livestock Marketing Association of Texas. To the extent the commission could determine, the commenter did not indicate support or opposition for the rule review. A summary of the comment relating to the rules and the commission's response follows:

Comment: The commenter suggested several amendments in response to part of the brucellosis program that no longer exists and market recordkeeping, specifically provisions in §§53.1, 53.3 and 53.4. The commenter also suggested the commission delete the following language from §53.5(a) and (b): "county of origin of cattle" and "age...breed, brand" as those are not currently recorded and are not relevant to market operations. Rather than the scope of such recordkeeping, the commenter considered owner and individual animal identification sufficient.

Response: The commission contemporaneously amended §§53.1, 53.3 and 53.4 to update the chapter based on the commission's review, so although the amendments address many of the comments, no changes were made directly in response to this comment. While the commission adopts the deletion of brucellosis-specific language in those provisions, other disease risks and disease control and eradication programs continue to exist that require adequate facilities and identification of animals tested. In response to §53.5, the commission did not adopt modifications because the existing scope of recordkeeping remains relevant for effective surveillance and animal disease traceability.

TRD-202103883

Mary Luedeker

General Counsel

Texas Animal Health Commission

Filed: October 1, 2021



The Texas Animal Health Commission adopts the review of 4 TAC Chapter 55. The review was conducted pursuant to Texas Government Code §2001.039. The commission found that the reasons for initially adopting the rules continue to exist and readopts the rules.

Notice of Intent to Review Chapter 55 was published in the December 20, 2019, issue of the *Texas Register* (44 TexReg 8039). Two comments were received regarding the review. In a duly noticed meeting on September 21, 2021, the Texas Animal Health Commission readopted Chapter 55. Amendments resulting from the review of Chapter 55 are contemporaneously published elsewhere in this issue of the *Texas Register*.

SUMMARY OF COMMENTS RECEIVED AND COMMISSION RESPONSE

The 30-day rule review comment period ended on January 20, 2020. During that time, the Texas Animal Health Commission received two comments: one from Seaboard Foods and the other from an individual. Of the comments received and to the extent the commission could determine, Seaboard Foods opposed §§55.3, 55.4 and 55.9. The individual commenter did not indicate support or opposition to the review; the commenter suggested changes to §55.1 regarding testing requirements of breeding swine that may be sold at a livestock show. Summaries of the comments and the commission's responses follow:

Comment: Seaboard Foods commented on §55.3, concerning Feeding of Garbage, §55.4, concerning Livestock Markets Handling Swine, and §55.9, concerning Feral Swine. The first section discussed the disease risks associated with feeding garbage to swine, and if garbage feeding must exist, the commenter proposed amendments to minimize those risks. Specifically, the commenter addressed household food waste,

reporting and recordkeeping requirements, consequences of violations that result in exposing swine to uncooked garbage, and criteria for garbage feeding facility permits.

The second section addressed risks of slaughter swine at livestock markets. The commenter proposed time and movement constraints, commission action against foreign animal diseases, and updated identification to improve traceability thereby minimizing the risks of spreading disease and transmission among slaughter swine.

The third section addressed disease risks associated with feral swine. The commenter proposed prohibiting all movement of feral swine, except to slaughter, clarifying distance allowed between feral and domestic swine, and removing the provision that allows the reclassification of feral swine.

Response: In response to Seaboard Foods' first request, §165.026 of the Texas Agriculture Code clarifies that feeding garbage to swine applies to an individual who feeds unrestricted garbage from the individual's own household, farm, or ranch to swine owned by the individual. As such, the commission excludes household food waste from the definition of "unrestricted garbage" to follow the statutory exception, so the recommendation is beyond the scope of the rule.

Seaboard Foods also suggested prohibiting cooking over an open flame to minimize disease risks. The commission does not prescribe the method or manner of cooking garbage, but the Swine Health Protection Act (see 9 CFR §§166.1-166.15) requires garbage be heated uniformly at boiling (212°F) for 30 minutes. Garbage is also required to be agitated during cooking, except in steam cooking equipment, to ensure that the prescribed cooking temperature is maintained throughout the cooking container for the prescribed length of time. A garbage feeding facility holding a valid permit for garbage treatment is required to follow these cooking standards at a minimum, therefore, the commission interprets the commenter's suggestion to not cook over an open flame as an issue with uneven cooking, and the Swine Health Protection Act addresses the concern in 9 CFR §166.7.

Seaboard Foods advocated the adoption of enhanced recordkeeping requirements for both garbage feeding facilities and restaurants, grocery stores, and other food establishments that sell, give away or otherwise make garbage available to be fed to swine. A garbage feeding facility, as permitted by the commission, is required to generate and maintain a daily log. The log includes the cooking time and temperature, as well as other information, and a garbage feeding facility must make copies of the daily log available to commission personnel upon request. Additionally, the application requires facilities to list the waste source and the location of that source. As such, certain recordkeeping is already required of garbage feeding facilities, and the commission is not modifying the amended rule in response to this part of the comment, but will take the recommendations under advisement for future rulemaking.

Seaboard Foods also called for immediate quarantines and depopulation and disposal or immediate quarantines and sampling for violations that result in swine exposure to uncooked garbage. Pursuant to §165.026(d) of the Texas Agriculture Code, the commission or Executive Director may require the immediate quarantine and closure of a garbage feeding facility if the commission or Executive Director determines that the practice presents a danger to public health or the livestock industry, including any danger related to the transmission of a disease. Further, the new section of this chapter, §55.10, cites Chapter 161 of the Texas Agriculture Code to clarify that administrative, civil, or criminal penalties may apply to violations.

In the same part, Seaboard Foods called for the cost of sampling or depopulation and disposal to be at the licensee's expense with no indemnification. Pursuant to Texas Agriculture Code §161.058, the commission may pay an indemnity to the owner of livestock, domestic fowl,

or exotic fowl exposed to or infected with a disease if the commission considers it necessary to eradicate the disease and to dispose of the exposed or diseased livestock, domestic fowl, or exotic fowl. The commission may also require a producer to pay for testing. As such, no modifications are made in response to these recommendations, but the commission will take the comment under advisement for future rulemaking.

Seaboard Foods' final suggestion in the first part of their comment called for additional criteria for garbage feeding facilities to hold a valid license. The commission is not modifying the rule at this time in response to the comment, but will take the recommendations listed under advisement for future rulemaking where applicable.

The second section of Seaboard Foods' comment called for the commission to amend the time slaughter swine can remain in the market, remove the ability to transfer slaughter swine to another livestock market, amend "hog cholera" to "classical swine fever", update approved identification to include PIN tags, and update and require a more permanent form of identification than a backtag to improve traceability. 4 TAC §55.4 closely aligns with 9 CFR §71.20. Specifically, 9 CFR §71.20(15) requires no feeder and breeding swine may remain in the livestock market for more than 72 hours and no slaughter swine may remain in the livestock market for more than 120 hours. Slaughter swine are only permitted to move to another slaughter market under certain conditions if they are not otherwise consigned for immediate slaughter.

The commission updated "hog cholera" to "classical swine fever" in accordance with Senate Bill 1997 as enacted by the 87th Legislature, so agrees with Seaboard Foods but did not modify the rule in direct response to the comment. In response to their suggestion for other forms of identification, the commission continues to follow the federal regulations and §53.4 that require a market to identify sows and boars over six months of age with an approved backtag. If a market tests swine, then an eartag is also required upon testing. Other approved means or devices of identification for swine exist and may be applicable, but the requirements prescribed by this section are specific to what livestock markets handling swine must provide. As such, the commission is not modifying the content of this section, but will take the recommendation under advisement for future rulemaking as applicable.

Seaboard Foods' third part of the comment recommended removing §55.9(b)(1-7), addressing distance between feral swine and transitional swine (i.e. show pigs), removing §55.9(c)(2)(H) regarding where feral swine may be moved, and removing the section allowing the change in classification of feral swine. The commission allows limited feral swine movement pursuant to Chapter 161 of the Texas Agriculture Code that permits the operation of approved holding facilities and authorized hunting preserves, and has the authority to regulate feral swine movement as a disease control measure as well as regulate and require registration of feral swine holding facilities. Additionally, the commission addresses distance requirements between transitional (now termed "high-risk domestic swine") and feral swine in §55.9(c)(2)(B). The commission is not amending that distance requirement in this adoption, but will consider the issue in future rulemaking as applicable.

The commission allows feral swine transport to an approved holding facility or an authorized hunting preserve. Pursuant to §161.0412 of the Texas Agriculture Code, the commission may require a person who confines feral swine in a holding facility for slaughter, sale, exhibition, hunting, or any other purpose specified by commission rule to register with the commission. The purpose of that section is to prevent unregulated swine movement and thus disease. In 4 TAC §55.9(c), that person must apply for a feral swine holding facility permit and receive commission approval for each holding facility, and feral swine shall only be moved from the facility directly to an approved slaughter facility, an authorized hunting preserve, or another approved holding facility. The

commission is not modifying the feral swine programs or movement requirements in response to this part of Seaboard Foods' comment.

The commission determined allowing the change in classification from feral swine to domestic swine is preferable because §55.9(e) offers a person to change feral swine classification only if a rigorous test protocol is followed. The existence of that section provides a standard of criteria to change classification if a person elects to do so, and prevents unregulated feral swine reclassification without a protocol that could arise otherwise creating further disease risks. Therefore, the commission is not modifying §55.9(e) in response to this comment.

Comment: The second commenter discussed the commission's brucellosis and swine pseudorabies surveillance requirements for breeder swine at exhibitions, and correctly identified that testing is not required for swine entering Texas from swine brucellosis-free or pseudorabies-free Stage V states. The commenter asked for clarification of the swine entry requirements in 4 TAC §51.14 regarding swine entering Texas from another state for feeding, breeding, or exhibition purposes and why the testing requirement in 4 TAC §55.1 is only for swine prior to sale or change of ownership in Texas rather than swine sold or changing ownership in another state entering Texas. The commenter identified the difference between testing requirements for breeding swine for sale and breeding swine in exhibitions that do not involve a sale. The commenter requested the commission update the section and consider making testing requirements consistent among swine exhibitions, particularly for those swine that could change ownership.

Response: The commission requires testing prior to change of ownership to surveil swine diseases. The commission does not expect swine attending exhibitions to be from closed herds, and realizes exposure to disease from recent purchases, movements, or feral swine contact is possible. As such, the commission finds value in testing swine prior to change of ownership to assess disease risks before swine enter another herd. This provides valuable surveillance for Texas and mitigates the risk of disease introduction.

The commenter is correct in their interpretation of 4 TAC §51.14 that swine entering from another state are not required to be tested because all states are now brucellosis-free and Stage V pseudorabies free. However, the commission requires swine entering Texas for feeding, breeding, or exhibition purposes to have a Certificate of Veterinary Inspection (CVI). The CVI includes certification that the swine have not been exposed to or vaccinated for pseudorabies. Exhibition swine and out-of-state non-breeding swine entered into terminal shows are exempt from the brucellosis and pseudorabies requirements. As such, the entry requirements currently required for out-of-state swine by the commission are necessary to assess the current swine disease risks. Testing is required for in-state swine prior to sale or change of ownership for the same reasons provided above; to reduce disease risks from swine of unknown status before entering another herd or breeding. If swine are not at exhibition for sale or change of ownership, then no testing is required because the risks of disease and transmission of returning to a herd of origin are lower than changing ownership. As such, the commission is not modifying the content of §55.1 in response to the individual's comment.

TRD-202103886
Mary Luedeker
General Counsel
Texas Animal Health Commission
Filed: October 1, 2021



Texas Board of Nursing
Title 22, Part 11

In accordance with Government Code §2001.039, the Texas Board of Nursing (Board) filed a notice of intention to review and consider for re-adoption, re-adoption with amendments, or repeal, the following chapter contained in Title 22, Part 11, of the Texas Administrative Code, pursuant to the 2019 rule review plan adopted by the Board at its July 2018 meeting. The notice appeared in the September 3, 2021, edition of the *Texas Register* (46 TexReg 5597).

Chapter 227. Pilot Programs for Innovative Applications to Vocational and Professional Nursing Education, §§227.1 - 227.4.

The Board did not receive any public comments on the above rules. The Board has completed its review and has determined that the reasons for originally adopting the above rules continue to exist. The rules were also reviewed to determine whether they were obsolete, whether they reflected current legal and policy considerations and current procedures and practices of the Board, and whether they were in compliance with Texas Government Code Chapter 2001 (Texas Administrative Procedure Act). The Board finds that the rules are not obsolete, reflect current legal and policy considerations, current procedures and practices of the Board, and that the rules are in compliance with the Texas Administrative Procedure Act.

The Board readopts the rules in Chapter 227 without changes, pursuant to the Texas Government Code §2001.039 and Texas Occupations Code §301.151, which authorizes the Board to adopt, enforce, and repeal rules consistent with its legislative authority under the Nursing Practice Act. This concludes the rule review of Chapter 227 under the 2019 rule review plan adopted by the Board.

TRD-202103953
John Vanderford
Assistant General Counsel
Texas Board of Nursing
Filed: October 5, 2021



Texas State Soil and Water Conservation Board
Title 31, Part 17

The Texas State Soil and Water Conservation Board (Board) has completed the review of Title 31, Texas Administrative Code, Part 17, Chapter 518, General Procedures, Subchapter A, Employee Training Rules, as required by the Texas Government Code §2001.039, Agency Review of Existing Rules. These rules were published for comment in the May 14, 2021, issue of the *Texas Register* (46 TexReg 3147).

Texas Government Code §2001.039 requires that each state agency review and re-adopt, re-adopt with amendments, or repeal the rules adopted by that agency under Texas Government Code, chapter 2001, subchapter B, Rulemaking. As required by §2001.039(e), this review is to assess whether the reasons for adopting or re-adopting the Board's General Procedures, Historically Underutilized Business Program rule continues to exist. The Board requested specific comments from interested persons on whether the reasons for adopting Title 31, Texas Administrative Code, Part 17, Chapter 518, General Procedures, Subchapter A, Employee Training Rules continues to exist. In addition, the Board welcomed comments on any modifications that would improve the rule.

The Board received no comments in response to its request for comment published in the May 14, 2021, issue of the *Texas Register* (46 TexReg 3147). After internal review, the Board determined that the rule effectively allows the Board to accomplish its functions as directed by the Legislature.

The Board finds that the reasons for adopting Title 31, Texas Administrative Code, Part 17, Chapter 518, General Procedures, Subchapter A, Employee Training Rules, continue to exist and re-adopts the rule without amendments. Therefore, the Board re-adopts Chapter 518, General Procedures, Subchapter A, Employee Training Rules, in its entirety, under authority granted in Texas Agricultural Code §§ 201.020(a) and 203.012, which authorize the Board to adopt and enforce rules necessary for the performance of its functions as well as Texas Government Code §2001.039, which requires each state agency to review and re-adopt its rules every four years.

The Board hereby certifies that the rule in Chapter 518, General Procedures, Subchapter A, Employee Training Rules as re-adopted has been reviewed by legal counsel and found to be a valid exercise of the Board's legal authority. It is therefore ordered by the Texas State Soil and Water Conservation Board that Chapter 518, General Procedures, Subchapter A, Employee Training Rules, is hereby re-adopted under Texas Government Code §2001.039 with no changes.

TRD-202103867

Liza Parker

Policy Analyst/Legislative Liaison

Texas State Soil and Water Conservation Board

Filed: September 30, 2021



The Texas State Soil and Water Conservation Board (Board) has completed the review of Title 31, Texas Administrative Code, Part 17, Chapter 527, Removal of a District Director, as required by the Texas Government Code §2001.039, Agency Review of Existing Rules. These rules were published for comment in the May 14, 2021, issue of the *Texas Register* (46 TexReg 3147).

Texas Government Code §2001.039 requires that each state agency review and re-adopt, re-adopt with amendments, or repeal the rules adopted by that agency under Texas Government Code, Chapter 2001, Subchapter B, Rulemaking. As required by §2001.039(e), this review

is to assess whether the reasons for adopting or re-adopting the Board's General Procedures, Historically Underutilized Business Program rule continues to exist. The Board requested specific comments from interested persons on whether the reasons for adopting Title 31, Texas Administrative Code, Part 17, Chapter 527, Removal of a District Director continues to exist. In addition, the Board welcomed comments on any modifications that would improve the rule.

The Board received no comments in response to its request for comment published in the May 14, 2021, issue of the *Texas Register* (46 TexReg 3147). After internal review, the Board determined that the rule effectively allows the Board to accomplish its functions as directed by the Legislature.

The Board finds that the reasons for adopting Title 31, Texas Administrative Code, Part 17, Chapter 527, Removal of a District Director, continue to exist and re-adopts the rule without amendments. Therefore, the Board re-adopts Chapter 527, Removal of a District Director, in its entirety, under authority granted in Texas Agricultural Code §§ 201.020(a) and 203.012, which authorize the Board to adopt and enforce rules necessary for the performance of its functions as well as Texas Government Code §2001.039, which requires each state agency to review and re-adopt its rules every four years.

The Board hereby certifies that the rule in Chapter 527, Removal of a District Director as re-adopted; has been reviewed by legal counsel and found to be a valid exercise of the Board's legal authority. It is therefore ordered by the Texas State Soil and Water Conservation Board that Chapter 527, Removal of a District Director, is hereby re-adopted under Texas Government Code §2001.039 with no changes.

TRD-202103866

Liza Parker

Policy Analyst/Legislative Liaison

Texas State Soil and Water Conservation Board

Filed: September 30, 2021

