

**2022 Regulatory Update Part 4: What We Are Watching**  
**In Disease Control, Disaster Preparedness, Extended Producer Responsibility (EPR)**  
**Legislation and the America COMPETES Act of 2022**

**Disease Control Legislation**

**Federal:**

**The Preventing Future Pandemics Act of 2022**

On April 7, 2022, “**The Preventing Future Pandemics Act of 2022**” (Senate Bill 4074) was introduced by Senators Cory Booker and Rob Portman, among others. While a summary of the bill is still in progress, it was introduced as a “bill to prevent future pandemics, and for other purposes.” It was read twice and referred to the Committee on Foreign Relations.

Both federal bills aimed at disease control that were detailed in the last regulatory update remain in committee:

**The Preventing Future Pandemics Act of 2021**

Introduced on January 4, 2021, “The Preventing Future Pandemics Act of 2021” (U.S. House Resolution 151, along with its companion bill, Senate Bill 37) remains in the Subcommittee on Crime, Terrorism, and Homeland Security. This Act establishes measures to address global public health risks posed by wildlife markets, commercial markets that sell or slaughter wildlife for human consumption as food or medicine in communities where alternative nutritional or protein sources are available. Specifically, the bill prohibits importing, exporting, purchasing, or selling live wild animals in the United States for human consumption as food or medicine.

**The Healthy Dog Importation Act of 2021**

Introduced on June 29, 2021, House Resolution 4239, “The Healthy Dog Importation Act of 2021.” (HR 4239)) would amend the Animal Health Protection Act’s provisions on importing live dogs and would require more stringent health screening for dogs entering the United States. First introduced in 2020, HR 4239 would add requirements that imported dogs arrive in good health and have certification that a licensed veterinarian had inspected each dog and confirmed it has received all vaccinations and passed all tests required for importation by the U.S. Department of Agriculture. Dogs arriving in the U.S. also would have to be at least 6 months old and be accompanied by an import permit. Under the Bill federal agencies would be directed to create an electronic database for documents and permits related to importing dogs.

The bill remains in the House Subcommittee on Livestock and Foreign Agriculture.

**State:**

States are considering and enacting disease control legislation as well. In March, Oregon enacted a law aimed at preventing, monitoring and responding to zoonotic disease. Among other mandates, the new law directs the State Fish and Wildlife Commission, at commission's

discretion, to review and update the list of prohibited species that may not be imported, possessed, sold, purchased, exchanged or transported in this state due to certain risks to public health.

On May 24, 2022, Rhode Island passed a law authorizing the director of the department of environmental management to establish quarantine zones for animals and would permit the examination of any quarantined animal therein.

California Senate Bill 1029 was enacted on September 30 and requires the State Department of Public Health and the Department of Food & Agriculture to jointly establish and administer the One Health Program for the purpose of developing a framework for interagency coordination in responding to zoonotic diseases and reducing hazards to human and nonhuman animal health.

New Hampshire House Bill 532 would establish an animal health database. New Jersey Assembly Bill 2773 establishes certain requirements – including disease control measures – concerning animal rescue organizations, breeders, importation of cats and dogs, and sale or adoption of cats and dogs.

## **Rabies Control**

### **Latest Update to the CDC Dog Importation Ban**

On June 10, 2022, the United States Centers for Disease Control and Prevention (CDC) announced that the temporary suspension for dogs entering the United States from high-risk countries for dog rabies will be extended until January 2023. This includes dogs arriving from countries without high risk of rabies if the dogs have been in a high-risk country in the past 6 months. The extension will expand eligibility for importation from high-risk countries to all people, provided the dogs meet the following requirements:

1. Dogs vaccinated against rabies in the United States by a US-licensed veterinarian may re-enter the United States from a high-risk country without a CDC Dog Import Permit if the dog:
  - has a current, valid US-issued rabies vaccination certificate;
  - has proof of an ISO-compatible microchip;
  - is at least 6 months old;
  - is healthy upon arrival; and
  - arrives at one of the 18 airports with a CDC quarantine stationExpired US-issued rabies vaccination certificates will not be accepted. If the US-issued rabies vaccination certificate has expired, the dog must get a booster dose outside the United States and meet requirements for foreign-vaccinated dogs (see below).
2. For foreign-vaccinated dogs coming from high-risk countries, there are additional options for bringing in 1-2 dogs or 3 or more dogs.

Three or more dogs coming from high-risk countries can now arrive at specific ports of entry with a prior reservation at a CDC-approved animal care facility. All dogs must have a valid rabies vaccination certificate and adequate rabies serologic titer or complete a 28-day quarantine at the US animal care facility. This option is also available to shipments of 1-2 dogs arriving without a CDC Dog Import Permit.

To access the CDC notice, click here:

<https://www.cdc.gov/importation/bringing-an-animal-into-the-united-states/high-risk-dog-ban-frn.html> (CDC)

### **CDC Investigation Into Multistate Outbreak of Salmonella Stanley Infections Linked to Small Pet Turtles**

On July 21, 2022, the CDC posted an investigation notice regarding a multistate outbreak of *salmonella* Stanley strain traced to contact with small turtles. As of July 19, a total of 15 people infected with the outbreak strain have been reported from 11 states. Illnesses started on dates ranging from January 3, 2022, to June 24, 2022.

Sick people range in age from under one year to 59 years old. Of the 12 people with information available, 5 (42%) have been hospitalized. No deaths have been reported.

According to the CDC memo, many of the infected people reported purchasing turtles with shells less than 4 inches long from online stores before getting sick. Three people affected by the outbreak purchased their turtles from a website called myturtlestore.com.

The CDC reiterated its warnings that while federal law bans the sale and distribution of turtles less than 4 inches long as pets, these turtles can sometimes be found illegally online and at stores, flea markets, and roadside stands.

### **Disaster Preparedness**

Both the federal and state legislatures are considering bills relating to plans and practices for animals in emergency or disaster situations.

### **Federal Action**

#### **U.S. SB4205 (“PAW Act Planning for Animal Wellness Act”)**

Introduced in May 2022, SB4205 (and its companion bill HB7789) would direct the Federal Emergency Management Agency (FEMA) to establish a working group relating to best practices and federal guidance for animals in emergencies and disasters. Specifically, the working group shall (1) encourage and foster collaborative efforts among individuals and entities working to address the needs of household pets, service and assistance animals, and captive animals in emergency and disaster preparedness, response, and recovery; and (2) review best practices and federal guidance on sheltering and evacuation planning relating to the needs of such pets and animals.

The bill passed the Senate on August 6, and passed the House on September 14.

## **State Action**

**California 1648** Introduced in January, A1648 would require a city or county that requires a kennel license or permit to operate a kennel within its jurisdiction, to require, as a condition for obtaining the kennel license or permit, that the kennel owner create and submit to the city or county an animal natural disaster evacuation plan for any kennel covered by the license or permit. By imposing a new duty on local government, this bill would impose a state-mandated local program.

The bill passed both houses and was presented to Governor Newsom for his signature on August 31.

## **Extended Producer Responsibility (EPR) Laws**

### **State Action**

Since our end-of-year update, California and Colorado have enacted EPR laws.

#### **California's Plastic Pollution Producer Responsibility Act (SB 54)**

In June of this year, California passed the nation's strongest EPR legislation yet, SB 54. SB 54 not only requires producers of all packaging to hit source reduction and recycling targets mandated by the state but guarantees that producers of plastic products pay \$5 billion over 10 years to remediate plastic pollution. The law requires a 25% reduction of single-use plastic packaging and foodservice products by 2032, with nearly half of that reduction coming from the direct elimination of plastic packaging or switching to reuse and refill systems rather than switching to another single-use material. Under SB 54, all single-use packaging and foodware, including non-plastic items, must be recyclable or compostable by 2032 and the bill further mandates a 65% recycling rate for plastics by that same year.

This comprehensive bill was the product of months of negotiations between industry leaders and environmental organizations, including the NSAC, Oceana, Ocean Conservancy, and The Nature Conservancy.

According to David Stitzhal, NSAC Board President and President of Full Circle Environmental, "SB 54 assigns responsibility and accountability to product manufacturers, those in the best position to make design changes that safeguard our collective future. When combined with major headway in establishing reuse targets and protections for disadvantaged communities, this bill represents a watershed moment in U.S. environmental policy."

#### **Colorado HB 22-1355**

Colorado also passed EPR legislation in June of this year. The law aims to boost the state's 15% recycling rate by creating a recycling program funded by dues from companies that produce plastic packaging, primarily retailers and beverage companies. Under the new law, free recycling services would be provided to communities throughout the state.

While 1355 places full financial responsibility and high operational responsibility on producers, it also centers the system around producers, who both pay fees and are responsible for achieving program goals. "They'll be able to have influence on whether their products and packages are deemed to be recyclable because they'll be able to help design the collection and processing

system to recover that material," said Rena Dimino, managing partner at SignalFire Group and managing principal at Resource Recycling Systems. "And they'll have more material available to meet their recycled content goals and the recycled content mandates that they're facing now in a number of states."

**States with Active Proposed EPR Plastics and Packaging Bills:**

- **Massachusetts S2923:** Replacing earlier EPR bills on June 16 of this year, S2923 requires producers of plastics, metal, paper, cartons, and glass to pay recovery costs for products based on a state-implemented system. The system establishes the amount producers are required to pay, which is determined by the net cost of recycling collection and processing costs. Retailers and distributors may not sell, offer for sale, use, or distribute covered materials if the producer of the material is not in compliance with the bill. If a producer, retailer, distributor, or any other responsible party violates any section of the bill, they are subject to fines for each day a violation occurs.
- **New Jersey A1444/S426:** These carryover bills would require producers of packaging products sold in New Jersey to adopt and implement packaging product stewardship plans.
- **New York S1185:** Requires producers of packaging and paper products to develop and implement strategies to promote recycling. The bill is currently in the finance committee.

A number of other states considered EPR legislation this term, but the bills never made it out of committee and will not carry over to the next legislative session. These states include:

**Connecticut** passed legislation regarding the recycling of gas cylinders, but the bill that would have established a stewardship program for the collection and recycling of consumer packaging (SB115) died in committee.

**Hawaii** (HB2399), which would have required producers of certain "fast-moving consumer goods" to register with the state Department of Health and pay an annual fee based on the volume of packaging put into the market each year; the bill also called for reducing the volume of packaging waste sent to landfills by 50% and the volume sent to power plants that burn municipal solid waste as a fuel by 80%.

**Illinois** (HB4258) would have directed the state EPA to select and enter into contract with a packaging stewardship organization to operate the statewide program. Producers of some packaging would need approval before being allowed to sell or distribute its items in the state, and participating municipalities would be reimbursed by the stewardship organization for managing certain packaging.

**New Hampshire** was considering legislation that would have established a commission to study extended producer responsibility.

**Rhode Island S2296** would create the producer responsibility program requiring producers to make necessary changes to product design(s) to reduce packaging consumption and waste and assess fees based on the packaging. The bill has been recommended to be held for further study.

**Kentucky, Maryland, Vermont and Washington** were also considering EPR bills that did not advance this legislative session.

### **The America COMPETES Act (amendment to H.R. 4521)**

Along with the Pet Advocacy Network, APPA is closely monitoring proposed federal legislation containing provisions that could hurt competition in the pet care industry. While the bill's focus is to address the competitiveness, semiconductors, supply chain, and national security issues related to China, certain provisions of the Lacey Act included in the COMPETES Act could pose a significant threat to anyone who owns, breeds, raises, transports, sells, or provides products and services for animal care for all animals other than cats and dogs.

The amendments would: authorize the U.S. Fish and Wildlife Service to prevent interstate transport of species listed as injurious; create a white list of import-approved species and any animal not listed would be considered injurious and banned by default; and enable the Secretary of the Interior to use an "emergency declaration" to prohibit importation of a species suspected to be injurious to humans, agriculture, horticulture, forestry, wildlife, or wildlife resources for up to three years with no public or Congressional input.

Passage of the CHIPS Plus bill (H.R.4346) last month carved out the semiconductor/China competition provisions from COMPETES/USICA and therefore to advance as a separate bill.

Current thinking is that the COMPETES/USICA bill will not advance in the current session.

However, there is a small possibility that the concerning provisions still contained in S.626 (original bill introduced amending Lacey Act) could progress as S.626, or as part of COMPETES/USICA after recess or during the lame duck session. While seemingly a longshot, we continue to keep a close eye on the status of this legislation.