



UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Office of Policy Planning  
Bureau of Economics  
Bureau of Competition

August 20, 2010

Ms. Loris Jones  
Texas Board of Veterinary Medical Examiners  
333 Guadalupe, Suite 3-810  
Austin, TX 78701-3942

Re: Texas Board of Veterinary Medical Examiners  
Rule 573.17, Regarding Animal Teeth Floating

Dear Ms Jones:

The Staff of the Federal Trade Commission's Office of Policy Planning, Bureau of Economics, and Bureau of Competition<sup>1</sup> welcomes the opportunity to provide comments regarding the provisions of proposed rule 22 TAC §573.17. The proposed rule restricts the practice of animal teeth floating, which is the practice of filing down the outer contours of an animal's teeth. The proposed rule would prohibit any non-veterinarian from floating the teeth of animals with motorized or air-powered files except under the direct supervision of a licensed veterinarian. Under the current rules, no such supervision is required. Staff is not aware of evidence that th

Commission seeks to identify conduct that unreasonably impedes competition. As the U.S. Supreme Court has remarked, “The heart of our national economy long has been faith in the value of competition,”<sup>3</sup> which “will produce not only lower prices, but also better goods and services.”<sup>4</sup>

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Perhaps the most significant application of teeth floating in Texas is to horses.<sup>5</sup> Horse teeth floating is the practice of filing the outer contours of a horse’s teeth, which grow and become sharp naturally. Horse teeth floating is a routine topical service required when caring for horses and the Board has consistently held that it is not dentistry.<sup>6</sup> Horse teeth floating can be performed manually (with a hand file) and with mechanized and air-powered tools. Current Texas law allows lay teeth floaters, such as horse farriers, horse handlers, and equine dentists, to perform horse teeth floating.<sup>7</sup> Thus, Texas consumers can select from a broad range of service providers, considering for themselves such factors as cost, convenience, and the confidence



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The proposed rule would modify existing Texas regulations to effectively prohibit non-veterinarians from providing specific and commonly-available forms of horse floating, absent veterinarian supervision. If enacted, the rule appears likely to significantly restrict competition without providing any countervailing benefit, thereby harming consumers. Accordingly, the Staff of the Federal Trade Commission encourages the Texas State Board of Veterinary Medical Ex