

**MINUTES OF THE 347TH COMMISSION MEETING  
TEXAS ANIMAL HEALTH COMMISSION**

**July 29, 2003**

The Texas Animal Health Commission Meeting was called to order by Chairman Richard Traylor at 9:00 a.m. in the Texas Animal Health Commission Conference Room in Austin, Texas.

Meeting Convened

Ron Davenport.

Commissioners Not Present

Dr. Bob Hillman; Dr. Max Coats; Gene Snelson; Bruce Hammond; Angela Lucas; Dale Jaroszewski; Patti Kuhles; Felix Volk; Bill Powers; Dr. Terry Conger; Dr. Dan Baca; Dr. Brad Williams; Dave Tomkins; Eleanor Ferren; Rick Nabors; Barbara Hallmark; Leisa Craft; Rick Smathers; Cindi King and Edith Smith.

TAHC Staff Present

See list attached.

Visitors Present

**ITEM 1 - WELCOME AND CALL TO ORDER BY CHAIRMAN TRAYLOR.**

**ITEM 2 - APPROVAL OF MINUTES**

A motion to approve the minutes of the May 8, 2003 Commission Meeting was made by Dr. Dick Sherron and seconded by Jill Wood. The motion carried unanimously.

**ITEM 3 - REPORT OF THE EXECUTIVE DIRECTOR AND APPROVAL OF ACTIONS FOR THE PERIOD 5/8/03 THROUGH 7/28/03 - DR. BOB HILLMAN**

Dr. Hillman gave a synopsis of his out of office trips and a report of significant activities and issues that occurred from May 8, 2003 through July 28, 2003.

Dr. Dick Sherron moved and Jerry Windham seconded to approve the actions of the Executive Director from May 8, 2003 through July 28, 2003. The motion carried unanimously.

**ITEM 4 - HUMAN RESOURCES SUBCOMMITTEE REPORT - MR. ROY MARTINEZ**

The subcommittee and Patti Kuhles have aligned the Executive Director's Performance Plan and Evaluation (PPE) with the duties and responsibilities of the position.

Roy Martinez moved and Dr. Dick Sherron seconded to approve the Human Resources Subcommittee report to the full Commission and to approve the new Performance Plan and Evaluation form for the Executive Director. The motion carried unanimously.

**ITEM 5 - AGENCY OVERSIGHT SUBCOMMITTEE REPORT - CHAIRMAN RICHARD TRAYLOR**

The objectives of the subcommittee are to meet the mandates of the budget and the personnel cap set by the Legislature for the 2004-2005 biennium and to maintain a sufficient work force to do what is mandated to the Commission.

At this time, no area offices or laboratories will be closed. There will be eight vacant positions eliminated; four retirement positions eliminated; six positions eliminated through a reduction in force; one full-time position converted to a half-time position; one staff veterinary position created in the Executive area; one administrative support position created in the Executive area; one position redesigned in Staff Services; and two new positions created for the Austin Laboratory.

The organizational flow chart would be changed to reflect the Director of Human Resources reporting directly to the Executive Director, and the Laboratories and Epidemiology reporting directly to the Deputy Director for Animal Health Programs.

Richard Traylor moved and Dr. Dick Sherron seconded to approve the Agency Oversight Subcommittee report and its recommendation to the full Commission to implement the recommendations. The motion carried unanimously.

**ITEM 6 - DISCUSSION AND POSSIBLE ACTION TO ADOPT THE MODIFIED QUARANTINE ISSUED BY THE EXECUTIVE DIRECTOR TO PROHIBIT MOVEMENT OF ALL FOWL FROM PART OF EL PASO COUNTY AS BEING EXPOSED TO EXOTIC NEWCASTLE DISEASE - MR. GENE SNELSON**

The commission adopted an order to modify the quarantine for fowl in El Paso County because of the Exotic Newcastle Disease outbreak. The modified quarantine will only apply to a small area within the City of Socorro where the initial outbreak was diagnosed.

Dr. Romulo Rangel moved and Dr. William Edmiston seconded to adopt the modified quarantine as discussed today. The motion carried unanimously.

**ITEM 7 - TUBERCULOSIS REPORT - TEXAS - DR. DAN BACA**

Dr. Baca discussed the number of Mexican-origin feeder cattle imported into Texas from Fiscal Year 1998 through June of Fiscal Year 2003; the number of cattle tuberculosis lesions detected at slaughter in Texas from 1993 through 2003; that Mexican steers and spayed heifers are allowed entry into the US without a tuberculosis test from parts of Sonora; that one tuberculosis test is being performed on Mexican feeder cattle imported to the US from Aguascalientes, Colima, Durango, Sinaloa, Tamaulipas, Yucatan, and portions of Baja California Norte, Campeche, Chihuahua, Coahuila, Sonora and Veracruz; that a whole herd test is being performed on Mexican feeder cattle imported to the US from Chiapas, Jalisco, Nuevo Leon and Quintana Roo; that Mexican states with no status may import only to slaughter or quarantined feedlots; that USDA met with El Paso dairy owners on February 10, 2003, and agreed to a 90-day timeline for completing the buyout contracts; that California, New Mexico and Texas have lost their TB Accredited Free status and revert to a Modified Accredited Advanced status; and discussed the details of the investigation of the May 2003 TB traceback on an animal at L & H Pack and the resulting herd test (no additional infection was found) and herd depopulation in June 2003. If USDA classifies this traceback as a "TB-infected herd," then Texas will not be eligible for "Free" status until July 2005.

**ITEM 8 - RESOLUTION REGARDING TUBERCULOSIS TEST REQUIREMENTS FOR CATTLE IMPORTED FROM MEXICO - DR. BOB HILLMAN**

This resolution would continue to hold in abeyance enforcement of the Commission's tuberculosis regulations, Section 43.2 (g) for feeder steers from Mexico, until the Commission can properly gauge the impact of the current and proposed USDA regulatory changes on the instance of TB in imported Mexican feeder cattle and roping cattle and the impact of the changes on Texas livestock. While this resolution is in effect, the Commission will not be enforcing the requirements for a TB test by a USDA veterinarian at the port of entry for either feeding steers or roping steers. Additionally, the Commission will not require feeder steers to move under permit to approved pastures or feedyards. However, the Commission would continue to require Mexican-origin roping or rodeo cattle to comply with the postentry retest as well as the annual retest as provided in 43.2 (g) (3).

Jerry Windham moved and Dr. Dick Sherron seconded to approve the "Resolution Regarding Tuberculosis Test Requirements for Cattle Imported from Mexico" as discussed today. The motion carried unanimously.

**ITEM 9 - PRESENTATION OF ANIMAL HEALTH PROGRAM UPDATE - DR. MAX COATS**

Dr. Coats presented program information related to cattle Brucellosis, Japanese cattle, indemnity, ticks, cattle tuberculosis, Equine Infectious Anemia, swine pseudorabies, swine Brucellosis, Scrapie, Chronic Wasting Disease and poultry.

**ITEM 10 - ADMINISTRATION / BUDGET STATUS REPORT - MR. BRUCE HAMMOND**

Bruce Hammond discussed the Method of Financing for Fiscal Year 2003 as of June 30, 2003; the Budget Category Summary for FY 2003 as of June 30, 2003; and the Department Summary for FY 2003 as of June 30, 2003.

Dr. Dick Sherron moved and Dr. Romulo Rangel seconded to approve adjustments to the Fiscal Year 2003 operating budget as discussed today. The motion carried unanimously.

**ITEM 11 - CONTRACTS AND PURCHASES - May 1, 2003 through July 31, 2003 - MR. FELIX VOLK**

**Greater than \$5,000 but less than \$10,000**

- Photocopier rental renewal for the Beeville Area Office
- Photocopier rental renewal for the Rockdale Area Office
- Photocopier rental renewal for the Fort Worth Area Office
- Photocopier rental renewal for the Hallettsville Area Office
- The purchase of 200 cases of CoRal insecticide

**\$10,000 or greater - (Request for Approval)**

- Renewal of Pager Contract for Animal Health Programs
- Interagency contract between TAHC's Epidemiology Department and the Texas Veterinary Medical Diagnostic Laboratory for EIA testing and reporting
- Interagency contract between TAHC's Staff Services and the Texas Building and Procurement Commission for large and/or complex printing jobs
- Creation and management of a Veterinarian Practitioner Database for emergency response purposes

Dr. Dick Sherron moved and Dr. Romulo Rangel seconded to approve the Contracts and Purchases request from May 1, 2003, through July 31, 2003. The motion carried unanimously.

**ITEM 12- DISCUSSION ON REGISTRATION PROGRAM FOR EXOTIC AND DOMESTIC FOWL - DR. MAX COATS**

Discussion on the fowl registration program authorized by HB 2328, 78th Legislative Session. Commission staff want to have an informal working group meeting to assure their constituents adequate input into our process and to ensure that there is adequate representation by his constituency in the rulemaking process.

**PUBLIC COMMENT**

**Teri Copeland** - Represents Feathers and Tails Avian Sanctuary and Rescue for exotic parrots.

**Wayne Mayfield** - Represents Texas Gamefowl Breeders Association.

**Tom Kinsey** - Represents Responsible Pet Owners Alliance.

**Dwain White** - Represents the Citizens Preservation of Rural Livestock.

**Liniel Click** - Owner of Tomlinson's Feed and Pets, Inc.

**ITEM 13 - LEGISLATIVE REPORT - MR. BILL POWERS**

The first called Special Session ended yesterday, July 28, 2003, and immediately thereafter at 3:15 p.m. the Governor called the second Special Session of the Legislature. The only thing that he put on the initial call is Redistricting. There was HB 12, that had passed in the House and had gone to the Senate where it was heavily amended on Friday of last week. The original intent of the bill by Representative Heflin was to reappropriate to the agency the funds that would be collected under the new fowl registration program that the public has been speaking about

The agency will be working with members of the Legislature and a working group at the Capitol with regard to the new fowl registration bill and we'll go through our normal process here in the Texas Register with regard to the implementation of rules.

#### **ITEM 14 - PRESENTATION OF AWARDS - CHAIRMAN RICHARD TRAYLOR**

Dr. Dick Sherron presented two framed resolutions to Wilbert Kubicek's family to honor his unfailing dedication for 25 years to the Texas Animal Health Commission. Family members present included his mother, Sophie; wife, Heidi; brother, Gilbert; brother, John, and his wife; sisters, Loretta and Monica; and his son, Christopher.

Dr. Bob Hillman presented to the Commission a Certificate of Appreciation received from H. W. Gehman, Jr., Admiral, U. S. Navy (Retired) and Chairman of the Columbia Accident Investigation Board for the agency's participation in the Columbia Shuttle Disaster investigative activities. Additionally, Dr. Hillman presented to the Commission Senate Resolution No. 875 received from Colonel Thomas Davis, Jr., Director, Texas Department of Public Safety, in behalf of Senator Todd Staples, for the agency's participation in the Columbia Shuttle Disaster recovery efforts. Each employee who participated in these efforts also received copies of the Certificate of Appreciation and Senate Resolution No. 875.

Dr. Bob Hillman introduced Dr. Brad Williams who is the new Area 1 Director in Amarillo.

#### **ITEM 15 - CONSIDERATION OF AND POSSIBLE ACTION ON REGULATION PROPOSALS - MR. GENE SNELSON**

##### **(a) Chapter 48, Riding Stables - Repeal**

The Texas Animal Health Commission proposes to repeal Chapter 48, which is entitled Riding Stable Registration Program. During the 78<sup>th</sup> Texas Legislative Session, Senate Bill 271 was passed and signed by the Governor which repeals Chapter 2053 of the Texas Occupations Code relating to the regulation of riding stables. As such, the Commission is proposing the repeal of all rules related to regulating riding stables through Chapter 2053 and as provided for in Volume 4 of the Texas Administrative Code, Chapter 48.

Jerry Windham moved and Chuck Real seconded to propose a repeal of Chapter 48, Riding Stable Registration Program, Sections 48.1 through 48.9, as discussed today, and publish the notice in the Texas Register for a 30 day comment period. The motion carried unanimously.

##### **(b) Chapter 51, Entry Requirements**

The Texas Animal Health Commission (commission) proposes amendments to Chapter 51, entitled, "Entry Requirements." The purpose of the amendments to Chapter 51 is to adjust some of the existing entry requirements in response to recent animal health related events. Also, the commission is proposing some amendments for the purpose of clarification. The commission is moving the entry requirements for swine from Chapter 55 entitled, "Swine." This movement is part of the consolidation process as well as it affords the commission the opportunity to modify the entry requirements to reflect the fact that Texas has attained a new Stage IV status for Pseudorabies under the federal program. The commission is also adjusting requirements for out-of-state poultry that enter Texas to participate in a show, fair or exhibition. Recent outbreaks, in this and other states, have significantly impacted the poultry industry. The recent outbreak of low path Avian Influenza (AI) raised the commission's concern for the potential exposure for the Texas poultry industry. Also, the Commission recently quarantined the county of El Paso because of the existence of Exotic Newcastle Disease (END). END is a viral disease, which can affect nearly all species of fowl and is recognized as communicable by the veterinary profession. The commission is amending the requirements for poultry entering Texas shows, fairs and exhibitions in order to minimize the possibility for an out-of-state bird to bring a disease into Texas.

Dr. Dick Sherron moved and Tommy Bozka seconded to propose the amendments to Chapter 51, Entry Requirements, as discussed today, and to publish the notice in the Texas Register with a 30 day comment period. The motion carried unanimously.

##### **(c) Chapter 55, Swine**

The Texas Animal Health Commission (commission) proposes amendments to Chapter 55, entitled, "Swine." The purpose of the amendments to Chapter 55 is to move the current entry requirements for swine from Chapter 55 to Chapter 51 as part of the process to consolidate entry requirements into one regulatory chapter. This proposal removes those current requirements as they are being proposed for inclusion in Chapter 51, Section 51.14, regarding entry requirements for "Swine." In its place the commission is adding a reference to Section 51.14.

Chuck Real moved and Reta Dyess seconded to propose the amendments to Chapter 55, Swine, as discussed today, and to publish the notice in the Texas Register with a 30 day comment period. The motion carried unanimously.

**ITEM 16 - CONSIDERATION OF AND POSSIBLE ACTION ON REGULATION RULE REVIEW PROPOSALS - MR. GENE SNELSON**

**(a) Chapter 37, Screwworms**

The Texas Animal Health Commission (commission) will review and consider for readoption, revision, or repeal of Chapter 37, concerning "Screwworms," in accordance with the Texas Government Code, Section 2001.039. The rules to be reviewed are found in Chapter 37, which is located in Title 4, Part II, of the Texas Administrative Code and contain the following sections: Section ("§") §37.1, Control and Eradication, and §37.2; Interstate Movement Requirements.

**(b) Chapter 39, Scabies**

The Texas Animal Health Commission (commission) will review and consider for readoption, revision, or repeal of Chapter 39, concerning "Scabies," in accordance with the Texas Government Code, Section 2001.039. The rules to be reviewed are found in Chapter 39, which is located in Title 4, Part II, of the Texas Administrative Code and contain the following sections: Section ("§") §39.1, Definitions; §39.2, Psoroptic Scabies in Infested Herds; §39.3, Sarcoptic Scabies in Infested Herds; §39.4, Livestock Exposed to Psoroptic or Sarcoptic Scabies; §39.5, Quarantines and Release; §39.6, Duties of Owners or Caretakers of Livestock Infested with or Exposed to Scabies; §39.7, Livestock at Shows, Fairs, and Exhibitions; §39.8, Permitted Dips for Scabies and Mange Mite Eradication; §39.9, Chorioptic Mange; and §39.10, Interstate Movement Requirements for Livestock.

Dr. Dick Sherron moved and Jerry Windham seconded to propose both Rule Reviews for Chapter 37, Screwworms, Sections 37.1 and 37.2 and Chapter 39, Scabies, Sections 39.1 through 39.10 as discussed today and publish the notices of Rule Review in the Texas Register with a 30 day comment period. The motion carried unanimously.

**ITEM 17 - RECOGNITION OF PUBLIC COMMENT - CHAIRMAN**

Public comment was given in Item 12.

**ITEM 18 - SET DATE FOR THE 348TH MEETING - CHAIRMAN**

The next meeting will be on September 23, 2003, at 9:30 a.m. There will be an Audit Subcommittee meeting before the Commission Meeting at 8:30 a.m.

**ITEM 19 - ADJOURNMENT**

ADJOURNED at 11:27 a.m.

APPROVED BY CHAIRMAN TRAYLOR

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Richard C. Traylor, Chairman

The proceedings of the open meeting are on cassette tape and are on record at the office of the Texas Animal Health Commission at 2105 Kramer Lane, Austin, Texas.\*\*\*\*\*