

**MINUTES OF THE 349TH COMMISSION MEETING  
TEXAS ANIMAL HEALTH COMMISSION**

**December 3, 2003**

The Texas Animal Health Commission Meeting was called to order by Chairman Richard Traylor at 8:30 a.m. in the Texas Animal Health Commission Conference Room in Austin, Texas.

Commissioners Not Present: Quincy Barnes  
Dr. William F. Edmiston, Jr.

**Item 1 - Welcome and call to order by Chairman Traylor**

**Item 2 - Approval of Minutes**

A motion to approve the minutes of the September 23, 2003 meeting was made by Commissioner Dick Sherron and seconded by Commissioner Romulo Rangel. The motion carried unanimously.

**Item 3 – Report of the Executive Director and Approval of Actions for the period 9/23/03 through 12/02/03.**

Dr. Hillman presented a report of significant activities and issues that occurred from September 23, 2003 through December 2, 2003. A copy of this written report was provided in the Commission notebook. Dr. Hillman also provided a written report of his out of office trips for the Commissioner's review.

Commissioner Sherron moved and Commissioner Dyess seconded the motion to approve the actions of the Executive Director for the period from September 23, 2003 through December 2, 2003. The motion carried unanimously.

**Item 4 – Resolution on implementation of Herd Surveillance for Tuberculosis**

Dr. Hillman explained the purpose of this resolution is to provide background information regarding TB herd surveillance and to better clarify the legal basis on which TAHC is conducting tuberculosis testing.

Commissioner Sherron moved and Commissioners Davenport and Dyess seconded the motion to approve the resolution regarding tuberculosis test requirements for cattle as discussed. The motion carried unanimously.

**Item 5 – Report of activities relative to Inspection Fees**

A copy of the report with two working papers outlining the various types of fee options for commission discussion were provided in the notebook. Dr. Hillman presented a summary of the report and provided background information regarding participation and development of this material. TAHC will communicate with all parties involved to propose an equitable method of implementing an inspection fee. TAHC is currently awaiting an Attorney General's opinion related to one proposed inspection fee option. The Attorney General's Office has up to 180 days to respond.

## **Item 6 – Presentation of Animal Health Program Update**

A written report was included in the Commission notebooks for review and Dr. Coats covered the general information in his report to the commissioners.

Dr. Coats reported on three (3) resolutions passed by the USAHA related to Equine Infectious Anemia (EIA) control activities. Resolution (1) requests the USDA/APHIS/VS in conjunction with USAHA develop a proposal for a National Equine Infectious Anemia Control Program based on a nationwide census. Resolution (2) requests the USDA/APHIS/VS and NVSL review and consider adopting a proposed Laboratory System for the Serologic Diagnosis of EIA through the proposed rule making process. Resolution (3) requests the USDA/APHIS/VS and NVSL place a moratorium on the training of personnel for new EIA laboratories for a period of two years starting immediately.

Chairman Traylor recommended a letter be sent to USDA opposing these USAHA resolutions. These resolutions should also be sent to industry groups for their information and action.

Dr. Coats added information to his written report regarding the TB training sessions held. As of December 3, 2003, nine sessions have been conducted with a total of 421 practitioners attending. Two hundred (200) practitioners have returned their signed contracts to do the fee based testing. Forty-one (41) dairies have been tested out of 832 required as of December 3, 2003.

## **Item 7 – Administration/Budget Status Report**

Bruce Hammond gave a summary of the TAHC budget for this fiscal year September 1, 2003 through October 31, 2003. Three items required commission approval for adjustment.

Commissioner Sherron moved and Commissioners Rangel and Wood seconded the motion to approve the adjustments to the Fiscal Year 2004 Operating Budget as presented and discussed. The motion carried unanimously.

## **Item 8 – Consideration of and possible action on Agency Contracts and Purchases**

Greater than \$5,000 but less than \$10,000 from 9/23/03 through 11/30/ 03.

No items to report in this category.

Greater than \$10,000 from 9/23,03 through 11/30/03.

\*Contract with AginfoLink USA, Inc.to create and administer a database for ID & trace of Mexican imported cattle.

\*Contract with United Parcel Service (UPS) for discounted shipping rates for “small parcel ground delivery” service. Term contract negotiated by TBPC and required by all state agencies.

\*Contract with United Parcel Service (UPS) for discounted shipping rates for “overnight and second day delivery” service

\*Contract with miscellaneous private veterinary practitioners for fee basis Johnne’s disease consultation and testing.

\*Contract with miscellaneous private veterinary practitioners for fee basis Tuberculosis testing.

Felix requested approval to extend the commissioner’s meeting table due to the addition of another Commissioner making a total of 13. The estimated cost is \$1,800.

Commissioner Sherron moved and Commissioner Dyess seconded the motion to approve the contracts and purchases requested for the period from September 23, 2003 through December 2, 2003 + the additional \$1,800 to extend the Commissioner's meeting table. The motion carried unanimously.

**Item 9 – Discussion and Approval of a Rule by the Texas Animal Health Commission on Environmental Quality regarding the Disposal of Animals.**

During the 78<sup>th</sup> Regular Legislative Session House Bill (HB) 3061 was passed which provides that the Texas Commission on Environmental Quality (TCEQ) may not adopt a rule related to the disposal of livestock unless the rule is developed in cooperation and approved by the Texas Animal Health Commission. Also passed was Senate Bill (SB) 216 which authorized a veterinarian to dispose of animal remains and certain types of medical waste in specific circumstances. TCEQ is modifying their waste disposal requirements and their air burning requirement to incorporate the required authorization into their rules. Enclosed are the two Rules being amended for which TCEQ is seeking TAHC's approval. The TCEQ rule changes considered by the Commission were to incorporate by reference the statutory exemption in SB 216.

- (1) their rule identified as Section 330.4 (y) entitled "Permit Required", is for solid waste disposal and
- (2) their rule identified as Section 111.209, entitled "Exception for Disposal Fires" is for the air permit requirements and the specific subsection 111.209 (3).

Commissioner Rangel moved and Commissioner Sherron seconded the motion to approve the two rules from the Texas Commission on Environmental Quality identified as Section 330.4 (y) and Section 111.209 (3) as presented. The motion carried unanimously.

**Item 10 – Consideration of and Possible Action on Regulation Proposals regarding:**

- (a) Chapter 54, Fowl Registration**
- (b) Chapter 51, Entry Requirements**

This action is in response to HB2328 which authorizes and requires the registration of domestic and exotic fowl sellers, distributors, or transporters who do not participate in disease surveillance programs recognized by the Commission. Several meetings have been conducted with participation by interested parties.

**Chapter 54, Fowl Registration**

- 54.1 – Definitions
- 54.2 – Registration Requirements
- 54.3 – Registration Exemption
- 54.4 – Registration Fee
- 54.5 – Program Requirements
- 54.6 – Recordkeeping
- 54.7 – Movement and Testing Restrictions
- 54.8 – Enforcement

Commissioner Bozka moved and Commissioners Wood and Dyess seconded the motion to propose a new Chapter 54, Fowl Registration, located in Volume 4 of the Texas Administrative Code as discussed today and that the notice of the proposed new chapter be published in the Texas Register with a thirty day comment period. The motion carried unanimously.

## **Chapter 51, Entry Requirements**

The purpose of the proposed amendments to Chapter 51 is to adjust some of the existing entry requirements in response to recent animal health related events and to provide added clarification.

Commissioner Davenport moved and Commissioner Bozka seconded the motion to propose the amendments to Chapter 51, Entry Requirements, located in Volume 4 of the Texas Administrative Code as discussed today and that notice of the proposed amendments be published in the Texas Register with a thirty day comment period. The motion carried unanimously.

### **Item 11 – Consideration of and Possible Action on Regulation Review Proposals regarding Chapter 57, Poultry.**

Commissioner Bozka moved and Commissioner Real seconded the motion to propose for Rules Review Chapter 57, "Poultry", as found in Sections 57.10 through 57.12 of Volume 4 of the Texas Administrative Code, as discussed today, and that notice of the rule review be published in the Texas Register with a thirty (30) day public comment period. The motion carried unanimously.

### **Item 12 – Recognition of Public Comment**

The following individual commented on the Fowl Registration Program.

Sandra Cowan - Caldwell, Texas

### **Item 13 – Set date for the 350<sup>th</sup> Commission Meeting – Chairman**

The next meeting will be on February 18, 2004 8:30 a.m. There will be an Audit Subcommittee Meeting at 8:00 a.m. on February 18, 2004

### **Item 14 – Adjournment**

Adjourned at 11:00 a.m.