

**MINUTES OF THE 354th COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION**

February 8, 2005

The Texas Animal Health Commission Meeting was called to order by Chairman Richard Traylor at 8:35 a.m. in the Texas Animal Health Commission conference room in Austin, Texas.

Commissioners Martinez and Real were not present.

Item 1 - Welcome and call to order by Chairman Traylor

Item 2 - Approval of Minutes

A motion to approve the minutes of the 353rd Commission Meeting held on November 30, 2004 was made by Commissioner Simmons and seconded by Commissioner Windham. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the period 11/30/04 through 2/07/05.

Dr. Hillman presented a report of significant activities and issues that occurred from November 30, 2004 through February 7, 2005.

Significant activities discussed:

- Animal Identification Issues -
 - (a) Animal Identification Working Group meeting in Fort Worth with potential product and service providers to discuss the Texas-Oklahoma NAIS Implementation Project
 - (b) Numerous Animal Identification presentations at meetings with livestock industry groups across the state.
 - (c) Secretary's Advisory Subcommittee on the NAIS conference calls
 - (d) Continued implementation of the State Premises Identification System in Texas.
 - (e) Assignment of Premises Identification numbers to livestock facilities
 - (f) Development of a Request for Proposals (RFP) for procurement of animal identification devices, readers, data collection and data management services. The target date for availability of RFP information to potential providers is March 1, 2005.
 - (g) Collaboration with other states to identify our roles and responsibilities in these projects. (California, Florida and Kansas with interstate movement and tracking)
 - (h) Discussion with potential industry participants in the Texas-Oklahoma project
- Fever Ticks
 - (a) The Bi- National Tick Committee scheduled to be held in conjunction with the NCBA annual meeting in February in San Antonio was cancelled.
 - (b) The Executive Director and Dr. Jerry Diemer (Texas AVIC) met with Ed Bowers and some of his staff in late January to discuss fever tick issues in and outside the systematic zone. Potential areas and ideas for improvement were discussed. The Executive Director hopes to formulate the results of these discussions into a report for the next Commission meeting.
 - (c) The Executive Director also met with Dr. Enrique Salinas, Director of the State Department of Agriculture in Coahuila to discuss cross border tick issues. Additional meetings are anticipated during the coming months. Dr. John George, Director of the Kerrville Laboratory is hosting a meeting during mid February to discuss tick research results.
- Tuberculosis – A meeting of the TB Working group to identify mechanisms to achieve the herd testing objective for purebred/seedstock herds is planned for early March. Dr. Ellis will provide additional information in his TB program report.

- Brucellosis – Texas has identified one new brucellosis infected herd since the last commission meeting. This herd was located in Clay County. The herd has been depopulated. Dr. Coats will provide additional information in his Animal Disease Report.
- BSE Surveillance - The USDA Minimum Risk BSE rule is scheduled to become effective in early March. At this time, we do not know whether USDA will implement the rule in March, delay implementation or take other actions relative to Canadian cattle. The BSE Surveillance effort is scheduled to continue through December, 2005.
- Budget – Inspection Fees - A subgroup of the Fee Working Group met in early December to continue discussions of TAHC potential fee mechanisms. The following proposals have been formed into three separate pieces of proposed legislation, including the following:
 - (a) Animal and Premises Identification.
 - (b) Certificate of Veterinary Inspection Fees
 - (c) Modifying the requirement to have inspections at markets.

If approved by the legislature, these proposals would authorize the Commission to assess fees on Premises registered in the animal identification program and increase the fees on Certificates of Veterinary Inspection. Additionally, the legislative proposal on animal and premises identification would provide protection from disclosure of the information collected under the animal identification program. The third piece of proposed legislation would modify the current legislative language to allow the commission to determine the level of inspection presence needed at markets. Proposed language was included in the Commissioners' notebooks behind TAB 3.

- Budget Hearings – On February 3, 2005, Chairman Traylor, the Executive Director and the Deputy Director for Administration and Finance provided testimony to the Senate Finance Committee on the TAHC budget request. TAHC is scheduled to appear before the House Appropriations Committee, Subcommittee on General Government, on February 9 to testify regarding the agency budget.
- Waivers – Since the November 30, 2004 Commission Meeting, TAHC has approved 13 requests for waivers. Seven waivers were for movement of cattle from Texas to New Mexico and four waivers were for movement of cattle from New Mexico to Texas for pasture under the USDA Commuter Herd Agreement Protocol. One waiver was to extend the validity of a negative brucellosis test for two weeks for six elk moving from Minnesota to Texas. The final waiver was to conduct a TB test on cattle upon arrival in Texas rather than at the point of origin in New Mexico.
- Planned Activities:
 - (a) Continued implementation of NAIS Project
 - (b) Continued efforts on budget, fees and legislation
 - (c) Western States Livestock Health Association meeting
 - (d) National Institute for Animal Agriculture annual meeting
 - (e) NAIS Advisory Subcommittee meeting
 - (f) Legislative hearings, meetings with legislators
 - (g) Participate in meetings of stakeholder organizations
 - (h) Animal Identification meetings
 - (i) Fever tick program activities

Dr. Hillman also provided a written report of his out-of-office meetings and trips from November 30, 2004 through February 7, 2005.

A motion to approve the actions of the Executive Director for the period from 11/30/2004 through 2/07/05 was made by Commissioner Wood and seconded by Commissioners Davenport and Edmiston. The motion carried unanimously.

Item 4 – Presentation of Animal Disease Report

Dr. Coats provided a verbal and written presentation on animal program activities.

Animal Program updates included:

- Cattle Brucellosis - One quarantined cattle herd – 8/2004; 2 -12 month accumulative number of infected herds as of 01/31/05; One newly infected herds for FY' 05 – Clay County - Depopulated
- Indemnity – Incomplete information provided by USDA. Updated report will be provided at the next Commission Meeting.
- Ticks – 92 premises under an infested quarantine; 219 adjacent or check premises
- Tuberculosis – No herds are currently quarantined for Tuberculosis
Fee Basis – Total Herds Fee Basis Tested = 1,298
- EIA – Calendar Year 2004 – 259,582 tests - .03% of infection; Calendar Year 2005 – 16,928 tests - .02% of infection
- Swine – Currently there are no swine herds under quarantine for Pseudorabies; currently there are three (3) swine herds under quarantine for Brucellosis; Swine First Point Testing – October 1998 through January 2005 – total tests conducted 48,316
- Scrapie – No flocks have been disclosed in 2005
- CWD – State whole herd monitoring program continuing – 397 total herds enrolled.
- Poultry – Increased registration in Fowl Registration Program – 552 applicants; the following countries have imposed restrictions of Texas origin poultry/poultry products as a result of Avian Influenza outbreaks in the U.S. – Columbia, Egypt, French Polynesia, Indonesia, Kazakhstan, Mexico, Peru, Qatar, Taiwan
- Texas Johne's Program, FY 2004 – Total Herds enrolled: 30 (24 beef, 6 dairy); There is a \$300,00 cooperative Agreement - \$153,591.81 has been spent. A break down report was provided by Dr. Coats. Chairman Traylor requested that Chairman Locke replace him on the Johne's Committee.

Item 5 – Administration/Budget Status Report

Dr. Hillman introduced Mike Jensen, newly hired Deputy Director of Finance and Administration to the Commissioners.

Mike Jensen presented the TAHC – Method of Financing – Fiscal Year 2005 report as of December 31, 2004. He also presented by Budget Category and Department a summary of the cumulative expenditures and the balances as of 12/31/2004. The increase in the budget is due to finalization of federal funds from Cooperative Agreements. The only cooperative agreement pending is for Tuberculosis.

Commissioner Davenport moved and Commissioner Rangel seconded the motion to approve adjustments to the Fiscal Year 2005 Operating Budget as presented and discussed today. The motion carried unanimously.

Item 6 – Presentation of Awards

A 25 year service award was presented to Mauro Garcia – Inspector from Area 5 by Commissioner Rangel.

Item 7 – Legislative Report – Bill Powers presented a legislative update. There are three separate bills currently in the Legislative Council. The legislation allows the Commissioners to: (1) Set the Premise registration fee and decide when the program becomes mandatory; (2) Set the Health Certificate fee. (3) The last piece of legislation gives Dr. Hillman and the Commissioners the ability to better manage the work activities of the Inspectors.

A number of bills have been filed that will affect all agencies, not just TAHC.

Item 8 – Consideration of and Possible Action on Agency Contracts and Purchases.
Felix Volk reported that there were no contracts or purchases to report during this period.

Item 9 – Tuberculosis Update

Dr. Dee Ellis presented updated information regarding the TB Program.

- He presented a slide presentation regarding TB issues at the national level.
- TB Working group will meet on 3/10/05 to focus on testing purebred beef.
- Current Test Statistics_ 810 dairies tested – The Texas Purebred Beef/Seedstock Herds have tested 492 herds with 1912 herds left to be tested. Money is still available.
- Event Inspections – A summary report was provided showing an increase in the number of event inspections. These inspections will ensure the Mexican origin roping animals have a current TB test.
- Mexican Horned Cattle – The USDA rule is to be re-proposed and comments accepted.
- TB UM&R – Effective on 1/1/05
 - Dealer record keeping extended from 2 years to 5 years
 - 18 month test eligible age for interstate beef
 - Caudal Fold Test minimum response rate (1 to 300) for vets – TAHC will monitor
 - New definition of approved feedlots/pens – Will need to rewrite our definition for “quarantined”.
- Mexico TB State Reviews – June 1, 2005 deadline for waivers. States applying for new review or advancement given priority. Chihuahua, Nuevo Leon, La Laguna coming, Coahuila completed.
- Miscellaneous – New Mexico L/S Board have discontinued VS-1/27 due to budget constraints. USDA/FSIS policy on S-branded cattle results in these cattle being treated as TB exposed.
- M-Brands at Market – the procedure for M-Brands – Our inspector will find the owner and ask if they have test papers. If they do not have a TB test, the owner has two choices – (1) take it home under permit and have it tested or (2) if he wants to sell it, the buyer would be issued a hold order and permit and the buyer would have 10 days to have it TB tested at their own expense. If the owner cannot be found, the Inspector will go to the market owner to determine what should be done with the cattle. Chairman Traylor requested that communication be made with LMA to ensure knowledge of these procedures.

Item 10 – In the Matter of Louie Reagan Resolving Violations of Commission Rules

A \$1,000 fine was assessed to Louie Reagan for violating Commission Rules by failing to have and equine (mule) tested negative for equine infections anemia (EIA) prior to the change of ownership as required by Texas Administrative Code, Title 4, Chapter 49 (Commission Rules).

Commissioner Dyess moved and Commissioner Baca seconded the motion to approve the Agreed Order in the matter of Louie Reagan resolving violations of Commission Rules. The motion carried unanimously.

Item 11 – Preamble for Proposal of the Amendments to Chapter 49, EQUINE, located in Volume 4 of the Texas Administrative Code

Gene Snelson presented a rule to clarify a requirement that ensures equine sold at the market without an EIA test are properly permitted to the appropriate destination.

Commissioner Windham moved and Commissioner Locke seconded the motion that the Commission PROPOSE the amendments to Chapter 49, **Equine**, 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 12 – Consideration of and Possible Action on Regulation Adoptions Regarding:

- (a) Chapter 43, Tuberculosis**
- (b) Chapter 55, Swine**
- (c) Chapter 60, Scrapie**
- (d) Chapter 51, Entry Requirements**

Keith Chapman with Livestock Marketing Association of Texas addressed the Commissioners regarding Chapter 43, Tuberculosis. He requested that the Commission communicate the rules and regulations to other states, if passed, to help Livestock Markets and their clientele.

Commissioner Rangel moved and Commissioner Dyess seconded the motion that the Commission ADOPT the amendments to Chapter 43, Tuberculosis; Chapter 55, Swine; Chapter 60, Scrapie; and Chapter 51, Entry Requirements as discussed today and that notice of the proposed amendments be published in the *Texas Register* as soon as possible. The motion carried unanimously.

Item 13 – Consideration of and Possible Action on Regulation Rule Review Adoptions Regarding:

- (a) Chapter 43, Tuberculosis**
- (b) Chapter 55, Swine**

Commissioner Dyess moved and Commissioner Rangel seconded the motion that the Commission Adopt the Rule Reviews of Chapter 43, Tuberculosis as found in Sections 43.1 through 43.31 of Volume 4 of the Administrative Code and Chapter 55, Swine as found in Sections 55.1 through 55.9 of Volume 4 of the Administrative Code and that notice be published of the completed rule reviews in the *Texas Register*. The motion carried unanimously.

Item 14 – Public Comment

Chairman Traylor requested comments be held to 4 minutes by each speaker due to the number of speakers. The issues addressed were not related to the Commission Agenda Items so no action was taken.

The following individuals presented public comment at this meeting:

Karl Kinsel with the Texas Deer Association – Cervidae Importation
Dr. Scott W. Bugai with Texas Deer Association – Border Closure for CWD susceptible species
Tim Conduct – Whitetails of Oklahoma – Cervidae importation
Gary Nelson – North American Deer Farming Association – CWD Policy
Charly Seale – Exotic Wildlife Association – Response to Texas Deer Association comments
Todd Franks – North American Elk Breeders Association – Cervidae Importation

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Item 15– Set the Dates for the 355th and the 356th Meetings

355th Commission Meeting date was set for May 18, 2005 at 8:30 a.m.

356th Commission Meeting date was set for August 16, 2005 at 8:30 a.m.

Item 17 – Adjourn

The TAHC Commission Meeting adjourned at 11:35 a.m.