

**MINUTES OF THE 361<sup>st</sup> COMMISSION MEETING  
TEXAS ANIMAL HEALTH COMMISSION  
December 5, 2006**

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.

Commissioners Tommy Kezar and William Edmiston 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 360th Commission Meeting held on August 1, 2006 was made by Commissioner Simmons and seconded by Commissioner Real. The motion carried unanimously.

**Item 3 – Report of the Executive Director and Approval of Actions for the period 8/1/06 through 12/4/06.**

Dr. Hillman presented a report of significant activities and issues that occurred from August 1, 2006 through December 4, 2006. A report of Out-Of-Office Meetings and trips for the period of August 1, 2006 through December 4, 2006 was also included in the notebook. Significant activities and issues included:

Animal Identification:

- USDA continues to stress that NAIS is a voluntary program at the federal level. In late October USDA conducted a community outreach event in Kansas City to roll out new strategies for communication efforts aimed at gaining voluntary participation. A new DRAFT NAIS User Guide has been published which replaces the draft strategic plan, program standards and implementation strategies that included the benchmarks and timelines. Their website has been updated. About 23% of premises have been registered nationally.
- USDA is providing cooperative agreement funds to states for premises registration and outreach this year.
- TAHC staff continues to provide animal identification presentations around the state. We currently have approximately 21,000 premises registered in the state.
- A copy of the preliminary report on results from the Texas Animal Identification Project was provided to the commissioners.

Fever Ticks:

- The number of tick infested premises continues to decline from the 2005 record-setting levels. At the end of October, there were forty-four (44) tick infested premises. Thirty-six (36) are in the Tick Eradication Quarantine Area and eight (8) are in the Free Area.
- Dr. Ellis participated in a fever tick meeting in Mexico City during late October as part of an effort to initiate tick control and elimination actions in Northern Mexico.
- The Fever Tick Program review was conducted in late September. We have not yet received the report, but anticipate it will be forthcoming.
- Recommended amendments to the tick program rules will be presented by Mr. Gene Snelson as part of agenda item eleven.
- Congress has not yet approved an agriculture appropriations bill for the new year, so we do not know whether there will be any funds to support implementation of the Fever Tick Program Strategic Plan.

Tuberculosis:

- Proposed rule amendments will be presented for your consideration relative to bovine tuberculosis. These proposed amendments are necessary to remove testing requirements on Texas cattle leaving the El Paso milk shed or being moved out of the state. These rules are no longer necessary since the state achieved Accredited Free Status.
- It is critical that TB prevention and surveillance activities are continued at a very high level if we hope to retain our free status.
- USDA was slated to publish proposed Bovine Tuberculosis rules during the fall of 2006. Publication has been postponed until sometime in 2007. The new rules, when published, will govern importation of cattle from Mexico as well as management of our state TB programs. A TB working group was established by the Chairman of the USAHA Committee on Tuberculosis to provide input on some of the items that are to be included in the proposed rules. Dr. Ellis and Dr. Hillman will represent Texas on this Working Group.

Brucellosis

- No new Brucellosis infected cattle herds have been identified since the last Commission meeting. Thus far this year, B.Susis has been cultured from eleven (11) cattle that were identified as serological reactors. Nine (9) Brucella abortus strain 19 reactors have been identified.
- The subcommittee of the Brucellosis Eradication Working Group has developed recommendations which will be provided to the full Brucellosis Eradication Working Group within the next few weeks. The final recommendations from the full Working Group will be presented to the Commissioners at the February commission meeting for action.
- Prior to requesting a Brucellosis Program Review, two issues will be addressed. These issues are (1) efforts to identify the source of the last infected herd, and (2) review of previous infected herds to assure that all of the required processes and procedures have been completed relative to those herds. The process of addressing these issues should be completed by the end of the year or very early in 2007. If no infected herds are discovered in the state, Texas could undergo a program review and achieve free status by the fall of 2007.

Swine Brucellosis and Pseudorabies

- Swine brucellosis and swine pseudorabies infection continue to be identified in transitional swine herds. Dr. Ellis will cover this in his report.

Chronic Wasting Disease

- On July 21, 2006 USDA published a final rule in the Federal Register entitled *Chronic Wasting Disease Herd Certification Program and Interstate Movement of Farmed or Captive Deer, Elk, and Moose; Final Rule*. Subsequently, USDA postponed implementation of the final rule and published a request for comments. The original Federal Register Notice provided for comments until December 4, 2006. USDA has further extended the opportunity for comments on the final rule until January 3, 2007. USDA is requesting comments from the public relative to the issues raised by the petitioners which are: unexpected and unnecessary federal pre-emption of state law; and inadequate protection provided by the federal interstate movement requirements, especially during the first two years of implementation. We are preparing comments on these issues.

Equine Viral Arteritis (EVA)

- EVA is a viral disease of horses and other equids. The disease causes mares to abort, can cause mild to severe respiratory disease in some horses and may also cause some stallions to become chronically infected and shed the virus in semen.

- It has been reported by the New Mexico Livestock Board that EVA has been diagnosed in horses on a breeding farm in New Mexico. It was further reported that Texas mares which had been to the farm for breeding, were bred to a stallion that was infected with EVA and that other Texas mares had been inseminated with semen collected and shipped from infected stallions in New Mexico. TAHC and USDA/VS – Texas conducted an investigation to identify all of the potentially exposed horses and advised the owner and the owner's veterinarian of the possibility for exposure. No active EVA infection was identified as a result of the investigation. An EVA outbreak was subsequently identified on a breeding farm in Utah.
- As a result of the outbreaks of EVA in New Mexico and Utah, there is much concern that the disease could be spread to Texas or other states through movement of exposed or infected horses or through the use of semen from infected stallions to inseminate unvaccinated mares.
- EVA is not a reportable disease under current TAHC rules. However, we are encouraging veterinarians and owners to report the disease if diagnosed. TAHC does classify EVA vaccine as a restricted product in TAHC rule 34.2. The vaccine is available only to veterinarians and only by permit from TAHC. This allows TAHC to advise veterinarians about the recommended protocol for the use of the vaccine. The amount of vaccine issued during 2006 has increased dramatically over a one-year time period in previous years.
- An Equine Working Group chaired by Commissioner Jerry Windham will be created to review the EVA issue and develop recommendations relative to the disease. These recommendations will be presented to the TAHC Commissioners.

#### Administrative Matters

- Dr. Hillman introduced our new Director of Human Resources, Larissa Schmidt.

#### Petitions to Change Rules and Proposed Rulemaking

- TAHC received petitions to change the rules regarding (1) the entry requirements for swine being imported into the state and (2) the entry requirements for broiler poultry moving directly from another state to a recognized slaughter establishment.
- There are several rule proposals, adoptions and rule review adoptions for Commission consideration. Mr. Gene Snelson will present these petitions and proposals as later items on the agenda.

#### Legislative and Budget Issues

- First point testing numbers continue at a pace above the five year average and similar to last fiscal year. TAHC is continuing efforts to conserve funds and is requesting more cooperative agreement funds for the brucellosis program.
- USDA has been working to transition all of its cooperative agreements from a federal fiscal year to a calendar year basis. This results in no cooperative agreement funds for the period October 1 through December 31, 2006 for those cooperative agreements that expired at the end of the federal fiscal year in September. This results in a possible loss of approximately \$600,000 in cooperative agreement funds for TAHC during the current *state* fiscal year. An increase in the calendar year cooperative agreements requests will be made to cover this loss.
- The Governor's Office of Budget, Planning and Policy, and the Legislative Budget Board conducted a Joint Budget Hearing regarding the agency strategic plan and appropriations request for the 2008-2009 biennium on September 15, 2006. We are confident that this hearing resulted in a clearer understanding of agency functions and needs.
- On October 9<sup>th</sup>, Chairman Traylor and the Executive Director presented the TAHC Legislative Appropriations Request to the Senate Finance Committee at its interim hearing.
- The Senate Subcommittee on Agriculture, Rural Affairs and Coastal Resources conducted a hearing on its interim charge on September 6, 2006. TAHC staff provided

reports on emergency management activities, including avian influenza, and animal identification.

#### Waivers

- Since the August 1, 2006 Commission meeting, TAHC has approved six requests for waiver. Two of the requests were for movement of cattle between Texas and New Mexico for grazing under commuter herd agreements.
- A request was made to allow a herd of cattle from a tick infested pasture in the quarantined area to be dipped then held in a small trap for 30 days for supplemental feeding, without follow-up dipping to improve the physical condition of the cattle.
- A request was made to extend the validity of the TB test for 15 days on 300 dairy cattle out of a group of 2,400 head being shipped to a new dairy facility in Texas. The request for the extension was related to weather and trucking issues.
- One request was to extend the validity of the brucellosis test on six Soemmerring's gazelles by 12 days for movement from a Zoological Park to a refuge in Texas. Trucking arrangement issues caused the need for this extension.
- The final request was to allow movement of a retained EIA Positive horse from the premises where the horse had been housed for over seven years, because the premises was being sold, to another premises that already was managing another retained EIA Positive horse.

#### Planned Activities

- Continue voluntary premises registration
- Animal Identification outreach
- Legislative and Budget hearings
- NCBA annual meeting
- BiNational TB and Tick Committee meetings at the NCBA meeting
- Farm Bureau Leadership Conference
- National Animal Health Laboratory Network Steering Committee meeting
- Emergency Management Exercise
- Industry information and outreach meetings

#### **Item 4 – Presentation of Animal Health Activities Update and Animal Disease & Epidemiological Report**

Dr. Dee Ellis presented a report on animal health activities including an animal disease and epidemiological report and emergency management issues.

#### Animal Health Programs

- An update was provided to the Commissioners on (a) adjacent herds tested (b) caudal fold response rate (c) scrapie infected flocks and (d) CWD monitored herds.
- Area Office significant issues:
  1. Area 1 – Interstate Heifer Permits – 50@mo/2500 hd
  2. Area 2 – Extensive Fever Tick trace – 8 premises – 600hd
  3. Area 3 – Equine Piroplasmiasis and fever tick trace to North Texas due to interdiction of smuggled horses captured at border
  4. Area 4 – Transitional swine disease activities – 12 affected herd
  5. Area 5 – 12 Brucellosis reactor titered animals from 12 different herds
  6. Area 6 – 4 infected Scrapie Flocks, 300 trace out sheep
  7. Area 7 – Multiple brucellosis reactor titer cattle disclosed at sale barns, B. suis and B. Strain 19 cultured out of some, but others have required extensive testing. Some pending.
  8. Area 8 – Multiple brucellosis reactor titered cattle disclosed, many tested

- Miscellaneous issues:
  1. Fever Tick Training – 22 Inspectors + USDA Tick Force
  2. Bovine Tuberculosis – Evaluate and monitor El Paso at risk population
  3. State Epidemiologist – acceptable applicant pool – interview soon
  4. Equine Viral Arteritis – future TAHC involvement
  5. Equine Piroplasmiasis/EIA trace – interdiction of smuggled horses
  6. Summary of Equine and M-Brand Inspections – (summary report in notebook)
  7. Zoos – Working with USDA to develop AI response

#### Emergency Management

Summary activities were discussed regarding:

- Texas State Animal Resource Team (TXSART) – Dr. Ellis introduced Liz Wang who is the Executive Director of TXSART
- County Animal Issue Committees (AIC)
- Panhandle multi-state exercise scheduled in February
- Texas incident management team formation
- DHS Emergency management Performance Grants
- PETS Acts passage

#### Program Disease Progress Report

This report was included in the Commissioners' notebooks providing statistics through October 31, 2006. Information was provided in the following area:

- Cattle – Brucellosis; Tracing activities; Adjacent Herds tested; & Japanese Cattle
- Indemnity/Diagnosis Purchase – State: \$0; Federal: \$62,045.87
- Ticks – 44 premises under an infested quarantine
- Tuberculosis – Bovine – No herds are currently quarantined for Tuberculosis
- EIA – Negative tests 238,892 – Positive tests 33; % of infection .01%
- Swine – Currently, there are no swine herds under quarantine for PRV; there are two swine herds under quarantine for Brucellosis
- Scrapie – Eight flocks have been disclosed in 2006
- CWD Activities – a summary of activities was provided in the following areas:
  1. State whole herd monitoring program – 592 total herds enrolled
  2. TAHC Elk Program
  3. Entry permit applications – 9 applications approved in October
  4. Texas Parks and Wildlife Department – effective 6/21/05 and until further notice, TPWD will not issue any out-of-state purchase permits for white-tailed deer and mule deer. Texas now has over 10,300 negative CWD samples (no positives)
  5. USDA/APHIS – CWD final rule published but put on hold in response to reaction from the States
  6. CWD situation outside of Texas – No substantive changes in IL, SD, NE, WY, CO, NM, UT or NY; West Virginia has announced finding CWD in a wild WT deer.
  7. Effective April 1, 2007, TPWD becomes actively involved in the monitoring of status of CWD herds.
- Poultry - A list was provided of countries that have imposed restrictions of Texas origin poultry/poultry products as a result of the Avian Influenza outbreaks in the US.

#### Introduction of New Staff

Dr. Ellis introduced Amanda Barnes, Animal Health Programs Specialist. She is the assistant to Dr. Ellis in both the Animal Health Programs area and in the Emergency Management area.

#### **Item 5 – Administration/Budget Status Report**

- Mike Jensen, Deputy Director of Administration and Finance presented the Method of Financing Report effective October 31, 2006; the Budget Category Summary; and the Department Summary.
- Adjustments were made to the Method of Financing Report due to the change in Fiscal Year of the Federal Government to a Calendar Year. Because of the change to a calendar year, there was an adjustment made to the Brucellosis Eradication Federal Funds item in this report.
- The Budget Category Summary report was reviewed and explanations provided by Mike Jensen.
- The Departmental Summary Report was reviewed. Adjustments were made due to the change in the funding by the Federal Government to a calendar year. One adjustment was also made due to a retirement requiring a one-month overlap for training.
- Texas On-line should go into production early in January allowing veterinarians to order Health Certificates electronically.
- To respond to requests made at the last Commission Meeting, a comparison of leasing vehicles vs. purchase of vehicles was done. The result indicates that purchasing is the best alternative.
- The Annual Financial Report has been submitted to the Comptrollers' Office.
- The Council on Competitive Government will look at small and midsize agencies during this legislative session with a consideration for either outsourcing or pooling together small agency functions. Larissa Schmidt, TAHC Human Resource Director, will be participating with this group in evaluating the best structure for the Human Resource function for small and midsize agencies.
- Some flow-through money from DSHS will be used to pay for servers, personal protective equipment, portable scanners, and travel cost for training.

Commissioner Wood moved and Commissioner Simmons seconded the motion to approve the Fiscal Year 2007 Operating Budget as presented and discussed today. The motion carried unanimously.

#### **Item 6 – Audit Subcommittee Report**

Commissioner Windham, Chair of the Audit Subcommittee, gave a report on the Audit Subcommittee meeting held at 8:00 a.m. All members of the Subcommittee were present. Mr. Monday N. Rufus presented (1) the Audit Plan for Fiscal Year 2007 and (2) the Annual Audit Report for Fiscal Year 2006.

The Audit Plan for Fiscal Year 2007 includes the following processes/systems:

- (a) Field Operations – Area 4 (Mt. Pleasant, TX)
- (b) Laboratory Systems – Lubbock Laboratory
- (c) Public Information
- (d) Follow-up on prior internal audit recommendations of Field Operations – Area 5 (Beeville)

The Summary of the Audit Plan for Fiscal Year 2006 included:

- (a) Field Operation – Area 2 (Lufkin, TX)
- (b) Laboratory Systems – Lubbock Laboratory
- (c) Fixed Assets (Austin)
- (d) Follow-up on prior internal audit recommendations – Field Office Operations – Area 7 (Rockdale)

The Audit Subcommittee Meeting adjourned at 8:19 a.m.

Commissioner Morales moved and Commissioner Locke seconded a motion to approve the report made by the Audit Subcommittee as discussed today. The motion carried unanimously.

#### **Item 7 – Consideration Of and Possible Action on Agency Contracts and Purchases**

Mr. Felix Volk presented the following information:

##### Contracts, Purchases, Leases Greater than \$5,000 but Less than \$10,000

- Software: Citrix Presentation Server & CD Media Presentation - \$5,075
- Equine Certificates of Veterinary Inspection – 4000 books - \$5,158.82
- Fluoricon Performance Verification Particles – 35 boxes - \$6,772.50
- Highway Signs and Sign Stands - \$9,488.40
- Telephone Conferencing Services – Cost based on 3.5 cents per minute
- Audio System - \$9,218.00

##### Contracts, Purchases, Leases \$10,000 or Greater

- Co-Ral Insecticide - \$119,555.50
- 3-Station Automatic Folder-Insert Machine - \$13,495.00
- Card Rockers for Card Tests - \$10,500.00
- HP Proliant DL145-G2 SATA Servers and Accessories - \$13,280.00

Commissioner Morales moved and Commissioner Locke seconded a motion to approve the contracts and purchases request for the period from August 1, 2006 through November 30, 2006. The motion carried unanimously.

#### **Item 8 – Legislative Update**

Mr. Bill Powers provided an update on legislative issues. The Legislative Session begins on January 9, 2007 and will end on May 28, 2007. There are two items of particular interest to TAHC that will be addressed by the legislature. The first is the Animal ID issue – HB1361. The second is the Sunset Bill. The Sunset Bill must pass for TAHC to continue. The Sunset Commission Staff is awaiting the appointment of the sponsor of the TAHC Sunset Bill. Legislative leaders will not make decisions regarding funding of the agencies until January when they receive a report from the Comptroller's Office providing available dollars.

#### **Item 9 – Petition to Change the Rules Regarding Entry Requirements for Swine Entering Texas.**

Prior to addressing Item 9, Mr. Gene Snelson introduced a new employee in the Legal and Compliance Department, Loris Jones, Legal Assistant.

This petition was a request from Texas Pork Producers to remove Bratslava from a combination swine vaccination necessary for entry. Mr. Ken Horton, representing the Texas Pork Producers Association, provided testimony regarding this request.

After evaluating the request, Commission staff recommended that the petition be approved and the change be made to Chapter 51, Rule 51.14 Swine.

Commissioner Real moved and Commissioner Locke seconded a motion to approve the petition as discussed. The motion carried unanimously.

**Item 10 – Petition to Change the Rules Regarding Entry Requirements for Slaughter Poultry Entering Texas**

The Commission received a request to change the rules to allow broilers that have been vaccinated for Infectious Laryngotracheitis to be transported to Texas for immediate slaughter. Following the evaluation of this petition, the Commission staff recommended approval of this petition with changes to be made to Chapter 51; Rule 51.15.

Commissioner Morales moved and Commissioner Locke seconded the motion to approve the petition. Commissioner Ralph Simmons abstained. The motion carried.

**Item 11 – Consideration Of and Possible Action on Regulation Proposals Regarding:****Chapter 41, Fever Ticks, regarding adjustments of quarantine zone location in Starr County and clarification of dipping requirements.**

The Commission proposed using U.S. Highway 83, as the boundary line in Starr County and adding language to Section 41.6(b) (1) to clarify the requirement regarding treatment through a swim vat to clarify that spray dipping is not acceptable.

Commissioner Dyess moved and Commissioner Wood seconded the motion to propose amendments to Chapter 41, Fever Ticks, 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.

**Chapter 43, Subchapter D, Tuberculosis Movement Restriction Zone, regarding test requirements for movement.**

In response to the achievement of TB Free Status for Texas, the Commission proposed the removal of the TB test requirements for cattle moving into or out of the El Paso area.

Commissioner Morales moved and Commissioner Dyess seconded the motion to propose amendments to Chapter 53, Subchapter D, entitled Tuberculosis Movement Restriction Zone, 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.

**Chapter 51, Entry Requirements, regarding adjustments made to various entry requirements.**

Various amendments and additions were proposed to Chapter 51, Entry Requirements: Amendments were made to 51.1(17); 51.2 (a) (2); 51.3 (a); 51.3 (c); 51.4 (b); 51.8 (a); 51.8(b) (3); 51.8 (b) (7); 51.9 (b) (1); 51.10 (a); 51.10 (b); 51.12 (b) deleted; 51.12(i); 51.13 (a) (6); 51.14 (c); and 51.15 (5).

Commissioner Windham moved and Commissioner Martinez 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 12 – Consideration of and Possible Action On Regulation Adoptions Regarding:****Chapter 40, CWD (related to Elk)**

This modified the current elk monitoring requirements by repealing requirements related to premises registration and reporting of movement. The rule maintains the requirements for identification of elk and keeping transaction records.

Commissioner Dyess moved and Commissioner Morales second the motion to ADOPT the amendments to Chapter 40: Chronic Wasting Disease, located in Volume 4 of the Texas

Administrative Code as discussed today and that notice of the adopted amendments be published in the *Texas Register*. The motion carried unanimously.

#### **Chapter 47, Approved Personnel**

This amendment allows approved personnel who are only collecting blood samples on animals to be consigned directly from the ranch to slaughter and submitting them to the state/federal laboratory for testing may do so under the general supervision of a veterinarian.

Commissioner Windham moved and Commissioner Simmons seconded the motion to ADOPT the amendments to Chapter 47, Approved Personnel, located in Volume 4 of the Texas Administrative Code, as discussed today and that notice of the adopted amendments be published in the *Texas Register*. The motion carried unanimously.

#### **Item 13 – Consideration Of and Possible Action on Regulation Rule Review Adoptions Regarding:**

Mr. Gene Snelson presented the following chapters for Rule Review:

##### **Chapter 47: Approved Personnel**

Commissioner Dyess moved and Commissioner Wood seconded the motion to adopt the Rule Review for Chapter 47, “Approved Personnel”, as found in Sections 47.1 through 47.6 of Volume 4 of the Texas Administrative Code, as discussed today, and that notice be published of the completed rule review. The motion carried unanimously.

##### **Chapter 49: Equine**

Commissioner Windham moved and Commissioner Martinez seconded the motion to adopt the Rule Review for Chapter 49, “Equine”, as found in Sections 49.1 through 49.3 of Volume 4 of the Texas Administrative Code, as discussed today, and that notice be published of the completed rule review. The motion carried unanimously.

##### **Chapter 53: Market Regulations**

Commissioner Morales moved and Commissioner Dyess seconded the motion to adopt the Rule Review for Chapter 53, “Market Regulations”, as found in Sections 53.1 through 53.5 of Volume 4 of the Texas Administrative Code, as discussed today, and that notice be published of the completed rule review. The motion carried unanimously.

##### **Chapter 56: Grants, Gifts and Donations**

Commissioner Dyess moved and Commissioner Windham seconded the motion that we adopt the Rule Review for Chapter 56, “Grants, Gifts and Donations”, as found in Sections 56.1 through 56.7 of Volume 4 of the Texas Administrative Code, as discussed today, and that notice be published of the completed rule review. The motion carried unanimously.

#### **Item 14 – Recognition of Public Comment**

The following individuals provided Public Comment during the meeting:

Ken Horton – Texas Pork Producers Association  
Pauline Singleton – Greater Houston Horse Council  
Charly Seale – Exotic Wildlife Association  
Dr. Bob Dittmar – Texas Wildlife Association  
Scott W. Bugai, DVM – Texas Deer Association  
Karl Kinsel – Texas Deer Association  
Travis Cigainero, DVM – Pilgrims Pride Corporation

#### **Item 15 – Set Date for the 362<sup>nd</sup> and 363<sup>rd</sup> Meeting**

362<sup>nd</sup> Meeting – February 8, 2007  
363<sup>rd</sup> Meeting – May 10, 2007

**Item 16 - Adjourn**

The meeting adjourned at 12:20 pm