

**MINUTES OF THE 363rd COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
May 10, 2007**

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 Rita Baca and Jerry Windham 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 362nd Commission Meeting held on February 8, 2007 was made by Commissioner Martinez and seconded by Commissioner Morales. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the Period 2/8/07 through 5/9/07.

An Out-Of-Office report describing meetings and trips from February 8, 2007 through May 9, 2007 was contained in the Commissioner's notebooks. This information was not presented as part of the oral report.

Dr. Hillman presented a report of significant activities and issues that occurred during this time period.

Animal Identification

- USDA continues to stress that NAIS is a voluntary program at the federal level. The agency (USDA) has recently announced the formation of a Brand States Working Group to gain input from Brand States (15 states). Texas is not a Brand State. USDA continues its efforts to attain voluntary participation.
- TAHC continues outreach efforts and registration of premises for those who volunteer to participate. Voluntary premises registration also is ongoing with over 26,000 premises registered.
- Some producers have expressed interest in utilizing electronic identification devices, especially dairy calf raisers who are receiving or shipping calves between Texas and New Mexico or Oklahoma, as well as Rodeo Bull producers. TAHC field staff are being provided RFID readers and training to enable them to read electronic tags and utilize the electronic tags when testing animals for diseases. The agency (TAHC) is working to develop a system that can be utilized to transfer data directly from an electronic test chart to the Generic Data Base (GDB)
- An animal identification bill, HB 461, has passed the House. It is unclear what will happen in the Senate. This bill, if it becomes law in its present form, could have a devastating impact upon the ability of the agency to conduct animal disease programs that have an animal identification component.

Fever Ticks

- The number of tick infested premises continues to decline from the 2005 record setting levels. At the end of March there were thirty-eight (38) tick infested premises. Thirty-four (34) of these are in the Tick Eradication Quarantine Area and four (4) are in the Free Area. We must caution that the source of infestation (Mexico) has not been addressed.
- There continues to be concern about tick infested wildlife. Several tick infested white-tailed deer were identified during the past hunting season. Last month tick infested Nilgai

- were identified on the wildlife refuge in Cameron County. These cases further illustrate the growing impact of non-cattle fever tick hosts.
- The Fever Tick Eradication Program was initiated 100 years ago. The Eradication Program was initiated in 1906, but funding was not provided by Congress until 1907. The Agricultural Research Service hosted a 100 year celebration of the Fever Tick program at the Tio and Janell Kleberg Wildlife Park in Kingsville, Texas on April 24, 2007. USDA, Veterinary Services, held a 100 year Anniversary Celebration of the Fever Tick Program in Laredo on May 8, to honor staff efforts in control and eradication of fever ticks. USDA management personnel including Dr. John Clifford, Deputy Administrator, Dr. Andrea Morgan, Associate Deputy Administrator and Dr. Brian McCluskey, Western Region Director attended the event. The next Bi National Fever Tick Committee meeting will be held in Puebla, Mexico. This meeting will include discussions on both fever ticks and tuberculosis. Commissioner Dyess, Chairman Traylor, and the Executive Director plan to attend.

Tuberculosis

- In March, USDA announced the agency was closing the border to importation of cattle from Coahuila. This action resulted from the failure of Coahuila and SAGARPA officials to address a risk area near La Laguna in the southwest corner of the state. It is unknown when this issue will be corrected.
- USDA continues to indicate that the agency will publish proposed Bovine TB rules (both a "domestic" rule and an "international" rule) this year, probably in the fall. New cases of Bovine TB have been identified in New Mexico, Colorado and Oklahoma. The New Mexico case is in a dairy, the Oklahoma case in beef cattle, and the Colorado case was in a bucking bull herd.
- The bucking bull TB issue has precipitated discussion among state animal health officials and bucking bull industry representatives regarding the need to develop testing requirements for bucking bulls. Further analysis of this situation will be done and, if warranted, proposed rules may be brought to a future Commission Meeting.
- New Proposed Rules include changes relative to Bovine TB. These include lowering of the age for testing of imported dairy heifers and identification requirements for dairy animals. These proposed amendments will provide additional protection for dairy producers and should help reduce the TB risk to dairy producers.

Brucellosis

- There have been no new Brucellosis infected cattle herds identified for well over one year. Cattle that are infected with *Brucella suis* and *Strain-19* continue to be identified. A number of proposed rules will be presented in this meeting for the Commissioners' consideration. One recommendation for change in regulation which will **not** be included at this meeting is a recommendation to enable lay employees of veterinarians to vaccinate heifers under general supervision. TAHC is working with USDA to determine whether or not USDA will accept such heifers as official vaccinates.
- TAHC has requested that USDA conduct a Brucellosis Program Review for Free Status. It is anticipated the review will be conducted in June or July. If this time frame is accomplished, this will keep us on schedule to achieve Brucellosis-Free status before the end of the calendar year.
- USDA has organized a National Brucellosis Surveillance Working Group (WG) and charged the WG to develop recommendations for Brucellosis Surveillance after the country achieves eradication of Bovine Brucellosis from cattle in the United States. The Executive Director is serving on this Working Group. Recommendations, if implemented would: (1) reduce surveillance for brucellosis incrementally, beginning in two years – starting with states that have been brucellosis free for ten years or longer and are characterized as low risk states. (2) Brucellosis surveillance activities in areas defined as high risk, which includes states that have not been free for at least five years, would continue surveillance efforts at current levels until the states have been free for at least

five years. The draft recommendations have been provided to USDA staff for consideration. It is anticipated that additional information will be presented at the USAHA conference this fall.

Swine Brucellosis and Pseudorabies

- Both swine brucellosis and swine pseudorabies infection continue to be identified in transitional swine herds.

Equine Diseases

- At this meeting, proposed rules relative to Equine Viral Arteritis (EVA) and Equine Herpes Virus 1 (EHV1) will be presented for your consideration. These proposed rules resulted from the recommendations of the Equine Working Group that were approved at the February Commission meeting.

Legislative and Budget Issues

- It appears the agency will have sufficient first point test funds to complete the fiscal year. Since February, we have received cooperative agreement funding from USDA for all of our major programs.
- Since the February 8, 2007 Commission meeting, there have been a number of activities relative to TAHC's budget request. The new budget includes the capital budget request and the rider for the horse allowance. The other items requested, including emergency management and compliance personnel, mileage reimbursement and longevity reimbursement are still under consideration. In addition, we anticipate the agency may receive additional funds for Co-Ral.

Waivers

- Since the February 8, 2007 Commission meeting, TAHC has approved two requests for waivers. (1) A request to move an EIA positive equine from an approved premises, on which the animal could no longer be maintained, to another approved premises that already had other EIA positive equines. (2) A weather related request for waiver for a seven day extension of the validity of the TB test on exotic bovidae (Cape Buffalo) being imported for zoological purposes.

Planned Activities

- Continue voluntary premises registration
- Animal Identification outreach
- Bi National Tick, Brucellosis and TB Meetings
- National Animal Health Laboratory Network Steering Committee Meeting
- Southern Animal Health Association meeting
- Six States Meeting
- Fever Tick meetings
- Industry and trade association meetings
- Industry information and outreach meetings

Commissioner Morales moved and Commissioner Locke seconded the motion to approve the actions of the Executive Director for the period from February 8, 2007 through May 10, 2007. The motion carried unanimously.

Item 4 – Legislative Update

Mr. Bill Powers presented an update on legislative activities including:

- Budget – It appears TAHC will be awarded everything requested in the Legislative Appropriations Request. Bill expressed appreciation to our industry groups who have been extremely helpful and effective during this session.

- Sunset – There are two Sunset Bills – HB2453 – This bill was received by the Senate from the House and has not been referred to a committee in the Senate. This bill includes a study we will be asked to do to determine where in Texas a biolevel four lab might be located. TAHC does not have the resources to conduct this study which could cost up to \$300,000 to conduct. Sunset Bill – SB911 was sent to the House and referred to the Ag & Livestock Committee. It has not yet been set for a hearing. Both bills broaden our authority in regard to Feral Swine. Chairman Traylor stated a working group will be created to make recommendations regarding regulations for feral swine.
- Animal ID – HB461 by Sid Miller was referred to the Ag Subcommittee on May 1st. A hearing has not yet been set.
- The definition of livestock in Chapter 1 of the Agriculture Code has been changed to include llamas, alpacas, exotic livestock.

Item 5 – Presentation of Animal Health Activities Update and Animal Disease & Epidemiological Report – Dr. Dee Ellis

A. ANIMAL HEALTH PROGRAMS

Bovine Tuberculosis

- TB Enforcement – There are two high risk areas.
 - (1) Panhandle Dairies – Challenges include calf ranches, heifer raisers, veterinary issues, ID issues, and unresolved permits.
 - (2) M-branded roping steers.
- There is ongoing Caudal Fold Response rate monitoring and communication by Area veterinarians
- We have closed out TB traces for 2006 – there are some dealer record keeping and ID issues.
- The El Paso milk shed evaluation and surveillance planning is underway
- Interstate issues involve bucking bulls, New Mexico dairies, and an Oklahoma beef herd
- The new approved feedyard application process is underway.

Brucellosis

- We continue to aggressively look for brucellosis
- As of April 2007, there were 55 positive animals at Texas Livestock markets
- We anticipate the Brucellosis Review Team will visit this summer.

Swine Disease

- 50+ trace herds pending in Area 4 – one infected herd traced to Arkansas
- USDA budget problems complicating swine indemnity process
- There is a high risk herd survey process underway by Areas
- CSF (Classical Swine Fever) surveillance will begin by June 1st at markets and transitional herd tests
- Swine Health Committee will be meeting soon.

EIA

- The slaughter plants remain closed in the Dallas area
- The national EIA Program meeting will be held in Denver this summer
- There were 4 new cases of EIA detected in April

Scrapie

- No new infected flocks this year
- Compliance problems with interstate ID's has decreased
- Livestock Inspectors are receiving extra training

- We have been told the status of the USDA Scrapie Review report resulting from the scrapie review in December 2005 is coming
- National goat slaughter surveillance project underway to determine prevalence

Avian Influenza

- A spreadsheet was provided documenting the sampling of backyard flocks for AI in migratory bird flyways.
- Commissioner Simmons recognized TAHC staff, Dicky Richardson, and TVMDL, Floyd Golan for their excellent work with the industry.
- Transition of testing live bird markets and suppliers to field offices are underway
- Supplemental cooperative funding has been received through end of year for HPAI/LPAI

CWD

- TP&W rule change on April 1 implemented
- We will meet soon to discuss issues with TPW
- We are developing an MOA for sharing of the TPW law enforcement data base access

Program Disease Report - a detailed report was enclosed in the notebooks

- Aggressive adjacent brucellosis testing continues
- Decreased fever tick infestations
- CFT response rate
- 4 PRV infected swine herds
- no scrapie infection found to date in 2007

Miscellaneous Issues:

- Inspector Workshop planned for April/May
- USDA electronic program forms and processes integration underway

B. EMERGENCY MANAGEMENT PROGRAMS

Operation Palo Duro FMD exercise

- February 21-23 – Amarillo
- 200+ participants
- Federal, state, local & industry involvement
- Final report due on June 1

Eagle Pass Tornado response

- TAHC responded on the first day – Roberto Adams, Ty Billings
- Cooperative response with USDA Tick Force
- TAHC/USDA provided veterinary assessment
- TAHC worked cooperatively with TXSART

State Hurricane Response Exercise June 4-8, 2007

- TAHC will support SOC
- TAHC Area Command will be activated
- All local Response Districts supported by field staff

Chairman Traylor requested a report be given at the next Commission Meeting explaining how TAHC coordinates with local agencies and facilities in a response situation.

Item 6 – Administration/Budget Status Report

Mike Jensen introduced the agency's new Budget Analyst, Ms. Shannon Burke

During the past several months TAHC has received additional funding from cooperative agreements. Fourteen (14) cooperative agreements ended in December 2006. Fourteen (14) cooperative agreements have been funded. Two (2) cooperative agreements were not funded – Chronic Wasting Disease and Emergency Management. Two (2) cooperative agreements are pending – Tick and Homeland Security.

- Method of Financing – Adjustments received through cooperative agreements increased the overall budget by approximately \$300,000
- Budget Category Summary - The main change in this budget was an increase in First Point Testing funds to almost \$2.3 million.
- Department Summary – The Staff Services Field budget is 82% expended, but the budget is still in good shape. The field staff has been doing a lot of poultry work which requires a lot of equipment and supplies.

Commissioner Morales moved and Commissioners Simmons and Kezar seconded the motion to approve adjustments to the Fiscal Year 2007 Operating Budget. The motion carried unanimously.

Item 7 – Consideration of 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 for the period: 2/01/07 through 4/30/07.

- Training Class: Expanded PMP- 4 students - \$5,115.75 (\$1,278.94 per student)
- Milk Test Kits – Brucella abortus – Brucellosis Testing -\$5,529.60
- Bovigam Test Kits – Tuberculosis Testing - \$9,840.00

Contracts, Purchases, Leases \$10,000 or greater for the period : 02/01/07 through 4/30/07

- PCFIA test Kits - \$432,115.24
- Internal Auditor Service - \$64,000.00
- Overnight, Second Day Air & Ground Delivery Service - \$50,000.00
- Overnight, Second Day Air & Ground Delivery Service – Austin Lab - \$25,000.00
- EIA Testing - \$76,000.00
- Telecommunications Services – Except Conference Calling - \$90,000.00
- Risk Management Services - \$41,000.75
- Printing Services - \$25,000.00
- Co-Ral Insecticide - \$185,044.50

Commissioner Edmiston moved and Commissioner Morales seconded the motion to approve the contracts and purchases request for the period from February 1, 2007 through April 30, 2007. The motion carried unanimously.

Item 8 – Presentation of Awards

Commissioner Coleman Locke presented Mr. Thomas Grawunder with this 30 year service award. Commissioner Locke also read a letter from J.D. Sartwelle, Jr., President of Port City Stockyards Company commending Tom Grawunder for his years of outstanding service to Texas Animal Health Commission and the industry.

Item 9 – Consideration of and Possible Action on Regulation PROPOSALS Regarding:

- (a) **Chapter 43, Tuberculosis, Subchapter A, regarding dairy cattle**
- (b) **Chapter 47, Approved Personnel, regarding market testing**
- (c) **Chapter 49, Equine, regarding Equine Viral Arteritis (EVA)**

- (d) **Chapter 51, Entry Requirements regarding cattle, exotic swine, equine and poultry**
- (e) **Chapter 53.5, Market Regulation, regarding record keeping requirements**
- (f) **Chapter 59.8, General Practices and Procedures regarding MOU with Travis County**

Mr. Gene Snelson, Legal Counsel, reviewed the above proposals with the Commissioners.

Commissioner Dyess moved and Commissioner Locke seconded the motion to propose the amendments to **Chapter 43, Tuberculosis, Subchapter A** located in Volume 4 of the Texas Administrative Code, as discussed today. The Commission approved a 45-day comment period. The motion carried unanimously. This proposal adds a new subsection (n) which is entitled "intrastate movement of dairy cattle". The requirement provides that all dairy cattle being transported within Texas shall be identified by official identification or identification approved by the commission. This requirement is based on the risk of tuberculosis exposure from untested dairy cattle for tuberculosis.

Commissioner Morales moved and Commissioners Real and Simmons seconded the motion to propose the amendments to **Chapter 47, Approved Personnel**, located in Volume 4 of the Texas Administrative Code, and as discussed today. The motion carried unanimously. The amendment authorizes an approved veterinarian's technician or other approved employee to operate under the general supervision of a TAHC approved veterinarian to perform testing for brucellosis at a livestock market.

Commissioner Coleman Locke moved and Commissioner Jill Wood seconded the motion to propose amendments to **Chapter 49, Equine**, located in volume 4 of the Texas Administrative Code, as discussed today. This motion carried unanimously. This proposal adds a new Section 49.4 regarding reporting and handling requirements for equine carriers of Equine Viral Arteritis (EVA).

Commissioner Coleman Locke moved and Commissioner Roy Martinez seconded the motion to propose amendments to **Chapter 51, Entry Requirements**, located in Volume 4 of the Texas Administrative Code, as discussed today. The Commission approved a 45-day comment period. These proposed amendments are to provide new entry requirements as well as clarify existing entry requirements for animals entering Texas from out of state.

Commissioner Simmons moved and Commissioner Vickers seconded the motion to propose amendments to **Chapter 53.5, Market Regulation, Market Recordkeeping**, located in Volume 4 of the Texas Administrative Code, as discussed today. The motion carried unanimously. This regulation change would require livestock markets to maintain records of all cattle or swine consigned to the market for seven years.

Commissioner Real moved and Commissioner Edmiston seconded the motion to propose amendments to **Chapter 59.8, General Practices and Procedures**, located in Volume 4 of the Texas Administrative Code, as discussed today. The motion carried unanimously. This proposal would rescind an MOU on cooperation with the Travis County Commissioners' Court.

Item 10 – Consideration of and Possible Action on Regulation ADOPTIONS Regarding:

- (a) **Chapter 35, Subchapter D, Eradication of Brucellosis in Cervidae, regarding herd certification**
- (b) **Chapter 43, Subchapter C, Eradication of Tuberculosis in Cervidae, regarding herd certification**
- (c) **Chapter 45.2, Reportable Diseases, regarding adding Equine diseases to be reportable**

Commissioner Dyess moved and Commissioner Wood seconded the motion to Adopt the amendments to **Chapter 35, Subchapter D** concerning the eradication of brucellosis in cervidae. The motion carried unanimously. This adoption changes the time frame for recertification of herd status from 24 months from the anniversary date to 33 to 39 months from the anniversary date.

Commissioner Wood moved and Commissioner Martinez seconded the motion to Adopt the amendments to **Chapter 43, Subchapter C** concerning the eradication of tuberculosis in cervidae. The motion carried unanimously. This adoption changes the requirements for TB-accredited status from three consecutive tests at 9 to 15 month intervals to two consecutive tests at 33 to 39 month intervals. The accreditation period will be 36 months rather than the previous 24 months.

Commissioner Martinez moved and Commissioner Kezar seconded the motion to Adopt the amendments to **Chapter 45.2 Reportable Diseases**. The motion carried unanimously. This adoption added two diseases of horses – Equine Viral Arteritis (EVA) and Equine Herpes Virus – 1 (EHV-1) to the list of reportable diseases.

Item 11 – Public Comment

Joe David Ross, representing the Texas Sheep & Goat Association provided comments regarding an Agroterrorism & Biosecurity pamphlet published by TAMU.

Jon Johnson, representing the Texas Farm Bureau addressed the commissioners regarding the comment period on proposed regulations.

Item 12 – Set Date for the 364th and 365th Meetings

The date for the 364th Meeting was set for September 18th, 2007 at 8:30 a.m.
Audit Subcommittee at 8:00 a.m.

The date for the 365th Meeting was set for November 20th, 2007

Commissioner Edmiston commented on a letter in the notebooks which was prepared by the Texas Farm Bureau sent to Dr. John Clifford, Deputy Administrator Veterinary Services of USDA/APHIS/VS regarding NAFTA rules to be implemented on January 1, 2008 affecting trade between Mexico and North America. The border has not been open due to BSE since December 2003.

Commissioner Edmiston requested it be noted that the border opening should be under negotiation between the US and Mexico and the border needs to be opened and needs to be communicated to USDA.

Chairman Traylor responded that this issue is brought up to USDA at every opportunity.

Item 13 - Adjourn

The meeting adjourned at 11:00 a.m.