

**MINUTES OF THE 367th COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
May 15, 2008**

The Texas Animal Health Commission Meeting was called to order by Chairman Ernie Morales at 8:30 a.m. in the Texas Animal Health Commission conference room.

Commissioner Rita Baca was not present.

Item 1 - Welcome and call to order by Chairman Ernie Morales

Item 2 - Approval of Minutes

A motion to approve the minutes of the 366th Commission Meeting held on February 18, 2008 was made by Commissioner Simmons and seconded by Commissioner Locke. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the Period 2/18/08 through 5/15/08

A report describing out-of-office meetings and trips during this time period was included in the Commissioners' notebooks and was not included in the oral report.

Wildebeest-Associated Malignant Catarrhal Fever

- On April 17, USDA received confirmatory test results diagnosing wildebeest-associated malignant catarrhal fever (W-A MCF) in a cow sold from a ranch in Texas in late March.
- This disease can be spread from wildebeest to cattle during the wildebeest calving season, and can spread from a cow, in utero, to her calf, but the disease does not spread from one cow to another cow.
- Because W-A MCF is classified as a foreign animal disease, USDA is obligated to report its diagnosis to OIE and to trading partners. There was concern that there could be trade implications as a result of the diagnosis of this disease, however, such has not been the case at this time.
- TAHC placed the ranch under a Hold Order to prevent the movement of any additional cattle from the ranch and lessen the impact of the disease. Following an epidemiological investigation, it was determined that five-hundred eighty-seven breeding heifers and bulls had potentially been exposed to the disease. Cattle from this herd had been shipped to six other states plus several locations in Texas. Approximately 436 of the potentially exposed cattle remained on the ranch.
- USDA determined that the most appropriate plan of action was to depopulate the approximately 134 head of breeding cattle which had been sold during the March sale. The 436 cattle remaining on the ranch are to be tested, utilizing PCR testing procedures. Any positive animals will be destroyed or slaughtered and indemnified at fair market value. The remaining negative animals will be kept under Hold Order for seven months from March 15 to October 15, 2008. At the end of the Hold Order period, the animals will be tested again. Any positive animals will be removed and destroyed or slaughtered. Negative animals will be released from the Hold Order without any further monitoring or restrictions.
- The wildebeest on the affected ranch were in the same pasture for at least fifteen years. It is not known why there was disease transmission this year and not in previous years. Because there are many ranches in Texas and in other states that have wildebeest maintained either in the same pastures as cattle or in close proximity to cattle, TAHC will be working with USDA to develop recommendations for isolation of wildebeest from cattle, especially during the wildebeest calving period.

Animal Identification

- As of May 5, 2008, the total Texas premises registered was 31,374. This is approximately 17% of total premises that USDA has estimated for the state. Nationally, 461,846 premises have been registered. This represents approximately 32% of total premises.
- TAHC staff continues efforts to employ and evaluate handheld devices for collection of animal and identification information electronically during testing or treatment events.
- USDA continues indications that they intend to implement the Business Plan for Advancing Animal Disease Traceability. The Business Plan calls for identification of premises when a regulatory animal health event is associated with the premises.
- On April 1, 2008, TAHC staff began enforcing the intrastate provisions of the dairy cattle TB identification regulation, which was approved by Commissioners in September 2007. Distribution of USDA silver metal eartags through the TAHC area offices have been made available to dairymen for identification of their animals. Other options, including utilization of RFID tags are being utilized by some dairy producers. Information explaining the provisions of this new regulation has been distributed via news releases, letters, personal contact, and meetings.
- TAHC staff identified an issue with the agency's TB Importation Identification regulations. An amendment was presented by Gene Snelson later in the Commission Meeting to clearly require that dairy breed steers be identified as a condition of importation.

Fever Ticks

- The number of new fever tick infested premises as of 5-12-08 is eighty-eight. The total number of premises under fever tick infested quarantine at the end of April is one hundred seventeen. Eighty-two of the infested premises were located in the Tick Eradication Quarantine Area and thirty-five were in the Temporary Preventive Quarantine Areas of the formerly Free Area. This level of infestation is the highest since the Alice outbreak in the early 1970's.
- A request for over \$13 million in funding from the Commodity Credit Corporation (CCC) funds was developed by USDA. Under Secretary Bruce Knight visited South Texas to gain insight into the fever tick problems on March 14th and 15th. Following Mr. Knight's visit, USDA approved a CCC fund request for \$5.23 million for the fever tick program. While there are concerns that this level of funding is insufficient to complete the eradication efforts, Texas is appreciative of the funding received and will utilize it to further eradication efforts. It is clear that more resources will be needed.
- A Fever Tick Working Group chaired by TAHC Chairman Ernie Morales consisting of cattle producers, wildlife ranchers, Parks and Wildlife officials, Agriculture Research Service representatives, University representatives, USDA officials and representatives from TAHC met in Laredo on March 27th. The Working Group identified several issues that need additional work. Of primary note was the need for a wildlife subcommittee to discuss wildlife related issues. The Working Group will continue its efforts and provide reports on its progress.
- On April 16, 2008, TAHC increased the size of the Temporary Preventive Quarantine Area in Starr County. This action was in response to the discovery of a heavily infested premises in the Free Area of Starr County.
- TAHC and USDA staff continues to make presentations and reports at industry and public meetings in the fever tick impact areas and at statewide, regional and national animal health meetings.

Tuberculosis

- TAHC and USDA/VS – Texas staff continue with significant Bovine Tuberculosis program activities. Two significant events have occurred in Texas relative to Bovine Tuberculosis since the February Commission meeting: (1) Diagnosis of TB in a dairy cow that was tested at a Texas livestock market for shipment to another state. This animal and her herd mates were illegally shipped into Texas from another state without a negative test

and without a Health Certificate. This animal was sacrificed and tissues collected for Histopathology and PCR testing and culturing which confirmed it to be infected with *Mycobacterium bovis*. The animals were returned under Hold Order to the state of origin and legal cases have been filed against the cattle dealer for violation of Texas entry requirements. (2) The second event was the identification of a significant number of TB infected cattle in two pens at a Texas feedyard. Seventeen TB infected cattle were identified at slaughter from the two pens with a combined total of approximately 238 cattle. The cattle were used-up roping and rodeo cattle, many of which were of Mexican origin. The cattle had been shipped to the Texas feedyard from another state and were assembled from several states. The feedyard is under Hold Order and has signed a Herd Plan for handling the exposed cattle, perform the appropriate cleaning and disinfection, and to repopulate the feedyard in such a manner that incoming cattle will not be in contact with the exposed cattle.

Brucellosis

- In anticipation of a Brucellosis-Free celebration, at which USDA will officially present the Brucellosis Class-Free Certificate to Texas, input and suggestions were solicited from the Commissioners, past and present industry leaders, legislators and others who should be invited to participate. In addition to a Texas celebration, USDA is planning a national celebratory event at the USAHA meeting this fall.
- The national brucellosis program standards recommend that first-point testing be continued for two years after a state achieves free status. Additionally, slaughter surveillance will be continued for a number of years into the future to identify any re-introduction of disease and to document that the U.S. is free of the disease.
- A request was received from a livestock market operator for TAHC to increase the payment for first-point testing at markets from the current \$2.00 per head to \$6.00 per head. The desirability for increasing the first-point testing payment was identified by the Brucellosis Eradication Working Group in 2006. However, the agency lacks the funding necessary to implement the recommendation. A request was also received from a livestock market owner to cease first-point testing. It is very important that the state of Texas stay the course and complete the components of the national brucellosis program.

Feral Swine Regulations

- The Feral Swine Working Group completed its work and made recommendations for feral swine regulations. The proposed regulations were presented for consideration by Mr. Gene Snelson under Agenda Item 7 of today's agenda. Appreciation was expressed to Commissioner Real for chairing this Working Group and to the members of the Working Group for a job well done.

Trichomoniasis

- The incidence of Trichomoniasis infection in cattle appears to be significantly increasing in many areas of the west. As a result, most of the states in the western United States have imposed Trichomoniasis regulations, either to prevent entry of infected animals or to deal with the disease in cattle within the states, or both. TAHC has been urged by a number of members of the Texas cattle industry to develop Trichomoniasis regulations for Texas since our state does not have import regulations to protect the cattle industry from introduction of Trichomoniasis infected cattle from other states. Additional discussions are anticipated.

Legislative, Budget and Personnel Issues

- TAHC personnel have begun the strategic planning process including efforts to expand performance measures to include emergency management and to broaden the disease measures to include diseases other than brucellosis.
- The instructions for development of the next agency budget have been published by the Legislative Budget Board and the Governor's Office of Budget, Planning and Policy.

Agency's baseline request for general revenue-related funds may not exceed the sum of amounts expended in fiscal year 2008 and budgeted in fiscal year 2009 plus an amount equal to the GR-related allocation for the two percent/\$50 employee pay raise in 2009. Additionally, agencies must submit a supplemental schedule detailing how they would reduce the baseline request by 20%, or down to 90%, in general revenue-related funding.

- The agency budgetary condition is stable.

Waivers

- Three requests for waiver were received by the Executive Director since the February Commission Meeting. Two requests were related to EIA infected equine. One of these requests involved movement of test negative exposed equine to another location where they could be isolated from an infected animal until after an EIA retest. The second request was to move an EIA positive donkey where it could be maintained under quarantine the required 200 yards from other equine. Both of these requests for waiver were approved.
- The third waiver request was a request to extend the brucellosis test by ten days for the public sale of cattle for which the brucellosis test had expired. This request for waiver was denied.

Planned Activities

- Strategic Planning
- Budget Preparation
- Fever Tick activities
- TB Program activities
- Animal Identification activities
- Participate in industry organization meetings
- NAHLN Meeting

Commissioner Coleman Locke moved and Commissioners Winters and Edmiston seconded the motion to approve the actions of the Executive Director for the period from February 19, 2008 through May 15, 2008. The motion carried unanimously.

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

Brucellosis

- First point Testing suspect/reactor titers continue to be found.
- B.suis (swine strain) continues to be cultured in cattle.
- A pilot project is being conducted in Area 8 to find old stable suspects from the last 15 years.
- USDA is changing the criteria for diagnostic indemnity.

Bovine Tuberculosis

- The dairy identification rule was implemented on April 1, 2008. There have been few problems thus far.
- The 2nd newly detected dairy disclosed in California will generate considerable traces.
- Seventeen (17) TB reactors on a Texas feedlot indicated M-brand and US roping cattle from 3 other states and Mexico. Texas is not implicated as a source but has received traces.
- Area 1 continues to work on interstate movement pilot project with 3 New Mexico dairies.

Poultry

- Meetings have been held with Live Bird Market owners, suppliers, and TAHC staff prior to the formation of a working group to consider formalizing rules.

- Infectious Laryngotracheitis investigations are complete. Four flocks were depopulated and no infection has been confirmed.
- ILT investigation and monitoring continues in one commercial breeder flock.

Sheep and Goats:

- USDA will unveil FY 2009 and 2010 Surveillance Plans in late summer.
- TAHC met with DSHS Meat Safety Assurance representatives to explore options for surveillance at state inspected plants.

Swine:

- Rules are being proposed at this Commission Meeting resulting from recommendations made by the Feral Swine Working Group.
- The USDA Swine Brucellosis review is tentatively scheduled for Fall 2008.
- TAHC will be represented on the Wildlife Services Feral Swine abatement Working Group (A project funded by TDA - \$1 Million)
- The Pseudorabies Free Status for Texas was renewed for 2008.

Fever Tick Activities

- TAHC continues to provide Inspectors to assist USDA in the Tick Eradication efforts.
- TAHC Area 5 management are involved in the Carrizo Springs area weekly.
- Surveillance activities – ticks on 265 premises/cattle submitted in 2008 by TAHC
- Traces from Starr County infestations are underway in numerous locations.

Equine

- This year there were 11 EIA positive horses in Area 6 and 2 in Area 1. We plan to increase surveillance and enforcement activities in West Texas.

CWD

- A CWD Working Group will be initiated to evaluate elk surveillance activities.

Emergency Management

- Two TAHC Veterinarians attend Plum Island FADD training school in April and June.
- Local Planning – the Animal Issue Committee Guidance Document is complete.
- The Emergency Management Staff met with the Texas Cooperative Extension/Aggrilife representatives to coordinate local planning.
- TAHC personnel will attend the Texas Hurricane Conference next week.

Item 5 – Administration/Budget Status Report

Dr. Hillman presented the Administration/Budget Status Report in the absence of Ms. Angela Lucas, Deputy Director of Finance and Administration.

- The first report reviewed was the METHOD OF FINANCING report. There was no change since the last Commission Meeting in February 2008.
- The second report was BUDGET & EXPENDITURES BY CATEGORY. This report showed that expenditures as of 3/31/08 were 50.31% of the Budget for FY 2008. This indicates our Agency is on target with expenditures since 58% of the Fiscal Year has lapsed.
- The third report was BUDGET & EXPENDITURES BY DEPARTMENT. The majority of the departments are within the 58% expended to budgeted range. We have several cooperative agreements which indicate a higher than 58% expenditure. The process for spending cooperative agreement funds involves TAHC paying expenses initially and obtaining reimbursements following the expenditures. For this reason, the percentages appear high until reimbursement is obtained. Overall, the Agency is within targeted expenditures.

Commissioner Edmiston moved and Commissioner Kezar seconded a motion to approve adjustments to the Fiscal Year 2008 Operating Budget as discussed today. The motion Carried unanimously.

Item 6 – Consideration of and Possible Action on Agency Contracts and Purchases

Ms. Fran Robbins presented the Agency Contracts and Purchases report in the absence of the Director of Staff Services, Mr. Felix Volk.

Contracts, Purchases, Leases Greater than \$5,000 but Less Than \$10,000 for the period February 1, 2008 through April 30, 2008

- Benchtop Centrifuge units with 24 tube capacity: Quantum Model QM 100 – 8 units - \$8,248.64
- DELL: Dual Core 3040 Processor – 4- \$5,315.24
- DELL: Latitude D830, Intel Core 2 Duo T7500 – 4 - \$5,360.00 (For area offices)
- DELL: Latitude D830, Intel Core 2 Duo T7500 – 4 - \$5,428.00 (For Central Office)
- Poultry Trailer, 83” X 12 ‘ low profile - \$6,110.00 – (Area 4 Office)

Contracts, Purchases, Leases \$10,000 or greater for the period February 1, 2008 through April 30, 2008.

- DELL: Latitude D830, Intel Core 2 Duo T7500 – 10 - \$13,400 (Field Personnel)
- CoRal Insecticide – 22 cases from US Stock - \$16,735.00
- CoRal Insecticide – 100 cases from Mexico Stock - \$76,150
- CoRal Insecticide – 400 cases – Pending approval - \$304,600
- Lease Space Renewal for Austin Diagnostic Laboratory - \$83,860.68 – Full service lease
- PCFIA Test Kits – 186 Kits - \$432,115.20

Commissioner Wheelis moved and Commissioner Simmons seconded a motion to approve the contracts and purchases requests for the period from February 1, 2008 through April 30, 2008. The motion carried unanimously.

Item 7 – Consideration of and Possible Action on Regulation PROPOSALS regarding:

(a) Chapter 36, Exotic Livestock, Section 36.1 regarding definition of livestock.

Commissioner Winters moved and Commissioner Edmiston seconded a motion to PROPOSE the amendments to Chapter 36, Exotic Livestock, located in the Texas Administrative Code, regarding the definition of livestock as discussed today. It was further moved that notice of the proposed amendment be published in the *Texas Register* with a 30 day comment period. The motion carried unanimously.

(b) Chapter 51, Interstate Entry Requirements, Sections 51.3 and 51.8, regarding identification for dairy steers.

Commissioner Dyess moved and Commissioner Locke seconded a motion to PROPOSE the amendments to Chapter 51, Interstate Entry Requirements, located in the Texas Administrative Code, regarding identification of dairy steers as discussed today. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a 30 day comment period. The motion carried unanimously.

(c) Chapter 55, Swine, Section 55.9, regarding feral swine.

Commissioner Real moved and Commissioner Kezar seconded a motion to PROPOSE the amendments to Chapter 55, Swine, located in the Texas Administrative Code, regarding feral swine as discussed today. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a 30 day comment period. The motion carried unanimously.

Item 8 – Consideration of and Possible Action on Regulation ADOPTIONS Regarding: Chapter 55, Swine, Section 55.3, regarding the testing of swine.

Commissioner Real moved and Commissioner Winters seconded a motion to APPROVE the amendments to Chapter 55, Swine, Section 55.3, regarding the testing of swine, as discussed today. The motion carried unanimously.

Item 9 – Recognition of Comments

Karen Conyngham representing the South Central Llama Association spoke in support of the Regulation Proposal Chapter 36, Exotic Livestock, Section 36.1 regarding definition of livestock.

Item 10 – Set Dates for the 368th Meeting

368th Meeting – July 29, 2008

TAHC Executive staff will coordinate with Commissioners to set the meeting date for November.

Item 11 – Item Description

The meeting adjourned at 10:40 am