

**MINUTES OF THE 369th COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
November 13, 2008**

The Texas Animal Health Commission Meeting was called to order by Chairman Ernie Morales at 8:35 a.m. in the Texas Animal Health Commission conference room.

Commissioners Rita Baca, Reta Dyess, Richard Winters, and Kenneth Jordan were not present.

Item 1 - Welcome and call to order by Chairman Morales

Item 2 - Approval of Minutes

A motion to approve the minutes of the 368th Commission Meeting held on July 29, 2008 was made by Commissioner Real and seconded by Chairman Morales. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the Period 7/29/08 through 11/13/08.

A report describing out-of-office meetings and trips from July 29, 2008 through November 12, 2008 was provided in the Commissioners' notebooks and was not included in the oral report.

Animal Identification

- In a report to the USAHA Livestock Identification Committee, Dr. John Clifford and Mr. Neil Hammerschmidt from USDA reported: The focus and objective of the National Animal Identification System (NAIS) remains the advancement of traceability for animal diseases. The final version of the *Business Plan to Advance Animal Disease Traceability* has been published. The business plan's current emphasis is on cattle. The long-term focus is full traceability and 48-hour traceback capability.
- A PIN will be used for: (1) the administration of disease programs that are regulated through the Code of Federal Regulations (CFR), for an emerging or re-emerging disease, or for a foreign animal disease; (2) VS activities that necessitate the assignment of a location identifier on a record to be submitted to and stored in a VS-maintained information system; and (3) when Federal funds are used to support the administration of the animal disease program. To the extent possible, premises registrations are to be processed through the system used by the State, either the Standardized Premises Registration System or Compliant Premises Registration System. When necessary, if a PIN is needed immediately in the field, VS systems such as the Emergency Management Response System (EMRS) may generate the PIN.
- *AIN radio frequency (RF) eartags for use in brucellosis calffood vaccinates* – States and industry have requested an orange AIN RF eartag for use in brucellosis calffood vaccinates. USDA is establishing an option for an orange eartag known as the AIN RF-V eartag, that will have "OCV" imprinted on the male tag. States will have the option to have the State abbreviation imprinted on the eartag as well.
- *Expanded use of official metal eartags* – to accommodate requests from State animal health officials for official metal eartags for use outside specific regulatory programs, USDA plans to revise its policy to allow application of silver/bright eartags, which use the National Uniform Eartagging System numbering format, by producers. (A stipulation that USDA placed on utilization of these tags is that the producer's premises have a PIN assigned to the premises.)
- *Veterinary Services Memorandum No. 575.10* - "Administration of Standard Premises Identification Numbers (PINs) in Veterinary Services' (VS) Cooperative Animal Disease

Program Activities". Essentially, a PIN will be required for any premises on which an animal disease program activity occurs for a disease that is addressed in the CFR. A copy of VS Memo 575.10 and an APHIS Factsheet about administration of the PIN in cooperative disease control programs were provided to the Commissioners.

Fever Ticks

- During Federal FY 2008, there were 132 fever tick infested premises identified. Eighty-five of these were in the permanent quarantine area and forty-seven were in the formerly free area.
- At the end of October 2008, there were a total of ninety-eight premises under an infested quarantine. Forty-four of these were in the Fever Tick Eradication Quarantine Area (systematic area) and fifty-four are in the formerly Free Area. The greatest number of infested premises continues to be found in Zapata and Starr Counties.
- On October 9, 2008, TAHC Executive Director, USDA/VS, and USDA/ARS staff participated in a fever tick meeting hosted by the South Texas Property Rights Association in Zapata. The primary purpose of the meeting was to provide an update on the current fever tick situation and organize efforts to gain support for funding needed to regain control of fever ticks and push them back across the border. A few state and federal elected officials were at the meeting.
- At several USAHA district and committee meetings, Dr. Dee Ellis, Dr. Paul Ugstad and the Executive Director made presentations on the fever tick issues to increase awareness and to solicit support in obtaining funds. To this date we have not received any additional funds.

Tuberculosis

- The Agency continues significant Bovine Tuberculosis program activities. No infected herds have been identified in Texas, but there is testing of significant numbers of trace cattle.
- It has become increasingly clear that the TB program needs to be reviewed and possibly revamped. USDA has been unable to get updated rules in place for a number of years. The agency is increasingly depending on CCC funding for emergency operations to handle outbreaks and cover the cost of infected herd depopulation. This source of funding is becoming very difficult to acquire. We continue to identify high risk management practices that doom the program to additional disease outbreaks, usually resulting in loss of state status.
- USDA has decided to conduct a review of the cattle TB program. As part of this review, they will host a series of public meetings on bovine tuberculosis (TB) in early December. The meetings will be formatted as listening sessions, where the focus will be on gathering ideas from stakeholders. Each meeting will include a brief overview of the status of TB with the challenges involved in responding to this disease and break-out groups to discuss innovative ways to address every aspect of the TB program. The meeting in Austin will be held on December 11, 2008 at the Hilton Garden Inn downtown. Registration will begin at 7:00 a.m. and the sessions are scheduled to run from 8:00 a.m. to 4:30 p.m. Stakeholders are encouraged to attend. TAHC will have representation at the session in Austin.

Brucellosis

- TAHC continues brucellosis program activities, and thus far, have not identified any new cattle brucellosis infected herds.
- Both a memo for veterinarians and a news release for cattle producers was distributed to explain the need to continue brucellosis testing for a period of time.

Trichomoniasis

- A Trichomoniasis Working Group (TWG) was developed and met on September 26, 2008 in Austin with Commissioner Coleman Locke as chair. The purpose of this group was to

- help determine the components of a Trichomoniasis program for Texas and to provide input into implementation of the program.
- The TWG made recommendations to the Commission for development of proposed rules that would require testing of breeding bulls imported into Texas and testing of breeding bulls sold within the state of Texas. The recommendations call for recognition of certain young bulls as virgin bulls, specify which tests should be official tests, testing requirements, identification requirements, certification of veterinarians and handling of infected bulls. The TWG also recommended that the rules governing importation of breeding bulls be implemented as rapidly as possible, but the implementation of rules governing testing of bulls for sale within the state be delayed until September 2009 to provide ample opportunity for an information and education campaign to inform cattle producers of the program components.
 - Recommendations from the TWG were developed into proposed regulations and were presented by Mr. Gene Snelson for consideration under Agenda Item 9.

Live Bird Market Working Group

- Proposed rules resulting from the efforts of the Live Bird Market Working Group, which met in June under the leadership of Commissioner Simmons, were presented for consideration by Mr. Snelson under Agenda Item 9.

VS 2015 – USDA, Veterinary Services Long Term Vision and Strategy

- Dr. John Clifford, USDA, APHIS, Veterinary Services discussed at USAHA the new vision that the agency has developed and which it hopes to fully implement by 2015. The new vision is planned to address evolving needs of animal agriculture; advances in technologies; emerging diseases, including zoonotic diseases; threats beyond the animal health arena; global agriculture and trade; 24/7 connectivity; flat or decreasing federal budgets; increased focus on disease prevention, preparedness, detection and early response; an expanded veterinary mission; and expanded interstate and international certification services.
- It is anticipated that increasingly, domestic health programs – such as brucellosis, tuberculosis, CWD, scrapie, etc – will become the responsibility of states and industries to fund and administer. USDA will likely provide high level oversight and maintain national program standards, but states will have to implement and fund the programs. USDA will respond to “emergencies:” and “outbreaks” but not be engaged in routine domestic animal health events. USDA will be concerned about international issues and diseases in other countries that could affect the US. There will likely be fewer USDA staff and significantly fewer cooperative agreement funds available to assist in programs at the state level.
- TAHC will continue communication with USDA and assure that our roles and responsibilities are well laid out and understood and that we have sufficient state resources to address the diseases and issues of the future.

Legislative, Budget and Personnel Issues

- On September 9, 2008, the Joint Budget Hearing conducted by the Legislative Budget Board and the Governor’s Office of Budget, Planning and Policy was held to review and discuss the TAHC budget request. This hearing provided an opportunity for the agency to discuss our exceptional items request and answer questions relative to our request. Representatives from the LBB and Governor’s staff asked a number of questions relative to our request and appeared to be satisfied with the answers provided.
- The Governor’s office has directed all agencies to submit a plan for reducing travel expenses in the current fiscal year. TAHC has complied with this request by laying out a strategy to conserve and reduce costs as much as possible, noting that with responses to hurricanes, increasing fever tick activities and continuing significant TB program activities, it will be difficult for the agency to materially reduce travel costs without hampering program delivery.

Waivers

- The first request was to waive the requirement for dipping of fever tick exposed trace-out cattle, by accepting treatment with doramectin as a final treatment in lieu of dipping in coumaphos. The cattle had been scratched clean on several examinations and had been treated each time. No ticks were ever identified. The waiver was granted.
- The second request was to waive the requirement for holding feral swine in an approved holding facility for a few hours pending shipment to slaughter to allow 15 head to be utilized for approximately six hours in a ranch rodeo. The swine were tested negative to both swine brucellosis and pseudorabies prior to the event and were moved to an approved feral swine holding facility immediately following the event. This waiver was granted.

Planned Activities

- Legislative Hearings
- Fever Tick activities
- TB program activities, including listening session
- Animal Identification activities
- Participate in industry organization meetings
- Trichomoniasis program development and information/education efforts

Commissioner Locke moved and Commissioner Simmons seconded a motion to approve the actions of the Executive Director for the period from July 29, 2008 through November 13, 2008. The motion carried.

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

Dr. Dee Ellis, Assistant Executive Director for Animal Health Programs provided the following report.

Bovine Tuberculosis

- Lipan traces – 662 breeding animals traced – 609 tested negative thus far – 2,176 total head tested in 10 herds – No slaughter cases found
- New Mexico – downgraded status – requested MAA zone that would touch Texas
- 2 Texas panhandle dairies scheduled to test from New Mexico traces, none from California since last meeting
- Mexico update –Chihuahua review, 2 recent Coahuila reactors
- Dairy indemnity challenges – USDA valuation vs. owner valuation
- Gamma interferon discussion at USAHA – TAHC lab well represented
- 2 TB reactors necropsied this week – no lesions found

Poultry

- Positive test results for Laryngotracheitis (LT) resulted in voluntary depopulation of 2 flocks
- LBM rules introduced – good start for surveillance and biosecurity assurance

Sheep and Goats

- USDA surveillance goals are being met by sampling cull sheep at San Angelo
- 2 large traces pending for fine wool cross breeder flocks in West Texas from Kentucky flock

Swine

- USDA swine brucellosis review scheduled for 1st week of December
- TAHC actively involved Feral Swine Abatement working group

- Continue to test food waste feeders prior to renewal of permit
- Feral swine holding facilities re-approved as result of new rules
- TAHC assisted public health in a swine flud case/trace in central Texas

Fever Tick Activities

- Continue to supply 2 inspectors weekly in Rio Grande City – Starr County. Area 5 personnel also supporting Carrizo Springs office directly
- TAHC hired 1.25 temporary inspectors to support tick activities
- TAHC routinely handling traces outside of South Texas and treating premises/cattle

Equine

- TAHC assisted with traces to Equine Piroplasmosis case in Florida – Texas ruled out as source – blood packing implicated in spread of disease – source was imported horses
- EIA resolution passed at USAHA requesting USDA fund a focused eradication program that would provide “At-Risk” states like Texas with cooperative funds to finish program through targeted surveillance.

CWD

- CWD working group reconvened to consider elk surveillance program. Possible recommended rules at next meeting.

Program Disease Progress Report

- Handouts of this report were provided in the Commission Notebooks. This report provides statistics on Cattle Brucellosis, Indemnity/Diagnostic Purchases; Ticks; Bovine Tuberculosis; EIA; Swine; Scrapie; CWD activities; and Poultry.

Item 5 – Audit Subcommittee Report

Commissioner Simmons gave a report of the Audit Subcommittee meeting held at 8:00 a.m. The following items were covered:

- Annual Internal Audit Report for FY 2008
- Audit Plan for FY 2009

Commissioner Real moved and Commissioner Locke seconded the motion to approve the Audit Subcommittee report as presented. The motion carried.

Item 6 – Administration/Budget Status Report

Ms. Angela Lucas, Director of Finance presented the Administration/Budget Status Report.

- The first report reviewed was the METHOD OF FINANCING report for FY 2009. The general revenue numbers are comparable to previous years. The Federal monies are less than FY 2008 for two reasons. (1) The current Federal Fiscal Year for our Cooperative Agreement funds is January 1st – December 31st, while our state FY is September 1 – August 31st. Therefore, there is an overlap over two Fiscal Years. It is anticipated the federal numbers will be adjusted to indicate an increase after all FY 2008 expenses have been paid. (2) The Federal Fiscal Year will change for FY 2009 to be April 1, 2009 – March 31, 2010. During this transition period, Cooperative Agreement funds will be spread over a 15 month period.
- The next reports were the BUDGET & EXPENDITURES reports for FY 2009 by Category and by Department. Anticipated expenditure for Materials & Supplies is large due to the expected capital outlay for Coral and Dectomax. The First-Point Testing amount is low but will be adjusted with any funds remaining from FY 2008.
- The final reports were the METHOD OF FINANCING report and the BUDGET & EXPENDITURES reports for FY 2008. These reports reflect an accurate representation of expenses for FY 2008. Within these categories are included reimbursement of expenses for Hurricane Dolly – approximately \$8,000; Hurricane Gustav – approximately \$8,000; and Hurricane Ike – approximately \$100,000.

Commissioner Locke moved and Commissioner Real seconded a motion to APPROVE adjustments to the Fiscal Year 2009 Operating Budget. The motion carried.

Item 7 – Consideration of and Possible Action on Agency Contracts and Purchases

Ms. Angela Lucas, Director of Finance, presented the Agency and Contracts Report.

Contracts, Purchase, Leases Greater than \$5,000 but less than \$10,000 for the period of 8/01/08 through 10/31/08:

- Central Office Computer Server - \$8,511.00

Contracts, Purchases, Leases \$10,000 or Greater for the period of 8/01/08 through 10/31/08:

- Area Office Servers (7 Servers) - \$10,409.00
- Computer Laptop replacements + hardware (10) - \$21,182.00
- Microsoft License Agreement for software - \$45,211.00
- Dell Notebook Computers – upgrades (40) - \$54,457.00
- Dectomax Injectable Insecticide - \$31,978.80
- CoRal Insecticide - \$777,760.00

Commissioner Edmiston moved and Commissioner Brown seconded a motion to APPROVE the contracts and purchases requests for the period from August 1, 2008 through October 31, 2008. The motion carried.

Item 8 – Consideration of an Agreed Order in the Matter of Ramiro Lopez for Violations of Commission Rules

Mr. Gene Snelson presented the case against Mr. Ramiro Lopez involving violation of rules by transporting dairy animals without officially identifying them prior to movement.

Commissioner Real moved and Commissioner Simmons seconded a motion to APPROVE the Agreed Order in the matter of Ramiro Lopez resolving violations of Commission rules. The motion carried.

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

a.) Chapter 38, Trichomoniasis Control Program for breeding cattle, standards for veterinarians and testing protocols

Commissioner Wheelis moved and Commissioner Locke seconded a motion to PROPOSE the creation of Chapter 38, Trichomoniasis, located in the Texas Administrative Code, regarding the Trichomoniasis Control Program. It was further moved that notice of the proposed creation of Chapter 38 be published in the *Texas Register* with a 60 day comment period. The motion carried.

b.) Chapter 45, Reportable Disease, regarding adding Trichomoniasis as a reportable disease

Commissioner Locke moved and Commissioner Edmiston seconded a motion to PROPOSE amendments to Chapter 45, Reportable Diseases, located in the Texas Administrative Code, regarding the addition of Trichomoniasis as a reportable disease as discussed. It was further moved that notice of the proposed amendment be published in the *Texas Register* with a 60 day comment period. The motion carried.

c.) Chapter 51, Entry Requirements regarding Trichomoniasis testing for cattle

Commissioner Edmiston moved and Commissioner Locke seconded a motion to PROPOSE the amendments to Chapter 51, Entry Requirements, located in the Texas Administrative Code, regarding the Trichomoniasis testing requirements for

cattle as discussed. It was further moved that notice of the proposed amendment be published in the *Texas Register* with a 60 day comment period. The motion carried.

d.) Chapter 54, Fowl Registration regarding restriction and testing requirements for live bird markets where domestic fowl are slaughtered

Commission Simmons moved and Commissioner Brown seconded a motion to PROPOSE the amendments to Chapter 54, Fowl Registration, located in the Texas Administrative Code, regarding the registration and testing requirements for live bird markets where domestic fowl are slaughtered as discussed. It was further moved that notice of the proposed amendment be published in the *Texas Register* for a 30 day comment period. The motion carried.

Item 10 – Update on the Matter of Byerly VS TAHC

Mr. Gene Snelson provided an update on the trial results of the case of Mr. Ted Byerly versus TAHC involving termination of employment. The jury ruled in favor of the Texas Animal Health Commission.

Item 11 – Recognition of Public Comment

Keith Chapman representing the Livestock Marketing Association spoke regarding a previous request for increased payments for First Point Testing at the markets. He requested a status report. Dr. Hillman noted that the request for additional funds has been included in our Exceptional Items request in the TAHC Budget that has been submitted to the Legislative Budget Board and the Governor's Office for consideration. At the current time, we do not know if this item will be funded. Our current budget cannot support increased payment for First Point Testing.

Bill Hyman representing the Independent Cattlemen's Association provided comments regarding the Trichomoniasis proposed rules. He submitted a letter from the Independent Cattlemen's Association regarding the Trichomoniasis Program which was provided to all Commissioners.

Keith Chapman representing the Livestock Marketing Association provided comments regarding the Trichomoniasis proposed rules.

Jon Johnson representing the Texas Farm Bureau provided comments regarding the Trichomoniasis proposed rules.

James Grimm representing the Texas Poultry Federation provided comments regarding Chapter 54, Fowl Registration.

Item 12 – Set date for 370th Meeting

370th Meeting – February 24, 2009

371st Meeting – To Be Determined

Item 13 – ADJOURN

The meeting adjourned at 10:45 am