

**MINUTES OF THE 370th COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
February 24, 2009**

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 Ralph Simmons was 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 369th Commission Meeting held on November 13, 2008, was made by Commissioner Locke and seconded by Commissioner Dyess. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the Period 11/13/08 through 02/24/09.

A report describing out-of-office meetings and trips from November 13, 2008 through February 24, 2009 was provided in the Commissioners' notebooks and was not included in the oral report.

Fever Ticks

- As of January 31, 2009, there were 109 premises under an infested quarantine. Fifty-six of these were in the Fever Tick Eradication Quarantine Area (Systematic Area) and fifty-three were in the formerly Free Area (Blanket Quarantine). The greatest number of infested premises continues to be found in Zapata and Starr Counties. A new infested premises is being identified every 2.5 days. Tick Force staff are completing inspections on livestock in the eastern and northern portions of the Blanket Quarantine Area. If no fever ticks are identified during these final inspections, there is the possibility of one-half of the Carrizo Springs Blanket Quarantine being released from quarantine in the next few months.
- In mid-January Secretary of Agriculture Schaefer announced during a visit to Laredo the availability of \$4.9 million in additional funding for the fever tick program. While this is less than one-third of the funding requested, the funds are being utilized as effectively as possible to control and eliminate fever ticks from the outbreak areas.
- Possible strategies were discussed to reduce the potential for movement of fever tick exposed cattle from South Texas. One option, dipping cattle at the seven south Texas livestock markets, has been discussed but has been met with mixed responses. Many market operators believe that producers will by-pass their markets to avoid the scratching dipping requirement. Over 200,000 head of cattle were sold through these markets last year. Another option discussed was to establish a Control Purpose Quarantine as a surveillance zone. Facilities for scratching and dipping cattle would need to be established at strategic road junctions. Cattle could be moved within the area without inspection, but any cattle leaving the area would have to be scratched and dipped, with a possible exception of those which scratch clean and are consigned directly to slaughter. Responses to this option have been mixed, with many producers understanding that something more must be done, but believe this may be excessive.

Animal Identification

- In December 2008, approximately 33,000 letters were mailed to entities that had registered a premises with TAHC under the voluntary NAIS premises identification program. The purpose for the letter was (1) to verify premises information was correct

- and up-to-date and (2) to notify a person who had registered a premises, but wished to opt-out of the program, the procedures for requesting his or her premises information to be removed. Approximately 100 premises registrants asked to be removed from the system.
- On January 13, 2009 USDA published a proposed rule entitled *Official Animal Identification Numbering Systems*. An electronic copy of this proposed rule was provided to each of the commissioners. This proposed rule closes for comment on March 16, 2009. The proposed rule is intended to:
 - (1) Standardize the Animal Identification Number (AIN) – AIN is a 15 character animal identification number (with the first three characters being the country code) used on identification devices for identification of livestock. AIN may be RFID or non-RFID identification devices. The proposed rule would require an 840 prefix AIN beginning one year from the effective date of the rule.
 - (2) Standardize the Premises Identification Number (PIN) – Seven character premises identification number and require its use as the only premises identifier.
 - (3) Define Official Eartags – includes AIN and USDA alpha-numeric eartags
 - (4) Allowed continued use of Scrapie Flock Identification Number (FIN) but requires it to be correlated with a PIN.
 - (5) Define National Uniform Eartagging System – system to provide a unique identification number to individual animals.
 - (6) Prohibit removal of official identification devices except at time of slaughter.
 - (7) Apply these standards to national animal disease control and eradication programs, including Tuberculosis, Brucellosis, Scrapie and Johne's Disease.

In essence, if the proposed rule is finalized in its current form, assignment of PIN, correlation of official identification numbers to the PIN, and use of 840 prefix AIN (when a producer chooses to use AIN) will be required for any livestock producer engaged in any phase of a national animal health program. It is important to note that this proposed rule is not implementation of NAIS. It does apply the standards established by NAIS for PIN and AIN to the national animal health programs. USDA's stated purpose is to provide animal and premises identification for disease control purposes.

Tuberculosis

- USDA conducted TB program Listening Sessions in December to gather information to use in restructuring the TB program. USDA has published a report of information gathered from these sessions and are currently requesting information from their staff. Upon completion of this process, it is anticipated USDA will publish their recommendations.
- Significant Bovine Tuberculosis program activities continue. Thus far, no infected herds in Texas have been identified, but significant numbers of trace cattle are being tested.

Brucellosis

- Brucellosis program activities continue, and thus far, no new infected cattle herds have been identified with cattle brucellosis.

Trichomoniasis

- TAHC staff reviewed the large number of comments received regarding the proposed Trichomoniasis rules. The comments and the listing of concerns were presented to the Trichomoniasis Working Group for their consideration and discussion at a meeting on February 13, 2009. The Working Group discussed all of the major issues and made recommendations for amendments to the proposed rules. These amendments were incorporated into the proposed final rule which was submitted to the Commissioners for their consideration.
- Gene Snelson presented the proposed final rule under agenda item 14 during the Commission Meeting.

Contagious Equine Metritis(CEM)

- Kentucky announced that on December 10, 2008 a Quarter Horse stallion from a breeding farm in that state was found to be infected with Contagious Equine Metritis (CEM). This disease can be eliminated through proper treatment of infected animals, and proper sanitary and C&D practices. The infected stallion had been moved to Kentucky from a Texas premises in late 2007 for the 2008 breeding season. Subsequently, another Texas origin stallion was determined to have been exposed in Kentucky prior to his return to Texas.
- Response to the CEM outbreak is ongoing. At present, eleven stallions and three mares have been determined to be infected. One of the infected stallions is in Texas (the original exposed stallion), three are in Indiana, four in Kentucky and three in Wisconsin. One infected mare is in California, one in Illinois and one in Wisconsin. At this point, there are a total of 614 exposed horses in 45 states. Eighty-four (84) are stallions and 530 are mares. We have identified one additional exposed stallion and 29 exposed mares in Texas.

Legislative, Budget and Personnel Issues

- In early February state agencies were notified to develop and present to the LBB and Senate Finance Committee a 2.5% reduction in budget for the current fiscal year. This budget reduction amounts to \$251,896 for our agency. The budget reduction proposal was accomplished by freezing vacant positions and reducing the agency travel and training budget. At the current time, we do not know whether or not this holdback will be implemented by the legislature. Because of this budget uncertainty, TAHC is holding several vacant positions open until more information is available from the legislature.
- On Wednesday, February 18, TAHC presented their proposed budget to the Senate Finance Committee. On Monday, February 23, TAHC presented their budget to the House Appropriations Committee. At both of these budget hearings legislators appeared interested in TAHC's issues. It is too early to know what the ultimate budget outcome will be.

Waivers

- There were five requests for waiver received by the Executive Director since the November Commission Meeting:
 - (1) The first request was to waive the brucellosis testing requirements in order to return a Blesbock from the San Diego Zoo to the premises of origin in Texas. The animal had been held in isolation since arrival in California and was being returned because of lack of performance. The waiver was approved.
 - (2) The second request was to waive the requirement for treatment of cattle infected with Chorioptes mange by allowing treatment with an effective alternative to the product specified in the regulations. The waiver was approved.
 - (3) The third request was to allow a group of 13 head of beef cattle to be moved from a pasture in New Mexico to a premises in Texas for TB testing upon arrival. These were not sale cattle. This waiver was approved.
 - (4) The fourth request for waiver was to allow the International Boundary and Water Commission – Falcon, Dam to bring approximately 100 truckloads of quarry stone from Mexico to re-surface the face of Falcon dam without treatment of the quarry stone. Fever tick personnel did not believe that fever ticks could survive on quarry stone. The waiver was approved.
 - (5) The fifth request for waiver was to allow beef cows to be transported to a veterinary clinic for AI and return to New Mexico without a TB test. The waiver was approved.

Planned Activities

- Legislative and Budget Hearings
- Fever Tick Activities
- TB Program Activities

- Animal Identification activities
- Participate in industry organization meetings
- Trichomoniasis program implementation and information/education efforts

The motion was made by Commissioner Dyess and seconded by Commissioner Winters to approve the actions of the Executive Director for the period from November 13, 2008 through February 24, 2009. The motion carried unanimously.

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 – 609 breeding animals traced/tested – no infection found
- California now has 4 affected dairies
- 3 Texas dairies tested negative since 1st meeting
- Texas vet TB caudal fold response rate – 2006 - .398%; 2007 - .747%; 2008 - .810% - Average acceptable is 1%

Poultry

- 2 positive backyard flocks for Laryngotracheitis in NE Texas
- Backyard sampling for AI/END in 1st quarter of 2009

Sheep and Goats

- Large flock in West Texas sampled from Kentucky trace flock – results pending
- Surveillance underway for slaughter ewes at San Angelo

Swine

- Swine brucellosis review results pending
- TAHC actively involved with Feral Swine Abatement working group
- Feral boar movements – no problem so far – 7 approved hunting facilities
- 2008 Risk survey and market testing statistics provided as attachment in notebooks

Fever Tick Activities:

- Continue to supply 2-3 inspectors weekly in Rio Grande City – Starr County. Area 5 Office supporting Carrizo Springs office directly
- TAHC routinely handling traces outside of South Texas and treating premises/cattle

Equine

- EIA resolution passed at American Association of Equine Practitioners to fund a focused eradication program that would provide “At-Risk” states like Texas with cooperative funds to finish program through targeted surveillance.
- Equine Herpes Virus (EHV1) working group developing response protocol – TVMDL, Texas Racing Commission
- CEM traces statewide – 3 Stallions; 35 mares

CWD

- CWD rules for elk drafted by working group – ending industry supported legislation for better implementation and enforcement by TAHC

Emergency Management

- Hurricane Ike after action activities:
 1. Met with local jurisdictions and Houston regional responders
 2. Revising local planning templates for shelter and evacuation
 3. Hosted state and industry partners: addressing state, local, area command, public information and donation management issues via working groups.
- Hosted Carcass Disposal meeting with stakeholders
- Hurricane Reimbursement – Dolly - \$13,868; Gustav - \$5,431; Ike- \$120,074 pending
- Homeland Security grant funding – submitted request for FY 2008 (\$200,000)

Speaking Engagements

- Coastal Cattleman's Association – Winnie – Trichomoniasis
- Decatur Livestock Auction w/TCE – Decatur – Trichomoniasis
- Texas Sheep and Goat Raisers mid-winter conference – Fredericksburg – various
- American Association of Equine Practitioners – San Diego – EIA
- Texas A&M College of Veterinary Medicine – College Station – Tuberculosis
- U.S. Composting Council Convention – Houston – Carcass Disposal

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 Dyess gave a report of the Audit Subcommittee meeting held at 8:00 a.m.

The following item was covered:

Internal Audit of Federal Funds Management – Two recommendations were made which will be implemented.

- (1) TAHC will institute controls to ensure compliance with the USDA Notice of Cooperative Agreements by requesting the appropriate approval when cooperative agreement budgets need to be revised or amended.
- (2) The Commission will develop written procedures/guidelines for staff to use for the management of federal funding and operational compliance requirements.

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

Item 6 – Administration/Budget Status Report

Ms. Angela Jenkins, Director of Financial Services presented the Administration/Budget Status Report.

- The first report reviewed was the METHOD OF FINANCING report for FY 2009. The budget was adjusted to reflect the unexpended balance authority of \$145,992.63 carried forward from FY 2008. This was for vehicles not purchased in FY 2008 and IR purchases not made in FY 2008 which has been carried forward to FY 2009. Because the Federal Funds cross two Fiscal Years, unexpended federal money has been moved to FY 2009.
- The second report reviewed was the BUDGET & EXPENDITURES BY DEPARTMENT. As of January 31, 2009, 41.6% of the Fiscal Year has passed. The Agency has expended 36.29% of budget.
- The third report reviewed was BUDGET & EXPENDITURES BY CATEGORY. The majority of the categories are within the 41.6%. We have not yet received confirmation on our 2009 Federal Funds award. These estimates are still based on what we have received in 2008 and spread over the 15 month period.

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

Item 7 – Legislative Report

Mr. Bill Powers presented an update of legislative activities. He also provided the web site for monitoring bills: <http://www.capitol.state.tx.us>

Summary bills presented by Mr. Powers were:

- HB205 - Relating to the applicability of certain city requirements affecting the restraint of certain dogs on annexed or otherwise acquired property used for agricultural operations.
- HB375 - The bill would classify farm elk as livestock under the Agriculture Code.
- HB376 – Relating to the requirement that livestock at auction facilities located in or near a fever tick quarantine area be dipped.
- HB378 – Relating to non-veterinary horse dentistry.
- HB568 – Relating to the slaughter and processing of livestock for use by certain child-care facilities.
- HB836 – Relating to sport hunting of feral hogs by helicopter
- HB1026 – Relating to establishing legislative district emergency response teams
- HB1320 – Relating to creation of offenses relating to cockfighting and to the forfeiture of cockfighting equipment.
- HB1395 – Relating to the offenses of cruelty to livestock animals and cruelty to non-livestock animals
- HB1562 - Relating to the confidentiality of investigation records of the State Board of Veterinary Medical Examiners and clarification of the regulatory authority of the board.
- SB36 – Relating to a program to educate cattle producers about Trichomoniasis
- SB682 – Relating to participation in an animal identification system
- SB973 – Relating to creating a recognition day to celebrate the history and heritage of Texas bison.
- HB1684 - Relating to the creation and administration of the rural veterinarian loan repayment program.

Item 8 – Consideration of and Possible Action on Agency Contracts and Purchases

Mr. Felix Volk, Director of Staff Services, presented the Agency and Contracts Report.

Contracts, Purchases, Leases Greater than \$5000.00 but Less than \$10,000.00 for the period 11/1/2008 through 2/28/2009

- Coveralls, Disposable-Blue Tyvek-Kimberley Clark - \$6,671.52
- Maintenance for 12 PCFIA Screen Machines – TAHC Labs - \$8,000.00

Contracts, Purchases, Leases \$10,000.00 or Greater for the period 11/1/2008 through 2/28/2009

- CoRal Flowable Insecticide Spray/Dip – 1,000 cases - \$771,260.00
- Dectomax Injectable Insecticide – 60 cases - \$31,978.80
- HP ProLiant Servers and support – 4 Servers - \$18,533.04
- MC-70 Ruggedized Enterprise Digital Data Collection Device – 20 - \$54,000.00
- Allflex Stick Reader and replacement batteries – 20 readers & 30 batteries - \$13,123.60
- Dell Laptop Computers – Replacement of outdated laptops – 40 - \$56,000.00

Commissioner Brown moved and Commissioner Baca seconded a motion to approve the Contracts and Purchases requests for the period from November 1, 2008 through February 28, 2009. The motion carried.

Item 9 – Presentation of Awards

The following employees were presented service awards.

- Debbie Metzler 35 Years of Service
- Erlinda Rodela 30 Years of Service
- Rita Vasquez 30 Years of Service
- Dale Preston 20 Years of Service

Item 10 – Consideration of an Agreed Order in the Matter of Alicia Anguiano for Violations of Commission Rules

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

Commissioner Real moved and Commissioner Edmiston seconded a motion to APPROVE the Agreed Order in the matter of Alicia Anguiano resolving violations of Commission rules. The motion carried.

Item 11 - Consideration of an Agreed Order in the Matter of Mauricio Anguiano for Violations of Commission Rules

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

Commissioner Edmiston moved and Commissioner Kezar seconded a motion to APPROVE the Agreed Order in the matter of Mauricio Anguiano resolving violations of Commission rules. The motion carried.

Item 12 - Consideration of an Agreed Order in the Matter of Steve Kemp for Violations of Commission Rules

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

Commissioner Real moved and Commissioner Locke seconded a motion to APPROVE the Agreed Order in the matter of Steve Kemp resolving violations of Commission rules. The motion carried.

Item 13 – Consideration of an Agreed Order in the Matter of Simon Van Der Jagt for Violations of Commission Rules

Mr. Gene Snelson presented the case against Simon Van Der Jagt involving violation of commission rules by transporting dairy animals without officially identifying them prior to movement.

Commissioner Locke moved and Commissioner Jordan seconded a motion to APPROVE the Agreed Order in the matter of Simon Van Der Jagt resolving violations of Commission rules. The motion carried.

Item 14 – Consideration of and Possible Action on Regulation ADOPTIONS Regarding:

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

Commissioner Locke moved and Commissioner Wheelis seconded a motion to APPROVE the creation of Chapter 38, Trichomoniasis, located in the Texas Administrative Code, regarding the Trichomoniasis Control Program to be effective January 1, 2010. The motion carried.

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

Commissioner Winters moved and Commissioner Locke seconded a motion to APPROVE the amendments to Chapter 45, Reportable Diseases, located in the Texas Administrative Code, regarding the addition of Trichomoniasis as a reportable disease to be effective April 1, 2009. The motion carried.

c.) Chapter 51, Entry Requirements

Commissioner Edmiston moved and Commissioner Winters seconded a motion to APPROVE the amendments to Chapter 51, Entry Requirements, located in the Texas Administrative Code, regarding the Trichomoniasis testing requirements for cattle to be effective April 1, 2009. The motion carried.

d.) Chapter 54, Fowl Registration

Commissioner Locke moved and Commissioner Kezar seconded a motion to APPROVE 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 today. The motion carried.

Item 15 – Recognition of Public Comment

Mr. Keith Chapman representing the Livestock Marketing Association provided comments regarding the Trichomoniasis Program.

Mr. Bill Hyman representing the Independent Cattlemen's Association provided comments regarding the Trichomoniasis Program.

Item 16– Set Dates for the 371st Meeting

371st Meeting – June 2, 2009

Item 17 – Item Description

The meeting adjourned at 11:27 a.m.