

**MINUTES OF THE 371st COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
June 2, 2009**

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 William Edmiston, Jr., DVM and Tommy Kezar 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 370th Commission Meeting held on February 24, 2009 was made by Commissioner Jordan and seconded by Commissioner Dyess. The motion carried.

Item 3 – Report of the Executive Director and Approval of Actions for the Period 2/24/2009 through 6/2/2009.

A report describing out of office meetings and trips from February 24, 2009 through June 2, 2009 was provided in the Commissioner's notebooks and was not included in the verbal report.

Fever Ticks

- As of May 28, 2009, there were a total of one-hundred sixty-one (161) premises under an infested quarantine. Sixty-five (65) of these were in the Fever Tick Eradication Quarantine Area (Systematic Area) and ninety-six (96) were in the Free Area or in the formerly Free Area (Blanket Quarantine).
- From October 1, 2008 through May 28, 2009, one-hundred and twenty-one (121) new infested premises were identified. Forty-eight (48) of these premises were in the Systematic Area, thirty-five (35) were in the Blanket Area and the remaining thirty-eight (38) were in the Free Area (outside the Blanket Quarantine Areas). The total infested premises for 2008 was one-hundred thirty-two (132).
- Tick-exposed cattle have been moved to many premises in Texas, as well as to premises in New Mexico, Oklahoma, and Kansas. However, so far, no fever tick infestations have been found outside of South Texas.
- On April 16, 2009, over half (375,000 acres) were released from quarantine from the Maverick, Dimmitt, Webb County Blanket Quarantine Area. This accomplishment is due to the efforts of cattle and wildlife producers who worked diligently with the Tick Force.
- Fever Tick Working Group participants discussed the need for additional surveillance for fever ticks in South Texas. The Working Group recommended:
 1. increased surveillance be conducted in the areas adjacent to quarantine lines;
 2. cattle be voluntarily presented for scratching; and,
 3. inspections be increased at concentration points.This strategy utilizes scarce resources to the most benefit.
- Resources for fever tick efforts remain very tight. The USDA supplemental federal funding of \$4 million provided in January will run out before the calendar year ends. USDA has not identified any additional funding sources. The fever tick appropriation request for fiscal year 2010 is about \$13 million. An additional \$1 million for the biennium was included in the TAHC's 2010 budget for fever tick efforts. A portion of the funding will pay for five additional field staff to complement USDA efforts.

Animal Identification

- The comment period has closed for the USDA proposed rule entitled *Official Animal Identification Numbering Systems*, which would provide standards and definitions for incorporation of premises identification and animal identification numbers into current animal health programs. It is not known whether or not USDA will implement the final rule.
- USDA has conducted several NAIS Listening Sessions across the country and has added another half-dozen. It will likely be weeks after the final session before it is known where USDA plans to go relative to animal identification.
- Two bills (companion bills in the House and Senate) that would have required participation in NAIS to be voluntary in Texas unless mandated by USDA were not approved by the Texas Legislature.
- TAHC continues to register premises for those who choose to voluntarily participate in the program. Through May 18, 2009, 32,896 premises have been registered in Texas. This is approximately 17.6% of the premises in the state.

Tuberculosis

- On May 20, 2009, TAHC received confirmation that *Mycobacterium bovis* had been isolated from tissues collected from a dairy herd in west central Texas. This dairy was declared to be TB infected. A group of calves from the dairy were indemnified and slaughtered and a large number of cows were sold from this dairy to another dairy. Testing of this herd has been initiated, but not completed at this time. Epidemiology and tracing is ongoing to identify other potentially exposed cattle as well as to identify probable disease sources.
- TAHC has been informed by USDA that they do not have sufficient indemnity funds for whole herd depopulation. USDA staff has assured TAHC that sufficient funds are available for removal of reactors under a test and removal strategy. Thus far, funds have been available to indemnify responders and exposed traceout cattle.
- If the infected herd cannot be depopulated, or if a second infected herd is discovered in the state, Texas will lose its free status. TAHC staff will coordinate efforts with USDA staff and epidemiologists to explore options and develop a herd plan to manage the herd and eliminate TB from the herd.
- USDA has conducted TB program listening sessions to gather information for restructuring the TB program. The TAHC has worked with cattle industry organizations to identify risky practices that could result in the spread of TB and strategies that could prevent or significantly reduce the probability for transmission. The United States Association of Animal Health (USAHA) has scheduled a TB strategy session in Denver following the mid-year NCBA meeting (July 20-21, 2009). TAHC Staff will attend this meeting to provide input on the direction of the TB program.

Brucellosis

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

Trichomoniasis

- The Trichomoniasis rules declaring Trich a reportable disease and the rules governing importation of breeding bulls into Texas became effective on April 1, 2009.
- Both TAHC and AgriLife Extension have conducted a number of certification sessions for veterinarians and in conjunction with industry organizations have conducted information and education sessions for cattle producers.
- Response to the Trich program from cattle producers has been overwhelmingly positive. Although the intrastate provisions of the rules do not become effective until January 1, 2010, many producers are testing their bulls.

Contagious Equine Metritis (CEM)

- Since the diagnosis of CEM in Kentucky on December 10, 2008, nationwide a total of 21 stallions and 5 mares have been confirmed by NVSL as positive for *Taylorella equigenitalis*, the causative organism of contagious equine metritis (CEM).
- No individual horse has been identified as the source outbreak, although the first positive stallion detected during this outbreak belongs to a Texas owner and was stabled in Kentucky. A total of 939 exposed horses in 48 states are being traced and tested.
- Horse owners are required to pay a private veterinarian to provide the required services, and to supply two test mares for each exposed stallion.

H1N1 Influenza A Virus

- The name “swine flu” is an inappropriate identifier to apply to the H1N1 Influenza A Virus. It has not spread from swine to people.
- At the initiation of the outbreak, TAHC and other state agencies activated for an emergency response. The agency was prepared to investigate cases of human illness where there were alleged associations with swine. No swine were tested, as there was no alleged human/animal connection in Texas cases.
- USDA is in the process of developing and implementing a swine influenza surveillance plan in an effort to identify swine influenza viruses that are present in the swine populations of the U.S. This information could aid in identifying strains of virus that could impact human health and aid in development of vaccines to prevent or contain swine influenza. USDA has not clearly articulated what will happen if positive swine are identified.
- A clearly stated strategy for surveillance and response must be developed before the swine industry will participate willingly.

Legislative, Budget and Personnel Issues

- As the 81st Regular Session of the Texas Legislature came to a close, legislators did not require funding holdbacks or general reductions in budgets.
- Three of the five exceptional item requests made by TAHC were funded. These include \$1 M for the biennium and five additional personnel for control and elimination of fever ticks; additional funding to cover the increased mileage reimbursement allowance; and Capital budget for vehicles, computers, and other IR replacements.
- Two of the five exceptional item requests were NOT funded. These were funding for salary improvement, and funding to increase first-point testing payment.
- Thanks were expressed to Chairman Morales, Commissioner Winters, and Commissioner Vickers for their support and assistance during this session.
- While the Texas State Legislature did not require a reduction in funding, some TAHC Federal cooperative agreements were reduced. There has been a reduction of approximately \$600,000 in Cooperative funds.
- Dr. Matt Cochran has been appointed to serve as Interim Deputy Director for Administration and Finance. Since the legislative session has concluded and the level of resources available is better known, this position will be posted soon so that the selection process can be completed by the end of the current fiscal year.

Waivers

- There was one request for waiver received since the November Commission meeting. This waiver request was to approve a feral swine holding facility without meeting the double fencing requirements contained in the rules. This request for waiver was denied.

Planned Activities

- Fever Tick Activities
- TB program activities
- Animal Identification activities
- Participate in industry organization meetings

- Trichomoniasis program implementation and information/education efforts
- USAHA attendance in October. Commissioners are invited to attend – up to 6 members.

Commissioner Dyess moved and Commissioner Locke seconded the motion to approve the actions of the Executive Director for the period from February 24, 2009 through June 2, 2009. The motion carried.

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

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

Bovine Tuberculosis

- West Texas dairy with approximately 3,000 head – 5 infested
- 10 Texas dairies were identified to be tested
- 1 dairy trace with 1300 cattle from the index herd – 4,000 total. These results are pending.
- Additional dairies in Oklahoma, Utah, & New Mexico involved
- Herd Plan development was begun this week with USDA and TAHC epidemiologists

Poultry

- Laryngotracheitis surveillance and diagnosis activities – 2 separate locations
- Commercial operations and backyard flocks sampled
- Vaccine strain ultimately isolated in both situations
- All movement restrictions released
- Texas Poultry Federation will develop a working group to focus on LT. TAHC will participate.

Sheep and Goats

- 2 large flocks in West Texas sampled from Kentucky trace flock

Swine

- Swine brucellosis review is complete
- H1N1 Activities:
 1. Participated in daily Emergency Management Conference calls
 2. Worked with Industry to develop contingency response plans
 3. Worked with Industry to disseminate bio-security information
 4. Rumor control – damage mitigation activities

Fever Tick Activities

- Continue to supply inspectors weekly in Rio Grande City – Starr County
- TAHC handling traces outside of S. Texas and treating premises/cattle
- Meeting with USDA to determine utilization of new TAHC funds/FTE's

Equine

- EIA meeting in Louisiana in June to draft future enhanced EIA program parameters
- Contagious Equine Metritis (CEM) – National Summary
 - 272 stallions – 21 positive
 - 667 mares – 5 positive
- CEM traces – Texas
 - 14 stallions – 1 positive treated, 13 tests in progress
 - 35 mares – 31 complete, 4 pending

Cervid

- CWD working group to reconvene following recent elk surveillance legislation
- Texas Parks & Wildlife requesting general working group on cervid diseases

Trichomoniasis

- Interstate movement requirements in place as of April 1, 2009.
- Education Program in place- ongoing collaboration with TVMDL on reporting and diagnostic details
- Texas Veterinarians certified for collection – approximately 300 to date
- Agency staff working on creation of test charts, virgin certificates, etc.
- Commissioner Winters praised the Trichomoniasis Education Program. He specifically wanted to thank Carla and staff for their excellent educational efforts. He also expressed appreciation to Commissioner Jordan and those he represents who have opened their facilities and encouraged participation. Commissioner Winters further expressed appreciation to Chairman Morales and TAHC staff for promoting the implementation of this program and making the transition seamless.

Emergency Management

- Met with Chief Jack Colley of Governor's Division of Emergency Management
- Animal in Disaster planning process continues
- TAHC staff participated in response to the Montague/Jack County fires
- Hurricane Ike reimbursement process continues with TSCRA and TxSART
- Commissioner Winters urged TAHC staff to keep the Live Bird Markets in mind in the Emergency Management process when monitoring the spread of disease. (Movement agreements, MOU's, etc.). He urged concentration of efforts in this area.
- Commissioner Vickers asked if money is available for reimbursement of food costs for veterinarians who have listed their facilities as available for use in an emergency response situation. Dr. Ellis responded that TAHC would work with them to apply for any funds available through the Emergency Management process.

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 minutes were approved from the February 24, 2009, Audit Subcommittee meeting. The following item was covered:

Audit of Governmental/Industry Relations – The Governmental/Industry Relations section is a one person operation who reports directly to the Executive Director. The Governmental/Industry Relations position serves as the liaison between the Commission and other governmental agencies and the industry it regulates.

There were no deficiencies in the process detected that are significant to the objectives of this engagement. One recommendation was made to enhance documentation of workload and deliverables pertaining to governmental and industry relations.

Commissioner Dyess commended Mr. Bill Powers on a job well done.

There was no public comment and the meeting adjourned.

Commissioner Jordon 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 as of April 30, 2009. This report had not changed since the last Commission Meeting.
- The next report reviewed was the BUDGET & EXPENDITURES BY CATEGORY through April 30, 2009. We have completed 66% of the budget year. The majority of the categories are within that 66% with a total of 60.96% of the budget expended. The rental and leases expenditure category was above 66% because these amounts are paid one month in advance.
- The BUDGET & EXPENDITURES BY DEPARTMENT was included in the Commission Books providing more detailed information.

Commissioner Real moved and Commissioner Winters 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. Mr. Powers expressed appreciation to the Commissioners and the Industry representatives for their assistance during the legislative session. Legislative actions included:

- For most retirement changes, the legislature “grandfathered” all current employees.
- Retirement contributions made by all state employees will increase from 6% up to a maximum of 6.5% effective 9/1/09.
- Employees making less than \$100,000 per year will receive a one-time \$800 bonus on 8/31/09.
- HB 205 – Agriculture operated property annexed by the city is exempt from the leash laws.
- A law was passed that did away with the office of “Inspector and Hides”.
- HB 375 – by Sid Miller – reclassified elk & elk hybrids as livestock.
- HB 1684 – by Brown – Creates a rural Veterinary Loan Repayment Program for college loans for veterinarians that practice on large animals and deer in rural Texas.
- HB 2765 – by Anderson – Gives authority to veterinarians to fill certain prescriptions in an emergency.
- HB 3330 – Elk Surveillance Program. This program affects our Agency to the extent that TAHC will be part of a Working Group to implement the program.
- TAHC requested a change in the Reportable Diseases List to add Trichomoniasis, EVA, and EVH1.
- HCR 120 – Representative Guillen – This resolution makes eradication of Fever Ticks in South Texas a priority and requests appropriate resources.
- SB 948 – by Estes – Added Deer Breeders to the list of those approved to participate in the programs of the Texas Agriculture Finance Authority.
- SB 1163 – by Seliger – increased the penalties for theft of livestock, exotic livestock, exotic fowl.
- SB 1586 – Texas Parks and Wildlife must develop a data base program to provide reporting of deer breeding information to both TPWL and TAHC.
- SB 1693 –Ogden – Regulations of poultry litter and poultry facilities.
- SB 1806 – Zaffirini – Allows lien of veterinary care charges for large animals after the 20th day of treatment.
- **Bills NOT passed:** Horse Dentistry; Sport hunting of feral hogs from helicopters; offenses regarding cock fighting. Also not passed were HB 3322 and SB 682 regarding Animal ID; Merger of Texas Animal Health Commission and Texas Department of Agriculture; and bill on Imminent Domain.
- Possible Special Session to address the 5 agencies not continued by the Senate under a two year Sunset Bill. There will be a press release by the Governor today.

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 \$5,000 but less than \$10,000 for the period from 2/01/09 through 5/31/2009

- Disposable coveralls – 111 cases - \$8,325.00
- Training – My SQL for Database Administrators – 2 attendees - \$8,096.40

Contracts, Purchases, Leases - \$10,000 or Greater for the period 2/01/09 through 5/31/09

- Livestock Trailers – 2 = \$12,000
- Portable Livestock Corrals, Towable, Galvanized, X-Large – 2 = \$32,000
- 2-Way hand held Narrowband VHF analog & digital radios and related equipment – 33 = \$50,000
- P.C.F.I.A. – Brucella abortus Anti-body Test Kits – 50 = \$116,160.00
- Co-Ral Insecticide – 13 cases - \$10,026.88
- Trucks, ¾ Ton, Crew Cab Pickups – 4 = \$88,324.96
- TVMA/TXSART Contract extension to 11/30/2009 = \$20,000
- Oversized Equipment Storage Facility - \$30,000 - 5 year lease

Commissioner Locke moved and Commissioner Baca seconded a motion to APPROVE the Contracts and Purchases for the period from February 1, 2009 through May 31, 2009. The motion carried.

Item 9 – Consideration of an Agreed Order in the matter of Roy Hankins for violations of Commission Rules.

Mr. Gene Snelson presented the case against Mr. Roy Hankins involving violation of Commission rules requiring identification of all dairy cattle being transported within Texas.

Commissioner Jordan moved and Commissioner Locke seconded the motion to APPROVE the Agreed Order in the matter of Roy Hankins resolving violations of Commission Rules. The motion carried.

Item 10 – Consideration of and Possible Action on Regulation PROPOSALS regarding:**a.) Chapter 45, Reportable Disease, regarding adding reportable diseases and modifications.**

Commissioner Locke moved and Commissioner Winters seconded the motion to PROPOSE the amendments to Chapter 45, Reportable Diseases, located in Volume 4 of the Administrative Code, as discussed today. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a thirty day comment period. The motion carried.

b.) Chapter 51, Entry Requirements regarding entry permits and/or tests for Trichomoniasis and Tuberculosis for cattle.

Commissioner Winters moved and Commissioner Locke seconded the motion to PROPOSE amendments to Chapter 51, Entry Requirements, located in Volume 4 of the Texas Administrative Code, as discussed today. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a thirty day comment period. The motion carried.

Item 11 – Recognition of Public Comment

There was no Public Comment

Item 12 – Set the date for the 372nd Meeting

The date for the 372nd Commission Meeting was set for September 15, 2009

Item 13 – Adjourn

The meeting adjourned at 10:35 a.m.