

**MINUTES OF THE 372nd COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
September 15, 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.

Commissioners William Edmiston, Mark Wheelis, 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 371st Commission Meeting held on June 2, 2009 was made by Commissioner Brown and seconded by Commissioner Simmons. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the Period 6/2/09 through 9/15/09.

A report describing out-of-office meetings and trips from June 2, 2009 through September 15, 2009 was provided in the Commissioner's notebooks and was not included in the verbal report.

Introductions:

Dr. Hillman expressed congratulations to our returning Commissioners Coleman Locke and Ralph Simmons upon their reappointment to the Commission for another term. He also welcomed our new Commissioner Beau White representing the General Public.

Dr. Hillman also introduced the new Texas Area Veterinarian in Charge for USDA – Dr. Kevin Varner.

Fever Ticks

- The following statistics summarize the current fever tick activity:
145 NEW infestations identified for Federal FY2009 as of September 15, 2009
157 premises under previously existing quarantines (these premises are quarantined a minimum of nine months)
94 premises EXPOSED to fever ticks
498 premises are adjacent to quarantined premises
739 premises are currently quarantined due to fever ticks, a record number since the Alice fever tick outbreak in the 1970's.
- Cattle that were moved from a tick infested ranch were traced, inspected and treated. Tick-infested cattle have not been found outside of South Texas, but exposed cattle have been moved across Texas and to sites in New Mexico, Oklahoma and Kansas.
- In a meeting with Agriculture Commissioner Staples, representatives of cattle buyers, stocker operators and feeders, participants requested that TAHC initiate scratching and dipping of cattle moved through the seven southernmost livestock markets and cattle moved from the area that are not sold through the markets. These industry leaders recognize that the agency currently does not have the resources to fulfill this request and are committed to helping acquire them. As a result of these concerns, TAHC charged the vat at Uvalde and initiated dipping cattle upon request at that market. Most of the cattle sold through RY market are being scratched and dipped and some cattle are being scratched and dipped through the public vats. These activities address part of the risk for movement of cattle from the area, but still leave significant gaps.

- Since the last Commission meeting, TAHC staff have participated in a number of producer meetings to report on the fever tick situation, including participation in a cross-border strategic planning session with USDA, SAGARPA, state animal health officials from the Mexican border states and state animal health officials from California and New Mexico. Topics that were discussed included situation reports from the states, management of fever ticks on wildlife, management of Acaracide resistance in Mexico and the U.S., mechanisms for sharing of information, and the need for a Fever Tick Eradication Zone along the Mexican side of the Rio Grande.
- TAHC is in the process of filling four of the five fever tick positions provided in our new budget. Additionally, the USDA has provided cooperative agreement funding for five temporary fever tick positions in the Carrizo Springs area. This agreement will allow the agencies to sustain the number of personnel needed in this area to complete the fever tick eradication effort.

Animal Identification

The national picture on animal identification and NAIS continues to be unclear. It is uncertain which direction USDA will take next. The comment period has closed on the proposed rule published by USDA in the spring. There is no indication whether or not USDA will implement this rule which would require identification of livestock to a premises prior to movement. Sheep and goats are identified under the Scrapie program. A requirement for identification of dairy cattle has been implemented because of tuberculosis concerns. However, beef cattle are not being identified, except for breeding cattle which are identified at the time of first-point testing. First-point testing will be discontinued at some point in the near future. It is important that TAHC and our livestock industries work together to develop and implement an animal identification for Texas livestock.

Tuberculosis

- A herd plan for managing the infected dairy in West Texas has been implemented and surveillance of wildlife is underway. The plan outlines the testing schedule, handling of test positive animals, management to reduce potential for disease spread within the herd, management of calves and removal of animals from the herd. Identification and testing of potential source herds is ongoing as is tracing of animals which were sold from the herd and testing of recipient herds. To date, no additional infected cattle herds or infected wildlife have been detected.
- The National Bovine Tuberculosis program standards provides that Free Status be removed from a state if all tracing and testing of trace-in and trace-out cattle and herds have not been completed within ninety days following disclosure of an infected herd. A 90-day extension of the “free” status was requested and granted by the USDA in August; another extension may be needed, as the TAHC completes its epidemiological investigation and testing of cattle traced to and from the infected herd.
- The USAHA hosted a TB strategy session in Denver following the mid-year NCBA meeting. TAHC staff members, commissioners and industry members provided comments, input and recommendations. These comments included recommendations relative to state status and recommendations that TAHC developed with our cattle industries relative to identification and management of risky practices. USAHA officers and staff are compiling a report of the Denver meeting and will present the recommendations during the annual USAHA meeting at San Diego in October.

Brucellosis

- In the 18 months that Texas has been cattle Brucellosis-free, no infected herds have been detected. If no infection is detected during the next six months, first-point testing of cattle may be stopped. (Texas will be classified as a high-risk state for cattle Brucellosis for an additional three years, and some states still may require import testing for Texas cattle.) Brucellosis surveillance at slaughter will continue for years to come. Some states will likely continue to require testing of Texas cattle as a condition for importation.

- A working group will likely be established to evaluate our brucellosis program situation and make recommendations for the industry and Commission before the end of the year.

Trichomoniasis

- Trichomoniasis (Trich) program presentations continue to be conducted at local and area producer meetings hosted by AgriLife Extension, Farm Bureau, ICA, TSCRA, TVMA and Texas LMA. Additionally, TAHC Area Office staff is conducting the required certification sessions for our veterinary practitioners. The adoption of the proposed amendments to entry requirements for bulls imported into Texas from other countries was presented under Item 10 of the Commission Agenda.

Contagious Equine Metritis (CEM)

- Some work remains to be completed. So far no additional infection has been found in Texas. Dr. Schwartz provided an update in his report.

H1N1 Influenza A Virus

- TAHC along with many other state agencies are on alert for an emergency response, should the need arise. The State Emergency Operations Center has maintained alert status and initiated conference calls with responders at the start of the new school year in anticipation of increased cases of Novel H1N1 cases. TAHC is prepared to investigate cases of human illness where there was alleged association with swine. To this point, there is no indication that swine are the source of human infection.
- USDA working in conjunction with state animal health officials and the swine industry has developed a swine influenza surveillance and response plan for response to cases of Novel H1N1 in swine. The plan is to monitor herds confirmed infected until the virus has run its course in the herd.

Legislative, Budget and Personnel Issues

- The legislature made several changes in job classifications that affect our agency. These changes required upgrades in several job classes within the agency. It has been necessary for the agency to carefully scrub our budget and leave increases for those positions we were required to upgrade as well as those needing an equity adjustment.
- Dr. Matt Cochran has been chosen to fill the position of Director of Administration and Finance while continuing some of his duties as Emergency Management veterinarian.
- Ms. Angela Jenkins resigned as Director of Finance to take a position with another agency. Ms. Debbie Metzler has been appointed as Interim Director until the position is posted and filled.
- Following the June Commission Meeting, it was necessary to order 8 Gamma Interferon TB test kits which were purchased with cooperative agreement funds. In late July, the Agency made an emergency purchase of 45 cases of Dectomax injectable insecticide resulting from the continued increase in the number of fever tick infested premises. This purchase was made using cooperative agreement funds.
- Over a number of months agency staff have been evaluating workload, estimating future needs and evaluating anticipated areas of increased activities. As a result, the staff is recommending the closing of the Area 2 office in Crockett when its lease expires at the end of June 2010, the closing of the Area 8 Hallettsville office not later than its lease expiration at the end of 2011 and consolidating Areas 2 and 8 into a new Area Office located in the vicinity of Ft. Bend, Waller County or northwestern Harris County – at a location to be determined. This change would enhance the ability to coordinate emergency responses to natural disasters on the Gulf Coast and would address the changing needs in Areas 2 and 8 resulting from the reduction in brucellosis program activities. The TAHC staff requested Commissioners comments or concerns regarding this issue and asked their concurrence if they are to move forward.

Waivers

There were three (3) requests for waiver received by the Executive Director since the June Meeting:

- (1) Request from a veterinarian to waive the Trichomoniasis testing and certification requirements for imported bulls to allow an out-of-state client to bring his bulls to the clinic in Texas to test the bulls for Trich for export to Mexico. This waiver was granted.
- (2) Request to allow reindeer to be tested once in the state of origin and be transported to Texas for the second required TB test at destination. This request was denied.
- (3) Request to waive the requirements that carcasses of animals that die from Anthrax infection be burned. The origin of the request is within the Anthrax endemic area of the state. This request was made because of the extreme fire danger that existed on the affected premises as well as terrain so rugged that carcasses could not be safely collected and moved to a safe burning location. This waiver was granted.

Planned Activities

- Fever Tick activities
- TB program activities
- Participate in industry organization meetings
- Trichomoniasis program implementation and information/education efforts
- USAHA Annual Meeting

Commissioner Locke moved and Commissioner Simmons seconded the motion to approve the actions of the Executive Director for the period from June 2, 2009 through September 15, 2009. The motion carried.

Item 4 – Presentation of Animal Health Programs Activities Update, Specific Disease Response Activities And Epidemiological Actions Report.

Dr. Andy Schwartz, State Epidemiologist provided the following report for Dr. Dee Ellis who was away from the office at a training class.

Bovine Tuberculosis

- West Texas Dairy – approximately 3,000 head, 6 infected (3 out-of-state origin). The Herd Plan calls for 6 negative tests over 3 years and 4 months minimum. There are 4,476 exposed cows, heifers, and bull calves being traced to Texas and 11 other states. The herd tests so far in Texas include 22,000 head in 17 dairies. Animals will be traced rather than testing the entire dairy. It is anticipated these traces will be completed by the November deadline.
- Wildlife Surveillance is underway. Thirty-four (34) animals have been sampled to date. This surveillance is expected to be completed this winter. This is a joint effort with TAHC, TPWD, TAMU, USDA-WS, USDA-VS.

Poultry

- Two backyard flocks with LT positive birds remain under restriction
- TAHC has met with poultry industry to consider entry requirements, record keeping, and LT response.

Sheep and Goats

- The most recent scrapie positive animal found in Texas was in April, 2008. No flocks are currently under investigation.
- Two major sites in Texas are collecting samples for slaughter surveillance, plus some from DSHS meat inspectors.

Swine

- Dr. Ellis is on a national task force with other states, industry, and USDA that is drawing up a plan of action on H1N1. There will be follow-up calls with Texas Pork Partners to solidify our response.

Fever Tick Activities

- We are posting and filling 5 tick inspector positions under new TAHC funds.
- TAHC continues to supply 2-3 inspectors weekly until new personnel are on board
- Out-of-state traces continue.

Equine

- Contagious Equine Metritis (CEM) – National Summary
273 stallions – 22 positive
715 mares – 5 positive
- CEM traces statewide
14 stallions – 1 positive treated, 9 declared negative, 4 in testing protocol
35 mares – 34 declared negative, 1 in testing protocol

Cervid

- CWD working group continued development of requirements for CWD surveillance in elk

Trichomoniasis

- Staff are preparing permits, etc., in anticipation of change in entry requirements
- Texas vets certified for collection – approximately 543 to date.

Brucellosis

- No Brucella Abortus since 2005
- More Brucella Suis in cattle – Texas & Florida – 50% of feral hogs

Program Disease Progress Report

The Program Disease Progress Report was included in the Commissioners' Notebooks. This report provides statistics regarding:

- Cattle Brucellosis
- Indemnity/Diagnostic Purchases
- Ticks
- Bovine Tuberculosis
- EIA
- Swine
- Scrapie
- CWD Activities through August 2009
- 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 June 2, 2009 Audit Subcommittee meeting.
- Five (5) bids were received for the Internal Audit function. The current contract with the firm of Monday N. Rufus, P.C. has expired. Evaluations will be conducted and a recommendation for an Internal Auditor will be submitted at the December Audit Subcommittee Meeting.
- The Audit of Field Operations, Market Contracts, and Inspections was presented. There were no recommendations for improvement.
- The Audit of Consumable Supplies was presented. One recommendation for improvement was noted. *To make efficient use of available storage space for*

consumable supplies, appropriate arrangements should be made to get rid of surplus property which is not being used by the Commission. Additionally, appropriate steps should be taken to avoid the risk of weather related damage to consumable supplies.

- The Follow-up Audit for the Area 2 Office in Crockett was presented. Three of the four recommendations made from the original audit have been accomplished. Satisfactory explanation was provided regarding the fourth recommendation.

Commissioner Simmons moved and Commissioner Winters seconded a motion to APPROVE the Audit Subcommittee Report as presented today. The motion carried.

Item 6 – Administration/Budget Status Report

Dr. Matt Cochran, Deputy Director of Finance and Administration, presented the Administration/Budget Status Report.

- The first report reviewed was the METHOD OF FINANCING report for FY 2009 as of July 31, 2009. The adjustment increases in the budget are reflective of money granted for technology refresh and fever tick equipments.
- The second report was the Budget & Expenditures by Category. The expenditure of the budget as of July 31, 2009, indicates 86.70% of budget expended.
- Some revisions have been made in the categories listed in the Method of Finance Report to more appropriately assign costs to category.

Commissioner Dyess moved and Commissioner Locke seconded a motion to APPROVE the FY 2010 Operating Budget as presented today. The motion carried.

Item 7 – Consideration of and possible Action on Agency Contracts and Purchases.

Mr. Felix Volk, Director of Staff Services presented the Agency Contracts and Purchases report. Contracts, Purchases, Leases Greater than \$5,000 but less than \$10,000 for the Period: 6-01-09 through 8-31-09.

- Email Bundle/Anti-Spam & Virus/Virus Filter/Technical Support - \$9,905.00
- 120 Cases of Pipette Tips - \$9,720.00
- 3 Gamma TB Kits - \$8,790.00
- 2 Commercial Refrigerators - \$6,101.00
- Vehicle Liability Insurance – TAHC Fleet Vehicles – 12 months - \$9,632.00
- Audio Conference Service - \$7,000

Contracts, Purchases, Leases \$10,000 or Greater for the Period: 6-30-09 through 8-31-09

- 8 Gamma TB Kits - \$22,800.00
- 45 Gamma TB Kits - \$132,075.00
- 45 Cases of Dectomax - \$23,984.00
- 4 – TAIT Mobile Radios - \$10,159.88
- Telecom Services through TEX-AN Network – 12 Months - \$90,000.00
- Overnight, 2nd day & Small Parcel Ground Delivery – 12 months - \$25,000.00 – UPS – Supplies & Health Certificates – South Texas
- Overnight, 2nd day & Small Parcel Ground Delivery – 12 months - \$50,000.00 – LoneStar Overnight – Supplies & Health Certificates – All areas except South Texas
- Overnight, 2nd day & Small Parcel Ground Delivery - \$25,000 – UPS – Diagnostic Laboratories
- Co-Ral Insecticide – 1800 Cases - \$1,388,268.00
- Internal Auditing Service – Not to Exceed \$35,000

Commissioner Locke moved and Commissioner Jordan seconded a motion to APPROVE the Contracts and Purchases requests for the period from June 1, 2009 through August 31, 2009. The motion carried.

Item 8 – Consideration of an Agreed Order in the Matter of Nathan York for Violations of Commission Rules.

Mr. Gene Snelson presented the case against Mr. Nathan York for violating rules of the Commission by transporting dairy animals without officially identifying them prior to movement.

Commissioner Real moved and Commissioner Winters seconded a motion to APPROVE the Agreed Order in the matter of Nathan York resolving violations of Commission Rules. The motion carried.

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

(a.) Chapter 40, Chronic Wasting Disease, regarding adding CWD surveillance requirements for elk being transported within this state.

Commissioner Winters moved and Commissioners Locke and Vickers seconded a motion to PROPOSE the amendments to Chapter 40, Chronic Wasting Disease, located in Title 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.

(b.) Chapter 51, Entry Requirements. Regarding entry requirements for camelids.

Commissioner Winters moved and Commissioner Brown seconded a motion to PROPOSE amendments to Chapter 51, Entry Requirements located in Title 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 10 – Consideration of and possible action on regulation ADOPTIONS regarding:

(a.) Chapter 45, Reportable Disease, regarding adding reportable diseases and modifications. Commissioner Jordan moved and Commissioner Locke seconded a motion to ADOPT the amendments to Chapter 45, Reportable Diseases, located in Title 4 of the Texas Administrative Code, as discussed today. The motion carried.

(b.) Chapter 51, Entry Requirements regarding entry permits and/or tests for Trichomoniasis and Tuberculosis for cattle. Commissioner Dyess moved and Commissioner Locke seconded a motion to ADOPT amendments to Chapter 51, Entry Requirements, located in Title 4 of the Texas Administrative Code, as discussed today. The motion carried.

Item 11: Public Comment

Mr. Warren Bluntzer representing the wildlife industry provided comments on the CWD Rule Proposal.

Item 12: Set Date for the 373rd Meeting

Next Commission Meeting set for December 8, 2009.

Item 13: Announcement by Dr. Bob Hillman

Dr. Hillman announced his retirement to be effective December 31, 2009.

Item 14:

The meeting adjourned.