

**MINUTES OF THE 375th COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
March 23, 2010**

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.

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

Commissioners Reta Dyess, Tommy Kezar, and Richard Winters were not present.

Item 2 - Approval of Minutes

Commissioner Locke requested the minutes be amended to indicate that all commissioners were present at the December 8, 2009 meeting. This revision was made.

A motion to APPROVE the minutes as amended of the 374th Commission Meeting held on December 8, 2009, was made by Commissioner Locke and seconded by Commissioner Brown. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the Period 1/1/2010 through 3/23/2010.

A report describing out-of-office meetings and trips from January 1, 2010 through March 23, 2010 was provided in the Commission notebooks and was not included in the verbal presentation.

State of the Agency:

- The agency has been organized to function under the direction of three (3) assistant positions:
 - (a) Assistant Executive Director, State Epidemiology and Laboratories (In the absence of the Executive Director, this position will function as Acting Executive Director unless otherwise communicated.)
 - (b) Assistant Executive Director, Animal Health Programs
 - (c) Assistant Executive Director, Administration and Emergency Management
- The 5% reduction plan for FY 2010 – 2011 has been completed and submitted. It is available for viewing on the TAHC website at <http://www.tahc.state.tx.us>. TAHC has taken four primary actions to achieve the required reduction:
 - (a) Merging of 2 area offices
 - (b) Changes in lab protocol
 - (c) Hiring freeze/slow down
 - (d) Travel reduction
- There has been an approximate 12.6% reduction in USDA cooperative agreements this year. As a result, USDA/APHIS/VS and TAHC plan to work closely together to develop long-range budgets.
- The Agency Strategic Plan is due for submission to the Governor's Office of Budget, Planning and Policy (GOBPP) and the Legislative Budget Board (LBB) on June 18, 2010. The Strategic Plan will be presented to the Commissioners at their meeting on June 15, 2010 prior to submission. An external stakeholder survey will be distributed in April to obtain customer feedback.
- Dr. Ellis will be presenting testimony at the House Agriculture and Livestock Committee for interim hearings relative to Feral Swine on March 24, 2010.

- As part of the transition of merging Areas 2 and 8, the Area 2 Office in Crockett will close upon expiration of its lease space on May 31, 2010. The Area 8 Office in Hallettsville will remain open until the new office space for the combined areas is ready for occupancy. Dr. Mark Michalke will lead the transition until the permanent Area Director position is filled.

animal disease traceability (formerly NAIS):

- USDA announced a new framework:
 - a) Animals moving interstate must have an official ID. States will be in charge of this identification process. Low-cost technology is encouraged. The proposed rule will be posted for comment in the Federal Register prior to full rule implementation which is anticipated at the end of the year.
 - b) USDA will maintain funding for the infrastructure in states and will provide database administrator software if it is desired. The states will control the data.
 - c) Traceability will be the key and the identification system will be evaluated with performance standards. The “bookend approach” (first: tagging of the animal when first moved and last: reading the identification at the final destination) is the acceptable minimum standard. If livestock cross a state line, they must be identified.
 - d) Species specific industry working groups will convene.
 - e) The National Assembly of State Animal Health Officials has created a template which includes:
 1. Performance Standards
 2. Evaluation of Capability
 3. Compliance (status, consistent, etc.)

Brucellosis

A Brucellosis Transition Working Group made up of stakeholder participants and agency staff met to discuss the importance of brucellosis testing. The working group identified four reasons why testing was important:

- a) Surveillance
- b) Traceability
- c) Marketability
- d) Maintain veterinarian presence at the salebarn.

This group deliberated on possible solutions for brucellosis surveillance. Based on discussions of this group, a PROPOSED rule was submitted to the Commissioners later in the meeting which proposed continued testing contingent upon availability of funds with a minimum of two months notification period should brucellosis testing cease.

Bovine Tuberculosis

- Texas has tested over 50,000 head of cattle for TB as a result a single infected herd in West Texas. A herd plan that has been developed and implemented remains on target for the infected dairy. Texas is not in jeopardy of losing its TB “Free Status” due to an anticipated USDA/VS memo which will suspend USDA rules regarding the TB status of states.
- Multi-year funding/budget has been requested for tuberculosis from USDA.

Trichomoniasis

- The intrastate program which began on January 1, 2010, is working well. There have been some minor adjustments made during the implementation period:
 - a) Cutter bulls can temporarily move to feedyards
 - b) Exotic animals are waived

- The Trichomoniasis Working Group will convene in May to consider needed changes:
 - a) Pooled Samples
 - b) Virgin Certificates – Length of time for validity
 - c) Adjacent testing/notification
 - d) and a number of other suggestions
- A “Certified Free Herd” rule was PROPOSED later in the meeting

Poultry

In January, there was non-H5 or H7 Avian influenza found in live bird market suppliers. As a result, a meeting with the poultry industry was held where rules and possible statutory changes were identified. TAHC is in the process of evaluating its internal processes as well.

Piroplasmiasis

- The Texas Piroplasmiasis Working Group met to discuss the piroplasmiasis situation. As a result of discussion by this group, a rule PROPOSAL was submitted later in the Commission Meeting regarding identification of positive horses.
- Dr. Andy Schwartz is a participant on the National Piroplasmiasis Working Group. This group is currently developing a Guidance Document for the handling of equine piroplasmiasis. Protocols submitted by Texas are being used in this development process.
- TVMDL will soon be approved to test for piroplasmiasis.
- Two concurrent situations exist in Texas:
 - a) South Texas Ranch
 - (1) Epidemiological investigation continues
 - (2) Situation appears to be stabilizing
 - (3) Working with other state animal health agencies to reconsider entry rules for Texas horses
 - b) Texas Race Horse Industry
 - (1) Not just a Texas issue
 - (2) Racing industry will deliberate on timing
 - (3) TAHC can provide protocol to allow competition if event organizers wish

Fever Tick Activities

- Only 9 of 45 infestations in FY10 are in the free area.
- USDA/VS and TAHC have had preliminary discussions about changes to herd management – herd plans, epidemiological investigations, mapping utilization, biologist involvement, and safety for tick riders. An epidemiologist has been added to the management structure by USDA.
- The Cuban vaccine – GAVAC has arrived and is being evaluated by USDA for use later in 2010.
- Efforts continue to obtain MUMS approval with FDA for Ivomec treated molasses. Deer feeding with Ivomec corn has resumed. USDA is using a larger scale bulk feeding process.
- Carrizo blanket quarantine may be lifted later this year.
- Wildlife is still an issue – 23 of 24 recent infestations in Zapata county were due to deer.
- The Stakeholder Fever Tick Working Group will reconvene this year.

Cervids:

TAHC continues to work on incorporating TAHC and TP&W databases for ease of coordination between agencies.

Emergency Management

- The Animal Response Plan which involved partnering with stakeholders including TDA, Agrilife Extension, TXSART, TSCRA, ICA, USDA, etc., is complete.
- TAHC is working with TAMU/CVM to create an animal response triage team – funding from GDEM - \$271,000 – some pass through, some for TAHC.
- TAHC staff is working with Texas dairy industry on critical infrastructure assessment.
- Texas cattle feeder industry received DHS funds for initiative that focuses on local response efforts.

Waivers

- Trich test waiver – bulls returned to herd of origin pending test
- Trich test waiver – bull in transit allowed to enter with test pending

Commissioner Chuck Real moved and Commissioner Mark Wheelis seconded the motion to APPROVE the actions of the Executive Director for the period from January 1, 2010 through March 23, 2010. The motion carried.

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

Dr. Andy Schwartz, Assistant Executive Director of Epidemiology and Laboratories and Acting Assistant Executive Director of Animal Health Programs provided the following report.

Brucellosis

- The Brucellosis Transition Working Group met in November and via teleconference in early March.
- Swine Brucellosis continues to be a problem. There is no serologic test to distinguish from B. abortus

Bovine Tuberculosis

- A Texas dairy was disclosed as TB affected on May 20, 2009. The herd has sold down from 3000 head to 1200 head. We did not lose “Free Status”.
- 7 lesioned animals found, 3 from out of state
- Tested so far in Texas: 47,500. In 34 dairies
- Tests pending in Texas: 27,000 hd. in 10 dairies.
- Another large Texas dairy received 1300 animals prior to infection being disclosed, and is being tested on the same herd plan as the index herd.
- Wildlife surveillance initiated in August will continued this winter.

Trichomoniasis

- Intrastate program regulations began January 1, 2010. The program has gone extremely well. Cutter bull issue resolved by setting up approved facilities to handle bulls destined for feeding.
- Pooled samples and other issues will be addressed by the Trichomoniasis Working Group which will meet in May.
- Western States are working toward conformity.

Poultry

- In November 2009, routine surveillance samples collected from a commercial duck operation in the Live Bird Market System tested positive for a non-reportable strain of avian influenza.

- Subsequent tracing and testing found influenza positive birds in an additional supplier flock and three live bird markets. Markets sold inventory and were cleaned and disinfected. Supplier flocks were depopulated.
- Meetings are scheduled with Texas commercial poultry industry to improve future response capabilities through changes in policy, rules, and statutory authority.

Sheep and Goats

- Most recent scrapie positive animal in Texas was found in April, 2008.
- USDA-APHIS-VS set the national goal for surveillance at 46,000 traceable, mature sheep or goats. Target for Texas is 1,472.
- The Scrapie Program Review is being scheduled for this summer. No problems expected.

Swine

- Novel H1N1 positive swine in other states almost a non-issue, which is a testament to the success of the pork industry's planning.
- Data being gathered for annual Swine Brucellosis report. Surveillance numbers are up, and a Program review will be requested for possible free status.

Cervids

- In response to SB 1586, TAHC has been and continues working with TPWD to develop a shared deer breeder database and a system requiring breeders to do only one inventory per year.
- 130+ vets attended deer medicine continuing education session in February.

Equine

- Contagious Equine Metritis: Nationally, a total of 22 stallions and 5 mares were found to be infected. An additional 967 horses were tested as exposed. All states were involved except Hawaii and Rhode Island.
- In Texas, testing has been completed on 13 of 14 involved stallions and 34 of 35 mares.
- Piroplasmosis: A report was given under Agenda Item 6.

Fever Tick Activities

- Number of newly infested herds on the decrease, and number of infested and adjacent herds now back to levels seen one year ago.

Program Disease Progress Report

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

- Cattle Brucellosis
- Indemnity/Diagnostic Purchases
- Ticks
- Bovine Tuberculosis
- EIA
- Swine
- Scrapie
- CWD Activities
- Poultry

Item 5 – Discussion of Fever Tick Program

Dr. Dee Ellis introduced Dr. Kevin Varner, Area Veterinarian-in-Charge of USDA/APHIS/Vs – Texas. Dr. Varner presented information regarding his perspective on the Fever Tick Program which is under the authority of USDA. TAHC staff work in coordination with the USDA Tick Force.

Dr. Varner expressed his appreciation to the TAHC Commissioners, Dr. Ellis, Dr. Hillman and the Texas cattle industry for their support of the Fever Tick Program.

The Fever Tick Strategic Plan was begun in 2006. Funding for this program will be used for:

- Equipment – Replacing tractors, trucks, trailers
- Deer Feeding Program – Obtaining equipment for bulk feeding. Determine steps for the deer feeding program and methods of measuring the results.
- Epidemiologists –Ongoing review of every infested pasture and provide recommendation for actions to be taken. Quarterly reports and meetings to determine what is working and what is not working.
- Increase the Information Technology capabilities – Mapping, data bases, etc.

Safety Issues on the Border

- Fever Tick Riders go in pairs
- Satellite Tracking Devices on employees

Item 6 – Discussion of Piroplasmiasis in Equine

Dr. Andy Schwartz, Assistant Executive Director of Epidemiology and Laboratories and Acting Assistant Executive Director of Animal Health Programs provided the following report.

- **Equine Piroplasmiasis situation in South Texas.**
 - Index Ranch:**
 - Initial positive mare diagnosed as *Theileria equii* positive by local practitioner in October 2009.
 - Investigation initiated. Testing of all ranch horses found 288/360 positive, from all divisions.
 - Original source of infection not identified.
 - Trace outs were done on sales from 2004 – 2009:
 - Adjacent Testing:**
 - Adjacent properties to main division: Not at risk.
 - Through trace out and dangerous contact testing, 23 positive horses identified in south Texas.
 - Cohorts all across the US tested, 718 negative and 1 positive.
 - Research Projects Underway:**
 - **Tick vectors** – *Amblyoma cajennense* identified for the first time, reconfirmed *Dermacentor variabilis* as a viable vector.
 - Intrauterine transmission – 20% of foals may be infected.
 - Treatment of positives – 5 horses on trial.
- Other Positives:
 - To date, New Mexico has found 16 positives
 - California – 3 imported stallions
 - In Texas – 10 racing quarter horses and 2 polo ponies.
- A Piroplasmiasis Working Group chaired by Commissioner Mark Wheelis met on January 19, 2010 to address the current outbreak. Major issues addressed were:
 - ✓ Texas entry requirements
 - ✓ Surveillance testing at change of ownership and events
 - ✓ Identification of positive horses
 - ✓ Movement protocol for positive and exposed horses
- The National Equine Piroplasmiasis Working group have recently adopted a Guidance Document which closely follows the Texas protocol for high and low risk premises, except no movement of positives off quarantine premises.

Item 7 – Audit Subcommittee Report

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

- The minutes were approved for the December 8, 2009 meeting.
- The Audit of Payroll and Personnel Processes has been completed with the following results:
 - Payroll and Personnel processes are in place to provide reasonable assurance that the Commission is in adherence and compliance with state and federal payroll and personnel requirements.
 - Clear policies and procedures have been established and implemented for Personnel functions.
 - Recommendations were made addressing the enforcement of the Employment Discrimination Training and performing background checks on all new employees hired. It was also recommended that an applicant's higher education degree and/or license be verified. These issues have been addressed by the Human Resources Department.
- The Audit of the Cash Disbursements Processes has been completed with the following results:
 - The Commission has cash disbursements processes in place to provide reasonable assurance that the Commission is in adherence and compliance with state and federal cash disbursements requirements.
 - Clear policies and procedures have been established and implemented for the treatment of cash disbursements.

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

Item 8 – 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 2010 as of January 31, 2010. This report reflects the 5% General Revenue reduction and \$635,000 Federal Cooperative funding cuts.
- The second report reviewed reflected Agency Totals by Department.
- The third report reviewed reflected Agency Totals by Category of funds expended.

Commissioner Edmiston moved and Commissioner Locke seconded the motion to APPROVE the Administration/ Budget Status Report. The motion carried.

Item 9 – Consideration of and Possible Action on Agency Contracts and Purchases.

All Agency Contracts and Purchases for the period of December 1, 2009 through February 28, 2010 were forwarded to all Commissioners prior to the Commission Meeting for their review.

Dr. Matt Cochran, Deputy Director of Finance and Administration, mentioned three items that were of specific importance for their attention:

- Lease Renewals
- Large order for Dectomax
- Expenditures of Homeland Security Grant funds

Commissioner Coleman Locke moved and Commissioner Ken Jordan seconded the motion to approve the Contracts and Purchases requested for the period from December 1, 2009 through February 28, 2010. The motion carried.

Item 10 – Presentation of Awards

Mr. Gene Snelson, General Counsel, acknowledged Mrs. Sheila Jansky for her selection as a 2010 recipient of the Texas Public Employees Associations' Unsung Hero Award. Mrs. Jansky was a kidney donor in a process that involved multiple donors which allowed her brother-in-law to obtain a kidney. Not only was Sheila a donor, she was the one primarily responsible for soliciting and coordinating the multiple-donor process.

Item 11 – Consideration of an Agreed Order in the Matter of Steve and Larry Conley for Violations of Commission Rules.

Mr. Gene Snelson presented the case against Steve and Larry Conley for violating rules of the Commission by failing to maintain and provide records of their buying and selling transactions. An assessed penalty of \$5,000.00 was paid by Steve and Larry Conley.

Commissioner Ken Jordan moved and Commissioner Chuck Real seconded the motion to APPROVE the agreed order in the matter of Steve and Larry Conley resolving violations of Commission Rules. The motion carried.

Item 12 – Consideration of and Possible Action on Regulation PROPOSALS regarding:**(a) Chapter 35, Brucellosis, Test Requirements.**

Commissioner Vickers moved and Commissioner Locke seconded the motion to PROPOSE the amendment(s) to Chapter 35, Brucellosis, as discussed today. It was further moved that notice of the proposed amendment(s) be published in the *Texas Register* with a 30-day comment period. The motion carried.

(b) Chapter 38, Trichomoniasis, Herd Certification Program Requirements

Commissioner Locke moved and Commissioner Vickers seconded the motion to PROPOSE the amendment(s) to Chapter 8, Trichomoniasis, as discussed today. It was further moved that notice of the proposed amendment(s) be published in the *Texas Register* with a 30-day comment period. The motion carried.

(c) Chapter 49, Equine, Identification Requirements for Piroplasmiasis.

Commissioner Wheelis moved and Commissioner Jordan seconded the motion to PROPOSE the amendment(s) to Chapter 49, Equine, as discussed today. It was further moved that notice of the proposed amendment(s) be published in the *Texas Register* with a 30-day comment period. The motion carried.

(d) Chapter 51, Entry Requirements, Sheep, Goats and Cervids entering from Michigan.

Commissioner Real moved and Commissioner Edmiston seconded the motion to PROPOSE the amendment(s) to Chapter 51, Entry Requirements, as discussed today. It was further moved that notice of the proposed amendment(s) be published in the *Texas Register* with a 30-day comment period. The motion carried.

(e) Chapter 54, Fowl Registration, Domestic and Exotic Fowl Registration.

Commissioner Simmons moved and Commissioner Locke seconded the motion to PROPOSE the amendment(s) to Chapter 54, Fowl Registration, Domestic and Exotic Fowl, as discussed today. It was further moved that notice of the proposed amendment(s) be published in the *Texas Register* with a 30-day comment period. The motion carried.

Item 13 – Consideration of and Possible Action on Regulation ADOPTIONS regarding:

Chapter 55, Swine, regarding adding the definition of Breeding Swine.

Commissioner Chuck Real moved and Commissioner Mike Vickers seconded the motion to ADOPT the amendments to Chapter 55, Swine, as discussed today. The motion carried.

Item 14 – Recognition of Public Comment

Tina Fowler – Fowler’s Ranch - spoke regarding policy and procedures for addressing any level of Avian Influenza other than H5 and H7.

Jimmy Fowler – Fowler’s Ranch – regarding ducks and Fowl Registration Program and fees; expressed appreciation to Texas Poultry Federation.

Glenn Albritton – Self – employed – regarding AI outbreak in Wise and Tarrant counties.

Guy Vollentine – Poultry – spoke regarding infection control, depopulation and registration fees. Further comments were reserved for the discussion following the Commission Meeting regarding this subject.

Frank Helvey – President of Livestock Marketing Association of Texas – spoke regarding brucellosis and trichomoniasis.

Darolyn Butler – Greater Houston Horse Council & American Endurance Conference – spoke regarding piroplasmiasis.

Pauline Singleton – Greater Houston Horse Council – spoke regarding piroplasmiasis and visible identification of horses.

Item 15 – Set the date for the 376th meeting.

The date was set for June 15, 2010.

Item 16 – Adjourn

The meeting adjourned at 11:20 a.m.