

MINUTES OF THE 376th COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
June 15, 2010

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.

Item 1 - Welcome and call to order by Chairman Morales

Commissioner Tommy Kezar was not present.

Item 2 - Approval of Minutes

A motion to approve the minutes of the 375th Commission Meeting held on March 23, 2010 was made by Commissioner Locke and seconded by Commissioner Jordan. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the Period 3/23/10 through 6/15/10.

A report describing out-of-office meetings and trips from March 23, 2010 through June 15, 2010 was provided in the Commission notebooks and was not included in the verbal presentation.

Dr. Dee Ellis, Executive Director of TAHC discussed the following issues in his report:

State of the Agency:

- The agency filled two vacant positions since the Commission Meeting in March:
 - (a) Assistant Executive Director for Animal Health Programs - Dr. Terry Hensley
 - (b) Public Information Officer – Ms. Bonnie Ramirez
- The Agency underwent reorganization resulting in the following changes:
 - Comal & Guadalupe counties transferred to Rockdale (Area 7).
 - The Area 2 Office at Crockett was closed on May 31, 2010.
 - The Area 4 Office in Mt. Pleasant received 7 counties resulting from the reorganization.
 - The Area 8 Office in Hallettsville received 13 counties.
 - The Area 8 Office in Hallettsville will close on August 31, 2010.
 - A new Area Office will be located in Hempstead.
 - At the time of the Area 8 closing, the Area 7 Office will receive the northwestern Area 8 counties.
- The Agency Strategic Plan was presented for discussion and approval. The main issues pointed out by Dr. Ellis included:
 - Technology refresh funding
 - Capitol purchases
 - Salary equity & Career Ladder needs
 - Current and future status of Federal Funds
 - TB program requirements
 - Brucellosis First-Point Testing
 - Fever Tick Program funding
 - Chronic Wasting Disease program

- Emergency Response
- New Programs – including Trichomoniasis, Equine Piroplasmosis, industry support for the Department of Homeland Security programs
- Potential statutory issues – enhanced fees utilization, animal husbandry standards, animal disease traceability, aquaculture, etc.
- 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 for 2011-2015 was presented to the Commissioners later during the meeting for their approval prior to submission.

Animal Disease Traceability (formerly NAIS)

- A Public Meeting will be hosted by USDA in Dallas at the DFW Airport Holiday Inn South on July 1, 2010. This is the 5th of five national meetings. Dr. Ellis will present at this meeting.
- Current issues are pre-emption and enforcement standards
- The Proposed Rule is anticipated by the end of 2010.
- The Texas cattle working group is anticipating a meeting in August 2010.

Bovine Tuberculosis

- A Federal Order was issue on April 15, suspending some program standards.
- Free Status will not be lost in states with infrastructure and no wildlife involvement.
- Texas has not been downgraded and there is no threat in the immediate future.
- MAA states of California and New Mexico allowed to ship beef.
- Minnesota and Michigan still MAA.
- Maintenance of TAHC infrastructure is critical – maintain funding.

Trichomoniasis

- The Trichomoniasis Working Group met in May to consider needed changes.
- Some proposed changes were:
 - a) Test Chart valid for 60 days.
 - b) Virgin bull status the same and can be reconsigned.
 - c) Fence line adjacent herd owners will be notified of an infected neighbor.
 - d) Miniature breeds and Watusi’s no longer exempt, bison are exempt.
 - e) Untested bulls can go to feedyard for castration or feeding.
 - f) An expert advisory committee was identified to develop female guidelines.
- Changes to Trichomoniasis, Chapter 38 were proposed later in the meeting.

TAHC/USDA Laboratory System

- Gamma Interferon testing
 - National laboratory resource - 1 of 5 labs approved to do testing
 - Funding source switched to “contract for service” from cooperative funding
 - TAHC lab is the busiest in the United States
- Pseudorabies program
 - Surveillance now transitioned to USDA regional or NAHLN labs – TAHC applied for NAHLN lab status and approval pending a site visit in August
 - Request made to ensure TAHC can test all slaughter blood in Texas except Owens sausage plant for PRV and brucellosis

- Brucellosis dairy/milk test
 - Decrease dairy bulk tank sampling from 4 to 2 times per year
 - IDEXX lab stopped producing ELISA test. Transition to original ring test – will start in the fall

Live Bird Market System

- Participants were notified in writing of the change in testing protocols for ducks in Live Bird Market System
- No more positive flocks to date

Equine Piroplasmiasis

- The national scope is expanding
- The Texas Racing Commission (TRC) and TAHC are working together on the piroplasmiasis issue
- Treatment research is promising

Cattle Fever Tick Activities

Dr. Ellis gave an in depth presentation on this issue under Agenda Item 5.

Border/Port Issues

- USDA suspended inspection of Mexican import cattle in Mexican facilities on March 29 for Laredo and Reynosa due to safety issues
- A safety audit was performed of all US ports
- Proposed temporary solution using three (3) phase program:
 - Phase 1 – use existing county facilities at San Juan and Laredo
 - Phase 2 – identify larger facility for import within 2 months
 - Phase 3 – transition to permanent inspection in Texas with privately run import facilities
- A meeting was held in Laredo with USDA and Mexican officials and industry with consensus to quickly transition to Phase 2, then a new proposed Phase 3 to identify and build permanent large capacity facilities IN MEXICO in near proximity to the bridge for safety issues
- Current status is to use San Juan County vat for Reynosa crossings, and for Laredo; negotiations to identify larger facility within tick quarantine zone are underway
- Closure of other ports is always possible, so quick solutions may be needed if further violence erupts

Waivers

- No waivers were approved
- One waiver request to use a positive horse for river patrol within the tick force was denied

Commissioner Jordan moved and Commissioner Edmiston seconded a motion to approve the actions of the Executive Director for the period from March 23, 2010 through June 15, 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 provided the following report.

Brucellosis

- Swine strain (*Brucella suis*) in cattle continues to be a problem – no serologic test to distinguish from *B. abortus*. USAHA Committee on Brucellosis asked to address the issue this November. Urged to continue research on better diagnostics.
- Dairy bulk tank testing to be done twice per year, using Brucellosis Ring Test instead of milk ELISA.

Bovine Tuberculosis

- Texas dairy was disclosed as TB affected in May 2009.
- 7 lesioned animals found, 3 from out of state.
- Herd sold out to slaughter in April 2010, for financial reasons.
- Traces from the herd are 90% complete.
- Adjacent cattle and goat herds tested negative.
- Wildlife surveillance negative (primarily deer and coyotes).
- Another large Texas dairy received 1300 animals prior to infection being disclosed, and is being tested on a 3 year herd plan. Two complete herd tests so far. Responders sent for necropsy – all negative to TB.

Trichomoniasis:

- Intrastate program began January 1, 2010.
- First annual Trich Working Group meeting held May 12, 2010.
- Continue to find 3-4% of bulls tested are positive.
- Owners and testing veterinarians contacted by agency personnel.

Poultry:

- Met with Texas commercial poultry industry in March 2010 to improve future disease response capabilities through changes in policy, rules, and statutory authority.
- Policy changes have been implemented.
- Rule changes are to be considered for adoption today.

Sheep and Goats:

- Scrapie Program review scheduled for July 26 – 30, 2010. No significant shortcomings noted on last review, and minor issues are being resolved.

Vesicular Stomatitis

- 3 affected horses disclosed in Arizona in late May 2010. No additional cases reported since.
- Require statement on CVI's for Arizona livestock coming to Texas.

Equine

- USDA-APHIS-VS hosting an Equine Issues meeting in Washington, DC, later this month with American Horse Council and states.

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 provided an overview of the current status of the Cattle Fever Tick Program. Issues discussed included:

- The Industry Fever Tick working Group met in May.
- Fever Tick infested premise numbers are down, but still high.
- The Northern Blanket quarantine – Carrizo/Eagle Pass will be evaluated for partial or complete release by the end of the summer.
- The two Southern Blanket quarantines will not be released.
- A TAHC/USDA management meeting was held in Laredo – June 7 – 9, 2010.
 - The status of blanket quarantines was evaluated.
 - Herd management practices were discussed.
 - Epi involvement and herd plan concept was reviewed.
 - Needed changes were identified:
 - ✓ Epidemiological evaluation
 - ✓ Herd plan for all cattle
 - ✓ Official ID utilization
 - ✓ Wildlife treatment protocol for all infested premises
 - ✓ Legal terminology – re-evaluate control purpose status
- Ivomec Molasses treatment product close to FDA approval.
- Cuban Vaccine on track for trial in late 2010.
- Border Security and river violence issues still present.
- USDA purchased large capacity deer feeding equipment.
- Wildlife surveillance continues to be a problem in vacated pastures.
- TAHC has 9 temporary inspectors working on the fever tick program.
- Strategic planning for future TAHC involvement is needed.
- Renewal of funding from previous legislative session is critical.
- USDA internal audit of program underway.
- Statutory changes needed for authority to treat/inspect deer in adjacent premises, and broaden terminology for acceptable treatments.

Item 6 – Discussion of Piroplasmiasis in Equine

Dr. Andy Schwartz provided the following information on piroplasmiasis in equine.

Equine Piroplasmiasis

- First case in current outbreak on south Texas ranch diagnosed in October 2009, due to *Theileria equi*.
- 402 positives out of 2284 horses tested as part of the investigation.
- 4 premises in Texas considered “high risk”, due to apparent transmission to cohorts via ticks. *Amblyomma cajennense* and *Dermacentor variabilis*. All are in south Texas.
- Except for the signal animal, no clinical illness reported.
- Interstate and event test requirements imposed as a result of the outbreak have led to finding an additional 23 positive horses unrelated to the index premises.
- Four populations in Texas are at risk of having EP:
 - Horses that are or have been on the index premises
 - Racing Quarter Horses
 - Brood mares that were once racing QH
 - Horses of any breed imported to the US before 2006 from countries affected by EP (while the CF test was used for import).
- Texas EP Working Group formed in response to the situation.
- Ongoing dialogue and meeting with the Texas Racing Commission.
- National EP Working Group produced short-term and long-term recommendations.
- Ongoing research includes studies on tick vectors, transplacental transmission, treatment of positives, and genetic fingerprinting of the organism.
- American Horse Council and AQHA’s position: Strive for disease freedom so movement restrictions are limited.

Item 7 – Emergency Management Report

Mr. Dave Tomkins, Emergency Management Coordinator, presented an update on emergency management activities.

- NOAA anticipates a busy hurricane season this year, which just started the first of this month. We continue to work with the Texas Division of Emergency Management and our sister agencies to prepare.
- Chief Jack Colley, the state chief of emergency management for the past 10 years, died unexpectedly several weeks ago. A new, interim chief of state emergency management was selected last Friday, Mr. Nim Kidd, who currently serves as a district fire chief and the emergency management coordinator for the City of San Antonio.
- TAHC personnel recently participated in the State Hurricane Conference in McAllen where we facilitated five workshops involving animals in disasters. There were approximately 2000 in attendance.
- The State Animal Response Plan, for non-disease emergencies, was recently completed in conjunction with our animal-agriculture partner agencies---the Texas Department of Agriculture, Texas AgriLife Extension Services, and other agencies and industry stakeholders. TAHC recently joined with another partner, the College of Veterinary Medicine at Texas A&M University, to provide the State with its first mobile disaster veterinary medical capability. Working together, we were able to assist the vet school in obtaining a \$271,000 dollar grant from the Division of Emergency Management to support this new function.
- TAHC recently played a key role in the state’s four newly-developed rapid response task forces that are designed to deploy into impacted areas and provide an immediate assessment of any disaster situation where animal issues might be involved. TAHC

performed as the lead agency in the animal-related part of this effort, and are partnering with the Department of Agriculture, AgriLife Extension, the Texas State Animal Resource Team, and the vet school to make up the basic Animal Response Team for these task forces.

- TAHC continues to work the Texas Division of Emergency Management, the Texas Department of Agriculture, the Department of State Health Services, and the Office of the State Chemist to develop the overall state response plan for “Animals, Agriculture, and Food & Feed Safety,” which is required by the Legislature. The first report on this plan is due to the Legislature on September 1st of this year.

Item 8 – Audit Subcommittee Report

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

The Audit Subcommittee approved the minutes of the meeting held on March 23, 2010.

Mr. Monday Rufus provided a review of the Follow-up Audit of the Area 4 Office limited to the findings and recommendations in the Area 4 Field Office issued on June 29, 2007.

Recommendations were made and actions have been taken by the Commission which satisfies the intent of the internal audit follow-up in the following areas:

- Enhancing controls over data review
- Enhancing accounting for fixed asset inventory
- Enhancing the E-permit verification process

There was no public comment.

Commissioner Coleman Locke moved and Commissioner Ralph Simmons seconded a motion to APPROVE the Audit Subcommittee Report as presented. The motion carried.

Item 9 – Administration/Budget Status Report

Dr. Matt Cochran, Assistant Executive Director of Administration presented the Administration/Budget Status report.

Budget:

- The first report reviewed was the Method of Financing as of May 20, 2010. This report reflects a decrease in the grand total due to the 5% state cut and funding cuts in federal cooperative agreements.
- The second report reviewed was the Agency Totals which reflects totals expended as of June 1, 2010 as \$11,817,960.98 with an additional \$2,484,578.11 encumbered, leaving a balance of 706,423.57 for the fiscal year.
- Several Budget Structure changes were made as follows:
 - Addition of an outcome measure showing the percent decrease in fever tick infested premises.
 - Deletion of a bovine brucellosis outcome measure
 - Changes in the calculation of outcome measures for detection of diseases and pests, and the number of surveillance and enforcement.
 - Addition of an outcome measure showing the percentage increase in animal-related emergency management activities.
 - Rejection of a new strategy for emergency management.

Administration:

The 2010 Customer Service Survey was completed with 1,397 responses received. The scale of response scores was from 1 -5; 5 being the best rating. Average scores ranged from 3.66 to 4.09 in ten categories. A copy of the Item Score Summary was provided in the Commission notebooks.

The Strategic Plan for Fiscal Years 2011 – 2015 has been completed and will be submitted following approval by the Commissioners at this meeting. A copy of the Strategic Plan was distributed to the Commissioners prior to the meeting for review.

Commissioner Coleman Locke moved and Commissioner Ken Jordan seconded a motion to APPROVE the Administration/Budget Status Report and the 2011 – 2015 Agency Strategic Plan as discussed. The motion carried.

Item 10 – Consideration of and Possible Action on Agency Contracts and Purchases

All Agency Contracts and Purchases for the period of March 1, 2010 through May 31, 2010, were forwarded to all Commissioners prior to the Commission Meeting for their review.

Commissioner Chuck Real moved and Commissioner Ralph Simmons seconded a motion to APPROVE the Contracts and Purchases Requests for the period from March 1, 2010 through May 31, 2010. The motion carried.

Item 11 – Presentation of Awards

Chairman Ernie Morales presented Dr. Dee Ellis with his 25 year service award.

Mr. Gene Snelson presented Mr. Roberto Adams with his 30 year service award.

Item 12 – Consideration of an Agreed Order in the Matter of Jimmy Willis for Violations of Commission Rules

Mr. Gene Snelson presented the violation of Texas Animal Health Commission rules by Mr. Jimmy Willis who failed to maintain and provide records of his buying and selling transactions. An administrative penalty was recommended.

Commissioner William Edmiston moved and Commissioner Dyess seconded a motion to APPROVE the Agreed Order in the matter of Jimmy Willis resolving violations of Commission rules. The motion carried.

Item 13 – Consideration of an Agreed Order in the Matter of Steve Nelson for Violations of Commission Rules

Mr. Gene Snelson presented the violation of Texas Animal Health Commission rules by Mr. Steve Nelson who transported dairy animals without officially identifying them prior to movement. An administrative penalty was recommended.

Commissioner Chuck Real moved and Commissioner Randy Brown seconded a motion to APPROVE the Agreed Order in the matter of Steve Nelson resolving violations of Commission rules. The motion carried.

Item 14 – Consideration of an Agreed Order in the Matter of C. B. Schley for Violations of Commission Rules

Mr. Gene Snelson presented the violation of Texas Animal Health Commission rules by Mr. C. B. Schley who transported dairy animals without officially identifying them prior to movement. An administrative penalty was recommended.

Commissioner Richard Winters moved and Commissioner Coleman Locke seconded a motion to APPROVE the Agreed Order in the matter of C. B. Schley resolving violations of Commission rules. The motion carried.

Item 15 – Consideration of and possible action on regulation PROPOSALS regarding:**(a) Chapter 38, Trichomoniasis**

Commissioner Ken Jordan moved and Commissioner Coleman Locke seconded a motion to PROPOSE the amendments to Chapter 38, Trichomoniasis, located in Title 4 of the Texas Administrative Code as discussed. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a 30 day comment period. The motion carried.

(b) Chapter 41, Fever Ticks

Commissioner Reta Dyess moved and Commissioner Ralph Simmons seconded a motion to PROPOSE the amendments to Chapter 41, Fever Ticks, located in Title 4 of the Texas Administrative Code, as discussed. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a 30 day comment period. The motion carried.

(c) Chapter 51, Entry Requirements

Commissioner Ken Jordan moved and Commissioner Ralph Simmons seconded a motion to PROPOSE amendments to Chapter 51, Entry Requirements located in Title 4 of the Texas Administrative Code, as discussed. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a 30 day comment period. The motion carried.

Item 16 – Consideration of and Possible Action on Regulation ADOPTIONS regarding:**(a) Chapter 35, Brucellosis, Test Requirements**

Commissioner Ken Jordan moved and Commissioner Coleman Locke seconded a motion to ADOPT amendments to Chapter 35, Brucellosis, located in Title 4 of the Texas Administrative Code, as discussed. The motion carried.

(b) Chapter 38, Trichomoniasis

Commissioner Coleman Locke moved and Commissioner Ken Jordan seconded a motion to ADOPT the amendments to Chapter 38, Trichomoniasis, located in Title 4 of the Texas Administrative Code, as discussed. The motion carried.

(c) Chapter 49, Equine

Commissioner Coleman Locke moved and Commissioner Ken Jordan seconded a motion to ADOPT the amendments to Chapter 49, Equine, located in Title 4 of the Texas Administrative Code, as discussed. The motion carried.

(d) Chapter 51, Entry Requirements

Commissioner Randy Brown moved and Commissioner Richard Winters seconded a motion to ADOPT the amendments to Chapter 51, Entry Requirements, located in Title 4 of the Texas Administrative Code, as discussed. The motion carried.

(e) Chapter 54, Domestic and Exotic Fowl Registration

Commissioner Richard Winters moved and Commissioner Ralph Simmons seconded a motion to ADOPT the amendments to Chapter 54, Domestic and Exotic Fowl Registration, located in Title 4 of the Texas Administrative Code as discussed. The motion carried.

Item 17 – Recognition of Public Comment

Mr. Steve Hendershot of Gonzales, Texas, provided public comment regarding fowl disease testing procedures.

Mr. James Grimm, Executive Vice President of the Texas Poultry Federation, provided public comment regarding the poultry industry disease testing procedures.

Item 18 – Set Dates for the 377th Meeting

377th Meeting – October 5, 2010

Item 19 – Adjournment

The meeting adjourned at 11:50 a.m.