

MINUTES OF THE 388TH COMMISSION MEETING
Texas Animal Health Commission
January 14, 2014

The TAHC Commissioners met in the agency's headquarters in Austin on Tuesday, January 14, 2014. Chairman Ernie Morales began the meeting at 8:35a.m.

Item 1 – Welcome and Call to order by Chairman Morales

Commissioners Beau White and Tommy Kezar were not present at today's meeting.

Chairman Morales presented a plaque to out-going commissioners in recognition of their service.

Item 2 – Approval of the minutes of the 387th Meeting

A motion to APPROVE the minutes of the 387th Commission meeting held on September 10, 2013 was made by Commissioner Jordan and seconded by Commissioner Locke. The motion carried.

Item 3 – Report of the Executive Director, Field Animal Health Program Activities and Approval of Waiver Requests for the Period 9/11/2013 – 1/14/2014

1. Agency Overview

- Continuing to rebuild agency strategically– current FTE at about 140 - FTE cap 161 – was 125 at last meeting
- Re-evaluating all managerial processes that were adversely affected by budget cuts – inspection frequencies and staffing are 2 major areas
- Staffing challenges – training & reorganization of duties – succession planning is huge component of agency plans
 - New Region 5 Director starts 1-15
 - New epidemiologist interviews soon
 - New field veterinarians to be posted
 - Rebuilding Emergency management
 - Amanda replacing Carol Pivonka
- This fiscal year –planning for;
 - Capital purchases – trucks/computers
 - Other field equipment – Emergency Mgt trailer
 - Merit raise process revised
 - Enhanced inspector salaries
 - Career ladder review for eligible staff
- Mandatory strategic planning and Legislative budget reports will be due by summer – will work with Commissioners as reports are crafted – key performance measures are one area in need of evaluation – livestock inspection reports, compliance actions, & lab tests are current key measures

- Agency Rules
 - Rules for Passage – first are 4 result of recent Legislation
 - Fever tick – Treatment, identification and vaccination
 - Poultry - depopulation and indemnity authority
 - Texas Authorized Vet Program – creating basic structure – first in the US
 - Animal Disease Traceability (ADT) –Adult cattle change of ownership – intent is for adult breeding cattle to have permanent official identification, buyer has 7 days to tag, slaughter or resell – more lenient than USDA rule - first in the US like this
 - Trichomoniasis – result of working group, buyer has 7 days to agree to test, slaughter, send to feedlot, or resell – untested bulls not going direct to slaughter will be permitted to a physical location – TAHC field staff will manage
 - Rules for Proposal
 - Tb quarantined dairy calf ranch/grower process - business continuity concept – no more USDA buyouts – lesson learned from California TB review – first in the US
 - Live Bird Market fencing – chicken fence?
 - Equine Piroplasmiasis reactor ID'ed with microchip within 10 days of classification – First in the US
 - Declaration of Mexican origin on cvi's & test charts for cattle when known by veterinarians and TAHC staff – First in the US
 - ADT rule clean up – example - waybill now called owner-shipper statement

Thanks to Gene and Mary and Sally from Legal section along with all of the Executive management and Field office managerial staff for their input into this set of drafted rules.

2. Texas Disease Traceability update (ADT)

- ***Rule up for Passage Later*** – burden on buyer not market or seller to ensure breeding cattle are eartagged – TAHC will spot check normal transactions and pursue intentional violations to meet industry intent
- TAHC field management staff, along with USDA representatives currently meeting face to face with market owners/managers by January 31 to discuss;
 - TAHC ADT rule – effective if passed
 - USDA ADT rule – in effect now
 - TAHC Tagging Facility Rule – in effect now
- TAHC will also meet with feedyards, slaughter rail buyers and other interested parties that may feed or buy adult cattle that want to become Approved Tagging Facilities
- Dr. Schwartz will have more information

3. Trichomoniasis

- As result of the Trich working group meeting – ***Rule up for Passage later***
 - Trade untested bulls for 7 days
 - Bulls returning from bull station trials
- Agency will develop new permitting system to track bulls not destined for immediate slaughter or feeding
- 2014 Trich working group will be held before next Commission meeting – ideas or suggestions solicited
- National consistency initiative will require re-deliberation of entry rule accepting for virgins and 3 negative cultures instead of pcr

4. Equine Piroplasmiasis

- ***Rule up for Proposal*** – microchip reactor horses
- Next county test – Brooks – after El Paso risk assessment underway
- Dr. Schwartz will have more info on next county test

5. Brucellosis

- USDA transition to statistical sampling on slaughter blood has taken effect – only two Texas Federally inspected slaughter plants still collecting blood – L&H & Lone Star – all blood collection at federal plants stopped during the recent shutdown – affected one of our key performance measures
- TAHC lab is now a regional resource for USDA and back up for the national lab in Kentucky
- State inspected and custom kill slaughter plant surveillance will continue at TAHC expense
- Veterinarian testing will continue – diagnostic, certification, export at owner expense
- Greater Yellowstone Rule in effect – no major problems noted
 - 17 permits – 625 head
 - Working with GYA states on questions about origin of cattle being shipped through ADT databases and brand records

6. Texas Authorized Personnel rule proposed

- ***Rule up for Passage***
- Applies to Vets, techs and lay people in certain situations
- Process for training – will include grandfather of existing Approved brucellosis personnel (1900+/- vets) – basically applies to new vets to state and TAMU CVM students – will require curriculum change at vet school
- Will work with vet industry to determine what is appropriate interaction with new veterinary technician designation effective in September
- Will generate process for training and regulation of cervid herd owners collecting CWD samples

- Currently identifying internal staff options for oversight of veterinary authorization and CWD sampling process

7. Cattle Fever Ticks

- Number of infested premises low - Dr. Varner will have more info
- *Rule up for Passage later*
 - Rule addresses annual inspections
 - RFID identification
 - vaccination requirements
- USD/TAHC staff to meet personally with each cattle owner as well as send out written information regarding new ID requirements– public meetings can be held if needed as well as TSCRA tick committee
- RFID tags use to begin March 1 when herds penned next
- Texas Last vaccine trial to begin February 1(hopefully) – completed on May 1 – safety trial only - Approval by August 1 expected - shutdown delayed USD Center for Veterinary Biologics approval of final vaccine component evaluation– vaccination to begin after field trial evaluated – assuming rule passes

8. Tuberculosis

- Working with USDA and New Mexico on roping steers crossing there and entering Texas – new USDA port management as of October 1 – New Mexico state vet as of December 1 – TAHC evaluating data entry and reporting processes in conjunction with USDA on port papers
- El Paso dairy bill – Dr. Schwartz will have more info – agency committed to complete transparent evaluation of all aspects of the situation – working closely with local and state elected officials
- Bovine tuberculosis is number 1 threat to Texas cattle industry
- TAHC continues to deal with traceability issues in a number of adult and feeder TB traces – future problem for cattle industry to tackle
- See article in Commissioner book I wrote recently on Bovine Tb

9. CWD

- No new cases outside of known infected area to date
- TAHC again worked with TP&W during mule deer season to collect samples – evaluating past response to plan and improve next year – equipment, training and locations for sample collection
- CWD USDA rule/standards out for comments by 3/31 – will work with Commissioner Oates and industry to craft appropriate agency response
- Continuing to monitor elk surveillance numbers as result of last years rule and dialogue
- Dr. Schwartz will have more information in his report

Next Meeting – possible rules ideas?

- Vet Authorized Personnel ongoing
- ADT chapter ongoing
- Trich changes – working group will have met?
- Update Chapter 39 completely - Scabies
- Allow Processed food to be fed to hogs
- NPIP waiver for LBM slaughter chickens
- CWD sample submission training process
- Equine Passport to be consistent with national concept
- CWD zone language clean up
- Commercial swine ADT – no ear notches accepted by USDA rule

10. Waiver Report

- 7 waivers were requested and 7 were approved;
 - Trichomoniasis – **Approved** – allowed 6 Oklahoma virgin bulls to be brought to Texas for feeder trial
 - Trichomoniasis – **Approved** – allowed 15 Oklahoma virgin bulls to be brought to Texas for feeder trial
 - Trichomoniasis – **Approved** – allowed bull from Wisconsin to be moved to vet clinic in Texas for test upon arrival due to weather impeding ability to get sample to lab in a timely manner
 - Trichomoniasis /Official ID– **Approved** – allowed 24 bulls to be moved from ranch in Arizona to ranch in Texas (same owner) for testing with 7 days of arrival
 - Trichomoniasis /Official ID– **Approved** – allowed 6 bulls to be moved from ranch in New Mexico to facility in Texas for testing with 7 days of arrival due to poor pens in New Mexico
 - Brucellosis – **Approved** – allowed 3 pronghorn antelope to be moved from Los Angeles zoo to El Paso zoo with 33 day old test instead of 30 due to delay in shipping
 - Brucellosis – **Approved** – allowed 1 Scimitar Oryx to move from Virginia to a Texas wildlife preserve based on 42 day old test instead of 30 due to delay in shipping

A motion to APPROVE the actions of the Executive Director for the period from September 11, 2013 through January 14, 2014 was made by Commissioner Simmons and seconded by Commissioner Bouma. The motion carried.

***Item 9 – Presentation of Laboratory Update – Dr. Hughes-Garza was allowed to present earlier in the meeting instead of her assigned place on the agenda. She was asked to speak about the Veterinary Stockpile Exercise that was held in October to other state agency groups and needed to leave the meeting early:**

- Audit Report from the National Animal Health Laboratory Network (NAHLN): A site visit was conducted on September 26, 2013 by two auditors from the USDA National

Veterinary Services Laboratory in Ames, IA. TAHC received a number of commendations, as well as some recommendations for improvement. We remain a proud member of the NAHLN and will use the recommendations as part of our continuous improvement process.

- Lab facility update: As a result of the sale of the building that houses our lab, we plan to move to a new location in late March. Lease space has been secured through the Texas Facilities Commission, approximately 5 miles from the TAHC Central Office, at 8200 Cameron Road.
- Billing update: New lab monthly statements implemented September 2013 have been working well. A number of veterinarians have expressed appreciation for the improvements.
- Sample volume: Brucellosis volume was lower than normal this fall due to federal government shutdown (no slaughter surveillance received during shutdown) and decrease in national slaughter surveillance effective October 1. Tuberculosis and Swine/Pseudorabies volume has been relatively high as a result of epidemiologic traces and out of state testing.
- Special projects:
 - Assisted Wyoming State Veterinarian/USDA by running approximately 400 Bovigam tests as part of a special project to look at this test in relation to Johne's disease.
 - Processed samples from 14 feral swine for Brucellosis serology and culture as part of a project in South Texas looking at feral swine as a possible reservoir for cattle brucellosis.

Item 4 – Presentation of Animal Health Program, Epidemiology, and Animal Disease Traceability (ADT) Activities:

Dr. Andy Schwartz, Assistant Executive Director/State Epidemiologist, presented the following report:

Cattle

- **Tuberculosis**

New Cases: Since the Commission meeting last September, four new TB cases have been disclosed. Three were Mexico origin steers found through slaughter inspection, and the fourth was a domestic cow.

-Van Zandt County beef cow – found with TB at Lone Star Beef Processors in October 2013. Back tag and ear tag led back to a pasture sold out through a livestock market. Twelve other units under the same ownership tested negative, as did cattle adjacent to the sold out unit. Two cows traced from the sold out unit were purchased with TAHC funds and necropsied. Federal funds were not available because no affected herd has been established. The calfhood vaccination tag in the cow with TB led back to a herd in Region 2, which tested negative last week. Investigation for the source continues as records of purchases are provided.

Follow-up on previous cases:

Anderson County consignor – animal with TB like lesions detected at L&H Packing in June 2013, later confirmed to be TB positive. No identification recorded. Records

pertaining to this trace were not provided – multiple potential sources. Case is in enforcement – being handled through administrative penalty.

Beef herd in Coke County - depopulated to slaughter with federal indemnity. Tracing 936 head of cattle sold from the herd in 207 separate consignments. Many heifers and steers are untraceable due to lack of official identification. One cow, later found to be TB affected, was traced through two herds in Texas to a large herd in North Dakota. This cow was negative on two separate caudal fold tests along the way.

Premises near Fredericksburg – The TB affected cow that went to North Dakota was part of another herd for two years before being resold. This herd was dispersed, so all cattle (105 hd) are being traced as TB exposed. Nine black pairs went to one ranch that has since sold out. Trace expanded to include over 400 cows, as ID was not recorded at the market when the herd was dispersed.

- **El Paso Bovine Tuberculosis (TB) Risk Assessment:** In response to a law passed during the 83rd Texas Legislative Session, TAHC is conducting a Bovine TB risk assessment of livestock and wildlife in the high risk zones of El Paso and Hudspeth counties. A team of 19 TAHC and USDA-APHIS-VS personnel worked in the area from January 3 -10, 2014, locating animals for testing and contacting owners. Informational public meetings will be held in the area on January 21st and 22nd, with testing slated to begin the first week of February 2014. The final report is to be completed by September 1, 2014. The ultimate goal of the study is for TAHC to reconsider the current prohibition of dairy cattle in parts of El Paso and Hudspeth counties.
- **Brucellosis:** Surveillance testing at all but two federally inspected slaughter plants in Texas stopped at the end of September 2013 as expected. Testing at state inspected slaughter plants in Texas continues. Since September, 15 investigations of animals with non-negative results have been initiated.
- **Trichomoniasis:** In Jan-Nov 2013, there were 480 positive bulls found in 21,806 tested (2.2% test positive). This is the same as the percentage reported at the September 2013 Commission meeting, but represents some improvement over the percent positive reported at the May 2013 Commission meeting (2.9%).

Swine

- **Brucellosis:** Five investigations are being conducted on animals with non-negative test results at slaughter, all with feral swine contact likely. One of the investigations involves a TDCJ herd of over 900 breeding animals.
- **Pseudorabies (PRV):** Market and slaughter testing disclosed positive results on samples from a sow sold by a show pig breeding operation in Medina County in December 2013. Testing of the source herd of 42 adults disclosed 2 additional reactors. Tracing and testing is being conducted on 104 pigs sold from the herd last fall. Of the 104 hd. sold, 17 have died or were slaughtered. Of the remaining 87 pigs being traced, 73 have been tested. No additional positives have been disclosed.

Equine

- **Equine piroplasmosis (EP):** During the Kleberg county high risk test, conducted April - June, 2013, a total of 987 equine on 358 premises were tested, disclosing 19 positive horses on 6 premises. The disease prevalence rate in the population tested was 1.93%.

In 2012, a countywide test of equine in Kenedy county took in 182 animals. Seventeen positive horses were disclosed on three premises, indicating a disease prevalence of 9.3%.

In order to determine the prevalence of piroplasmosis in the area surrounding Kleburg and Kenedy counties and establish a buffer zone around the area where disease is known to have existed, plans are being made to test equine in Brooks county beginning in April 2014.

- **Equine Herpes Virus-1 (EHV-1):** In mid-November 2013, positive PCR results for EHV-1 on nasal swabs and buffy coat were reported on a horse with neurologic signs in Johnson county. The horse was under treatment at a veterinary clinic, and eventually had to be euthanized. Per the TAHC EHV-1 Response Plan, the six exposed horses at the vet clinic were placed under quarantine, and seven other exposed horses were traced to their farms of origin and also quarantined. All 13 exposed horses were monitored twice daily for 28 days, and body temperatures were recorded. No horses spiked a fever, and no additional horses exhibited clinical signs of EHV-1. The quarantine on all has been lifted.

Poultry

- **Infectious Laryngotracheitis (ILT):** In November 2013, samples from a chicken submitted by the owner tested positive for ILT. The flock was put under hold order and tested by TAHC Region 2 personnel. Results of the flock test were negative, as were the results on the follow up flock test a month later. No other fowl exhibited clinical signs. The hold order has been released.
- **Avian Influenza:** Also in November 2013, prescribed pre-market testing of a Live Bird Market supplier of ducks in TAHC Region 2 disclosed positive results for avian influenza. Testing of the sample at NVSL indicated the virus was H3, a low pathogenic virus commonly isolated from wild waterfowl. The flock is under hold order and a flock plan calling for depopulation.

Cervids and Exotics

- **Chronic Wasting Disease (CWD):**
In October 2013 Texas gained full approval under the USDA-VS Approved State CWD Herd Certification Program, capping a year-long effort by the industry and TAHC to bring the Texas Herd Certification Program into compliance with the federal rule for interstate movement of susceptible cervids.

- **Sampling of hunter harvested mule deer in the trans-Pecos:** In a collaborative effort with Texas Parks and Wildlife Department to sample deer taken during the 2013 hunting season, a total of 268 samples have been collected. Test results of “Not Detected” have been obtained on 254 samples. No positive, or “Detected”, results have been reported. These same samples are being tested for bovine tuberculosis as part of the El Paso TB study.

Animal Disease Traceability Activities

Official Ear Tag Distribution and Tag Allocation Partners: TAHC continues to work with Texas A&M AgriLife county offices and private veterinary practitioners to distribute free tags and pliers to cattlemen.

Regulations:

- Approved Tagging Facility (Rule 50.2) adopted at September 10, 2013 meeting
- Cattle Identification (Rule 50.3) up for adoption today

Approved Tagging Facilities:

-TAHC and USDA-APHIS-VS field personnel were briefed on the new rule at Regional meetings in December and January, and are meeting with livestock market owners to discuss ADT requirements and voluntarily becoming approved tagging facilities. To date five facilities have signed agreements. Expectations are that most markets will want to sign on to facilitate interstate movement of livestock.

Electronic Certificates of Veterinary Inspection (eCVI):

TAHC has developed a MOU with a second commercial provider of eCVI's. The provider will collect and remit to TAHC \$7 for each certificate issued, and share data from the certificates in an electronic format to facilitate tracing when necessary.

Item 5 – Presentation of USDA Veterinary Services Update:

Dr. Kevin Varner – Area Veterinarian in Charge for Texas discussed the following:

Fever Ticks – Dr. Varner provided the Commissioners with the latest report of cattle fever tick infestations in the quarantine zone. Overall number of tick infected premises is down. Vaccine will be the barrier in the next step in having fewer infested premises. 60% controlled

Item 6 – Audit Subcommittee report:

Commissioner Ralph Simmons gave the report from the Audit Subcommittee meeting that was held earlier that morning:

The audit sub-committee meeting reviewed the following audit:

- Region 5 Office – Beeville, TX (Original Report Date: October 23, 2013) – with respect to the reliability and integrity of information, compliance with rules, policies and procedures, laws, and regulations, safeguarding of assets and the efficiency and effectiveness of operating procedures – recommendations in these areas have since been implemented in the Region 5 Office.

A motion to APPROVE the actions of the Audit Subcommittee Meeting was made by Commissioner Jordan and seconded by Commissioner Locke. The motion carried.

Item 7 – Appoint Audit Subcommittee Member

A motion was made by Commissioner Locke and seconded by Commissioner Jordan to approve the appointment of Commissioner Joe Leathers to the Audit Sub-committee. The motion carried.

Item 8 – Presentation of Communication & Public Relations Initiatives:

Bonnie Ramirez, Director of Communication and Public Relations presented the following report:

News Releases

- Several news releases disseminated within the past couple of months
- Included in Commission book

Exhibits

- September: Southwest Vet Symposium in San Antonio (Region 5)
- September: Johnson County EM Preparation (Region 3)
- October: Washington County Cow Calf Clinic (Region 7)
- December: Four States Cattle Conference in Texarkana: (Region 4)
- Several upcoming exhibits

Farm Bureau News & Views

- Farm Bureau's News & Views segment hosted by Tom Nicolette is a 5-minute program that takes an in-depth look at agricultural and rural issues in Texas. Different TAHC staff alternate in participating in monthly interviews. Topics vary from current issues to raising awareness and educating the industry about diseases we regulate and or about specific programs.
 - Dr. Dee Ellis and Amanda Bernhard most recent interviewees

Social Media Channels

- Facebook, Twitter, LinkedIn, YouTube
- Examples of posts included in Commission book

Item 10 - Presentation of Emergency Management Program Activities:

Mr. Jeff Turner, Emergency Management Coordinator discussed the following issues:

- **Agency Preparedness: Mission Response Packages (MRP)**
 - Emergency Management personnel have been diligently working to refine how our agency will respond to emergencies and incidents with the resources currently available. Federal level emergency management have recommended agencies across the nation develop Mission Ready Packages (MRPs) which can be activated and tracked easily for a rapid response. Through pre-identifying resources and having trained and readily available teams to deploy, these resources can provide rapid assistance to help jurisdictions and industries respond to and recover from emergencies. Our agency has taken the lead in developing these packages in Texas capable of responding to the needs of Texas Animal Agriculture.
- **Local and Regional Planning**
 - Emergency Management staff continues to be engaged across Texas, working with local jurisdictions, industry, as well as the veterinary community in developing response and recovery plans. Staff has worked with numerous local jurisdictions in identifying their resources and capabilities to be able to provide assistance during times of need. Many jurisdictions have resources on hand, but have never taken the time to coordinate these resources into response capabilities. Through unified efforts, these resources can be aligned to respond when unexpected needs arise. TAHC emergency management staff as well as field staff participates in these efforts. Since September 2013, thirteen Counties have worked with our agency to be better prepared.
- **Resource Resiliency Assessment Program (RRAP)**
 - Emergency Management staff along with regional field staff continues to be involved in the Resource Resiliency Assessment Program (RRAP). Through the efforts of the RRAP working groups, the livestock feeder industry and local governments plan, train, and prepare to respond to a Foreign Animal Disease outbreak. The primary efforts continue to be in development of how local jurisdictions will be able to assist in a response to such an occurrence, cleaning and disinfection, depopulation, disposal, and vaccination to slaughter. The primary focus area of this project is the Texas Panhandle. However, the efforts of this group will be shared statewide through planning templates which can become a force multiplier in being able to respond if a foreign animal disease occurs.
- **Southern Agriculture and Animal Disaster Response Alliance (SAADRA)**
 - TAHC remain engaged in SAADRA activities. In the near future, staff will be attending a conference and sharing our experiences and lessons learned through the National Veterinary Stockpile Exercise, and the West, Texas response.

Additionally we will be sharing the new Mission Ready Packages we have available for deployment. During discussions about our MRPs we will be asking that SAADRA member states follow our lead and develop packages we may request during a disaster response.

Item 11 – Administration/Budget Status Report

Mr. Steven Luna – Director of Finance gave a report on the agency’s budget status:

Appropriations/Budget

- General Revenue (GR) appropriations:
 - The TAHC is appropriated \$8M for FY 2014
 - This total is not contingent on revenue generated by fees approved by the Commission
- Federal Funds and Grants (Federal Fiscal Year runs April 1 to March 31)
 - State FY 2014
 - Federal FY 2013 funds available to the TAHC total \$2.17M
 - Estimated Federal FY 2014 funds to be available to the TAHC total \$570K
 - Grants received total \$105K
- Capital Budget Funding
 - Out of the \$8M appropriated in GR for FY 2014, \$300K is set aside for Capital Budget Purchases. The agency is restricted to the following Capital Budget Purchases:
 - \$150K towards Fleet Vehicles, which has completely been allocated in truck purchases
 - \$150K towards the Acquisition of Information Resource Technologies, which has been completely allocated in software and hardware purchases
- The TAHC has authority to roll any unexpended FY 2014 funds forward to FY 2015

Revenues

- FY 2014 Fee Revenue is estimated \$722K, which if realized, the TAHC’s portion would come to approximately \$456K.
 - As of January 7th, the TAHC has received \$228K; 31.64% of the estimated fee revenue total

Full Time Equivalent Employees (FTEs):

- The TAHC is appropriated 161 FTE’s for FY 2014
 - The TAHC started out the year with 123.5 filled FTEs
 - The TAHC currently has 137 FTE’s
 - The TAHC is currently in the process of filling or has filled 7 to 10 additional FTEs as it strives to fill positions vacated due to mandated legislative reductions

leading to reductions in force, attrition, two laboratory closures, and consolidation of two regional offices

A motion to APPROVE the Administration/Budget Status Report was made by Commissioner Locke and seconded by Commissioner Jordan. The motion carried.

Item 12 – Consideration of and Possible Action on Agency Contracts and Purchases:

Ms. Larissa Schmidt, Director of Administration discussed the following issues:

1. Nine contracts, purchases and/or leases (for information only) - they do not need Commission approval as they are not over the \$25,000 threshold.
2. Seven contracts, purchases and/or leases requiring Commission approval as they are over the \$25,000 threshold. These include the purchase/lease of trucks, communication services, computers and related equipment, renewal of software licenses, lease/lease extension of laboratory facilities, and an emergency management trailer.

A motion to APPROVE the contracts and purchases request was made by Commissioner Edmiston and seconded by Commissioner Simmons. The motion carried.

Item 13 – Presentation of Legal & Compliance Activities:

There were a total of 112 compliance investigations for the fiscal year 2013. There were a total of 2843 livestock shipment inspections for the fiscal year 2013.

Item 14 – Consideration of and Possible Action on REGULATION PROPOSALS:

Each regulation proposal was reviewed and voted on individually.

Gene Snelson discussed the following:

- (a) Chapter 43, Tuberculosis, Authorized Calf Ranch/Grower Facility
 - (b) Chapter 49, Equine, Microchip Piro Responders
 - (c) Chapter 51, Entry Requirements, Definition Change, Mexican Origin Cattle
 - (d) Chapter 54, Domestic and Exotic Fowl Registration, Containment of Fowl
-
- a) The Texas Animal Health Commission (commission) proposes an amendment to §43.2, concerning General Requirements, and new §43.7, concerning Authorized Calf Ranch/Authorized Grower Facility, in Chapter 43, which is entitled “Tuberculosis”.

The purpose of the amendment to §43.2 is to put in place a recordation requirement for cattle that carry an M-Brand which indicates the animal has resided in Mexico. There are risks associated with Tuberculosis (TB) in roping/rodeo cattle imported from Mexico and the amendment will require that Mexican origin cattle be indicated as such on any certificate of veterinary inspection or test document issued by an accredited veterinarian.

The purpose of the new §43.7 is to aid business continuity through provisions to allow bovine TB-exposed heifers to eventually be returned to the dairy of origin for use as breeding cows, and for male calves to reap as close to full value as possible for calves originating from dairy herds under quarantine for TB. This concept may also be utilized for other diseases or conditions in the future as determined appropriate by the commission, even though the initial concept is derived for TB.

Commissioner Vickers moved and Commissioner Bouma seconded a motion to PROPOSE the amendments to Chapter 43, Tuberculosis, Authorized Calf Ranch/Grower Facility, Mexican Origin Cattle, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendment and to publish it in the Texas Register with a 30 day comment period passed.

- b) The Texas Animal Health Commission (commission) proposes amendments to §49.5, concerning Piroplasmiasis: Testing, Identification of Infected Equine, in Chapter 49, which is entitled “Equine”. The purpose of the amendments is to require animals known to be reactors for Equine Piroplasmiasis (EP) to be implanted with a radio frequency microchip identification device.

Equine Piroplasmiasis is a tick-borne protozoal infection of horses. At least one tick species, *Amblyomma cajennense*, has proven capable of transmitting the blood parasite. This species of tick is endemic to South Texas and several other southern states. Also, the disease may be spread between horses by unsafe animal husbandry practices such as sharing needles or equipment that is contaminated with EP positive blood. While EP can be a fatal disease, many horses may display vague signs of illness, such as fever, inappetence or jaundice.

Commissioner Vickers moved and Commissioner Leathers seconded a motion to PROPOSE the amendments to Chapter 49, Equine, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendment and to publish it in the Texas Register with a 30 day comment period passed.

- c) The Texas Animal Health Commission (commission) proposed amendments to §51.1, concerning Definitions, §51.3, concerning Exceptions, §51.8, concerning Cattle, and §51.9, concerning Exotic Livestock and Fowl, in Chapter 51 which is entitled “Entry Requirements”.

The purpose of the amendment to §51.8 is to put in place a recordation requirement for cattle of Mexican origin. The purpose of the amendments to §51.1, 51.3, and 51.9 is to remove the use of “waybill” and replace it with “owner-shipper statement” which is an accepted form of documentation for interstate movement.

Commissioner Vickers moved and Commissioner Locke seconded a motion to PROPOSE the amendments to Chapter 51, Entry Requirements, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendment and to publish it in the Texas Register with a 30 day comment period passed.

- d) The Texas Animal Health Commission (commission) proposes amendments to §54.9, concerning Live Bird Marketing System, in Chapter 54, which is entitled “Domestic and Exotic Fowl Registration”. The purpose of the amendments is to address concerns regarding potential disease exposure associated with unconfined fowl.

Commissioner Edmiston moved and Commissioner Locke seconded a motion to PROPOSE the amendments to Chapter 54, Domestic and Exotic Fowl Registration, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendment and to publish it in the Texas Register with a 30 day comment period passed.

Item 15 – Consideration of and Possible Action on Regulation Adoptions:

Gene Snelson discussed the following REGULATION ADOPTIONS:

Each Regulation Adoption was reviewed and voted on individually.

- (a) Chapter 38, Trichomoniasis, Test Exceptions
- (b) Chapter 41, Fever Ticks, New Authorized Treatments
- (c) Chapter 47, Approved Personnel, HB 3569 Changes
- (d) Chapter 50, Animal Disease Traceability, Cattle Identification
- (e) Chapter 51, entry Requirements, Trichomoniasis
- (f) Chapter 57, Poultry, Indemnity

- a) Chapter 38, Trichomoniasis, Test Exceptions

Representatives of the bovine Trichomoniasis Working Group met on May 21, 2013, at the commission’s central office in Austin to review and evaluate the effectiveness of current rules. The group recommends allowing untested bulls to be purchased and resold without a test if moved under permit with official permanent identification. TAHC inspectors will permit untested bulls to either a feeding facility, another sale barn, or to another physical location given by the buyer for the bull to be resold. The permit will expire 7 days from the date of issuance. The bull cannot be comingled with female cattle during the 7 days.

A motion to ADOPT the amendments to Chapter 38, Trichomoniasis, Test Exceptions, located in Title 4 of the Texas Administrative Code was made by Commissioner Locke and seconded by Commissioner Jordan. The motion carried.

- b) Chapter 41, Fever Ticks, New Authorized Treatments

The Texas Animal Health Commission (commission) proposes amendments to Chapter 41 entitled “Fever Ticks”. The amendments are adding new treatment standards as well as a new definition for animals.

A motion to ADOPT the amendments to Chapter 41, Fever Ticks, located in Title 4 of the Texas Administrative Code was made by Commissioner Vickers and seconded by Commissioner Bouma. The motion carried.

c) Chapter 47, Approved Personnel, HB 3569 Changes

The Texas Animal Health Commission (commission) proposes amendments to Chapter 47, concerning “Approved Personnel”. The purpose of the amendments is to modify this chapter in response to House Bill (H.B.) 3569, which was passed during the 83rd Texas Legislative Session.

A motion to ADOPT the amendments to Chapter 47, Authorized Personnel, located in Title 4 of the Texas Administrative Code was made by Commissioner Jordan and seconded by Commissioner Locke. The motion carried.

d) Chapter 50, Animal Disease Traceability, Cattle Identification

The Texas Animal Health Commission (commission) proposes a new section in Chapter 50, which is entitled “Animal Disease Traceability (ADT)”. The purpose of the new §50.3 is to establish identification requirements for cattle.

A motion to ADOPT the amendments to Chapter 50, Animal Disease Traceability, located in Title 4 of the Texas Administrative Code was made by Commissioner Locke and seconded by Commissioner Simmons. The motion carried.

e) Chapter 51, Entry Requirements, Trichomoniasis

The Texas Animal Health Commission (commission) proposes amendments to Chapter 51, entitled “Entry Requirements.” The purpose of these amendments is to change the Bovine Trichomoniasis (Trich) entry requirements.

A motion to ADOPT the amendments to Chapter 51, Entry Requirements, Trichomoniasis, located in Title 4 of the Texas Administrative Code was made by Commissioner Edmiston and seconded by Commissioner Vickers. The motion carried.

f) Chapter 57, Poultry, Indemnity

The Texas Animal Health Commission (commission) proposes a new section in Chapter 57 entitled “Poultry.” The new §57.13 is for the purpose of providing indemnification requirements for poultry.

A motion to ADOPT the amendments to Chapter 57, Poultry, located in Title 4 of the Texas Administrative Code was made by Commissioner Simmons and seconded by Commissioner Jordan. The motion carried.

Item 16 – Consideration of and Possible Action on Agency Rule Review Plan

The Commission will conduct a review of its rules on a chapter-by-chapter basis and individual notices of intent to review all rules under each chapter will be published in the Rule Review

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section of the Texas Register. An assessment will be made by the Commission as to whether the reasons for adopting or re-adopting the rules continue to exist. Readopted rules will be noted in the Rule Review section without publication of the text. Any proposed amendments for repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the Texas Register and will be open for a 30 day public comment period prior to final adoption or repeal.

The Commission will conduct a review of its rules by chapters; however, the Commission may review a chapter as part of its routine rulemaking before its scheduled review date if it is necessary to propose amendments to a chapter.

The review of the chapters listed below will begin February 1, 2014, and will be concluded by January 31, 2015:

Chapter 32, Hearing and Appeal Procedures
Chapter 35, Brucellosis
Chapter 36, Exotic Livestock and Fowl
Chapter 40, Chronic Wasting Disease
Chapter 49, Equine
Chapter 58, Emergency Response and Management
Chapter 60, Scrapie

The review of the chapters below will begin February 1, 2015, and will be concluded by January 31, 2016:

Chapter 31, Anthrax
Chapter 34, Veterinary Biologics
Chapter 37, Screwworms
Chapter 39, Scabies
Chapter 45, Reportable Diseases
Chapter 53, Market Regulation

The review of the chapters below will begin February 1, 2016, and will be concluded by January 31, 2017:

Chapter 38, Trichomoniasis
Chapter 41, Fever Ticks
Chapter 43, Tuberculosis
Chapter 51, Entry Requirements
Chapter 54, Domestic and Exotic Fowl Registration
Chapter 55, Swine

The review of the chapters below will begin February 1, 2017 and will be concluded by January 31, 2018:

Chapter 33, Fees
Chapter 47, Authorized Personnel
Chapter 50, Animal Disease Traceability

Chapter 56, Grants, Gifts and Donations

Chapter 57, Poultry

Chapter 59, General Practices and Procedures

A motion to PROPOSE the Rule Review Plan and to publish a notice of the Rule Review Plan in the Texas Register with a 30 day comment period was made by Commissioner Jordan and seconded by Commissioner Locke. The motion carried.

Item 17 – Consideration of and Possible Action on Rule Review of Chapter 32, Sections 32.1, 32.2, 32.5 and 32.6

The Texas Animal Health Commission (commission) proposes the review of 4 TAC Chapter 32, concerning Hearing and Appeal Procedures, in accordance, with Texas Government Code, §2001.039. The rules to be reviewed are §§32.1, 32.2, 32.5 and 32.6.

As required by §2001.039 of the Texas Government Code, the commission will accept comments and make a final assessment regarding whether the reasons for initially adopting these rules continues to exist and whether these rules should be repealed readopted or readopted with amendments.

A motion to PROPOSE for Rule Review Chapter 32, Hearing and Appeal Procedures, as found in Sections 32.1, 32.2, 32.5 and 32.6 and to publish a notice of the proposed rules review in the Texas Register with a 30 day comment period was made by Commissioner Locke and seconded by Commissioner Bouma. The motion carried.

Item 18 – Public Comment

Chairman Morales recognized the following 2 individuals who asked to speak before the Commission. This is only a summation of their comments, a full audio of the comments and the complete discussion that followed is available on the Texas Animal Health Commission website. <http://www.tahc.state.tx.us/agency/meetings.html>

1. Dr. Brandon Dominguez – Texas Veterinary Medical Association Bovine Committee – in reference to agenda item 15(a), Dr. Dominguez expressed concern that control could be lost in managing disease in question and that current legislation is adequate to address the issue.
2. Judith McGeary – Farm and Ranch Freedom Alliance – in reference to agenda item 15(d), Ms. McGeary expressed concerns about consideration of small producers incurring additional expenses and undue burden related to agenda item 15(d).

Item 19 – Closed Executive Session

Item 20 – Consideration of any Action Needed Following Closed Executive Session

A motion was made to APPROVE an increase of the Executive Director’s Salary as discussed in the Closed Executive Session by Commissioner Vickers and seconded by Commissioner Locke. The motion carried.

Item 21 – Set Date for 389th Meeting

The date for the next Commission meeting was not set. Notice will be posted on the agency’s website when the next Commission meeting date has been set.

Item 22 - Adjourn

Meeting adjourned at 11:55 am.