

SUMMARY MINUTES OF THE 406th COMMISSION MEETING
Texas Animal Health Commission
June 23, 2020

Item 1 – Welcome and Call to order by Chairman Locke

The Texas Animal Health Commission (TAHC) Commissioners met in the agency’s headquarters, in Austin, and remotely, via conference call, on Tuesday, June 23, 2020. Chairman Coleman Locke began the meeting at 8:35AM. The Pledge of Allegiance was recited and the Chairman congratulated reappointed commissioners as well as introduced the newly appointed commissioners.

Item 2 – Roll Call for Commission Members

The Chairman called the roll for the commission members. For public awareness, the commissioners indicated if they were physically present or present by teleconference:

Commissioners Michael Vickers, Jimmie Ruth Evans, Melanie Johnson, Coleman Locke, Ken Jordan, Leo Vermedahl, Keith Staggs, Wendee Langdon, were present in person. Commissioners Barrett Klein, Jim Eggleston, and Tommy Oates were present via teleconference. Two members, Joe Leathers and Joe Osterkamp were absent.

Item 3 – Roll Call for Public Participants Providing Public Comment

Due to Governor Greg Abbott’s March 13, 2020 proclamation of a state of disaster affecting all counties in Texas due to the Coronavirus (COVID-19) and the Governor’s March 16, 2020 suspension of certain provisions of the Texas Open Meetings Act, this meeting of the Texas Animal Health Commission was held by teleconference as authorized under Texas Government Code section 551.125. The Chairman asked that all attendees microphones be muted until such time as public comment is requested or the individual is called upon to speak. Also, because this meeting was held by live audio and teleconference, all individuals were asked to identify themselves by first and last name, and indicate if they represented themselves or an organization before speaking. Any individual who requested to speak on a specific agenda item or during the public comment period was instructed to press *3 to “raise their hand” signifying they wished to speak. At that time, they would be unmuted one at a time and provided with their opportunity to speak and once finished placed on mute again. Once done speaking, participants were asked to press *3 to “lower their hand”.

There was one participant identified for public comment, Ms. Katie Turner, who represented herself and had comments on agenda item #5

Item 4 – Approval of the minutes of the 405th Meeting

An opportunity for public comment was offered and instructions for unmuting lines and for the speaker to identify themselves was detailed. There was no public comment concerning the minutes of the 405th Commission meeting.

The minutes of the 405th Commission meeting held on December 10, 2019, were approved by the Commissioners.

Item 5 – Report of the Executive Director, Field Animal Health Program Activities and Approval of Waiver Requests for the Period of 12/10/2019 to 6/23/2020

Dr. Schwartz presented the following:

- **Agency Business**
 - TAHC Response to SARS-CoV-2 (COVID-19) Pandemic

- As per Cybersecurity and Infrastructure Security Agency (CISA) guidance, Food and Agriculture workers are considered part of our nation’s essential critical infrastructure. “Animal agriculture workers to include those employed in veterinary health (including those involved in supporting emergency veterinary or livestock services); raising, caring for and management of animals for food; animal production operations; livestock markets; slaughter and packing plants, manufacturers, renderers, and associated regulatory and government workforce.”
- Orders issued by the Office of the Governor followed the CISA guidelines
- TAHC is authorized, and expected, to continue providing services to support Texas animal agriculture in a manner that protects both the health of agency employees and the health of producers we work with on a daily basis.
- On March 17, 2020, TAHC employees began teleworking to the extent possible, as allowed by their job duties. Offices and the laboratory were closed to the public except by appointment.
- Field personnel (Livestock Inspectors, Supervising Inspectors, Field Veterinarians, Region Directors, Epidemiologists, Investigators) have continuously conducted their duties at livestock markets, farms, ranches, and other livestock facilities.
- On June 1, Region Offices resumed full staffing except for individual employees in situations warranting continued telework. The TAHC Central Office began Phase 1 of our return to office work policy, with 25% staffing. Moving to Phase 2 is tied to stable or decreasing numbers of COVID-19 cases in the Austin area.
- TAHC provides the Office of the Governor daily updates on COVID-19 related activities, developments, and concerns pertaining to the agency and the Texas livestock industry
- TAHC hosts regular teleconferences with industry and response partners, focused on COVID-19 issues related to livestock
- Preparations are well underway for 87th Legislative Session to begin January 2020
 - TAHC Strategic Plan for FY2021-2025 was submitted by June 1 deadline
 - (Overview will be provided by Carolyn Beck, Government and Industry Liaison)
 - Sunset Commission Agency Report and TAHC Response (update by Carolyn Beck)
 - Strategic Fiscal Review (update by Myra Sines, Chief of Staff)
 - Budget Cost Savings Strategy – Return 5% of budget for current 2020-2021 biennium (details provided by Myra Sines)
- Agency Staffing:
 - 220.2 FTEs authorized, 201.2 filled
 - LBB Information request for impact of funds appropriated for Livestock Inspector salary increase (summary will be provided by Dr. Angela Daniels, Assistant Executive Director for Field Services)
- Texas State-Federal Laboratory

- National Animal Health Laboratory Network (NAHLN) status: Following submission of sufficient documentation to show that improvements to molecular testing have been made, the TAHC laboratory has been reinstated for molecular and serologic testing.
- Sunset Commission Agency Report recommendations regarding the laboratory will be addressed separately.

- **Disease considerations**
 - Cattle Fever Ticks
 - Voluntary Cattle Dipping Incentive – This was initiated at markets in June 2019. Voluntary inspection has led to the discovery of ticks on multiple occasions. Four markets are currently participating.
 - Willacy County Office and Dipping Vat – The facility and vat are fully functional and project work is nearing completion
 - Rio Bravo Buffer Zone – This is a joint effort with the United States Department of Agriculture (USDA) to address cattle fever tick incursions from Mexico by establishing a buffer zone in Mexico mirroring the one in Texas. A face to face meeting was held in San Antonio in early February 2020, and regular Steering Committee calls are being held. Efforts are focused on establishing two cooperatively funded fever tick eradication pilot projects, one in Tamaulipas and one in Coahuila.
 - Dr. Susan Rollo, State Epidemiologist, will have more fever tick information in her report.
 - Bovine Trichomoniasis
 - The Trichomoniasis Working Group call scheduled for March 2020 was canceled due to COVID-19. A meeting will be scheduled this fall.
 - Chronic Wasting Disease
 - Rule proposals on containment and surveillance zones are on the agenda today.
 - African Swine Fever
 - Still a very real threat, though overshadowed by COVID-19 concerns
 - Scrapie
 - The USDA conducted a Scrapie Consistent State Review in September 2019. The plan to address findings of concern, primarily related to enforcement of sheep and goat ID requirements, will be submitted by the June 30, 2020 deadline.
 - Entry Requirements/ADT Interstate Movement Issue
 - State and federal requirements for the interstate movement of dairy calves call for official identification of each calf and a Certificate of Veterinary Inspection for each load. Meeting these requirements presents a challenge to large volume operations, and makes verification of arrival by TAHC very difficult. One large calf ranch alone receives 450-900 calves per day year-round from dairies in three states, TAHC staff is working with a calf ranch, dairies, other states, and USDA to develop an alternate process for interstate movement of dairy calves <10 days of age that safeguards the health of Texas cattle while taking advantage of electronic identification and electronic data transfer. A six-month pilot of the alternate system will be launched soon.

- **National Issues**

- Animal Disease Traceability (ADT)
 - USDA’s policy on discontinuation of metal tags and requirement for RFIDs was withdrawn. Expectations are that a new proposal will be published in the federal register very soon for public comment.
 - Texas UHF Back Tag Project – installation phase nearing completion
 - 4 Livestock Markets, 5 Order Buyers, 4 Feed Yards, and 5 slaughter plants participating
 - 4 vendors
 - 16 agencies and associations in 3 states
 - Due to COVID-19 delays, USDA granted a one-year project extension. The project will now conclude on September 30, 2021.
 - Original project funding: \$365,600
Funding for extension: \$106,415
Total: \$472,015
 - Now collaborating with U.S. CattleTrace
 - Southern Animal Health Association Annual Meeting set for June 7-10, 2020 in Amarillo was canceled due to COVID-19.
 - The National Assembly/USDA APHIS VS TB Rule Working Group expects to complete proposed CFR and Program Standards changes in the next six weeks, in time to make the spring 2021 federal regulatory calendar

- **Waiver Report - December 10, 2019 – 6/23/2020**

- Pullorum Typhoid – **Approved** – allowed entry of shipment of spent hens to be tested upon arrival at Texas facility.
- Brucellosis – **Approved** – allowed entry of one male Waterbuck. Animal was raised in a zoo environment and posed very low risk to Texas livestock.
- Brucellosis – **Approved** – allowed entry of one male Sitatunga. Animal was raised in a zoo environment and posed very low risk to Texas livestock.
- Avian Influenza – **Approved** – allowed entry of four 15-day old geese without testing due to age and size of birds. Animals are moving from zoo environment to another zoo environment and pose little risk to Texas.
- Brucellosis and Tuberculosis – **Approved** – allowed entry of young Klipspringer prior to testing for Brucellosis and Tuberculosis. Animal came from a zoo with negative tested parents and was held in quarantine until negative tests were returned at zoo destination.
- Tuberculosis – **Approved** – allowed entry of three-week-old Muntjac Deer without TB test. Animal came from TB free state, from a certified breeder and was moved to a zoo environment, where it poses little risk to Texas livestock.

An opportunity for public comment was offered and instructions for unmuting lines and for the speaker to identify themselves was detailed. Katie Turner, representing herself, commented on the Sunset findings of TAHC referring a low percentage of complaints to local courts and the recommendation

that TAHC and the Texas Department of Agriculture having a management-controlled discussion over the handling of animals rejected at import/export ports. Chairman Locke thanked Ms. Turner for her input. There was no further comment. The report and actions of the executive director were approved.

Item 6 - Presentation of Epidemiology Activities

Dr. Susan Rollo, State Epidemiologist, presented the following report:

Cattle Tuberculosis (TB):

- 1. Status of the infected herds in Parmer and Lamb Counties:** Two organic dairies and a feed yard (~12,000 head) completed an assessment test in April 2015, and 15 subsequent removal tests. To date, there are 68 histocompatible samples disclosed. Pending negative results on the 15th test, this complex will transition to the verification testing stage in 180 days and will be released from quarantine. Annual assurance testing will be scheduled for five years.
- 2. Status of the infected dairy in Bailey County (feed yard and associated dairy in Parmer/Bailey) released from quarantine:** Two organic dairies and a feed yard (~6,500 head) are released from quarantine and are testing annually for five years.
- 3. Status of the infected dairy in Sherman County and two associated infected grower operations in Dallam County that are epidemiologically linked to the positive dairy.**
 - The ~8,700 head dairy was previously tested annually 2015- 2017 with negative test results after they received exposed heifers from a bovine TB affected dairy. The fourth test in December 2018, resulted in a high response rate. Further testing led to the identification of 68 animals with confirmed TB by culture after one assessment and two removal tests. Of these, 67 had a strain of last know linkage with cattle in central Mexico and one had a strain distantly linked to one from the Iberian Peninsula. Currently, a 3rd removal test is underway.
 - One associated grower facility is a ~70,000 head calf ranch. To date, one positive heifer was disclosed on 3/1/2019. Approximately 12,000 head at the facility are considered ‘exposed’ and are on a testing plan with one final test required prior to release.
 - The positive dairy and a second Colorado dairy under the same management utilize a heifer raiser premises with ~4,500 head in Dallam County. The first whole herd test on April 8, 2019 disclosed one positive heifer. The remaining heifers at the facility returned to the affected Texas dairy and this facility is closed.
- 4. Status of infected beef herd in Austin County:** In June 2019, a positive beef herd was disclosed from a slaughter trace back. After one assessment test, an additional positive cow was identified. Whole genome sequencing describes a unique strain to the US with Mexican origin. A third whole herd test was completed in February and a verification test is scheduled for October. To date, there are 54 traces associated with this herd and work is ongoing.
- 5. New slaughter traced to a large dairy in northeastern Panhandle.** A whole herd assessment test was completed in April 2020 with no additional positive cattle disclosed. A second whole herd test is scheduled for October. To date, this dairy is not considered an infected dairy unless additional positives are disclosed. Genetically the strain indicates a new strain to the US with historic ties to Mexico.
- 6. TB slaughter trace cases in FY 2020:**
 - One slaughter trace which was Mexican origin led to a feed yard in the Panhandle. The animal did not have an official tag and was closed as MXU (unknown) no official id.

- A second trace led to a different feed yard. This animal did have an official ID which was Mexican origin originating in Tamaulipas.
- The third trace was an animal that originated in Nebraska. This sample was histocompatible but PCR negative and the culture is pending.

Cattle Trichomoniasis: From October 2019 through May 2020, there were 275 positive bulls disclosed of 29,084 bulls tested (0.95% test positive).

Cattle Fever Tick (CFT): The Cattle Fever Tick Eradication Program is a cooperative activity between the TAHC and USDA-VS. In the Permanent Quarantine Area (PQ), the Temporary Preventive Quarantine Areas (TPQA), and additional Control Purpose Quarantine Areas (CPQA), there are 164 total infestations disclosed through April 2020. Beginning with an infested property outside the TPQA in southern Cameron County discovered January 30, 2020, trace out investigations identified 3 additional infested premises which then led to further discoveries. Each associated infested premises have additional trace out investigations. In all, Cameron County has 5 new infested premises outside the TPQA and 4 of the 5 are epi-linked. The fifth infested property was likely exposed from infested Nilgai antelope that were moving westward from the TPQA. In addition, Hidalgo, Willacy, and Jim Hogg Counties each have one epi-linked infestation resulting in new CPQAs.

The most recently identified infestation (#8) occurred at a premises in Jim Wells County. The Beeville region has requested trace documentation and they are waiting on the data gathering process from the market. At this time, it is unknown whether this infestation is related to the others. As the trace in investigations occur, the source of CFTs to this premises may be revealed.

In addition to the current new outbreaks, the Jim Wells CPQA was initiated in August 2019. The Beeville region continues to manage this CPQA with 414 quarantines. A total of 168 trace out cases were identified. Genetically, the ticks are similar to a premises in Hidalgo which was infested in 2017 but no clear linkages have been determined.

Equine Infectious Anemia (EIA) and Piroplasmosis: Texas continues to disclose both diseases in racing quarter horses when tested for movement. In 2020, 9 EIA cases and 7 Piroplasmosis cases have been disclosed.

Scrapie: The flock identified in April 2016 remains under quarantine in Hartley County.

Infectious Laryngeal Tracheitis (ILT) in Poultry:

On December 10, 2019, TAHC was notified by the Texas A&M Veterinary Medical Diagnostic Laboratory (TVMDL) of PCR positive ILT samples from two commercial broiler producers in Camp and Upshur Counties. The cases were submitted due to increased mortality with respiratory and conjunctival symptoms in commercial broilers near finishing weight. Every 3-7 days, each company experienced new positive flocks. The last infected flock was disclosed on May 11, 2020 bringing the total flocks associated with this outbreak to 34.

The commercial farms depopulated all houses and utilized live haul to respective processing plants following routes of lowest exposure. The TAHC aided in developing truck routes that avoided commercial farms to prevent inadvertent spread. After appropriate cleaning and disinfection, the houses remained vacant for 30 days before repopulating representing adequate down time. Mid way through the outbreak, one egg laying premises became infected possibly due to fomite spread from employees who resided in the areas with disease.

The TAHC conducted surveillance within one mile around all positive flocks. Of the 68 backyard flocks that were sampled, eight were positive. None of the backyard flocks were symptomatic, and laboratory results suggest recent spread perhaps from the commercial flocks to the birds as opposed to being a source of infection. The majority of the backyard producers purchased birds at feed stores rather than at high risk flea markets.

During the outbreak, commercial farms utilized the recombinant vaccine. The CEO vaccine use is not allowed in Texas without approval by the Executive Director, but usage was considered and discussed among the companies in order to stop the spread. Ultimately, the vaccine was not utilized due to the fear of ILT vaccine strain becoming endemic in Texas.

The companies recognized some biosecurity breaches such as the need to develop written instructions in different languages. Additional recommendations include providing clear signage posters on symptoms and response and reeducating or refreshing all employees within companies once the first case is identified. Identifying a zone as high risk would be helpful in order to broadly implement some best practices that will reduce spread. One of the most important practices is an aggressive litter management strategy which should be implemented by the companies immediately once the first case is reported. Limiting people movement and adjusting schedules within the high risk zone is also important since humans can easily spread the virus between flocks. Monitoring truck routes and determining novel strategies to prevent feathers from spreading during live hauls would also be helpful. ILT is highly infectious and can move 300 meters through the air especially in dry, windy, and cold environments and usually in the spring. Initiating a vaccine program in the fall would be beneficial. Finally, since larger birds are more at risk, processing could be modified to process smaller weight birds within the high-risk zone.

Chronic Wasting Disease (CWD):

A new CWD positive breeding herd was disclosed in February 2020 in Kimble County. Since July 2015 and prior to this discovery, five positive captive breeder herds have been disclosed and four of those are in Medina County. One herd in Lavaca County and three herds in Medina County were depopulated leaving one large herd in Medina that is managed on a herd plan.

A new zone was established in Val Verde County in December 2019 as a result of a positive free-ranging white-tailed Deer (WTD). A second positive WTD was also disclosed in February 2020 in

the same area. In addition, during the recent hunting season 2019-2020, two positive free-ranging Mule deer in El Paso County, one positive WTD in Hudspeth County, and two positive free-ranging WTD in Medina County were disclosed. Additional samples are pending confirmation at National Veterinary Services Laboratory (NVSL) and will be reported on a later time.

Vesicular Stomatitis (VSV):

The first VSV case in Texas was confirmed in horses on two Starr County premises on April 23, 2020. The NVSL reported the serotype as the New Jersey strain. On April 30, 2020 a horse in El Paso County was confirmed with VSV with the Indiana strain. Since these initial confirmations, VSV was confirmed in Hudspeth, Kerr, McMullen, and Zapata counties in both cattle and horses. Testing has continued since May 8, 2020, there are no additional cases identified. Additional states with reported affected cases include Arizona, Kansas, and New Mexico. Last summer there were 172 affected cases in Texas.

Rabbit Hemorrhagic Disease Virus (RHDV):

RHDV is a fatal, viral disease that affects both domestic and wild rabbits, including hares, jackrabbits, and cottontails. The disease is highly contagious and spreads readily across the landscape. The best preventive measures are very strict biosecurity.

On March 24, 2020, the National Veterinary Services Laboratory, and the Foreign Animal Disease Diagnostic Laboratory notified New Mexico of the first Rabbit Hemorrhagic Disease Virus Type 2 (RHDV2) case in a domestic rabbit. Wild rabbit die offs were reported to state officials in the southern part of the state, and in early April 2020, RHDV2 was confirmed in desert cottontails, and black-tailed jackrabbits. This was the first time RHDV was confirmed in wild rabbit species in the United States (US). The disease continues to spread throughout the Southwest in wild species, with an increasing number of domestic rabbit colonies affected as well.

Eventual wildlife spread led to diagnosis of RHDV2 in Arizona and Texas, Colorado, Nevada and California. Mexico reported domestic and wildlife cases caused by RHDV2 in several Mexican states as well. The first Texas case was on April 9, 2020 in a domestic rabbit on a premises in Hockley County. The first wild rabbit positive was April 15, 2020 in Lubbock County. Since then additional domestic cases have been confirmed in El Paso, Hamilton, Lampasas, Lubbock, and Midland counties. RHDV2 in wild rabbits has been confirmed in Brewster, Culberson, El Paso, Gaines, Hale, Hockley, Hudspeth, Jeff Davis, Pecos, Randall, Terrell, and Ward counties.

Due to the Foreign Animal Disease (FAD) status of this viral disease in the United States, there are no US licensed RHDV2 vaccines available. There are two killed virus vaccines in Europe which may be imported for emergency use with the approval of the state animal health official and a permit from USDA's Center for Veterinary Biologics. Dr. Roger Parker who leads the Veterinary Biologics Program initiated discussions among Texas practitioners in efforts to support them through the difficult process of importing a foreign vaccine into the US. Currently, Texas veterinary practitioners have received over 3,000 doses of the imported vaccines and over 6,000 doses have been ordered for receipt in July. Veterinarians who vaccinate rabbits are following stringent cleaning and disinfection between vaccination appointments of different rabbit households. Because the vaccines are not widely

available, rabbit owners are advised to consult with their veterinary practitioners and maintain strict biosecurity, including reduced movement of rabbits (voluntary self-quarantine).

Rabbits are not considered livestock in Texas. The TAHC participates in supporting and coordinating testing and surveillance along with Texas Parks and Wildlife Department because the disease is considered a foreign animal disease to the US. The TAHC communications and epidemiology departments have developed biosecurity guidance and veterinary reporting guidance in response to this outbreak.

SARS-CoV-2:

The SARS-CoV-2 virus was first recognized as a coronavirus responsible for a cluster of pneumonia cases of unknown origin in Wuhan, China in December 2019. Humans show no immunity to the virus and as a result the virus is now a worldwide epidemic. The large family of coronaviruses are widely recognized as viruses in both humans and animals including livestock. The Center for Disease Control (CDC) has not confirmed the source of the current outbreak but one prominent theory is that humans became first infected from an animal source in a Wuhan wet market. Since the initial introduction from an animal source to humans, other animal susceptibilities continue to be examined and to date, transmission from humans to animals (mainly pets) appears to only occur in rare occasions. One exception is minks, which appear to be very susceptible as reported from several farms in the Netherlands. Although there are mink farms in the US, Texas was not included in the farm list reported by the USDA. To date, in the US, the positive animals for SARS-CoV-2 occurred in New York, Minnesota, and Illinois including four cats, one dog, one tiger, and one lion.

The epidemiology and communications departments continue to develop TAHC guidance and promote CDC guidance documents for veterinarians and other industry stakeholders. The TAHC in collaboration with the Department of State Health Services Veterinary Public Health Officials conduct assessments on pets or zoo animals to determine if animal testing is appropriate based on recommendations from the USDA and CDC One Health programs. In addition, TVMDL is one of the several labs in the US that has testing capabilities. Approved samples are submitted to TVMDL and any non-negative result is confirmed at NVSL. Veterinarians seek guidance from TAHC on testing as well as personal protective equipment usage. Since April 1, 2020, TAHC has assessed 19 potential exposures and has consulted on additional situations.

Program Records:

Numbers of Certificate of Veterinary Inspections by type comparison by year to see if Covid-19 impacted animal movements:

1st Quarter 2019	Incoming	Outgoing	TX to TX
Total Electronic	3408	3501	6539
Total Paper	4852	5020	8648
1st Quarter 2020	Incoming	Outgoing	TX to TX
Total Electronic	6072	6440	7273
Total Paper	7323	5561	8130

Item 7 – Presentation of Field Animal Health Programs and Disease Traceability Activities

Dr. Angela Daniels, Assistant Executive Director of Animal Health Programs, provided the following report:

- Field Staffing
 - Number of full-time equivalents (FTEs) filled vs Vacancies (132 filled, seven vacant)
 - Retention of inspectors has been an issue, for example, in 2017 there was a turn over rate of 15.3%, in 2018 it was 26.8%, 31.8% for 2019, and for the current date in 2020 it stands at 11.8%
 - Salary is often a deciding factor for loss of employees, with employees often moving to the USDA due to higher salaries. In the past two years, 11 employees have gone to the USDA due to better compensation opportunities.
 - Workshops – 2020 Workshops are tentative and will take in consideration minimal travel with the workshops potentially being virtual. The Regional Director workshop is being considered for August, with the Inspector workshops being held regionally, for the month of September. Topics would be tailored for each region’s needs. Updates from the Central Office would be provided regionally. Region administrative staff may have a virtual training in October that will potentially focus on the new enterprise system
- Inspections
 - For the first quarter of 2020 there were:
 - 33 event inspections
 - 251 feed yard/ calf ranch inspections
 - 406 feral swine inspections
 - 1160 livestock market inspections
 - 4468 livestock shipments were inspected
 - 546 fowl inspections
 - Swine first point testing – 3665 swine sold, 293 sows/boars, 360 head/ 81% were tested
 - Slaughter plant inspections
 - 89 trichomonaisis inspections
 - 11/62 waste feeder inspections
- Authorized Personnel: 2204 Accredited Authorized Vets in Texas
 - 842 Trich Certified
 - 91 CWD Antemortem Certified
 - 1140 CWD Postmortem Certified
- Field Manuals:
 - TB and scrapie are up for a second revision
 - Brucellosis is being reviewed on its second revision
 - Cattle Fever Tick is undergoing its first revision
 - Inspections manuals for Swine, Markets, and Trade Days/Flea Markets and Equine Markets are under way
- COVID-19 Impacts on Livestock
 - Swine: Prior to COVID-19 disruption, hog processing was 106% as compared to last year, dropped to 95% as of 6/9/20. Total slaughter numbers down 17% from April 11th. Overstock projections expected to peak Dec 2020 at about 7.5 million. The market saw a 10% reduction in herd size since Q1 2020

- Beef: Total overstock estimates at 1.2 million with an overstock range of 0.9 to 1.5 million. Total slaughter numbers are down 23% since April 4th
- Fowl: Turkey total slaughter numbers are down 8.6% since April 4th. Broiler slaughter numbers are down 7.9% since April 4th
- Processing: Many custom plants are booked out to the fall
- Impacts to Texas Livestock:
 - No mass depopulation of livestock to-date in Texas.
 - Staff closely monitored swine situation with top 12 swine states where mass depopulation did occur in some areas.
 - There was lots of information sharing among top 12 swine states. There was a state vet call daily, which then went to weekly calls through April and May with top 12 swine states.
 - Staff closely monitored the dairy industry and as milk was dumped starting in mid-April for around 15 days.
 - Beef and Poultry plants experienced processing reduction challenges with worker absenteeism. The CDC, Texas Department of State Health Services (DSHS), Randall/Potter Counties' Public Health Task Force deployed to Amarillo area to test beef packing plants.
 - Livestock movement issues with Louisiana were monitored as travel from TX was prohibited, ag was exempt.
- Upcoming plans and tasks:
 - Further refine field inspection monitoring and progress
 - Complete inspection manuals & revise field manuals
 - Develop material and agendas for fall workshops
 - Clean-up of existing databases for new enterprise system
 - Continued messaging to Texas veterinarians to provide relevant updates and information
 - Development of Texas Secure Food Supply Plan and field and vet training
 - Continued training with agency on emergency preparedness

Item 8 – Presentation of USDA Updates

Dr. Brian LaLande presented an update of USDA VS activities, via telephone.

Dr. LaLande mentioned more veterinary medical officers (VMO) being hired, with three more VMO positions remaining to be filled. There is a CWD flock/herd being considered for depopulation. This is pending review. Funding has been sent to Yellowstone for Brucellosis efforts there. Dr. LaLande provided updates on Avian Influenza, Viral New Castle Disease, and Rabbit Hemorrhagic Disease control efforts in various locations. There are 43 confirmed Vesicular Stomatitis premises in the US. USDA staff continue to work to support planning for an African Swine Fever response, as the disease remains a potential threat to the US swine industry. Dr. LaLande also included that personnel were being rotated through the Southern Border Ports to help cover duties but now has filled the position. More Animal Health Technician positions are open, but hope to fill soon. Finally, for now, USDA personnel are in mandatory teleworking mode in response to COVID-19, and will remain that way for several more weeks. Staff will phase back into the office when the time comes to return.

Item 9 – Presentation of Sunset and Strategic Plan Updates

Mrs. Carolyn Beck presented a report on Sunset Review Process:

The TAHC submitted the Self Evaluation Report to the Sunset staff in September of 2019. From November to February 2020 the agency was reviewed by Sunset staff and agency staff members worked on various reports.. In April of 2020, the Sunset Staff Report was published. An initial Sunset Commission hearing was set for July of 2020, but due to COVID-19 issues, the date has yet to be determined, as has the second hearing where the Sunset Commission will vote on recommendations made by staff. The Sunset Commission Report is due to the Legislature in February of 2021. Mrs. Beck highlighted recommendations made by Sunset staff and actions that have been underway or will be taken on to address the issues, including: concerns over the need for TAHC’s laboratory and cost of operation; the consistency of TAHC’s enforcement efforts, updating TAHC laws, rulemaking, and communications; and the continued need for the TAHC and the work it conducts. Mrs. Beck also highlighted the agency operational goals and action plans for the strategic plan and shared data on the agency customer service report survey that was provided to the public in March of 2020 through May 3, 2020.

Item 10 – Strategic Fiscal Review & Budget Cost Savings Strategies Update

Ms. Myra Sines detailed cost saving strategies enacted by the agency, which include delayed hiring practices, reduced travel, and implementing no merits awarded to staff. The legislature has asked that state agencies return 5% of their budgets, which over the course of two years is 1.2 million for the agency.

Item 11 – Consideration of and Possible Action on Agency Laboratory

Dr. Andy Schwartz presented the following on the agency laboratory:

The Sunset Advisory Commission Staff Report, Issue #1, states that the Texas Animal Health Commission’s Laboratory is no longer needed or cost-effective, and recommends that the lab should be closed. This examination was done per the Texas Agriculture Code, Sec. 161.037 which requires a periodic review of agency functions, including laboratory services, that also are provided in the private sector in order to determine the most cost-effective method for delivering the services. This recommendation continues to state it would designate TVMDL as the state’s regulatory animal health lab, effective September 1, 2021. The Sunset staff Report stated that the TAHC should enter into a memorandum of understanding (MOU) with TVMDL for lab services and close its lab no later than January 1, 2022. Dr. Schwartz explained the **Appropriations Bill, HB 1, 86th Session, Rider 3:**

- Laboratory testing for animal diseases shall be performed at the TVMDL to the extent of its capabilities, unless the TAHC State-Federal Laboratory can perform the testing for TAHC programs more cost effectively. Out of funds appropriated the agency shall report annually the testing performed at the State-Federal Laboratory for TAHC programs and how the testing was deemed more cost effective than utilizing testing services at the TVMDL. The agency shall

provide the LBB the annual report regarding laboratory testing within 60 days after the close of each year.

- Furthermore, the TAHC will use funds appropriated by this Act to enter in an interagency memorandum of understanding to work with TVMDL to reduce duplication and ensure that all testing is performed in Texas to the extent possible.

Dr. Schwartz explained that TAHC has provided animal health laboratory services since 1939 and the laboratory has played a key role in several disease eradication programs by providing prompt and reliable diagnosis of diseases, including Bovine Brucellosis, Tuberculosis, and Swine Brucellosis. The TAHC State-Federal Laboratory has provided decades of high-volume, low-cost testing and ectoparasite identification supporting disease eradication programs including the eradication of Screwworms, and the efforts to combat fever ticks. In recent years the number of tests run by the laboratory have declined due to market testing stopping in 2011, and the USDA reduced the bovine brucellosis slaughter surveillance to two federal plants in Texas, then in 2019, USDA discontinued paying for sample collection at those plants because the surveillance was not longer needed to meet the World Organization for Animal Health (OIE) standards for trade. Because of the low volume of tests being run, the cost to run each test increased. In FY 2019, the lab ran 311,929, while only 70,000 tests are projected for FY 2020.

To make up for the decrease, the TAHC put in a preliminary bid for testing currently conducted at a USDA lab in Kentucky (KY), which would be approximately 300-400 thousand samples per year. The USDA will not decide on bids until two years from now, when the KY lab lease expires, which is out of the scope of the timeline set for addressing the lab.

If the Sunset recommendation is adopted, TVMDL will be designated as the state's regulatory animal health laboratory, and testing will be transferred by January 2022. Even if this recommendation isn't adopted, sample numbers have decreased to the point that testing at the agency's laboratory is no longer cost effective and in the absence of an increase in the number of regulatory samples being collected due to a disease outbreak or initiation of a new disease program, transitioning testing to TVMDL seems to be the fiscally responsible course of action. There was a Sunset hearing scheduled for July 8-9, 2020 which has been postponed due to COVID-19 and a reschedule date has not been set.

This item was opened for comment, and instructions for unmuting lines and for the speaker to identify themselves were detailed. There was no public comment, and no action was taken on the item.

Item 12 – Presentation of Compliance Activities

Mr. Bob Young presented an overview of the Compliance Summary:

The Region Compliance Summary compiles alleged regulatory violations from September 1, 2019 to May 31, 2020. This report will evolve as additional information is documented (some changes taking effect as soon as 09/01/20) and trend analysis is conducted in the information. The Commission will receive regular updates moving forward as data collected helps guide decisions such as training needs by region, the most effective enforcement activities by event, the most effective enforcement

strategies, rulemaking needs, and outreach and education efforts for producers, businesses, and other stakeholders about animal health programs and regulations.

Item 13 – Audit Sub-committee Report

Commissioner Vermedahl provided an overview of the audit sub-committee meeting which reviewed the Cash Disbursement Audit Report (including a follow-up to: Comptroller’s Post Payment Audit Recommendations, dated August 1, 2018). The objectives of the audit were to determine the reliability and integrity of information, compliance with policies, procedures, laws, and regulations, efficiency and effectiveness of operating procedures, and safeguarding of assets. The results of the audit disclosed that the Commission has implemented procedures and controls over the cash disbursement processes.

An opportunity for public comment was offered and instructions for unmuting lines and for the speaker to identify themselves was detailed. There was no public comment concerning the audit subcommittee report. The actions of the committee were approved.

Item 14 – Budget Status Report

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

- **FY 2020:**
 - Methods of Financing (Revenue): Projected available funds by fiscal year end are \$6.88M. Still anticipating federal funds and fee revenue to come in.
 - Objects of Expense (Expenditures): Anticipated known expenditures - \$15.77M.
 - YTD Unobligated Funds (Available) - \$413,567: Limitations on what some of these funds can be expended on and the TAHC does have Unexpended Balance (UB) Authority to move unobligated funds from FY 2020 to FY 2021.
 - Federal Funds: Federal Funds total is projected at \$4.3M, with \$3.4M Spendable. YTD Spendable received is \$3.17M.
 - Fee Revenue: Fee Revenue is used solely on field vehicle expenses such as fuel, maintenance & repairs, parts, insurance, and leases. Projected \$520,000; YTD collected \$474,646.
 - The TAHC does have Unexpended Balance (UB) Authority to move unspent appropriations from FY 2020 to FY 2021. This amount is unknown as this time. The TAHC Financial Services (FS) currently has no requests for authority for budgetary transfers for the FY 2020 budget.

An opportunity for public comment was offered and instructions for unmuting lines and for the speaker to identify themselves was detailed. There was no public comment concerning the budget status report. The budget status report was approved.

Item 15 – Consideration of and Possible Action on Agency Contracts and Purchases

Ms. Marita Washington presented contracts and purchases for the consideration of the Commissioners for FY 2020, which included lease renewals, workers compensation, internal auditor payment, shipping costs, and phone and internet services. Ms. Washington also provided an update on the pole barn that was presented at the last commission meeting for purchase approval, including the final cost.

Chairman Locke made note that Commissioner Vermadahl was no longer present

An opportunity for public comment was offered and instructions for unmuting lines and for the speaker to identify themselves was detailed. There was no public comment concerning the contracts and purchase presented. The contracts purchases were approved.

Item 16 – Consideration of and Possible Action on Administrative Penalty Policy

Mrs. Mary Luedeker presented the proposed Administrative Penalty Policy:

According to Texas Agriculture Code Sec. 161.148, the Commission may impose an administrative penalty against a person who violates a rule or order. The penalty for a violation may be in an amount not to exceed \$1000. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty. The amount of the penalty shall not be based on a per head basis. The purpose of the penalty policy is to establish a structure within which TAHC's legal and compliance staff will make decisions about the relief to be sought in their cases. The policy is not binding upon the Commission and the Executive Director when acting as the final decision-makers in contested cases. The Commission and the Executive Director are bound only by the limits of the law, specifically, Chapter 161 of the Texas Agriculture Code and the individual program statutes administered by TAHC. TAHC's legal and compliance staff are generally expected to seek penalties and sanctions that are within the administrative penalty levels and ranges presented in this policy. Pursuit of a penalty or sanction outside the stated range is permitted only with the express approval of the Commission's General Counsel, when exceptional circumstances warrant a departure from the policy. In determining the amount of a proposed administrative penalty or the degree of a proposed sanction to be assessed within the administrative penalty levels and ranges presented, the Commission will consider the following factors: the seriousness of the violation, including the nature, circumstances, extent and gravity of prohibited acts and the hazard or potential hazard created to the health, safety, or economic welfare of the public, whether the violation was willful or intentional, the economic harm to property or the environments caused by the violation, the history of previous violations, the amount necessary to deter future violations, efforts to correct the violation, any other matter that justice may require.

An opportunity for public comment was offered and instructions for unmuting lines and for the speaker to identify themselves was detailed. There was no public comment concerning Administrative Penalty Policy. The policy was adopted and will be posted in the Texas Register.

Item 17 – Update Regarding RULE REVIEW PROPOSALS

Mrs. Mary Luedeker provided an update on the following Proposed Rule Reviews:

Each Regulation Adoption was reviewed and voted on individually.

- (a) Chapter 33, Fees
- (b) Chapter 41, Fever Ticks
- (c) Chapter 53, Market Regulation
- (d) Chapter 54, Domestic and Exotic Fowl Registration
- (e) Chapter 55, Swine
- (f) Chapter 57, Poultry

The process of reviewing each rule has begun. All rules will have updates that will require Commission action. The rules will be staggered in presentation, and staff are working with subject matter experts and USDA to ensure the best product possible.

Item 18 – Consideration of and Possible Action on Regulation PROPOSED Rules Regarding

Ms. Mary Luedeker provided the background and overview of the regulation proposal.

- (a) Chapter 40, Chronic Wasting Disease

On December 18, 2019, the commission received confirmation that a free ranging 5.5-year-old female white-tailed deer killed in Val Verde County tested positive for CWD. The Executive Director issued an order declaring a high-risk containment zone for portions of Val Verde County on December 20, 2019. This proposed rulemaking would replace the Executive Order and establish a Containment Zone (CZ) 4 in §40.6(b)(1)(D) and Surveillance Zone (SZ) 4 in §40.6(b)(2)(D) for Val Verde County.

40.6(b)(1)(D) Containment Zone 4. That portion of the state lying within the boundaries of a line beginning in Val Verde County at the International Bridge and proceeding northeast along Spur 239 to U.S. 90; thence north along U.S. 90 to the intersection of U.S. 277/377, thence north along U.S. 277/377 to the U.S. 277/377 bridge at Lake Amistad (29.496183°, -100.913355°), thence west along the southern shoreline of Lake Amistad to International Boundary at Lake Amistad dam, thence south along the Rio Grande River to the International Bridge on Spur 239.

40.6(b)(2)(D) Surveillance Zone 4. That portion of the state lying within a line beginning in Val Verde County at the confluence of Sycamore Creek and the Rio Grande River (29.242341°, -100.793906°); thence northeast along Sycamore Creek to U.S. 277; thence northwest on U.S. 277 to Loop 79; thence north along Loop 79 to the Union Pacific Railroad; thence east along the Union Pacific Railroad to Liberty Drive (north entrance to Laughlin Air Force Base); thence north along Liberty Drive to U.S. 90; thence west along U.S. 90 to Loop 79; thence north along Loop 79 to the American Electric Power (AEP) Ft. Lancaster-to-Hamilton Road 138kV transmission line (29.415542°, -100.847993°); thence north along the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line to a point where the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line turns northwest (29.528552°, -100.871618°); thence northwest along the AEP Ft. Lancaster-to-Hamilton Road 138kV transmission line to

the AEP Ft. Lancaster-to-Hamilton Road maintenance road (29.569259°, -100.984758°); thence along the AEP Ft. Lancaster-to-Hamilton Road maintenance road to Spur 406; thence northwest along Spur 406 to U.S. 90; thence south along U.S. 90 to Box Canyon Drive; thence west along Box Canyon Drive to Bluebonnet Drive; thence southwest along Bluebonnet Drive to Lake Drive; thence south along Lake Drive to Lake Amistad (29.513298°, -101.172454°), thence southeast along the International Boundary to the International Boundary at the Lake Amistad dam; thence southeast along the Rio Grande River to the confluence of Sycamore Creek (29.242341°, -100.793906°).

On January 28, 2020, the commission received confirmation that a 4.5-year-old male white-tailed deer and a 3.5-year-old female white-tailed deer killed in Medina County tested positive for CWD. The proposed amendment takes the location of these mortalities into consideration and establishes Containment Zone 3 boundaries in §40.6(b)(1)(C) for Medina and Uvalde counties. The proposed change to §40.6(b)(2)(C) extends the surveillance zone boundaries from F.M. 187 to the Sabinal River in Uvalde County.

40.6(b)(1)(C) Containment Zone 3. That portion of the state lying within Bandera, Medina and Uvalde counties and depicted in the following figure and more specifically described by the following latitude-longitude coordinate pairs:

Boundaries consist of properties under the same ownership or management for facilities operating under a herd plan due to a positive result in a CWD susceptible species in Medina and Uvalde counties.

40.6(b)(2)(C) Surveillance Zone 3. That portion of the state within the boundaries of a line beginning at U.S. 90 in Hondo in Medina County; thence west along U.S. 90 to the Sabinal River F.M. 187 in Uvalde County; thence north along F.M. 187 to F.M. 470 in Bandera County; thence east along F.M. 470 to Tarpley in Bandera County; thence south along F.M. 462 to U.S. 90 in Hondo.

On February 26, 2020, the commission received confirmation that a 5.5-year-old female white-tailed deer held in a deer breeding facility in Kimble County tested positive for CWD. The proposed amendment would establish Surveillance Zone 5 in Kimble County in §40.6(b)(2)(E). This proposal does not create a CZ in Kimble County because the detection was in a breeder deer facility, which is required by law to be designed and built to both prevent the free movement of deer and contact with free-ranging deer. Second, the facility where CWD was discovered is operating under a commission herd plan, which restricts deer movement and requires CWD testing at an equal or higher level to what is required in a CZ.

40.6(b)(2)(E) Surveillance Zone 5. That portion of the state lying within the boundaries of a line beginning on U.S. 83 at the Kerr/Kimble County line; thence north along U.S. 83 to I.H. 10; thence northwest along on I.H. 10 to F.M. 2169; thence east along F.M. 2169 to County Road (C.R.) 410; thence east along C.R. 410 to C.R. 412; thence south along C.R. 412 to C.R. 470; thence east along C.R. 470 to C.R. 420; thence south along C.R. 420 to F.M. 479; thence

east along F.M. 479 to C.R. 433; thence south along C.R. 433 to U.S. 290; thence west along U.S. 290 to I.H. 10; thence southeast along I.H. 10 to the Kerr/Kimble County line; thence west along the Kerr/Kimble County line to U.S. 83.

An opportunity for public comment was offered and instructions for unmuting lines and for the speaker to identify themselves was detailed. There was no public comment concerning the Rule Adoption Proposal. The motion to propose the amendments to Chapter 40, Chronic Wasting Disease, and publish the proposed rules in the Texas Register passed. The notice of this review is to be published in the Texas Register with a 30-day comment period.

Item 19 – Closed Executive Session to Receive Legal Advice, Discuss Pending or Contemplated Litigation, and Settlement Offers as Permitted by Section 551.071 of the Texas Government Code.

Item 20 – Reconvene to Consider Any Action Needed Following Closed Executive Session

The Commissioners reconvened after the Closed Executive Session, but no action was required. Chairman Locke made note of the Commissioners still present: Locke, Evans, Johnson, Jordan, Langdon, Staggs, and Vickers.

Item 21 – Public Comment

Instructions for unmuting lines and for the speaker to identify themselves was detailed. No public comments were made.

Item 22 – Awards and Recognition

Chairman Locke recognized the two exiting commissioners, Dr. Edmiston and Mr. White, (not present) for their service to the state and the livestock industry. Recognition of employees who achieved certain service milestones was also made by Chairman Locke. Dr. Schwartz recognized Carolyn Beck for her upcoming retirement and thanked her for her service to the agency.

Item 23 – Set Date for 407th Commission Meeting

The date for the 407th Commission Meeting was not set at the time of the meeting, but is tentatively scheduled for July or August of 2020. Notice will be posted on the agency's website when the next Commission meeting date has been set.

Item 24 – Adjournment

The meeting adjourned at 1:10PM.