

SUMMARY MINUTES OF THE 398th COMMISSION MEETING
Texas Animal Health Commission
May 9, 2017

The TAHC Commissioners met in the agency's headquarters in Austin on Tuesday, May 9, 2017. Chairman Coleman Locke began the meeting at 8:30AM.

Item 1 – Welcome and Call to order by Chairman Locke

Commissioners not present: Jay Winter, Tommy Kezar

Item 2 – Approval of the minutes of the 397th Meeting

The minutes of the 397th Commission meeting held on December 13, 2016, were approved by the Commissioners.

Item 3 – Report of the Executive Director, Field Animal Health Program Activities and Approval of Waiver Requests for the Period 12/13/2016 to 5/9/2017

Dr. Schwartz presented the following:

- **Agency Business**

- Budget assessment in early January – shortfall likely in FY17
 - Implemented internal savings measures
- 85th Legislative Session – January 10th
 - Supplemental funding request for remainder of FY17
 - Exceptional Item Requests for FY18-19 Biennium:
 - Withdrew pay differential for veterinary staff in south and west Texas
 - Increase request for fever tick funding & FTEs due to expanded outbreak
 - Remaining seven items continued as requested in August 2016
 - Lease space request revised downward as TFC provided more precise estimates
- Governor instituted hiring freeze January 31, 2017
 - Currently have 169 employees
 - Agency has 15.2 vacancies (with 2 retirements and 1 resignation announced)
 - Postings up for 1 Administrative Assistant and 1 Livestock Inspector
- Disease considerations
 - Fever Ticks
 - New infestations discovered in Live Oak, Webb, Starr, Zapata, Cameron and Willacy counties – 2,442 premises in the state under some version of fever tick quarantine
 - Seeking adequate funding and FTEs to support successful eradication effort, working shoulder to shoulder with VS
 - USFWS: Under the Endangered Species Act, USDA determined that a Section 7 Consultation with USFWS is required for feeding Ivermectin corn where endangered species exist.
 - Approval to feed off-refuge received January 30, 2017
 - Continue seeking approval to feed on refuge
 - Approval to graze cattle on refuge still being determined

- Nilgai population management stalled
- Producer concerns
 - Shipping fever tick exposed stocker cattle to terminal feed yard, inject rather than dip to reduce shrink
 - Feeding fever tick exposed cattle in a terminal feed yard
 - Cattle Fever Tick Treatment and Trace Mitigation Agreement (private dip vat or spray box)
 - Clarifying policy on tracing cattle that have been dipped at a state-federal dip vat
- Emphasize applied research for short and long term solutions for cattle, horses, and wildlife
- Chapter 41, Fever Ticks, Dipping, Treatment, and Vaccination of Animals – rule up for adoption today, with favorable comments received.
- Chronic Wasting Disease
 - Surveillance in Non-native CWD Susceptible Species statewide – rule up for adoption today, with clarification added in response to comments received
 - Two affected herd plans under development (Medina county)
- Tuberculosis
 - Organic dairy complex herd plan discussions with USDA, APHIS, VS
 - VS planning TB summit this summer
- Trichomoniasis
 - Working group recommendations for consideration:
 - Chapter 38, Trichomoniasis, Approved Tests
 - Chapter 51, Entry Requirements, Female Cattle/Out of State Bulls to Market Exception, and removal of virgin bull exception
 - Subcommittee formed to explore intrastate requirements for female cattle
- **Waiver Report - December 6, 2016 to April 25, 2017**
 - 6 waivers requested and 6 approved:
 - Trichomoniasis – **Approved** – allowed for the entry of bulls slightly over 18 months to enter Texas on virgin certificate. Bulls were part of a performance testing program and isolated from females.
 - Trichomoniasis – **Approved** – allowed 3 year old bulls to enter Texas pending the results of trich test. Bulls were on hold order until negative test results were received.
 - Trichomoniasis – **Approved** – allowed bull to enter Texas, be tested upon arrival and held in isolation until negative test results were returned.
 - Brucellosis – **Approved** – allowed potbellied pigs to enter Texas temporarily for exhibition. Swine are kept in secure facilities and were not intended for breeding purposes.
 - Tuberculosis – **Approved** – allowed entry of fallow deer from Florida that meet Texas certified herd requirements.
 - TB and Brucellosis – **Approved** – allowed entry of an untested ibex from a wildlife park to Texas. Due to young age of animals, anesthesia posed undue risk for the testing. Animals will be tested at a more mature age and testing verified by TAHC personnel.

Item 4 - Presentation of Epidemiology, and Animal Disease Traceability (ADT) Activities

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

I. CATTLE

A. Tuberculosis:

1. Current Status of the infected dairy in Castro County, Texas in 2014-2015: The large dairy complex that was found to be infected was completely indemnified, has completed depopulation, cleaning and disinfection procedures, and has restocked. The first assurance test was conducted in November and disclosed no infected cattle.

2. Status of the infected Herds in Parmer County and Lamb County, Texas: Both dairies and the feed yard (~11,000 head) have undergone an assessment test in April 2015 then 6 removal tests in (2015: July, September, December), (2016: March, October), and (2017: Feb). There have been 53 confirmed MB compatible animals from this group including the original 6 steers that traced to this herd. Results of the October test yielded 1 lesioned cow out of 249 CFT responders and results from the recent February test resulted in 1 lesioned cow from the partner dairy. Test and cull protocols have been hindered by difficulties obtaining indemnity funds through USDA and the conflict in values for organic cattle. At this point, the dairy is pursuing the “test out” option, but Texas proposes to initiate a herd plan utilizing the Single Cervical Test (CT) to increase the sensitivity in finding any infected animals with USDA agreement for indemnity funds. The herd plan is being developed and will require approval by the dairyman and by USDA cattle health prior to implementation.

To date, there have been 25 trace-out herds identified including 10 in other states which all have been notified. TB has not been confirmed in trace-out animals (approximately 6,000) from either Texas dairy complex to date.

3. Other TB cases in the 2016:

Seven slaughter trace investigations were initiated in FY2017 including two cows that traced to an infected herd in New Mexico. TAHC is also investigating 6 trace cattle that potentially arrived in Texas from a newly identified South Dakota TB infected herd.

B. Trichomoniasis:

From January to April 2017 there have been 199 positive bulls found in 12,166 tests (1.6% test positive). In 2016 there were 38, 428 bulls tested and 664 positive (1.7% test positive).

C. Cattle Fever Tick:

The Cattle Fever Tick Eradication Program is a cooperative activity between TAHC and USDA-VS. The number of newly discovered infested premises in South Texas (in Permanent and Temporary Preventive Quarantine Areas) has increased over 100% since October 2015 (from 86 to currently 171 total infestations disclosed). Wildlife infestations, especially Nilgai antelope and white-tailed deer, are contributing significantly to the spread of ticks, with quarantined premises now stretching 30 miles northward up the Gulf coast from Cameron County, through Willacy County, to the boundary with Kennedy County. For FY 2017, the following data on wildlife infestations are listed below:

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WTD	Clean	Infested	Total	% Infested
Refuge	44	35	79	44
Cameron	21	14	35	40
Willacy	280	4	284	**1

** includes surveillance on WTD outside the current circle

NILGAI	Clean	Infested	Total	% Infested
Refuge	82	224	306	73
Cameron	5	14	19	74
Willacy	89	32	121	*26

*includes surveillance of Nilgai outside the current circle

Research is needed to discover effective acaricides or other treatment modalities to effectively treat ticks on Nilgai antelope. In addition, the predominant strain of fever ticks in this area is resistant to permethrins, further limiting the tools available to deal effectively with this outbreak.

A new fever tick infestation was confirmed in Live Oak County on November 30, 2016 which is about 110 miles from the permanent quarantine zone. A Control Purpose Quarantine Area (CPQA) was established and additional livestock inspections disclosed eight (8) additional infested premises in the area. The cattle on several of the premises were 100% heavily infested. In addition to developing quarantines on the properties in the CPQAs, TAHC and USDA also trace all animals capable of carrying the tick including cattle, horses, and a number of exotic species that left the infested premises during the previous one year (trace outs) to mitigate the spread of CFT. In addition, all animals purchased by the infested premise are traced (trace in's), to determine the source of ticks introduced to the newly established CPQA. The number of traces by county are listed below:

County	Trace In or Trace out	# of Traces	# Head	# Open
Live Oak	TI	67	288	67
Live Oak	TO	421	898	203
Zapata	TO	15	85	15
Starr	TO	146	146	106
Webb	TO	9	10	8
Total		658	1,427	399

For the traces that have been closed, 83 have been transferred out of state (California, Kansas, New Mexico, and Oklahoma), 113 have gone to slaughter, and 63 are closed for other reasons. To date, 39% of all the traces are closed.

The epidemiology group including both USDA APHIS tick and staff epidemiologist and all TAHC epidemiologists have worked cooperatively to develop new protocols and to address other situations on a case by case basis to develop resolutions that adequately mitigate CFT spread. Routinely, each of these resolutions and proposed documents are presented to the Executive Director and Assistant Executive Director as well as the USDA Assistant District Director over the CFTEP to get approval for implementation.

Ivermectin-treated corn is used to treat white-tailed deer from March to July. To date, Texas plans to place over 1,400 corn feeders in fever tick quarantined areas with approximately 3,000 tons of treated corn. For the Live Oak CPQA, corn feeders will be very important since it

appears WTD in the area likely contributed to spreading CFTs to several premises adjacent to the heavily infested premises.

The vaccine is still in use and in FY 2017 through March 30th, 6,900 head and 204 herds have been vaccinated.

II. SWINE

- A. **Brucellosis:** There have been 1 infected herds disclosed in FY 2017 to date in Montgomery County; The herd was show stock swine exposed to feral swine. A boar was identified on slaughter surveillance which traced to this herd. The entire herd has been tested revealing 14 reactors. Either a whole herd depopulation or test and remove protocol is being considered.
- B. **Pseudorabies (PRV):** There has been no infected herds have been disclosed in FY 2017.
- C. **Swine Enteric Coronavirus Diseases:** Region 1 continues to have numerous submissions from commercial swine facilities.
- D. **Swine Flu:** Swine flu (H3) can be transmitted to humans when they come in direct contact with swine shedding the virus. The Department of State Health Services shared a situational report from a case in a human that had previously visited a livestock show. This illustrates the importance of educating livestock show staff during show season.

III. EQUINE

- A. **Equine Piroplasmiasis (EP):** There were 11 positive Quarter Horse racehorses disclosed in Texas in 2016. In 2017, there has been 3 through March 30. Some of the horses moved into Texas illegally from other states and were disclosed due to Texas' testing requirements for racing facilities.
- B. **Equine Infectious Anemia (EIA)** In CY 2017, there has been 5 positive equine disclosed in Region 2, epidemiologically related. The number tested as of March 30, is 48,886 equine.
- C. **Equine Herpesvirus Myeloencephalopathy (EHM):** A 9 y.o. QH gelding barrel horse in Denton became acutely ataxic on 2/19/17 after having been to two large events during the prior week. The affected horse was sampled for EHV on 2/21/17 and yielded the non-neuropathogenic strain of EHV-1 infection on nasal swab. On 2/22/17 event organizers at the venues where the horse had run the week before were contacted to notify participants of potential exposure. No additional symptomatic horses were disclosed.

TAHC continues to distribute information about equine disease outbreaks through traditional methods (i.e. email blasts and news releases). However, for the most current information, we are encouraging stakeholders to visit the Equine Disease Communication Center (EDCC) at <http://www.equinediseasecc.org/diseases.aspx>, formed through a national equine industries, including AAEP, initiative to provide a single source for current information on disease outbreaks impacting the equine industry. TAHC is endeavoring to provide timely updates to this site.

IV. POULTRY

- A. **Avian Influenza:** Regions 2 and 4 each responded to a suspect AI on a duck and poultry sample which both subsequently confirmed as negative. However, a potential positive such as these

stimulating a lot of discussion regarding low path avian influenza (LPAI) and the response required.

- B. Infectious Laryngeal Tracheitis (ILT):** Five flocks have been identified with positive ILT results in Region 4 in Wood, Hopkins, and Franklin Counties. ILT in Texas continues to be sporadic and most predominant in the spring.

V. SHEEP AND GOATS

Scrapie: The first positive scrapie case in Texas since 2008 was identified in the Panhandle in April 2016 and the flock remains under quarantine until depopulation is complete.

VI. CERVIDS

- A. Chronic Wasting Disease (CWD) in white-tailed deer (WTD):** There are presently 2 infected herds in Texas that have been depopulated and 2 others pending an agreement on a herd plan that allows ante-mortem testing to mitigate the risk and in order to support the breeders business model. The total number of positive WTD from each facility is listed below.

Facility	Current Status	Number Positive
1	Depopulated in 2015	4
2	Depopulated in early 2016	5
3	Quarantined 1-30-16, completed one ante-mortem testing plan, and pending herd plan	7
4	Quarantined March 2016, completed entire herd ante-mortem testing plan (=>12 mo.), pending herd plan	15

TAHC continues to evaluate trace in and trace out herds from all of these facilities. Since July 2015, TAHC has worked a total of 326 herd traces and currently has 73 active or pending herd plans. The TAHC believes focused disease management can mitigate the disease being spread to other parts of the state.

- B. CWD in free ranging cervids in Texas:** CWD was first detected in Texas in 2012. To date, CWD has been detected in 13 free-ranging mule deer in the Hueco Mountains in West Texas, 3 free-ranging mule deer in the northwest Panhandle. On December 5, 2016, NVSL confirmed CWD in an 8.5 year free ranging elk in Dallam County. TPWD has disclosed a total of 22 elk (including 19 in the panhandle) that have been sampled through hunter check stations. The 19 elk sampled in the Panhandle have been free ranging elk that have encompassed Dallam, Oldham, and Hartley Counties. In January 2017, one free-ranging WTD located in Medina County was disclosed.



ANIMAL DISEASE TRACEABILITY ACTIVITIES

TAHC continues to work with USDA and industry to achieve ADT cooperative program goals and objectives. The emphasis placed on transitioning from a primarily paper based system to electronic capture of CVI data has resulted in significant improvements in traceability and completion of trace performance exercises. This marks the second year we have contracted with Trace First to utilize StateVet.com for the data entry and upload of ICVIs into SCS, for cattle with official identification moving interstate.

In November 2016, Program Records started using document management software to begin scanning all paper interstate CVIs, for all species with or without official identification, into an electronically searchable system.

Additionally, TAHC is currently working with USDA, Fort Supply, Mexico, and New Mexico on an Ultra-high frequency (UHF) tagging project on cattle coming from Mexico

Item 5 – Presentation of Animal Health Program Activities

Dr. T.R. Lansford, Assistant Executive Director of Animal Health Programs, provided an update on field activities:

- **Report Items**
 - Cattle Fever Ticks
 - Statewide Quarantines
 - 172 Infested (69 PQZ; 103 non-PQZ)
 - 99 Exposed (37 PQZ; 62 non-PQZ)
 - 2,175 Adjacent/Check (301 PQZ; 1,867 non-PQZ)
 - 45 counties
 - Infestations
 - 172 infested quarantines statewide

- Continue in Webb, Zapata, Starr, Cameron, and Willacy counties
- New infestations in Maverick County
- Live Oak county
 - Control Purpose Quarantine Area (CPQA)
 - 62,400 approx. acres
 - 9 infested premises
 - 279 premises quarantined
 - Inspections
 - 10,830 head of cattle
 - 686 head of horses
 - 415 wildlife
 - Traces
 - All trace out cattle located and quarantine process underway
 - High risk trace-in investigation underway
 - Live Oak County Vat in operation since Jan. 9; over 13,000 inspected and treated
 - Wildlife treatment with ivermectin-treated corn underway; 105 feeders in service
- Kleberg county
 - Established control purpose quarantine area remains in place
 - Temporary dipping vat remains active
 - Infested quarantines scheduled to go to check quarantines in May/June 2017; potential release fall 2017
 - Novel approaches for wildlife surveillance and control continue
- Jim Wells county
 - All premises changed to “check” quarantines in October
 - Deer treatment with ivermectin-treated corn continues
 - Surveillance on-going and will continue into late summer/fall 2017
 - Public dipping vat now in service at Gulf Coast Livestock Auction in Alice
- Fever tick vaccine
 - Vaccine administration continues
 - Approximately 6900 doses administered to date
- Bovine Tuberculosis – Region 1
 - Infected Complex investigation
 - Test and cull protocol continues as do delays with indemnity issues
 - At this point, the owner has declined indemnity; will require approximately 19 more herd tests to test out; could take 6-9 years to complete removal and verification testing
 - To date approximately 210,000 CFTs performed; approx. 1600 CCTs since 9/1
- Chronic Wasting Disease
 - All Regions continue to work with herd owners through complexities, including ante mortem testing, of each individual herd to develop or reassess specific herd plans
 - TAHC Field Staff, in collaboration with Authorized Personnel Staff, have been conducting both ante and post-mortem certification classes
- Legislative Session underway
- Staff recognition

Item 6 – Presentation of USDA Veterinary Services Program Update

Dr. Clayton Robison presented the USDA-VS Report on behalf of Dr. Mike Pruitt:

Dr. Robison introduced USDA guests; Dr. Brian LaLande, Area Emergency Coordinator, and Dr. Ken Angel, Acting District 4 Director. Dr. Robison then provided updated information on the status of staffing the District 4 Director position after Dr. Varner’s retirement left it vacated. The position may not be filled for another year, and until it is filled, staff will temporarily fill the duties on weekly rotations. The Cattle Fever Tick Eradication Program staffing requests for one mounted patrol inspector, one animal health technician, and one administrative position have been moved to the top of the national USDA posting list, along with 30 temporary program employees. The position over port inspections vacated with the retirement of Dr. Amend has been filled by Dr. Sobrano, who will start on June 9th. Most VS positions are filled for Texas, allowing the USDA to more fully perform inspections at Federally Approved Markets and allow staff to support TAHC in investigations on interstate movements. The Cooperative Agreements between the USDA and Texas should be funded as submitted for the FY 2017. Cooperative Agreements for the FY 2018 are in question due to budget issues. Funding for the Tuberculosis program appears to be allocated at this time.

Item 7 - Presentation of CAPPS Update

The CAPPS Update was presented by Ms. Louise Abbott, Director of Information Technology:

In 2007, the legislature determined that all state agencies must use a centralized accounting and payroll system. TAHC converted to the accounting system last year and is now converting our time and payroll system, with the full implementation scheduled for July. Currently, the user acceptance testing and staff training are being conducted and going well.

Item 8 – Legislative Update

Mary Luedeker, Legislative Liaison Assistant Legal Counsel gave an update on potential legislative items that are of interest to the agency, including funding methods for budget items requested.

Item 9 – Administration/Budget Status Report

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

The TAHC has six (6) types of financing:

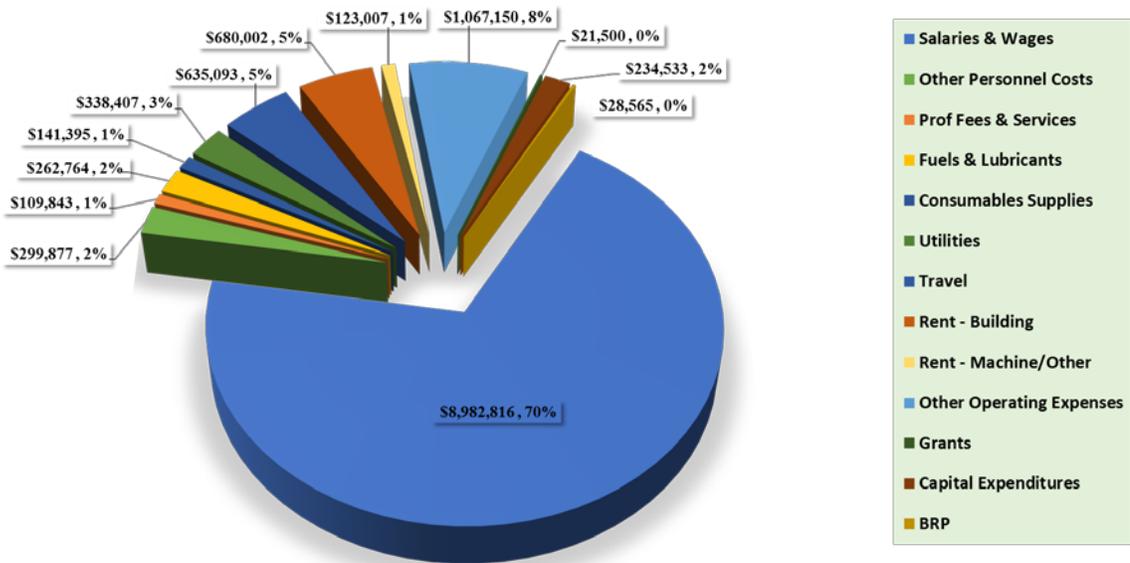
- General Revenue
- Capital Budget (Which is appropriated through General Revenue)
- Federal Funding
- Grant Funding (Which the TAHC has none at this time)
- Appropriated Receipts
- Benefit Replacement Pay (Funds provided by the state for certain employees, which if unused, the remaining funds are to be returned to the state)

Projected available funds by fiscal year end are \$13.9M. Funds year-to-date realized are \$13M.

Anticipated Known Expenditures - \$12.9M

Federal Funding for the TAHC Anticipated amount \$2.86M

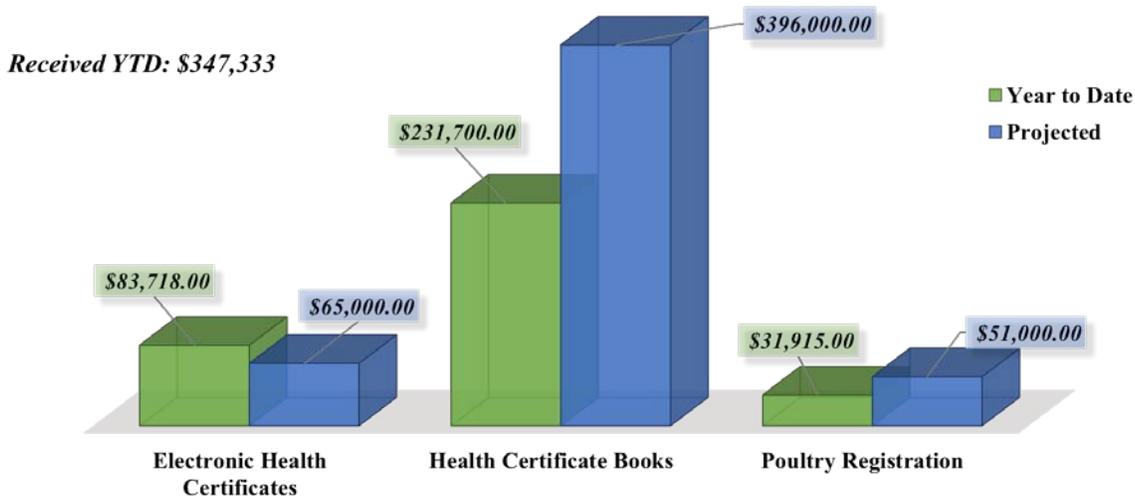
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FY 2017 Expenditures by Category - \$12,924,952

Fee Revenue is used solely on Field vehicle expenses:

- Fuel, Maintenance/Repairs, Parts, Insurance, Lease



Total anticipated/projected Funding less the total anticipated/projected known Expenditures:
(Does not factor in unknown Cattle Fever Tick costs or Governor’s Salary Savings)

- Total Funding \$13,909,717
- Total Expenditures \$13,007,961
- Total Difference \$ 984,761

- TAHC authorized 185.2 FTE’s.
 - As of this report there are 173 filled with 12.2 vacancies. (April 12th, 2017)
 - The funding for the CAPPS position (Strategy 24803) expires 8/31/17
- Hiring Freeze (FTE’s as of April 12th, 2017)
 - 12.2 Vacancies

- Approximately \$290K in ‘Savings’
- All from Field
- \$ Does not account for personnel after this date
- Cattle Fever Tick Anticipated Estimates
 - Cameron/Willacy County - \$432,677
 - Live Oak County - \$498,621
 - Kleberg County - \$63,688
 - Each Additional CPQA - \$682,400
- Budgetary Transfers
 - Deficit in Lab/Epi Strategy (Estimated \$130,000)
 - Not to exceed \$15,000 from Legal/Compliance Strategy
 - Not to exceed \$85,000 from Animal Emergency Management Strategy
 - Not to exceed \$30,000 from Field Strategy
 - Deficit in Central Administration Strategy (Estimated \$115,000)
 - Not to exceed \$40,000 from Support Services Strategy
 - Not to exceed \$75,000 from Information Technology Strategy

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

Ms. Larissa Schmidt presented contracts and purchases for the consideration of the commissioners for both the remainder of FY 2017 and for the beginning of 2018, contingent upon funding for proposed items.

Item 11– Consideration of and Possible Action on REGULATION PROPOSALS

Gene Snelson then discussed the following REGULATION PROPOSALS:

Each Regulation Proposal was reviewed and voted on individually.

- (a) Chapter 38, Trichomoniasis, Official Trichomoniasis Tests
 - (b) Chapter 51, Entry Requirements, Female Cattle/Out of State Bulls to Market Exception
- (a) The Texas Animal Health Commission (commission) proposes amendments to §38.6, concerning Official Trichomoniasis Tests, in Chapter 38, which is entitled "Trichomoniasis". The purpose of the amendments is to approve a new official Trichomoniasis test.

The Bovine Trich Working Group (TWG) met on April 11, 2017, to evaluate the effectiveness of current rules. The TWG discussed the program overview to date, the management of infected herds, entry requirements, and the need for possible revisions to the program.

The TWG recommended that the commission propose rules to authorize an additional official test. Texas A&M Veterinary Medical Diagnostic Laboratory (TVMDL) is in the process of implementing an enhanced Trichomoniasis testing technology for the Polymerase Chain Reaction (PCR) test. PCR is currently accepted as an official test or an official confirmatory test for Trichomoniasis. TVMDL's Direct Sample qPCR is an enhanced testing technology using PCR.

Unlike the current PCR, the qPCR test does not require the sample to be incubated or placed in an InPouch. The TWG also recommended that the deadline for submitting samples to an approved laboratory remain at 96 hours, but encouraged submission of samples to be accomplished within 48 hours. Further, the proposal adds the term InPouch to the culture testing requirement.

This proposed addition will ensure the sample is properly collected and submitted for testing.

The motion to propose amendments to Chapter 38, Trichomoniasis, passed. The notice of this proposed amendment is to be published in the Texas Register with a 30 day comment period.

- (b) The Texas Animal Health Commission (commission) proposes amendments to §51.1, concerning Definitions, and §51.8, concerning Cattle, in Chapter 51, which is entitled "Entry Requirements". The purpose of the amendments is to address Bovine Trichomoniasis requirements to enter the state.

Bovine Trichomoniasis (Trich) is a venereal disease of cattle. The Trich organism causes abortion and extended calving seasons. Bulls will remain persistently infected and spread infection from cow to cow.

The Bovine Trich Working Group (TWG) met on April 11, 2017, to evaluate the effectiveness of current Trichomoniasis rules. The TWG discussed the program overview to date, the management of infected herds, entry requirements, and the need for possible revisions to the program.

The TWG recommended a revision to the Commission's current entry requirement regarding the use of a virgin certificate for breeding bulls between 12 months and 18 months of age. Commission rules generally require that bulls 12 months of age or older have a negative Trich test within 60 days prior to entering Texas. However, bulls that are 18 months of age or younger and receive a virgin status certificate are exempt from this testing requirement. The TWG is concerned that this exemption provides an opportunity for unknown status bulls that are infected with Trich to enter the state. As such, the TWG recommended that the virgin status certification exemption be removed from the Commission's rule.

The TWG recommended adding a testing requirement exemption for bulls that are 12 months of age or older, receive a permit from the Commission prior to entry, and are moved directly to a federally approved livestock market. The certificate of veterinary inspection for the bull must include the entry permit number and a statement that the bull must be Trich tested or sold for slaughter. This recommendations is consistent with intrastate requirements for bulls being sold at markets. As such, the bulls entering under this exemption would be tracked using the existing infrastructure, which minimizes the risk of Trichomoniasis being spread by these bulls. For clarity, the Commission is defining "directly", "federally approved market" and "Trichomoniasis" in the proposed rule.

The TWG also recommended the Commission prohibit the entry of female cattle that originated from a known Trichomoniasis positive herd, or were exposed to known Trichomoniasis positive

bull unless the animal is officially identified, obtains a Commission issued permit and is moved directly to an approved

The motion to propose amendments to Chapter 51, Entry Requirements, passed. The notice of this proposed amendment is to be published in the Texas Register with a 30 day comment period.

Comments regarding the proposals may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by email at "comments@tahc.state.tx.us".

Item 13 – Consideration of and Possible Action on REGULATION ADOPTIONS

Gene Snelson then discussed the following REGULATION ADOPTION:

Each Regulation Adoption was reviewed and voted on individually.

- (a) Chapter 40, Chronic Wasting Disease, Surveillance Testing Requirements
- (b) Chapter 41, Fever Ticks, Dipping, Treatment, and Vaccination of Animals
- (c) Chapter 59, General Practices and Procedures, HUB/Enhanced Contract Monitoring

- (a) The Texas Animal Health Commission (commission) adopts amendments to §40.5, concerning Movement Requirements for CWD Susceptible Species, in Chapter 40, which is entitled “Chronic Wasting Disease”. The purpose of the amendments is to add surveillance, movement reporting, identification, and mortality recordkeeping requirements.

Chronic Wasting Disease (CWD) is a transmissible spongiform encephalopathy (TSE). CWD is a progressive, fatal, degenerative neurological disease of farmed and free-ranging deer, elk, and moose. The species known to be susceptible to CWD are North American elk or wapiti (*Cervus Canadensis*), red deer (*Cervus elaphus*), mule deer (*Odocoileus hemionus*), black-tailed deer (*Odocoileus hemionus*), white-tailed deer (*Odocoileus virginianus*), Sika deer (*Cervus Nippon*), and moose (*Alces alces*). The species that are found in Texas are white-tailed deer, mule deer, elk, red deer, and Sika deer.

In 2012, CWD was first discovered in Texas in a free-ranging mule deer in the Hueco Mountains along the New Mexico border in far West Texas. The commission and Texas Parks and Wildlife Department (TPWD) created a restricted zone that has required testing of susceptible species in that area and restricted movement of live animals. On June 30, 2015, a 2-year old white-tailed deer in a Medina County breeding facility was confirmed positive for CWD. Through testing requirements associated with tracing of deer either moved from or to this facility, CWD has also been discovered in other white-tailed deer, which includes four other facilities in Medina or Lavaca counties. A free-ranging mule deer buck, harvested in Hartley County, was confirmed positive for CWD on March 3, 2016. Hartley County is located in the Texas Panhandle and borders New

Mexico. On December 6, 2016, a free-ranging elk was harvested in Dallam County. Dallam County is also located in the Texas Panhandle and borders New Mexico and Oklahoma.

The motion to approve the regulation amendment passed.

- (b) The Texas Animal Health Commission (commission) proposes an amendment to §41.8, concerning Dipping, Treatment, and Vaccination of Animals, in Chapter 41, which is entitled “Fever Ticks.”

The purpose of the amendment to §41.8 is to provide the Designated Fever Tick Epidemiologist (DFTE), with the approval of the Executive Director, the discretion to approve inspections, dipping, treatments and/or vaccination requirements that are less stringent than those currently prescribed, taking into consideration the circumstances of the affected producer, and the commission’s overarching goal to encourage producers to maintain cattle on affected premises. With routine inspections and treatment, cattle maintained on or near premises have significant value to the Cattle Fever Tick Eradication Program (CFTEP) by serving as sentinel animals, and if found, control agents of the fever tick.

The motion to approve the regulation amendment passed.

- (c) The Texas Animal Health Commission (commission) proposes an amendment to §59.9, concerning Historically Underutilized Business Programs, and a new §59.13, concerning Posting of Certain Contracts; Enhanced Contract Monitoring, in Chapter 59, which is entitled “General Practices and Procedures”. The new rule implements procedures for contracts for the purchase of goods or services from private vendors.

The purpose of the amendment to §59.9 is to reference the correct rules relating to the Historically Underutilized Business Program. The new rule is proposed in response to Texas Government Code §2261.253 enacted by the 84th Texas Legislature, which requires each state agency by rule to establish a procedure to identify contracts that require enhanced contract or performance monitoring and prescribes certain reporting requirements.

The motion to approve the regulation amendment passed.

Item 13 – Public Comment/Recognition

Public comment items were given by Mr. James Grimm on behalf of Texas Poultry Federation and other industry groups praising the hard work of a specific agency employee, a full audio of the comments and the complete discussion that followed is available on the Texas Animal Health Commission website. <http://www.tahc.texas.gov/agency/meetings.html>

Item 14 15, and 16 – Closed Executive Sessions and Consideration of Any Needed Action

A closed executive session to receive legal advice, discuss pending or contemplated litigations, and employment, evaluation, reassignment of specific commission employees as permitted by section 551.071 of the Texas Government Code, was held at this meeting. No action was taken.

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Item 17 – Set Date for 399th Commission Meeting

The date for the 398th Commission Meeting was not set at the time of the meeting, but is tentatively scheduled for August 2017. Notice will be posted on the agency's website when the next Commission meeting date has been set.

Item 18 – Adjournment

The meeting adjourned at 11:30AM.