

MINUTES OF THE 383rd COMMISSION MEETING
Texas Animal Health Commission
June 5, 2012

The Texas Animal Health Commission Meeting was called to order by Chairman Ernie Morales at 8:30 a.m. in the Texas Animal Health Commission conference room.

Item 1 – Welcome and Call to order by Chairman Morales

All 13 Commissioners were present for this meeting.

Item 2 – Approval of Minutes

A motion to APPROVE the minutes of the 382nd Commission Meeting held on January 24, 2012 was made by Commissioner Real and seconded by Commissioner Simmons. The motion carried.

Item 3 – Report of the Executive Director, Field Animal Health Program Activities, Emergency Management Program Activities and Approval of Waiver Requests for the period 1/24/12 - 6/5/12

A report describing out-of-office meetings, trips and interviews from January 24, 2012 – June 4, 2012, was provided in the Commission notebooks and was not included in the verbal presentation. Also, included in the Commission notebooks were copies of all press releases for the period January 24, 2012 – June 4, 2012, along with a few examples of Social Media, Facebook and Twitter, taken from the TAHC webpage.

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

1. Agency Overview

- 2nd round of staff reductions completed December 1
- Agency personnel numbers bottomed out– approximately 125
- Agency allotted some merits effective May 1
- Agency completed inspector and vet workshops since last meeting
- In process of replacing Asst. ED's Cochran and Hensley
- Introduction of Sami Chadli–Director for Finance and Administration
- Considering new Legislative Liaison position – possibly an attorney to assist with rule rewrites/updates/proposals

2. Agency Strategic Planning

- Working with LBB on requested changes to agency budget structure elements including goals, strategies, output/outcome measures and definition (ie. added new outcomes like Trich and piro, suggested changes to how outputs get counted by data capture, changes to outputs like brucellosis tests at lab, 1 new fiscal strategy for EM)
- Strategic plan narrative due next, then LAR – both available for approval at next Commission meeting

3. Public Information update(examples in book)

- Social Media – Facebook and Twitter examples
- Press releases
- Vet Corner

4. Trichomoniasis

- Western State Livestock Association of state vets agreed in principle to align trich entry rules if possible – 60 day tests and pooled samples

- TAHC Working group met in May
 - Lab pooled samples for quarantine release and change of ownership for both intra and interstate change of ownership recommended
 - Allow untested bulls to return to market for sale from feedyard
 - recommended 60 day interstate entry test
 - TVMDL will clarify maximum allowed shipping time (96hrs)
 - Rules will be considered at next meeting

5. Brucellosis

- Lab test volume continues to drop
- Fees implemented for testing on June 1- discussed in lab update
- Reasons for new tag rule proposed later in meeting:
 - Ability for agency to quickly trace disease animal
 - Insurance against traces to wrong farm/ranch
 - Insurance against long term market closures and state wide quarantines in major outbreak
 - Increase consumer confidence in traceability of Texas cattle
 - Ensure immediate compliance with anticipated USDA traceability rules
 - Success based on voluntary compliance concept
 - Implementation plan can be developed within 30 days
 - Expected enforcement would be on January 1, 2013
- Will support Commission decision – whatever it is

6. Border Port Issues

- 4 Border ports closed for USDA vets to work in Mexico – Del Rio closed in March – new Texas facility (old TDA pens) to open mid-June
- New import pens in Nuevo Leon almost complete at Columbia bridge north of Laredo – mid July opening? 3000 per day capacity.

- TAHC facilitated meeting last week with Texas, Tamaulipas, and Nuevo Leon cattle associations, and USDA to discuss management of crossing process for 5 ports with 4 USDA teams, and long term goals of importing Mexican feeders into Texas – next discussion at bi-national meeting in July in Mexico.

7. Cattle Fever Ticks

- Numbers still down from previous years – 40 total quarantined this year – 34 in Systematic, 6 in Free zone, all microplus ticks
- 59 total infested premises – 46 in Systematic zone, 13 free
- All blankets released except part of Starr county
- Pfizer vaccine chute trials will begin in Sept., field trials in Feb, and utilization by summer of 2013 hopefully
- TAHC Tick committee to meet in August or September in S. Texas
- To enhance systematic zone effectiveness, Statute needs for requiring vaccine/Ivermectin tubs, TAHC rule for official ID requirement in systematic, enforce policy to require annual inspections of all cattle
- Meeting with Tamaulipas and USDA CFT personnel to be completed by end of summer to discuss specific geographic issues along border.

8. Vesicular Stomatitis

- One quarantined herd in New Mexico(Peralta - Valencia county)
- Original quarantined herd is now released (Otero county)
- TAHC FADD's have performed numerous investigations – no (+)'s
- TAHC rule for passage later

9. Tuberculosis

- Dr. Schwartz will provide update

10. Emergency Management

- In April TAHC field responders participated in the New Horizons field Exercise at College Station concurrent to a Texas Task Force one operation, with the Texas A&M Vet School response team. TAHC was praised by the AVMA observers for its professionalism and use of incident command structures.
- In April TAHC staff led sessions at the Texas Emergency Management Conference in San Antonio on the 2011 wildfire responses and local planning for disasters. There were approximately 3000 responders in attendance at the conference.
- June – TAHC participated in an emergency response media event at the request of the Governor to showcase state response resources at the Austin airport
- TAHC provided damage assessment and other response services for a number of tornados this spring including the Devine and Fort Worth
- TAHC is in process of codifying response protocol for responders who take their horses to impacted areas as needed, and will partner with USDA/Vs to do the same

- TAHC is hosting three 4th year TAMU/CVM veterinary student interns to assist with EM plan development this summer

11. CWD

- **Separate agenda item**

12. Waiver Report

- 3 waivers requests and approved;
 - Piroplasmiasis – **Denied** - Request to move a piro positive horse to another pasture – neighbor pastures were vacant of horses but were capable of being stocked, and had been in the past with other equine
 - Trichomoniasis – **Approved** – Request to allow 10 head of bulls to be moved from a pasture in Arkansas back to the herd of origin in Texas and to be held under hold order until tested negative within 10 days of arrival
 - Trichomoniasis – **Approved** – Request to bring 6 head of virgin bulls back to Texas without a test that had been at a bull test station in Montana that had not been exposed to females. Bulls were to be tested upon arrival anyway in Texas.

Next Meeting – possible rules:

Microchip Piro reactors, Trich intrastate rules, Trich interstate entry rules, prohibition of M-brands next to breeding animals, PRV quarantine release timeframes, Elk hybrids, Texas EIA horse passport

A motion to APPROVE the actions of the Executive Director for the period from January 24, 2012 – June 4, 2012 was made by Commissioner Winters and seconded by Commissioner Vickers. Motion carried.

Item 4 – Presentation of Animal Health Program Activities and Epidemiological Actions Report

Dr. Andy Schwartz, Assistant Executive Director/State Epidemiologist discussed the following issues:

Cattle

- **Tuberculosis:** A ranch in Coke County consigned 23 domestic cows to San Angelo Pack in mid-February 2012. Routine meat inspection detected an extensive lesion in a bronchial lymph node in one cow. No identification other than the plant tag was recorded. NVSL reported a positive culture for TB, and a disease investigation was initiated. Initial genetic fingerprinting of the isolate indicated a match with a strain found in many affected cattle and deer in a TB outbreak in Minnesota (2005 – 2008), though no cattle have been traced back to that outbreak. Herd testing at the ranch disclosed two additional

affected animals. At present, arrangements are being made to depopulate the herd with federal indemnity. Adjacent cattle herds have been tested, with one suspect animal disclosed. Possible source herds are being identified for testing. Area wildlife surveillance was initiated through a cooperative effort with landowners, USDA Wildlife Services, USDA Veterinary Services, Texas Parks and Wildlife, and Texas A&M University. TB susceptible resident wildlife includes feral swine, deer, coyotes, and a number of other species. No indication of TB was found in the initial sample group. Surveillance will continue into the winter through predator control activities and examination of hunter harvested deer.

A separate TB investigation was initiated when TB compatible lesions were found in a domestic cow at Lone Star Beef Processors in mid-March 2012. No identification was recorded for the affected animal, and a detailed investigation was initiated to determine the herd of origin. Cattle consigned by slaughter buyers in Texas and Oklahoma are being considered as possible sources.

- **Brucellosis testing:** Epidemiological investigations are conducted when animals are found to have reactor level test results. Testing can sometimes be limited to the herd or even unit of origin if movement and herd records are adequate and the animal was individually identified. Such information was lacking in the Investigation of a slaughter reactor found earlier this year, and 13 consignors' herds have been identified for testing.
- **Enhanced Passive Surveillance Pilot Project:** This project is focused on alternative methods of conducting disease surveillance, and is being conducted at 14 livestock markets. It utilizes federal funds to conduct syndromic surveillance in animals, and is part of a broader surveillance effort that includes veterinary practitioners, diagnostic laboratories, and meat inspection.

Swine

- The agency is participating with USDA-VS and other states in effort titled “ Integration of Premises Identification Numbers (PINS) into the Comprehensive Swine Disease Surveillance Pilot Program”

Equine

- **Equine piroplasmosis (EP):** One affected horse has been released following successful treatment by a private veterinarian. A resolution put forth last year by the USAHA Infectious Diseases of Horses Committee requested a national policy on the release of treated horses. USDA has indicated a response will be provided at the USAHA annual meeting this October.

Though the rate of new cases disclosed has slowed in the past year, movement testing and positive case investigation continues to identify affected horses. An investigation earlier

this year led to the disclosure of nine positive horses in one pasture, under the ownership of five individuals.

Cervids

- CWD Working Group met May 3, 2012, to address the risk posed by CWD affected mule deer and elk in New Mexico. The report on that meeting was covered in a separate section of the meeting.

Item 5 – Discussion on Chronic Wasting Disease Movement Restriction Zone

Dr. Andy Schwartz, Mitch Lockwood – Texas Parks and Wildlife and Dr. Bob Dittmar – discussion on Chronic Wasting disease movement restriction zone.

Dr. Schwartz, Mitch Lockwood and Dr. Bob Dittmar discussed The Chronic Wasting Disease Task Force meeting held on May 3, 2012. Task force members were asked to assist TPW and TAHC in developing a response plan for Chronic Wasting Disease (CWD) since it was detected in mule deer harvested in New Mexico within 1-2 miles of the Texas border as well as developing a new version of the CWD Management Plan for Texas.

Item 6 – Presentation of Laboratory Update

Dr. Holly Hughes-Garza – TAHC Staff Veterinarian and Director of Laboratories discussed the following:

The State-Federal Laboratories recently began using the new Laboratory Information Management System (LIMS) to manage and report lab results. This allows quicker reporting of results via email or secure online access for veterinarians. This week we also began to use that system to generate invoices for applicable lab fees, which took effect yesterday (June 4). We are in the process of setting up an online payment option for lab fees.

The Austin Laboratory was recently admitted to the National Animal Health Laboratory Network (NAHLN). This is a significant achievement that took over 2 years to complete. NAHLN is a network of USDA, state and university laboratories that work to improve lab capacity nationally to handle all types of endemic, emerging, and foreign animal disease testing. A lengthy training, review, and audit process was required, and the lab will now have ongoing requirements for quality management and audit reviews. As a result of joining NAHLN, we will be able to run the full gamut of lab testing for pseudorabies.

Item 7 – Administration/Budget Status Report

Ms. Debbie Metzler, Director of Financial Services discussed the following issues:

2012 –Budget

- The Commission has received 5 USDA approved federal cooperatives that were enacted April 1st, 2012. There are 1 federal cooperatives awaiting USDA approval, which will also begin April 1st, 2012, funds for coop period ends March 31, 2013. Estimated Total \$2,667,775
- The agency has unexpended balance authority and can carry forward any unspent funds accrued in the first year of the biennium (FY 2012) to the second year of the biennium (FY 2013).
- The carryover of any unspent funds of FY 2012 is currently a part of the Commission's strategy for softening a significant shortfall anticipated in FY 2013.

2013-Forecasted Budget Summaries

- The Commission's 2013 budget forecast allows for federal funding decreases of 25%, which are a large contributing factor to our anticipated budget shortfall

Fees

- This budget report includes a section on anticipated fee revenue and fiscal year-to-date collected revenue.
- As of today all fees have been implemented.
- The LBB and the Comptroller has given the agency the authorization to utilize the new fee revenue and increased fee revenue, even though the TAHC's Rider 10 in the General Appropriations Act was scripted with an ideal fee revenue target.
- Fee revenue will be used for agency expenses other than salaries.
- Anticipated Revenues will be reevaluated later in the year to make sure the estimation is accurate.

Also included in the Commission books was the TAHC budget for State Fiscal Year 2012, the forecasted TAHC budget for State Fiscal Year 2013 and the amount of fee based revenue collected by TAHC as of May 31, 2012.

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

Item 8 – Consideration of and Possible Action on Agency Contracts and Purchases

The Commissioners were provided a list of the contracts, purchases and leases greater than \$5,000 but less than \$10,000 for the period 2/1/2012 – 5/31/2012 in the Commission notebooks.

A motion to APPROVE the contracts, purchases, and leases greater than \$5,000 but less than \$10,000 for the period 1/24/2012 – 6/5/2012 was made by Commissioner Wheelis and seconded by Commissioner Brown. Motion carried.

Item 9 – Consideration of and Possible Action on Regulation Proposals:

Gene Snelson discussed the following RULE PROPOSALS:

Each Chapter was reviewed, comments heard and then voted on individually.

- (a) Chapter 40, Chronic Wasting Disease, Movement Restriction Zone. The Texas Animal Health Commission proposes amendments to Chapter 40, which is entitled “Chronic Wasting Disease” (CWD) by adding a new section. The new §40.6 will create CWD movement restriction zone(s).

Discussion followed the presentation of this proposed regulation. Mitch Lockwood was also called upon to answer some of the questions concerning the proposal. Commissioner Dick Winters would like all susceptible species (include red deer and sika deer) included in the rule in advance of having this same situation for the whole state of Texas and not just regarding the Containment Zone and High Risk Zone on the border with New Mexico as discussed today. It was also discussed that the facilities located in the High Risk Zone will be restricted until the facility has gained a 3-year status instead of the 5-year status that was proposed. It was further discussed by Warren Bluntzer and Charley Seal that elk are the most susceptible of the species and that more public education for all deer breeders is important and needs to continue especially with the threat of CWD this close to Texas. They also said that all breeders should trust the program to monitor the health of animals and that “traceability is key”. Mr. Seale also said that he would like to have a program in place that could be a model for other states to copy.

Commissioner Winters moved and Commissioner White seconded a motion to PROPOSE amendments to Chapter 40, Chronic Wasting Disease, Movement Restriction Zone. The Texas Animal Health Commission proposes amendments to Chapter 40, which is entitled “Chronic Wasting Disease” (CWD) by adding a new section. The new §40.6 will create CWD movement restriction zone(s). The motion carried.

- (a) Chapter 43, Tuberculosis, Dairy Calf Ranches

The Texas Animal Health Commission proposes amendments to Chapter 43, Subchapter A, entitled “Tuberculosis”, by adding a new section. The new section is entitled “Dairy Calf Ranches”. This rule defines the dairy calf ranch concept as high risk for disease transmission, and outlines desired management and record keeping concepts that would facilitate epidemiological oversight necessary for adequate disease investigation processes. This rule is also intended to mitigate the risk of tuberculosis (and other diseases) being inadvertently spread throughout the dairy industry.

The only comment raised about this proposal is the concern that this could become burdensome on the industry.

Commissioner Locke moved and Commissioner Vickers seconded a motion to PROPOSE amendments to Chapter 43, Tuberculosis. The Texas Animal Health Commission proposes amendments to Chapter 43, by adding a new section. The new §43.6 will be entitled “Dairy Calf Ranches”. The motion carried.

(b) Chapter 45, Reportable Diseases, Schmallerberg Virus

The Texas Animal Health Commission proposes amendments to Chapter 45 concerning Reportable Diseases. Section 161.101 of the Texas Agriculture Code provides for the duty of a veterinarian, veterinary diagnostic laboratory or a person having care, custody, or control of an animal to report specified animal health diseases to the Commission. The Commission has a specific list of reportable diseases in Chapter 45 of the Commission rules. The purpose of this amendment is to add Schmallerberg virus to the list of reportable diseases.

Commissioner Edmiston moved and Commissioner Jordan seconded a motion to PROPOSE amendments to Chapter 45, Reportable Diseases. The Texas Animal Health Commission proposes amendments to Chapter 45, by adding a new reportable disease. The new reportable disease is provisionally named Schmallerberg virus (SBV). The motion carried.

(c) Chapter 49, Equine, Piroplasmiasis: Area or County Test

The Texas Animal Health Commission proposes to amend Chapter 49, which is entitled “Equine”. The proposed amendment creates a new §49.6 entitled, “Piroplasmiasis: Area or County Test”. The new section authorizes the Executive Director to issue an order which will classify an area or a county as high risk for holding equine exposed or positive for Piroplasmiasis.

Commissioner Wheelis moved and Commissioner Vickers seconded a motion to PROPOSE amendments to Chapter 49, Equine, Piroplasmiasis. The Texas Animal Health Commission proposes amendments to Chapter 49, by adding a new section. The new §49.6 will be entitled “Piroplasmiasis: Area or County Test”. The motion carried.

All 4 of the above PROPOSED Regulations were posted on the TAHC web site for a 30-day comment period.

Item 10 – Consideration of and Possible Action on Regulation Adoptions:

Gene Snelson also discussed the regulation ADOPTIONS up for consideration at today’s Commission meeting:

The Commissioners heard a report on the number of comments received on the following regulation that is up for adoption at this meeting. Each Chapter was reviewed and voted on individually.

(a) Chapter 35, Brucellosis, Change of Ownership

The Texas Animal Health Commission adopts amendments to Chapter 35 entitled "Brucellosis". The amendments will remove the Brucellosis test requirement and add a requirement that cattle be identified when there is a change of ownership. The Commission published the proposal for comment in the February 17, 2012, issue of the Texas Register (Vol. 37, No. 7, pages 815-1030). The Commission received 42 comments.

Chairman Morales asked for a motion to ADOPT the amendments to Chapter 35, Brucellosis, located in Title 4 of the Texas Administrative Code before the presentation of another proposed amendment by Commissioner Locke and Commissioner Jordan could be discussed. A motion was made by Commissioner Winters and seconded by Commissioner Vickers to adopt the amendments as first presented. The new proposed amendment is in italics below:

(c) Change of ownership within Texas. ~~This requirement will be dependent upon the Commission having sufficient supplemental funding for testing at the livestock market. Two (2) months before the funds will be depleted the agency will provide notice that the requirement will cease to be enforced on a specific date.~~

(1) Vaccination. It is recommended that all female cattle between four and 12 months of age being purchased or sold for use in grazing, breeding, or dairying operations be officially vaccinated.

(2) ~~Testing~~ **Identification**. All cattle that are parturient or post parturient or 18 months of age and older except steers and spayed heifers changing ownership within Texas **shall be officially identified with an official eartag or other form of official permanent identification as approved by the Commission. Cattle as described in this subsection and transported direct to slaughter establishment may be identified with only a temporary form of identification as approved by the Commission:**

- ~~(A) originate from a certified free herd; or~~
- ~~(B) be tested negative by the seller within 30 days prior to sale; or~~
- ~~(C) consigned to a livestock market and tested negative prior to sale; or~~
- ~~(D) consigned to a slaughter establishment for testing or blood collection.~~

Commissioner Edmiston began the discussion by asking the intent behind the wording "transported direct to slaughter establishment" and if that meant they could by-pass a livestock market where the "temporary form of identification" i.e. a backtag, would have been applied.

Chairman Morales then recognized several members of the audience that had asked to be heard during this portion of the meeting.

Jason Skaggs (Texas Southwest Cattleman's Association) – thanked the Commission for inviting him to the Field Staff's workshops that were held in San Marcos in April and May and thanked

Dr. Ellis for inviting TSCRA to join in on the EM exercise that was held at the airport on June 1. Movement direct to slaughter with only a temporary ID has worked relatively well since August 2011 when 1st point testing ended. USDA allows cattle coming into Texas direct to slaughter to move on only a backtag and until that stops, Texas should allow the same movement. He asked that the Commission wait on approving this amendment until the final Animal ID rule is presented by USDA. He said that the amendment presented by Commissioner Locke was a good first step towards mandatory ID. He also said that an implementation date of 1/1/13 would be necessary to get information out to producers.

Jessie Carver (Livestock Market Association of Texas) – spoke in support of the amended rule as presented by Commissioners Locke and Jordan. Said the amended rule would take some of the burden off the markets when cattle are brought to them for sale in less than desirable condition.

Don Ward (Livestock Market Association of Texas) – seconded the support expressed by Jason Skaggs and Jessie Carver in support of the amended rule presented by Commissioners Locke and Jordan. He stated that using a temporary ID lessened the stress on animals and was a more humane process of handling these animals.

Bill Hyman (Independent Cattleman Association) – does not support the original rule as it was presented. He said that ICA, working with staff and industry, had developed another amendment that did not come to the commission for review because it changed too much of the rule so instead, ICA does support the amended rule of using backtags as ID when going to slaughter that was presented by the two Commissioners. He also supported the suggested start date of 1/1/13 for mandatory compliance to ID cattle for change of ownership to give industry time to educate their constituents on new rules.

Dr. Dan Posey (Texas Veterinary Medical Association/Private Veterinarian) – does support ID rule because during a disease outbreak it is much easier to trace animals if they are properly identified when moving. It is for the protection of all producers and their herds. He reminded everyone that tagging cattle was an important tool used during the brucellosis eradication efforts. The economic impact of larger disease outbreaks such as foot-and-mouth in the UK in 2001 was devastating and having a tagging process in place, would keep that from happening here. Texas needs to be the leader in developing an animal ID rule.

Jon Johnson (Texas Farm Bureau) – stated that they would like to reinstate the 1st point testing policy for Brucellosis. He does support animal ID as originally presented. He could also support the amendment that was proposed as well if only to help all producers to ID all animals.

Commissioner Real stated that it was important for the Commission to listen to industry when making these type decisions.

Commissioner Winters stated that he believes that backtags are not the best form of ID and does not support the amendment presented by Commissioners Locke and Jordan.

Commissioner Vickers stated that over his years of being a market vet, he did not have good experiences with using backtags.

Commissioner Wheelis brought up the fact that “ranch deals” are not monitored and those cattle may not be ID’d before change of ownership.

Commissioner Bouma stated that he supported the original amendment that had been presented and not the amendment by the two Commissioners.

Chairman Morales did support implementing this mandatory ID for cattle for change of ownership beginning 1/1/13.

Chairman Morales called for a vote on the proposed amendment. Vote was 5 Commissioners FOR and 8 Commissioners AGAINST – Amendment Failed.

Chairman Morales then called for a vote on the original amendment. Vote was 12 Commissioners FOR and 1 Commissioner AGAINST – Amendment Passed as originally presented to the Commission.

(b) Chapter 51, Entry Requirements

The Texas Animal Health Commission adopts amendments to Chapter 51 entitled "Entry Requirements." The purpose of these amendments is to make the entry requirements more consistent with the current national interstate movement standards. The Commission published the proposal for comment in the February 17, 2012, issue of the Texas Register (Vol. 37, No. 7, pages 815-1030). We did not receive any comments.

A motion to ADOPT the amendments to Chapter 51, Entry Requirements located in title 4 of the Texas Administrative Code was made by Commission Real and seconded by Commissioner Locke. Motion carried without discussion.

Public Comment – All public comments were heard at the appropriate times during the meeting. No additional public comments were heard at the end of the meeting.

Chairman Morales stated that the Commission would be willing to listen to industry if they wanted to propose changes to the ID rule at the next meeting if needed.

No date was set for the next Commission meeting - it could be sometime in September, 2012.