

MINUTES OF THE 384TH COMMISSION MEETING
Texas Animal Health Commission
September 18, 2012

The TAHC Commissioners met in the agency's headquarters in Austin on Tuesday, September 18, 2012. Chairman Ernie Morales began the meeting at 8:35 a.m.

Item 1 – Welcome and Call to order by Chairman Morales

Commissioner William Edmiston - not present at meeting.

Item 2 – Approval of Minutes

A motion to APPROVE the minutes of the 383rd Commission Meeting held on June 5, 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 June 5, 2012 – September 18, 2012.

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

1. Agency Overview

- Impacts of budget cuts and personnel reduction taking effect
- No hires since last meeting – lost 4 inspectors in August
- Managers performing non-managerial duties to fill in gaps
- Unable to find qualified candidate for Dr. Hensley's position
- Government liaison and Asst. Emerg. Mgt coordinator posted
- Survey of Employee Engagement process underway to evaluate employee satisfaction – 5 employee committees created for salary equity, diversity, communications(internal/external), and job quality.
- Legislatively mandated Strategic planning and LAR completed
- LBB LAR hearing held recently
- Dialogue on possible statutory changes needed with stakeholders
- Audit of fee processes acceptable – but some staffing issues

2. Communications and Public Relations update

- Social Media – Facebook and Twitter examples in book
- Press releases – numerous – border violence, horse responder team, Anthrax, VS, H3N2v, CWD, Trich following meeting
- Worked with AgriLife Extension and Texas Pork Producers feed store network on H3N2v in humans and show swine
- Informational Exhibits at summer meetings:
 - ICA – June – San Marcos
 - Tx Pork Producers – July - San Angelo
 - TAMU Beef Short Course – August – College Station
 - Southwest Vet Symposium – Dallas - September

3. Trichomoniasis

- Rules proposed today are a result of the May working group
 - Lab pooled samples for quarantine release/change of ownership for both intra and interstate - will save producers money
 - Allow untested bulls to return to market for sale from feedyard
 - Recommended 60 day interstate entry test
 - Maximum allowed shipping time (120hrs) will help Thurs/Friday/Sat collections – may re-evaluate in future
- Interstate entry rules intended to help align with other states entry for pooled samples and length of test validity – need consistency in US

4. Equine Piroplasmiasis

- Rule for passage designating high risk areas will be implemented soon for possible use in Kleberg county
- Kenedy county test is complete – Dr. Schwartz will have more info but it validates need to move on to Kleberg county most likely

5. Brucellosis

- Lab test volume continues to drop – may pick up in fall with tagging rule change and bigger runs
- Fees implemented for testing on June 1 but revenue less than anticipated - forced downward revision in budget projections
- Proposed Amendment will allow TAHC inspector at market to waive tagging for cattle with special needs – old/weak/big horns, etc...
- For eartag rule effective Jan 1 – on track – continue industry dialogue as needed – meeting or conference call in the future – 4 partners at start for free tags – TAHC, USDA, Texas A&M AgriLife Extension and veterinarians. Developing on line data entry and interactive website to locate free tag locations. Markets will be shipped tags directly and provided form if so desired to record any tags applied.

6. Border Port Issues

- Continue to work closely to with Texas cattle industry and USDA to ensure safe and healthy trade continues at the Texas Border
- In short term need to maintain temporary facilities
- Still need process to legally cross horses – Del Rio and Laredo?
- Dr. Varner will have more information

7. Cattle Fever Ticks

- Numbers still down from previous years
- 64 total infested premises – 51 in Systematic zone, 13 free
- All blankets released except part of Starr County – release in fall?

- Texas tick vaccine chute trials will begin in Sept. at ARS, field trials in Feb, and utilization by summer of 2013 hopefully
- TAHC Tick committee met last week in Mission to review USDA/ARS research facility, receive updates, and discuss program changes needed – Dr. Vickers attended
- Dr. Varner will have more information on the tick program

8. Vesicular Stomatitis

- New Mexico has 11 quarantined herds in 6 different counties and Colorado has 2 quarantined herds
- Texas vets have performed numerous FAD investigations on suspicious cases – but all negative except 1 New Mexico horse
- VS detection could suspend future international exports to Russia

9. Tuberculosis

- Calf ranch high risk survey complete – will began evaluation soon
- Dr. Schwartz will provide update – still investigating source and traces from infected herd in San Angelo – numerous herds to test

10. CWD

- Significant rulemaking/dialogue took place as result of release of USDA final rule and detection of CWD in West Texas on agenda
- Thanks to hard work of all interested stakeholders, TP&W staff and Dr. Schwartz, Gene Snelson and Sally Garcia of legal and Dr. Greg Hawkins – untold hours spent in discussion and development of rules
- Proposed rules generally mirror USDA hard line approach for status but after comments are taken – there may be need to soften positions
- Rule for High risk area designation not just for CWD but may be first application – similar in intent to recent Piro and Calf Ranch rule
- TAHC is willing to undertake more CWD responsibilities as needed but is not funded for significant new work
- Dr. Schwartz will have more information in his report

11. Waiver Report

- 7 waivers requests and approved;
 - Equine Infectious Anemia – **Approved** – Allowed 10 horses needing to vacate a pasture in Kansas on short notice due to lack of water and grass to enter with negative 13 month test – horses belonged to a veterinarian who agreed to test on arrival
 - Trichomoniasis – **Approved** – Request to allow 2 untested bulls from Louisiana to be moved for isolation/testing into a Texas CSS certified facility

- Trichomoniasis – **Approved** – Request to bring 15 head of Beefmaster bulls sold at special ranch sale in Colorado to enter Texas on lab pooled tests last week
- Trichomoniasis – **Approved** – Request to allow one bull in Oklahoma to return to farm of origin in Texas to be isolated from females until tested upon return
- Tuberculosis – **Approved** - Request for dairy cattle from Idaho to enter Texas on a 66 day neg test(60 is max). Buyer was notified and agreed to accept cattle.
- Equine Piroplasmiasis - **Approved** - allowed two infected horses to move from a pasture with horses from other owners to a pasture in isolation following an onsite evaluation by TAHC personnel.

Next Meeting – possible rules?

Microchip Piro reactors, PRV quarantine release timeframes, Texas EIA horse passport, Fever tick rules – deer hides from infested premises, RFID on cattle in systematic, m-brands next to breeding animals in drylot

A motion to APPROVE the actions of the Executive Director for the period from June 5, 2012 – September 18, 2012 was made by Commissioner Locke and seconded by Commissioner Jordan. The 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:** Coke County Beef Herd:

- routine meat inspection detected TB in a cull cow sent to San Angelo Pack in mid-February 2012. Two additional affected animals were found on herd testing.

- 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). Subsequent genetic sequencing shows a common unidentified ancestor for both, but significant genetic differences indicate the two outbreaks are not directly related. This supports disease investigation findings to date.

- index herd depopulated with federal indemnity

- adjacent herds: 418 head of cattle in 7 herds tested, with negative results. One adjacent property owner grazed Mexico origin steers in previous years.

- herd sales: 936 head of cattle being traced

- herd purchases: two possible source herds have been identified for testing

- negative findings on surveillance indicate wildlife reservoir is not likely

Lone Star Pack trace:

- TB confirmed in a domestic cow at Lone Star Beef Processors in mid-March 2012
- no identification was recorded for the affected animal
- cattle herds in Texas and Oklahoma are being evaluated and tested if necessary as possible sources.
- 16 herds in Texas: 6 tested, 6 pending a test, and 4 sold out or out-of-state
- **Brucellosis testing:** Dr. Hughes-Garza to give a separate report on the Texas State Federal Laboratory system.
- **Enhanced Passive Surveillance Pilot Project:**
 - this project is entering its second year, utilizing federal funds
 - focused on alternative methods of conducting disease surveillance at livestock markets
 - this year TAHC will add enhanced tick surveillance at markets within 200 miles of the border, and at ranches on a voluntary basis
- **Trichomoniasis:**
 - In CY 2012, through August, a total of 301 bulls of 17,820 tested were found to be positive

Swine

-Monitoring the H3N2v situation. Cases reported in 10 states, primarily in individuals working closely with exhibition swine.

Equine

- **Equine piroplasmiasis (EP):**
 - South Texas index ranch: all positive horses remaining at the ranch have been treated. Over half (86/162) are now negative on all tests.
 - High risk testing: Testing of all horses in Kenedy County is complete. A total of 103 horses were tested, 9 of which were positive for *T. equi*. Credit goes to Livestock Inspector Richard Castillo and Supervising Inspector Bart Stockbridge for this accomplishment.

Sheep and Goats

- **Scrapie**
 - Exposed Hampshire-Suffolk cross ram traced from affected flock in Indiana. Genotype results are pending.
- **Anthrax**
 - laboratory confirmation in two flocks this year, plus free-range deer on a third premises

Poultry

- **Influenza**
 - Low Pathogenic Avian Influenza initial response plan revised and submitted to USDA for approval
 - Monitoring AI outbreak in Jalisco, MX and any impact of dove mortality event in Midland, TX area on domestic poultry (paramyxovirus)

Cervids

- Chronic Wasting Disease (CWD)
 - USDA-VS published rule and accompanying Program Standards on CWD Herd Certification Program and Interstate Movement of Farmed Deer, Elk, and Moose
 - TAHC's Cervid Health Issues Working Group met on August 12, 2012, and provided input on compliance with the federal CWD rule. Primary topics of concern are required physical inventory every three years, substitution of samples for those missed or of poor quality, reduction of test eligible age from 16 months to 12 months, and the strict definition of commingling that may adversely affect sale or broker activities.
 - Exposed red deer in Texas from affected herd in Minnesota: under herd plan

All Species

- TAHC is engaged with USDA-VS and TraceFirst (a private company) in the transition of our primary reference database from the Generic Database to the new Surveillance Cooperative Services (SCS). In addition to storing herd and animal identification data, SCS will enhance our capability to manage electronic health certificates as well as administer our own state-specific Location Identification (LID) system that doesn't require premises registration.

Item 5 - Presentation of USDA Veterinary Services Update

Chairman Morales introduced and welcomed Dr. Kevin Varner – Texas' Area Veterinarian in Charge (AVIC) with USDA. Dr. Varner has been added to the TAHC Commission agenda and will speak at Commission meetings from now on as his schedule will permit. Dr. Varner discussed the following:

1. Fever Ticks – overall the number of infested premises have been on a decline.
 - Aug 2009 = 157 premises
 - Aug 2010 = 107 premises
 - Aug 2011 = 109 premises
 - Aug 2012 = 64 premises - 51 in the permanent quarantine zone and 13 in the free zone.

The object of the fever tick program is to push the tick back to the river and fight it there. The Ivermectin tub trials have started and are available to producers in the infested pastures, the adjacent pastures and in the exposed pastures. The only down side is there is a 48 day withdrawal period that has to be followed. If there are no ticks found then the quarantine zone premises are put on a 60 day scratching schedule and adjacent zone premises are put on a 90 day scratching schedule. Next year, Dr. Varner stated he believed there would be a vaccine available to use for ticks. The problem with finding a company to make the vaccine is that there is such a small population of cattle in the fever tick zone that it does not make good business sense to most companies. One has been found that is in the process of creating the vaccine for Texas use.

2. Ports – there are 5 Ports on the United States side of the border. Veterinarians will only go back into Mexico when it is safe to do so. He also has a plan to address the issues from his own veterinarian personnel about doing inspections on the Mexican side of the border while that country is still under such turmoil.
3. Re-organization of USDA – Dr. John Clifford has always had a vision of the USDA with more flexibility moving forward so has come up with a 4 pillar plan:
 - 1) Science and Technology
 - 2) Administration
 - 3) Movement and Marketability
 - 4) Surveillance, Preparedness and Response (fever tick program and ports)This will all be put into place by January 1, 2013. Texas industry groups as well as internal employees will probably not see much of a change in the way USDA conducts business. The only problem is figuring out how to share resources between pillars – especially when employees are on vacation or away from the duty stations.

Commissioner Coleman Locke thanked Dr. Varner as well and said that the agency appreciates Dr. Varner's common sense approach and stated that Dr. Varner is a great asset to Texas.

Item 6 – Audit Subcommittee Report

The Audit Subcommittee met in the large conference room at 8 am and heard a report from Monday Rufus on an audit that was conducted of the Cash Receipts and Fee Processing at the TAHC as of August 30, 2012. Mr. Rufus said that the review disclosed that the Commission has adequate controls in place to effectively process, handle, and receive cash. Mr. Rufus also discussed the follow-up audit he conducted of the Information Systems (the original report was dated 8/23/2010). The results of the internal audit follow-up disclosed that 3 of the 4 recommendations made in the initial report have been implemented and the 4th has been partially implemented. Mr. Rufus encouraged the Commission to continue its efforts to enhance controls over information security. Mr. Rufus also reported on the follow-up audit of Public Information (original report dated 5/16/2007). The results of his internal audit follow-up disclosed that all the

recommendations made in that report pertaining to Public Information have been implemented. Finally the Audit Sub-Committee discussed the Audit Plan for Fiscal year 2013. The areas recommended for audit in Fiscal Year 2013 are:

1. Performance Measures reporting
2. Region 7 Office (Rockdale, Texas) – as a side note, Region 7 - Rockdale Office was the very first office that Mr. Monday Rufus' office audited. Mr. Rufus has now gone full circle thru all the processes at the Commission.
3. Follow-up on prior internal audit recommendations:
 - a. Region 1 Office (Amarillo, Texas) (June 4, 2008)
 - b. Program Records Management (October 31, 2007)
 - c. Payroll & Personnel (December 23, 2009)
 - d. Federal Funds Management Process (January 8, 2009)

The motion to approve the audit plan for FY 2013 carried.

Chairman Simmons adjourned the meeting at 8:15 am.

A motion to APPROVE the Audit Subcommittee report was made by Commissioner Jordan and seconded by Commissioner Winters. The motion carried.

Item 7 – Presentation of Laboratory Update

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

State-Federal Laboratory Update, September 2012

- Update on fee collection, audit findings, and Laboratory Information Management System (LIMS) implementation
- Lab employees attended “Tick School” in College Station to improve their tick identification skills, as well as Quality Management and pseudorabies G1 ELISA test training at National Veterinary Services Laboratories in Ames, IA this summer
- Austin Lab assisting with sample processing and storage for ivermectin tub-feeding trials in support of Cattle Fever Tick Eradication Program
- New USDA cooperative agreement for lab testing of high-risk pseudorabies samples (possible because of our new National Animal Health Laboratory Network (NAHLN) status
- Participating in Premise ID Number (PIN) tag pilot project with USDA.

- Changes in sample volume since end of mandatory first-point testing and fee implementation

Item 8 – Presentation of Emergency Management Program Activities

Ms. Amanda Bernhard - Emergency Management Coordinator discussed the following;

Emergency Management (EM) Department Activities:

September is the height of the Gulf Coast hurricane season, but compared to years past; it has not been a particularly active hurricane season. Because of the continued drier than normal weather conditions experienced in many parts of the state, Texas is about to enter a critical time for wildfires. In preparation for disasters or disease events that could affect livestock in Texas, TAHC has continued to strive to improve and develop its response capabilities through several planning and training initiatives despite a reduced staff. Activities include:

- EM staff has continued to work to keep plans and response resources up to date. In particular, EM organized TAHC's reduced field staff in order to cover response obligations to the state emergency management structure, such as staffing the Department of Public Safety Disaster District Committees (DDC) across the state.
- TAHC and USDA partners held the initial National Veterinary Stockpile planning meeting to develop logistical plans for a foreign animal disease outbreak. The next step in the planning process is to select dates to hold a 2013 exercise and test the draft plan.
- In July, TAHC personnel deployed and participated in a statewide exercise where TAHC personnel simulated a deployment through a mutual aid request from another state. The deployment and exercise required TAHC personnel to coordinate with multiple agencies, work through several response scenarios, and work through the assistance request process.
- Also in July, TAHC conducted an exercise with the USDA-APHIS-VS personnel to enhance the coordination between agencies during a disaster response affecting livestock in the quarantine zone. The exercise also included local county emergency personnel and served to educate the county emergency planners on potential resources and issues when dealing with evacuated or stray livestock from the fever tick quarantine area.
- TAHC introduced its horseback response team. The TAHC personnel on this team will help locate and manage displaced livestock during disasters. As the team moves forward it will focus on continuing to develop the skills of response team and ensure they are adequately trained to serve the state during disasters. In the future, this team could serve to assist in other response facets such as search and rescue.
- This past weekend TAHC personnel attended the Technical Large Animal Rescue course. The three day training focuses on extricating trapped livestock in the safest manner possible for both the animal and responder. The benefits of this course will overlap from disaster preparations to TAHC daily work. Currently, seven TAHC field staff have been through the course.
- Finally, during Hurricane Isaac, TAHC staff worked out a communication process to coordinate interstate entry requirements for livestock movements after a hurricane for

evacuated/displaced livestock. This is important to ensure that people and livestock are moved out of harm's way, but not at the expense of endangering the health and well-being of the Texas livestock industry.

Item 9 – Administration/Budget Status Report

Appropriations/Budget

The Texas Animal Health Commission General Revenue appropriations for fiscal years 2010 and 2011 were \$10.8m and \$10.7m for a total of \$21.5m. In fiscal years 2012 and 2013 the agency was appropriated \$11.1m and 11.2m for a total of \$22.3m. However; out of this total, \$10m was contingent on revenue generated by fees approved by the Commission. Unfortunately, the agency is estimated to only collect a total of \$525,000 in both fiscal years 2011 and 2012. This in effect translates to a true 2012-13 budget \$12.9m (\$6.3m in FY 2012 and \$6.6m in FY 2013). Therefore, the agency's general revenue budget was reduced from \$21.5m to \$12.9m between the 2010-11 and 2012-13 biennia; a decrease of \$8.6m.

In addition to General Revenue fund being reduced, federal funds appropriated to the agency are also decreasing. The net decrease from the 2010-11 to the 2012-13 biennium is \$1.3m (2010-11 amounts: \$9.1; 2012-13 amounts: \$7.8).

The main reason behind declining federal funds is the brucellosis and TB eradication in Texas. The general revenue has been declining because of Legislative directives to cut agency budgets. The agency has gone through reductions in force as well as closing two laboratories and consolidating two regional offices.

The agency submitted a Legislative Appropriations Request for the 2014-15 biennium. This request shows a biennial general revenue amount of \$12.9m and federal funds amount of \$3.9m. The agency federal funds estimates are based on a continually decreasing trend from previous years. The Legislative Appropriations Request includes two documents of interest:

- Exceptional Items Request: the agency is requesting funding \$1.7m in 2014 and \$1.9m in 2015. The majority of this funding is related to disease and emergency management as well as field salary adjustments.
- 10% reduction in budget: the Governor's office is mandating all agencies to submit their plan on how to further cut the budget by 10%. For the agency, this translates to more reductions in force and drastically reducing information technology and vehicle purchases.

Revenues

Total fee revenues for FY 2012 were in the amount of \$492,956; of which \$160,102 TAHC's. Herd certification fee collections started in April 2012 while collections for lab testing fees began in June 2012. Health certificate fees represent 91.5% of total collections (\$451,242). For FY 2013, fee collections are estimated to be in the amount of \$617,000 with health certificate fees representing 85.1% of the total. Lab fee collections reflect 9.7% of the total.

Full Time Equivalent Employees (FTEs):

In the 2010-11 biennium, the agency was appropriated 214 FTEs as compared to 205 in 2012-13. Because of mandated reductions, the agency has lost, through reductions in force, a significant number of FTEs. The FTE count for 2010 and 2011 was 195 and 194; respectively. For 2012 and 2013, the FTE count is estimated to be 127 and 137; respectively. The agency went from an appropriated number of FTEs of 214 in 2010 to an actual number of FTEs in 2012 of 127; a **41% decrease**. Based on the appropriated funding, the agency can only afford to have 127 and 137 FTEs in 2012 and 2013. The agency expects to maintain the number of FTEs at 137 for the 2014-15 biennium. It is worth mentioning that the agency is requesting as an exceptional item 11 additional FTEs to allow it to continue operating within its mission and vision. As mentioned above, the main reasons for FTE decreases are mandated legislative reductions leading to reductions in force, two laboratory closures and consolidation of two regional offices.

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

Item 10 – Approval of Legislative Appropriations Request

Mr. Sami Chadli also discussed the TAHC Legislative Appropriations Requests (LAR) for Fiscal Year 2014-2015 that was submitted to the Governor's Office of Budget, Planning and Policy and the Legislative Budget Board (LBB) in August, 2012. A copy of the report was included in the Commission notebooks.

Item 11 – Consideration of and Possible Action on Agency Contracts and Purchases

CONTRACTS, PURCHASES, LEASES
GREATER THAN \$5,000.00 BUT LESS THAN \$10,000.00
For the Period: [06-01-2012 THROUGH 08-31-2012](#)

PURCHASE: 554-2-502
DATE ORDERED: 08-01-2012
ITEM: Canon Model 3235i Photocopier (Lease)
QUANTITY: 48 Months (08-23-2012 through August 22, 2016)
PURPOSE: Scan & Copy documents for electronic transfer
DEPARTMENT: Program Records
AMOUNT: \$164.28/Monthly (\$7,885.44/Total Cost)
VENDOR: Texas Document Solutions

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PURCHASE: 554-3-028
DATE ORDERED: Pending delivery of vehicles (2013 Ford F250's)
ITEM: Accessories: Bed liner, Toolbox, Grill Guard & Tow items + Installation.
QUANTITY: 4 Each
PURPOSE: New Fleet Vehicles
DEPARTMENT: Animal Health Programs/Fleet
AMOUNT: \$7,866.00 (Estimate)
VENDOR: Spillar's Custom Hitches

CONTRACT: 554-3-029
DATE EFFECTIVE: 09-10-2012
EXPIRATION: 09-09-2015
PURPOSE: Internet (Data) Connectivity - Ft. Worth Region 3 Office
DEPARTMENT: Information Technology
AMOUNT: \$195.99/Mo. (\$7055.64/Total)
VENDOR: Charter Communications

PURCHASE: 554-2-583
DATE ORDERED: 08-27-2012
ITEM: Custom Forms - Printing and Binding
QUANTITY: 4000 Books
PURPOSE: Certificate of Veterinary Inspection Books
DEPARTMENT: Animal Health Programs
AMOUNT: \$6,788.00
VENDOR: Staples Print Solutions

CONTRACT: 554-2-467
DATE EFFECTIVE: 07-10-2012
EXPIRATION: 07-09-2015
PURPOSE: Internet (Data) Connectivity – Amarillo Region 1 Office
DEPARTMENT: Information Technology
AMOUNT: \$199.95/Mo. (\$7198.20/Total)
VENDOR: SuddenLink Business

CONTRACT: 554-2-468
DATE EFFECTIVE: 07-10-2012
EXPIRATION: 07-09-2015
PURPOSE: Internet (Data) Connectivity – Mt. Pleasant Region 4 Office
DEPARTMENT: Information Technology
AMOUNT: \$199.95/Mo. (\$7198.20/Total)
VENDOR:

CONTRACT: 554-2-466

DATE EFFECTIVE: 07-10-2012
EXPIRATION: 07-09-2015
PURPOSE: Internet (Data) Connectivity – Beeville Region 5 Office
DEPARTMENT: Information Technology
AMOUNT: \$183.28/Mo. (\$6,398.20/Total)
VENDOR:

CONTRACTS, PURCHASES, LEASES
\$10,000.00 OR GREATER
For the Period: [06-01-2012 THROUGH 08-31-2012](#)

(Request for Approval)
09-18-2012

CONTRACT: 554-3-016
DATE EFFECTIVE: 10-1-2012 - Pending Approval
EXPIRATION: 09-30-2013
PURPOSE: Software: “Cloud” Application for Laboratory Billing System
DEPARTMENT: Epidemiology/Laboratory Operations
AMOUNT: \$15,000.00
VENDOR: LABLynx
CONTRACT: 554-3-
DATE EFFECTIVE: Pending Approval
EXPIRATION: 12 Months
PURPOSE: Software:
DEPARTMENT: Information Resources
AMOUNT: \$30,000.00
VENDOR: Microsoft Corp.

A motion to APPROVE the contracts and purchases requests for the period from June 1, 2012 through August 31, 2012 was made by Commissioner Wheelis and seconded by Commissioner Jordan. The motion carried.

Item 12 – Consideration of and Possible Action on Regulation PROPOSALS Regarding:

(a) Chapter 33, Fees, CVI Fee

The TAHC proposes amendments to Chapter 33 entitled “Fees” by moving §59.11 into Chapter 33 and creating a new §33.2 entitled “Certificate of Veterinary Inspection”. The Commission has had a fee for CVI’s that is found in Chapter 59. Since the CVI fee was instituted, the agency has created a chapter for fees and this proposed amendment is merely relocating the CVI fee into the fee chapter. The move does not change the fee process, structure or amount as there are no substantive changes.

Commissioner Real moved and Commissioner Simmons seconded a motion to PROPOSE amendments to Chapter 33, Fees, located in Title 4 of the Texas Administrative Code and to publish them in the Texas Register with a 30 day comment period. The motion carried.

(b) Chapter 35, Brucellosis, Identification

The TAHC proposes amendments to Chapter 35 entitled “Brucellosis”. The Commission is proposing to add an exception to the identification requirement for adult cattle going to slaughter. The Commission recently adopted identification requirements that all sexually intact cattle that are parturient or post parturient or 18 months of age and older, changing ownership within Texas, shall be officially identified with Commission approved permanent identification. The Commission is considering an exception to this requirement. Basically, Commission personnel may exempt from the permanent identification requirement beef cattle presented for sale at a livestock market if, upon consultation with market ownership or management, it is determined that the animal’s physical condition makes the handling required to apply permanent identification unsafe or injurious in nature. Also, beef cattle exempted from the permanent identification requirement under this subsection must be sold and consigned to a state or federally approved slaughter establishment and movement may be permitted by Commission representatives.

Commissioner Locke moved and Commissioner Jordan seconded a motion to PROPOSE amendments to Chapter 35, Brucellosis, located in Title 4 of the Texas Administrative Code and to publish them in the Texas Register with a 30 day comment period. The motion carried.

(c) Chapter 38, Trichomoniasis

The TAHC proposes amendments to Chapter 38 entitled “Trichomoniasis”. These amendments are for the purpose of making changes to the Trichomoniasis Control Program based on recommendations made by the Trichomoniasis Working Group (TWG) composed of veterinarians, cattle producers and other stakeholders which met on May 15, 2012. The TAHC will now accept tests for Trich where samples have been pooled at an approved laboratory, with up to 5 individual samples allowed to count as one test. Veterinarians will still need to collect and incubate samples from all animals individually, according to current protocol. This change in approved laboratory handling of samples was made in an effort to help minimize the costs of sampling. Lab-pooled samples will now be recognized as an official test for quarantine release and change of ownership in Texas. Out-of-state bulls will also be allowed to enter Texas using the 5:1 lab-pooled sample method. Diagnostic samples will now be accepted if submitted up to 120 hours (increased from 96 hours) from the time the sample is collected to arrival at the laboratory. The vet must still confirm on the test chart that he/she incubated the sample for 48 hours at 37 C as per protocol. In addition, the definition of a positive diagnosis has been clarified to include diagnosis in a cow or fetus. TAHC will quarantine herds when a positive diagnosis is made, and require all breeding bulls to be tested.

Commissioner Wheelis moved and Commissioner Simmons seconded a motion to PROPOSE amendments to Chapter 38, Trichomoniasis, located in Title 4 of the Texas Administrative Code and to publish them in the Texas Register with a 30 day comment period. The motion carried.

(d) Chapter 40, Chronic Wasting Disease

The TAHC proposes amendments to Chapter 40, entitled “Chronic Wasting Disease” (CWD). The proposed amendments are for the purpose of revising a number of the current requirements to address a variety of recent actions involving CWD including the Federal CWD final interim rule that will take effect December 13, 2012. A brief summary of all the proposed amendments are:

1. The commission currently provides a voluntary herd monitored status program for species that are susceptible to CWD. Currently, all breeders of white-tailed deer participate in a CWD monitoring program through either TPWD or the Commission. The Commission is proposing to require additional cervid species to participate in surveillance for CWD.
2. Mandatory reporting of all CWD suspicious animals and all death losses in animal 12 months of age or older (changed from 16 months). And CWD exposed animals (changed from High risk) must be removed from the herd and; either humanely destroyed, tested for CWD and disposed of or the herd will be maintained under hold order/quarantine for 60 months (changed from 48 months).
3. Provides the enrollment requirements for the TAHC Complete Monitored Herd Program for CWD and stipulates that herd owners who enroll must agree to maintain their herds in accordance with these requirements.
4. Requirements are applicable to include North American elk or wapiti, red deer, Sika deer, moose and any associated subspecies and hybrids.
5. Adds a new section to delegate to the Executive Director the authority to issue an order to declare a CWD high risk area or county based on sound epidemiological principles for disease detection, control and eradication.

Chairman Morales recognized the following individuals who had indicated that they would like to speak before the Commission on this topic. A full audio of their comments and the complete discussion regarding the proposed amendments to Chapter 40 is available on the Texas Animal Health Commission website. <http://www.tahc.state.tx.us/agency/meetings.html>

1. Mitch Lockwood – Texas Parks and Wildlife – Big Game Program Director
2. Warren Bluntzer – Wildlife Biologist and Private consultant
3. Charly Seale – Director - Exotic Wildlife Association
4. Todd Franks – Exotic Wildlife Association and independent deer breeder
5. Marida Favia del Core Borrormer – Exotic Wildlife Association

Commissioner Winters moved and Commissioner Locke seconded a motion to PROPOSE amendments to Chapter 40, Chronic Wasting Disease, located in Title 4 of the Texas Administrative Code. After much discussion, the motion to approve the proposed amendments and to publish them in the Texas Register with a **45 day** comment period passed.

(e) Chapter 51, Entry Requirements, Cattle, Cervidae

The TAHC proposes amendments to Chapter 51, entitled “Entry Requirements”. The purpose of these amendments is to change the Bovine Trichomoniasis (Trich) testing requirements and the Cervidae entry requirements.

There were 2 recommendations for rule changes for the interstate movement of breeding bulls into TX that the Commission is proposing to consider. The first is to allow a bull to enter TX on a laboratory pooled negative test sample (no greater than 5 total in sample). The second is to lengthen the time which a test result is valid from 30 days to 60 days to coincide with the existing intrastate time limit for a valid negative test.

The Commission announced in June it had been determined that Red deer and Sika deer are susceptible species for CWD and therefore must meet the same entry requirements as other cervid species regulated by the agency such as Elk and Moose. The new entry rules for Red deer and Sika deer will require they originate from herds with at least 5 years of participation in an approved CWD status program. The Commission is amending the entry requirements to remove the three year standard for cervid originating from states that had not detected CWD within their borders.

Commissioner Brown moved and Commissioner Kezar seconded a motion to PROPOSE amendments to Chapter 51, Entry Requirements, located in Title 4 of the Texas Administrative Code and to publish them in the Texas Register with a 30 day comment period. The motion carried.

(f) Chapter 59, E.D. Declaration for a Disease High Risk Area or County

The TAHC proposes amendments to Chapter 59 entitled “General Practices and Procedures” by adding a new section. This proposal creates a new §59.11 entitled “Executive Director Declaration of a High Risk Disease Movement Restriction Zone”. The new section authorizes the Executive Director to issue an order which will classify an area or a county as being high risk for animals to be infected with or exposed to a disease based on sound epidemiological principles.

Commissioner Real moved and Commissioner Brown seconded a motion to PROPOSE amendments to Chapter 59, General Practices and Procedures, located in Title 4 of the Texas Administrative Code and to publish them in the Texas Register with a 30 day comment period. The motion carried.

Item 13 – Consideration of and Possible Action on Regulation ADOPTIONS Regarding:

The Commissioners heard a report on the number of comments received on the following regulations that are up for adoption at this meeting. Each Chapter was reviewed and 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) in the Trans Pecos Region.

A motion to ADOPT the amendments to Chapter 40, Chronic Wasting Disease, located in Title 4 of the Texas Administrative Code was made by Commissioner Brown and seconded by Commissioner Locke. Motion carried.

(b) 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.

A motion to ADOPT the amendments to Chapter 43, Tuberculosis, located in Title 4 of the Texas Administrative Code was made by Commissioner Jordan and seconded by Commissioner Locke. Motion carried.

(c) Chapter 45, Reportable Diseases, Schmallenberg 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 Schmallenberg virus to the list of reportable diseases.

The only change to this amendment was for General Counsel to add this reportable disease under the “multiple species diseases” heading and not to the “cattle diseases” as originally discussed.

A motion to ADOPT the amendments to Chapter 45, Reportable Diseases, located in Title 4 of the Texas Administrative Code was made by Commissioner Locke and seconded by Commissioner Wheelis. Motion carried.

(d) 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 Equine Piroplasmiasis based on sound epidemiological principles.

A motion to ADOPT the amendments to Chapter 49, Equine, located in Title 4 of the Texas Administrative Code was made by Commissioner Vickers and seconded by Commissioner Jordan. Motion carried.

Item 14 – Recognition and Awards

Dr. Andy Schwartz congratulated Ms. Barbara Hallmark, Program Supervisor over the Permits Department, on her 40th anniversary with the TAHC. On Aug. 15, 2012, Barbara celebrated 40 years of dedicated and committed service to the TAHC. Barbara was presented a Texas flag flown over our state's capital building in honor of her dedicated service to the TAHC and to the State of Texas.

Item 15 – Recognition of Public Comment

The only public comments were CWD related and heard during the discussion of the adoption of the amendments to Chapter 40, Chronic Wasting Disease discussed earlier in the meeting.

Item 16 – Set Date for the 385th Meeting

The date for the next Commission meeting was not set during the meeting but may be sometime in early January, 2013. Notice will be posted on the agency's website when the date for the 385th meeting has been set.

Item 17 - Adjournment

Meeting adjourned at 1:07 pm.