

MINUTES OF THE 387TH COMMISSION MEETING
Texas Animal Health Commission
September 10, 2013

The TAHC Commissioners met in the agency's headquarters in Austin on Tuesday, September 10, 2013.

Item 1 – Welcome and Call to order by Chairman Morales

Chairman Ernie Morales began the meeting at 8:40 a.m.

Commissioners not present:

Dr. William Edmiston

Mr. Thomas Kezar

Mr. Chuck Real

Item 2 – Approval of the minutes of the 386th Meeting

A motion to APPROVE the minutes of the 386th Commission meeting held on May 21, 2013 was made by Commissioner Jordan and seconded by Commissioner Simmons. The motion carried.

Item 3 – Report of the Executive Director, Field Animal Health Program Activities and Approval of Waiver Requests for the Period 5/22/13 through 9/10/13

Dr. Dee Ellis, TAHC Executive Director, presented the following report:

1. Agency Overview

- Post session activities
 - New rules related to legislation
 - Fever tick - treatment and “animal” definitions
 - Poultry - depopulation and indemnity authority
 - Texas Authorized Vet Program
 - Animal ID – tagging facility, change of ownership
 - El Paso - study
 - Budget status – \$2 million more per year – thanks to industry!
 - Will begin to rebuild agency FTE's from 125 to 161 max
 - New AED for Animal Health Programs – Dr. TR Lansford
 - This fiscal year –planning for;
 - a) Capital purchases – trucks/computers
 - b) Other field equipment
 - c) Merit raise process
 - d) Evaluate inspector salaries
 - e) Career ladder review
 - State Agency partnerships
 - Texas Parks & Wildlife – CWD samples/MOA

- Dept. of Public Safety – Capital complex animal consultations, Horse Responders and security access for TAHC emergency responders/central office building
- Dept. of State Health Services – mandatory TB/Brucellosis testing for dairies, El Paso dairy bill
- TAMU/TVMDL – Enhanced Passive Surveillance process with veterinary practitioners and livestock markets, Partner with FAZD center on various projects
- Texas Dept. of Criminal Justice – Horse responders
- TAMU Agrilife Extension – free eartag distribution
- TAMU CVM – regulatory program training for 3rd year vet students, 2nd year public health, 4th year Emergency mgt track, and VET response team
- Texas Department of Agriculture – Tick research grant

2. Texas Disease Traceability update

- Commission proposal to remove ID requirement from brucellosis chapter – ***Rule passage later***
- New rule in ADT chapter - ***rule proposal later***
- General agreement from working group to ID breeding animals – exempt slaughter animals - allow 7 days of flexible movement on backtag only before animal is delivered at slaughter plant, or tagged or resold(clock starts over) through a market – slightly different than USDA rule
- General agreement that all markets will become approved tagging facilities – ***Rule passage later*** - Feeder animals at slaughter still being worked out – some feedyards may also become tagging facilities that want to feed adults
- USDA rule for interstate movement in effect – partnership process to visit all markets this fall – both TAHC and USDA personnel will go
- Must work with other states and industries for variety of issues still – recent meeting in Denver – the biggest issue was substitution of CVI's with owner shipper statements.
- USDA proficiency testing for compliance of traceability under way
- Dr. Schwartz will have more information

3. Trichomoniasis

- As result of the Trich working group meeting – ***Rule Proposal later***
 - Trade untested bulls for 7 days
 - Bulls returning from bull station trials
- 50 State vet initiative to bring consistency to entry rules at national level – preliminary indication would be reacceptance of virgins and allowing culture tests

by Texas would be our changes needed – others are already in place such as 60 day test & pooled samples

4. Equine Piroplasmiasis

- Kleberg County test complete – issue now is where do we go next? Epidemiology group tasked with making best guess as to county choices based on prevalence of tick related Piro – Management considerations and safety considerations will then be considered. Tick related Piro is strictly a south Texas localized issue but must define it.

5. Brucellosis

- USDA transition from full support for Texas underway and effective October 1 – brucellosis funding will decrease significantly
- National Surveillance Plan complete – TAHC to become regional lab for USDA – running slaughter blood for L&H and Lone Star – and may run herd test blood as well for other states
- State inspected and custom kill slaughter plant surveillance will continue at TAHC expense
- Veterinarian testing will continue – diagnostic, certification, export at owner expense
- Greater Yellowstone brucellosis concerns – - *rule passage later*
Original rule proposed was modified to only require post entry test for cattle from Designated Surveillance Area – not entire state now based on comments – Montana State vet Dr. Marty Zaluski here to testify – post entry testing will be performed by TAHC personnel at no cost to Texas producers - TAHC and USDA epi staff thoroughly reviewed all available information prior to recommendation – they believe there is a risk and I agree ;
 - major pros of GYA program;
 - mandatory vaccination
 - elk surveillance activities
 - majority of cattle tested
 - slaughter surveillance
 - Change of ownership requirements
 - major cons to ongoing program;
 - Ongoing wildlife reservoir in elk and bison – don't respect state boundaries- moving target as to risk areas
 - animals can leave DSA with only one negative test
 - no mandatory recurring whole herd testing of all producers in DSA zone
 - no permanent visible ID identifying cattle from DSA
 - varying test requirements between the three states

- Herd testing after contact with elk is voluntary
 - Infected herds in all 3 states currently
 - Change of ownership requirements inconsistent
 - Possibility of latent heifers entering
- TAHC committed to re-evaluate this process regularly
 - USDA will begin risk assessment of their own soon and TAHC will participate

6. Texas Authorized Personnel rule proposed

- Thanks to TVMA for support of this bill
- Applies to Vets, techs and lay people in certain situations
- In many cases will mirror USDA Accredited vet program
- Will maintain strong partnership with the vet board and USDA for vet related activities
- Vet industry working group met in August and a conference call
- Dr. Vickers and Edmiston involved throughout
- First state program in the US
 - Concept is to formalize TAHC oversight of regulatory vet activities – broader than Approved brucellosis status
 - Trich, Tb, Brucellosis, EIA, Piro, PRV, are examples of programs private vets are involved in
 - CVI sale and distribution also included
 - Process for training – will include grandfather of existing Approved personnel – basically apply to new vets to state and TAMU CVM students – will require curriculum change at vet school
 - Process for enforcement will be developed based on progressive action and personal involvement from TAHC vets at all steps
 - Will generate process for training and regulation of cervid herd owners collecting CWD samples

7. 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 – watching numbers closely – crossing projections are down for 2013
- TAHC inspectors supporting USDA as needed – inspectors hired in South Texas will assist with tick and port work – managers working out details
- 2 horses and donkey infected with piro caught by border patrol in August
- Dr. Varner will have more information

8. Cattle Fever Ticks

- Number of infested premises still low

- Fever tick bill passed – treatment and “animal definitions updated – Thanks to industry for support - *rule proposal later*
- Texas Last vaccine trial to begin September 15 – completed on December 15 – safety trial only - Approval by Feb 1 expected – vaccination and identification to begin then – assuming rule passes
- Still no final agreement on license of Ivermectin treated molasses blocks due to business negotiations between production company and Merial – but FDA INAD license in effect for new drug with option to renew
- TDA grant money – shared with USDA ARS and bought equipment
- Dr. Varner will have more information on the tick program

9. Swine Health

- Porcine Epidemic Diarrhea Virus (PEDV) – Emerging Disease in US/Texas Swine industry - Texas has infected herd in the panhandle
- Viral disease – kills baby pigs – fecal to oral spread – affecting management of commercial swine in the US
- TAHC has worked with a major swine producer in the panhandle to set up handling facility for slaughter swine to allow better biosecurity minimize potential spread of the disease prior to shipping
- USDA APHIS Wildlife Services feral swine strategy released including major funding for Wildlife Services as lead to eradicate feral swine - TAHC message;
 - Include animal health agency in planning sessions
 - Evaluate Wildlife Services funding mechanism
 - Consider cooperative funding for state animal health agency

10. Tuberculosis

- Working with USDA and New Mexico on roping steers crossing there and entering Texas – new USDA port management on October 1
- The online brand movement record access is very helpful
- El Paso dairy bill – risk assessment – test animals in spring – then review risk situation of Juarez – report due September 1
- Still investigating source and traces from infected herd in San Angelo – numerous herds to test – Dr. Schwartz will have more info
- Other slaughter traces under investigation
- Cervid TB blood test now available – *rule passage later*

11. CWD

- No new cases outside of known infected area to date
- Will help collect samples again during deer season in W. Texas
- Thanks to Commissioner Winters for time spent on the rule

- Dr. Schwartz will have more information in his report

12. Public Information update – Bonnie will give her own report

13. Waiver Report

- 2 waivers requested and 2 approved;
 - Trichomoniasis – **Approved** – allowed 1 bull to be brought to Texas for test upon arrival due to emergency evacuation related to pasture condition in Colorado
 - Trichomoniasis /Official ID– **Approved** – allowed entire beef herd under investigation for animal cruelty in New Mexico to be brought to a Texas feedyard for processing and care

Next Meeting – possible rules?

- ADT chapter ongoing
- Brucellosis calhhood vaccination under general supervision
- Update Chapter 39 completely - Scabies
- Microchip Piro reactors
- Allow Processed food to be fed to hogs
- Id Mexican origin animals on CVI
- Trich changes?
- NPIP waiver for LBM slaughter chickens
- CWD sample submission process

A motion to APPROVE the actions of the Executive Director for the period from May 22, 2013 to September 10, 2013 was made by Commissioner Jordan and seconded by Commissioner Brown. The motion carried.

Item 4 – Presentation of Public Information Activities

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

1. Exhibits

- June: ICA in Bastrop
- July: Pork Producers in San Angelo
- August: Beef Cattle Short Course in College Station
- September: Southwest Vet Symposium in San Antonio

2. Brochures

- We have several disease and program specific brochures available in English and Spanish on the TAHC website.

3. Farm Bureau News & Views

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

4. Request a Speaker

- A new resource: A fast, efficient and easy way to reach out to us to request a TAHC representative to come out to speak at an industry related function. The Request a Speaker “button” can be found on the agency’s website. Once the form is filled out and submitted, I will receive the electronic request and coordinate the details.

5. Social Media Channels

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

Item 5 – Presentation of Animal Health Program, Epidemiology, and Animal Disease Traceability (ADT) Activities

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

Cattle

- **Tuberculosis**

New Cases: Since October 2012 there have been 12 new TB cases disclosed, all steers found through slaughter inspection
-9 animals were wearing Mexico ear tags, two were in lots of Mexico origin feeder cattle, and investigation of the remaining case is ongoing

Follow-up on previous cases:

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

Traces from out of state: Two lots of dairy heifers, 118 head and 86 head, were received from a TB affected dairy in California. Both lots of heifers were tested and retested using a battery of tests, with necropsy and laboratory examination of tissues collected from suspect animals. Both lots have now been released.

- **Brucellosis:** Surveillance testing at all but two federally inspected slaughter plants in Texas will stop by the end of this month – marking a reduction in brucellosis surveillance at the national level. Testing at state inspected slaughter plants in Texas will continue.
- **Trichomoniasis:** In Jan-July 2013, there were 336 positive bulls found in 15,092 tested (2.2% test positive). This represents some improvement over the percent positive reported at the May 2013 Commission meeting, which was 2.9%.

Swine

- **PEDv** (Porcine Epidemic Diarrhea Virus) The latest reports show cases in 17 states, Texas included. TAHC is in an education and awareness role – no regulatory action being taken. USDA-CEAH and the University of Minnesota, College of Veterinary Medicine are collaborating on a research project describing the spread of PEDv, identifying risk factors for herd-to-herd transmission, and biosecurity practices that appear to be working.
- **Follet Swine Facility:** Functioning as a tagging station for slaughter only adult swine, approximately 2500 per week. Receives animals from multiple states. Maintains records of ID correlated to origin and final destination.

Equine

- **Equine piroplasmiasis (EP):** Kleberg county high risk test: Officially began April 8, 2013 in the southern portion of the county. To date, 872 equine on 326 premises have been tested, disclosing 19 positive horses on 6 premises. The one remaining premises is lined up to test next week. Additional county tests will likely be conducted – an assessment is currently being conducted.
- **EIA:** Separate recalls of a widely used ELISA kit and an AGID kit earlier this year caused some concern of false negative results. As a precaution, all samples tested at the TAHC Laboratory with the kits in question were re-run. No additional positive horses were found. Following consultation with TAHC, and based on recommendations put forth by USDA-VS, TVMDL identified and retested potentially high risk samples run at the College Station and Amarillo labs. All results were negative.
- **FAD Investigations:** Three horses with oral lesions were investigated – negative for Vesicular Stomatitis.

Poultry

- **FAD Investigations:**
Investigation of death loss in a backyard flock was conducted – negative for AI and END.

Cervids and Exotics

- **Chronic Wasting Disease (CWD):**
In June 2013 Texas gained Temporary Provisional Approval under the USDA-VS Approved State CWD Herd Certification Program. One rule change is needed to qualify

as Approved (in Chapter 40, Rule 40.2, considered for adoption today). Internal policy documents and herd agreements have been modified as needed to meet federal interstate movement requirements.

- **Pronghorn Restocking Effort in West Texas:** TAHC is working with TPWD to evaluate state entry requirements for Pronghorn to be imported from other states.

Animal Disease Traceability Activities

Official Ear Tag Distribution and Tag Allocation Partners: To date, a total of 426,400 USDA bright metal ear tags have been shipped to 204 AgriLife county offices for distribution to cattlemen. In addition, 51 accredited veterinarians have signed on to be tag distributors. Tags are entered into a database under a Location Identification Number (LID) assigned to a person's name and address rather than a location.

Regulations:

-Approved Tagging Facility (Rule 50.2) up for adoption today

-Cattle Identification (Rule 50.3) up for proposal today

National Level Meetings:

-TAHC sent representatives to the Joint Strategy Forum on Animal Disease Traceability in Denver last month, co-hosted by NIAA and USAHA. A white paper, developed with input from attendees, was recently published.

-A TAHC representative will be attending the Animal Identification Coordinators Workshop in St. Louis, Missouri, next week. The workshop, organized by USDA-VS, is designed to address topics surrounding state implementation of ADT.

Electronic Data Sharing: TAHC is working with industry, other states, USDA-VS, and private enterprises to develop methods of sharing animal identification data needed for an effective traceability system. A major criterion of these methods is they must function at the speed of commerce. One example is the development and use of electronic Certificates of Veterinary Inspection.

Item 6 – Presentation of USDA Veterinary Services Update

Dr. Kevin Varner – Area Veterinarian in Charge for Texas, presented the following report:

1. Fever Ticks – still having good results with Ivermectin tubs. Vaccine being produced to be used in Texas – should be available this fall. Overall number of tick infected premises is down.
2. Mexico/Texas Ports – the number of cattle coming into Texas from Mexico is down for the first part of 2013. Drs. Ellis and Varner are scheduled to meet with Mexico officials to discuss ports later this summer.

Item 7 – Audit Subcommittee Report

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

Mr. Robert Gonzales, Associate for Mr. Monday N. Rufus, P.C. Certified Public Accountants & Consultants gave the audit report this morning – Mr. Monday Rufus joined the meeting in progress.

The audit sub-committee heard reports on the following follow-up audits and the Fiscal Year 2014 audit plan:

- Program Records Management (Original Report Date: October 31, 2007) – follow-up on prior internal audit recommendations. Prior audit identified 2 issues – recommendations in these areas have since been implemented in the Program Records Dept. No further audit work is deemed necessary in these areas at this time.
- Region 1 Office – Amarillo (Original Report Date: June 4, 2008) - follow-up on prior internal audit recommendations. Prior audit identified 2 issues – recommendations in these areas have since been implemented in the Region 1 Office. No further audit work is deemed necessary in these areas at this time.
- Federal Funds Management Process (Original Report Date: January 8, 2009) – follow-up on prior internal audit recommendations. Prior audit identified 2 issues – recommendations in these areas have since been implemented in the Finance Department. No further audit work is deemed necessary in these areas at this time.
- Payroll and Personnel (Original report issued December 23, 2009) - follow-up on prior internal audit recommendations. Prior audit identified 3 issues – recommendations in 2 of the 3 areas have since been implemented in the Human Resources Department. No further audit work is deemed necessary in these areas at this time. The remaining issue has been partially implemented and the department will continue to strive to implement recommendation fully.

Fiscal Year 2014 TAHC Audit Plan

Mr. Monday Rufus prepared a risk assessment to determine the areas in the Texas Animal Health Commission that should be considered for audit. Based on that risk assessment, the following areas are recommended for audit in Fiscal Year 2014:

- Region 5 Office – Beeville
- Travel
- Budgeting
- Follow-up on prior internal audit recommendations:
 - Emergency Management Process: Policies and Procedures (April 17, 2008)

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

Item 8 – Presentation of Laboratory Update

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

- The Ft. Worth Laboratory is closed, and all operations have been transferred to Austin. There is still some large equipment in Ft. Worth that needs to be disposed of, or moved to Austin. The move will be completed later this month.
- Amy Ramage, previously Supervisor of the Ft. Worth Lab, is finalizing things in Ft. Worth and in the process of transferring to Austin as our new Quality Manager. This position is crucial to keeping our lab up to the quality standards required for membership in the National Animal Health Laboratory Network (NAHLN), and Amy is already diving in and doing a great job.
- Volume is higher than normal in Austin as a result of Ft. Worth closing. We are currently processing over 5,000 Brucellosis samples per day, and expect that volume to continue through the end of September. We obtained a temporary Lab Tech I through Goodwill Staffing, to assist with the volume through Oct 1., and he is working out very well.
- USDA last month announced changes to their National Brucellosis Surveillance Plan that will allow our lab to remain part of the USDA's slaughter surveillance program. We will continue to test an estimated 461,000 slaughter samples per year from L&H (San Antonio) and Lone Star (San Angelo). This is approximately 1/3 of the slaughter volume we currently test. Our one federal employee will be transferred to another position within USDA effective Oct 1, which coincides with the drop in slaughter sample volume. USDA

will continue to pay for shipping, reagents, equipment maintenance and proficiency testing for this testing.

- All lab personnel are preparing for an on-site audit of the Austin lab by the National Animal Health Laboratory Network (NAHLN) on September 26. Our lab achieved re-approval as a NAHLN lab, based on a review of our quality documents, earlier this year. The site visit will involve examining a larger number of documents, as well as watching samples flow through the lab and interviewing staff regarding procedures and practices.
- We are partnering with the manufacturer of the test kits used in the Bovigam test for bovine tuberculosis, on a trial of some new antigens the company hopes will replace the ones currently used.
- Efforts are underway to streamline our lab fee billing process. We have begun sending out monthly statements to lab customers and have solved several problems that existed with our online payment system with the goal of providing improved customer service to veterinarians.
- Texas Facilities Commission (TFC) has notified us that a sale is pending on the building that houses our Austin lab, and our lease on that building ends next year. We have begun work with TFC to identify an alternate site for the lab, preferably near the TAHC Central Office. The new site will likely be configured slightly differently from our current layout, to fit our current and future expected functions and staffing.

Item 9 – Presentation of Emergency Management Program Activities

Ms. Amanda Bernhard, Emergency Management Coordinator, presented the following report:

- Resource Resiliency Assessment Program (RRAP) – Emergency Management personnel have been working with the feeder industry and local communities in the Panhandle to complete a Department of Homeland Security project intended to better prepare local communities on their role in Foreign Animal Disease response. Along with local planning resources for communities, an additional deliverable is the development of biosecurity protocols and continuity of operations plans for the feeder industry.
- Cooperation with West Texas A&M on Carcass Disposal Transportation Project – TAHC is participating in a joint project with WT A&M to address carcass disposal issues during foreign animal disease outbreaks. Work on the project has included efforts to develop memoranda of agreement with neighboring states to assist each other with disposal issues, as well as a plan addressing issues such as biosecurity and procedures during the transportation of infected carcasses within the state of Texas during a disease response.
- Agency preparedness activities – During the Regional Director and Inspector workshops, EM personnel provided training to TAHC field staff in the form of a table top exercise covering procedures and lessons learned from the most recent emergency responses. EM

staff has also worked to ensure the agency remains prepared to respond to disasters across the state by updating all TAHC resources for local preparedness, detailing response structures, identifying and typing agency resources, and providing input into state emergency response plans. Field staff in coastal areas has revisited contacts and processes with local responders along the coast to ensure preparedness in the event of a hurricane. Also to ensure preparedness at the local level, TAHC staff across the state has re-invigorated its local planning efforts and has been participating in local Texas Veterinary Medical Association preparedness workshops where veterinarians are educated on their role in their communities in disaster response.

- Southern Agriculture and Animal Disaster Response Alliance (SAADRA) – TAHC has continued to participate actively in SAADRA preparedness planning. Recent work with the group has focused the typing of agency resources and sharing that information with the other member states. Identifying and categorizing, or typing, resources allows for the easy sharing and reimbursement of needed resources by using the Emergency Management Assistance Compact (EMAC) process, rather than asking the Federal Government for resources during a disaster response when a state has exhausted all of its resources.

Item 10 – Administration/Budget Status Report

Before Mr. Steven Luna presented the Administration/Budget Status Report – Ms. Larissa Schmidt, Director of Administration, introduced Mr. Luna as the new Director of Finance. He has been promoted to this position because of the retirement of Ms. Debbie Metzler in August, 2013.

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

Appropriations/Budget

- General Revenue (GR) appropriations:
 - The 2010 & 2011 Biennium appropriations were \$10.8M & \$10.7M respectively, for a total of \$21.5M.
 - The 2012 and 2013 Biennium appropriations were \$11.1M and \$11.2M respectively, for a total of \$22.3M.
 - However, out of this total, \$10M was contingent on revenue generated by fees approved by the Commission
 - Excluding Collected Fee Revenue, Biennium appropriations were \$12.3M
 - This constitutes a decrease in GR of 42% between the 2010-11 and 2012-13 biennia.
 - The 2014 and 2015 Biennium appropriations are \$8M and \$8.1M respectively, for a total of \$16.1M.
 - This total is not contingent on revenue generated by fees approved by the Commission

- This constitutes an increase in GR of 30% between the 2012-13 and 2014-15 biennia.
- Federal Funds and Grants (Federal Fiscal Year (FY) runs April 1 to March 31)
 - State FY 2013
 - Federal FY 2012 funds received total \$1.9M
 - Grants received total \$147K
 - State FY 2014
 - Estimated Federal FY 2013 funds received total \$2M
 - Federal FY 2014 is unknown and not factored at this time
 - Grants received total \$105K
- Capital Budget Funding
 - Out of the \$8M appropriated in GR for FY 2014, \$300K is set aside for Capital Budget Purchases. The agency is restricted to the following Capital Budget Purchases:
 - \$150K towards Fleet Vehicles
 - \$150K towards the Acquisition of Information Resource Technologies

Revenues

- FY 2013 Fee Revenue totaled \$733K of which the TAHC realized \$394K
 - Of the total CVI represent 64.45% and Lab Testing Fees 24.11% with the remaining 11.4% divided between FRP, CWD, and Herd Certifications
- FY 2014 Fee Revenue is estimated \$722K, which if realized, the TAHC's portion would come to approximately \$456K.
 - The percent breakdown is very similar to FY

Full Time Equivalent Employees (FTEs):

- The 2010 & 2011 Biennium Appropriated 214 FTEs for both years
- The 2012 and 2013 Biennium Appropriated 205 FTEs for both years
 - 57.5 FTEs per year were contingent upon the \$10M in fee generated revenue
 - This left an actual number of 147.5 FTE's per year
 - The TAHC closed out the year with 126.5 filled FTEs
- The 2014 and 2015 Biennium Appropriated 161 FTEs for both years
 - The TAHC started out the year with 123.5 filled FTEs
 - The TAHC is currently in the process of filling or has filled 10 additional FTEs as it strives to fill positions vacated due to mandated legislative reductions leading to reductions in force, attrition, two laboratory closures, and consolidation of two regional offices

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

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

Ms. Larissa Schmidt, Director of Administration, presented the following report:

1. Fifteen contracts, purchases and/or leases (for information only) - they do not need Commission approval as they are not over the \$25,000 threshold.
2. Eight contracts, purchases and/or leases requiring Commission approval as they are over the \$25,000 threshold. These include the purchase/lease of trucks, laboratory postage mailing labels, fleet insurance, information resources purchases, John Bean Spray Rigs, and Lone Star Overnight shipping for agency and laboratory.

A motion to APPROVE the Contracts and Purchases Requests was made by Commissioner Brown and seconded by Commissioner Bouma. The motion carried.

Item 12 – Consideration of Final Order Against Bob Cody for Violations of Commission Rules

Mr. Bob Cody is in the business of buying, selling and trading cattle in Texas. It was determined that Mr. Cody violated rules of the Commission by failing to comply with the Trich testing requirements. It was recommended that he be assessed an administrative penalty of \$3,000.00 for violating these requirements.

A motion to APPROVE the Final Order against Bob Cody for Violations of Commission rules was made by Commissioner Vickers and seconded by Commissioner Winters. The motion carried.

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

Gene Snelson discussed the following REGULATION PROPOSALS:
Each regulation proposal was reviewed and voted on individually.

a) Chapter 38, Trichomoniasis, Test Exceptions

The Texas Animal Health Commission (commission) proposes amendments to §38.2, concerning General Requirements, in Chapter 38, which is entitled “Trichomoniasis”. The purpose of the amendments is to change the testing requirements for bulls. Bovine Trichomoniasis (Trich) is a venereal disease of cattle caused by the protozoa *Tritrichomonas foetus*. Certain herd management practices such as commingled grazing or fence-line contact with other herds are risk factors for infection. Control of *T. foetus* in an infected herd includes testing bulls and culling those infected. Representatives of the Bovine Trich Working Group met on May 21, 2013, at the commission’s central office in Austin to review and evaluate the effectiveness of current rules. The group recommended allowing untested bulls to be purchased and resold without a test if moved under permit with official permanent identification. After much discussion it was decided that this procedure will be allowed. Commission inspectors will permit untested bulls to either a feeding facility, another sale barn or to another physical location given by the buyer for

the bull to be resold. The permit will expire seven days from the date of issuance and bulls cannot be commingled with female cattle during the seven days.

Commissioner Jordan moved and Commissioner Locke seconded a motion to PROPOSE the amendments to Chapter 38, Trichomoniasis, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendment and to publish it in the Texas Register with a 30 day comment period passed.

b) Chapter 41, Fever Ticks, New Authorized Treatments

The Texas Animal Health Commission (commission) proposes amendments to §41.1, concerning Definition of Terms, and §41.8, concerning Dipping and Treatment of Livestock, in Chapter 41 entitled “Fever Ticks”. The purpose of the amendments is to add a new definition for animals and new treatment standards.

The Texas Cattle Fever Tick Eradication Program (Program) is undergoing some changes in order to make it more effective in the efforts to eradicate the Texas cattle fever tick. The Program has looked at other treatment options, other than dipping, as effective deterrents to the fever tick and the rules are amended to add these options.

During the most recent Texas Legislative Session, House Bill (H.B.) 1807 was enacted into law and it amends the Agriculture Code to broaden the scope of statutory provisions relating to tick eradication by providing for the treatment of animals, rather than just dipping of livestock.

The bill defines animal as any domestic, free-range, or wild animal capable of hosting or transporting ticks capable of carrying Babesia, including livestock; zebras, bison, and giraffes; and deer, elk, and other cervid species. The bill defines treatment as a procedure or management practice used on an animal to prevent the infestation of, control, or eradicate ticks capable of carrying Babesia. H.B. 1807 requires each animal submitted for movement from a quarantined enclosure to be treated as prescribed by commission rules before a certificate or permit for movement is issued if ticks are found on any of the animals, rather than require each head of livestock submitted for such movement to be dipped at certain intervals and found free from ticks at the last dipping before such a certificate or permit is issued if ticks are found on any of the livestock.

The commission is proposing to authorize treatment requirements using injectable doramectin including a withholding period of 35 days. Section 41.8 is being amended to include treatment as part of the timeframes that have historically been associated with requirements for dipping. Also, the title for the Pasture Vacation Schedule is amended to indicate it as being Pasture Treatment or Vacation Schedule. Also, for free-ranging wildlife or exotic livestock that are found infested, or exposed premises which are capable of hosting fever ticks will be treated by ivermectin medicated corn that may be administered by a representative of the commission following the close of the hunting season, provided that treatment is terminated at least 60 days prior to the beginning of the next hunting season to comply with the required withdrawal period. Also, permethrin impregnated roller devices may be used for topical treatment of free-ranging wildlife or exotic livestock during periods when ivermectin medicated corn is not administered. The commission may specify the use of other pesticides for treatment of wildlife or exotic livestock when deemed necessary to control and eradicate fever ticks.

Commissioner Locke moved and Commissioner Wheelis seconded a motion to PROPOSE the amendments to Chapter 41, Fever Ticks, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendment and to publish it in the Texas Register with a 30 day comment period passed.

c) Chapter 47, Approved Personnel, HB 3569 Changes

The Texas Animal Health Commission (commission) proposes a new Chapter 47, §47.1, §47.2, §47.3, §47.4, §47.5, §47.6, §47.7, §47.8, §47.9, §47.11, §47.12, §47.13, §47.14, and §47.15, concerning Authorized Personnel.

The commission contemporaneously proposes the repeal of the existing Chapter 47, concerning Approved Personnel. The purpose of the new chapter is to make substantial changes to the requirements of persons authorized to perform certain activities related to disease control, in response to the passage of House Bill (H.B.) 3569 during the 83rd Texas Legislative Session.

H.B. 3569 amended the Texas Agriculture Code to require a person, including a veterinarian, to be authorized by the commission in order to engage in an activity that is part of a state or federal disease control or eradication program for animals. In addition to the brucellosis program, existing disease control or eradication programs include, but are not limited to, tuberculosis, trichomoniasis, piroplasmosis, equine infectious anemia, chronic wasting disease, pseudorabies, and scrapie.

The new Chapter 47 includes two subchapters. Subchapter A, which is entitled “General Provisions,” includes provisions for all persons authorized by the commission to perform activities as part of a disease control or eradication program. The provisions include minimum standards for authorized personnel and establish application, training, and recordkeeping requirements. Subchapter A also includes grounds for suspending or revoking an authorized person’s status and the procedures that must be followed to proceed with such action.

Subchapter B, which is entitled “Brucellosis Program” includes the existing standards and requirements for authorized personnel performing activities that are part of the brucellosis control program. In addition, the commission proposes to amend the general requirements concerning adult cattle vaccination for brucellosis. As a result of the severe drought, a number of Texas cattle are moving or have been moved to other states. Some western states require brucellosis vaccination of cattle prior to entry. To assist producers in meeting those states' entry requirements, §47.12 allows authorized veterinarians to adult vaccinate cattle for brucellosis if commission protocols are followed. Previously, commission veterinarians and inspectors, and USDA veterinary medical officers and animal health technicians were the only persons authorized to vaccinate adult cattle.

The commission also proposes to amend the brucellosis calfhood vaccination requirements by removing the reference and tattoo requirements for *Brucella abortus* strain 19 vaccinates in the proposed §47.14. This is a conforming program change as *Brucella abortus* strain 19 is no longer authorized for routine use in the brucellosis control program.

Commissioner Wheelis moved and Commissioner Winters seconded a motion to PROPOSE the amendments to Chapter 47, Approved Personnel, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendment and to publish it in the Texas Register with a 60 day comment period passed.

d) Chapter 50, Animal Disease Traceability, Cattle Identification

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

The United States Department of Agriculture (USDA) has amended its regulations and established minimum national official identification and documentation requirements for the traceability of livestock moving interstate. Under USDA’s rulemaking, unless specifically exempted, livestock belonging to species covered by the regulations must be officially identified and accompanied by an interstate certificate of veterinary inspection or other documentation. These regulations specify approved forms of official identification for each species, but allow the livestock covered under this rulemaking to be moved interstate with another form of identification, as agreed upon by animal health officials in the shipping and receiving States or Tribes. The federal rule provides for an approved tagging site, which is a premise where livestock moving interstate may be officially identified on behalf of their owner or the person in possession. Under the federal rule they must be officially approved by the state where located. The effective date of the USDA rule is March 11, 2013, and it is found in 9 CFR part 86.

The commission believes that it is in the best interest of the state’s cattle industry to develop and implement a minimal identification requirement in order to maintain a surveillance standard that supports the full completion of the Brucellosis eradication program as well as other on-going disease eradication or surveillance efforts. This is being proposed as part of the Brucellosis eradication program in order to achieve complete eradication of the disease. Identification helps the commission personnel to quickly locate at risk cattle, and also rule out herds that do not have the cattle in question. Quickly locating animals of interest can be critical to an effective disease response. For example, the first 24 hours of response when faced with a highly contagious disease such as Foot and Mouth disease has been proven to be the key in quickly allowing normal trade and marketability to resume. An efficient and accurate animal disease traceability system also helps reduce the number of animals potentially involved in an investigation. The mandatory identification system already in place in 2009 in the Texas dairy industry, allowed the commission to only test a portion of the state’s dairy cattle instead of all of them, when faced with a complex disease investigation resulting from a tuberculosis infected dairy in west Texas.

The USDA recently released a 130-page report entitled “*Assessment of Pathways for the Introduction and Spread of Mycobacterium bovis in the United States*”. The report indicates that a lack of a national animal identification program leaves the U.S. vulnerable to containing disease outbreaks and puts the U.S. at risk of shutting down commerce if there is a significant disease outbreak. Texas has historically been considered to have one of the best traceability systems to date due to the application of permanent official identification (eartags) of adult cattle at markets prior to August 1, 2011. The vulnerability increases daily with the cessation of the brucellosis identification process in conjunction with the stoppage of brucellosis testing.

Although Texas has been considered brucellosis free since 2008, two infected herds were disclosed in 2011. Texas is still considered at risk for more detection of the disease, as well as a risk for disclosing brucellosis test reactions in cattle due to swine brucellosis in the feral population. The presence of eartags on adult cattle will ensure that if a herd does need to be evaluated it can be done so quickly.

H.B. 2311 amends the current law relating to an animal identification program. Over the last three years, the Texas cattle industry has placed a renewed emphasis on controlling foreign animal diseases of concern. Intrastate and interstate animal identification plans have recently been developed and implemented at the federal and state levels for the purpose of establishing a means to enable the cattle industry and state and federal animal health officials to more rapidly and effectively respond to animal health emergencies.

H.B. 2311 clarifies that any state animal disease traceability program cannot be more stringent than any federal animal disease traceability program; repeals the penalty provisions that gave the commission the Class C misdemeanor authority for violations relating to animal identification; and repeals the subsection that references the use of specific identification numbers that the commission may consider in implementing an animal identification program. Additionally, the bill requires a two-thirds vote of the Commissioners to adopt any program more stringent than federal law.

The requirement as proposed is based on a change of ownership within Texas. Under the rule 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. That requirement does create an exception for movement to slaughter within seven days of the change of ownership. Cattle that are sold or consigned to move to a state or federally approved slaughter establishment within seven days of the change of ownership, where they are harvested within three days of arrival at the establishment, are exempt from the requirement.

Commissioner Jordan moved and Commissioner Bouma seconded a motion to PROPOSE the amendments to Chapter 50, Animal Disease Traceability, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendment and to publish it in the Texas Register with a 30 day comment period passed.

e) Chapter 51, Entry Requirements, Trichomoniasis

The Texas Animal Health Commission (commission) proposes amendments to §51.8, concerning Cattle, in Chapter 51, which is entitled "Entry Requirements." The purpose of the amendments is to change the Bovine Trichomoniasis (Trich) entry requirements.

The Trich control program is an industry driven initiative that was implemented in 2009. The concept included an annual review by commission staff and interested stakeholder organizations of the program's rules and policies and to subsequently suggest non-binding recommendations to the commission. The Trich Working Group Meeting met on May 15, 2013, to evaluate the Trich program. The group discussed the program overview to date, the management of infected herds, entry requirements, and ultimately discussed the need for possible revisions to the program by recommending a change regarding interstate movement of breeding bulls into Texas.

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

f) Chapter 57, Poultry, Indemnity

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

During the 83rd Texas Legislative Session, House Bill (H.B.) 1521 was passed, which amended the Texas Agriculture Code to extend the commission’s authority to require the slaughter or sale for immediate slaughter of domestic or exposed fowl, if the fowl is exposed to or infected with certain diseases, and compensate domestic and exotic fowl owners. The fowl industry would benefit from similar provisions currently in place for livestock owners. These provisions and measures will also avoid risks to human health due to the exposure to diseased fowl. An outbreak of low path avian influenza provides the commission concern for the potential exposure for the Texas poultry industry if the agency is not able to effectively and efficiently remove exposed or infected poultry. Low pathogenic avian influenza is an infectious and contagious disease that has previously been detected in several states including Texas. H.B. 1521 establishes indemnity provisions for domestic and exotic fowl owners, provided state funding is available.

Commissioner Locke moved and Commissioner Simmons seconded a motion to PROPOSE the amendments to Chapter 57, Poultry, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendment and to publish it in the Texas Register with a 30 day comment period passed.

Item 14 – Consideration of and Possible Action on Regulation ADOPTIONS Regarding:

Gene Snelson discussed the following REGULATION ADOPTIONS:

Each regulation adoption was reviewed and voted on individually.

(a)The Texas Animal Health Commission (commission) proposes two amendments to §35.4, concerning Entry, Movement, and Change of Ownership, in Chapter 35 entitled “Brucellosis”.

- 1) The purpose of the first amendment is to remove the current permanent official identification requirement for sexually intact adult cattle changing ownership.
 - o 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 shall be officially identified with commission-approved permanent identification. The commission is proposing to remove the identification requirements for cattle and move any identification requirements to a new chapter for the purpose of establishing the standards for livestock under the federal animal disease traceability program.

- 2) The commission is also proposing to amend the entry requirements for sexually intact cattle entering from the states of Idaho, Montana, and Wyoming due to the risk of brucellosis, which is prevalent in the Greater Yellowstone Area (GYA) of those states.

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

1. Dr. Marty Zaluski – State of Montana Department of Livestock – Montana does not have a problem with bordering states like Mexico, feral swine, or Piro like Texas does. Montana’s focus is on Brucellosis. They have hired a vet solely to work their BR program, Dr. Eric Liska. Dr. Zaluski reported that they have tested 42,000 head out of 60,000 head in the surveillance area in a 12 month period. All cattle in the DSA are:
 - 1). individually ID’d, and
 - 2). tested before movement and/or sale for all non-breeding animals aged 12 months and up. Breeding animals of any age are always individually ID’d and tested.
2. James Palmer – Matador Cattle Company - Roaring Springs, Texas – has cattle in Montana and in Texas. He agreed with everything Dr. Zaluski said and asked that the Commission consider not adopting this amendment as it could put a hardship on producers who move cattle between states.

Chairman Ernie Morales told the assembly that he and the whole commission was very aware of how important trade between states was and said Texas is very willing to work with any producer from any state either thru waivers or herd agreements to make movement between states as easy as possible. And he also said that the commission would be open to amending any regulation if after it has passed, it puts any undue burden on any state or producer. Commissioner Jordan expressed concern about passing something that the Commissioners didn’t like. Commissioner White expressed concern about passing a rule only to amend it later. Commissioner Winters abstained from the vote.

A motion to ADOPT the amendments to Chapter 35, Brucellosis, located in Title 4 of the Texas Administrative Code was made by Commissioner Locke and seconded by Commissioner Brown. The motion carried by a vote of 7 For and 2 Against.

(b)The Texas Animal Health Commission (commission) proposes amendments to §39.9, concerning Chorioptic Mange, in Chapter 39, which is entitled “Scabies”. The purpose of the amendment is to include new forms of acceptable treatment for Chorioptic Mange.

A motion to ADOPT the amendments to Chapter 39, Scabies, located in Title 4 of the Texas Administrative Code was made by Commissioner Jordan and seconded by Commissioner Locke. The motion carried.

(c)The Texas Animal Health Commission (commission) proposes amendments to Chapter 40, which is entitled “Chronic Wasting Disease” (CWD). The proposed amendments are for the

purpose of revising some of the recently adopted requirements to address some changes in interpretation to the federal CWD program.

The commission provides a voluntary herd monitored status program for species that are susceptible to CWD. The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) recently adopted an interim final rule to establish a national CWD Herd Certification Program with minimum requirements for interstate movement of deer, elk, and moose, or cervids in the United States. Participation in the program will be voluntary. The federal CWD Herd Certification Program is found in 9 CFR subchapter B, part 55. The commission recently adopted changes to the state's CWD Herd Certification Program to meet the federal program standards. However, based on modifications in interpretation of the federal requirements, the commission is making some amendments:

- 1) The first change is to the definition of "Physical Herd Inventory" to remove the requirement that all animals in the herd must be restrained in order to have the identification validated by the person performing the inventory verification.
- 2) The second modification is the fencing requirement found in §40.3(a) which provides that a herd premises must have perimeter fencing of a minimum of eight feet in height and adequate to prevent ingress or egress of cervids. That standard is found in the Uniform Method and Rules for CWD, but under the federal regulations the standard provides merely that the fencing must be adequate to prevent ingress or egress of cervids and the commission is modifying agency requirements to meet that standard by removing the eight foot requirement.

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 Jordan and seconded by Commissioner Locke. The motion carried.

(d)The Texas Animal Health Commission (commission) proposes amendments to Chapter 43, Subchapter C, which is entitled "Eradication of Tuberculosis in Cervidae". The commission adopted regulations in 1995 to implement the standards and guidelines specified in the Tuberculosis Eradication in Cervidae, Uniform Methods and Rules.

Historically, the single cervical tuberculin skin test (SCT) and the comparative cervical tuberculin skin test (CCT) have been the only approved official tests for *Mycobacterium bovis* in captive cervids. Recently, the United States Department of Agriculture, Veterinary Services, approved the Stat-Pak[®] as a primary test and the DPP test as a secondary test for official program testing to diagnose TB in captive elk, red deer, white-tailed deer, fallow deer, and reindeer when the test is conducted at an approved laboratory. Both of these tests offer the advantage of decreased handling of animals when compared to skin testing.

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

(e)The Texas Animal Health Commission (commission) proposes new Chapter 50, which is entitled "Animal Disease Traceability (ADT)". The purpose of the first proposed rule in this new chapter is to establish standards for facilities or locations which must be approved to

identify livestock moving interstate under the federal disease traceability program. Chapter 50, as proposed, has two sections:

- 1) The first section is 50.1 and is for applicable definitions found in the chapter.
- 2) The second section is 50.2 and is entitled Approved Tagging Facility.

The USDA rule provides for approved tagging sites so producers who cannot or prefer not to tag their animals can move cattle interstate to a location where the animals will be officially identified on their behalf. A facility that becomes an approved tagging site is authorized to receive and offload cattle that require official identification and to officially identify those cattle in accordance with the protocols defined by the State or Tribal animal health official and Federal Area Veterinarian in Charge (AVIC). An approved tagging site is a premise, authorized by animal health officials, where livestock may be officially identified on behalf of their owner or the person in possession, care, or control of the animals when they are brought to the premises. While livestock markets are frequently referenced as being potential approved tagging sites, other locations, such as feedlots, could also become approved tagging sites.

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

Item 15 – Recognition of Public Comment

All public comment was heard earlier in the commission meeting. No additional public comment was heard during this section of the agenda.

Item 16 – Set Date for the 388th Meeting

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

Item 17 - Adjournment

Meeting adjourned at 12:25 pm.