

**SUMMARY MINUTES OF THE 389TH COMMISSION MEETING**  
**Texas Animal Health Commission**  
**May 13, 2014**

The TAHC Commissioners met in the agency's headquarters in Austin on Tuesday, May 13, 2014. Chairman Ernie Morales began the meeting at 8:30a.m.

**Item 1 – Welcome and Call to order by Chairman Morales**

Commissioners not present:

Brandon Bouma

William Edmiston, DVM

Jay Winter

**Item 2 – Approval of the minutes of the 388<sup>th</sup> Meeting**

A motion to APPROVE the minutes of the 388<sup>th</sup> Commission meeting held on January 14, 2014 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 1/14/2014 – 5/13/2014**

**Agency Overview**

- **Agency Business**

- Continuing to rebuild agency strategically– current FTE at 148 + 4 posted – was 138 at Jan meeting and 125 at Sept '13 meeting – agency cap is 161
- Challenge now is to train the new employees
- El Paso Tb testing almost complete – Dr. Schwartz will provide overview
- TAHC Management Work Conference held–Coleman Locke attended
- Agency strategic plan up for discussion on agenda
  - Maintain existing eradication support
  - Address emerging diseases
  - Address continuing challenge from Mexico
  - Address enhanced expectations of stakeholders

- **Rules for Passage** (no comments received on any)

- Tb quarantined dairy calf ranch/grower process - business continuity concept – no more USDA buyouts – lesson learned from California TB review – first in the US
- Live Bird Market fencing – chicken fence?
- Equine Piroplasmiosis reactor ID'ed with microchip within 10 days of classification –piro reactors out there across the state now to be chipped
- Declaration of Mexican origin on cvi's & test charts for cattle when known by veterinarians and TAHC staff
- ADT rule clean up – example - waybill now called owner-shipper statement

- **Rules for Proposal**

- Trichomoniasis – (as result of Trich working group) infected stray bull , sale of untested bull that is purchased and tested positive, certified free herds need good fencing, 3 year herd plans(extension/cancellation)
- Entry –out of state bulls can enter Texas bull station trials without a trich test, Texas will accept bulls from certified free herds without a test, novel swine corona virus exposure
- Reportable Diseases – Novel Swine Corona virus
- Scabies/Mange – rewrite to update and simplify

Thanks to Gene, Mary, and Sally from Legal along with the Executive management and Regional office managers for their input into these drafted rules.

- **Texas Disease Traceability update (ADT)**

- **Current rule** - – breeding cattle to be tagged within 7 days of sale
- **Market visits complete** – Education and outreach still needed – updated question and answer sheets in final stages – monitoring by TAHC at markets being refined – especially documentation at markets
- **Currently working with Texas Feeder industry** – contacts underway to discuss Tagging Facility concept with all feedlots
- **Private Veterinary Practitioners** – on deck for contacts soon

- **Trichomoniasis**

- Trich working group met in April, with Locke, Vickers & Leathers in attendance, and the following proposed rules were a result;
  - Test unit of origin of infected stray bulls
  - Test herd of origin of untested bulls sold and tested by purchaser within 30 days
  - Certified free herds must maintain adequate fencing
  - Allow herds in 3 year herd plans to extend herd plan, and end 3 year herd plan for those not making progress
  - Allow out of state bulls entering a Texas bull station to enter without a test and then go home
  - Accept bulls from Certified Free herds in other states
  - Define benefits of being certified free
  - Other minor edits
- The following concepts were passed on until next meeting but were to be discussed at stakeholder summer meetings, and may require second working group in late fall;
  - Testing of fence line adjacents
  - Female cattle management?

- Creating biosecurity and infected herd management guidelines
  - Agency working with field staff to refine the monitoring sale of untested bulls
  - Presented Texas Trich program overview to national meeting in Omaha at National Institute of Animal Agriculture – many states interested in the 7 day after sale concept
  - Continued national discussion on Harmonization of interstate entry rules at regional and national state vet meetings
- **Equine Piropiasmosis**
  - Working group met in March - focused on racing industry – Leathers and Vickers in attendance;
    - Information in nature
    - Race track testing will continue
    - Agency may address unsanctioned tracks and training facilities
  - Next county test – Brooks county in July? - in 2 phases most likely
  - Public meeting to be held soon
  - Dr. Schwartz will have more info on next county test
- **Brucellosis**
  - USDA transition to statistical sampling on slaughter blood has taken effect – only two Texas Federally inspected slaughter plants still collecting blood – L&H & Lone Star – traceability and reportability still challenges for USDA and TAHC as a result of the changes
  - Yellowstone area still struggling with infected elk herds
- **Texas Authorized Personnel rule proposed**
  - Dr. Susan Culp hired March 1
  - 2000 Brucellosis Approved Personnel grandfathered– letters sent June
  - 1000 USDA Type 2 (large animal) vets to contact - letters sent Aug
  - Continuing education credits for Authorized Personnel training approved by TBVME
  - Scheduling with TVMA (spring) and SWVS(fall) vet conventions worked out
  - Curriculum with TAMU CVM vet students worked out
  - First lay personnel deer brain collection training to begin this summer
  - Vet tech authorized personnel to be addressed in fall
- **Cattle Fever Ticks**
  - Number of infested premises very low (attachment)
  - Implementation of new rules with CFTEP staff began
    - Mapping of all premises

- Inventory determined
  - annual inspections
  - RFID identification
  - vaccination requirements
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- USDA/TAHC staff meeting personally with each cattle owner
  - RFID tags use to begin after June 1 when herds penned next
  - Vaccine approval temporarily delayed until fall – only issue withdrawal time and one last safety trial that will begin soon and last 90 days – still expected to be available by this fall
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- **Tuberculosis**
    - El Paso county risk assessment – Dr. Schwartz will have more info
    - Bovine tuberculosis is number 1 threat to Texas cattle industry
    - IDEXX Tb blood test evaluation process to be worked through – M-brands on feed tested and then follow up inspection at slaughter
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- **CWD**
    - No new cases found in hunter kill surveillance in 2013-14 season
    - USDA interim rule order – Dr. Schwartz will have more info
    - TAHC will be working with cervid industry related to changes required as result of USDA rule and need for more surveillance in elk
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- **Waiver Report**
    - 2 waivers requested and 1 approved;
      - Sarcoptic Mange - **Approved** - waiver to allow hog to attend stock show prior to stated release date but after treatment
      - Equine Infectious Anemia – **Denied** – Blanket waiver request to allow slaughter horses entering Texas destined for Mexico to not be required to be tested negative for EAI

**Next Meeting – possible rules ideas?**

- Equine Passport to be consistent with national concept
- CWD zone language clean up
- Commercial swine ADT – no ear notches accepted by USDA rule
- Piro testing for horses at unsanctioned race tracks/training facilities
- Feral swine at terminal events
- Brucellosis surveillance at state slaughter plants

Dr. Ellis announced that this was Carol Pivonka's last Commission meeting. He also thanked her for her 26 years of service to the Commission.

A motion to APPROVE the actions of the Executive Director for the period from January 15, 2014 through May 13, 2014 was made by Commissioner Simmons and seconded by Commissioner Locke. The motion carried.

**Item 4 – Consideration of and Possible Action on 2015 – 2019 Agency Strategic Plan.**

A draft copy of the agency's Strategic Plan was provided to the Commissioners in their books. The agency's Strategic Plan will be posted on the agency's website when finalized. A motion to APPROVE the 2015-2019 Agency Strategic Plan was made by Commissioner Locke and seconded by Commissioner Jordan. The motion carried.

**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**

During Calendar Year 2013, a total of 15 cases of Bovine Tuberculosis were disclosed in Texas, all through slaughter surveillance. Of these cases, 13 were determined to be Mexico origin feeder animals.

One of remaining two cases was most likely a knockout from a feedlot, but no identification was collected at slaughter and the consignor's records were not sufficient to trace back to the source. Details of the compliance action taken are provided in the report to be given by Gene Snelson.

The ear tag and back tag information was collected on the last case, a domestic cow, facilitating the trace back to a sold out herd in Van Zandt county. Herd history provided indicated the cow was purchased through a market the previous year, but this could not be verified through records provided by the producer or through a search of the TAHC database. All remaining units of cattle under the consignor's ownership were tested negative, as were the herds in pastures adjacent to the sold out unit. The source of TB was not found.

- **El Paso Bovine Tuberculosis (TB) Risk Assessment:** In response to a law passed during the 83<sup>rd</sup> Texas Legislative Session, TAHC is conducting a Bovine TB risk assessment of livestock and wildlife in the high risk zones of El Paso and Hudspeth counties. Public meetings were held in December and January to discuss TB testing

tissues collected from mule deer harvested in the area, and testing of livestock. Teams of TAHC and USDA-APHIS-VS personnel were deployed in January to locate animals for testing and to contact owners, and again in February to begin the testing phase. The goal is to complete testing by the end of this month. The final report is to be completed by September 1, 2014. The ultimate goal of the study is for TAHC to reconsider the current prohibition of dairy cattle in parts of El Paso and Hudspeth counties.

|              | Tested: | Suspects: | Pending test:     |
|--------------|---------|-----------|-------------------|
| Dairy cattle | 961     | 7         | 0                 |
| Beef         | 369     | 5         | 600 hd. (2 herds) |
| MX roping    | 134     | 0         | 0                 |
| Goats        | 291     | 2         | 0                 |
| Deer         | 52*     | 0         | 13 hd. (3 herds)  |
| Bison        | 1       | 0         | 4                 |

\*Includes hunter harvested mule deer. TB StatPak/DPP results are pending on eight fallow deer.

- **Trichomoniasis:** In CY 2014 to date, there have been 276 positive bulls found in 8,933 tested (3.1% test positive). The positive bulls were on 36 premises.

### Swine

- **Brucellosis:** One infected herd has been disclosed in CY 2014.
- **Pseudorabies (PRV):** One infected herd has been disclosed in CY 2014.

### Equine

- **Equine piroplasmosis (EP):** A total of three new infected horses have been detected in CY 2014 to date. All were Quarter Horse racehorses found through required testing to enter tracks.
- **Equine Infectious Anemia (EIA):** So far in CY 2014, two positive equine were disclosed in the 55,320 animals tested.

### Poultry

- **Infectious Laryngotracheitis (ILT):** Since mid-February of this year, eight commercial broiler operations and one commercial laying operation have been diagnosed with ILT. The broiler operations are all in TAHC Region 4, while the laying operation is in TAHC

Region 7. No epidemiological link between the flocks has been found. The virus can be transported by people and equipment as well as birds. TAHC personnel are testing backyard flocks within a one-mile radius of each affected commercial operation. Three of the backyard flocks tested to date were found to be ILT infected. Two of the flocks were depopulated with a combination of agency and commercial operator funds.

- **Avian Influenza (AI):** Routine surveillance testing done by TAHC at two Live Bird Markets disclosed AI in two markets. Supplemental testing showed the virus was not H5 or H7, so the markets were allowed to sell down and then clean and disinfect their poultry facility before restocking.

### **Animal Disease Traceability Activities**

**Official Ear Tag Distribution and Tag Allocation Partners:** TAHC continues to work with livestock owners, Texas A&M AgriLife county offices and private veterinary practitioners to distribute free tags and tagging pliers. During the first quarter of CY 2014, a total of 213,885 tags were distributed to owners of cattle, sheep, goats, swine, and captive cervids.

#### **Approved Tagging Facilities:**

TAHC and USDA-APHIS-VS field continue meeting with livestock market, feed yard and slaughter plant owners to discuss ADT requirements and voluntarily becoming approved tagging facilities. To date 78 markets and 10 feed yard or buying station facilities have signed agreements.

#### **Item 6 – Presentation of USDA Veterinary Services Update:**

Dr. Kevin Varner – Area Veterinarian in Charge for Texas was unable to attend today's meeting.

#### **Item 7 – Audit Subcommittee report:**

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

1. The committee heard a report from Mr. Rufus on the audit of the Budgeting Processes. There were no deficiencies found.
2. Gene Snelson reported to the Audit Sub-Committee that the agency's Financial Services department is in the process of being audited by the Comptroller's Office. Since one of the processes that they will be auditing is travel, it was decided to amend the FY 2014 Audit Plan and change the audit of the Travel process to the audit of the agency's disaster

recovery system. That way the audit of the travel process would not be duplicated by two different auditors in the same year.

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

### **Item 8 – Presentation of Communication Initiatives:**

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

#### **News Releases**

- Array of news releases distributed since the last Commission Meeting
- Included in Commission book

#### **Exhibits**

- February: Four States Ag Expo (Region 4)
- February: Colorado County ICA Trade Show (Region 7)
- March: Rio Grande Valley Livestock Show & Rodeo in Mercedes (Region 5)
- April: TSCRA Convention in San Antonio (Region 5)
- May: TX Department of Emergency Management Conference in San Antonio
- Several EM related exhibits and ICA in coming months

#### **Farm Bureau News & Views Interviews**

- February: [Dr. Dee Ellis: Porcine Epidemic Diarrhea virus \(PEDv\)](#)
- March: Dr. Andy Schwartz: Rule Adoptions after Jan. Commission Meeting
- April: Russell Iselt: Animal Disease Traceability Updates

#### **Social Media Channels**

- Facebook, Twitter, LinkedIn
- Examples of posts included in Commission Book

#### **New Communications Specialist**

- Callie McNulty

### **Item 9 – Presentation of Laboratory Update – Dr. Hughes-Garza presented the following:**

- Lab facility update: The lab is settled into a new home at 8200 Cameron Road, Suite A186, Austin, TX 78754. We have a new phone number 512-832-6580 and fax number 512-832-6803. Our property management company HPI and their contractor Jahn Construction did an outstanding job of getting us into the new space on schedule. We



have had intermittent challenges with the phone service at the new lab which are hopefully resolved now, and we apologize for any inconvenience to our customers.

- Mr. Lance Brauckman, Microbiologist with 29 years of state service retired in April.
- Hiring updates: The lab is excited to have two new employees.

Lauren Wyrick has been hired as an Administrative Assistant to help us meet our reporting requirements to USDA and NAHLN and provide excellent customer service.

Nathan Kichline will replace Lance Brauckman as Microbiologist in charge of the FPA test for Brucellosis and will be in training as a backup for several other tests.

We also have a position posted for a Lab Technician.

### **Item 10 - Presentation of Emergency Management Program Activities:**

Dr. Thomas Lansford, Assistant Executive Director for Animal Health Programs presented the Emergency Management Program Activities for Jeff Turner who is attending the 2014 Texas Emergency Management Conference in San Antonio this week. Dr. Lansford discussed the following issues:

#### **Texas Animal Health Commission-Specific Emergency Response Plan Revisions**

The Emergency Management staff has been diligently working to review and revise the agency's emergency response plans related to non-disease and disease incidents. The Animal Response Plan is a comprehensive plan which addresses how our agency and response partners will protect and care for animals prior to, during and after an emergency incident. The Foreign and Emerging Animal Disease (FEAD) response plan is a comprehensive plan which addresses how TAHC will respond to various potential disease outbreaks which could occur within our state.

#### **Animal Response Planning (ARP)**

The Animal Response Plan is developed through coordination and integration of efforts across all levels of government, nongovernmental organizations, and just as importantly, the private sector. TAHC has been designated the Lead State Agency for planning and response to animal issues. As the lead, we initiated this planning process to integrate our plans vertically - how our plans are included within the overall response of the state; and horizontally - how agencies and organizations respond together to accommodate the needs of any incident.

#### **Foreign and Emerging Animal Disease (FEAD)**

The agency's Foreign and Emerging Animal Disease (FEAD) response plan is developed to prepare for, identify, respond to, recover from, and mitigate against infectious or highly contagious foreign or emerging animal diseases in poultry, exotic and domestic livestock, and

wildlife. To accomplish this complex task, we have partnered with USDA APHIS-VS and began meeting weekly to identify and address issues related to this planning project. These efforts are being led once again by TAHC. Conjointly, through our involvement with the Southern Agriculture and Animal Response Alliance (SAADRA) we are participating in a multi-state planning process to address and develop a coordinated response to a multi-state FEAD incident or outbreak.

### **Conference Presentations and Attendance**

Emergency management staff is actively engaged in several presentations at the Texas Emergency Management & Homeland Security Conference as well as regional Hurricane Conferences. The EM/HS conference in San Antonio will provide agency staff with the opportunity to present three workshops, delivering information how TAHC is available to assist in disaster response across the state when assistance is requested. Additionally, TAHC will be displaying several pieces of agency response assets and informing conference attendees how these assets can be utilized during a response. Attending agency staff will have the opportunity to attend conference trainings and workshops to hone their response skills. At the regional Hurricane Conferences, staff will be presenting information specific to agency hurricane response operations.

### **Exercises**

TAHC EM staff will be facilitating and participating in three significant exercises. The “Showcase” exercise will test TAHC’s capabilities to deploy response assets to the coastal regions of Texas. Our Horseback Emergency Response Team exercise will test our capabilities to respond to an all-hazard incident anywhere requested. The Multi-Jurisdictional Animal Response Coordination Exercise (MARCE) will test our abilities to request resources and respond to resource requests from other state during disasters.

Dr. Lansford also told the Commissioners about the Excellence in Emergency Management Award that the Texas Animal Health Commission’s Horseback Emergency Response Team received at the 7<sup>th</sup> annual EMAT Symposium held in San Marcos in February, 2014. Each Commissioner had a program from the Symposium in their books.

## **Item 11 – Administration/Budget Status Report**

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

### **Appropriations/Budget**

- General Revenue (GR) appropriations:
  - These totals are not contingent on revenue generated by fees approved by the Commission
    - The TAHC is appropriated \$8M for State FY 2014

- The TAHC is appropriated \$8.1M for State FY 2015
- Federal Funds and Grants (Federal Fiscal Year runs April 1 to March 31)
  - State FY 2014
    - Federal FY 2013 funds available to the TAHC total \$2.17M
    - Grants received total \$105K
  - State FY 2015
    - Estimated Federal FY 2014 funds to be available to the TAHC total \$1.6M
- Capital Budget Funding
  - Out of the \$8M appropriated in GR for both State FY 2014 and State FY 2015, \$300K is set aside for Capital Budget Purchases. The agency is restricted to the following Capital Budget Purchases:
    - State FY 2014
      - \$150K towards Fleet Vehicles, which has completely been allocated in truck purchases
      - \$150K towards the Acquisition of Information Resource Technologies, which has been completely allocated in software and hardware purchases
    - State FY 2015
      - \$150K towards Fleet Vehicles, will be completely allocated towards the acquisition of truck
      - \$150K towards the Acquisition of Information Resource Technologies, will be completely allocated towards the acquisition of hardware/software and towards annual licensing renewals
- The TAHC has authority to roll any unexpended FY 2014 funds forward to FY 2015

### **Revenues**

- State FY 2014 Fee Revenue is estimated \$722K, which if realized, the TAHC's portion would come to approximately \$456K.
  - As of May 12<sup>th</sup>, the TAHC has received \$503K; approximately 69.67% of the estimated fee revenue total. Of this -
    - \$379,705 is available to the TAHC, expending on the TAHC Fleet
    - \$123,351 has gone to the State of Texas

### **Full Time Equivalent Employees (FTEs):**

- The TAHC is appropriated 161 FTE's for FY 2014
  - The TAHC started out the year with 123.5 filled FTEs
  - The TAHC currently has 143.25 FTE's
  - The TAHC is currently in the process of filling or has filled 9 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

- The TAHC anticipates ending State FY 2014 / starting FY 2015 with approximately 152.25 FTE's

*FY 2014 Fee Revenue*

5/12/2014      Estimated FY 14

| Accounts Payable Cleared             | FY 2013 Total Revenue | FY 2014 Estimated Revenue | Estimated Revenue as of April 30th 2014 | Received YTD         | % Received for Year | Authority             |
|--------------------------------------|-----------------------|---------------------------|-----------------------------------------|----------------------|---------------------|-----------------------|
| AHP Health Certificate Fees          | \$ 472,695.00         | \$ 462,000.00             | \$ 308,000.00                           | \$ 343,860.00        | 74.43%              | (2012-13 GAA) Rider 9 |
| AHP Fowl Registration                | \$ 50,165.00          | \$ 51,000.00              | \$ 34,000.00                            | \$ 31,790.00         | 62.33%              | (2012-13 GAA) Rider 9 |
| AHP Chronic Wasting Disease          | \$ 20,775.00          | \$ 8,500.00               | \$ 5,666.67                             | \$ 13,525.00         | 159.12%             | (2012-13 GAA) Rider 9 |
| AHP Herd Certification Fee           | \$ 12,950.00          | \$ 25,500.00              | \$ 17,000.00                            | \$ 7,175.00          | 28.14%              | (2012-13 GAA) Rider 9 |
| AHP Lab Testing Fee (in-state)       | \$ 176,870.50         | \$ 175,000.00             | \$ 116,666.67                           | \$ 106,706.00        | 60.97%              | (2012-13 GAA) Rider 9 |
| Lab Testing Fee (out-of-state)       | \$ -                  | \$ -                      | \$ -                                    | \$ 245.00            |                     | (2012-13 GAA) Rider 8 |
| <b>AHP FEES COLLECTED (for year)</b> | <b>\$ 733,455.50</b>  | <b>\$ 722,000.00</b>      | <b>\$ 481,333.33</b>                    | <b>\$ 503,056.00</b> |                     |                       |
| <b>AGENCY PORTION</b>                | <b>\$ 394,060.58</b>  | <b>\$ 456,745.00</b>      |                                         | <b>\$ 379,705.00</b> |                     |                       |
| <b>STATE PORTION</b>                 | <b>\$ 339,394.92</b>  | <b>\$ 265,255.00</b>      |                                         | <b>\$ 123,351.00</b> |                     |                       |

B. FY 2014 Revenue Schedule  
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A motion to APPROVE the Administration/Budget Status Report was made by Commissioner Leathers and seconded by Commissioner Jordan. The motion carried.

**Item 12 – Consideration of and Possible Action on Agency Contracts and Purchases:**

Ms. Larissa Schmidt, Director of Administration discussed the following issues:

1. A review of all the purchases that the agency has made since the last commission meeting costing between \$5,000 and \$24,999. For these purchases, no action is necessary. They are listed for review only.
2. A review of all the purchases, leases and contracts that exceed \$25,000. These are up for review and approval today.
3. Second item on the list is for the purchase of fleet vehicles for which capital budget monies have been appropriated for Fiscal Year 2015. Since it is likely that the

commission may not meet again until after the start of the new fiscal year, we are seeking your approval on this item now.

A motion to APPROVE the contracts and purchases request was made by Commissioner Locke and seconded by Commissioner Simmons. The motion carried.

### **Item 13 – Presentation of Legal & Compliance Activities:**

#### Compliance Action Requests

- Received 47 from 1/15/14 to 4/30/14
- Sent 25 warning/penning letters for no dairy ID, no scrapie tags, no TB test/CVI on out of state cattle, no EIA test, no Trich test
- Sent 6 dealer record demand letters

#### Investigations

Conducted 19 from 1/15/14 to 4/30/14

#### Complaints

Filed 18 from 1/15/14 to 4/30/14 for cattle and equine entry violations/no CVI, TB test, EIA test; 1 person filed on paid \$3,402 fine

#### Administrative Penalty

No new cases filed since 1/15/14; settle one case which is being presented today

### **Item 14 – Consider of Agreed Order for Violations of Commission Rules by Blake Farmer**

It has been determined that Blake Farmer has violated Commission rules relating to dealer record keeping. Respondent is in the business of buying and selling and trading cattle in Texas. Respondent is a dealer as defined in Section 161.049 of the Texas Agriculture Code which provides that a dealer is “a person engaged in the business of buying or selling animals in commerce on the person’s own account, as an employee or agent of the vendor, the purchaser, or both, or on a commission basis.”

The Commission has requested records numerous times from the Respondent pertaining to the purchase of certain cattle. Records were formally demanded from the Respondent, and to date, he has not provided the records as required by both state statute and Commission regulations. The Executive Director of the Commission has determined that the Respondent has violated rules of the Commission regarding:

1. Failure to maintain and provide records of his buying and selling transactions.

On the recommendation of the Executive Director of the Commission, and with the consent of Respondent, the Respondent agrees to the following:

1. Pay an administrative penalty in the amount of \$1,000.00 for violating the Commission’s dealer record keeping requirements.

2. Comply with all the Commission’s dealer record keeping requirements as provided in Title 4, Texas Administrative Code §43.2.

**Item 15 – Consideration of and Possible Action on REGULATION PROPOSALS:**

Gene Snelson discussed the following REGULATION PROPOSALS:

Each Regulation Proposal was reviewed and voted on individually.

- (a) Chapter 38, Trichomoniasis, Testing/Herd Certification
  - (b) Chapter 39, Scabies and Mange Mites, New Chapter/Repeal Current Chapter 39
  - (c) Chapter 45, Reportable Diseases, Novel Swine Enteric Coronavirus Diseases
  - (d) Chapter 51, Entry Requirements, Cattle & Swine
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- (a) The Texas Animal Health Commission proposes amendments to §38.1, concerning Definitions, §38.2, concerning General Requirements, §38.3, concerning Infected Herds, and §38.8 concerning Herd Certification Program-Breeding Bulls, located in Chapter 38, which is entitled “Trichomoniasis”. The purpose of the amendment is to make changes to the Trichomoniasis (Trich) testing and herd certification requirements. The purpose of the amendments is to make changes to the Trichomoniasis testing and herd certification requirements.

Commissioner Vickers moved and Commissioner Simmons 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) The Texas Animal Health Commission (commission) proposes new Chapter 39, which is entitled “Scabies and Mange Mites”. The purpose of the new chapter is to make substantial changes to the requirements for treatment of livestock infested with or exposed to scabies or mange mites. The commission also proposes to repeal the existing Chapter 39, entitled “Scabies” in its entirety and replace it with this new chapter.

Chapter 39, which is currently titled “Scabies”, sets the treatment standards for livestock exposed to or infested with psoroptic, sarcoptic or chorioptic mange. The commission is proposing to change the title of Chapter 39 to “Scabies and Mange Mites”. The purpose of the new chapter is to modify the title and content of the chapter to accurately identify that scabies and other contagious skin diseases identified in the chapter are caused by mange mites and to include new types of acceptable treatment for those mange mites. The proposed chapter will allow the use of products approved for use on the specific type of scabies or mange mite infestation or exposure under the supervision of the commission, United State Department of Agriculture, Animal Plant Health Inspection Service, Veterinary Services (USDA, APHIS, VS), or an authorized veterinarian. The

amendments also require the product be applied according to label directions, unless there is a discrepancy between requirements contained in federal laws or regulations, state laws or regulations, or the product label. Under the new rule, the most restrictive requirement would apply unless otherwise authorized by the commission or USDA, APHIS, VS.

The new chapter also address the redundancies found in the existing chapter and consolidates provisions proposed for repeal into §39.1, concerning Definitions, §39.2, concerning Scabies or Mange Infested or Exposed Livestock, §39.3, concerning Quarantines and Release, §39.4, concerning Duties of Owners or Caretakers of Livestock Infected with or Exposed to Scabies or Mange Mites, §39.5 concerning Livestock at Shows, Fairs, and Exhibition, §39.6, concerning Permitted Dips for Scabies and Mange Mite Eradication, and §39.7, concerning Interstate Movement Requirements for Livestock.

Mange (from Latin: *scabere*, "to scratch") is a contagious condition of the skin caused by a variety of mite species. Scabies or mange may occur in a number of domestic and wild animals; the mites that cause these infestations are of different subspecies and as used in Chapter 39 refer to *Chorioptes bovis*, *Psoroptes bovis* and *Sarcoptes scabiei mites*, which are commonly referred to as *chorioptic*, *psoroptic* and *sarcoptic mange*, *mange mites* or *scabies*. Scabies or mange affected animals suffer severe itching and secondary skin infections.

Commissioner Jordan moved and Commissioner Vickers seconded a motion to PROPOSE the new Chapter 39, Scabies and Mange Mites, located in Title 4 of the Texas Administrative Code and repeal the existing Chapter 39. The motion to approve the proposed chapter and repeal the existing chapter and to publish it in the Texas Register with a 30 day comment period passed.

- (c) The Texas Animal Health Commission (commission) proposes an amendment to §45.2, concerning Duty to Report, in Chapter 45, which is entitled "Reportable Diseases".

The purpose of the amendment is to add Novel Swine Enteric Coronavirus Disease(s) (SECD) to the list of reportable diseases. Novel Swine Enteric Coronavirus Disease(s) (SECD) is a disease in swine caused by emerging porcine coronaviruses, which includes but is not limited to porcine epidemic diarrhea virus (PEDv) and porcine delta coronavirus (PDCoV). SECD affects swine causing diarrhea, vomiting, and 50-100% mortality of infected piglets. The clinical presentation of SECD infections in growing pigs can be variable in its severity and not readily distinguishable from many other causes of diarrhea in growing pigs. While adult pigs can become infected, mortality is low. SECD is clinically indistinguishable from transmissible gastroenteritis (TGE), another swine disease caused by a coronavirus that is endemic in the United States.

Chairman Morales recognized Mr. Brandon Gunn, Vice President of Texas Pork Producers who asked to speak before the Commission. This is only a summation of his 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>

Mr. Gunn was not totally opposed to proposing the amendment but cautioned the commission about unintended consequences and to wait for USDA to unveil their rule which could be within the next few weeks. Mr. Gunn asked:

1. What will happen to the information when a “reportable disease” gets reported to the Texas Animal Health Commission?
2. Will this info be exempted from the Freedom of Information Act?

Mr. Gunn also said that mandatory reporting of any information to any government agency was not ideal for any producer.

Commissioner Jordan moved and Commissioner Simmons seconded a motion to PROPOSE the amendments to Chapter 45, Reportable Diseases, 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.

- (d) The Texas Animal Health Commission (commission) proposes amendments to §51.8, concerning Cattle, and §51.14, concerning Swine, in Chapter 51, which is entitled “Entry Requirements”. The purpose of the amendments to §51.8 is to change the Bovine Trichomoniasis (Trichomoniasis) entry requirements.

The first proposed new exemption is for breeding bulls that are moved directly to a facility that tests the gain and feed conversion of cattle (bull test stations) so long as the bull(s) is isolated from female cattle at all times. The second proposed exemption is for breeding bulls that originate from a herd that is enrolled in a certification program that is substantially similar, as determined by the Executive Director, to the Texas Certified Trichomoniasis Free Herd Program. Section 51.8(c)(1) and (2) is being amended and reorganized to account for the two new testing exemptions and to clarify existing provisions. The commission also proposes to change §51.8(c)(3) to reflect entry requirements for cattle entering the state from a foreign country rather than Mexico or from any other country that does not have an established Trichomoniasis testing program. The commission also proposes to delete §51.8(c)(4) because of the changes to the previous section and broader reference to a foreign country adequately addresses cattle entering from Canada or from any other country that does have an established Trichomoniasis testing program.

The purpose of the amendments to §51.14 is to establish health assurance for non-commercial swine entering Texas for purposes other than immediate slaughter. In those instances, the proposal will require accredited veterinarians to include a statement on certificates of veterinary inspection that the swine represented on the certificate have not originated from a premises known to be affected by Novel Swine Enteric Coronavirus Disease(s) (SECD), and have not been exposed to SECD within the last 30 days.

Commissioner Vickers moved and Commissioner Simmons 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.



**Item 16 – Consideration of and Possible Action on REGULATION ADOPTIONS:**

Gene Snelson discussed the following REGULATION ADOPTIONS:

Each Regulation Adoption was reviewed and voted on individually.

- (a) Chapter 43, Tuberculosis, Authorized Calf Ranch/Grower Facility
- (b) Chapter 49, Equine, Microchip Piro Responders
- (c) Chapter 51, Entry Requirements, Definition Change, Mexican Origin Cattle
- (d) Chapter 54, Domestic and Exotic Fowl Registration, Containment of Fowl

- (a) The Texas Animal Health Commission (commission) adopted an amendment to §43.2, concerning General Requirements, and new §43.7, concerning Authorized Calf Ranch/Authorized Grower Facility, in Chapter 43, which is entitled “Tuberculosis”.

The purpose of the amendment to §43.2 is to put in place a recordation requirement for cattle that carry an M-Brand which indicates the animal has resided in Mexico. There are risks associated with Tuberculosis (TB) in roping/rodeo cattle imported from Mexico and the amendment will require that Mexican origin cattle be indicated as such on any certificate of veterinary inspection or test document issued by an accredited veterinarian.

The purpose of the new §43.7 is to aid business continuity through provisions to allow bovine TB-exposed heifers to eventually be returned to the dairy of origin for use as breeding cows, and for male calves to reap as close to full value as possible for calves originating from dairy herds under quarantine for TB. This concept may also be utilized for other diseases or conditions in the future as determined appropriate by the commission, even though the initial concept is derived for TB.

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 Locke. The motion carried.

- (b) The Texas Animal Health Commission (commission) adopted amendments to §49.5, concerning Piroplasmiasis: Testing, Identification of Infected Equine, in Chapter 49, which is entitled “Equine”. The purpose of the amendments is to require animals known to be reactors for Equine Piroplasmiasis (EP) to be implanted with a radio frequency microchip identification device.

Equine Piroplasmiasis is a tick-borne protozoal infection of horses. At least one tick species, *Amblyomma cajennense*, has proven capable of transmitting the blood parasite. This species of tick is endemic to South Texas and several other southern states. Also, the disease may be spread between horses by unsafe animal husbandry practices such as sharing needles or equipment that is contaminated with EP positive blood. While EP can be a fatal disease, many horses may display vague signs of illness, such as fever, inappetence or jaundice.

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

- (c) The Texas Animal Health Commission (commission) adopted amendments to §51.1, concerning Definitions, §51.3, concerning Exceptions, §51.8, concerning Cattle, and §51.9, concerning Exotic Livestock and Fowl, in Chapter 51 which is entitled “Entry Requirements”.

The purpose of the amendment to §51.8 is to put in place a recordation requirement for cattle of Mexican origin. The purpose of the amendments to §51.1, 51.3, and 51.9 is to remove the use of “waybill” and replace it with “owner-shipper statement” which is an accepted form of documentation for interstate movement.

A motion to ADOPT the amendments to Chapter 51, Entry Requirements, located in Title 4 of the Texas Administrative Code was made by Commissioner Vickers and seconded by Commissioner Oates. The motion carried.

- (d) The Texas Animal Health Commission (commission) adopted amendments to §54.9, concerning Live Bird Marketing System, in Chapter 54, which is entitled “Domestic and Exotic Fowl Registration”. The purpose of the amendments is to address concerns regarding potential disease exposure associated with unconfined fowl.

A motion to ADOPT the amendments to Chapter 54, Domestic and Exotic Fowl Registration, located in Title 4 of the Texas Administrative Code was made by Commissioner Vickers and seconded by Commissioner Locke. The motion carried.

**Item 17 – Consideration of and Possible Action on RULE REVIEW ADOPTIONS regarding:**

Gene Snelson discussed the following RULE REVIEW ADOPTIONS:

Each Rule Review Adoption was reviewed and voted on individually.

- (a) Chapter 32, Hearing and Appeal Procedures – The commission finds that the reasons for adopting 4 TAC Chapter 32 continue to exist, no comments related to the proposed rule review were received by the commission and that no changes are necessary as a result of the review.

A motion to ADOPT the Rule Review of Chapter 32, Hearing and Appeal Procedures, as found in Sections 32.1, 32.2, 32.5 and 32.6 located in Title 4 of the Texas Administrative Code was made by Commissioner Leathers and seconded by Commissioner Locke. The motion carried.

- (b) Chapter 36, Exotic Livestock and Fowl– The commission finds that the reasons for adopting 4 TAC Chapter 36 continue to exist, no comments related to the proposed rule

review were received by the commission and that no changes are necessary as a result of the review.

A motion to ADOPT the Rule Review of Chapter 36, Exotic Livestock and Fowl, as found in Sections 36.1 and 36.2 located in Title 4 of the Texas Administrative Code was made by Commissioner Locke and seconded by Commissioner Oates. The motion carried.

**Item 18 – Public Comment**

There was no additional public comment heard at this time

**Item 19 – Closed Executive Session**

The conference room was cleared of all public so that the commissioners could meet in a closed session which lasted about 25 minutes. The Commissioners then approved an increase of the executive director's salary effective September 1, 2014, of 2% which is consistent with the cost of living raise that will automatically be awarded to all other state employees on that same date.

**Item 20 – Consideration of any Action Needed Following Closed Executive Session**

A motion to APPROVE an increase of the executive director's salary was made by Commissioner Simmons and seconded by Commissioner Vickers. The motion carried.

**Item 21 – Recognition of Awards**

No additional awards were presented at this time.

**Item 22 – Set Date for 390<sup>th</sup> Meeting**

The date for the next Commission meeting was not set but is tentatively scheduled for mid-September. Notice will be posted on the agency's website when the next Commission meeting date has been set.

**Item 23 - Adjourn**

Meeting adjourned at 11:25 a.m.