

**MINUTES OF THE 352nd COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION**

August 3, 2004

The Texas Animal Health Commission Meeting was called to order by Chairman Richard Traylor at 8:30 a.m. in the Texas Animal Health Commission Conference Room in Austin, Texas.

Commissioner Jill Wood was not present.

Item 1 - Welcome and call to order by Chairman Traylor

Item 2 - Approval of Minutes

A motion to approve the minutes of the 351st Commission Meeting held on May 25, 2004 was made by Commissioner Real and seconded by Commissioner Edmiston. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the period 5/25/04 through 8/2/04.

Dr. Hillman presented a report of significant activities and issues that occurred from May 25, 2004 through August 2, 2004.

Significant activities discussed:

- Animal Identification Issues -
 - (a) The Texas-Oklahoma-Osage National Animal Identification System (NAIS) Assessment and Initial Implementation Project
 - (b) National Animal Identification Development Team Steering Committee and Cattle Work Group conference calls
 - (c) Discussions regarding acquisition and implementation of the State Premises ID System in the state of Texas.
- Avian Influenza – Additional surveillance to complete the job in the Sulphur Springs area.
- Ticks – Bi National Tick Committee meeting on July 20, 2004. The next Bi National Tick Committee meeting is scheduled tentatively for October 23, 2004 in Greensboro, N.C. in conjunction with the USAHA meeting. A presentation on Fever Tick activities will be given by Ed Bowers.
- Vesicular Stomatitis – Continue to identify Vesicular Stomatitis infected animals in the state. To date, the disease has been diagnosed in Texas, New Mexico and Colorado.
- Tuberculosis – Bi National Tuberculosis and Brucellosis Committee meeting was held in Cd. Juarez, Chihuahua, Mexico on June 22, 2004. This Fiscal Year 10 TB infected animals were traced to Mexico. TAHC staff request concurrence from the Texas Animal Health Commissioners to develop and implement additional rules for importation of intact dairy cattle into Texas. In addition, other issues relative to TB in dairy cattle need to be addressed.
- Scrapie – With concurrence of Commissioners, TAHC Staff will develop into a rule the request made by the Texas Sheep & Goat Raisers to amend the scrapie importation requirements for sheep into Texas. This rule will be presented for consideration at the next Commission Meeting on 11/30/04.
- Chronic Wasting Disease - A request was received from Oklahoma cervidae producers to modify the TAHC CWD entry requirements. A CWD Working Group evaluated the request and Gene Snelson will present the working group report and recommendations as part of his presentation this morning.

- BSE Surveillance – The USDA enhanced surveillance program is well under way. The objective is to test up to 23,000 Texas cattle by the end of 2005.
- Budget – The budget request includes five exceptional items.
 - (1) 5% restoration of the 5 % reduction in base budget.
 - (2) Competitive Salaries – request funding to bring agency salaries up to a level comparable to other State Agencies and competitive with USDA and private employers.
 - (3) Additional Staff – request is distributed over the two years of the biennium to obtain needed personnel resources to accomplish agency responsibilities.
 - (4) Animal Identification – request for funding to maintain staff to initiate the NAIS in Texas beyond the one-year funding provided through cooperative agreement funds.
 - (5) Technology Refresh – request provides for incremental replacement of IT equipment.
- Inspection Fees, Possible Legislation - Continue to meet with industry representatives to develop a recommendation for legislative discussion.
- Directive from State Council on Competitive Government – TAHC Human Resources department received a directive to reduce the agency HR staff to a ratio of one HR staff per 85 agency staff. The Human Resources Department will be working with the Executive Director and Financial Services to comply with this mandate.
- Waivers - Three requests for waivers.
- Planned Activities – The Executive Director provided a list of upcoming activities in which he would be participating.

Dr. Hillman also provided a written report of his out-of-office meetings and trips from May 25, 2004 through August 2, 2004.

A motion to approve the actions of the Executive Director for the period from 5/25/04 through 8/3/04 was made by Commissioner Davenport and seconded by Commissioner Edmiston. The motion carried unanimously.

Item 4 – Tuberculosis Report

Dr. Ellis provided a verbal and written report of the activities occurring in the Texas Bovine Tuberculosis Surveillance program.

Dr. Ellis presented an informational letter developed for cattle producers to explain the TB Surveillance Testing program.

Dr. Ellis discussed a potential rule proposal regarding interstate test requirements for all sexually intact dairy cattle. The Commission requested a proposal be presented at the next Commission Meeting.

A written summary of potential changes to the National Tuberculosis Program was provided to the Commissioners.

Chairman Traylor requested a report at the next Commission Meeting regarding the inspections of the roping cattle at roping events.

Item 5 – Discussion and possible action on recommendations regarding management to staff ratio requirements Human Resource Subcommittee Report.

Commissioner Martinez provided an update of the activities of the Human Resources Subcommittee regarding the management to staff ratio waiver request. A letter was sent to Mr. John O'Brien, Deputy Director of the Legislative Budget Board requesting an update on the status of TAHC'S request for exemption from the management-to-staff ratio requirements. It does not appear that TAHC will be awarded the waiver. Angela Lucas proposed the alternative of adding a Rider to the Appropriations Request asking for an exemption. Chairman Traylor and the Commissioners agreed that the best way to address this issue is through adding a Rider to the Agency Appropriations Request asking for an exemption.

Item 6 – Presentation of Awards

Joe Kelsey - 30 Yr. Service Award Presentation

Item 7 – Fever Tick Update

Ed Bowers, Director of Field Operations for Veterinary Services for the Cattle Fever Tick Eradication Program in Texas, provided an update on Fever Tick Activities. Ed Bowers explained the tick notification process to the USDA Office and to TAHC. A modification was made to this process so that TAHC will receive tick reports directly from Ed Bower's Office.

Item 8 - Presentation of Animal Health Program Update

Dr. Coats provided a verbal and written presentation on animal program activities.

Animal Program updates included:

- Cattle Brucellosis - 2 newly infected herds for FY 2004
- Indemnity – FY 2004 - Fed. \$1,704,360.34 + State \$13,900.00 = **Total \$1,718,260.34**
- Ticks – Presented by Ed Bowers
- Tuberculosis – One herd currently quarantined for Tuberculosis
- Fee Basis – Total Herds Fee Basis Tested = 859
- EIA – As of July 31, 2004, 173,415 Total EIA tests with .03% of infection
- Swine – As of July 31, 2004, there is one swine herd under quarantine for Pseudorabies and one swine herd under quarantine for Brucellosis. There have been 45,944 tests conducted for Swine First Point Testing.
- Scrapie – No affected flocks have been disclosed in 2004
- Vesicular Stomatitis – As of July 31, 2004, 12 Clinically Defined Case Positive Premises
- Anthrax – One Scientific Breeder White Tail Deer herd is currently quarantined.
- Chronic Wasting Disease – State whole herd monitoring program continues – 382 herd enrolled; TPWD reports a total of 3553 samples collected during the past year with all samples tested being negative for CWD
- Poultry – Fowl Registration Program now has 365 registered. Update on the Sulphur Springs H7N3 AI Situation.

Commissioner Chuck Real requested status reports on Pseudorabies and Brucellosis.

Item 9 – Administration/Budget Status Report

Angela Lucas provided a verbal and written presentation on:

- The TAHC Method of Financing for FY 2004 as of June 30, 2004
- The TAHC Budget Category Summary for FY 2004 as of June 30, 2004
- The TAHC Department Summary for FY 2004 as of June 30, 2004

A motion to approve the adjustments to the Fiscal Year 2004 Operating Budget as presented and discussed today was made by Commissioner Dyess and seconded by Commissioner Martinez. The motion carried unanimously

Item 10 – Approval of the Legislative Appropriations Request for 2006 to 2007

Angela Lucas provided a verbal and written presentation on the Legislative Appropriations Request for 2006 and 2007 which included:

- The Baseline Budget
- Exceptional Items
- Reallocation of the Executive Director position

A motion to approve the Legislative Appropriations Request for 2006 and 2007 including the request to reallocate the Executive Director position from Group 3 to Group 5 with a corresponding increase in the maximum salary, the exceptional items and capital projects as well as the operating budget for 2005 as presented today was made by Commissioner Locke and seconded by Commissioner Real. The motion carried unanimously.

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

Contracts, purchases, leases greater than \$5,000 but less than \$10,000 for the period of 5-1-04 through 7-31-04:

- Disposable coveralls – 101 Cases – Total Amount - \$8,021.60
- Vehicle Rental - \$8,976.00
- Temporary Employment Service – Lufkin - \$6,976.00

Contracts, purchases, leases \$10,000 or greater for the period of 5-1-04 through 7-31-04

- Trek 384 liquid media culture system for use in Johnne's testing - \$26,500.00
 - Jouan 85°C upright freezer units (Model VXE570) - \$14,000.00
 - Extension of current lease at Lufkin, Texas - \$19,000.00
- INTERAGENCY CONTRACTS FY 2005
- TEXAN Telecommunications Network Service - \$90,000.00
 - Risk Management and Workers' Compensation Coverage - \$87,050.00
 - Proposed project to use Veterinarians as first responders in Animal Health Emergency Management - \$201,125.00
 - Proposed project for training at the Texas Veterinary Medical Diagnostic Laboratory - \$130,500.00

PROJECTS USING GRANT MONEY

- Proposed project for Agro-Terrorism Awareness & Preparedness. A training program for commodity owners and agricultural workers - \$110,523.00
- Proposed project for a Decision Support System for Agricultural Biosecurity - \$100,000.00

- Proposed project to provide for Capacity Building at the Texas Veterinary Medical Diagnostic laboratory - \$225,000.00
- Proposed project for Veterinary Response to Agro-Terrorism - \$284,520.00

A motion was made to approve the contracts and purchases requested for the period from May 1, 2004 through July 31, 2004 by Commissioner Rangel and seconded by Commissioners Dyess & Real. The motion carried unanimously.

Item 12 – Request from Oklahoma to Modify Entry Requirements for Whitetail Deer

Gene Snelson presented this item in the absence of Dr. Ken Waldrup. The CWD Working Group recommended this request be denied. Tim Condict representing the Whitetails of Oklahoma spoke to the Commissioners to further explain the request made by Oklahoma to modify entry requirements for Whitetail Deer. David McQuaig, President of Whitetails of Oklahoma gave further testimony regarding their request.

A motion was made by Chairman Martinez and seconded by Commissioner Dyess to allow the Whitetails of Oklahoma the opportunity to present their case to the CWD Working Group. The motion carried unanimously. The recommendation from that meeting will be presented at the next Commission Meeting.

Item 13– Consideration of and possible action on regulation rule reviews proposals regarding:

- (A) Chapter 36, Exotic Livestock and Fowl
- (B) Chapter 40, Chronic Wasting Disease
- (C) Chapter 45, Reportable Disease

A motion was made by Commissioner Wyndham and seconded by Commissioner Edmiston proposing Rules Review for Chapter 36, Exotic Livestock and Fowl; Chapter 40, Chronic Wasting Disease; and Chapter 45, Reportable Disease found in the Texas Administrative Code, as discussed today, and that notice be published of the rule review in the *Texas Register* with a thirty (30) day public comment period. The motion carried unanimously.

Item 14 – Recognition of Public Comment

Tim Condict – Whitetails of Oklahoma
David McQuaig – Whitetails of Oklahoma

Item 15 – Set Date for the 353rd Meeting

The next Commission Meeting was set for November 30, 2004 beginning at 9:00 a.m.
The Audit Subcommittee Meeting will meet on November 30, 2004 beginning at 8:00 a.m.
The HR Subcommittee Meeting will meet on November 30, 2004 beginning at 8:30 a.m.

Item 16 – Meeting Adjourned @ 12:30 pm.