

**MINUTES OF THE 353rd COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION**

November 30, 2004

The Texas Animal Health Commission Meeting was called to order by Chairman Richard Traylor at 9:00 a.m. in the Texas Animal Health Commission conference room in Austin, Texas.

All Commissioners were present.

Item 1 - Welcome and call to order by Chairman Traylor

Item 2 - Approval of Minutes

A motion to approve the minutes of the 352nd Commission Meeting held on August 3, 2004 was made by Commissioner Davenport and seconded by Commissioner Martinez. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the period 8/3/04 through 11/30/04.

Dr. Hillman presented a report of significant activities and issues that occurred from August 3, 2004 through November 30, 2004.

Significant activities discussed:

- Animal Identification Issues -
 - (a) The Texas-Oklahoma-Osage National Animal Identification System (NAIS) Assessment and Initial Implementation Project. USDA approved the amended project in early November.
 - (b) Secretary's Advisory Subcommittee on National Animal Identification System meetings were held in September and November.
 - (c) Cattle Working Group conference calls
 - (d) USAHA Livestock Identification Committee
 - (e) Continued development and implementation of the Texas-Oklahoma-Osage Project
 - (f) Acquisition and implementation of the USDA State Premises Identification System in Texas. Premise ID numbers are being assigned.
 - (g) Numerous Animal Identification presentations with livestock industry groups
 - (h) Animal Identification Program Coordinator hired – Mr. Kenny Edgar
- Fever Ticks
 - (a) The Bi- National Tick Committee meeting scheduled tentatively for October 23, 2004 in Greensboro, N.C. in conjunction with the USAHA meeting was canceled. The next meeting will be held in conjunction with the NCBA annual meeting in February in San Antonio.
 - (b) Additional tick infested livestock and pastures in the systematic zone (19 new premises this federal fiscal year which started October 1, 2004) and continue to experience excursion of ticks into areas of the free zone (11 premises infested and quarantined).
 - (c) The Executive Director, Mr. Ed Bowers and three staff members from the Kerrville Laboratory participated in a Fever Tick meeting hosted by R.Y. Livestock Sales Inc. and Representative Ryan Guillen at Rio Grande City.
 - (d) The Executive Director will be working with the USDA Texas AVIC to organize a meeting addressing the tick situation to review tick prevention and control activities.
- Vesicular Stomatitis – All quarantines for VS have been released in the state of Texas. VS was identified in animals on a total of 15 Texas premises. No death losses were reported.

- Tuberculosis –
 - (a) The Bi-National Tuberculosis and Brucellosis Committee meeting was held in Greensboro, North Carolina on October 24, in conjunction with the USAHA meeting. The Executive Director represented the US Border States at the meeting. Dr. Bob Meyers reported on cases traced to Mexico during the federal fiscal year and provided an update on the US national TB program.
 - (b) Rules – USDA published an interim rule, to be effective in mid-August that would have required Mexican origin steers and spayed heifers that were not dehorned to be tested the same as imported breeding cattle. USDA withdrew the interim rule and republished it as a proposed rule. TAHC submitted comments recommending that cattle which were dehorned or that had tipped horns no longer than four inches be accepted as feeder cattle. TAHC is also proposing to amend the rule for importation of intact dairy breed cattle. The proposed rule will be presented today by Mr. Gene Snelson.
 - (c) The dairy cattle testing component of the Texas TB Plan has been completed. There is still much work to accomplish the testing of purebred/seed stock herds.
- Scrapie – TAHC Staff has developed into a rule the request made by the Texas Sheep & Goat Raisers to amend the scrapie importation requirements for sheep into Texas. Mr. Gene Snelson will present this proposal as part of his report.
- Chronic Wasting Disease - TAHC again called upon the CWD working group to evaluate the request and make a recommendation for action to the Commission regarding the request by Oklahoma cervidae producers to modify the TAHC CWD entry requirements. Dr. Ken Waldrup and Mr. Gene Snelson will present the working group report and recommendations today.
- BSE - On November 18, 2004 USDA announced the identification of another BSE inconclusive test result from a U.S. cow. TAHC and USDA developed contingency plans for response, should response be necessary. USDA announced on November 23, that the confirmatory tests, conducted at the National Veterinary Services Laboratory were negative.
- Budget – Inspection Fees - Following the August Commission meeting, Chairman Traylor requested a meeting of livestock industry representatives to discuss fees. The Fee Working Group recommended evaluation of possible proposed legislation regarding the following:
 - (a) An increase in the fee for health certificates.
 - (b) A registration fee or a fee for approving the use of veterinary pharmaceuticals and biologics in Texas.
 - (c) A livestock identification program consistent with the NAIS in Texas and charge a fee to those livestock producers who voluntarily acquire a Premises Identification number. Further, to enable the Commission to require livestock producers to participate in an animal identification program as may be necessary to comply with national program standards.Chairman Traylor noted that once the working group has developed a recommendation, it will be submitted to the entire Commission for review.
- Change in Organizational Structure – The Executive Director has proposed amendments to the TAHC organizational structure which will be presented as a report from the HR Subcommittee this morning.
- Waivers – Since the August 3, 2004 Commission Meeting, TAHC has approved 10 requests for waivers.
- Planned Activities:
 - (a) Continued implementation of NAIS Project
 - (b) Continued efforts on budget, fees and legislation in preparation for legislative session
 - (c) NCBA Annual meeting in San Antonio

- (d) Bi- National TB Committee Meeting
- (e) Bi- National Tick Committee Meeting
- (f) ICA Board Meeting
- (g) Preparation for legislative session
- (h) Participate in meetings of stakeholder organizations
- (i) Animal Identification meetings

Dr. Hillman also provided a written report of his out-of-office meetings and trips from August 3, 2004 through November 29, 2004. He noted that two meetings were omitted in this report. The report has been corrected to include these meetings on November 11-12, 2004.

A motion to approve the actions of the Executive Director for the period from 8/3/2004 through 11/30/04 was made by Commissioner Rangel and seconded by Commissioner Edmiston. The motion carried unanimously.

Item 4 – Human Resources Subcommittee Report

The recommendation by the Executive Director for the TAHC Organizational Structure change was presented by Human Resources Director, Patricia Kuhles. The changes recommended were made to improve the effectiveness and efficiency of the agency. A copy of the proposed TAHC Organizational Structure is included in these minutes as an attachment.

The motion was made by Commissioner Rangel and seconded by Commissioner Dyess to approve the recommendations made by the Human Resource Subcommittee as discussed today. The motion carried unanimously.

Item 5 – Audit Subcommittee Report

Commissioner Rangel gave a report of the actions taken by the Audit Subcommittee at 8:30 a.m. on 11/30/04. These actions included approval of: (1) Audit of the Agency's Business Continuity Plan, (2) the Audit Plan for FY 2005, and (3) the Annual Audit Report for FY 2004.

Commissioner Davenport moved and Commissioner Martinez seconded the motion to approve the recommendations made by the Audit Subcommittee as discussed today. The motion carried unanimously.

Item 6 – Presentation of Awards

- A Resolution for Steve Hartman was presented by Mr. Gene Snelson
- A Resolution for Dr. Walter Riggs was presented by Dr. Max Coats

Item 7 – Presentation of Animal Health Program Update

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

Animal Program updates included:

- Cattle Brucellosis - 3 newly infected herds for FY 2004; 0 newly infected herds for 2005
- Indemnity – FY 2004 - Fed. \$1,712,178 + State \$13,900.00 = **Total \$1,726,078**
- Ticks – 78 premises under an infested quarantine
- Tuberculosis – No herds are currently quarantined for Tuberculosis
- Fee Basis – Total Herds Fee Basis Tested = 1,178
- EIA – As of October, 2004 - 228,723 Total EIA tests with .03% of infection

- Swine – As of November 15, 2004, there are no swine herds under quarantine for Pseudorabies or Brucellosis. There have been 47,725 tests conducted for Swine First Point Testing. We have been awarded a Stage Five Status by USDA in the PRV program effective Nov. 17, 2004.
- Scrapie – Four affected flocks have been disclosed in 2004. These flocks are under quarantine.
- Vesicular Stomatitis – As of November 15, 2004, no new cases and all premises have been released from quarantine.
- Chronic Wasting Disease – State whole herd monitoring program continues – 407 herds enrolled; TPWD reports a total of 5,265 samples collected since March 1, 2002 with all samples tested being negative for CWD.
- Poultry – Fowl Registration Program now has 500+ registered which has generated \$33,975 in fees. Congress has approved a \$23 million item for Avian Influenza.

Item 8 – Administration/Budget Status Report

Angela Lucas presented the TAHC – Method of Financing – Fiscal Year 2005 report as of October 31, 2004. She also presented by Budget Category and Department a summary of the cumulative expenditures and the balances as of 10/31/2004.

Commissioner Windham moved and Commissioner Wood seconded the motion to approve adjustments to the Fiscal Year 2005 Operating Budget as presented and discussed today. The motion carried unanimously.

Item 9 – Tuberculosis Update

Dr. Dee Ellis presented updated information regarding the TB Program. Information included:

- Current Test Statistics - 808 dairies tested – with two newly permitted dairies pending. TB surveillance testing for dairies is complete. The Texas Purebred Beef/Seedstock Herds have tested 395 herds with 2005 herds left to be tested.
- Mexican M-brand Inspections at events and markets on pace for 1,000 per year. TAHC is working with USDA to obtain information regarding the entrance of these animals to be available for testing.
- USDA Actions :
 - 1). Bovine UM&R should be out by year end.
 - 2) Cervidae UM&R is one year away
 - 3) Horned Cattle Rule – February or March 2005 the earliest
 - 4) TB Eradication Strategic Plan – released from TB Committee of USAHA
- Texas/New Mexico Dialogue: Meeting in Amarillo in September discussed:
 - 1). Movement of untested animals from New Mexico
 - 2). Movement of permitted animals
 - 3). Testing updates
 - 4). Increased Epi support for NM infected dairies and traces
 - 5). Probably meet again in early 2005
- Dairy Entry Requirements:
 - 1). Sexually intact dairy animals must have negative 60 day test unless from an accredited free herd – no Free state exemption.
 - 2). Calves under 6 months will need entry permit, official id, and will test at 6 months.
 - 3). Consistent with new UM&R
 - 4). Met with TAD Board of Directors, Commissioner Dyess and other industry before finalizing.

- Michigan
 - 1). Removing specific mention of Michigan – entry reg's based on CFR/state status
 - 2). Michigan overview
 - 3). Last wildlife case in MAA in 1999 – no biosecurity plan in MA except Accredited Free herds.
 - 4). Will no longer require whole herd test from MAA, and no biosecurity plan from MA

Item 10 – Consideration of and Possible Action on Agency Contracts and Purchases

Felix Volk presented the Agency Contracts and Purchases activity report:

Contracts, purchases, leases greater than \$5,000 but less than \$10,000 for the period of 8-1-04 through 11-30-04:

- 1 Custom Trailer – 18 ' - \$9,991.80
- 14 Brucella abortus antibody milk test kits - \$6,451.20
- 1 Microtiter Plate Washer - \$5,951.22
- Contract for Freight Service to transport PCFIA machine and crate-Texas, Oklahoma, Alabama - \$5,000.00

Contracts, purchases, leases \$10,000 or greater for the period of 8-1-04 through 11-30-04

- Contract for maintenance & Repairs for nine (9) PCFIA Screen Machines - \$16,000.00
- IBM Computer Hardware: Desktop (8); 17" Monitor (8); 4 yr. on-site warranty (8); ThinkPad (1); Port Replicator (1); 4-yr. depot warranty (3); ThinkPad adapter (1); ThinkPad case (3); ThinkPad wireless modem (2) - \$17,662.10
- Contract for a temporary Administrative Technician position in the Area 2 Field Office - \$18,000.00 Estimate

A motion was made to approve the contracts and purchases requested for the period from August 1, 2004 through October 31, 2004 by Commissioner Edmiston and seconded by Commissioner Rangel. The motion carried unanimously.

Item 11 – Request from Oklahoma to Modify Entry Requirements for Whitetail Deer

Dr. Ken Waldrup presented the recommendation of the CWD Working Group responding to the request by Whitetails of Oklahoma for modification of Texas import requirements. The original recommendation of the CWD Working Group was: The CWD entry requirement for susceptible cervids originating from Oklahoma would be lowered from the current 5 year requirement to 3 years with the exception of the following counties which would remain with a 5 year requirement: Oklahoma, Logan, Kingfisher, Canadian, Lincoln, Pottawatomie and Cleveland (the 6 surrounding, contiguous counties to Oklahoma County). However, for any herd wanting to export to Texas, all animals in that herd must be eligible for export to Texas. The Texas Deer Association voted against this recommendation. The Texas Wildlife Association vote was changed to an abstention.

The following person's presented testimony at this meeting:

Karl Kinsel with the Texas Deer Association
Mitch Lockwood with Texas Parks and Wildlife Department
Dr. Scott W. Bugai with Texas Deer Association
Ron McGrew with Whitetails of Oklahoma

After further discussion, a motion was made by Commissioner Edmiston and seconded by Commissioner Rangel **NOT** to accept the recommendation of the CWD Working Group regarding the request of the Whitetails of Oklahoma to reduce the entry requirements for susceptible species from Oklahoma. The motion carried unanimously.

Commissioner Wood requested that the Commission look at establishing regulations for moving captive elk within the state.

Item 12 – Consideration of and possible action on regulation rule reviews proposals regarding:

(A) Chapter 43, Tuberculosis

A motion was made by Commissioner Dyess and seconded by Commissioner Matinez to propose the amendments to Chapter 43, Tuberculosis, located in Volume 4 of the Texas Administrative Code as discussed today. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a thirty day comment period. The motion carried unanimously.

(B) Chapter 55, Swine

A motion was made by Commissioner Real and seconded by Commissioner Wood to propose the amendments to Chapter 55, Swine, located in Volume 4 of the Texas Administrative Code as discussed today. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a thirty day comment period. The motion carried unanimously.

(C) Chapter 60, Scrapie

A motion was made by Commissioner Davenport and seconded by Commissioner Edmiston to propose the amendments to Chapter 60, Scrapie, located in Volume 4 of the Texas Administrative Code as discussed today. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a thirty day comment period. The motion carried unanimously.

(D) Chapter 51, Entry Requirements

A motion was made by Commissioner Windham and seconded by Commissioner Dyess to propose the amendments to Chapter 51, Entry Requirements, located in Volume 4 of the Texas Administrative Code as discussed today. It was further moved that notice of the proposed amendments be published in the *Texas Register* with a thirty day comment period. The motion carried unanimously.

Item 13 – Consideration of and Proposed Action on Regulation Rule Review Proposals Regarding:

(A) Chapter 43, Tuberculosis

A motion was made by Commissioner Martinez and seconded by Commissioner Rangel to propose for Rules Review Chapter 43, Tuberculosis, as found in Sections 43.1 through 43.31 of Volume 4 of the Texas Administrative Code, as discussed today and that notice be published of the rule review in the *Texas Register* with a thirty day public comment period. The motion carried unanimously.

(B) Chapter 55, Swine

A motion was made by Commissioner Dyess and seconded by Commissioner Real to propose for Rules Review Chapter 55, Swine, as found in Sections 55.1 through 55.9 of Volume 4 of 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 – Consideration of and Possible Action on Regulation Rule Review Adoptions Regarding:

(A) Chapter 36, Exotic Livestock and Fowl

A motion was made by Commissioner Wood and seconded by Commissioners Edmiston and Locke to adopt for Rule Review Chapter 36, Exotic Livestock and Fowl, as found in Sections 36.1 through 36.2 of Volume 4 of the Texas Administrative Code as discussed today and that notice of adoption of the rule review be published in the *Texas Register*. The motion carried unanimously.

(B) Chapter 40, Chronic Wasting Disease

A motion was made by Commissioner Edmiston and seconded by Commissioner Wood to adopt for Rule Review for Chapter 40, Chronic Wasting Disease, as found in Sections 40.1 through 40.4 of Volume 4 of the Texas Administrative Code, as discussed today and that notice be published of the rule review in the *Texas Register*. The motion carried unanimously.

(C) Chapter 45, Reportable Disease

A motion was made by Commissioner Martinez and seconded by Commissioner Rangel to adopt for Rule Review Chapter 45, Reportable Disease, as found in Sections 45.1 through 45.2 of Volume 4 of the Texas Administrative Code, as discussed today, and that notice be published of the rule review in the *Texas Register*. The motion carried unanimously.

Item 15 – Recognition of Public Comment

No further public comment was made.

Item 16 – Set the Date for the 354th Meeting

Next Commission Meeting date set for February 8, 2005 at 8:30 a.m.

Item 17 – Adjourn

The TAHC Commission Meeting adjourned at 1:25 p.m.