

**MINUTES OF THE 357th COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
December 6, 2005**

The Texas Animal Health Commission Meeting was called to order by Chairman Richard Traylor at 8:40 a.m. in the Texas Animal Health Commission conference room in Austin, Texas.

Commissioner Dyess 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 356th Commission Meeting held on August 16, 2005 was made by Commissioner Locke and seconded by Commissioner Edmiston. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the period 8/16/05 through 12/05/05.

Dr. Hillman presented a report of significant activities and issues that occurred from August 16, 2005 through December 5, 2005.

Significant activities discussed:

Animal Identification Issues

- Installation and testing of equipment at livestock market, order buyer, feedlot and dairy participants premises. Distribution of tags. Identification of animals.
- Numerous animal identification presentations at meetings with livestock industry groups across the state.
- Participation in USDA sponsored stakeholder meeting to discuss animal tracking.
- Participate in meeting of the Secretary's Advisory Subcommittee on the NAIS
- Continued implementation of the State Premises Identification System in Texas, providing feedback to USDA on challenges with the system.
- Assignment of Premises Identification numbers to livestock facilities.
- Participate in animal id discussions and conduct animal id meetings at the USAHA annual meeting.
- Evaluate proposals for 2006 cooperative agreement and develop contracts with participants. Primary activities will be premises registration, outreach and education, and infrastructure development.
- Discussions scheduled relative to the animal tracking database have been the most intense animal identification discussions since the last Commission meeting.
- Following the last Commission meeting, TAHC staff have worked to develop proposed rules for initiating implementation of the National Animal Identification System in Texas. The proposed rules address premises identification, fees on premises registration, timeline for compulsory premises registration, recognition of premises and animal identification numbers as official, protection of information, and penalties for violation. Mr. Gene Snelson will present the proposed rules for your consideration later in the Commission Meeting.

Fever Ticks

- At the end of October there were 71 premises quarantined as tick infested. (44 of these are in the Tick Eradication Quarantine Area and 27 are in the Free Area). There are more tick infested premises in the Free Area as compared to last year (27 versus 21).

- 304 premises are under an adjacent and/or check quarantine. 101 are in the Tick Eradication Quarantine Area and 203 are in the Free Area. 23 premises were released and 8 were added during October.
- TAHC had, until late October, detailed additional staff to work in the tick area in support of the USDA Tick Force. In early November, the Executive Director and the Texas AVIC conducted a meeting with the Tick Force and TAHC staff to review tick program activities; identify program gaps, challenges and inadequacies; and begin putting together recommendations for the program.
- Since the August Commission meeting, the Executive Director and other TAHC staff have participated in a number of meetings and events to discuss the fever tick situation. These included a fever tick presentation at the Parasitic Disease Committee of USAHA, meeting with the USDA Riverdale staff, the Bi-National Tick Committee meeting at the USAHA annual meeting, and meetings with producers in South Texas.
- It is our understanding there will be some level of increased funding for fever tick program activities in the new fiscal year.

Tuberculosis

- Testing of beef purebred and seedstock beef herds is continuing. Sufficient funds should be available to complete this effort. If we can complete this task without finding additional infected herds, Texas should be able to request a USDA review and reclassification to Accredited Free Status during 2006
- Additional changes anticipated in the National Bovine Tuberculosis Program in the coming year include:
 1. Identification of all dairy animals prior to movement from the herd of birth, testing of all intact dairy breed animals prior to interstate movement
 2. Requirement to restrict all Mexican origin cattle, that originate in a state classified as Preparatory Accredited or lower, to movement only to approved feedlots or slaughter.

Dr. Dee Ellis will provide additional TB program information in his Animal Health Activities report.

BSE

- TAHC and USDA closed the BSE investigation on August 30, 2005. Two hundred adult animals and over two hundred young animals were identified as animals of interest and were traced to identify "at risk animals," which included birth cohorts (animals born a year before to a year after birth of the affected cow), and offspring from the last two calvings. Sixty eight animals of interest were identified, indemnified, destroyed, sampled and tested for BSE. All were negative.
- Surveillance of the 20,000 normal, adult cattle is nearing completion. Over 535,000 cattle have been tested as part of the enhanced BSE surveillance effort. Testing has disclosed only one positive animal, which was the Texas animal.
- USDA has opened the border to importation of Canadian live cattle under thirty months of age for immediate slaughter or feeding for slaughter (before 30 months of age), and sheep and goats under 12 months of age for immediate slaughter or for feeding for slaughter (before 12 months of age). 3,414 cattle have been imported from Canada to Texas feedlots under these provisions

Brucellosis

- No new Brucellosis infected herds have been identified since the last Commission Meeting. Dr. Ellis and Dr. Coats will provide more information in their reports.

Hurricanes Katrina and Rita

- TAHC personnel were part of the Hurricane Katrina and Rita response effort. TAHC was assigned a new role during the response efforts – managing the animals in disaster portion of the response. This is a role for which we do not have statutory authority. The role was assigned to TAHC by the Governor's Office of Emergency Management.
- Dr. Dee Ellis and Mr. Dave Tomkins were assigned the responsibility of managing our response efforts by the Executive Director. An Incident Command Post was set up in our TAHC Commission room and all animal related activities were coordinated from the ICP. TAHC has received a number of very positive comments relative to our response efforts. The Executive Director expressed his appreciation to Dr. Ellis, Mr. Tomkins and all of the TAHC staff for their efforts. Dr. Ellis will have additional remarks relative to the response efforts.

Rulemaking and Fees

- There is one proposed fee rule that will be presented by Mr. Gene Snelson for consideration by the Commission. This proposed rule will initiate implementation of the provisions of HB 1361, including a fee on premises registration. The proposed rule is consistent with the recommendations of the Fee Working Group as presented during the August Commission Meeting

Budget Issues 2006/2007

- Although the federal fiscal year is in its third month, TAHC has not received signed cooperative agreements for Brucellosis First Point Testing, Tuberculosis or Fever Ticks. Until such funding is forthcoming, it is prudent to be conservative. Additionally, First Point Testing is running ahead of last year.
- Because of budget constraints, the Agency has temporarily put a freeze on merit raises. We are also closely monitoring out-of-state travel to conserve funds.

Sunset Review

- TAHC executive management staff met with Sunset Commission staff on October 18th. Subsequently, various TAHC staff have met with Sunset Commission personnel to discuss components of TAHC programs and functions. The Executive Director commended the Sunset Commission staff on the professional manner in which they have conducted their review of TAHC.

Evaluation of an Automated Telephone Answering System

- Due to the reduction in force of the Central Office staff and an evaluation of the frequency and type of calls received on the TAHC switchboard, the Executive Director has requested the Staff Services and Information Resources Departments develop a proposal for an Automated Answering System. The proposal will be a "semi-automated" system in that there would always be the ability to dial "0" and speak to the switchboard operator. The proposed system would provide referral numbers for other agencies and entities. Additionally, the system would enable callers to directly access central office personnel rather than going through the switchboard operator. A trial period will be used to determine the efficiency of this system.

Warehouse Expansion

- Mr. Mike Jensen and Mr. Felix Volk have requested the Commission consider a request to expand our space at the central office by approximately 6,000 square feet. Mr. Volk will provide a detailed report for you under Item 8 of the Commission Meeting.

Waivers

- Since the August 16, 2005 Commission meeting, TAHC has approved five (5) requests for waiver. Two (2) of the requests were for movement of cattle between Texas and New Mexico for grazing under commuter herd agreements. One (1) request was for movement of red deer from Mississippi to the research park at Texas A&M University following the aftermath of Hurricane Katrina. One (1) request for waiver was to extend the validity of the brucellosis test on bulls prepared for a production. The sale had to be postponed because of Hurricane Rita. The final request for waiver was to allow dairy heifers to be moved from the owner's premises in Mississippi to Texas and be tested for TB upon arrival in Texas. The owner's facilities were severely damaged during the hurricane and his feed was destroyed.

Planned Activities

- Continued implementation of NAIS Project
- Animal Identification meetings – proposed meeting with the Secretary
- Texas Farm Bureau Meeting
- NCBA Annual Meeting
- Preparations for the Southern Animal Health Association meeting- April 17 – 20, 2006 in San Antonio.
- Participate in meetings of stakeholder organizations
- Fever tick program activities – strategic planning
- Sunset Review activities
- Strategic Planning – TAHC
- Meetings of the Bi-National Tick and Bi-National Tuberculosis Committees

Special Recognition

- The Executive Director presented an award to Mr. Joe Kelsey, Supervising Inspector, Area 4 upon his retirement after more than 31 years of service to TAHC.

Dr. Hillman also provided a written report of his out-of-office meetings and trips from August 16, 2005 through December 5, 2005.

A motion to approve the actions of the Executive Director for the period from 8/16/2005 through 12/5/05 was made by Commissioner Davenport and seconded by Commissioner Edmiston. The motion carried unanimously.

Item 4 – Presentation of Animal Disease Report

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

Animal Disease updates included:

- Cattle Brucellosis - One quarantined cattle herd as of November 30, 2005
- Japanese Cattle – 83 left – (73 head in Area 4 and 10 head in Area 7)
- Indemnity – FY 2006 – Federal 0.00; State 0.00; TOTAL: 0.00
- Ticks – 74 premises under an infested quarantine; 304 adjacent or check premises –
- Tuberculosis – No herds are currently quarantined for Tuberculosis
- EIA – Calendar Year 2004 – 259,582 tests - .03% of infection; Calendar Year 2005 – 224,570 tests - .02% of infection
- Swine – Currently there are no swine herds under quarantine for Pseudorabies or Brucellosis; Swine First Point Testing – October 1998 through November 2005 – total tests conducted 51,647.
- Scrapie – Two flocks have been disclosed in 2005

- CWD – State whole herd monitoring program continuing – 501 total herds enrolled; TPWD, effective June 21, 2005, will not issue any out-of-state purchase permits for white-tailed deer and mule deer. Texas now has over 10,153 negative CWD samples with no positives.
- Johne's Program – There are 67 herds currently enrolled in the program. There are 208 Johne's Certified Veterinarians. For the FY2005 cooperative agreement funds (approximately \$198,000) have been secured.
- Poultry – Have met with DSHS regarding pandemic flu planning. Will be meeting in Tyler next week to discuss flu planning with the poultry industries. LT infected flock was found in Amarillo – 140 birds were depopulated. An additional Trace Flock was depopulated.

Item 5 – Administration/Budget Status Report

Angela Lucas, Director of Financial Services presented the TAHC – Method of Financing – Fiscal Year 2006 report as of October 31, 2005. Corrections under Federal Funds since this report was prepared should indicate that two funds have been awarded : RAP and Brucellosis-Laboratory. She also presented by Budget Category and Department summaries of the cumulative expenditures and the balances as of 10/31/2005. As of October 31, 2005, 16.45% of the budget had been spent. There will be a correction to this summary on the Materials & Supplies item. Part of this money was expended during FY 2005, so an adjustment will be made to the FY 2006 budget. The budget was also presented by Department Summary.

Commissioner Rangel moved and Commissioners Martinez seconded the motion to approve adjustments to the Fiscal Year 2006 Operating Budget as discussed today. The motion carried unanimously.

Item 6 – Report from the Audit Subcommittee

Commissioner Rangel gave a summary of the Audit Subcommittee Meeting held from 8:15 am until 8:30 a.m. December 6, 2005. The Committee approved two items.

- The Audit Plan For FY 2006 – Mr. Monday Rufus will be auditing Field Operations in the Area 2 Office in Crockett; Laboratory Systems in the Lubbock Laboratory; Fixed Assets in Austin Central Office; and a Follow-up on previous audit recommendations for Field Operations – Area 7.
- The Annual Audit Report for FY 2005 summarizes all audits conducted during FY 2005 and was submitted by the required deadline of November 1, 2005. The report was submitted to the State Auditors Office, the Legislative Budget Board, the Sunset Commission, and the Office of the Governor. This report covered mainly Field Operations – Area 8 and the external Quality Assurance Review.

Commissioner Edmiston moved and Commissioner Windham seconded the motion to approve the report made by the Audit Subcommittee as discussed today. The motion carried unanimously.

Item 7 – Appoint a Chair and New Member to the Audit Subcommittee

Chairman Traylor appointed Commissioner Simmons as a member to the Audit Subcommittee and appointed Commissioner Windham as Vice-Chair. If the Governor has not appointed new members prior to the February 16, 2006 Commission Meeting, Commissioner Rangel will continue to chair the Audit Subcommittee.

Commissioner Martinez moved and Commissioner Wood seconded the motion to approve the appointments made to the Audit Subcommittee as discussed today. The motion carried unanimously.

Item 8 – 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 August 1, 2005 through November 30, 2005

- Two - Chute/Trailer-Custom made with swing away escape gate - \$9,742.94
- Temporary data entry employee for NAIS System Project - \$9,994.74

Contracts, purchases, leases \$10,000 or greater for the period August 1, 2005 through November 30, 2005

- Replacement of photocopier equipment - \$64,512.60 – 5 yr. contract
- Replacement of photocopier equipment - \$38,935.80 – 5 yr. contract
- Relocate Area 5 Beeville Office due to Leaser default – TBD bidding process
- Renewal of Existing Lease for Area 7 - \$14,800 - Annually
- Renewal of Existing Lease for Area 6 - \$13,200 - Annually
- Janitorial Services – Central Office – To be determined by bidding process
- Warehouse Expansion – Anticipated Range - \$3,840 - \$4,800 Monthly
- NAIS Premises Registration, outreach & training – Up to \$600,000 for up to seven (7) projects
- Co-Ral Insecticide - \$146,000

Commissioner Rangel moved and Commissioner Martinez seconded the motion to approve the contracts and purchases request for the period from August 1, 2005 through November 30, 2005. The motion carried unanimously.

Item 9 – Animal Health Activities Update

Dr. Dee Ellis presented updated information regarding Animal Health Activities and provided summary materials in the Commission notebooks.

Current Tuberculosis Test Statistics: (2 handouts)

- Purebred Beef/Seedstock Herds on target
- Goal to end testing by 2/31
- No newly infected herds detected
- 2 More dairy herds tested
- By the next Commission Meeting we should have our application submitted requesting TB Accredited Free Status.

Brucellosis – Still one infected herd – Area 2

Emergency Management

- Hurricane Katrina
 1. Waived some entry requirements temporarily
 2. Assisted Texas Animal Control Officer EMAC deployment (This was possible through the persistent efforts of Dave Tomkins)
 3. TAHC eligible for \$5,800 in FEMA reimbursement
- Hurricane Rita
 1. Designated by DEM as lead agency for animal issues
 2. Over 53 TAHC Personnel involved in response
 3. TAHC personnel manned animal shelters in Brazos/Walker Co.'s
 4. TAHC eligible for \$46,800 in FEMA reimbursement
- Texas HS/Office of Domestic Preparedness Grant award - \$271,602
- Texas Homeland Security Strategic Plan Implementation (2005-2010)

**Item 10 – Consideration of and possible action on Regulation Proposals regarding:
Chapter 50: New Chapter for Premise and Animal Identification**

Gene Snelson, General Counsel presented the proposed regulations for implementing the Premise and Animal Identification Program. This Chapter contains five sections: 50.1 Definitions; 50.2 Registration Information; 50.3 Registration Requirements and Fees; 50.4 Public Information; and 50.5 Violations.

During discussion on these regulation proposals, comment was made by Ross Wilson with the Texas Cattle Feeders Association expressing appreciation of the efforts of the Agency in developing this proposal. In an attempt to simplify the implementation process, Mr. Wilson proposed the use of one date in Section 50.3 to minimize confusion. The request was made that the April 1 date be changed to July 1. Compulsory registration would be July 1, 2006. Adjustments to dates would need to be made in Section 50.3 and Section 50.5.

Matt Brockman with Texas and Southwestern Cattle Raisers Association spoke in support of the proposal set forth by Ross Wilson.

After further discussion among commissioners and TAHC Staff, the proposal to change the date to July 1 was made.

Commissioner Edmiston moved and Commissioner Locke seconded the motion to approve the recommendations regarding regulation proposals for premise and animal identification and the creation of Chapter 50: A new Chapter for Premise and Animal Identification as discussed today with the modification of the date to July 1, 2006. Commissioner Edmiston further moved and Commissioner Locke seconded the motion that notice of this proposal be published in the *Texas Register* with a forty-five day comment period. The motion carried unanimously.

Item 11 – Consideration of and possible action on Regulation Adoptions regarding:

- (a) Chapter 43, Tuberculosis**
- (b) Chapter 51, Entry Requirements**
- (c) Chapter 40, CWD (related to Elk)**

Gene Snelson, General Counsel presented these adoptions.

(a) Chapter 43, Tuberculosis (related to cattle & bison)

Commissioner Davenport moved and Commissioner Simmons seconded the motion to ADOPT the amendments to Chapter 43, Tuberculosis, located in Volume 4 of the Texas Administrative Code, as discussed today published in the *Texas Register* for adoption. The motion carried unanimously.

(b) Chapter 51, Entry Requirements

Commissioner Windham moved and Commissioner Davenport seconded the motion to ADOPT the amendments to Chapter 51, Entry Requirements, located in Volume 4 of the Texas Administrative Code, as discussed today. The motion carried unanimously.

(c) Chapter 40, CWD (related to elk)

Dr. Scott W. Bugai of the Texas Deer Association spoke to the Commission expressing appreciation for the actions taken by the Commission to develop the CWD monitoring requirements.

Commissioner Wood moved and Commissioner Simmons seconded the motion to ADOPT the amendments to Chapter 40, Chronic Wasting Disease, located in Volume 4 of the Texas Administrative Code, as discussed today. The motion carried unanimously.

Item 12– Recognition of Public Comment

There were no additional public comments at this time.

Item 13 – Set Dates for the 358^h and 359th Meetings

358th Meeting – February 16, 2006

359th Meeting – May 2, 2006

Item 14 – Adjourn

The meeting adjourned at 11:00 a.m.