

**MINUTES OF THE 364th COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
September 18, 2007**

Item 1 - Welcome and call to order by Chairman Traylor

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.

Commissioners Tommy Kezar and Roy Martinez were not present.

Item 2 - Approval of Minutes

A motion to approve the minutes of the 363rd Commission Meeting held on May 10, 2007 was made by Commissioner Dyess and seconded by Commissioner Simmons. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the Period 5/10/07 through 9/18/07.

An Out-Of-Office report describing meetings and trips from May 10, 2007 through September 18, 2007 was contained in the Commissioners' notebooks. This information was not presented as part of the oral report.

Dr. Hillman presented a report of significant activities and issues that occurred during this time period.

Animal Identification

- Under Secretary of Agriculture for Marketing and Regulatory Enforcement, Bruce Knight, has initiated a strategy, Advancing Animal Disease Traceability, to improve animal identification and traceability for disease control and has also expanded efforts to increase premises registration. In the near future, USDA is expected to release a Business Plan which will detail recommended strategies and actions to harmonize existing animal health, marketing and identification systems to improve the animal disease traceability infrastructure in the U.S. This plan will include:
 - (1) Identification of species as either Tier 1 (cattle, poultry, swine, sheep, goats, and horses) or Tier 2 (other livestock species) and stress the need for animal identification for disease control purposes for these species as the highest priority. Within Tier 1 species, cattle are the highest priority.
 - (2) Recognize the Premises Identification Number as the sole location identifier for all disease programs.
 - (3) Premises numbers will be required on all premises which state or federal animal health officials identify for any program disease activity.
 - (4) Origin and Destination premises numbers will be required on health certificates for all interstate movements.
 - (5) Premises numbers will be required for international shipments.
 - (6) USDA has begun providing 840 tags (Official RFID) for use in animal health programs.

To improve outreach and increase premises registration, USDA has entered into cooperative agreements with a number of industry organizations.

TAHC staff continue outreach efforts and registering Texas premises for those producers who seek to have their premises registered. They are working with some livestock

markets to enable them to collect RFID information. Our staff is also working with USDA

on hardware and software systems that will enable TAHC and USDA staff to collect RFID information into tuberculosis or brucellosis test charts on handheld devices, then electronically transfer the data to the lab, area offices, epidemiologists and into the animal disease control database.

The proposed changes to TAHC rules being addressed at this meeting are not part of NAIS. These changes are being made to enable effective disease control programs. The changes do not require premises to be identified, nor do they require the use of RFID identification devices, although, RFID tags that have already been approved as official identification devices in Texas may be used if a producer desires to do so.

Fever Ticks

- The number of fever tick infested premises has increased from thirty-eight (38) at the end of March to seventy-nine (79) at the end of August. Fifty-six (56) are in the Tick Eradication Quarantine Area and twenty-three (23) in the Free Area.
- Three (3) Temporary Preventive Quarantine Areas (TPQA) have been formed. The first was established July 3, 2007 in Starr County, the second was established August 2, 2007 in portions of Maverick, Dimmit and Webb Counties, the third was established on August 29th in Zapata County. There are twenty-three (23) premises in the Temporary Preventive Quarantine Areas. Based upon past fever tick outbreaks it is estimated that elimination of fever ticks from the Temporary Preventive Quarantine Areas could take up to two years. An Incident Command Structure to manage the outbreak has been established.
- A Needs Assessment was conducted by USDA Western Region Staff which resulted in the procurement of approximately \$34,000 in year-end USDA funds to cover costs of immediate needs. It is estimated through this assessment that \$13 million will be needed to complete the task of eliminating fever tick infestation from the Temporary Preventive Quarantine Areas.
- It is likely that wildlife, especially white-tailed deer have been the cause of movement of fever ticks from the Tick Eradication quarantine Area to the Temporary Preventive Quarantine Areas. The capture and examination of white-tailed deer indicated 18 of 22 deer on premises in Starr County and 10 of 20 deer in Maverick County were tick infested.
- Treatment options are limited for cattle infested with fever ticks. The traditional method is use of Co-Ral in a dipping vat or spray dip machine. This treatment is effective but requires treatment every 7 to 14 days for nine months. Another available treatment option is Doramectin which can be administered every 28 days, effectively reducing by 50% the number of times cattle have to be gathered for treatment. Another treatment option which cannot yet legally be utilized under a veterinary prescription is Ivermectin in molasses. USDA is working with the FDA to find a way to utilize this product to treat cattle.
- Communication efforts to inform the public of the need and reasons for the quarantine areas have been implemented. News releases have accompanied the notices of quarantine; information has been published in newspapers and trade journals; Tick Force staff have communicated directly with many producers; and three public meetings have been held in the three-county quarantine area.
- The origin of fever ticks found in Texas is Mexico. To be successful in eliminating the fever tick threat to Texas, fever ticks must be eliminated at their origin in Mexico. Over the past three years, there have been periodic meetings with our counterparts in Mexico at the Bi National Tick Committee and through cross border meetings with Mexican State Animal Health Officials.

Tuberculosis

- TAHC and USDA/VS – Texas are heavily engaged in Bovine Tuberculosis program activities. Most activities involve tracing and testing of animals and herds related to movement of potentially exposed cattle from herds found to be infected with TB in New

Mexico, Oklahoma and Colorado as well as traces related to finish fed cattle found to be lesioned at slaughter.

- TAHC, USDA/VS – Texas, and New Mexico Livestock Board met in June to discuss the New Mexico cattle TB situation and cross border issues between our two states. A Working Group was formed to be led by dairy industry representatives from Texas, New Mexico and Oklahoma, with the state animal health officials participating. The charge of the Working Group is to propose solutions to cross border movement of dairy calves and replacement heifers from dairies to calf or heifer raisers.
- USDA has indicated that the proposed international, domestic and horned cattle rules will be published for comment this fall. These rules may significantly change the movement requirements for Mexican origin cattle and should address several issues we have with the current domestic rule.

Brucellosis

- A number of high titered cattle continue to be identified and evaluated each month. However, no new brucellosis infected herds have been identified in the state.
- USDA conducted a Brucellosis Program Review of the Texas program during July 30 – August 3, 2007. This review was a mandatory prerequisite to qualification for Brucellosis Free Status. The review report has not yet been received. Whatever issues are identified by the review team will be addressed expeditiously. If no new brucellosis infected cattle herds are identified and there are no significant adverse findings from the review, Texas should be on tract to achieve Brucellosis Free Status by the end of the calendar year.

Legislative, Budget and Personnel Issues

- The TAHC Sunset Bill (HB 2543) codified a number of amendments to the agency's statutory authorities and responsibilities. Two results of these changes are: (1) the Commission's enhanced authority for disposal of carcasses from diseased animals; (2) the Commission's authority to regulate feral swine for disease control purposes.
- The first-point testing numbers remained moderate through the end of the fiscal year. The agency ended the year in good budgetary condition.
- The current fever tick situation, if it continues for very long, will place a strain on the TAHC budget. At the current time, no cooperative agreements exist for fever tick activities with the exception of a small pass through cooperative agreement for procurement of Doramectin.
- The agency has experienced a number of retirements and some resignations in recent months. For the first time the agency is experiencing difficulty in recruiting persons to the Livestock Inspector positions. A careful review of the inspector classifications, starting salary issues, recruitment issues, and other possible actions to rectify this situation are being evaluated.

Waivers

- None Requested

Planned Future Activities

- Fever Tick Meeting in Piedras Negras, Mexico
- USAHA annual meeting
- Bi National TB and Brucellosis Committee Meeting
- Bi National Fever Tick Committee Meeting
- Fever Tick Activities
- TB Program activities
- Participate in industry organization meetings
- TxSART Board Meeting
- Animal ID activities

Commissioner Morales moved and Commissioner Locke seconded the motion to approve the actions of the Executive Director for the period from May 10, 2007 through September 18, 2007.

The motion carried unanimously.

Item 4 – Audit Subcommittee Report

Commissioner Windham, Chair of the Audit Subcommittee, gave a report on the Audit Subcommittee meeting held at 8:00 a.m. All members of the Subcommittee were present. Mr. Monday Rufus presented the following audits to the Subcommittee:

- Audit of Public Information
- Audit of Area 4 Office
- Audit of Palestine Laboratory
- Follow-Up Audit of Area 5 Office
- Audit Plan for Fiscal Year 2008

There was no public comment. The Audit Subcommittee commended staff for the favorable audit results.

Commissioner Locke moved and Commissioner Morales seconded the motion to approve the report made by the Audit Subcommittee. The motion carried unanimously.

Item 5 – Legislative Report

Mr. Bill Powers presented a legislative report update to the Commissioners. A short bill was introduced and passed during the legislative session to change the definition of livestock to include alpacas, llamas and exotic livestock in the Texas Agriculture Code. The Animal ID bill did not pass. Therefore, Commissioners have a permissive law which allows them the ability to make Animal ID mandatory when desired.

The Sunset Advisory Commission report was included in the Commissioners' notebooks.

HB 2543 contains all of the Sunset recommendations which are summarized below:

- Clarify the Commission's role in preparing for and responding to natural or man-made emergencies, including a study of the State's capacity to perform disease testing during emergencies.
- Clarify the Commission's authority to address diseases in other species that threaten livestock and fowl.
- Clarify the Commission's authority to register feral swine holding facilities and regulate movement of feral swine for disease-control purposes
- Establish an agency-wide compliance policy and improve public information regarding how to file a complaint with the Commission.
- Continue the Texas Animal Health Commission for 12 years.

Provision added by the Legislature:

- Provide public access to Commission Meetings. We also need to provide audio archives of each meeting which are accessible on the agency's website

HB1 - TAHC came out well with the Budget. We received all five exceptional items.

Mr. Powers expressed appreciation to all the industry leaders, both the lobbyists and association heads, for their support of the Texas Animal Health Commission during this session.

Item 6 – Presentation of Animal Health Activities Update and Animal Disease & Epidemiological Report – Dr. Dee Ellis

A. ANIMAL HEALTH PROGRAMS

Bovine Brucellosis

- The USDA Bovine Brucellosis Program Review has been completed
- Ongoing traces and testing are being done at 30-50+ markets per month
- Slaughter surveillance system must be enhanced

Bovine Tuberculosis

- *New Mexico* - Task Force was activated – 130 adult animal traces to Texas; One Texas Dairy (3300 hd) to be tested due to purchase of high risk animals; Four Texas calf grower operations are being tested. Weekly conference calls are being conducted to coordinate efforts.
- *Texas* – 21 open slaughter traces (Mexican origin)
- *Oklahoma* beef herd – adjacent herd moved to Texas has tested negative (800 hd). Two traces are pending.
- *Bucking Bull* update – 161 traces – 61 pending, 48 tested, 42 out-of-state
- 300 interstate permits
- State/Industry meetings in Albuquerque and Amarillo

Johne's Disease

- Approximately 50 herds participating. Approximately 30% of budget remains
- Dr. Lee Jan –Texas Designated Johne's Coordinator (DJC)

Poultry

- HPAI Surveillance in backyard flocks – first round near completion
- Live bird market orientation of TAHC employees continues
- Texas Broiler Symposium later this month

Cervids

- Application for \$100,000 CWD Cooperative Agreement submitted
- TAHC/USDA-VS CWD Standards committee continues work
- Recent increase in number of requests for autogenous EHD vaccine approval due to new cases

Sheep and Goats

- Mexico's entry requirements changed for import of slaughter sheep and goats; effectively closing the border
- Request for voluntary brucella ovis certification program development
- Scrapie traces continue – 35 closed – 42 pending

Swine

- Feral Swine Working Group meeting on Friday, Sept. 21, 2007 in conjunction with Texas Pork Producers Swine Health Committee
- Possible changes to National Swine Health Programs for PRV and Swine Brucellosis
- Swine brucellosis review tentatively scheduled for January '08.

Equine

- Three (3) recent EIA infected horses with connection to Mexico and "brush" tracks
- Two documented clinical cases of EEE in east Texas
- Anthrax in horses in Tom Green county

Fever Tick Activities

Dr. Ellis provided a report on the efforts of TAHC and the USDA/VS Tick Force in eradicating the fever tick in the South Texas area. A Fever Tick Eradication Office has been set up in Carrizo Springs to coordinate these activities.

B. EMERGENCY MANAGEMENT ACTIVITIES

Dr. Ellis provided both a written and a verbal report explaining the interaction of TAHC with the State's Emergency Management Program in response to natural and man-made emergencies. Dr. Ellis noted that procedures would be developed for lifting restrictions when attempting to move livestock during an emergency situation

Item 7 – Executive Closed Session

Under authority of Section 551.074 of the Government Code – Discussion of personnel matters including the Executive Director's compensation.

The Commissioners returned to Open Session. Commissioner William Edmiston moved and Commissioner Coleman Locke seconded a motion to approve the FY' 2008 increase in the Executive Director's salary as permitted by the General Appropriations Act of the 80th Legislative Session. The motion carried unanimously.

Item 8 – Administration/Budget Status Report

Mike Jensen presented a report of the agency's budget through Fiscal Year 2007 as of August 31, 2007.

TAHC had six exceptional items granted during the legislative session:

- (1) Additional Staff
- (2) Restoration of the Indirect Cut
- (3) Additional General Revenue for mileage reimbursement
- (4) Capital Authority for trucks and computers contingent on EFF
- (5) Increase of General Revenue for longevity
- (6) Additional funds for eradication of ticks

Other actions during this session included:

- Classification changes of laboratory positions.
- Requirement for agencies to have an Ethics Policy
- Requirement of a web site link to the Comptroller's web site
- Authority to pay 48.5 cents for mileage
- Increase of our Out-of-State Travel Cap to \$69,206

Next steps include the revision of our Strategic Plan and preparation of the LAR for the next session.

Method of Financing Report for FY 2007 - Most adjustments are to show cooperative agreement funds that are being moved to FY 2008.

Budget Category Summary FY 2007 – This is a summary of both Federal Cooperative Funds and State General Revenue.

Method of Financing Report for FY 2008 – This report matches the two pages in the General Appropriations Act. Other adjustments are the movement of Cooperative Agreement Funds into this current fiscal year.

Budget Category Summary for FY 2008 – Since this is the beginning of FY 2008, there are few expenditures indicated. On Salaries and Wages, we have budgeted as if 100% fully staffed. We will be monitoring lapses of salaries for those retiring and resigning.

Commissioner Morales moved and Commissioner Locke seconded a motion to approve adjustments to the Fiscal Year 2007 Operating Budget as presented; approve the Fiscal Year

2008 Operating Budget as presented to be filed with the Governor's Office of Budget, Planning and Policy and the Legislative Budget Board; and approve the FY 2008 increase in the Executive Director's salary as permitted by the General Appropriations Act of the 80th Legislative Session. The motion carried unanimously.

Item 9 – Consideration of Possible Action on Agency Contracts and Purchases

Mr. Felix Volk presented the following information:

Contracts, Purchases, Leases Greater than \$5,000 but Less Than \$10,000 for the period: 05/01/07 through 08/31/07

- Disposable Coveralls with hood & boots – 40 cases - \$6,637.85
- Tychem QC hood, Breathing tube assembly, belt mounted HE power air purifying respirator assembly & duffle style carrying bags – 4 cases - \$7,233.94
- Combined Technical and End User Subscription Plan Business Skills Video – 80 each - \$7,200
- Cattle Chute, with Trailer, hitch, panels -2 - \$8,279.80
- M. Bovis Gamma Interferon Test Kits – 3 Complete; 1 Partial - \$8,610
- M. Bovis Gamma Interferon Test Kit – 4 Kits - \$9,840.00
- M. Bovis Gamma Interferon Test Kit – 4 Kits - \$9, 840.00

Contracts, Purchases, Leases \$10,000 or Greater for the period 05/01/07 through 08/31/07

- 2008 Chevrolet Silverado pickup – 1 - \$24,3555
- Overnight, Second Day & Small Parcel Ground Delivery Service – Staff Svs. - \$50,000
- Overnight, Second Day & Small Parcel Ground Delivery Service – Labs - \$10,000

Commissioner Real moved and Commissioner Simmons seconded a motion to approve the contracts and purchases request for the period from May 1, 2007 through August 31, 2007. The motion carried unanimously.

Item 10 – Presentation of Service Award

Commissioner Reta Dyess presented Barbara Hallmark with an award for 35 years of service to the Texas Animal Health Commission.

Item 11 – Consideration of and Possible Action on Regulation PROPOSALS Regarding: Chapter 59.12 General Practices and Procedures, regarding carcass disposal requirements and standards.

Commissioner Dyess moved and Commissioner Wood seconded a motion to PROPOSE the amendments to Chapter 59, General Practices and Procedures, located in Volume 4 of the Texas Administrative Code and that notice be published in the *Texas Register* with a thirty day comment period. The motion carried unanimously.

Item 12 – Consideration of and Possible Action on Regulation ADOPTIONS Regarding:

- (a) Chapter 43, Tuberculosis, Subchapter A, regarding dairy cattle
- (b) Chapter 47, Approved Personnel
- (c) Chapter 49, Equine, regarding Equine Viral Arteritis (EVA)
- (d) Chapter 51, Entry Requirements regarding cattle, exotic swine, equine and poultry
- (e) Chapter 53, Market Regulations, regarding record keeping requirements
- (f) Chapter 59.8, General Practices and Procedures regarding MOU with Travis County

Mr. Gene Snelson, Legal Counsel, reviewed the above regulation adoptions with the Commissioners.

Commissioner Reta Dyess moved and Commissioner Jill Wood seconded the motion to adopt the amendments to **Chapter 43, Tuberculosis, Subchapter A**, regarding dairy cattle, located in Volume 4 of the Texas Administrative Code, as discussed today. The motion carried unanimously. This adoption adds a new subsection (n) to Chapter 43, Subchapter A, Rule 43.2. (n) Interstate Movement of Dairy Cattle. All dairy cattle being transported within Texas shall be identified prior to movement with official identification device or identification device approved by the Commission.

Commissioner Ernie Morales moved and Commissioner Coleman Locke seconded the motion to adopt the amendments to **Chapter 47, Approved Personnel**, regarding market testing, located in Volume 4 of the Texas Administrative Code, as discussed today. The motion carried unanimously. This adoption adds the following provision in Chapter 47, Rule 47.2: An approved veterinarian's technician or other approved employee may operate under the general supervision of a TAHC approved veterinarian to perform testing for brucellosis at a livestock market.

Commissioner Coleman Locke moved and Commissioner Jerry Windham seconded the motion to adopt the amendments to **Chapter 49, Equine**, regarding Equine Viral Arteritis (EVA), located in Volume 4 of the Texas Administrative Code, as discussed today. The motion carried unanimously. This adoption adds a new Section 49.4 to Chapter 49, Equine, regarding reporting and handling requirements for equine carriers of Equine Viral Arteritis (EVA).

Commissioner Ernie Morales moved and Commissioner Ralph Simmons seconded the motion to adopt the amendments to **Chapter 51, Entry Requirements**, regarding cattle, exotic swine, equine and poultry located in Volume 4 of the Texas Administrative Code, as discussed today. The motion carried unanimously. This adoption approved amendments to provide new entry requirements, as well as clarify existing entry requirements, for animals entering Texas from out of state.

Commissioner Ernie Morales moved and Commissioner William Edmiston seconded the motion to adopt the amendments to **Chapter 53, Market Regulations**, regarding record keeping requirements, located in Volume 4 of the Texas Administrative Code, as discussed today. All were OPPOSED. The motion failed.

Chairman Traylor stated there should be a recommendation at the February 2008 Commission Meeting from Industry representatives and Texas Animal Health Commission for a new proposal that will work for the Industry and Texas Animal Health Commission.

Commissioner Chuck Real moved and Commissioner Ralph Simmons seconded the motion to REPEAL **Section 59.8 in the General Practices and Procedures Chapter 59**, regarding an MOU with Travis County, located in Volume 4 of the Texas Administrative Code, as discussed today. The motion carried unanimously.

Item 13 – Recognition of Public Comment

Judith McGeary representing Farm and Ranch Freedom Alliance provided comments addressing the proposed adoption of amendments to Chapter 43, Tuberculosis, Subchapter A, regarding dairy cattle. Judith also announced a Farm and Food Policy Conference this week in Waco.

John Cowan representing the Texas Association of Dairymen provided comments regarding the proposed adoption of amendments to Chapter 43, Tuberculosis, Subchapter A, regarding dairy cattle.

Keith Chapman, representing the Livestock Marketing Association provided comments regarding the proposed amendments to Chapter 53, Market Regulations, Rule 53.5 Market Recordkeeping.

Item 14 – Set Date for the 365th Meeting

365th Meeting – November 20, 2007

366th Meeting – February 19, 2008

Because Commissioner Windham's term expires in September 2007, Chairman Traylor named Reta Dyess as Co-chair of the Audit Subcommittee should the Governor make new appointments prior to the February Commission meeting.

Item 15 – Adjourn

The meeting adjourned at 12:10 pm