

**MINUTES OF THE 374th COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
December 8, 2009**

The Texas Animal Health Commission Meeting was called to order by Chairman Ernie Morales at 8:35 a.m. in the Texas Animal Health Commission conference room.

Item 1 - Welcome and call to order by Chairman Morales.

All Commissioners were present.

Item 2 - Approval of Minutes

A motion to approve the minutes of the 372nd and 373rd Commission Meetings held on September 15, 2009 and October 6, 2009 was made by Commissioner Real and seconded by Commissioner Brown. The motion carried unanimously.

Item 3 – Report of the Executive Director and Approval of Actions for the Period 9/15/09 through 12/8/09.

A report describing out-of-office meetings and trips from September 15, 2009 through December 8, 2009 was provided in the Commission notebooks and was not included in the verbal presentation.

Fever Ticks

- As of October 2009, one-hundred eighteen (118) infested premises were reported.
- From October 1, 2009 through December 2, 2009 – twenty-one (21) new infested premises were identified.
- The greatest number of infested premises continues to be found in Zapata and Starr Counties
- Progress continues to be made in the Maverick-Dimmitt County Blanket area, with a number of premises being released from infested quarantine. So far, no new infested premises have been identified in this Blanket area.
- Resources for fever tick efforts remain very tight. Five temporary fever tick inspector positions funded by cooperative agreement funds have been filled in the Carrizo Springs area. Five fever tick inspector positions have been provided in our new TAHC budget.
- The Department of the Treasury has granted a permit for TAHC to acquire a fever tick vaccine called GAVAC, produced in Cuba but sold by a Mexican company named REVETMEX for product evaluation. The product will be shipped in February 2010 to the National Veterinary Services Laboratory (NVSL) for safety evaluation. A small amount of the vaccine will also be shipped to Plum Island for safety testing and the ARS lab in Pullman, Washington to determine slaughter withholding following administration. Testing will take at least 10 weeks following delivery. If this product shows sufficient efficacy, an effort will be made to identify a domestic company to produce a similar product in the U.S.
- Wildlife infestations continue to be a major factor of concern for the fever tick program. Feeders adapted to the modified 4-poster treatment system are being deployed as rapidly as possible to provide effective treatment through the hunting season.

Animal Identification

- Currently there is no leadership at the national level on animal identification issues. Sheep and some goats are being identified under the Scrapie program. On the dairy cattle side, we have implemented a requirement for identification of dairy cattle because of Tuberculosis concerns. However, our beef cattle are not being identified, except for

breeding cattle which are identified at the time of first-point testing. Because first-point testing will be stopped at some point in the near future, the Commission is urged to work with the livestock industries to develop and implement an animal identification system for Texas livestock.

Tuberculosis

- A Herd Plan for management of the infected dairy has been implemented. TAHC and USDA staff continues to complete the epidemiological investigation of the infected dairy herd and testing of exposed cattle. Additionally, efforts are underway to conduct wildlife surveillance in the area of the infected herd. In early November, a second ninety-day extension was granted for completion of the epidemiological investigation, testing of exposed cattle, and the wildlife surveillance of the infected dairy. Approval of this request allows Texas to retain Free Status and delays imposition of testing and identification of some classes of cattle for movement from Texas.
- At the USAHA meeting in October 2009, there was discussion concerning USDA's strategy for upgrading and updating the national TB program. The USDA has published its TB Concept Paper in the federal register for public comment. This USDA strategy develops relatively broad general rules for managing the TB program and provides authorization to issue guidance documents for application of the program in the states. States will be largely responsible for implementation and management of the program.
- TAHC staff is in general agreement with the USDA proposals. We submitted comments to the Concept Paper, stated our general agreement, and urged USDA to implement recommendations made by TAHC and Texas cattle industry organizations for management of the risks associated with Mexican origin cattle. TAHC noted in their comments that we reserve final judgment until there is an opportunity to review the proposed rules developed from the Concept Paper.

Brucellosis

- Brucellosis program activities continue. Thus far, no new cattle herds infected with cattle brucellosis have been identified. The Brucellosis Surveillance Working Group had its first meeting and the Subcommittee meeting has been scheduled. Commissioner Mike Vickers is the chair of this committee.

Trichomoniasis

- TAHC staff continue to conduct Trichomoniasis (Trich) program presentations at local and area producer meetings hosted by AgriLife Extension, Farm bureau, ICA, TSCRA, TVMA and Texas LMA. Additionally, the TAHC Area Office Directors are conducting the required certification sessions for our veterinary practitioners.
- The Trichomoniasis Intrastate provisions become effective on January 1, 2010.
- Requests have been received regarding the development of a Trichomoniasis Herd Certification Program to provide assurance that the herd was clean and also, over time reduce the amount of testing that would need to be conducted in the herd. This issue will be visited after the intrastate regulations become effective and will likely be an item for consideration at the next Commission Meeting.

Contagious Equine Metritis (CEM)

- Thus far, no additional infection has been found in Texas.

Equine Piroplasmiasis

- In early October, Texas Animal Health Commission received a preliminary report from the Texas Veterinary Medical Diagnostic Laboratory (TVMDL) on a horse from a ranch in South Texas that was positive to tests for Equine Piroplasmiasis, which is classified as a Foreign Animal Disease (FAD). Equine Piroplasmiasis is a blood parasite of horses and other equine. The disease is generally spread by tick vectors in similar fashion to the spread of Cattle Tick Fever by fever ticks.

- Subsequent tests at the National Veterinary Services Laboratory confirmed that the horse was infected with the disease. The equine unit from which the initial horse had originated was placed under Hold Order and all equine on that unit were tested. All were positive.
- Three-hundred sixty equine were tested on the ranch. Two-hundred eighty-eight were found to be positive.
- Four-hundred and fifty-one equine cohorts (equine exposed to the positive horses) have been tested in fifteen states. Thus far, all of these cohorts have tested negative.
- Testing of equine on premises adjacent to the index ranch is ongoing. Two-hundred sixty-seven horses on six adjacent premises have been tested. All have been negative. Initiation of identification and testing of dangerous contacts (premises that sold horses to the index ranch, horses temporarily boarded on the index ranch and foals born to positive mares) has begun.
- Ticks were collected from positive horses and shipped to the ARS laboratory in Pullman, Washington for transmission studies. These studies have identified one tick – *Amblyomma cajennense*, the Cayene tick, as a vector for the disease. Evaluation of other potential tick vectors is ongoing.
- TAHC and USDA staff developed a herd plan, which is being implemented by ranch management on the index ranch for management of the infected horses on the ranch. TAHC and USDA staff are also working to complete management strategies for handling positive horses on other premises in Texas, as well as handling of horses housed or used on premises that have positive equine.
- USDA has formed a national working group and charged this group with the task of developing recommendations for management of positive equine and handling of equine that may be housed on facilities that have a positive equine. The working group is to complete its work within ninety days.
- A number of states have imposed testing requirements on horses from Texas. Some of the states are requiring testing of all Texas horses; others are requiring testing of horses from the counties that have positive horses. Currently only NVSL is approved to conduct tests for this disease. We have requested that TVMDL be approved to run the tests, but that approval is forthcoming.

Legislative, Budget and personnel Issues

- Staff is proceeding with plans to close the Area 2 and Area 8 offices and combine these offices into a new Area 2 office – most likely located in Ft. Bend, Waller or northwest Harris County.

Waivers

- There have been no requests for waivers since the September Commission Meeting.

Final Commission Meeting

Dr. Hillman expressed his appreciation to the Commissioners and TAHC staff for their support during his tenure as Executive Director.

Commissioner Ralph Simmons moved and Commissioner Coleman Locke seconded the motion to APPROVE the actions of the Executive Director for the period from September 15, 2009 through December 8, 2009. The motion carried.

Item 4 – Presentation of Animal Health Programs Activities Update, Specific Disease Response Activities and Epidemiological Actions Report

Dr. Dee Ellis, Assistant Executive Director of Animal Health Programs provided the following report.

Brucellosis

- The Brucellosis Transition Working Group met in November to consider possible changes in market surveillance after February, 2010.
- There continues to be an average of 1-2 reactor titers per week at markets or slaughter.
- TAHC is working with TDA and Wildlife Services on a Feral Hog Damage Abatement Grant Program.

Bovine Tuberculosis

- A west Texas dairy was disclosed as TB affected on May 20, 2009. The herd has sold down from 3000 head to 1200 head.
- The Herd Plan calls for 6 negative tests over 3 years and 4 months minimum.
- Tested so far in Texas: 41,000 hd. In 29 dairies – no more infected.
- Tests pending in Texas: 30,000 hd. in 11 dairies.
- Wildlife surveillance initiated in August will continue in January. No positives to date.
- Request has been made to USDA to supplement cooperative funding.

Trichomoniasis

- Intrastate program regulations set to begin January 1, 2010.
- Averaging 3% positives so far at TVMDL.

Poultry

Routine surveillance samples collected from a commercial duck operation in the Live Bird Market System tested positive for a non-reportable strain of avian influenza. The operation was put under restriction. A disease investigation is underway, with consideration being given to development of a plan to allow controlled marketing of the affected flock.

Sheep and Goats

- Most recent scrapie positive animal in Texas was found in April, 2008.
- USDA-APHIS-VS set the national goal for surveillance at 46,000 traceable, mature sheep or goats. Target for Texas is 1,472.

Swine

The agency participated in the response effort to the novel H1N1 Influenza virus outbreak. A concerted effort was made to monitor for any associated swine illness and to dispel the public's fears of swine involvement. Efforts appear to have been successful, as detections of H1N1 positive swine and turkeys in northern states triggered minimal public concern.

Cervids

In response to SB 1586, TAHC has been working with TPWD to develop a shared deer breeder database and a system requiring breeders to do only one inventory per year.

Equine

- Contagious Equine Metritis: Nationally, testing has been completed on 909 (92%) of the 991 involved horses. In Texas, testing has been completed on 12 of 14 involved stallions and 34 of 35 mares.
- Piroplasmiasis: In mid-October, a clinically ill mare in south Texas was diagnosed with *Theileria (Babesia) equi*. Although there were outbreaks in Florida and Missouri within the past year, the US has been considered free of Equine Piroplasmiasis since 1988. The disease investigation in Texas has led to the testing of 1,246 horses to date, with 342 positives. No cohort positives so far.
 - A Piroplasmiasis Working Group chaired by Commissioner Mark Wheelis will meet before the next Commission Meeting to address this issue.

- Since there is no treatment, efforts have been focused on the development of procedures for safely managing affected horses.

Fever Tick Activities

- Four inspector positions were hired under TAHC funds and five inspector positions were hired through USDA cooperative funds.
- New internal management controls are being developed by USDA/VS and TAHC for tick work in the blanket and systematic zones.
- A Stakeholder Fever Tick Working Group may need to convene after the first of the year.

Emergency Management

- The non-disease Animal Response Plan is out for review by stakeholders including TDA, AgriLife Extension, TXSART, TSCRA, ICA, USDA, etc.
- No major hurricanes hit Texas this year, which allowed time for planning activities.

Program Disease Progress Report

The Program Disease Progress Report was included in the Commissioners' Notebooks. This report provided statistics regarding:

- Cattle Brucellosis
- Indemnity/Diagnostic Purchases
- Ticks
- Bovine Tuberculosis
- EIA
- Swine
- Scrapie
- CWD Activities
- Poultry

Item 5 – Audit Subcommittee Report

Commissioner Dyess gave a report of the Audit Subcommittee meeting held at 8:00 a.m.

- The minutes were approved for the September 15, 2009 meeting.
- After review and evaluation of five (5) bids for the Internal Audit function, the firm of Monday N. Rufus, P.C. was selected by the review team.
- The Internal Audit Plan for FY 2009 was presented for approval prior to submission to the Governor's Office of Budget and Planning, the Legislative Budget Board, the State Auditor's Office and the Sunset Advisory Commission. The members of the Audit Subcommittee approved the Internal Audit Plan for FY 2009. The FY 2009 Audits included:
 - Field Operations Management: Market Contracts, Inspections
 - Federal Funds Management
 - Intergovernmental/Industry Relations
 - Consumable Supplies
 - Audit Follow-up: Area 2 Field Office (Crocket, TX)
- The Internal Audit Plan for FY 2010 was presented for approval. The members of the Audit Subcommittee approved the Internal Audit Plan for FY 2010. The FY 2010 Audit Plan includes:
 - Information Systems – Security
 - Payroll and Personnel Processes
 - Cash Disbursements/Purchasing and Receiving (excluding travel & consumable supplies)
 - Audit Follow-up: Area 4 Field Office (Mt. Pleasant, TX)
 - Risk Assessment and Audit Plan for Fiscal Year 2011

Commissioner Locke moved and Commissioner Winters seconded the motion to APPROVE the Audit Subcommittee Report as presented. The motion carried.

Item 6 – Administration/Budget Status Report

Dr. Matt Cochran, Deputy Director of Finance and Administration, presented the Administration/Budget Status Report.

- The first report reviewed was the METHOD OF FINANCING report for FY 2010 as of October 31, 2009.
- The second report reviewed reflected Agency Totals by Department. Dr. Cochran provided additional explanation regarding the Homeland Security Department entry and those Departments indicating a zero "0" balance.
- The third report reviewed reflected Agency Totals by Category. Dr. Cochran provided additional explanation regarding the category "Professional Services".

Commissioner Chuck Real moved and Commissioner Ken Jordan seconded the motion to APPROVE the FY 2010 Operating Budget Status Report. The motion carried.

Item 7 – Consideration of and Possible Action on Agency Contracts and Purchases.

Dr. Matt Cochran, Deputy Director of Finance and Administration, presented the Agency Contracts and Purchases report.

Contracts, Purchases, Leases Greater Than \$5,000 But Less Than \$10,000 for the period of 9-1-2009 through 11-30-2009.

- Equine Certificate of Veterinary Inspection – 4000 Books - \$5,221.20
- Livestock Trailer w/Canvas Tarp Cover - \$5,760
- Purchase and Install Accessories for (4) new pickup Trucks - \$6,575.80
- Gamma Interferon Test Kits (3) - \$8,808
- Dell Laptop Computers (7) - \$9,435.65

Contracts, Purchases, Leases \$10,000 or Greater for the period of 9-1-2009 through 11-30-2009.

- Delivery Services – 9 months – Gamma Samples for Austin Lab - \$10,000 – Lone Star Overnight
- Delivery Services – 9 months – Staff Services - \$10,000 – Federal Express
- Portable Livestock Corral System - \$12,140
- Dectomax Acaracide – 129 cases - \$69,000
- GAVAC – 100 vials - \$15,000
- Portacount Model 838 for testing reliability of Respirators - \$11,725

Commissioner Coleman Locke moved and Commissioner Ken Jordan seconded the motion to approve the Contracts and Purchases requested for the period from September 1, 2009 through November 30, 2009. The motion carried.

Item 8 – Presentation of Awards

Dr. Dee Ellis, Assistant Executive Director of Animal Health Programs presented two services awards.

- Mr. Bobby Crozier – Area 3 Supervising Inspector – 20 years of service
- Dr. Greg Hawkins – Area 4 Director – 20 years of service

Item 9 – Consideration of an Agreed Order in the Matter of Ricardo Arredondo for Violations of Commission Rules.

Mr. Gene Snelson presented the case against Mr. Ricardo Arredondo for violating rules of the Commission by transporting dairy animals without officially identifying them prior to movement.

Commissioner Reta Dyess moved and Commissioner Richard Winters seconded the motion to APPROVE the agreed order in the matter of Ricardo Arredondo resolving violations of Commission Rules. The motion carried.

Item 10 – EXECUTIVE CLOSED SESSION under authority of Section 551.074 of the Government Code to deliberate the appointment of a new Executive Director.

Item 11 – Return from EXECUTIVE CLOSED SESSION.

Commissioner Mark Wheelis moved and Commissioner Richard Winters seconded the motion to APPROVE the appointment of Dr. Dee Ellis as the Executive Director of the Texas Animal Health Commission effective January 1, 2010. The motion carried.

Item 12 – Consideration of and Possible Action on Regulation PROPOSALS regarding: Chapter 55, Swine, regarding adding the definition of Breeding Swine.

Commissioner Chuck Real moved and Commissioner Coleman Locke seconded the motion to PROPOSE the amendment(s) to Chapter 55, Swine, as discussed today. It was further moved that notice of the proposed amendment(s) be published in the *Texas Register* with a 30-day comment period. The motion carried.

Item 13 – Consideration of and Possible Action on Regulation ADOPTIONS regarding:

(a) Chapter 40, Chronic Wasting Disease, regarding adding CWD surveillance requirements for elk being transported within this state.

Commissioner Richard Winters moved and Commissioner Beau White seconded the motion to ADOPT the amendments to Chapter 40, Chronic Wasting Disease, as discussed today. The motion carried.

(b) Chapter 51, Entry requirements regarding entry requirements for camelids.

Commissioner Richard Winters moved and Commissioner Coleman Locke seconded the motion to ADOPT the amendments to Chapter 51, Entry Requirements, as discussed today. The motion carried.

Item 14 – Recognition of Public Comment

There was no public comment.

Item 15 – Set the date for the 375th meeting.

The date was set for March 23, 2010.

Item 16 – Adjourn

The meeting adjourned at 10:30 a.m.