

**MINUTES OF THE 377th COMMISSION MEETING
TEXAS ANIMAL HEALTH COMMISSION
October 5, 2010**

The Texas Animal Health Commission Meeting was called to order by Chairman Ernie Morales at 8:30 a.m. in the Texas Animal Health Commission conference room.

Item 1 - Welcome and call to order by Chairman Morales

Commissioner Beau White was not present. All other Commissioners were present.

Item 2 - Approval of Minutes

A motion to approve the minutes of the 376th Commission Meeting held on June 15, 2010 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 6/15/10 through 10/5/10.

A report describing out-of-office meetings and trips from June 15, 2010 through October 5, 2010 was provided in the Commission notebooks and was not included in the verbal presentation.

Dr. Dee Ellis, Executive Director of TAHC discussed the following issues in his report:

State of the Agency:

- The Agency reorganization has been completed resulting in seven (7) Regional Offices.
 - The Area 2 Office in Crockett closed on June 1, 2010.
 - The Area 8 Office in Hallettsville closed on August 31, 2010.
 - The Regional 2 Office in Hempstead opened on August 16, 2010.
- The Agency Legislative Appropriation Request (LAR) was submitted in August.
 - The TAHC LAR included a 10% reduction (\$1 million +/-) as directed. Possibilities for achieving this reduction include:
 - A plan to diminish First Point Testing contribution or
 - Change testing to optional requirement or
 - Stop testing completely before the end of the fiscal year, and possibly
 - Close one of four labs – not the Austin lab
 - The TAHC LAR also included four (4) exceptional items for consideration:
 - Request to not take the 10% reduction
 - Request for \$400,000 for the Piroplasmiosis program
 - Request for \$571,000 for the Trichomoniasis program
 - Request for salary equity for Inspectors (a carryover request.)
 - Attended the LBB hearing with the Governor's and Lt. Governor's staff in September
 - LBB (Legislative Budget Board) is focusing on more fee possibilities; therefore,
 - A Fee Working Group will need to meet later in the fall.

Animal Disease Traceability (formerly NAIS)

- Meetings were held on July 1 in Dallas and August 31 in Denver.
 - The forum resulted in 12 points of consensus. A handout was provided in the Commissioner's Notebooks listing these 12 points.
- A White Paper was released in September – 64 pages – issues were:
 - Feeder exemption
 - Back tags as official ID
 - Use of USA 840 tags on non-US origin cattle
 - State accountability – USDA will hold states responsible for some level of traceability
 - Data management/support - TAHC must have an electronic data system and this system will be tested by USDA.
- Proposed Rule is anticipated in April of 2011.
- Earliest implementation of an animal disease traceability system is anticipated in the fall of 2012 - FY 2013.
- Texas cattle working group will probably meet first and look at the old NAIS language. Possibly before year end.

Bovine Tuberculosis

- Texas is still "Free" – no infected herds. There is concern regarding TB protection for Texas
- There was a Federal Order on April 15 suspending some program standards and enforcement of rules.
- Free Status will not be lost in states with an infrastructure and no wildlife involvement.
- Minnesota was recently upgraded to split Free/MAA status
- Other states pending traces in beef herds & cervids – KY, Ohio, SD, IN
- States have discretion to re-evaluate statuses
- Maintenance of TAHC infrastructure is critical – i.e. Maintain funding
- Dr. Ellis is a member of the national TB/Bruceellosis working group – previous rule making suspended – USDA will combine TB/Bruceellosis programs – zoning/statuses?

Trichomoniasis

There have been no significant problems noted with the Trichomoniasis program. Changes recommended from the May working group have been well accepted.

TAHC/USDA Laboratory System

- Pseudorabies Program
 - National Surveillance has now transitioned to USDA regional or NAHLN labs – TAHC has applied for NAHLN lab status – on site inspection complete – currently running Texas slaughter.
- Bruceellosis dairy/milk test
 - Decrease dairy bulk tank sampling from 4 to 2 times per year
 - IDEXX lab has stopped producing the ELISA test. A different test will be utilized.
 1. Transition to the original ring test started October 1, 2010

2. More labor intensive – smaller sample size and higher maintenance collection process.

Live Bird Market System

- The LBM working group met in September – Dr. Schwartz provided an update in his report.
- No positive flocks at this time – biosecurity plans and written plans are under development.
- Commissioner Winters attended a LBM tour and provided a summary report. Thanks were extended to Commissioner Winters for his involvement and the report.

Equine Piroplasmiasis

- The national scope and extent of EP is expanding.
- Texas Animal Health Commission and the Texas Racing Commission are working together. No positive horses are allowed to compete without a waiver granted by Executive Director.
- Positive horse ID policy was implemented. Further work with veterinary practitioners is needed on the form/ID.
- Research on treatment for Equine Piroplasmiasis appears promising.

Cattle Fever Tick Activities

- Progress is being made: In 2009 there were 98 premises in the free zone; in 2010 there are 36 premises in the free zone to date.
- Carrizo Blanket to release approximately 238,000 acres the end of 2010 and the remainder possibly in the spring of 2011.
- Starr/Hidalgo Blanket has intensified wildlife treatment.
- Tick program oversight and epidemiology changes have been implemented.
- An Ivomec Molasses treatment product meeting is scheduled with FDA in October.
- A Cuban Vaccine (GAVAC) is on track for trial toward the end of 2010.

Border/Port Issues

- Three (3) of (5) border ports have been closed for USDA vets to work in Mexico due to violence.
- Temporary solution;
 - Temporary facilities at San Juan/Pharr and Laredo are operating
 - Eagle Pass – USDA is in final negotiations for a large facility
 - No contingency for Del Rio
 - Long-term goal is to find safe facilities in Mexico
 - State Department controls decisions on federal employee safety
 - Undersecretary of Agriculture to visit border in October to analyze the situation

Scrapie

- Scrapie State review was held in July.
- Texas is considered “consistent”.

- Minor corrections to market/slaughter channel Id's.

Meetings with Industry groups

- Meeting on budget and statutory issues this fall.

Waiver Report

- Two (2) waivers granted
 - Waived brucellosis test on Texas swine at State Fair of Texas
 - Waived brucella ovis test on sheep in transit to Philippines that were temporarily in Texas port prior to departure.

Commissioner Locke moved and Commissioner Simmons seconded a motion to approve the actions of the Executive Director for the period from March 23, 2010 through June 15, 2010. The motion carried.

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

Dr. Andy Schwartz, Assistant Executive Director of Epidemiology and Laboratories provided the following report.

Brucellosis

- Swine strain (*Brucella suis*) in cattle continues to be a problem – no serologic test to distinguish from *B. abortus*. USAHA Committee on Brucellosis asked to address the issue this November. Over the past 12 years, 44 cows and bulls were culture positive for *B. suis*.
- Dairy bulk tank second round of testing to begin this month. Working with Milk Marketers Association to estimate the number of cows – necessary for the BMST

Bovine Tuberculosis

- Texas dairy disclosed as TB affected in May 2009 sold out in April 2010
 - 7 lesioned animals found, 3 from out of state.
- Another Texas dairy received 1300 animals prior to infection being disclosed – money was not available for depopulation
 - Herd has continued to test negative and will be released if the test currently being conducted is negative
- Over the past 2 years, 23 TB affected herds found in 12 states (12 beef, 4 dairy, 7 cervid)

Trichomoniasis:

- Continue to find 3% - 4% of bulls tested are positive
- The first annual Trichomoniasis Working Group meeting was held May 12, 2010:
 - Rule changes implemented:
 - test and virgin certificate extended from 30 to 60 days, and transferable
 - Now notifying adjacent herd owners
 - Educational information on the role of females in herds is currently being developed in coordination with Texas AgriLife Extension.
 - Trichomoniasis Herd Certification Program is available.

Poultry:

Avian Influenza testing policy changes were implemented in the Live Bird Market System (LBMS) earlier this year

- Currently working on Biosecurity Protocols with markets, distributors, and production units

The Live Bird Market System working group met in September. A report was given under Agenda Item 5 of the Commission Meeting.

Sheep and Goats:

- Consistent State Scrapie Program Review was conducted July 26-30, 2010. Three person federal team visited markets, slaughter plants, TAHC and federal offices. A six (6) item action plan was identified.

Equine

- The first case of Equine Piroplasmiasis (EP) in the current outbreak was on a south Texas ranch and was diagnosed in October 2009, due to *Theileria equi*.
- 410 positives out of 2362 horses tested
- Interstate and event test requirements imposed as a result of the outbreak have led to finding an additional 44 positive horses unrelated to the index premises.
- Populations in Texas at risk of having EP:
 - Horses that are or have been on the index premises
 - Racing Quarter Horses (34 positive)
 - Horses of any breed imported to the US before 2005 from countries affected by EP (while the Caudal Fold test was used for import) (9 positive, multiple breeds).
- Ongoing research includes studies on tick vectors, transplacental transmission, treatment of positives, and genetic fingerprinting of the organism
- 14 states with positive horses – still considered a Foreign Animal Disease.

Swine

- Swine Brucellosis Free classification is in the works
- Surveillance testing at markets and slaughter on tract to maintain free status, if achieved as expected
- 5 owner swine complex in Dallas county was diagnosed with PRV and Brucellosis – depopulated with federal funds.

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 – Discussion of Live Bird Market Meeting/Report

Dr. Andy Schwartz provided a summary of the Live Bird Market System meeting.

- The Live Bird Market System Working Group met in September. Outcome from that meeting suggested five (5) Action Items:
 - TAHC develop a written Response Plan for future outbreaks
 - Institute a method of notification to all Live Bird Market System participants
 - All participants in the Fowl Registration Program be tested once a year for Avian Influenza. (Funding and personnel are a constraint to implementation of this suggestion.)
 - Collect a one cent (.01) fee for every bird put down. It was suggested that this money be used to fund testing and depopulation. (TAHC currently has no statutory authority to implement this suggestion.)
 - Consider taking no action if the disease is not High Path Avian Influenza (HPAI). (The agency responds to all disease outbreaks as required by the Agency mission.)
- These five (5) Action Items will be distributed to all Live Bird Market System participants for comments.

Item 6 – Emergency Management Report

Ms. Amanda Barnes, Assistant Emergency Management Coordinator, presented an update on emergency management activities.

- Hurricane Alex was projected to strike the Lower Rio Grande Valley, and in preparation for Alex, TAHC activated the Animal Response Area Command, implemented communication plans with its Animal Response Team partners, and prepared personnel for possible deployment to the impact area. The runoff from rains from its strike in Mexico caused extensive flooding along the Rio Grande. TAHC personnel worked with USDA Veterinary Services personnel to recover numerous displaced livestock. Our personnel also assisted AgriLife Extension and Texas and Southwestern Cattle Raisers Association representatives in the rescue of stranded cattle and horses from a flooded premise in Starr County.
- Emergency management continually works to improve the response capability of the agency, and in the past few months, several long term projects have reached significant milestones.
 - TAHC personnel worked with the Texas Division of Emergency Management and other state agencies to provide animal sheltering input for the lower Rio Grande Valley Shelter Plan. We have also continued work with stake holder organizations (such as ICA, TSCRA and Agrilife) to develop guidance on large animal rescue and veterinary care in disasters.
 - EM staff worked with Kirkwood Community College to bring their Animal Disease Response Training Course to various jurisdictions across the state.

The course explains how an animal disease response is conducted by federal and state partners and provides examples of how locals may support a response.

- The Logistics Plan for the National Veterinary Stockpile (NVS) was submitted to USDA. This plan describes how TAHC would obtain and manage resources from the NVS in a large scale Foreign Animal Disease outbreak.
- In August, TAHC personnel participated in the first ever full scale natural disaster exercise conducted by the EM department. Participants were expected to demonstrate their ability to set up and operate in the incident command system, exhibit leadership skills, develop tactical plans to address exercise injects, learn to develop written Incident Action Plans and acquire the skills necessary to maintain and operate response equipment properly. Plans are under way to provide this training to additional TAHC personnel in the future.
- Dave Tomkins and I will travel to Madison Wisconsin to attend a workshop put on by HIRAC (which is the Homeland Infrastructure Threat and Risk Analysis Center, which is an office of the Department of Homeland Security). The workshop will continue training and dialogue regarding criteria to identify agriculture systems and nodes as critical infrastructures and key resources. This workshop is being held in conjunction with the Symposium on Food and Agriculture Security.

Item 7 – Audit Subcommittee Report

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

The Audit Subcommittee approved the minutes of the meeting held on June 15, 2010.

Mr. Monday Rufus provided a report on the:

- Audit of Information Systems – Security. The result of the audit disclosed that the TAHC has implemented good controls over their Information Systems. The following recommendations were made for further strengthening the current controls in place:
 - Improve the Policy for passwords used to limit access to the computer system
 - Strengthen the Information Systems backup policy
 - Enhance protection of assets in the computer rooms
 - Update the Information Security Manual
- Audit Plan for FY 2011. Internal Audit reviews for the fiscal year ending 2011 are planned for the following processes/systems:
 - Consumable Supplies Inventory Controls
 - Fort Worth Laboratory
 - Region 3 Field Office (Ft. Worth)
 - Legal and Compliance
 - Follow-up on prior internal audit recommendations
 - ✓ State/Fed Laboratory, Palestine
 - Risk Assessment and Audit Plan for Fiscal Year 2012
- Annual Audit Report for FY 2010 This report is undergoing peer review and will be submitted at the next Commission Meeting.

- There was no public comment at the Audit Subcommittee Meeting.

Commissioner Mark Wheelis moved and Commissioner Richard Winters seconded a motion to APPROVE the Audit Subcommittee Report as presented. The motion carried.

Item 8 – Administration/Budget Status Report

Dr. Matt Cochran, Assistant Executive Director of Administration introduced two members of his staff – Dr. Holly Poremski, Staff Veterinarian and Ms. Megan Hilker, Accountant. He then presented the Administration/Budget Status report.

Budget

- The Method Of Financing – General Revenue report reflected the 5% Budget Reduction required of the Agency over the FY 2010 and FY 2011 period. The categories in which the 5% cut were accomplished included Salary and Wages, Consumable Supplies and Travel.
- The Year- to- date Activity report reflected expenditures compared to percentage of fiscal year completed. The Agency is on target with expenditures at this point in the year. The status of Federal funding / grants was also reflected in this report.
- A 10% Budget Reduction is required for the FY 2012 and FY 2013 biennium reflected in the LAR.

Legislative Appropriations Request

A copy of the TAHC Legislative Appropriations Request for Fiscal Years 2012 and 2013 was provided in each Commissioner's Notebook.

Dr. Cochran addressed the Exceptional Items Requests which included:

- Item Name: Proposed Ten Percent General Revenue Cut Restoration
- Item Name: Equine Piroplasmiasis (Piro) – Requesting funding for this strategy
- Item Name: Bovine Trichomoniasis – Requesting funding for this strategy
- Item Name: Compensation - Requesting funds to increase compensation for TAHC Inspector positions to achieve competitiveness with the marketplace by achieving salaries at the midpoint of salary ranges.

Commissioner Locke moved and Commissioner Jordan seconded a motion to APPROVE the Administration/Budget Status Report including the Legislative Appropriations Request for FY 2012 and 2013 as discussed today. The motion carried.

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

All Agency Contracts and Purchases for the period of June 1, 2010 through September 30, 2010 were forwarded to all Commissioners prior to the Commission Meeting for their review.

Commissioner William Edmiston moved and Commissioner Ralph Simmons seconded a motion to APPROVE the Contracts and Purchases Requests for the period from June 1, 2010 through September 30, 2010. The motion carried.

Item 10 – Consideration of an Agreed Order in the Matter of Weldon Wadsworth for Violations of Commission Rules

Mr. Gene Snelson presented the violation of Texas Animal Health Commission rules by Mr. Weldon Wadsworth who transported dairy animals without officially identifying them prior to movement. An administrative penalty was recommended.

Commissioner William Edmiston moved and Commissioner Dyess seconded a motion to APPROVE the Agreed Order in the matter of Weldon Wadsworth resolving violations of Commission rules. The motion carried.

Item 11 – Consideration of and Possible Action on Regulation ADOPTIONS Regarding:

(a) Chapter 38, Trichomoniasis

Commissioner Richard Winters moved and Commissioner Tommy Kezar seconded a motion to ADOPT the amendments to Chapter 38, Trichomoniasis, located in Title 4 of the Texas Administrative Code as discussed. The motion carried.

(b) Chapter 41, Fever Ticks

Commissioner Mark Wheelis moved and Commissioner Randy Brown seconded a motion to ADOPT the amendments to Chapter 41, Fever Ticks, located in Title 4 of the Texas Administrative Code, as discussed. The motion carried.

(c) Chapter 51, Entry Requirements

Commissioner Coleman Locke moved and Commissioner Chuck Real seconded a motion to ADOPT amendments to Chapter 51, Entry Requirements located in Title 4 of the Texas Administrative Code, as discussed. The motion carried

Item 12 – Recognition of Public Comment

Mr. Steve Hendershot of Gonzales, Texas, provided public comment regarding avian influenza.

Item 13 – Set Dates for the 378th Meeting

378th Meeting – February 22, 2011

Item 14– Adjournment

The meeting adjourned at 10:40 a.m.