

MINUTES OF THE 386TH COMMISSION MEETING
Texas Animal Health Commission
May 21, 2013

The TAHC Commissioners met in the agency's headquarters in Austin on Tuesday, May 21, 2013. Chairman Ernie Morales began the meeting at 8:35 a.m.

Item 1 – Welcome and Call to order by Chairman Morales

Commissioners not present:

Mr. Brandon Bouma

Dr. William Edmiston

Mr. Ralph Simmons

Item 2 – Approval of the minutes of the 385th Meeting

A motion to APPROVE the minutes of the 385th Commission meeting held on January 15, 2013 was made by Commissioner Locke and seconded by Commissioner Real. The motion carried.

Item 3 – Report of the Executive Director, Field Animal Health Program Activities and Approval of Waiver Requests for the Period 1/16/2013 – 5/21/2013

Dr. Dee Ellis, TAHC Executive Director discussed the following issues:

1. Agency Overview

- Legislative Session – very active
 - Fever tick, poultry, vet accreditation, animal ID, El Paso dairies, Class C Misdemeanor, cervid issue bills
 - Mary will have more information
 - Budget status – LAR Exceptional items looking good
 - Will begin to rebuild agency – still smaller but need 25 FTE's at minimum – 155 +/-
 - This fiscal year –planning for;
 - a) Capital purchases
 - b) Other equipment
 - c) Merit raises

2. Texas Disease Traceability update

- Commission proposal to remove ID requirement from brucellosis chapter – will create place mark in new ADT chapter at next meeting - **rule proposal later**
- Met with Cattle Industry group April 5– general agreement to ID breeding animals – exempt slaughter animals – Market owners agreed to work with TAHC to help ensure non-slaughter cattle are tagged – see attachment
- General agreement that all markets will become approved tagging facilities – **rule proposal later**
- Process for distribution of free eartags continues –partnering with USDA, private veterinarians and Texas A&M AgriLife Extension
- Approximately 1.5 million tags have been distributed to producers

- National ADT meetings in Aug and Sept – hope to pilot with markets and software companies on new technology for capture of data soon

3. USDA Disease Traceability update

- Federal rule – in effect now – state rules will take time – approximately half of all markets routinely accept out of state animals
- Federal rule will require complete rewrite of TAHC rules for entry (Chapter 51), creation of ADT chapter (50), and changes to language and definitions for many species and issues – see attachment
- Visited 4 slaughter plants – Caviness, L&H, Lone Star & San Angelo (now part of Caviness) to discuss effects with Dr. Varner
- Met with NCBA, feeder industry and 4 other state vets in Colorado to discuss future ADT rules related to feeder cattle
- Dr. Varner will have more info new USDA rule

4. Communication Initiatives

- Hosted Horse Issue Call in March – major equine groups participated along with TAMU/CVM and Texas Racing Commission
- News Releases
 - Included in Commission book. (Scrapie efforts, Fever Tick area release, ADT Rule Proposal-Comments, Piro testing, USDA VMLRP) Can all be found on Website also
- Brochures
 - Most agency brochures have been updated and translated in Spanish. They are all now available on the Internet (Brochure button) Example found in Commission book
- Social Media
 - Booming... It's here to stay so we are embracing this free communication resource by engaging with our audience and providing interactive, information and educational material - Examples include in Commission book
- Exhibits
 - Rodeo Austin
 - Rio Grande Valley Livestock Show
 - Texas Division of Emergency Management State Conference
 - TSCRA Annual Conference
 - Upcoming:
 - ICA in June
 - Texas Emergency Responder agency Media Event at Austin Airport in May

5. Trichomoniasis

- Trich working group meeting today

- Trade untested bulls
 - Commuter herd agreements
 - Bulls returning from bull station trials
 - Evaluating new transport media possibility
- Dr. Schwartz will have more info

6. Equine Piroplasmosis

- Cartel trial may help with future prevalence in Texas
- Will need to continue piro testing for track entry
- Kleberg county wide test underway – finding positives
 - Intent to find all positive pastures/horses – at least 3 county tests needed – Kennedy, Kleberg, Willacy
 - Once positive horses removed – pasture cleans up in 12 mo.’s
 - Agency practicing deployment and ICS principles – identifying training and equipment needs- making stories
- Dr. Schwartz will have more info

7. Brucellosis

- National Surveillance Plan – positioning TAHC lab to be regional resource – requesting USDA to continue collection at L&H, Lone Star, and Caviness Pack
- Offering cost share with USDA to maintain surveillance
- Yellowstone brucellosis concerns – 7 bison and cattle herds under quarantine, elk found infected 125 miles east of GYA near Sheridan, Wyoming – see attachment – *rule proposal later*

8. Border Port Issues

- Continue to work closely to with Texas cattle industry and USDA to ensure safe and healthy trade continues at the Texas Border – watching numbers closely – crossing projections are down for 2013
- TAHC inspectors supporting USDA as needed
- Nuevo Leon pens up and running – attended grand opening
- Recent Vesicular disease investigation closed port at Eagle Pass
- USDA requesting help with upcoming TB reviews
- Dr. Varner will have more information

9. Cattle Fever Ticks

- 35 total infested premises – 27 in Systematic zone, 8 free
- All blankets released except part of Starr County
- Statutory need for vaccine, treatment and deer - bill on track
- Texas tick vaccine available by late 2013 – preliminary data very promising - rule needed next meeting
- TDA grant money – shared with USDA ARS and buying equipment

- Environmental Impact study completed on potential game fence along systematic - coming from USDA – Legal will evaluate in June – may consider fence purchase afterwards
- Dr. Varner will have more information on the tick program

10. Swine Health

- H3N2 response and outreach protocol completed with national working group – regional vets will take to large event managers
- Continue to find new cases of PRV and brucellosis
- Will participate in USDA feral swine listening session related to USDA APHIS Wildlife Services – TAHC message;
 - Include animal health agency in planning sessions
 - Evaluate Wildlife Services funding mechanism
 - Consider cooperative funding for state animal health agency

11. Tuberculosis

- California infected dairy – 2 sets of exposed animals in Texas
- Working with USDA and New Mexico on roping steers crossing there and entering Texas
- El Paso dairy bill – risk assessment – test animals in fall or spring – then review risk situation of Juarez
- Still investigating source and traces from infected herd in San Angelo – numerous herds to test – Dr. Schwartz will have more info
- Cervid TB blood test now available – *rule proposal later*

12. CWD

- No new cases outside of known infected area to date
- USDA still deliberating on national guidelines and rules
- TAHC rules are work in progress – accommodating business realities of affected industries, potential changes to national rules, but cannot put other cervid species at risk – Elk/Red deer industries must comply or more stringent rules will need to be considered
- Dr. Schwartz will have more information in his report
- Thanks to Commissioner Winters for time spent

13. Miscellaneous

- Emergency Management – West, Granbury, State Conference, Horse Response
- Event Disease management initiatives
 - EHV1 for horse shows
 - H3N2 for swine shows
- Agency staff training workshops
 - Admin techs - May
 - Region Management – June
 - Inspectors – July/August

14. Waiver Report

- 8 waivers requested and 7 approved;
 - Equine Piro – **Approved** – allowed movement of treated mare from quarantined premise under vet control to facility in San Antonio to be artificially inseminated then returned home
 - Brucellosis – **Approved** – Allowed 1 antelope from Los Angeles zoo to enter on a 40 day test to Houston zoo then retest
 - Brucellosis – **Approved** – allowed testing of blood that was not submitted in normal time frames to lab that was still of good quality for international shipment use
 - Brucellosis – **Approved** – Allowed 1 Eland from Escondido to enter on a neg 40 day test to Dallas zoo then retest
 - Trichomoniasis – **Approved** – allow 44 hd of Texas origin 12 mo old virgin bulls to be returned from drylot confinement from Mississippi that were part of a feeding research test
 - Trichomoniasis – **Approved** – allowed 2 bucking bulls that were untested to enter from Hawaii without prior test to be tested and held at a vet clinic pending results
 - Trichomoniasis – **Approved** – allowed 2 bulls to return to Texas from Alabama – had not been with female cattle since prior negative test – taken to be used on owners cattle in Alabama but bulls were never used – trich test had expired
 - Trichomoniasis – **Disapproved** – did not allow 1 bucking bull to enter from Hawaii to be tested on arrival because in a quarantined herd – bull ended up being tested negative

Next Meeting – possible rules?

- ADT chapter
- Fever tick rules – deer hides from infested premises, vaccine & other treatments, RFID tags
- M-brands next to breeding animals in drylots
- Microchip Piro reactors
- Allow Processed food to be fed to hogs
- Id Mexican origin animals on CVI
- Trich changes
- NPIP waiver for LBM slaughter chickens
- CWD sample submission process
- More mange chapter cleanup

A motion to APPROVE the actions of the Executive Director for the period from January 16, 2013 – May 21, 2013 was made by Commissioner Brown and seconded by Commissioner Jordan. The motion carried.

Item 4 – Presentation of Legislative Update

Mary Luedeker – Governmental Industry Relations & Assistant General Counsel discussed the following 11 bills relating to the Texas Animal Health Commission:

Texas Legislature Online - Bill Lists		
Date report generated: Friday, May 17, 2013 1:16 PM		
Status		
Legislature: 83rd Legislature		
Number of bills: 11		
83(R) SB 1	Author: Williams	Sponsor: Pitts
Last Action	04/22/2013 S House appoints conferees w/inst-reported	
Caption Version:	Introduced	
Caption:	General Appropriations Bill.	
House Committee:	Appropriations (Out)	
Senate Committee:	Finance (Out)	
Comment:		
83(R) HB 1521	Author: Clardy	Sponsor: Nichols
Last Action	05/13/2013 E Sent to the Governor	
Caption Version:	Enrolled	
Caption:	Relating to the slaughter of certain domestic or exotic fowl infected with or exposed to disease and compensation of owners of fowl infected with or exposed to disease.	
House Committee:	Agriculture & Livestock (Out)	
Senate Committee:	Agriculture, Rural Affairs & Homeland Security (Out)	
Comment:		
83(R) HB 2311	Author: Kacal et al.	Sponsor: Schwertner
Last Action	05/14/2013 E Sent to the Governor	
Caption Version:	Enrolled	
Caption:	Relating to an animal identification program.	
House Committee:	Agriculture & Livestock (Out)	
Senate Committee:	Administration (Out)	
Comment:		
83(R) HB 1081	Author: González, Mary et al.	Sponsor: Rodríguez
Last Action	05/15/2013 S Committee report printed and distributed	
Caption Version:	Senate Committee Report	
Caption:	Relating to a study regarding the prohibition of dairy farming in certain areas of the state.	
House Committee:	Agriculture & Livestock (Out)	
Senate Committee:	Agriculture, Rural Affairs & Homeland Security (Out)	
Comment:		
83(R) SB 524	Author: Rodríguez	
Last Action	05/09/2013 H Referred to Agriculture & Livestock	
Caption Version:	Engrossed	
Caption:	Relating to a study regarding the prohibition of dairy farming in certain areas of the state.	
House Committee:	Agriculture & Livestock (In)	
Senate Committee:	Agriculture, Rural Affairs & Homeland Security (Out)	
Comment:		

Texas Legislature Online - Bill Lists

<p>83(R) HB 1807 Last Action Caption Version: Caption: House Committee: Senate Committee: Comment:</p>	<p>Author: King, Tracy O. 05/15/2013 S Committee report printed and distributed Senate Committee Report Relating to fever tick eradication; creating a penalty. Agriculture & Livestock (Out) Agriculture, Rural Affairs & Homeland Security (Out)</p>	<p>Sponsor: Hinojosa</p>
<p>83(R) SB 1095 Last Action Caption Version: Caption: House Committee: Senate Committee: Comment:</p>	<p>Author: Hinojosa et al. 05/17/2013 H Placed on Local, Consent, and Res. Calendar House Committee Report Relating to fever tick eradication; creating a penalty. Agriculture & Livestock (Out) Agriculture, Rural Affairs & Homeland Security (Out)</p>	<p>Sponsor: King, Tracy O.</p>
<p>83(R) SB 1750 Last Action Caption Version: Caption: House Committee: Senate Committee: Comment:</p>	<p>Author: Uresti 05/02/2013 H Referred to Agriculture & Livestock Engrossed Relating to a criminal penalty for failure to handle certain animals in accordance with rules of the Texas Animal Health Commission. Agriculture & Livestock (In) Agriculture, Rural Affairs & Homeland Security (Out)</p>	
<p>83(R) HB 3569 Last Action Caption Version: Caption: House Committee: Senate Committee: Comment:</p>	<p>Author: Kleinschmidt 05/10/2013 S Referred to Agriculture, Rural Affairs & Homeland Security Engrossed Relating to activities conducted in connection with a state or federal disease control or eradication program for animals. Agriculture & Livestock (Out) Agriculture, Rural Affairs & Homeland Security (In)</p>	
<p>83(R) SB 820 Last Action Caption Version: Caption: House Committee: Senate Committee: Comment:</p>	<p>Author: Williams et al. 05/09/2013 E Sent to the Governor Enrolled Relating to the management, breeding, and destruction of deer and to procedures regarding certain deer permits. Culture, Recreation & Tourism (Out) Agriculture, Rural Affairs & Homeland Security (Out)</p>	<p>Sponsor: Guillen et al.</p>
<p>83(R) HB 2150 Last Action Caption Version: Caption: House Committee: Senate Committee: Comment:</p>	<p>Author: Nevárez 05/17/2013 S Scheduled for public hearing on . . . Engrossed Relating to the classification of exotic and nongame animals. Culture, Recreation & Tourism (Out) Agriculture, Rural Affairs & Homeland Security (In)</p>	<p>Sponsor: Estes</p>

Item 5 – Presentation of Animal Health Program Activities and Epidemiological Actions report

Dr. Andy Schwartz, Assistant Executive Director/State Epidemiologist discussed the following issues:

Cattle

- **Tuberculosis**

During CY 2012: 8 TB cases were disclosed, all through slaughter inspection
-6 were feeder steers of Mexico origin. Investigations were done in each case to determine if breeding cattle in Texas were potentially exposed

-1 was a beef herd in Coke County (north of San Angelo). The herd was depopulated to slaughter with federal indemnity. Tracing of 936 head of cattle sold from the herd is still being conducted. Most were heifers and steers, with no requirement for identification
-1 was a beef cow with no identification captured. TAHC tested 12 herds and Oklahoma tested 5 herds, but the source was not found

So far in CY 2013: Five TB cases have been disclosed, all feeder steers found through slaughter inspection. 4 were traced to Mexico, and 1 investigation was just initiated.

Traces from out of state: Two lots of dairy heifers, 118 head and 86 head, were received from a TB affected dairy in California. Due to limited federal funds, only partial indemnity could be offered. Owners elected to test out rather than depopulate. Excellent records and official identification made it possible to focus on exposed animals only and not the entire herd.

- **Brucellosis:** Conducted 113 investigations of suspect and reactor animals in CY 2012
- **Trichomoniasis:** In Jan-Apr 2013, there were 326 positive bulls in 10,870 tested (2.9% test positive). During the same time last year, the test positive percentage was half that value, 1.4%)
- **Fever Ticks:** update to be given by Dr. Varner

Swine

- **PRV:** Surveillance efforts detected 5 infected herds in CY2012, each leading to a full epidemiological investigation. To date in CY2013, 2 infected herds found
- **Brucellosis:** One herd currently under investigation
- **New and Emerging Diseases:** Monitoring latest information on Porcine Epidemic Diarrhea Virus (PEDV) – recently found in US for the first time, in Iowa.

Equine

- **Equine piroplasmosis (EP):**
-Kleberg county high risk test: Officially began April 8, 2013 in the southern portion of the county. So far 747 equines on 283 premises have been tested, disclosing 19 positive horses on 6 premises. Efforts are focused on finishing work on the remaining 30 premises

by the end of next week. TAHC and federal personnel from across the state are assisting in the effort, rotating on a 1 or 2 week basis.

-3 additional positives found this year on movement testing (racing QH)

- **Contagious Equine Metritis (CEM):** The Texas stallion exposed to CEM at a breeding facility in California now released
- **Equine Herpes Virus 1 (EHV-1):**
 - Mare exposed while at an event in Florida now released
 - 18 horses at a Travis county stable now released. Were placed under quarantine following a positive PCR test on a mare showing neurologic signs

Sheep and Goats

- **FAD Investigations:** 2 investigations conducted, 1 involving sheep in TDA export pens, and 1 involving goats near Azle, TX
- **Scrapie:** 7 ewes from affected flock in Ohio went to 4 different TAHC Regions. All have been accounted for using official ID, and are being genotyped.

Poultry

- **New and Emerging Diseases:**
 - Monitoring the H7N9 Avian Influenza outbreak in China. This virus has low pathogenicity for poultry, but fatal in 35 of 130 affected people.
 - Monitoring the H7N3 Avian Influenza outbreak in states of Jalisco, Guanajuato, and Puebla MX. This virus has a very high pathogenicity in poultry but none in humans.

Cervids and Exotics

- **Chronic Wasting Disease (CWD):**

TAHC is working with USDA-VS on Approved State CWD Herd Certification Program. Currently have Temporary Provisional Approval. One rule change needed to qualify as Approved (in Chapter 40, Rule 40.2, consider for proposal today), along with revision of internal policy documents and herd agreements.
- **Tuberculosis:**

Tuberculosis (*Mycobacterium tuberculosis*) diagnosed in a black rhinoceros in a Texas zoo. TAHC working with the zoo, USDA –VS, USDA-Animal Care, Species Survival Plan specialists and other subject matter experts on TB case management.

Item 6 – Presentation of USDA Veterinary Services Update

Dr. Kevin Varner – Area Veterinarian in Charge for Texas discussed the following:

1. Fever Ticks – still having good results with Ivermectin tubs. Vaccine being produced to be used in Texas – should be available this fall. Overall number of tick infected premises is down.

2. Mexico/Texas Ports – the number of cattle coming into Texas from Mexico is down for the first part of 2013. Drs. Ellis and Varner are scheduled to meet with Mexico officials to discuss ports later this summer.

Item 7 – Audit Subcommittee Report

Commissioner Ken Jordan (acting Chair) gave the report from the Audit Subcommittee meeting that was held earlier that morning:

- Audit Subcommittee heard a report on the audit of Region 7 Office in Rockdale. Audit did not find any significant deficiencies. The only recommendation was to enhance accountability for fixed assets inventory between the Region 7 Office and the Central Office.
- The committee also heard from Mr. Rufus on the audit of performance measures reporting. The auditors were satisfied that all performance measures reporting is done accurately but with one qualification: The data regarding the number of fever tick infested premises is collected by the USDA systems and USDA staff. This monthly USDA report is received jointly by the TAHC, the Animal and Health Inspection Services (APHIS) and the Veterinary Services (VS) Tick Eradication Program in monitoring current tick related activities. The Commission relies on the accuracy and integrity of the USDA processes, procedures, and information in the monthly USDA report received. This outside data could not be verified by the auditors.

A motion to APPROVE the Audit Subcommittee report was made by Commissioner Winters and seconded by Commissioner Vickers. The motion carried.

Item 8 – Presentation of Laboratory Update

Dr. Holly Hughes-Garza – TAHC Staff Veterinarian and Director of Laboratories discussed the following:

- We renewed our cooperative agreement with USDA for high risk pseudorabies testing under the National Animal Health Lab Network.
- The Austin Lab passed our yearly document review, so we continue NAHLN membership another year.
- The lab is preparing for a routine site visit from NAHLN auditors this fall.
- Plans are in place for the closure of Ft Worth Lab effective August 31.
- We wish the best to Ms. Twila Thurston who will retire from the Ft. Worth Lab after 27 years of state service.

Item 9 – Presentation of Emergency Management Program Activities

Ms. Amanda Bernhard, Emergency Management Coordinator discussed the following issues:

- West Fertilizer Plant Fire Response – April 18th, 2013
 - TAHC personnel responded to West to assist with animal needs assessments, locating displaced animals, supporting sheltering efforts, relocating livestock from the affected area, and incorporating the animal response into the overall command structure. TACH was in the affected area for four days until the local responders could fully support themselves.
- North Texas Tornado Response – May 16th, 2013
 - TAHC personnel provided coordination support to local animal responders in the emergency operations centers in Granbury and Cleburne. There were few reported animal issues and local animal responders quickly addressed the situation.
- Regional Resiliency Assessment Program (RRAP)
 - Emergency Management met with state and federal officials to assist in a local and industry driven initiative to develop biosecurity protocols and response procedures for Panhandle feeder operations. It is our goal that the tools developed from this effort can be used to support livestock industries statewide.
- State Emergency Management Conference
 - In late March, EM staff taught two classes at the state emergency management conference in San Antonio. The first class focused on enhancing local emergency management awareness of livestock issues in disasters. The second focused on the horseback response team. TAHC also set up an expansive display with the help of the communications department to showcase TAHC response capabilities, tell the story of what TAHC does to protect and serve the livestock industry, as well as demonstrate to the attendees the importance of animal agriculture to the state of Texas. This event is attended by over 3000 state and local emergency management officials.
- Emergency Response Exercise and Showcase
 - To further the effort of educating emergency managers and state officials on the importance of the livestock industry, TAHC will participate in the 2013 Exercise and Showcase sponsored by the Texas Division of Emergency Management. This event, held at the Austin Airport, includes a practice mobilization and deployment process, set up of response equipment, and incorporation of responders into the

incident command system. During the day there will be site visits by the governor and elected officials. Information can be provided to anyone interested in visiting.

- Hurricane Season Preparedness
 - In closing, EM has been busy ensuring agency preparedness for hurricane season. The first round of Horseback Responder training was completed, and plans are under way to continue the development of the team. Updates are being made to the State Animal Response Team plan, which includes how TAHC and partnering agencies support animal agriculture during disaster responses. This effort includes support and input from our industry partners.

Item 10 – Administration/Budget Status Report

Mr. Steven Luna – TAHC Budget Analyst gave a report on the agency’s budget status:

2013 –Budget

- There is a budget report included in the Commission Books.
- The TAHC has been conservative in its expenditures.
 - Biennial Revenue Estimate
- It is anticipated that the TAHC will expend its FY 2013.
- At the end of the FY 2012 -2013 biennium the TAHC cannot utilize unexpended balance authority. FY 2013 funds cannot be carried forward to FY 2014.

2014-Forecasted Budget Summaries

- The TAHC’s 2014 budget is currently unavailable as the bill (SB 1) has not yet been approved by the state legislature.

Fees

- There is a fee revenue report included in the Commission Books. These figures are as of May 10, 2013. (Just under 75% of the year)
- All TAHC authorized fees have been implemented.
- Fee revenue is used for agency expenses associated with the use, maintenance, and repair of state issued vehicles for field employees.
- For many of the fees, there was not a full year of implementation to make an accurate estimation of revenue. Anticipated Revenues will be reevaluated again this year to make sure the estimation is accurate.

FTE’s

- There are currently 128.5 FTE’s, with a cap set at 147.5 FTE’s.

A motion to APPROVE the Administration/Budget Status Report was made by Commissioner Vickers and seconded by Commissioner Winters. The motion carried.

Item 11 – Consideration of and Possible Action on Agency Contracts and Purchases

Ms. Larissa Schmidt, Director of Administration discussed the following:

Ten contracts, purchases and/or leases needing Commission approval as they are over the \$10,000 threshold.

Ms. Schmidt specifically discussed the following 2 purchases:

- 1) The Purchase of six 2013 Chevy ¾ ton crew cab pickup trucks for a total of \$149,880.00 (\$24,980 each).
- 2) The accessories for the six trucks. For a cost of \$12,788.70 – hitches, bed liners, etc.

In March, Chairman Morales was called and a request was made to allow these purchases to be made before the full Commission met. The reason for that call was a price increase was looming and we were trying to beat the increase. Additionally the Appropriations Act specifically prohibits an agency from expending over 1/3 of its purchases during the final quarter of the fiscal year. This is a major purchase for the agency, so it had to be encumbered before the end of the May, which is the end of the 3rd quarter in this fiscal year.

The reason that special approval was sought when the agency has had capital budget authority of \$150,000 for fleet vehicles the whole fiscal year is because the agency has been asked in previous years when the state budget was tight to return a percentage of its budget (which was typically 5 to 10%), so the decision was made to wait on purchasing vehicles so that this could fund our budget cut if the agency was asked to make one. When the Comptroller's revenue estimates were released right before the session, agency staff then felt confident in going ahead with the purchase of new vehicles.

These items are listed for formal approval of the purchases.

A motion to APPROVE the Contracts and purchases requests for the period from January 1, 2013 through April 30, 2013 was made by Commissioner Locke and seconded by Commissioner Wheelis. The motion carried.

Item 12 – Consideration of and Possible Action on Agency Authority to Contract for over \$25,000

Ms. Larissa Schmidt, Director of Administration discussed the following:

As background information, the state of Texas delegates to state agencies the authority to purchase commodities which do not exceed \$25,000, and the authority to purchase goods and services which do not exceed \$100,000.

During an audit of the Texas Animal Health Commission's purchasing procedures in 1997, the State Auditor's Office recommended that all purchases made by the agency that exceeded \$10,000 receive Commission approval. Since 1997, that amount has not been revisited. Since that time, more and more purchases are requiring Commission approval because the costs of commodities, goods and services have continued to increase, just as the cost of everything that we as individuals purchase, has increased.

Staff believes that raising the delegated purchase authority to an amount not to exceed \$25,000 will afford us sufficient flexibility to conduct routine business while still ensuring appropriate Commission oversight of larger purchases.

A motion to APPROVE extending agency authority for delegated purchases not to exceed \$25,000 was made by Commissioner Vickers and seconded by Commissioner Locke. The motion carried.

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

Gene Snelson discussed the following REGULATION PROPOSALS:

Each Regulation Proposal was reviewed and voted on individually.

- (a) Chapter 35, Brucellosis
- (b) Chapter 39, Scabies
- (c) Chapter 40, Chronic Wasting Disease
- (d) Chapter 43, Tuberculosis
- (e) Chapter 50, Approved Tagging Facility

(a)The Texas Animal Health Commission (commission) proposes two amendments to §35.4, concerning Entry, Movement, and Change of Ownership, in Chapter 35 entitled “Brucellosis”.

- 1) The purpose of the first amendment is to remove the current permanent official identification requirement for sexually intact adult cattle changing ownership.
- 2) The commission is also proposing to amend the entry requirements for sexually intact cattle entering from the states of Idaho, Montana, and Wyoming due to the risk of brucellosis, which is prevalent in the Greater Yellowstone Area of those states.

The commission recently adopted identification requirements that all sexually intact cattle that are parturient or post parturient or 18 months of age and older, changing ownership shall be officially identified with commission-approved permanent identification. The commission is proposing to remove the identification requirements for cattle and move any identification

requirements to a new chapter for the purpose of establishing the standards for livestock under the federal animal disease traceability program.

Commissioner Jordan moved and Commissioner Locke seconded a motion to PROPOSE the amendments to Chapter 35, Brucellosis, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendments and to publish them in the Texas Register with a 30 day comment period passed.

(b)The Texas Animal Health Commission (commission) proposes amendments to §39.9, concerning Chorioptic Mange, in Chapter 39, which is entitled “Scabies”. The purpose of the amendments is to include new forms of acceptable treatment for Chorioptic Mange.

Commissioner Locke moved and Commissioner Wheelis seconded a motion to PROPOSE the amendments to Chapter 39, Scabies, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendments and to publish them in the Texas Register with a 30 day comment period passed.

(c)The Texas Animal Health Commission (commission) proposes amendments to Chapter 40, which is entitled “Chronic Wasting Disease” (CWD). The proposed amendments are for the purpose of revising some of the recently adopted requirements to address some changes in interpretation to the federal CWD program.

The commission provides a voluntary herd monitored status program for species that are susceptible to CWD. The U.S. Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS) recently adopted an interim final rule to establish a national CWD Herd Certification Program with minimum requirements for interstate movement of deer, elk, and moose, or cervids in the United States. Participation in the program will be voluntary. The federal CWD Herd Certification Program is found in 9 CFR subchapter B, part 55. The commission recently adopted changes to the state’s CWD Herd Certification Program to meet the federal program standards. However, based on modifications in interpretation of the federal requirements, the commission is making some amendments:

- 1) The first change is to the definition of “Physical Herd Inventory” to remove the requirement that all animals in the herd must be restrained in order to have the identification validated by the person performing the inventory verification.
- 2) The second modification is the fencing requirement found in §40.3(a) which provides that a herd premises must have perimeter fencing of a minimum of eight feet in height and adequate to prevent ingress or egress of cervids. That standard is found in the Uniform Method and Rules for CWD, but under the federal regulations the standard provides merely that the fencing must be adequate to prevent ingress or egress of cervids and the commission is modifying agency requirements to meet that standard by removing the eight foot requirement.

Commissioner Wheelis moved and Commissioner Winters seconded a motion to PROPOSE the amendments to Chapter 40, Chronic Wasting Disease, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendments and to publish them in the Texas Register with a 30 day comment period passed.

(d)The Texas Animal Health Commission (commission) proposes amendments to Chapter 43, Subchapter C, which is entitled “Eradication of Tuberculosis in Cervidae”. The commission adopted regulations in 1995 to implement the standards and guidelines specified in the Tuberculosis Eradication in Cervidae, Uniform Methods and Rules.

Historically, the single cervical tuberculin skin test (SCT) and the comparative cervical tuberculin skin test (CCT) have been the only approved official tests for *Mycobacterium bovis* in captive cervids. Recently, the United States Department of Agriculture, Veterinary Services, approved the Stat-Pak[®] as a primary test and the DPP test as a secondary test for official program testing to diagnose TB in captive elk, red deer, white-tailed deer, fallow deer, and reindeer when the test is conducted at an approved laboratory. Both of these tests offer the advantage of decreased handling of animals when compared to skin testing.

Commissioner Winters moved and Commissioner Locke seconded a motion to PROPOSE the amendments to Chapter 43, Tuberculosis, located in Title 4 of the Texas Administrative Code. The motion to approve the proposed amendments and to publish them in the Texas Register with a 30 day comment period passed.

(e)The Texas Animal Health Commission (commission) proposes new Chapter 50, which is entitled “Animal Disease Traceability (ADT)”. The purpose of the first proposed rule in this new chapter is to establish standards for facilities or locations which must be approved to identify livestock moving interstate under the federal disease traceability program. Chapter 50, as proposed, has two sections:

- 1) The first section is 50.1 and is for applicable definitions found in the chapter.
- 2) The second section is 50.2 and is entitled Approved Tagging Facility.

The USDA rule provides for approved tagging sites so producers who cannot or prefer not to tag their animals can move cattle interstate to a location where the animals will be officially identified on their behalf. A facility that becomes an approved tagging site is authorized to receive and offload cattle that require official identification and to officially identify those cattle in accordance with the protocols defined by the State or Tribal animal health official and Federal Area Veterinarian in Charge (AVIC). An approved tagging site is a premise, authorized by animal health officials, where livestock may be officially identified on behalf of their owner or the person in possession, care, or control of the animals when they are brought to the premises. While livestock markets are frequently referenced as being potential approved tagging sites, other locations, such as feedlots, could also become approved tagging sites.

Commissioner Jordan moved and Commissioner Locke seconded a motion to PROPOSE a new Chapter 50, Animal Disease Traceability (ADT), located in Title 4 of the Texas Administrative Code. The motion to approve the new chapter and to publish the notice of the proposed new chapter be published in the Texas Register with a 30 day comment period passed.

Chairman Morales recognized the following 3 individuals who asked to speak before the Commission. This is only a summation of their comments, a full audio of the comments and the

complete discussion that followed is available on the Texas Animal Health Commission website. <http://www.tahc.state.tx.us/agency/meetings.html>

1. Mr. Warren Bluntzer – representing TDA and speaking as a private biologist asked that the Commission keep an open mind on the CWD program as the Federal rules were not official yet. He stated that deer breeders were not happy with all the paperwork involved in the program but realize that it is a necessary part of the CWD program. They were OK with the plan as long as the whole process was kept as simple as possible.
2. Mr. Charly Seale – Exotic Wildlife Association – Corrected the statement from Mr. Bluntzer by saying that the federal rule is settled-standards are not. The standards went way above the federal rule. The CWD program is a work in progress but will necessarily change in the future. Is very important to have all producers on board when doing paperwork – even though most generally don't like to do paperwork, that will be the only way to ensure herd inventory and transfer permits. This will also help do away with the practice of sacrificing healthy animals to meet program standards.
3. Dr. Bob Dittmar – private veterinarian referenced one of the letters sent to Chairman Morales from the Texas Wildlife Association. The Association asked for the Commission's consideration in strengthening the CWD program to help prevent the transmission of CWD to native wild cervids.

Chairman Morales also acknowledged receipt of letters addressed to him from the Quality Deer Management Association, The Texas Chapter, The Wildlife Society and the Texas Wildlife Association concerning Chapter 40.5 – Testing Requirements for Elk. There was no representative from any of these groups that could attend the Commission meeting to voice their opinions so the letters have been entered into record instead.

Item 14 – Consideration of and Possible Action on Regulation Adoptions regarding:

Gene Snelson discussed the following REGULATION ADOPTIONS:

Each Regulation Adoption was reviewed and voted on individually.

- (a) Chapter 40, Chronic Wasting Disease, Testing Requirements for Elk
- (b) Chapter 41, Fever Ticks, Inspection and Identification
- (c) Chapter 55, Swine, Pseudorabies, Testing Timeframes

(a)The Texas Animal Health Commission (commission) adopts new §40.5, concerning Movement Requirements for CWD Susceptible Species, in Chapter 40, which is entitled “Chronic Wasting Disease”. The commission published the proposal for comments in the February 1, 2013, issue of the Texas Register (Vol. 38, No. 5, pages 443-538). The commission received 2 comments on this proposal, but the only change to the rule in response to the comments is to remove the eight foot fence requirement because it is intended to follow the federal requirements, which do not explicitly state eight feet. The new section is for the purpose of revising the current surveillance requirements for the state's intrastate movement of elk to include exotic livestock which are susceptible to Chronic Wasting Disease (CWD). The commission is also adopting the repeal of the existing §40.5, Testing Requirements for Elk, since

the new adopted section replaces the old section in its entirety. Based on the inclusion of red deer and Sika deer and other members of the cervid family as susceptible species, the commission is adopting this new section to be applicable to all cervid species known to be susceptible to CWD, excluding all mule deer, white-tailed deer, and native species under the jurisdiction of Texas Parks and Wildlife Department (TPWD).

A motion to ADOPT the repeal of and amendments to Chapter 40, Chronic Wasting Disease, located in Title 4 of the Texas Administrative Code was made by Commissioner Winters and seconded by Commissioner Locke. The motion carried.

(b)The Texas Animal Health Commission (commission) adopts amendments to §41.9, concerning Vacation and Inspection of a Premise, in Chapter 41, which is entitled “Fever Ticks”. The amendments add a requirement that all cattle maintained in the Permanent Quarantine Zone, as defined in §§41.14 - 41.22 of this chapter, must be identified with permanent official identification and they must be presented annually for inspection. The commission published the proposal for comments in the February 1, 2013, issue of the Texas Register (Vol. 38, No. 5, pages 443-538). The commission did not receive any comments on the proposal.

A motion to ADOPT the amendments to Chapter 41, Fever Ticks, located in Title 4 of the Texas Administrative Code was made by Commissioner Wheelis and seconded by Commissioner Locke. The motion carried.

(c)The Texas Animal Health Commission (commission) adopts amendments to §55.5, concerning Pseudorabies, in Chapter 55, which is entitled “Swine”. The purpose of the amendments is to update the test timeframes for releasing swine which were quarantined for being exposed to Pseudorabies (PRV). This is in accordance with the Uniform Methods and Rules issued by USDA Veterinary Services regarding the national PRV eradication programs. The commission published the proposal for comment in the February 1, 2013, issue of the Texas Register (Vol. 38, No. 5, pages 443-538). The commission did not receive any comments on the proposal.

The amendments change §55.5(e)(7)(C) which requires two consecutive negative herd tests, not less than 60 days from removal of the last reactor, to qualify for release from quarantine for PRV infected herds. The proposal will allow for release from quarantine with one negative herd test no less than 30 days from removal of the last reactor. The justification for this proposal is based on the fact that a herd of swine are not classified as a known infected herd when no livestock or other animals on the premises show clinical signs of PRV after a negative test 30 days or more after removal of all positive swine. Long term observation in the field provides sufficient evidence that the incubation of PRV is well within the 30-day time frame to allow for identification of recently infected animals if active transmission is occurring.

A motion to ADOPT the amendments to Chapter 55, Swine, located in Title 4 of the Texas Administrative Code was made by Commissioner Real and seconded by Commissioner Winters. The motion carried.

Item 15 – Recognition of Public Comment

All public comment was heard earlier in the commission meeting. No additional public comment was heard during this section of the agenda.

Item 16 – Set Date for the 387th Commission Meeting

The date for the next Commission meeting was set for September 10, 2013. Notice will be posted on the agency’s website.

Item 17 - Adjournment

Meeting adjourned at 11:40 am.