

OFFICIAL MINUTES OF THE 415th COMMISSION MEETING
Texas Animal Health Commission
April 4, 2023

Item 1 – Welcome and Call to order by Chairman Locke

The Texas Animal Health Commission (TAHC) Commissioners met in person on Tuesday, April 4, 2023. Chairman Coleman Locke began the meeting at 8:30AM. The Pledge of Allegiance was recited.

Item 2 – Roll Call for Commission Members

The Chairman called the roll for the commission members. Commissioners Payne, Broyles, Osterkamp, and Johnson were absent.

Item 3 – Approval of the minutes of the 414th Meeting

There was no public comment and no discussion concerning the minutes of the 414th Commission meeting.

The motion to approve the minutes of the 414th Commission meeting was made by Commissioner Jordan and seconded by Commissioner Leathers. The motion carried.

Item 4 – Report of the Executive Director and Approval of Waiver and Variance Requests

Dr. Schwartz presented the following:

(A) AGENCY OPERATIONS & AFFAIRS

- Currently 170 of 215 FTEs are filled. An applicant has committed to take on the State Epidemiologist position beginning in late April, 2023. Positions are being evaluated against workload, with shifts made to accommodate needs, particularly related to Chronic Wasting Disease.
- Rural Veterinary Incentive Program (RVIP): HB1259, passed during the 87th Legislative Session. The Texas Animal Health Commission (TAHC) will administer the program in accordance with the rules adopted by the Rural Veterinarian Incentive Program Committee. The initial committee meeting was held on May 17, 2022. *After receiving answers to several critical questions, the Committee met for a second time on February 23, 2023. Rule proposals were developed and are open for public comment from March 10 – April 10, 2023. A meeting is being scheduled in May for consideration of rule adoption. The RVIP was funded out of the Coronavirus State Fiscal Recovery Fund, which per statute will expire in November 8, 2023. Action underway in the 88th Legislative Session could extend the funds to November 8, 2024, as well as make the program accessible to veterinarians who graduated from veterinary colleges in other states and are willing to practice in a rural area in Texas.*
- Veterinary Medical Loan Repayment Program (VMLRP) and Veterinary Services Grant Program (VSGP): *Dr. Lackie is our lead. Applications for both programs in the nine shortage areas are being received until April 17, 2023.*
- Surveillance and Movement Requirements for CWD Susceptible Exotic Species (SES)
The agency's Cervid Health Working Group met three times recently to address growing concern over the role SES may be playing or potentially could be playing in the spread of CWD in Texas. Recommendations made by the group include:
Recommendations for Testing and Movement requirements for CWD Susceptible Exotic Species (SES):
 - 1) Lower test eligible mortality age from 16 months to 12 months of age.
 - 2) Require PM testing via IHC for all eligible deaths (SES 12mo or older), to include hunter harvested animals and mortalities for any reason.

- 3) Require samples be submitted within 7 days of collection
- 4) Allow owners to use TPWD CWD Check Stations for SES
- 5) Continue current requirements for maintenance and annual submission of mortality logs and inventory estimates
- 6) Continue current requirements for official identification and submission of movement records
- 7) Applies to all SES, including SES originating from a Certified Herd.

Movement only from:

- 1) An HCP Certified Herd, or;
- 2) An area deemed low risk on a risk assessment conducted by TAHC, to include consideration for tests conducted on other susceptible species; or,
- 3) An area not determined to be high risk, and have Not-detected results on an antemortem test on each animal being moved

Movement only to:

- 1) High fenced properties or pens
- 2) Other premises in a surveillance zone, if originating within the same surveillance zone.

Other recommendations:

- Outreach and education are important, and a concerted effort is needed to reach affected parties.
- Compliance enforcement is key: Convene a compliance focus group to develop enforcement strategies, and assist in developing an agreement for TPWD game wardens to enforce TAHC rules pertaining to SES.
- Convene a small group to set criteria for risk assessments

(B) DISEASE Information & Epidemiological Activities

- Cattle Fever Ticks:
 - Rio Bravo Buffer Zone: USDA APHIS is now directly funding pilot projects in Tamaulipas and Coahuila. Work on these six-month projects is underway. *Update: The projects have been extended until this fall due to delays in distribution of funds.*
 - Cameron County and Willacy County game fence: The TAHC obtained funding to construct a total of approximately 10 miles of game fencing in four key locations in these two counties to prevent movement and continued reintroduction of ticks by nilgai antelope and white-tailed deer. An Environmental Assessment (EA) was completed. Due to a number of factors, the fencing effort is now focused in key locations in Cameron County. *Update: Construction of this fence is currently underway. Funding and approval have been obtained to extend the fence, making a more complete barrier to movement of ticks by wildlife.*
 - Cattle treatment field trial: A study conducted at the ARS facility at Moore Field last year showed that repeated injections of eprinomectin could provide tick control for up to 110 days. TAHC is working with USDA and the drug company to design and conduct a field trial with this product to get more information on efficacy. *Update: Interest on the part of the drug company decreased following a change in personnel. TAHC has taken leadership of the project, and is seeking supporting*

state funds. Arrangements have been made for a supply of cattle and pasture land on which to conduct the two-year study.

- Highly Pathogenic Avian Influenza (HPAI):
 - TAHC has been closely monitoring HPAI outbreaks across the nation, and continues working with industry and USDA APHIS VS to better prepare for and respond to outbreaks. HPAI has been confirmed this year in multiple wild bird populations in Texas, primarily waterfowl and raptors, and in exhibits in zoos that are accessed by wild waterfowl. *Update: HPAI has been confirmed in one hunting facility, which was classified as “commercial poultry”, and in five backyard flocks that were classified as non-poultry. The most recent case was in a backyard flock in Hale County on March 24, 2023.*
- Bovine Trichomoniasis: An annual Trichomoniasis Working Group meeting is being scheduled for late April or early May, 2023.

- Chronic Wasting Disease (CWD):

2021 Incident

- 7 Positive Facilities
 - 3 Facilities in Uvalde, 1 in Duval, 1 in Hunt, 1 in Matagorda, & 1 in Mason
 - **1 release site in Hunt co. associated with a positive 2021 facility - NVSL confirmed March 17, 2023.**
- 302 Trace Herds: 177 Breeder Facilities, 116 Release Sites, 4 Nursing Facilities, 5 DMP Sites
- Status
 - Released after meeting requirements: 165 Breeder Facilities, 59 Release Sites/DMPs /Nursing Facilities
 - Under a Herd Plan: 5 Breeder Facilities (includes positive facilities), 25 Release Sites/DMP
- Pending a signed herd plan: 7 Breeder Facilities (includes positive facilities), 41 Release Sites/DMP
- Out of State - 8 Facilities

2022 Incident - 84 total involved herds

- 2 Positive Facilities
 - Gillespie County – Confirmed August 30, 2022
 - Limestone County – Confirmed September 13, 2022
- 82 Trace Facilities
 - 22 Breeder Facilities
 - 59 Release Sites
 - 1 DMP Site
- Status
 - Released after meeting requirements: 10 Breeder Facilities, 5 Release Sites
 - Signed Herd Plan – 14 Release Sites

- Pending Signed Herd Plan: 14 Breeder Facilities (includes positive facilities), 41 Release Sites/DMP

2023 Incident - 44 total affected herds

- 4 Positive Facilities
 - Zavala County – confirmed March 10, 2023
 - Washington County – confirmed March 7, 2023
 - Gonzales County – confirmed March 17, 2023
 - Hamilton County – confirmed March 21, 2023
- 40 Trace Facilities: 10 Breeder Facilities, 28 Release Sites, 1 DMP Site, 1 Nursing Facility
- Status
 - Released after meeting requirements – 1 Breeder Facility
 - Under a Herd Plan- **None at this time:** Unconfirmed Frio County Facility- suspect positive notification received March 17, 2023
 - 1 Positive Facility
 - 17 Trace Facilities: 2 Breeder Facilities, 13 Release Sites, 2 DMP Sites
 - Released after meeting requirements – 2 Breeder Facilities
- USDA VS review of the Texas CWD HCP
 - TAHC is working with TPWD to modify the TWIMS database to better support the HCP
 - Review of all enrolled herds has begun, and is to be completed by the end of February 2023
 - *Update: USDA extended the deadline. Reviews have been completed in four of the six regions, with good progress being made in the remaining two regions.*
- Bovine Tuberculosis:
 - Consider a proposed change to Chapter 51 that would raise test age requirement from 2 months to 6 months. The test age for entry was lowered from 6 to 2 months of age in 2007. This was to accomplish two goals: mitigating risk of TB entering the state, and to assure calves entering and then leaving the state before 6 months of age had not exposed cattle remaining in Texas to TB through commingling.

Although TB has been diagnosed in multiple dairies in other states since 2007, this 2-month age test requirement has detected no *Mycobacterium bovis* affected animals. It has detected *M. tuberculosis*, the most human adapted strain of TB, in one calf. Cattle are considered dead-end hosts for *M. tuberculosis*.

Testing calves at this young age presents a logistical challenge for the testing veterinarian, in that many of them are still in individual hutches. Injecting and then reading the TB tests requires the veterinarian to crawl over the fence to reach each calf, a laborious process when there may be hundreds or even thousands of calves to test.

One state analyzed the cost of testing dairy calves being exported to Texas at 2 months of age. This state exported 25,032 calves to Texas in FY2021. These calves were caudal fold tested by private veterinarians, and 1,575 were responders and required comparative cervical tests conducted by regulatory veterinarians. The total estimated cost was \$93,870 (\$3.75/calf).

Given that the 2-month test age requirement is a cost to industry, and that TB hasn't been detected as a result of this rule, TAHC staff support returning the test age to 6 months.

Update: The rule is up for adoption today, with minor edits made in response to comments.

- Bovine Brucellosis
 - The proposed amendment to §35.4, Entry, Movement, and Change of Ownership for consideration removes the DSA-specific entry requirements for cattle originating from Idaho, Montana, or Wyoming and eliminates §35.4(b)(3) – (5).

Update: This rule is up for adoption today. All comments received were in favor of the change.

(C) NATIONAL UPDATE

USDA's policy on discontinuation of metal tags and requirement for RFIDs made in 2019 was withdrawn. A new proposal was published in the federal register. The public comment period closed October 5, 2020. Based on comments and other considerations, USDA announced it will go through the full rulemaking process. *UPDATE: USDA published the rule, and has extended the comment period to April 19, 2023.*

(D) Quarantine Orders (Action Item)

Pennsylvania Quarantine: Due to an extensive HPAI outbreak in Pennsylvania, a quarantine order was issued on March 23, 2023 prohibiting the entry all live poultry, unprocessed poultry, hatching eggs, unprocessed eggs, egg flats, poultry coops, cages, crates, other birds, and used poultry equipment originating from Pennsylvania in to Texas without express written consent from the Executive Director. The situation in Pennsylvania was reassessed on March 31, 2023, and the quarantine order was reduced to prohibit the above listed animals and items from HPAI control zones.

The motion to approve the quarantine order was made by Commissioner Vermedahl and seconded by Commissioner Staggs. The motion carried.

(E) Legislative Update

We are currently monitoring/tracking 101 bills/joint resolutions filed in both the House and the Senate.

- 68 of the bills/joint resolutions were filed in the House; and
- 33 of the bills/joint resolutions were filed in the Senate.

A joint resolution is a type of legislative measure that requires adoption by both chambers of the legislature but does not require action by the governor. A joint resolution is used to propose amendments to the Texas Constitution, ratify amendments to the U.S. Constitution, or request a constitutional convention to propose amendments to the U.S. Constitution. Before becoming effective, the provisions of joint resolutions proposing amendments to the Texas Constitution must be approved by the voters of Texas.

HB 1 and SB 1 (General Appropriations Bill):

***Of concern to TAHC is a Cost-Out Adjustment that appears in both the House and Senate Decision Documents drafted by the Legislative Budget Board (LBB). Both chambers adopted an increase in General Revenue in Strategy A.1.1, Field Operations, by \$263,700 in each fiscal year '24 and '25 (\$527,400 for the biennium) to align with the Comptroller's Biennial Revenue Estimate. This is for the Cost Recovery Livestock Export/Import Fees.

The Senate adopted a rider in the amount of \$2,496,360 for the biennium to provide GR and 10 FTEs each fiscal year (FY '24 and FY '25) for TAHC to assist TDA in operating five regional agricultural and livestock entry point inspection stations. The House did not adopt such a measure.

The Senate has left SB 1 pending; the House is scheduled to bring to the House Floor HB 1 on Thursday, April 6th, giving members the opportunity to offer amendments to the proposed budget.

Exceptional Items:

#1: Employee Salary Equity: \$800,000 request was adopted by both chambers. These GR funds are for 10% targeted salary increases for Livestock Inspectors and Administrative Assistants. These GR funds, \$800,000, are in addition to the \$1.8 million in General Revenue that already appear in both HB 1 and SB 1 adjustments.

#2: Modernization of Animal Health Management Program Solutions: \$98,642 request was adopted by both chambers. These funds will allow for better data analysis by extracting and compiling data from multiple sources, timely processing of documents, and providing enhanced permitting capabilities.

#3: Law Enforcement for Livestock Inspection Points: \$130,000 request was adopted by both chambers. GR funds will be used to contract with DPS, county, and local law enforcement to assist with stopping vehicles at livestock inspection points across the state, allowing TAHC to conduct more inspections.

#4: Executive Director Salary Equity Adjustment: The \$108,098 request for the biennium was not adopted by the Senate. The House adopted an additional \$50,000 for the biennium with an Executive Director salary cap of \$187,811 in FY '24 and \$194,807 in FY '25.

#5: Amend Rider 3, Laboratory Testing: The rider would be amended to include contingency appropriation authority that would provide additional GR (amount not specified) to pay for increased testing costs in the event of a disease outbreak where testing costs would exceed 10% of the costs identified in the MOU between TAHC and TVMDL each fiscal year. The House adopted; the Senate did not adopt.

Riders:

The Senate adopted a new rider granting TDA \$7,137,006 in GR plus 60 FTEs for FY '24 and FY '25 to coordinate efforts with TAHC to operate jointly utilized agricultural and livestock entry point inspection

stations and conduct agricultural inspections as needed. None of these GR funds are earmarked for TAHC. The House did not adopt such a measure.

In the Senate, Senator Charles Perry from Lubbock filed a rider on behalf of the TAHC requesting \$316,000 for the biennium to conduct Cattle Fever Tick Mitigation Clinical Trials involving two phases. The Senate adopted the rider. In the House, Rep. Janie Lopez from Cameron County filed an identical rider on behalf of the TAHC. The House did not adopt and referred the rider to Article XI. Staff has been making attempts to reach out to members on the importance of filing an amendment on the House Floor to HB 1, on Thursday, April 6th, which will remove the rider from Article XI and make it part of the agency's bill pattern for FY '24 and FY '25.

Senate Bill 30 (Supplemental Appropriation):

Committee Substitute for Senate Bill 30 (C.S.S.B. 30) by the House – Appropriates \$1,780,000 from the general revenue fund (GR) to the TAHC for use during the two-year period beginning on the bill's effective date for the purpose of purchasing motor vehicles for the agency's use as authorized by general law. The Committee Substitute Bill for Senate Bill 30 by the House changed the \$1,780,000 appropriation from American Rescue Plan Act (ARPA) of 2021 funds to General Revenue.

The Committee Substitute for Senate Bill 30 (C.S.S.B. 30) by the House – Extended the date of the \$1,000,000 appropriation made to the Higher Education Coordinating Board for the Rural Veterinarian Grant (Incentive) Program made during the 87th Legislative Session (2021) from ARPA funds. All unexpended and unobligated balances (\$1,000,000) carry over to FY '24 and FY '25 for the same purpose.

Key Bills:

Rural Veterinarian Incentive Program

HB 2026 by Rep. Darby (SB 1590, Identical by Sen. LaMantia) – Relating to the Rural Vet Incentive Program.

The bill would amend various Education Code provisions related to the Rural Veterinarian Incentive Program and would require a participant in the program to enter into an agreement with the Higher Education Coordinating Board. Agreement includes four provisions:

- Requires the participant to practice veterinary medicine in a rural county for one calendar year for each academic year for which the participant receives financial support under the program;
- Specifies the conditions the participant must satisfy to receive financial support under the program;
- Provides that any financial support the participant receives under the program constitutes a loan until the participant satisfies the conditions of the agreement; and
- Requires the participant to sign a promissory note acknowledging the conditional nature of the financial support received under the program and promising to repay the amount of the financial support, any applicable interest, and reasonable collection costs if the participant does not satisfy the conditions of the agreement.

In the House, as of 03/27/23, the bill (HB 2026) was left pending in the Higher Education Committee. In the Senate (SB 1590), it was referred to the Higher Education Subcommittee on 03/16/23 and has not been scheduled yet for a public hearing.

Chronic Wasting Disease (CWD)

SB 1372 by Sen. Perry (HB 5239, Identical by Rep. Ashby) – Relating to costs associated with the destruction of certain deer. C.S.S.B. 1372 amends current law relating to costs associated with the destruction of certain deer. Under C.S.S.B. 1372:

- Language is updated so that TPWD shall waive the costs when CWD is detected by a laboratory accredited by the Animal and Plant Health Inspection Service of USDA;
- Qualifies that TPWD may not waive the costs if TPWD determines that the permit holder or an agent of the permit holder was in violation of the chapter or a regulation of the Texas Parks and Wildlife Commission, or if detection of the disease was delayed; and
- Applies only to destruction of deer on or after the effective date of the Act.

In the Senate, as of April 3rd, the bill (C.S.S.B. 1372) was placed in the local and uncontested calendar for a 2nd reading. In the House (HB 5239), it was referred to the Culture, Recreation, and Tourism Committee on 03/24/23 and has not been scheduled yet for a public hearing.

Other CWD-related bills include:

- HB 2791 by Rep. Armando “Mando” Martinez – Related to costs associated with ante-mortem testing of breeder deer for chronic wasting disease. Referred to Culture, Recreation, and Tourism Committee but has not been scheduled for a public hearing.
- HB 3073 by Rep. Bailes (SB 1465, Identical by Sen. Springer) – Related to costs associated with and procedures for the assessment and destruction of certain deer. In the House, referred to Culture, Recreation, and Tourism Committee but has not been scheduled for a public hearing. In the Senate, SB 1465 was referred to the Water, Agriculture and Rural Affairs Committee but has not been scheduled for a public hearing.
- SB 312 by Sen. Hall – Related to the assessment, destruction, disposal, and release of certain deer. The bill was referred to Water, Agriculture and Rural Affairs Committee but has not been scheduled for a public hearing.
- SB 2533 by Sen. Hall – Related to disease control and breeder deer. The bill was filed but has not been referred to a committee.

TPWD Information Sharing

SB 811 by Sen. Kolkhorst – Relating to the disclosure of certain information by the Parks and Wildlife Department or the Texas Animal Health Commission. In 2021 the legislature passed S.B. 15 to protect consumer data from being shared by state agencies. One unintended consequence of the legislation was it placed restrictions on the ability of Texas Parks and Wildlife Department (TPWD) and Texas Animal Health Commission (TAHC) to notify nearby landowners about outbreaks of wildlife diseases. TPWD determined that legislation was necessary to clarify the authority of the department to notify nearby landowners of

outbreaks. Additionally, clarification was needed for TPWD to be able to share information with TAHC who often has to work closely with the department on animal diseases. This legislation gives clarity to both TPWD and TAHC so both agencies can fulfill their respective missions. SB 811 was engrossed (passed) by the Senate and referred to the House. The House has not yet referred the bill to any committee; there is still no scheduled public hearing in the House on the bill.

Confidentiality

HB 3257 by Rep. Kacal (SB 2036, Identical by Sen. Kolkhorst) – Relating to the confidentiality of certain biosecurity and other sensitive information shared with the Texas Animal Health Commission. The bill(s), since they are identical, deems information held by the commission is confidential and excepted from disclosure if the information consists of or relates to a biosecurity plan, a secure food supply plan, an emergency preparedness plan, or biosecurity data that was voluntarily provided to the commission by an owner or caretaker of an animal. The bill would allow for the Executive Director of the TAHC to share that information with identified federal and state agencies; any person if required by a court order; a federal, state, municipal, or county emergency management authority for the purpose or response to a natural or man-made disaster; or any person the executive director of the commission considers appropriate. In the House, the bill (HB 3257) was referred to the Agriculture & Livestock Committee with no public hearing scheduled yet. In the Senate, the bill (SB 2036) was referred to Water, Agriculture & Rural Affairs Committee; no public hearing scheduled yet.

(F) WAIVERS and VARIANCES (Action Item)

There were 12 waivers requested and 7 waivers were approved.

- Trichomoniasis – **Denied** – shipping issue caused samples to arrive outside of permitted window for official testing.
- Trichomoniasis – **Approved** – allowed entry of bulls without negative trich test. Animals moved to a veterinary clinic for semen collection and trich testing was performed as part of the procedures.
- Trichomoniasis – **Denied** – owner requested waiver of trich test entry requirement to move to Texas after a bull sale. There was no hardship to justify the exception.
- Brucellosis – **Approved** – bulls moved to Texas were isolated for 180 days from any possible exposure before testing for CVI. The isolation time would allow for incubation of any disease and negates the need for a post entry test.
- Trichomoniasis – **Denied** – shipping issue caused samples to arrive outside of permitted window for official testing.
- Trichomoniasis – **Approved** – shipping issue caused samples for an official test to arrive outside of permitted window for testing. Testing was for herd management and not change of ownership. No test chart will be issued.
- Trichomoniasis – **Denied** – shipping issue caused samples to arrive outside of permitted window for official testing.
- Tuberculosis – **Approved** – allowed entry of export cattle without TB test. Cattle had official ID, moved on permit, and remained isolated until tested just prior to export.

- Trichomoniasis – **Approved** – shipping issue caused samples for an official test to arrive outside of permitted window for testing. Testing was for herd management and not change of ownership. No test chart will be issued.
- Trichomoniasis – **Denied** – shipping issue caused samples to arrive outside of permitted window for official testing.
- Trichomoniasis – **Approved** – shipping issue caused samples for an official test to arrive outside of permitted window for testing. Testing was for herd management and not change of ownership. No test chart will be issued.
- Trichomoniasis – **Approved** – shipping issue caused samples for an official test to arrive outside of permitted window for testing. Testing was for herd management and not change of ownership. No test chart will be issued.

The motion to approve the waiver requests was made by Commissioner Jordan and seconded by Commissioner Oates. The motion carried.

Item 5 and Item 6 – Presentation of Field Animal Health Programs and Disease Traceability, and Emergency Management Activities

Dr. Angela Lackie presented the following update:

- Staffing - field positions are now being filled as quickly as possible to ensure quality of agency work
 - Of 144 total positions, 115.5 are filled, five are posted, and 15 are vacant
- Inspections in the fourth quarter of 2022
 - 34 event inspections
 - 202 feed yard and 84 calf ranch inspections
 - 276 feral swine inspections
 - 566 fowl inspections
 - 1384 livestock market inspections
 - 1008 livestock shipment inspections
 - 102 swine surveys
 - 569 head tested out of 771 swine for first point testing
 - 274 slaughter plant inspections
 - 258 trichomoniasis inspections
 - 104 waste feeder inspections
- Emergency Management Activities:
 - Responded to HPAI in Denton County, December 1st to 6th
 - Depopulation and disposal by SS region staff
 - 82 backyard flocks identified, no other sick birds found during surveillance
 - Responded to HPAI in Lampasas County, January 17th to 20th
 - Depopulation, disposal, disinfection of index premise completed
 - 97 backyard flocks identified, no other sick birds found during surveillance
 - Responded to HPAI in Hale County, March 22nd to 24th

- All poultry deceased and properly disposed of, TAHC performed disinfection
- 58 backyard flocks identified, no sick birds found during surveillance
- Secure Food Supply Program Updates
 - 39 Secure Beef Supply plans completed, five plans for cow-calf producers, 1 dairy plan
 - Continue to partner with Texas A&M for plan storage
 - Involvement with subject matter expert continues, as well as with Kansas Department of Agriculture to develop secure food supply planning
 - Conducted biosecurity presentation to local producer and 4H/FFA students
- Outreach
 - Counties are lined up all the way through fall to develop animal issues committee plans
 - Increased level of information given on HPAI to junior show kids and providing talks when requested
 - Emergency Management conference season is beginning and will be attended by a variety of TAHC personnel
- Federal Level Participation
 - Will attend combined Multi-state Partnership, SAADRA and NESAASA meeting in North Carolina in April
 - Increasing involvement with all agriculture states and sharing of ideas and response protocols
- Authorized Personnel: 2363 Accredited Authorized Vets in Texas
 - 237 CWD Antemortem Certified
 - 857 CWD Postmortem Certified
 - 880 Trich Certified
- ADT updates for the third quarter of 2022
 - 43,691 active premise identification numbers
 - 77,944 location identification numbers
 - 160 scrapie flock identification numbers
 - Distributed 882,310 total no-cost RFID tags to producers and veterinarians
 - Applied for \$11,500 funding for 2023

Item 7 - Presentation of USDA Veterinary Services Program Update

John Picanso, Cattle Fever Tick Eradication Program (CFTEP) Director, presented:

Aphis Veterinary Services (VS) staff continue to serve on rotations to fill the Area Veterinarian in Charge (AVIC) duties due to the position vacancy. This will continue until the AVIC position is filled. HPAI deployments continue to require the deployment of VS and CFTEP staff. HPAI has been detected in 47 states and affected 815 flocks. It is currently the largest disease event for the US. 85 percent of CFTEP staff have been deployed due to HPAI, and TAHC staff have been taking on work due to the deployments. The outbreak is expected to last into the fall. VS is trying to hire 75 positions for 160-day periods. These 75 staff can be utilized in Texas or for HPAI deployments. VS can now hire term employees for one to four-year periods. CFTEP will complete 17 miles of game fence by September 20, 2023 with FY 2022 funds. With the

FY2023 funds, CFTEP expects to build 20 miles of fence. The goal of the game fence is to prevent nilgai from moving north, and photos from game cameras set up by ARS indicate that the goal is being met. Additional funds have been earmarked for more Carrizo Cane topping and fencing. The funds can be used to build more fences or to maintain existing fences. CFTEP will conduct planning with TAHC and landowners on strategy for building. This is the third year of topping Carrizo Cane. More data is needed on the impact of topping the cane. Some stands do appear to be stunted from the topping. The process is intended to mitigate tick habitat, improve visibility, and reduce how much water the cane consumes from the river. 160 miles of cane will be topped again this year. The area includes CFTEP River Patrol areas for stray cattle. Most of the cattle apprehended in this area are infested. The state does apply chemical control, but the goal of USDA and ARS is a natural, biological control method for the cane. CFTEP has been able to hire and fund a management analyst. The roll of that position will be to assist in field operations, project management, and data analytics. Other control effort updates include the Rio Bravo Buffer Zone report should be available in December of 2023, and the Palo Alto Battle field do a control burn in a few weeks. CFTEP now has a five-year plan with 58 tasks, 40 percent of which are complete. Reports are made on the progress of the tasks on a weekly basis. Many of the tasks take large amounts of coordination with partners. As a result of planning, an outreach and communications plan has been developed and should be available in 45 days.

Item 8 – Audit Subcommittee Report

No report was presented due to the cancellation of the Audit Subcommittee meeting.

Item 9 – Budget Status Report

Josh Splinter, Director of Finance, presented the following:

- FY 2023 Budgeted Revenue
 - \$13,522,684 from General Revenue
 - \$1,746,552 from Federal Funds
 - \$585,102 from Fee Revenue
 - \$150,000 from Capital Vehicles
 - \$200,000 from Capital Equipment
 - \$1,687,509 from HB 2
- FY 2023 Budgeted Expenditures total \$14,589,319
 - \$6,979,325 expended year to date
 - \$7,609,994 available
- FY 2023 Expenditures (Strategy Level) (Budget / YTD Expense / Available)
 - Field Operations: \$7,646,214 / 6,263,721 / 1,382,493
 - Diagnostics/Epi Support: \$412,384 / \$66,754 / \$345,630
 - Promote Compliance: \$953,076 / \$499,230 / \$453,846
 - Animal Emergency Management: \$242,177 / \$172,189 / \$69,988
 - Central Administration: \$1,872,873 / \$895,548 / \$977,325
 - Information Resources: \$1,083,289 / \$251,159 / \$832,130

- Other Support Services: \$297,769 / \$102,534 / \$195,235
- Capital – Fleet Acquisition: \$150,000/ \$0 / \$150,000
- Capital – CFT Equipment: \$200,00 / \$52,800 / \$147,200
- Federal Cooperative Fund Summary:

Cooperative Award	Award End	Budget	Rcd \$\$	Spent	Encumbered	Need to Spend
21 CFT Fence Project	9/30/2022	\$200,000	\$200,000	\$0	\$200,000	\$0
21 CWD D4 TX Study	9/14/2022	\$429,598	\$375,032	\$375,032	\$0	\$56,566
22 D4 TX UMB	3/31/2023	\$1,939,830	\$0	\$0	\$1,309,005	\$630,825
22 D4 TX ADT	3/31/2023	\$537,838	\$537,838	\$336,691	\$201,147	\$0
22 D4 TX CFT	3/31/2023	\$350,000	\$350,000	\$150,000	\$100,000	\$100,000
22 CWD Long Rng/Lw Engy	8/31/2023	\$250,000	\$70,344	\$70,344	\$0	\$179,656
22 VS NADRP Program	12/15/2023	\$99,501	\$76,274	\$76,274	\$0	\$23,227
23 TX CFT Fence Proj.	3/31/2024	\$90,000	\$0	\$0	\$0	\$90,000
23 D4 TX ADT	3/31/2024	469,519	\$0	\$0	\$0	\$469,519
23 D4 TX UMB	3/31/2024	\$1,939,830	\$0	\$0	\$0	\$1,939,830
23 D4 TX CFT	3/31/2024	\$350,000	\$0	\$0	\$0	\$350,000

- FY 2022-2023 Collected Fee Revenue:
 - \$520,352 from Health Certificates was projected, \$374,999 has been received year to date
 - \$55,250 from Fowl Registration was projected, \$42,246 has been received year to date
 - \$9,500 from CWD Inspection was projected, \$6,350 was received year to date
 - \$7,415 from Administrative Penalty has been received year to date
 - \$585,102 was projected, and \$431,010 has been received year to date

The motion to approve the budget status was made by Commissioner Leathers and seconded by Commissioner Staggs. The motion carried.

Item 10 - Consideration of and Possible Action on Agency Contracts and Purchases

Myra Sines presented contracts and purchases for the consideration of the Commissioners, which included contracts, purchases, and leases.

The motion to approve the contracts, purchases, and leases was made by Commissioner Jordan and seconded by Commissioner Leathers. The motion carried.

Item 11 – Presentation of Compliance Activities

Bob Young, Director of Compliance presented the following:

- The first Region Compliance Summary provided summarized alleged regulatory violations received by the Legal & Compliance Department between September 1, 2021 and August 31, 2022 (FY 2022).
- The second summary provided summarized alleged violations received between September 1, 2022 and February 28, 2023 (FY 2023).
- Starting in February 2021, field compliance forms began capturing the inspection and sector type to improve data analytics. Through trend analysis of this information, the agency has been able to identify areas with higher non-compliance and are now able to focus efforts where needed to educate producers about the laws and rules, and also enforce those laws and rules when applicable.
- On October 31, 2022, the Legal & Compliance Dept. launched the new case management system (GovQA). This system is designed to streamline processes, reduce manual work and improve the overall efficiency of the department. The new system also provides a platform for tracking and reporting on all of our legal & compliance cases, as well as additional features such as automated notifications, reminders, and an automatic audit trail. In addition to making the case management process more efficient, GovQA provides real-time access to case information for office staff, investigators in the field, as well as staff in the region offices.
- In FY2022 \$31,580 in penalties was assessed, and \$15,310 penalty payments were received.
- FY2022 Total Compliance Cases Received:
 - 387 Compliance Action Requests
 - 955 Non-compliant Livestock Shipment Inspections
 - Five Texas Authorized Personnel Referrals
 - 23 Criminal Complaints Filed
- Disposition of Cases Closed in FY2022
 - 36 Notices of Violation
 - 1730 Warning Letters
 - 37 Referrals for Criminal Prosecution
- FY2023 Total Compliance Cases Received from 9/1/2021 to 2/28/2023:
 - 101 Compliance Action Requests
 - 431 Non-compliant Livestock Shipment Inspections
 - Zero Texas Authorized Personnel Referrals
 - One Complaint
- Disposition of Cases Closed in FY2023
 - 24 Notices of Violation
 - 294 Warning Letters
 - 23 Referrals for Criminal Prosecution

Item 12 - Consideration of and Possible Action on Orders Related to Commission Rule Violations

Mr. Jabbar Fahim presented orders related to Commission rule violations for the consideration of the commission.

The motion to adopt the orders was made by Commissioner Leathers and seconded by Commissioner Vermedahl. The motion to adopt the orders carried.

Item 13 - Consideration of and Possible Action on Proposals for Decision

Mr. Jabbar Fahim presented a Proposal for Decision and outlined the Default Order.

The motion to adopt the default order was made by Commissioner Jordan and seconded by Commissioner Turner. The motion to adopt the order carried.

Item 14 – Consideration of and Possible Action on Proposed Rule Review

Mrs. Jeanine Coggeshall discussed the following Rule Review Proposals:

Because the items propose the review of existing rules, and are not amendments or new rules, the items were discussed and then voted on as a group.

- a) Chapter 32, Hearing and Appeal Procedures
- b) Chapter 36, Exotic Livestock and Fowl
- c) Chapter 38, Trichomoniasis
- d) Chapter 43, Tuberculosis
- e) Chapter 45, Reportable and Actionable Diseases
- f) Chapter 47, Authorized Personnel
- g) Chapter 50, Animal Disease Traceability
- h) Chapter 51, Entry Requirements
- i) Chapter 56, Grants, Gifts and Donations
- j) Chapter 59, General Practices and Procedures
- k) Chapter 60, Scrapie

The motion to PROPOSE the rules for review was made by Commissioner Leathers and seconded by Commissioner Oates. The motion carried.

The notice of the proposed rule reviews will be published in the Texas Register with a 30-day comment period. Comments regarding the review proposals may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by email at "comments@tahc.state.tx.us".

Item 15 – Consideration of and Possible Action on Adoption of Proposed Rules

Mrs. Jeanine Coggeshall discussed the following Regulation Adoption Proposals:

- a) Chapter 35, Brucellosis
The Texas Animal Health Commission (commission) proposes the adoption of amendments to Title 4, Texas Administrative Code, Chapter 35, Brucellosis. The purpose of the proposal is to remove additional brucellosis entry requirements created by the commission in 2013 for sexually intact cattle entering Texas from the Designated Surveillance Area (DSA) comprised of the states of Idaho, Montana, and Wyoming, established by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Services (APHIS) Veterinary Services (VS). §35.4 proposed adoption removes the DSA-specific entry requirements for cattle originating from Idaho, Montana, and Wyoming and eliminates §35.4(b)(3)-(5).

The motion to ADOPT amendments to Chapter 35, Brucellosis was made by Commissioner Vermedahl and seconded by Commissioner Staggs. The motion carried.

b) Chapter 40, Chronic Wasting Disease

The Texas Animal Health Commission (commission) proposes the adoption of amendments to Title 4, Texas Administrative Code, Chapter 40, Chronic Wasting Disease. The proposed amendments both increase surveillance and reduce the risk of chronic wasting disease (CWD) being spread from areas where it may exist. §40.6 proposed adoption establishes one new containment zone (CZ) 5, expands existing CZ 2 and CZ 3, creates a new surveillance zone (SZ) 8, and modifies existing SZ 5 to either implement or improve surveillance efforts as part of the agency's effort to manage chronic wasting disease (CWD).

The motion to ADOPT amendments to Chapter 40, Chronic Wasting Disease was made by Commissioner Oates and seconded by Commissioner Jordan. The motion carried.

c) Chapter 45, Reportable and Actionable Diseases

The Texas Animal Health Commission (commission) proposes the adoption of amendments to Title 4, Texas Administrative Code, Chapter 45, Reportable and Actionable Diseases. One proposed amendment adds Malignant Catarrhal Fever (MCF) caused by a ruminant gamma herpesvirus to the list of diseases that are reportable to the commission in order to address the emerging threat to susceptible species in Texas. The §45.3 proposed adoption adds MCF caused by a ruminant gamma herpesvirus to the list of reportable and actionable diseases and renumbers the list to accommodate the addition.

The motion to ADOPT amendments to Chapter 45, Reportable and Actionable Diseases was made by Commissioner Staggs and seconded by Commissioner Turner. The motion carried.

d) Chapter 51, Entry Requirements

The Texas Animal Health Commission (commission) proposes the adoption of amendments to Title 4, Texas Administrative Code, Chapter 51, Entry Requirements. The proposed amendments clarify that the certificate of veterinary inspection (CVI) must include "official" individual animal identification on the CVI and increase the tuberculosis testing age for dairy cattle moving into Texas. The proposed adoption to §51.2 adds that animals vaccinated or tested for any disease as required by the commission be individually officially identified on a certificate of veterinary inspection, instead of just individually identified. §51.8 proposed adoption increases the tuberculosis testing age for dairy cattle moving into Texas from two (2) to six (6) months.

The motion to ADOPT amendments to Chapter 51, Entry Requirements was made by Commissioner Jordan and seconded by Commissioner Turner. The motion carried.

Item 16 – Consideration of and Possible Action on Proposed Rules

Mrs. Jeanine Coggeshall discussed the following Regulation Adoption Proposal:

a) Chapter 40, Chronic Wasting Disease

The Texas Animal Health Commission (commission) proposes the adoption of amendments to Title 4, Texas Administrative Code, Chapter 40, Chronic Wasting Disease. The proposed amendments clarify, correct, and update information regarding CWD management. §40.1 proposed adoption adds, amends, and removes defined terms to provide clarity and align these rules with the federal standards regarding management of CWD. The §40.2 proposed adoption is to provide clarity in the procedures for issuing hold orders and quarantines and reduce confusion for disease tracing and carcass disposal. §§40.5 and 40.6 proposed adoptions change the testing requirements for exotic CWD susceptible species to align with federal standards and match state standards for testing native CWD susceptible species in order to increase surveillance of CWD in the state. Changes proposed to §40.3 repeal and replace the entire section concerning the CWD Herd Certification Program due to extensive reorganization of the rule. The reorganization aligns the Commission's CWD Herd Certification Program with federal standards, provides clear guidance to participants in the program, and improves the administration of the program.

The motion to PROPOSE amendments to Chapter 40, Chronic Wasting Disease was made by Commissioner Staggs and seconded by Commissioner Oates. The motion carried.

The notice of the proposed regulation adoption will be published in the Texas Register with a 30-day comment period. Comments regarding the review proposals may be submitted to Amanda Bernhard, Texas Animal Health Commission, 2105 Kramer Lane, Austin, Texas 78758, by fax at (512) 719-0719 or by email at "comments@tahc.state.tx.us".

Item 17 - Closed Executive Session to Receive Legal Advice, Discuss Pending or Contemplated Litigation, and Settlement Offers as Permitted by Section 551.071 of the Texas Government Code.

Item 18 - Closed Executive Session to Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of Specific Commission Employees as Permitted by Section 551.074 of the Texas Government Code

Item 19 – Reconvene to Consider Any Action Needed Following Closed Executive Session

No action was necessary after the closed sessions for items 17 and 18.

Item 20 – Presentation of Awards and Recognition

Dr. Andy Schwartz recognized Chairman Locke for his recent induction into the Brahman Hall of Fame.

Item 21 - Public Comment

Public comment was provided for Rule 51, but no action was taken due to the comment.

Item 22 – Set Date for 416th Commission Meeting

The date for the 416th Commission Meeting was not set at the time of the meeting. Notice will be posted on the agency's website when the next Commission meeting date has been set.

Item 23 – Adjournment

The meeting adjourned at 11:35AM.