

SUMMARY MINUTES OF THE 419th COMMISSION MEETING
Texas Animal Health Commission
January 23, 2024

Item 1 – Welcome and Call to order by Chairman Locke

The Texas Animal Health Commission (TAHC) Commissioners met in person on Tuesday, January 23, 2024. 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. There were no absences.

Item 3 - 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.

The closed executive session was called at 8:35AM.

Item 4 – 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 5 – Reconvene to Consider Any Action Needed Following Closed Executive Session

The regular session reconvened at 10:55AM. No action was needed.

Item 6 – Approval of the minutes of the 418th Meeting

There was no public comment and no discussion concerning the minutes of the 418th Commission meeting. The motion carried.

Item 7 – Report of the Executive Director and Approval of Waiver and Variance Requests

Dr. Dinges presented the following:

(A) AGENCY OPERATIONS & AFFAIRS

- Currently 185.5 of 224.5 FTEs are filled. Dr. T.R. Lansford – Has accepted the position of Deputy Executive Director / Assistant State Veterinarian. Dr. Brian Bohl has accepted the position of Director of Field Operations. Paula Andrews has been promoted to Director of Finance. Dr. Hank Hayes started back as an Agency Veterinarian on January 2nd. Livestock Enforcement Investigators – 5 of 10 positions filled (TAHC/TDA/DPS - Part of the \$2.4M appropriated for 10 additional staff, equipment, trucks, computers, roadside signs, etc.)
- Rural Veterinary Incentive Program (RVIP): HB1259, passed during the 87th Legislative Session. We had a very successful inaugural application cycle for the Rural Veterinarian Incentive Program. The RVIP provides educational loan repayment assistance to eligible veterinarians and veterinary medical students who demonstrate a commitment to working in rural Texas counties. The program offers up to \$45,000 for each year of full-time veterinary service in rural communities in need of a veterinarian. The RVIP Selection Committee received 18 applications from across the state and had the difficult task of selecting award recipients from an outstanding pool of applicants. Six vets were selected. They are currently serving rural communities in Tom Green, Brown, Young, Hansford, and Wilson counties. In total, the Selection Committee awarded just over \$250,000 in loan repayments.

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- Veterinary Medical Loan Repayment Program (VMLRP): Will pay up to \$25,000 per year (for up to 3 years) of student loan debt for veterinarians that will commit to at least 3 years of providing veterinary services in a designated veterinary shortage area. For fiscal year 2024, Texas submitted applications for 4 different shortage areas. All 4 shortage areas (consisting of 20 counties) were awarded. 1- Type I shortage area (primarily food animal practice)- Cottle, Foard, Hardeman, Knox and Wilbarger Co. 3- Type II shortage areas (mixed practice)- Freestone, Limestone and Navarro Co.; Uvalde, Real, Maverick, Kinney, Dimmit and Zavala Co; Runnels, Coke, Nolan, Taylor, Concho and Menard Co. Applications for FY 2025 will open this month and be accepted through April 2024
- Cattle Fever Tick Treatment (Eprinomectin) Field Trial: (appropriated \$316,000) – two-year trial; Began trial at LANWR (Cameron Co.); Had to abandon trial after day 112 (could not get cattle penned) Trial will now be moved to ARS research facility (Moore Field) near Edinburg, TX utilizing different cattle. Plan is to resume trial at LANWR in year two using cattle that can be trapped/gathered with ease.

(B) National Update

- Cattle Fever Ticks:
 - Rio Bravo Buffer Zone: USDA APHIS directly funded pilot projects in Tamaulipas and Coahuila. Work on these projects wrapped up on December 31st with a final report of first year findings do in April 2024. The animal treatments at participating farms have reduced tick numbers on those premises to practically zero. Funding is available to continue this pilot project into 2024. Continued efforts to involve additional premises and wildlife treatment/surveillance.
- Animal Disease Traceability
 - USDA's proposed rule to discontinue metal NUES tags and require that official identification devices be readable both visually and electronically. The USDA representatives tentatively predicted a final rule would be published after the first of this year.
 - Agency management is urging USDA to establish the capability to scan electronic identification devices on cattle imported from Mexico as they are loaded onto trucks leaving the import facilities.
- Asian Longhorn Tick (ALT)
 - Agency management continues to monitor discoveries of ALT in other states and assess the practicality of any regulatory action to protect our state. Affected states have been using producer education and outreach to mitigate the risk of introductions.

(C) Field Animal Health Programs and Disease Traceability Activities

- Bovine Tuberculosis
 - Beginning on December 4, 2023, the USDA has allowed the Mexican state of Sonora (now recognized as Level I for bovine brucellosis) to begin to export sexually intact feeder cattle to the US. Sonora cattlemen are requesting that Texas and other states waive post-entry TB testing requirements. The cattle are allowed to go directly to slaughter; go to approved pens or feed yards for feeding for slaughter or be TB tested at 120-180 days post entry (if being removed from feeding channels).

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- Bovine Trichomoniasis
 - Working group to meet March / April 2024
- Chronic Wasting Disease (CWD):
 - 5th Virtual Chronic Wasting Disease Stakeholder and Tribal Nations Update, January 8- 11, 2024
 - Texas – 5- Cooperative Agreement Reports
 - 2 – TAHC – Helped secure funding
 - Dr. Chris Seabury TAMU – Accurate Genomic Predictions for CWD in U.S. Elk
 - Bud Dinges DVM TAHC – Evaluating Long Range Low Energy Ear Tags for Tracking White-tailed Deer “Released” from CWD Positive Deer Breeding Facility into a Hunting Enclosure
 - 3 – TPWD – Helped secure funding – presented by J Hunter Reed DVM TWPD
 - CWD Positive / Trace Herd Update: Dr. Jessie Monday, State Epidemiologist will give update under Agenda Item # 10
- 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. Currently 23 states have HPAI. It has been diagnosed in non-commercial mixed species backyard flocks(non-poultry) in Ellis County, Texas (November-2023 quarantined for 120 days); non-commercial mixed species backyard flock (non-poultry) in Grimes County, Texas (November-2023 depopulated; C&D) and non-commercial mixed species backyard flock (non-poultry) in Carson County, Texas (December-2023 depopulated; C&D)
- Inspections conducted during the 4th Quarter of 2023:
 - Event inspections: 61
 - Feedyard inspections: 516
 - Calf Ranch inspections: 69
 - Fowl inspections: 603
 - Livestock Market inspections: 1340
 - Livestock Shipment inspections: 1822
 - Swine Surveys: 7 new producers; 89 total surveys
 - Swine first point testing: Swine sold: 5523; sows and boars sold: 534; head tested: 462
 - Slaughter plant inspections: 244
 - Certified Trich Facilities: 212
 - Waste Feeders: 62
- Animal Disease Traceability (ADT) submitted the three-year road map and financial plans required for cooperative funding. 4th Quarter totals for ADT activities are:
 - 189 PINS were issued
 - 4,172 LIDS were issued
 - 239 Scrapie Flock IDs were issued
 - 82,400 RFIDs were distributed, bringing the total distributed to 1,217,531

(D) WAIVERS and VARIANCES (Action Item)

There were nine waivers requested, eight of which were approved.

Approved by Executive Director Emeritus, Dr. Schwartz, prior to October 16, 2023:

- Trichomoniasis – **Approved** – allowed greater than sixty-day testing interval to waive additional testing requirements for a herd. The expanded time frame results in a lower risk of missing an infected bull.
- Tuberculosis – **Approved** – feed yard requested waiver of TB entry requirements to return cattle to Texas due to feed availability. A veterinarian was not available to test the cattle in a timely manner in Kansas. Cattle are to be held under hold order and tested upon arrival in Texas.
- Fever Ticks – **Approved** – allowed spraying to treat exotic livestock to qualify for movement from an infested premise. Spraying results in less stress on the exotic livestock since traditional vats are not designed for the animals.
- Trichomoniasis – **Approved** – allowed entry of two bulls back into Texas with their herd of origin. Cattle had been grazing in remote area and a veterinarian was not available to test prior to entry. Bulls were held under hold order until a negative test was returned.

Approved by Executive Director, Dr. Lewis R. Dinges, after October 16, 2023:

- Trichomoniasis – **Approved** – veterinarian used expired pouches for herd management test. No test chart will be issued.
- Avian Influenza – **Approved** – allowed entry of flock with an avian influenza test that was expired by one day due to the holiday schedule. The state of origin was no longer considered an affected state, and the shipper conducts weekly tests.
- Trichomoniasis – **Approved** – allowed waiver of trich testing protocol due to samples arriving late to the laboratory. The test was for herd management and no official test chart was issued.
- Tuberculosis – **Denied** – did not allow entry of exotic cervid due to age of animal prohibiting TB surveillance and lack of CWD surveillance on premises of origin.
- Pullorum Typhoid – **Approved** – allowed entry of zoo birds without PT test due to the size of the birds making testing difficult. The birds were raised in a zoo environment and other birds in the shipment were tested negative for PT.

The motion to approve the waiver requests passed.

Item 8 – Presentation of Emergency Management Activities

Holli Tietjen-Hale presented:

EM Response Activities:

- Grimes Co. HPAI, November 20, 2023
 - 45 birds depopulated
 - 56 BY flocks identified in area
- Carson Co. HPAI, December 28, 2023
 - 27 birds depopulated
 - 12 BY flocks identified in area

Training and Preparedness

- HPAI Scenario-based Discussion

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- Attended Oklahoma Swine Depopulation Exercise
- Met with Texas Beef Council, Planning Series for communications during FMD outbreaks
- Incident Management Team (IMT) planning group is working on alternative depopulation methods
- EM Planner and Agency Veterinarian attended the Kansas Department of Agriculture's annual functional exercise
- More regular meetings with IMT
- Finalized the Animal Disease Preparedness and Response plan (ADPRP)

Outreach and Engagement

- EM Specialist visited twenty-five counties last year
- Hosted another HPal preparedness meeting with major commercial poultry company
- IMT members met with Live Bird Market supplier to help plan depopulation strategies
- EM Specialist is engaging with national Livestock Market Series workgroup
- Continued to engage with multiple national level state agricultural preparedness groups

Secure Food Supply (SFS) Program Updates

- Forty-eight feedlot or dairy plans completed and eight cow/calf plans
- Working West Texas A&M University on Secure Beef Supply plans for feedlots
- Engaging with other states via the SFS workgroup
- Engaging with Livestock Marketing Association about SFS in sale barns

Upcoming Events

- Attending the New Mexico Border States FAD Vaccination Plan workshop
- Commercial poultry planning meetings continue
- Regulatory medicine lectures for 3rd year veterinary students at Texas Tech University

Item 9 – Presentation of Authorized Personnel Activities

The following was presented by Rex Wyatt:

Authorized Personnel Data

- Authorized Veterinarians in Texas: 101 training in 2023, bringing the total to 2,462
- Vets Certified in Trich: 110 training in 2023, bringing the total to 912
- Vets Certified in CWD Antemortem Testing: 84 in 2023, bringing the total to 248
- CWD Postmortem Collectors: 300 trained in 2023, bringing the total to 925

Veterinary Trainings

- Bovine Trichomoniasis: five-year certification, trainings provided once per month
- CWD Antemortem: three-year certification, trainings are offered every other month

2024 Key Objectives

- Maintain veterinarian outreach
- Successful spring regulatory course at Texas Tech School of Veterinary Medicine
- Compliance

Item 10 – Presentation Of Disease Information and Epidemiology Activities

Dr. Jessica Monday presented:

Cattle – Tuberculosis

- Six herds under TB Assurance Testing

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- One herd is under Quarantine for a TB testing plan
- 43 ongoing Tuberculosis facility trace investigations
 - Open from FY2022
 - Collaborating with USDA for review and closure

Cattle - Tuberculosis

- One herd under hold order pending regulatory testing
- Annual Brucella Surveillance – Data from TVMDL (January to October 2023)
 - 36,275 BAPA tests
 - 410 FPA tests
 - 4,656 Card Agglutination tests
 - 3,715 Plate Agglutination tests
 - 594 Tube Agglutination tests
 - 546 CF tests
 - Total test = 46,196

Cattle – Trichomoniasis

- Trich Surveillance – Data from TVMDL (2023)
 - 16,639 Total Individual PCR
 - 105 Positive Individual PCR (.63%)
 - 3,200 Total Culture
 - 2 Positive Culture (.06%)

Cattle Fever Ticks

- FY 2023 – 122 Traces
- 226 Total Fever Ticks

Equine

- EIA surveillance – Texas EIA Laboratories (January to October 2023)
 - 119,917 EIA Tests
 - 25 Positives
- Equine Piroplasmiasis Surveillance Testing – Data from TVMDL (January to October 2023)
 - 4,242 Tests for T. Equi, 4 Positives
 - 1,975 Tests for B. Caballi, 1 Positive
- Equine Herpesvirus-1 (EHM) – two cases confirmed with the neurologic form
- Vesicular Stomatitis Virus (VSV) – no new affected premises identified

Avian

- Texas had four cases of Highly Pathogenic Avian Influenza (HPAI) in backyard flocks in 2023

Anthrax

- There were five cases of Anthrax in 2023

Swine

- Pseudorabies of Swine – data from TVMDL for 2023
 - 10,073 tests, 7 positives

Federal Testing for Federal Fiscal Year 2023

- Classical Swine Fever (CSF) – 4,061 tests
- African Swine Fever (ASF) – 3,944
- Scrapie Testing
 - Sheep – 364 tests
 - Goats – 1,413 tests

Cervidae: Chronic Wasting Disease

- 40 positive deer in 2023

Item 11 – USDA-VS Report

Dr. Louisa Collins presented the following:

Dr. Collins officially announced that she was promoted to Texas Area Veterinarian In Charge (AVIC). There are 32 staff with field operations. This includes veterinarians, Animal Health Technicians (AHTs), and administrative staff. USDA is currently trying to hire one veterinary medical officer for the Stephenville Region and on epidemiologist. Staff have remained engaged in the HPAI event with 1,082 confirmed cases of HPAI, 861 control areas released. Sampling continues in wild birds, with 320 wild birds sampled in Texas alone. HPAI deployments continue to affect USDA staff, and while some staff are virtually deployed, others cover the Southern Border Ports (SBP) and Export Trade Services. Upcoming events include potential Galveston Port Shipments of cattle from Texas to Turkey, a potential FADD refresher for District 4 staff, including state partners, and a federal ASF training for Texas VS staff. In other activities, to date, USDA and TAHC have conducted Authorized Personnel trainings with 6,649 veterinarians attaining accreditation, of those, 4,446 are category two (food animal) veterinarians. Dr. Collins also provided an update for the Cattle Fever Tick Eradication Program (CFTEP): It appears that the High Game Fence built to contain the spread of Nilgai who are hosts of the cattle fever tick, appears to be working. The FY2022 funded 18 mile stretch of the fence is complete, and work has begun on 20-40 miles funded by FY2023 funds. Additionally, staff are awaiting a report on the effectiveness of the Rio Bravo Buffer Zone project conducted in Mexico. Finally, hiring of CFEP staff that has been on and off hold for a while has been completed, bringing staff numbers to one hundred.

Item 12 – Audit Subcommittee Report

Commissioner Joe Leathers presented:

Commissioner Leathers outlined the audit subcommittee meeting. During the audit meeting, the Laredo Region Office Internal Audit, the Legal and Compliance Internal Audit, and the Cash Receipts Audit were outlined and approved by the committee. The update was provided to the committee that the approved FY2023 Internal Audit Report was submitted to the appropriate agencies.

The motion to approve the report passed.

Item 13 – Budget Status Report

The following was presented by Paula Andrews,

- FY 2024 Budgeted Revenue
 - General Revenue - \$16,658,158
 - Capital Vehicles - \$415,000
 - Capital Equipment - \$200,000
 - AHP Fee Revenue – \$860,000
 - Federal Funds - \$1,766,722
- 2024 Annual Budget by Funding Type
 - General Revenue - \$16,658,158
 - Capital Budget - \$200,00
 - Federal Funds - \$3,018,460
 - Appropriated Receipts - \$860,000
 - Benefits Replacement Pay - \$4,862
- Federal Cooperative Funds

Cooperative Award	Award End	Budget	Rcd \$\$	Remaining Funds to be Requested
21 CFT Fence Project	9/30/2022	\$200,000	\$200,000	\$0
21 CWD D4 TX (Depop/Genome Study)	9/14/2022	\$429,598	\$375,032	\$54,566
22 D4 TX UMB	3/31/2023	\$1,939,830	\$1,939,830	\$0
22 D4 TX ADT	3/31/2023	\$537,838	\$537,838	\$0
22 D4 TX CFT	3/31/2023	\$350,000	\$350,000	\$0
22 CWD Long Range/Low Energy	8/31/2023	\$250,000	\$215,484	\$34,516
22 Veterinary Services NADRP Program	12/15/2023	\$99,501	\$76,274	\$23,227
23 TX US Swine Health Improve Plans	3/31/2024	\$9,852	\$9,852	\$9,852
23 TX CFT Fence Project	3/31/2024	\$90,000	\$0	\$90,000
23 D4 TX ADT	3/31/2024	\$516,469	\$0	\$516,469
23 D4 TX UMB	3/31/2024	\$1,939,830	\$0	\$1,939,830
23 D4 TX CFT	3/31/2024	\$350,000	\$0	\$350,000

• Fiscal Year 2024 Expenditures (Agency Level)

Category	BUDGET	YTD EXPENSE	AVAILABLE BUDGET
Salaries and Wages	\$12,326,410	\$3,700,618	\$8,625,792
Other Personnel Costs	\$634,755	\$1,186,988	-\$552,233
Professional Fees & Services	\$110,410	\$17,349	\$93,061
Fuels and Lubricants	\$102,940	\$216,735	-\$113,795
Consumable Supplies	\$169,854	\$80,152	\$89,702
Utilities	\$289,400	\$21,076	\$268,324
Travel	\$746,763	\$164,637	\$582,126
Rent- Building	\$626,591	\$331,245	\$295,347
Rent- Machine Other	\$75,607	\$25,175	\$50,432
Other Operating Expense	\$2,727,150	\$1,090,993	\$1,636,157
Capital Expenditures	\$615,000	\$5,290	\$609,710
Totals	\$18,424,880	\$6,840,256	\$11,584,624

The motion to approve the report passed.

Item 14 – Consideration of and Possible Action on Agency Contracts and Purchases

There were no contracts, purchases, or leases for review and action during this meeting.

Item 15 – Consideration of and Possible Action on Orders Related to Commission Rule Violations and Proposals for Decision

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

Item 16 – Presentation of Petitions for Rulemaking

Mr. Jabbar Fahim (a) and Ms. Penny Maley (b) presented the following:

- a) Petition Related to Entry Requirements and Scrapie
Purpose of request for change: the requestor wants to include Valais Blacknose sheep as a part of the TAHC Scrapie rule to prevent imports of semen and embryos that could potentially not meet genetic requirements for being resistant to scrapie.

Commissioners moved that staff study the issue and bring a recommendation to the next regularly scheduled commission meeting.

- b) Petition Related to Malignant Catarrhal Fever Caused by a Ruminant Gamma Herpesvirus
Purpose of request for change: the requestor wants to propose enforcement rules for the detection of Ovine Herpesvirus-2.

Commissioners moved that staff study the issue and bring a recommendation to the next regularly scheduled commission meeting.

Item 17 – Consideration and Possible Action on Adoption of Proposed Rules

Ms. Penny Maley presented the following:

- a) Chapter 32, Hearing and Appeal Procedures
The amendments to Chapter 32, Hearing and Appeal Procedures are recommended as part of a rule review prescribed by §2001.039 Government Code. Notice of the Commission's intention to review this chapter was published in the May 12, 2023 issue of the Texas Register. The amendments provide clearer guidance on the existing administrative appeal process and to better align the appeal requirements with the statutory requirements set forth in the Texas Agriculture Code and the Administrative Procedure Act. Additionally, the proposed amendments provide guidance to parties and administrative law judges about how contested case hearings referred to the State Office of Administrative Hearings (SOAH) are to be conducted. These amendments do not change the procedure required, but outline the procedures required by the Texas Agriculture Code, the Administrative Procedure Act, and the rules of SOAH, as well as clarify already existing procedures following the conclusion of a contested case hearing.

The motion to ADOPT the amendments to Chapter 32, Hearing and Appeal Procedures passed.

- b) Chapter 40, Chronic Wasting Disease
The amendments proposed to Chapter 40, Chronic Wasting Disease, modify movement restriction zones to increase surveillance and reduce the risk of chronic wasting disease (CWD). The modified zones were developed in consultation with the Texas Parks and Wildlife Department and will provide

uniform zones for both native and exotic CWD susceptible species. Due to new detections of CWD, additional movement restriction zones are needed to mitigate the risk of CWD in the state.

The motion to ADOPT the amendments to Chapter, 40 Chronic Wasting Disease passed, with two votes in dissent.

c) Chapter 56, Grants, Gifts, and Donations

The amendments are recommended as part of rule review prescribed by §2001.039 Government Code. Notice of the Commission's intention to review this chapter was published in the May 12, 2023 issue of the Texas Register. The amendments update the rule language to reflect the current preferred terminology, for ease of use and readability, and to bring the requirements of gift acceptance in better alignment with statutory requirements of Chapter 575 of the Texas Government Code.

The motion to ADOPT the amendments to Chapter 56, Grants, Gifts, and Donations passed.

Item 18 – Consideration and Possible Action on Proposed Rules

Ms. Penny Maley presented the following:

a) Chapter 40, Chronic Wasting Disease

Amendments are proposed due to new detection of CWD, requiring additional movement restriction zones to mitigate the risk of CWD in the state. The amendment would establish containment zones in Coleman, Brown, Brooks, Kimble, Medina, and Cherokee counties due to detections in these areas. The proposal would be published in the Texas Register with a 30-day comment period.

The motion to propose the amendments to Chapter 40, Chronic Wasting Disease passed with two commissioners in dissent.

The notice of the proposed rule amendments will be published in the Texas Register with a 30-day comment period. Comments regarding the 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".

b) Chapter 49, Equine

The proposed amendments to §49.5 incorporate the thoroughbred testing requirement waiver. The proposed amendments also streamline the existing testing and identification requirements for ease of use and readability. Since 2010, there has not been a disclosed piroplasmis positive thoroughbred horse participating in sanctioned racing.

The motion to propose the amendments to Chapter 49, Equine passed.

The notice of the proposed rule amendments will be published in the Texas Register with a 30-day comment period. Comments regarding the proposals may be submitted to Amanda Bernhard, Texas

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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 19 – Awards and Recognition

Executive Director Emeritus, Dr. Andy Schwartz's retirement was honored. Dr. Schwartz was not present for the presentation.

Item 20 – Public Comment

Public comment for regulation proposals was made at the time of the rule discussion. There was no other public comment.

Item 21- Discuss 2024 Meeting Dates and Dates for the 420th Commission Meeting

Staff will evaluate calendars and provide date options for the remaining meets for 2024.

Item 22 – Adjournment

The meeting adjourned at 1:02PM.