

OFFICIAL MINUTES OF THE 412th COMMISSION MEETING
Texas Animal Health Commission
April 12, 2022

Item 1 – Welcome and Call to order by Chairman Locke

The Texas Animal Health Commission (TAHC) Commissioners met in person on Tuesday, April 12, 2022. 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. Commissioner Osterkamp was absent.

Item 3 – Approval of the minutes of the 411th Meeting

There was no public comment and no discussion concerning the minutes of the 411th Commission meeting.

The motion to approve the minutes of the 411th Commission meeting held on December 7, 2021, 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:

• **AGENCY OPERATIONS & AFFAIRS**

- Agency budget is in favorable condition. Salary merits and one-time merits have been opened up for eligible employees, based on the first line supervisor's recommendation.
- Survey of Employee Engagement (SEE): A total of 66.9% of TAHC employees participated in the voluntary survey conducted in February, 2022 by the Institute for Organizational Excellence at the University of Texas at Austin. They categorized the TAHC as very sound overall with employees invested in the organization. This categorization is based on comparing the TAHC to other state agencies and our results from the last SEE conducted in 2020.

Areas of strength identified were: *Supervision* (supervisors are fair, helpful, and critical to the flow of work); *Workplace* (work environment is satisfactory, safe, and adequate resources are available); *Workgroup* (their workgroup is effective, cohesive, and open to the opinions of all).

Areas of concern were: *Pay* (a central concern for discontent and not comparable to similar organizations); *Employee Development* (feel stymied in their education and growth in job competence); and *Internal Communication* (feel information does not arrive in a timely fashion and is difficult to find).

- 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 is being scheduled in May.*
- Veterinary Medical Loan Repayment Program (VMLRP): TAHC continues to coordinate Texas' participation in this USDA NIFA funded program geared to encourage veterinarians to set up food and mixed animal practices in underserved areas. *The window for applications for the eight shortage areas in Texas is open March 15 – April 15, 2022.*

- Export Facility Update - HB 1958 (87R) authorized TAHC to require reporting and recording requirements and provisions governing the movement, inspection, testing or treatment of animals. In October 2021, the commission adopted export-import facility rules located in 4 TAC Chapter 46. The rules require an owner or a person in charge of an export-import facility to report when an animal is refused within 24 hours. Between January and March of 2022, eight shipments totaling 337 animals were inspected and 50 animals were rejected at facilities operated by the Texas Department of Agriculture (TDA). Efforts are underway to procure data from privately owned export facilities.

- **DISEASE Information & Epidemiological Activities**
 - Cattle Fever Tick eradication program status: The total number of infested quarantines for Oct-Dec 2021 is the lowest it's been since Jan-Mar 2017. However, at 147 infested premises, it is still high, as is the total quarantined premises of all types at 2,988.
 - Cattle Fever Ticks, Rio Bravo Buffer Zone *UPDATE: Industry and government representatives in Mexico remain engaged. USDA APHIS is pursuing direct funding of pilot projects in Tamaulipas and Coahuila.*
 - Cattle Fever Ticks, 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. *UPDATE: Due to a change in private landowner cooperation, the proposed fencing was relocated to sites in Cameron County. Another EA had to be conducted, and was combined with fencing projects USDA is proposing in Cameron County. Pending the outcome of public comment and response to these comments, the bidding process and construction can proceed.*
 - 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 outbreaks. HPAI was confirmed in pheasants held on a hunting ranch in Erath County on April 2, 2022.
 - Chronic Wasting Disease (CWD):
 - Positive WTD Breeder Facilities: 7 in 2021
 - 4 have been depopulated
 - 1 signed Genetic Herd Plan
 - 1 Genetic Herd Plan being considered
 - 1 in litigation
 - Trace Herds: 303 WTD facilities with connections to a positive facility
 - 217 facilities released after meeting requirements
 - 22 facilities are under a Herd Plan (2 Breeder & 20 Release Site/DMP)
 - 56 facilities are pending a signed Herd Plan (6 Breeder & 50 Release Site/DMP)
 - 8 Out of State
 - Bovine Tuberculosis: Dr. Lackie will have details in her report (agenda item 5)
 - Report of all Program Diseases is provided in meeting materials.

- **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 is expecting publication of a proposal for comment by summer 2022.*
 - USDA is conducting a review of the TAHC CWD Herd Certification Program. *UPDATE: TAHC has received the report and is developing a response.*
 - The Texas Ultra High Frequency (UHF) Back Tag Project work was completed and the report submitted to USDA. The United States Animal Health Association (USAHA) 2021 Resolution #21 urges USDA to provide UHF backtags to livestock markets committed to using this technology in their facilities and sharing associated information electronically for animal disease traceability. *Update: USDA's interim response is as follows: "Final reports on the three projects are forthcoming and we intend to use the lessons learned to help inform future decisions. At this time, APHIS has not budgeted for additional funding for widespread purchase and distribution of the UHF RFID back tags in fiscal year 2022. However, we encourage livestock markets to use the UHF backtags if beneficial to their operation."*
 - National HPAI Status – at time of the report, there were 25 states and 157 premises affected.
- **WAIVERS and VARIANCES (Action Item)**

There were 14 waivers requested and 12 waivers were approved.

 - 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.
 - Trichomoniasis – **Approved** – inclement weather caused delay in processing Trich samples due to lab closures in state of origin. Bulls were placed on hold order and isolated from females until the negative test results could be returned.
 - Tuberculosis – **Denied** – request to waive TB entry requirements for an Eland Antelope was requested due to concerns over potential complications from anesthesia to administer and read the test. Waiver was denied as no evidence that complications are common could be found.
 - Avian Influenza – **Denied** – a waiver of entry requirements was requested by an out of state hatchery. The waiver was denied because the facility was not NPIP certified and from an Avian Influenza infected state.
 - 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.
 - Tuberculosis – **Approved** – waived Post-entry testing requirements for cattle that were transported through Texas to a Texas veterinary clinic to complete the testing requirements for export to Mexico.
 - Trichomoniasis – **Approved** – Poor weather caused shipping issues for samples arriving at TVMDL. Due to the cold weather, samples for eight facilities or owners were still viable for an official test to be performed accurately. Waivers were granted to these eight facilities.

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

Item 5 – Presentation of Field Animal Health Programs and Disease Traceability,

Dr. Angela Lackie presented the following update:

- TB Update:
 - Slaughter Trace to a beef ranch – 2020: Cattle removal tests conducted in August of 2020, March, September, and December 2021. Verification testing will be in June 2022, with assurance tests conducted annually for 5 years. To date, no additional TB has been diagnosed in cattle, or the market goats and some adults sent to slaughter, nor in wildlife populations. The premise will be released from quarantine after June test, and trace work continues.
 - Slaughter Trace to a dairy – 2020: Removal test #8 was completed in February. Three distinct strains of *M. bovis* have been identified, with over 200 responders. Three consecutive negative herd tests are needed to move to assurance testing. Employees are undergoing voluntary TB testing.
 - Slaughter trace to a dairy – 2021: First removal test was completed in December on about 4000 head of cohorts. No TB identified to date, and the second removal test has been completed, with necropsy results pending later this month. Testing team faced the challenge of testing just under 48,000 head tested by 28 people in two days. Plans include testing high risk group three times then move to assurance test and to test the exposed group two times then recommend assurance testing.
 - Dairy reactor found during interstate movement testing in 2022: Includes one Texas dairy, two New Mexico dairies and three heifer growing facilities. The first removal test in Texas is underway, with removal tests in New Mexico pending. Texas and New Mexico are working cooperatively to facilitate business model of making interstate cattle movements.
 - Staffing - field positions are now being filled as quickly as possible to ensure quality of agency work
 - Of 142 total positions, 113.5 are filled, 12 are posted, and 28 are vacant
 - 2022 Training Schedule
 - Field inspectors training was completed in February 2022
 - Region Management will be held in summer of 2022
 - Administrative Assistants are cross training in the Rockdale Region Office
 - Inspections in the first quarter of 2022
 - 70 event inspections
 - 541 feed yard and 91 calf ranch inspections
 - 308 feral swine inspections
 - 591 fowl inspections
 - 1481 livestock market inspections
 - 1758 livestock shipment inspections
 - 85 swine surveys
 - 450 head tested out of 532 swine for first point testing
 - 263 slaughter plant inspections
 - 253 trichomoniasis inspections
 - 91 waste feeder inspections
 - Authorized Personnel: 2302 Accredited Authorized Vets in Texas
 - 207 CWD Antemortem Certified

- 943 CWD Postmortem Certified
- 817 Trich Certified
- ADT updates for the fourth quarter of 2021
 - 42,959 active premise identification numbers
 - 73,810 location identification numbers
 - 244 scrapie flock identification numbers
 - Distributed 608,370 total no-cost RFID tags to producers and veterinarians

Item 6 – Presentation of Emergency Management Activities

The following was presented by Mrs. Holli Tietjen-Hale, Director of Emergency Management:

- The Emergency Management Department is now fully staffed with one emergency management specialist, one emergency planner, and one project assistant, in addition to Mrs. Tietjen-Hale. The department is focusing on adopting a field integrated approach that will enhance emergency management capabilities and interest throughout the agency. Preparedness activities include: Secure Food Supply Project, Field Response Field Trainings, ongoing Highly Pathogenic Avian Influenza (HPAI) planning efforts, revamping/updating response plans, upcoming Exercises-Border States Exercise and a State Hurricane Exercise, an upcoming Beef Packer Meeting in support of the Secure Beef Supply (SBS) project, various Emergency Management Conferences, multiple counties lined up for natural disaster and disease planning outreach meetings, and the FAD SAFE Exercise held November 16-18, 2021.
- Mrs. Hale provided an over view of the FAD SAFE Exercise, including actions taken by the agency in response to the exercise tasks, and lessons learned. It was found that TAHC staff are very proficient at trace work, but additional planning is needed to develop a detailed stop movement plan, to train staff for specific positions within the response team, and to educate producers on disease response basics.
- Recent responses for the agency include: Eastland County Complex Fires (Eastland, Erath, Brown) which affected about 53,000 acres. Eight TAHC personnel deployed to the area, and there is a known death loss-500 cattle, 34 sheep. Partnered with USDA Wildlife Services to use their helicopters for aerial surveillance. Other significant fires occurred in Coryell, Medina, Kleberg, and Kenedy Counties. Inspectors were tied in to these events but they were largely handled locally, with no livestock losses.
- Overview of the Highly Pathogenic Avian Influenza (HPAI) Response: A presumptive positive was found on March 31st and confirmed positive in the late afternoon on April 2nd. A six-mile circle was drawn around the index premise, infected and buffer zones where twenty-seven backyard flocks were identified and tested and tests delivered to the lab by April 5th. All surveillance flocks were found to be negative for HPAI. There were three traces into the infected flock, all were followed up with epi investigations and found to be negative for HPAI. Staff responding included five people at the Incident Command Post (ICP) in Stephenville, TX. There were four TAHC & one USDA staff on the depopulation team and four TAHC personnel conducting surveillance. Surveillance entailed; driving 600 miles, meeting with producers and was accomplished in two and a half days.

Item 7 - Presentation of USDA Veterinary Services Cattle Fever Tick Eradication Program Update

Mr. John Picanso, Director of CFTEP, gave the following CFT updates:

Veterinary Services has issued the following priorities to programs: HPAI response, Foreign Animal Disease (FAD) (coupled with African Swine Fever (ASF)) work and deployments. Puerto Rico currently has ASF, but Haiti has been highly affected. HPAI is in 26 states at the time of this report. Currently there are five vets and five AHTs deployed to this response. CFT has 22 employees deployed with 10 on standby. The third priority is to keep trade open. Currently, USDA is struggling to hire at the ports and they are down 35% in staffing. This means CFT and VS are deployed to assist at ports. CFT work updates include: most outbreaks are in Cameron, Willacy, Starr and Zapata counties. The river has been low which has required the concentration of riders to stop incursions as most apprehensions have ticks. Due to wildlife spreading ticks, other projects include game fencing, for which additional funding was received. CFT is working with TAHC to complete the steps for fencing projects. This includes ten miles of high game fence from both CFT and TAHC which is in starting phases and located in the Permanent Quarantine Zone. Research projects include botanical products to repel ticks that seem to be effective and experiments in Puerto Rico where the BM86 vaccine is being used on horses. Additionally, the FDA is currently considering the use of nematodes for tick control after studies on the product were hopeful. Finally, Dr. Richard Mouser has been named as the new assistant Area Veterinarian in Charge (AVIC). Positions are open and posted for new staff in the Panhandle, which includes a Veterinary Medical Officer and Animal Health Technician positions.

Item 8 - Budget Status Report

Ms. Myra Sines presented the following:

- FY 2022 Budgeted Revenue totals \$19,150,194
 - \$13,972,311 from General Revenue
 - \$2,555,272 from Federal Funds
 - \$585,102 from Fee Revenue
 - \$350,000 from Capital Budget
- FY 2022 Budgeted Expenditures total \$18,902,808
 - \$7,880,851 expended year to date
 - \$2,140,169 encumbered
 - \$8,881,789 available
- FY 2022 Fee Revenue:
 - \$520,352 from Health Certificates was projected, \$158,606 has been received year to date
 - \$55,250 from Fowl Registration was projected, \$35,825 has been received year to date
 - \$8,000 from CWD Inspection was projected, \$17,675 was received year to date

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

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

Ms. 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 Staggs. The motion passed.

Item 10 – Consideration of and Possible Action on Orders Related to Commission Rule Violations

Ms. Mary Luedeker presented orders related to Commission rule violations for the consideration of the commission. The motion to adopt the orders was made by Commissioner Vermedahl and seconded by Commissioner Payne. The motion passed.

Item 11 – Consideration of and Possible Action on Proposed Rules

Ms. Mary Luedeker discussed the following Regulation Proposals:

Each Regulation Proposal was reviewed and voted on individually.

- a) Chapter 40, Chronic Wasting Disease
 - b) Chapter 51, Entry Requirements
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- a) The Texas Animal Health Commission proposes amendments to Title 4, Texas Administrative Code, Chapter 40 titled “Chronic Wasting Disease”. Specifically, proposed changes clarify, correct, and update information regarding CWD Herd Certification Program and disease management as well as aligning with revised USDA CWD Program Standards and applicable federal regulations. Changes to portions of §40.1 proposal define CWD-Exposed Herd and CWD-Positive Animals. §40.3 proposals include requiring immediate reporting upon discovery all farmed or captive cervids that escape or disappear and all free-ranging cervids that enter the facility and removes exception for lowering a herd status to First Year for herds that acquire animals from nonparticipating herds and that animal is “not detected” postmortem within the first year after entry into the herd. Finally, it requires all identification to be visually verified on 100% of the animals during a physical herd inspection.

The motion to propose amendments to Chapter 40, Chronic Wasting Disease, was made by Commissioner Leathers and seconded by Commissioner Staggs. The motion carried. The notice of this proposed amendment is to be published in the Texas Register with a 30-day comment period.

The notice of the proposed amendments 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".

- b) The Texas Animal Health Commission proposes amendments to Title 4, Texas Administrative Code, Chapter 51 titled “Entry Requirements”. Specifically, proposed changes improve efficiency, traceability and cost savings for dairy calves moved into Texas. §51.8(b)(3) proposal provides a certificate of veterinary inspection exception for dairy calves 10 days of age or less when the premises enter into a Modified Movement Agreement approved by the shipping animal health official and the TAHC Executive Director. The cattle must be shipped directly from the premises of origin to the Texas premises of destination in compliance with the agreement. The agreement includes identification, recordkeeping, reporting, inspection, testing and other requirements as epidemiologically determined by the Executive Director. The exception aligns with 9 CFR Part 86 when agreed upon by the animal health officials in the shipping and receiving States.

The motion to propose amendments to Chapter 51, Entry Requirements, was made by Commissioner Leathers, and was seconded by Commissioner Oates. The motion carried. The notice of this proposed amendment is to be published in the Texas Register with a 30-day comment period.

The notice of the proposed amendments 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 12 – Consideration of and Possible Action on Proposed Rule Review

Ms. Mary Luedeker discussed the following Regulation Review Proposals:

The following chapters were proposed for rule review:

- a) Chapter 31, Anthrax
- b) Chapter 34, Veterinary Biologics
- c) Chapter 35, Brucellosis
- d) Chapter 37, Screwworms
- e) Chapter 39, Scabies
- f) Chapter 49, Equine
- g) Chapter 58, Emergency Response and Management

The motion to propose the above chapters for review was made by Commissioner Jordan and seconded by Commissioner Leathers. The motion carried. The notice of this proposed review is to be published in the Texas Register with a 30-day comment period.

The notice of the proposed review 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 13 – 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 14 – 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 15 – Reconvene to Consider Any Action Needed Following Closed Executive Session
No closed executive session was held.

Item 16 – Public Comment
There was no public comment.

Item 17 – Set Date for 413th Commission Meeting
The date for the 413th 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 18 – Adjournment
The meeting adjourned at 10:45AM.