

OFFICIAL MINUTES OF THE 410th COMMISSION MEETING
Texas Animal Health Commission
September 21, 2021

Item 1 – Welcome and Call to order by Chairman Locke

The Texas Animal Health Commission (TAHC) Commissioners met in person on Tuesday, September 21, 2021. 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 and Commissioner Eggleston were absent.

Item 6 – Approval of the minutes of the 409th Meeting

There was no public comment and no discussion concerning the minutes of the 409th Commission meeting.

A motion to approve the minutes of the 409th Commission meeting held on June 29, 2021, was made by Commissioner Leathers and seconded by Commissioner Jordan. The motion carried.

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

Dr. Schwartz presented the following:

• **AGENCY OPERATIONS & AFFAIRS**

- On March 10, 2021 TAHC returned to normal operations with offices open to the public and fully staffed. Field operations have continued uninterrupted throughout the SARS-CoV-2 (COVID-19) Pandemic, including the recent wave of the Delta variant.
- Texas Ultra High Frequency (UHF) Back Tag Project work is completed, and the project report will be finalized this month. This two-year project demonstrated that UHF back tags can be used at the speed of commerce in livestock markets to track animals, reduce sorting errors, and enhance efficiency of operation. The project demonstrated these back tags were more durable than conventional paper tags, and reliably provided both visual and electronic identification of animals moving to slaughter. Lastly, the project demonstrated that use of UHF back tags facilitates the correlation of back tag numbers with official identification tags at the time they are applied, thereby providing traceability back to the farm of origin through livestock market records.
- Agency staffing: TAHC is not alone in experiencing a higher than normal turnover of employees in the past year. Many other public entities and private businesses are finding it challenging to recruit and retain qualified employees. Management is diligently working to assure the agency continues to provide high quality services to the state.
- Rural Veterinary Incentive Program (RVIP): HB1259, passed during the 87th Legislative Session, updates the current outdated statute to allow participation in the program by both students of Texas A&M College of Veterinary Medicine and Texas Tech University College of Veterinary Medicine. Additionally, a person who attends an out of state College of Veterinary Medicine may apply for funds if they previously graduated from high school or college in the State of Texas. The Texas Animal Health Commission (TAHC) will administer the program in accordance with the rules adopted by the Rural Veterinarian Incentive Program Committee.

- 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.

- **SUNSET UPDATE**

- On June 16, 2021 Governor Abbott signed the agency's Sunset bill, Senate Bill 705, which continues the Texas Animal Health Commission for another 12 years.
 - Sunset staff will begin its compliance review process in the fall of 2022 to assess the implementation of the statutory changes passed in the 2020–21 review cycle.
 - Separately, the State Auditor's Office will conduct a review to assess the implementation of selected management recommendations adopted by the commission.
 - Work is completed or well underway to implement recommendations made by the Sunset Advisory Commission and the 87th Legislature.
 - The Texas State-Federal Laboratory is now closed and regulatory testing transferred to TVMDL beginning August 21, 2021. TAHC and TVMDL are holding regular calls to work through details of sharing test results and invoicing.

- **DISEASE CONSIDERATIONS**

- Cattle Fever Ticks, Rio Bravo Buffer Zone: TAHC worked with APHIS, SENASICA, CNOG, Coahuila, and Tamaulipas to plan two cooperatively funded fever tick eradication pilot projects, one in Tamaulipas and one in Coahuila. Funding for these pilot projects was approved at the September 22, 2020 commission meeting. *NO CHANGE: The projects are on hold awaiting approval by the Office of the Governor (OOG) to transfer funds to Mexico.*
- Cattle Fever Ticks, Zapata game fence: USDA has begun construction of a two-mile section of fence near Zapata that connects with existing game fencing to create a barrier to movement of tick infested white-tailed deer from the permanent quarantine zone to the free area. The TAHC agreed to maintain the fence for a period of five years. *UPDATE: Wire is currently being installed.*
- 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 conducted, and is out for public comment. Pending any changes warranted in response to public comment, TAHC anticipates putting this fencing project out for bids this summer. *UPDATE: The EA process is complete. TAHC is working with landowner on the necessary MOU and access agreement.*
- Pullorum-Typhoid (*Salmonella pullorum*, *Salmonella typhoid*) Testing (P-T testing): The Texas commercial poultry industry requested the TAHC conduct P-T testing where required under state rule and the National Poultry Improvement Plan (NPIP). The Official State Agency for Texas under the NPIP is TVMDL. *UPDATE: An Inter-Agency Agreement has been drafted by TVMDL regarding the Pullorum Typhoid testing to be performed by TAHC for flocks enrolled in the TAHC Fowl Registration Program.*
- Chronic Wasting Disease (CWD): A CWD Special Work Session was held at this office yesterday, September 20, 2021. Epidemiological investigations on seven (7) confirmed CWD affected WTD breeder facilities are being conducted. Two facilities have been depopulated, two are partially depopulated, and three are pending herd plan finalization. Of a total of 318 Trace Facilities (facilities that either contributed deer to positive facilities or received deer that had been in positive facilities in the past 60 months), evaluations of 202 (64%) have been completed, and evaluations of 116 (36%)

are pending. The Joint TAHC/TPWD CWD Taskforce met five times this year to provide updates and take input from members.

• **REPORT of ALL PROGRAM DISEASES:**

Cattle Status Report

I. CATTLE BRUCELLOSIS:

Total # of brucellosis tests performed at Texas State-Federal Lab- July 2021	
Slaughter 4-54 brucellosis tests	176
L/S Market 4-54 brucellosis tests	820
Private vet brucellosis tests	651
Program Herd brucellosis tests	70
Total:	1,717

II. TUBERCULOSIS:

Currently there are three (3) herds under quarantine for Tuberculosis. Five (5) Slaughter TB Trace Investigations are in progress. The investigations are continuing.

Tuberculosis Quarantines – July 2021				
<i>Region</i>	<i>County</i>	<i>Reason</i>	<i>QH Date</i>	<i>Release Date</i>
AM	Sherman	TB Reactor	2/12/19	
RD	Limestone	TB Reactor	10/9/20	
SV	Sutton	TB Reactor	10/3/20	

Tuberculosis Trace Investigations		
<i>Fiscal Year</i>	<i># Slaughter Traces Initiated</i>	<i># Ongoing Investigations</i>
FY 2020	9	2
FY 2021	5	3
Total:	14	5

III. TRICHOMONIASIS:

Texas Bulls Trich Testing for CY' 2021							
	<i>Ttl Bulls Tested</i>	<i>PCR Neg</i>	<i>Culture Neg</i>	<i>PCR Pos</i>	<i>Culture Pos</i>	<i>*</i>	<i>Individual Pos</i>
Jan	2,568	2,227	304	37	0	0	27
Feb	2,496	2,288	167	40	0	1	33
Mar	5,994	5,625	329	40	0	0	30
Apr	3,844	3,327	482	33	0	2	25
May	2,566	2,188	348	28	0	2	23
June	2,216	1,905	298	13	0	0	11
July	1,154	1,365	145	31	0	0	30
Aug							
Sept							
Oct							

Nov							
Dec							
Totals:	21,225	18,925	2,073	222	0	5	179

IV. FEVER TICKS:

As of July 31, 2021	Compared to July 31, 2020
139 Premises under an infested quarantine	173 Premises under an infested quarantine
56 in the Tick Eradication Quarantine Area	73 in the Tick Eradication Quarantine Area
83 in the Free Area	100 in the Free Area
2,737 adjacent or check premises	3,100 adjacent or check premises
414 in the Quarantined Area	398 in the Quarantined Area
2,323 in the Free Area	2,702 in the Free Area

Equine Status Report

V. EQUINE INFECTIOUS ANEMIA-EIA:

EIA Tests CY' 2021				
Month	Neg	Confirmed Pos	Total	% Inf
Jan	14,529	1	14,530	
Feb	9,556	1	9,557	
Mar	25,196	7	25,203	
Apr	12,983	6	12,989	
May	10,179	4	10,183	
June	10,773	13	10,786	
July	7,862	7	7,869	
Aug				
Sept				
Oct				
Nov				
Dec				
Totals:	91,078	39	91,117	

EIA Quarantines- July 2021			
Region	County	QH Date	Release Date
SV	Hamilton	10/7/93	
RD	Matagorda	9/24/98	
SS	Nacogdoches	6/2/04	
LR	Maverick	4/3/18	
SS	Johnson	3/26/21	
SS	Tarrant	5/14/21	
RD	Harris	HO 5/14/21	

SV	Parker	6/7/21	
SS	Johnson	HO 6/11/21	
SV	Crane	6/11/21	
RD	Harris	7/9/21	
SV	Ector	HO 7/24/21	
RD	Harris	7/30/21	
RD	Bastrop	7/30/21	
RD	Bastrop	7/30/21	

VI. EQUINE HERPES VIRUS

EHV Quarantines - July 2021			
<i>Region</i>	<i>County</i>	<i>QH Date</i>	<i>Release Date</i>

VII. EQUINE PIROPLASMOSIS (PIRO):

Piro Positives and total horses tested at TVMDL - 2021				
<i>Month</i>	<i>Negative Tests</i>	<i># Confirmed Positives</i>	<i>Total Tested</i>	<i>% Inf</i>
Jan	2,173	0	2,173	
Feb	1,164	2	1,166	
Mar	1,437	0	1,437	
Apr	1,245	1	1,246	
May	950	0	950	
June	903	0	903	
July	680	7	687	
Aug				
Sept				
Oct				
Nov				
Dec				
Totals:	8,552	10	8,562	0.12%

Piro Quarantines - July 2021			
<i>Region</i>	<i>County</i>	<i>QH Date</i>	<i>Release Date</i>
RD	Brazoria	3/1/10	
SS	Panola	3/12/10	
LR	Zapata	5/5/10	
BV	Jim Wells	4/28/10	
RD	Brazos	3/1/10	
BV	Kenedy	7/23/12	
BV	Kenedy	5/7/14	
SS	Dallas	10/17/19	
SS	Johnson	10/29/19	

LR	Webb	11/13/19	
LR	Hidalgo	12/15/19	
RD	Hays	8/5/20	
SS	Dallas	12/30/20	
BV	Bexar	2/25/21	
LR	Hidalgo	2/26/21	
LR	Hidalgo	5/19/21	
SV	Ector	7/9/21	
RD	Bastrop	7/30/21	

Swine Status Report

VIII. SWINE BRUCELLOSIS & PSEUDORABIES

Swine First Point Testing – July 2021	
Total swine brucellosis tests conducted:	126
Total swine pseudorabies tests conducted:	126

Swine Program – July 2021	
Permitted feral swine holding facilities	101
Permitted feral swine hunting preserves	40
Swine waste permits	61

Swine Pseudorabies Quarantines – July 2021			
<i>Region</i>	<i>County</i>	<i>QH Date</i>	<i>Release Date</i>

Swine Brucellosis Quarantines – July 2021			
<i>Region</i>	<i>County</i>	<i>QH Date</i>	<i>Release Date</i>

Avian Status Report

IX. AI TESTING TOTALS

AI Testing Totals – July 2021									
	LBM System			Excluding LBM System			Testing Totals		
Region	Flocks	Samples	Tests	Flocks	Samples	Tests	Flocks	Samples	Tests
RD	8	210	21	3	92	11	11	302	32
SS	2	50	5	5	360	71	7	410	76
Total	10	260	26	8	452	82	18	712	108

July 2021 – Number of Poultry Facility Inspections – 293

Avian Quarantines (Poultry ILT) – July 2021			
<i>Region</i>	<i>County</i>	<i>QH Date</i>	<i>Release Date</i>
SS	Tarrant	10/18/16	

SS	Upshur	8/17/20	7/8/21
SS	Upshur	6/7/20	
RD	Montgomery	HO 3/29/2021	
SS	Camp	HO 4/29/2021	
SS	Camp	HO 5/2/2021	5/14/21
SS	Hopkins	HO 5/14/2021	7/20/21
SS	Camp	HO 4/29/21	5/14/21
SS	Hopkins	HO 5/18/2021	7/20/21
SS	Hopkins	HO 6/1/2021	7/20/21
SS	Hopkins	HO 6/3/2021	7/20/21
SS	Hopkins	HO 6/3/2021	7/20/21
SS	Hopkins	HO 6/4/2021	
SS	Hopkins	HO 6/28/2021	
SS	Hopkins	HO 6/28/2021	

Sheep & Goat Status Report

X. SCRAPIE

Scrapie Quarantines – July 2021			
Region	County	QH Date	Release Date

Cervidae Status Report

XI. CHRONIC WASTING DISEASE (CWD)

State CWD Herd Certification Program- July 2021	
Number of herds currently with status	294

CWD Quarantines – July 2021			
Region	County	QH Date	Release Date
RD	Lavaca	9/15/15	
BV	Medina	7/2/15	
BV	Medina	2/5/16	
BV	Medina	4/4/16	
BV	Medina	5/9/17	
SV	Kimble	2/26/20	
BV	Medina	HO 12/22/20	
BV	Uvalde	HO 3/25/21	
BV	Uvalde	HO 3/25/21	
RD	Matagorda	HO 4/9/21	
BV	Uvalde	HO 4/13/21	
SV	Mason	HO 4/21/21	
SS	Hunt	5/13/21	

All Species Status Report

XII. FAD INVESTIGATIONS

FAD Investigations – July 2021						
FAD#	City	County	Suspected Disease	Species	Assign Date	Complete Date
21TX0041	Clyde	Callahan	RHDV2	Rabbit	7/14/21	
21TX0040	Terrell	Kaufman	VSV	Equine	7/10/21	7/15/21
21TX0039	McKinney	Collin	RHDV2	Rabbit	7/12/21	
21TX0038	Paris	Lamar	FMD / VSV	Bovine	7/9/21	7/20/21
21TX0037	Nocona	Montague	FMD / VSV	Bovine	7/12/21	7/19/21
21TX0037	Rio Grande City	Starr	VSV	Equine	7/8/21	7/12/21
21TX0036	Abilene	Shackelford	VSV	Equine	7/7/21	7/12/21
21TX0035	Granbury	Hood	VSV	Equine	7/7/21	7/9/21
21TX0034	Skidmore	Bee	VSV	Equine	6/29/21	7/7/21
21TX0033	Manor	Travis	VSV	Equine	6/28/21	7/1/21
21TX0032	Streetman	Freestone	FMD / VSV	Bovine	6/24/21	7/2/21
21TX0015	San Angelo	Tom Green	RHDV2	Rabbit	4/2/21	7/27/21

XIII. VESICULAR STOMATITIS (VSV)

VSV Quarantines – July 2021			
Region	County	QH Date	Release Date

XIV. ANTHRAX

Anthrax Quarantines – July 2021			
Region	County	QH Date	Release Date
LR	Val Verde	7/12/21	

XV. SARS-CoV-2

SARS-CoV-2 Animal Assessments – March 2020 through August 2021	
Number of Animal Assessments Conducted	
	60

SARS-CoV-2 Positive Animals – July 2020 through June 2021	
Species	Number of Positive Animals
Canine	49
Feline (All House Cats)	46
Feline (Tiger)	4
Feline (Cougar)	1
Feline (Lion)	1

XVI. RHDV2

RHDV2 Positive Cases – July 2021		
County	Number of Positive Cases	Month
Tom Green	1	March

XVII. PERMITS

Permitted Species – July 2021		
Species	Number of Permits Issued	Number of Permitted Head
Cattle	71	10,915
Dairy Pilot Project	313	4,961
Equine	8	25
Exotic	10	81
Poultry	40	182,756
Total	442	198,738

- **NATIONAL UPDATE**

- USDA’s policy on the 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. The USDA announced it will go through the full rulemaking process. *No update on when this process will begin.*
- USDA will conduct a review of the TAHC CWD Herd Certification Program beginning next week. TAHC staff have provided the requested pre-review material.

- **WAIVER REQUESTS**

From June 30, 2021 to September 21, 2021, there were five waivers requested, three of which were approved:

- Trichomoniasis – Denied – shipping issue caused samples for an official test to arrive outside of permitted window for testing. Samples older than allowed window cannot be reliably tested.
- Trichomoniasis – Approved – allowed entry of a bull for treatment of injury at a specialized veterinary hospital without Trich testing. Bull met all other entry requirements, was moved on permit, held in isolation at hospital, and tested within 72 hours of arrival.
- Brucellosis – Denied – a waiver of *Brucella ovis* testing was requested for rams that were intended for market. Because it would not be guaranteed that the rams would go to slaughter rather than back into production, the request was denied.
- Trichomoniasis – Approved – allowed use of test tubes rather than test pouches for official test. Based on TVMDL recommendation, the media in both containers is the same and will not impact test results.
- Tuberculosis – Approved - Dairy of origin wanted calves returned from feeder facility due to genetic value of calves. The movement posed no higher risk for TB exposure than routine movements and receiving state vet agreed with the movement.

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

Item 5 – Presentation of Field Animal Health Programs, 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 137.5 total positions, 115 are filled, eight are posted, and 14 are vacant
- 2021 Training Schedule
 - Administrative Assistant training was completed in April
 - Management training was completed in July
 - Field inspectors are projected for the fall 2021
 - Eleven staff completed leadership development courses at LBJ School
- TexCore Updates:
 - Launched in the field in April
 - Field switch-over was completed in May
 - Inspector rugged laptops are being replaced with touchscreen tablets
 - Enabling electronic signatures
 - Allows for real-time, easily accessible data
- Authorized Personnel: 2367 Accredited Authorized Vets in Texas
 - 158 CWD Antemortem Certified
 - 961 CWD Postmortem Certified
 - 829 Trich Certified
- Emergency Management Updates
 - Hired Director of Emergency Management and Emergency Management Specialist, planning swine collector and ICS response field training in October
 - Attended Swine Health Improvement Program (SHIP) Meeting
 - Preparing for four-day FAD SAFE event in November
 - Submitted work plan for NADPRP funds to implement SHIP in Texas
- ADT updates for the first quarter of 2021
 - 34,435 active premise identification numbers
 - 67,845 location identification numbers
 - 274 scrapie flock identification
 - Distributed 428,560 total no-cost RFID tags to producers and veterinarians
- Upcoming
 - Field inspector training(s)
 - TxCore/Tick Tracker migration
 - TXCore Quality Control work
 - FAD SAFE exercise in November

Item 6 – Presentation of Veterinary Services Programs Update

Dr. Megan Schmid, Interim Area Veterinarian in Charge, gave USDA Updates:

Dr. Schmid started by providing updates on the hiring of USDA staff and status of port at Del Rio. She also gave updates on African Swine Fever (ASF) outbreak in Caribbean, including confirmation that Haiti now has infections. USDA staff have been deployed to help, including laboratory personnel, Incident Command Staff, and staff to support seizure of illegal boat landings. Dr. Schmid also shared changes to Cervid export procedures for Texas.

Item 7 – Audit Sub-committee Report

Commissioner Joe Leathers provided a report on the Audit Sub-Committee meeting, during which the reports on the Rockdale and Sulphur Springs Region Offices and Program Records Internal Audits were reviewed. The region offices have implemented all controls to ensure security of information and fixed assets. The Program Records Audit recommended implementing automated reports to the regions. The TAHC will work with TraceFirst to determine if this option is available through the newly implemented database (TexCore).

The motion to approve the Audit Sub-committee report was made by Commissioner Vickers and seconded by Commissioner Oates. The motion carried.

Item 8 – Fiscal Year 2021 Annual Audit Report

Mr. Monday Rufus, Internal Auditor:

Mr. Rufus presented the annual audit report as required by Texas Government Code Title 10, Chapter 2102, which included providing reports for the Fiscal Year 2021 audit approved by the commission. Also included in the report was documentation that the auditing form passed peer review and are compliant with state requirements.

The motion to approve the Fiscal Year 2021 Internal Annual Audit Report was made by Commissioner Vickers, and seconded by Commissioner Johnson. 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 Leathers and seconded by Commissioner Jordan. 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 Jordan. The motion passed.

Item 11 – Consideration of and Possible Action on Adoption of Proposed Rules

Mrs. Mary Luedeker discussed the following Regulation Adoptions:
Each Regulation Adoption was reviewed and voted on individually.

- a) Chapter 33, Fees
- b) Chapter 40, Chronic Wasting Disease

- c) Chapter 45, Reportable Diseases (Proposed – Reportable and Actionable Diseases)
 - d) Chapter 46, Export-Import Facilities
 - e) Chapter 53, Market Regulation
 - f) Chapter 55, Swine
 - g) Chapter 59, General Practices and Procedures, 59.5 Open Records (Proposed – Public Information Act Requests)
- a) The Texas Animal Health Commission (commission) ADOPTS amendments to Title 4, Texas Administrative Code, Chapter 33, titled “Fees”. Specifically, amendments are proposed to §33.1, concerning Definitions, §33.2, concerning Certificate of Veterinary Inspection, §33.3, concerning Inspection of Foreign Cattle Fee and §33.4, concerning Enforcement and Penalties, is proposed for addition.

The proposed amendments update terms and recognize modern technologies for obtaining Certificates of Veterinary Inspection. Grammatical and editorial changes for improved readability are proposed throughout §§33.1, 33.2 and 33.3. The new section, “Enforcement and Penalties,” is proposed as §33.4 to clarify applicable penalties for violations. The proposed amendment to §33.1 deletes an unnecessary term, “livestock market,” as the term is not otherwise used in Chapter 33.

In §33.2. subsection (a), the statement nullifying and voiding certificates issued prior to 2005 is proposed for deletion because it is outdated and certificates prior to 2005 are unlikely. Subsection (a) also proposes the inclusion of exotic fowl to clarify a type of animal that may require a Certificate of Veterinary Inspection (CVI). That subsection also adds that CVIs approved by the commission are acceptable. Subsection (b) proposes editorial changes for clarification; paper CVIs are sold in books of ten certificates to show the distinction between paper and electronic CVIs. In subsection (c), the option to obtain electronic CVIs is proposed to reflect current available technology, and the website to purchase those CVIs is provided. The proposed amendments to this section §33.3 Inspection of Foreign Cattle Fee are non-substantive grammatical and editorial changes for clarity and improved readability. For section §33.4. Enforcement and Penalties the proposed section describes the scope of violations and respective penalties as prescribed by Chapter 161 of the Texas Agriculture Code. Subsection (b) provides that administrative penalties may not exceed \$5,000 each day a violation continues or occurs.

The motion to adopt amendments to Chapter 33, Fees, was made by Commissioner Vickers and seconded by Commissioner Jordan. The motion passed.

- b) The Texas Animal Health Commission (commission) ADOPTS amendments to Title 4, Texas Administrative Code, Chapter 40 titled “Chronic Wasting Disease.” Specifically, amendments are proposed to §40.1, concerning Definitions, §40.2, concerning General Requirements, §40.3, concerning Herd Status Plans for Cervidae, §40.4, concerning Entry Requirements, §40.5, concerning Surveillance and Movement Requirements for Exotic CWD Susceptible Species, §40.6, concerning CWD Movement Restriction Zones and §40.7, concerning Executive Director Declaration of a CWD

Movement Restriction Zone. The Texas Animal Health Commission proposes the addition of §40.8, concerning Enforcement and Penalties.

The purpose of this chapter is to prevent and control the incidence of chronic wasting disease (CWD) in Texas by seeking to reduce the risk of interstate and intrastate transmission of CWD in susceptible Cervid species. The Texas Animal Health Commission (commission) proposes amendments to each section of Chapter 40 to clarify, correct, and update information regarding CWD management. Non-substantive grammatical and editorial changes are also proposed throughout the chapter for improved readability.

The motion to adopt the amendments to Chapter 40, Chronic Wasting Disease, was made by Commissioner Vickers, and seconded by Commissioner Vermedahl. The motion passed.

- c) The Texas Animal Health Commission (commission) ADOPTS amendments to Title 4, Texas Administrative Code, concerning the title of Chapter 45, “Reportable Diseases”, §45.1, concerning Definitions, §45.2, concerning Duty to Report, and the additions of §45.3, concerning Reportable and Actionable Disease List and §45.4, concerning Enforcement and Penalties.

During the 87th Texas Legislative Session, Senate Bill 705 removed the statutorily prescribed list of diseases from which the commission is tasked with protecting all livestock, exotic livestock, domestic fowl, and exotic fowl as recommended by the Sunset Advisory Commission’s review process. Instead of those statutorily prescribed disease lists, Senate Bill 705 amended Texas Agriculture Code §161.041 and, effective September 1, 2021, requires the commission to adopt and periodically update rules listing the diseases that require control and eradication. Senate Bill 705 also requires the commission to adopt and periodically update rules listing the diseases that the commission determines require reporting pursuant to Section 161.101 of the Texas Agriculture Code. As such, the commission proposes to amend the title of Chapter 45 of the Texas Administrative Code to “Reportable and Actionable Diseases” to accurately reflect which diseases are reportable to and actionable by the commission. The proposed amendments to §45.1. Definitions involve non-substantive editorial changes. In §45.1(1), the term is updated to reflect the new name of the international health agency. In §45.1(3), the “reportable animal disease” definition is added to clarify the diseases reportable to the USDA and align with Senate Bill 705 amendments to Sections 161.101 and 161.041 of the Texas Agriculture Code, which are effective September 1, 2021. In the proposed §45.1(5), “agents of disease transmission” is added to align with Section 161.041(b) of the Texas Agriculture Code. The proposed amendments to §45.2. Duty to Report subsection (a) include the addition of agents of disease transmission, updated terminology, and reorganizing which diseases must be reported pursuant to Section 161.101, Texas Agriculture Code. Subsection (b) proposed amendments clarify what information a veterinarian must report to the commission. The proposed additions are commonly reported to the commission, so the proposal will improve understanding and consistency in information reported to the commission. The proposed amendment would remove the Attached Graphic, which is a list of reportable diseases, and replace it with one new rule

section reference to §45.3(c). Section 45.3(c) is a proposed rule that will consolidate multiple reportable disease lists into one reportable and actionable disease list to reduce confusion and improve understanding.

The motion to adopt amendments to Chapter 45 Reportable Disease (Proposed – Reportable and Actionable Diseases), was made by Commissioner Jordan and seconded by Commissioner Leathers. The motion passed.

- d) The Texas Animal Health Commission ADOPTS a new Chapter 46 in Title 4 of the Texas Administrative Code, titled “Export-Import Facilities” comprised of §46.1, concerning Definitions, §46.2, concerning Duty to Report, §46.3, concerning Recordkeeping Requirements, §46.4, concerning Movement Restrictions, §46.5, concerning Right of Entry and §46.6, concerning Enforcement and Penalties.

The motion to adopt amendments to Chapter 46, Export-Import Facilities, was made by Commissioner Leathers and seconded by Commissioner Oates. The motion passed.

- e) The Texas Animal Health Commission (commission) ADOPTS amendments to Title 4, Texas Administrative Code, Chapter 53, titled “Market Regulation”. Specifically, amendments are proposed to §53.1, concerning Facilities, §53.3, concerning Quarantine, §53.4, concerning Market Identification and §53.5, concerning Market Recordkeeping. The commission proposes the addition of §53.6, concerning Enforcement and Penalties. Grammatical and editorial changes are proposed for improved readability throughout §§53.1, 53.3 and 53.4.

The motion to adopt amendments to Chapter 53, Market Regulation, was made by Commissioner Vickers and seconded by Commissioner Jordan. The motion passed.

- f) The Texas Animal Health Commission (commission) proposes amendments to Title 4, Texas Administrative Code, Chapter 55, titled “Swine”, comprised of §55.1, concerning Testing Breeding Swine Prior to Sale or Change of Ownership, §55.2, concerning Prohibition on the Use of Modified Live Virus Hog Cholera Vaccine, §55.3, concerning Feeding of Garbage, §55.4, Livestock Markets Handling Swine, §55.5, concerning Pseudorabies, §55.7, concerning Slaughter Plant Requirements and §55.9, concerning Feral Swine. The commission also proposes the addition of §55.10, concerning Enforcement and Penalties, to clarify what penalties apply to Chapter 55 of the Texas Administrative Code. In all amended sections, non-substantive grammatical and editorial changes are also proposed for improved readability.

The motion to adopt amendments to Chapter 55, Swine, was made by Commissioner Leathers and was seconded by Commissioner Langdon. The motion passed.

- g) The Texas Animal Health Commission (commission) ADOPTS amendments to §59.5, concerning Open Records. The proposed amendments clarify language on submitting public information requests and make terminology more consistent. A proposed amendment removes current §59.5(b), which describes requests submitted by mail to the attention of the General Counsel. By specifying that requests may be sent to one of the methods indicated on the agency's website, the rule would help ensure that any requests are promptly forwarded to the commission's Public Information Coordinator. A proposed amendment relating to charges for public records removes an outdated reference and examples of records that may be furnished without charge and incorporates by reference the Office of the Attorney General's (OAG) cost rules. A proposed amendment regarding inspection of records clarifies when a member of the public may physically inspect records and allows for the denial of access under certain circumstances.

The Texas Public Information Act (Act) gives the public the right to request access to government information. The Act is triggered when a person submits a written request to a governmental body. The request must ask for records already in existence and does not require a governmental body to create new information, do legal research, or answer questions.

The motion to adopt amendments to Chapter 59, General Practices and Procedures, 59.5 Open Records (Proposed – Public Information Act Requests), was made by Commissioner Vermedahl and seconded by Commissioner Leathers. The motion passed.

Item 12 – Consideration of and Possible Action on Publication of Proposed Rules in the Texas Register

Mrs. Mary Luedeker discussed the following Proposed Rule Publications:

Each regulation publication was reviewed and voted on individually.

- a) Chapter 51, Entry Requirements
 - b) Chapter 54 Domestic and Exotic Fowl Registration (Repeal and Replace – Proposed “Poultry, Domestic Fowl, and Exotic Fowl”)
 - c) Chapter 57, Poultry (Repeal, see Chapter 54 Proposal)
 - d) Chapter 58, Emergency Response and Management
 - e) Chapter 59, General Practices and Procedures
-
- a) The Texas Animal Health Commission proposes amendments to §51.5 concerning Movement of Quarantined Animals in Chapter 51 of the Texas Administrative Code, titled “Entry Requirements”. The proposed amendments update the reference from §161.061 of the Texas Agriculture Code to §45.3 of the Texas Administrative Code in accordance with Senate Bill 705 enacted by the Texas Legislature during the 87th Regular Session. Senate Bill 705 amended §161.041 and §161.061 of the Texas Agriculture Code, and now requires the commission to adopt rules listing the diseases that require control or eradication. The commission adopted amendments to Chapter 45, titled “Reportable and Actionable Diseases”, in a duly noticed meeting on September 21, 2021.

The motion to propose amendments to Chapter 51, Entry Requirements, was made by Commissioner Vermedahl and seconded by Commissioner Johnson. The motion passed. 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 (commission) proposes repealing and replacing Chapter 54 in Title 4 of the Texas Administrative Code. This proposal and the rules as repealed, amended, or added as new rules by this proposal are collectively referred to as the "proposed rules." The new Chapter 54 would compile the commission's existing Chapter 54, titled "Domestic and Exotic Fowl Registration", with Chapter 57, titled "Poultry", and relevant provisions from Chapter 51, titled "Entry Requirements", to create one comprehensive chapter applicable to poultry and fowl. As such, the proposed title to Chapter 54 is "Poultry, Domestic Fowl, and Exotic Fowl". The commission also proposes the addition of a section concerning Enforcement and Penalties to clarify the penalties that apply to the proposed chapter.

The motion to propose the repeal of Chapter 54, Domestic and Exotic Fowl Registration, and to propose the new Chapter 54, "Poultry, Domestic Fowl, and Exotic Fowl" was made by Commissioner Staggs and seconded by Commissioner Vickers. The motion passed. 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".

- c) The Texas Animal Health Commission (commission) proposes the repeal of Chapter 57, titled "Poultry", in Title 4 of the Texas Administrative Code. The commission is also proposing to repeal and replace Chapter 54, titled "Domestic and Exotic Fowl Registration", to incorporate all rules relating to poultry and fowl into a comprehensive chapter titled "Poultry and Fowl". The reorganization is the result of the commission's four-year rule review. As such, the rules found in this Chapter 57 would be included in that proposed Chapter 54.

The motion to propose the repeal of Chapter 57, Poultry, was made by Commissioner Staggs and seconded by Commissioner Leathers. The motion passed. 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".

- d) The Texas Animal Health Commission proposes amendments to §58.1 concerning Definitions and §58.2 concerning Disease Control in Chapter 58 of the Texas Administrative Code, titled "Emergency Response and Management". The proposed amendments update the reference from §161.041 of the Texas Agriculture Code to §45.3 of the Texas Administrative Code in accordance with Senate Bill 705 enacted during the 87th Regular Legislative Session. Senate Bill 705 amended §161.041 of the Texas Agriculture Code, and now requires the commission to adopt rules listing the diseases that require control or eradication.

The commission adopted amendments to Chapter 45, titled "Reportable and Actionable Diseases", in a duly noticed meeting on September 21, 2021. The proposed amendments to Chapter 58 update the reference. The name of the international animal health agency is updated to the World Organization for Animal Health, and "List A" is removed for accuracy and aligns with §161.0415 of the Texas Agriculture Code. The definition of "Emergency Management Plan - Appendix Four to Annex H" is proposed for deletion because that part of the plan is now outdated. Finally, grammatical and editorial changes are proposed for improved readability.

The motion to propose the amendments to Chapter 58, Emergency Response and Management, was made by Commissioner Leathers and seconded by Commissioner Oates. The motion passed. 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".

- e) The Texas Animal Health Commission (commission) proposes amendments to §59.12 concerning Carcass Disposal Requirements and the addition of §59.15 concerning Leave Pool in Chapter 59 of the Texas Administrative Code, titled "General Practices and Procedures".

The proposed amendments to §59.12 update the reference from §161.041 of the Texas Agriculture Code to §45.3 of the Texas Administrative Code in accordance Senate Bill 705 enacted by the Texas Legislature during the 87th Regular Session. Senate Bill 705 amended §161.041 of the Texas Agriculture Code, and now requires the commission to adopt rules listing the diseases that require control or eradication. The commission adopted amendments to Chapter 45, titled "Reportable and Actionable Diseases", in a duly noticed meeting on September 21, 2021. The proposed amendments to Chapter 59 update the reference. Additionally, grammatical and editorial changes are proposed for consistency and improved readability.

The proposed addition of §59.15 follows House Bill 2063 enacted by the Texas Legislature during the 87th Regular Session. House Bill 2063 amended Texas Government Code, Chapter 661 by requiring each state agency to create and administer a state employee family leave pool. The new section is also proposed in accordance with Texas Government Code §661.002, which requires each state agency to adopt rules to prescribe procedures relating to the operation of the agency's sick leave pool.

The motion to propose the amendments to Chapter 59, General Practices and Procedures, was made by Commissioner Vickers, and seconded by Commissioner Leathers. The motion passed. 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 13 – Consideration of and Possible Action Rule Review Adoptions

Mrs. Mary Luedeker discussed the following Regulation Review Adoptions:

While conducting rule reviews pursuant to Texas Government Code 2001.039, the commission found that the reasons for initially adopting all listed rules continue to exist.

- a) Chapter 33, Fees
- b) Chapter 40, Chronic Wasting Disease
- c) Chapter 41, Fever Ticks
- d) Chapter 53, Market Regulation
- e) Chapter 54, Domestic and Exotic Fowl Registration
- f) Chapter 55, Swine
- g) Chapter 57, Poultry

The rule review adoptions for Chapter 33 Fees, 40 Chronic Wasting Disease, 41 Fever Ticks, and 57 Poultry were discussed and voted on as a group. The motion to adopt the Regulation Reviews of Chapters 33, 40, 41, and 57, was made by Commissioner Jordan and seconded by Commissioner Johnson. The motion passed.

The following items were discussed and voted on individually:

- d) Chapter 53, Market Regulation

Rule action and amendments resulting from the review were discussed in agenda Item 11. One comment was received on this item, but did not indicate support or opposition for the rules.

The motion to adopt regulation reviews to Chapter 53, Market Regulation, was made by Commissioner Johnson and seconded by Commissioner Vickers. The motion passed.

e) Chapter 54, Domestic and Exotic Fowl Registration

One comment was received on this item in opposition to fees associated with the program, and the commenter will be advised on how the fees apply to the program. The commission did not modify the amended rule in response to the comment.

The motion to adopt regulation reviews to Chapter 54, Domestic and Exotic Fowl Registration, was made by Commissioner Leathers and seconded by Commissioner Vickers. The motion passed.

f) Chapter 55, Swine

Two comments were received on this regulation review. One comment did not indicate support or opposition to the review and one comment opposed sections to the review. The commission did not modify the amended rule in response to the comments, but will take the recommendations under advisement for further rulemaking.

The motion to adopt regulation reviews to Chapter 55, Swine, was made by Commissioner Leathers and seconded by Commissioner Oates. The motion passed.

Item 14 – 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 15 – 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

The meeting adjourned at 11:46AM to hold the closed session.

Item 16 – Reconvene to Consider Any Action Needed Following Closed Executive Session

The meeting reconvened at 12:20PM to consider any action needed following the closed session. No action was needed.

Item 17 – Public Comment

Public comment was made at the time the item pertaining to the comment was presented. There was no further public comment.

Item 18 – Set Date for 411th Commission Meeting

The date for the 411th 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 19 – Adjournment

The meeting adjourned at 12:23PM.