

SUBJECT: Texas Animal Health Commission animal-disease control authority

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 9 ayes — Swinford, McReynolds, B. Brown, Christian, Crownover, Green,
Hardcastle, Hupp, C. Jones

0 nays

WITNESSES: For — None

Against — None

On — Max Coats, Texas Animal Health Commission

BACKGROUND: Livestock must be quarantined when a herd is found to be infected. The owner may accept a buy-out package comprising state and federal funds, plus slaughtering value, to have the herd slaughtered. The Texas Animal Health Commission (TAHC) cannot require owners to depopulate their herds and can compensate owners who voluntarily depopulate their herds only for diseases specified in statute. The law requires veterinarians to report to TAHC positive diagnoses of specified diseases.

Current law does not authorize TAHC to enter into memoranda of understanding with other states to help control outbreaks of animal disease. TAHC also does not have authority to certify transporters of inedible animal parts, which is a federal requirement. TAHC's authority to inspect facilities where swine are fed garbage is limited to enforcing standards relating to the proper preparation of the garbage for consumption.

DIGEST: HB 1244 would amend the Agriculture Code to allow TAHC to order the slaughter of livestock infected by or exposed to diseases that are:

- ! recognized by the U.S. Department of Agriculture (USDA) as a foreign animal disease;
- ! the subject of a cooperative eradication program with USDA;
- ! named on "List A" of the Office International Des Epizooties;
- ! the subject of a state of emergency declared by the governor; or

! not otherwise listed, but determined by TAHC to represent a threat to animal health in the state.

HB 1244 would authorize TAHC to adopt rules ordering the slaughter of livestock and compensating the owners of that livestock. It also would allow TAHC to adopt memoranda of understanding with other states to control animal disease outbreaks. TAHC also could adopt rules requiring people who transport or dispose of inedible animal parts to be certified by the commission.

TAHC could adopt rules to govern veterinarians' duty to report positive diagnoses in an animal of the type of diseases listed above for livestock slaughter, plus any other disease the commission determined to be necessary for the protection of animal health in the state. TAHC could not adopt or amend these rules without a public hearing. The bill would delete from statute the specific diseases that veterinarians now must report.

HB 1244 also would enable TAHC to adopt rules governing registration issuance and renewal, disease testing, inspections, and bookkeeping of individuals who feed garbage to swine. The bill would authorize TAHC to impose a registration fee of \$25 per year or less.

The bill would take effect on September 1, 1999, except that the provisions revising a veterinarian's duty to report diseases would not take effect until January 1, 2000.

**SUPPORTERS
SAY:**

HB 1244 would greatly improve the state's ability to eradicate diseases that pose a threat to livestock and potentially to humans. Once a herd has been exposed to disease, depopulation is a less costly and more effective means of eliminating the disease than repeatedly testing livestock in an infected, quarantined herd for a year or more. However, some owners are unwilling to have their livestock slaughtered, even though they would be compensated. Under HB 1244, TAHC would have the necessary authority to order the slaughter of diseased livestock, but owners still could appeal TAHC orders to depopulate their herds, as provided under the Government Code.

The state's lack of authority to require depopulation has delayed eradication of cattle brucellosis, preventing Texas from progressing to Class Free status, which means that no herds have been infected for at least 12 months. As more

states and nations reach this status, they may establish laws to prohibit importation or exportation of livestock from non-Free states. Texas and South Dakota are the only states still fighting active infection.

Owners of all livestock that needs to be depopulated to control diseases ought to be compensated. Current law allows TAHC to pay indemnity only to owners of cattle infected or exposed to tuberculosis and brucellosis and to owners of swine exposed to brucellosis. HB 1244 would make TAHC's authority more flexible to compensate owners whose livestock suffer from diseases not currently recognized in statute.

HB 1244 would clarify and establish in statute TAHC's authority to work with other states to eradicate diseases. There should be no question that Texas can rely on other states' help to control outbreaks here and that Texas can assist other states' efforts. In addition, the statute should include TAHC's authority to certify hauling of inedible animal products. Federal rules require haulers to receive permission from the appropriate state agency. Although TAHC complies with the federal rules, state law does not authorize the commission to do so.

The current list of diseases that veterinarians must report is obsolete and inflexible. HB 1244 would give TAHC the flexibility to change the list of diseases that must be reported to respond rapidly to regional outbreaks or to diseases that could affect trade, rather than having to amend the law to do so.

Texas has few garbage-fed swine farms, yet these swine account for most of the state's diseased animals. HB 1244 would give TAHC the necessary regulatory powers to combat swine diseases by allowing TAHC to inspect, test, and register the high-risk operations that use garbage as food for swine. All Texas swine are slaughtered out of state. If the federal government were to quarantine Texas to contain disease, it would devastate the state's pork-producing industry.

**OPPONENTS
SAY:**

The garbage-fed hog operations targeted by HB 1244 generally are small businesses. The bill would give TAHC substantial authority to regulate aspects of these businesses that have no effect on disease eradication, such as financial

bookkeeping. The cost of complying with the new rules could force some

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operators out of business.

OTHER
OPPONENTS
SAY:

HB 1244 should go farther and outlaw the feeding of garbage to swine. Texas is one of the last states that has not done this. Garbage-fed swine are much more likely to have diseases, and they often contribute to diseases in feral hogs.