

- SUBJECT:** Continuing the Texas Animal Health Commission
- COMMITTEE:** Agriculture and Livestock — committee substitute recommended
- VOTE:** 5 ayes — Miller, Anderson, Aycock, Garcia, Heflin
0 nays
2 absent — B. Brown, Gallego
- WITNESSES:** For — Ed Small, Texas and Southwestern Cattle Raisers Association (*Registered, but did not testify:* Karen Conyngham, South Central Llama Association; Chris Copeland, Texas Veterinary Medical Association; Mariols Favia del Ge Borromer, Exotic Wildlife Association; Ken Hodges, Texas Farm Bureau; Bob Turner, Texas Sheep and Goat Raisers Association/Texas Poultry Federation)

Against — None

On — Bob Hillman, Texas Animal Health Commission; Sarah Kinkle, Sunset Advisory Commission
- BACKGROUND:** The Texas Animal Health Commission (TAHC) was established in 1893 to fight the tick fever epidemic. Over a century later, the commission's duties apply to a wider range of animals and diseases. TAHC is assigned the task of preventing, controlling, and eradicating disease in livestock, exotic livestock, domestic fowl and exotic fowl. Also, the commission works to increase the marketability of Texas livestock commodities, ensure animal health and productivity, protect human health from animal diseases, and prepare and respond to animal emergencies.
- TAHC operated on a \$13.4 million budget in fiscal 2005, including \$5.1 million in federal funds. The commission oversees eight field areas and four laboratories, jointly operated with the U.S. Department of Agriculture (USDA). In fiscal 2005, TAHC's 206 employees processed an estimated 2.5 million samples, including tests for bovine and swine brucellosis, swine pseudorabies, and bovine tuberculosis. The same year, the commission examined an estimated 7.2 million animals at livestock markets and monitored 2,806 livestock shipments.

As stipulated in Agriculture Code, sec. 161.001, exotic livestock are grass or plant-eating, single or cloven-hooved mammals not indigenous to Texas, including animals from the swine, horse, tapir, rhinoceros, elephant, deer, and antelope families. Exotic fowl are defined as any avian species that is not indigenous to this state, including ratites.

DIGEST:

CSHB 2543 would continue the Texas Animal Health Commission (TAHC) until September 1, 2019. Livestock, exotic livestock, domestic fowl and exotic fowl would be placed under the commission's regulatory authority for burial practices, disease control, quarantines, and emergency management.

Burial of certain animals with communicable diseases. The bill would replace current requirements on burial practices for livestock and fowl by requiring TAHC to adopt new rules to be implemented no later than January 1, 2008. These rules would:

- determine the most effective methods of disposing of diseased carcasses, including methods other than burning or burial; and
- prescribe methods to dispose of carcasses of livestock and fowl that died of a communicable disease.

An owner of livestock or fowl that died from certain communicable diseases would be required to dispose of carcasses in a manner conforming to the commission's rules. A person who owned the land where an animal died would be held to the same requirements.

Current rules on the safe and adequate handling of poultry carcasses would not apply to poultry that died as a result of a communicable disease.

Disease control. The commission would protect livestock and fowl from diseases recognized as communicable by the veterinary profession. TAHC would act to eradicate and control diseases, even if the transmission agent were a species not under the commission's jurisdiction.

TAHC could not infringe on the authority of another state agency, including the Parks and Wildlife Department. In case of a conflict, the commission would assume responsibility for disease control efforts while working collaboratively with other agencies. TAHC's authority to control disease transmission from animals not under the commission's jurisdiction

would be limited to instances when livestock and fowl are threatened by a serious disease.

Quarantines. To restrict the spread of diseases, TAHC could quarantine livestock or fowl in any part of this state. The commission would be able to delegate its authority to enact a quarantine to the executive director. The commission would establish rules by which a quarantine notice would have to be published. These rules would supersede other TAHC requirements on quarantine notice publication and the quarantine's effective date.

Emergency management. The commission would prepare and plan for, respond to, and aid in recovery efforts for disaster events that could affect livestock and fowl. Such events would include disease outbreaks, hurricanes, floods, tornadoes, wildfires, and acts of terrorism. TAHC also could help with local emergency planning. This would not affect the commission's responsibilities delegated by a state emergency management authority or under other laws, such as the Texas Disaster Act.

Feral swine. For disease control, the commission could mandate the registration of feral swine holding facilities and individuals confining feral swine in such facilities. TAHC would adopt requirements on registration, disease testing, inspections, record-keeping, construction standards, location limitations and other provisions pertaining to feral swine facilities.

The commission's authority to regulate animal movement would include feral swine. For instance, TAHC could restrict the intrastate movement of feral swine. The movement of feral swine into a quarantined herd, premise, or area would be prohibited or regulated by the commission. The executive director could modify movement restrictions for a feral swine owner who was burdened by unusual hardship under the restrictions. The commission would not be permitted to adopt a rule to prohibit the movement of feral swine within unquarantined land.

TAHC would be able to require disease testing and establish transport conditions before moving feral swine. The commission's authority to regulate feral swine movement could not interfere with the Parks and Wildlife Department's authority on the hunting and trapping of feral swine.

The bill would establish certain offenses as Class C misdemeanors. A person would commit an offense if the person recklessly:

- moved feral swine in a manner not compliant with stated rules;
- was in charge of a holding facility and permitted another individual to remove feral swine from that holding facility in a manner not compliant with stated rules;
- maintained a feral swine holding facility that was unregistered with TAHC; and
- held or permitted another individual to hold a feral swine holding facility that was not registered with TAHC.

Animal health laboratory study. With the assistance of the U.S. Department of Agriculture, TAHC and the Texas Veterinary Medical Diagnostic Laboratory would conduct a joint study on the state's capacity to perform animal disease testing in the case of an outbreak or emergency. In the study, the agencies would:

- determine the state's current testing capabilities, average time to conduct and report tests on animal diseases, and means of reducing average time to report test results;
- project the capacity of the state's animal health laboratories needed over the next 20 years, in case of an animal disease outbreak;
- assess the benefits of expanding state and federal animal health laboratories and locating animal health laboratories in more accessible locations; or
- project whether a change in the biosafety level was needed for the state's animal health laboratories.

The commission would evaluate information submitted in 2006 to the U.S. Department of Homeland Security and the Agro-Defense Facility to ensure that research was not duplicated. The commission would report its findings no later than December 31, 2008.

Standard Sunset provisions. The bill would include standard Sunset recommendations on the following practices:

- commission appointment, membership, and employment;
- complaint response procedures;
- technology to increase efficiency and ensure Internet access; and
- rulemaking and dispute resolution procedures.

TAHC would be required to comply with and implement management action recommendations adopted by the Sunset Advisory Commission in 2006.

This bill would take effect September 1, 2007.