

SUBJECT: Studying the risk of bovine tuberculosis in dairy farming in certain areas

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 4 ayes — T. King, Kacal, Springer, White
0 nays
3 absent — Anderson, M. González, Kleinschmidt

WITNESSES: For — (*Registered, but did not testify:* Elizabeth Choate, Texas Veterinary Medical Association; Darren Turley, Texas Association of Dairymen; Josh Winegarner, Texas Cattle Feeders Association)
Against — None
On — Dee Ellis, Texas Animal Health Commission; Orlando Flores

BACKGROUND: Bovine tuberculosis (TB) is caused by the bacterial infection that can cause infected cattle to develop tubercles, or encapsulated lesions in the lungs, lymph nodes, or in other internal organs. The disease can also infect humans. Cattle TB infection usually is first detected at slaughter plants, where inspectors examine carcasses, which they collect and submit for laboratory confirmation. While awaiting lab results, the carcasses are held or allowed to be used only in cooked products. Cooking meat or pasteurizing milk, which also is a heat treatment process, kills TB bacteria.

The El Paso Milk Shed, an historically dairy-rich area in El Paso and a portion of Hudspeth counties along the U.S.-Mexican border, experienced a TB infection of dairy cows despite repeated quarantines, testing, and removal of infected cows. In 2001, the affected herds were depopulated with indemnity funds from USDA, and agreements specified that dairies could not be re-established in the El Paso Milk Shed. No conclusion was drawn about what caused the recurring cases of bovine tuberculosis, although Mexico dairies were suspected. HB 2463 by Glaze was passed in the 77th Legislature to prevent issuance of dairy permits in an area classified as high risk for bovine tuberculosis for these dairy farmers to participate in the USDA buyout. Today, the USDA has designated the entire state as “TB-free.”

DIGEST:

HB 1081 would require the Texas Animal Health Commission (TAHC) to conduct a study on the current risk level for bovine tuberculosis “in areas of this state determined by the commission by rule to be infected with or at high risk for bovine tuberculosis.”

The report would include:

- an economic impact statement projecting the financial impact of allowing dairy farming in areas determined to be infected with or at high risk for bovine tuberculosis;
- to the extent possible, an assessment of the risk level for bovine tuberculosis presented by areas in Mexico bordering this state;
- to the extent possible, a description of efforts taken by the Ministry of Agriculture, Livestock, Rural Development, Fisheries and Food and other agencies of the United Mexican States to eliminate bovine tuberculosis in the state of Chihuahua and other areas;
- a description of current practices adopted by USDA and TAHC to eliminate bovine tuberculosis;
- an assessment of risk level for bovine tuberculosis for the state if dairy farming were to occur in areas determined to be infected with or at high risk for bovine tuberculosis; and
- an assessment of whether the areas determined to be infected with or at high risk for bovine tuberculosis could be decreased in size.

TAHC would submit a report by September 1, 2014, on the results of the study to the Department of Agriculture, the governor, the lieutenant governor, the House Committee on Agriculture and Livestock, the Senate Committee on Agriculture, Rural Affairs, and Homeland Security, the House Committee on Public Health, and the Senate Committee on Health and Human Services. TAHC would present the results of the study at an open commission meeting as soon as possible.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2013.

SUPPORTERS
SAY:

Before the buyout and prohibition of dairy farming in an area classified as high risk for bovine tuberculosis, El Paso County was one of the top five milk-producing counties in Texas. El Paso County was also responsible for 5 percent of the milk production in the United States.

El Paso County lost a \$40-million-a-year industry that directly employed 200 individuals and resulted in the loss of another 200 related jobs. This led to a decline of El Paso's agricultural economy, which was unable to continue production of crops such as alfalfa, corn, and sorghum, that supported the dairy farms.

In the decade since the buyout there has been no further investigation to determine whether El Paso County is still at high risk for bovine tuberculosis. No firm conclusion was drawn as to what caused the outbreaks, although Mexico dairies were the suspected source. The El Paso Milk Shed is the only area in the nation restricted from having dairy operations. However, counties that neighbor El Paso County and are within the same proximity to Mexico have dairy farming operations and no cases of bovine tuberculosis have been reported in that region. There are currently no positive cases of tuberculosis in the northern part of Mexico and the municipalities bordering the United States, including the cities of Juarez and Ojinaga.

Circumstances have changed since the buyout and prohibition of dairy farming in an area classified as high risk for bovine tuberculosis. The USDA no longer will downgrade a state's tuberculosis free status because of a positive confirmation of tuberculosis in a cattle population, as long as the state is willing to quarantine infected herds, destroy infected cattle, and monitor the herd for future outbreaks. USDA's policies no longer support depopulation of cattle populations unless it will lead to extermination of disease nationwide. These changes merit a study to determine whether this area still stands at a high risk for bovine tuberculosis. CSHB 1081 would help determine that risk level so the state can make informed decisions.

OPPONENTS
SAY:

It might be difficult for the Texas Animal Health Commission to meet the requirements of CSHB 1081 without additional resources, as it would cost the agency about \$52,492 to contract with a third party to conduct the economic impact statement and tuberculosis testing in El Paso County.

NOTES:

Rep. M. Gonzalez intends to offer an amendment that would remove the economic impact statement from the study. The Texas Animal Health Commission estimated CSHB 1081 would cost \$25,000 to contract with a third party to conduct the economic impact statement and \$27,492 to conduct tuberculosis testing in El Paso County.