

Idaho State Department of Agriculture
02.04.20 Rules Governing Brucellosis
July 11, 2013 @ 7:00 p.m.
Bill Barton, Facilitator

Present: Jim Hagenbarth, Hagenbarth Livestock; Scott Neville; Ken Palmer; Mike Webster; David Breckenridge; Luke Davis; Robert Davis; Jerald Raymond; Bob Ellis; Lance Ellis; Dr. Bill Barton, ISDA; Angel O'Brien, ISDA; Dr. Tom Williams, ISDA; Brad Archibald.

AGENDA ITEMS

WELCOME

Bill Barton convened the meeting at 7:10 p.m. by explaining the need for negotiated rulemaking process and why they are seeking a rule change requiring a permit for intrastate movement of cattle outside of the Designated Surveillance Area (DSA). He asked that stakeholders identify themselves when speaking so that comments will get on the record. In 2011, they identified the DSA and implemented testing requirements when cattle leave the DSA, much like Wyoming and Montana. The rule came about because of the federal brucellosis rule.

Exemptions to the testing include if you've done a risk assessment and it is determined that you have no risk of coming in contact with potentially affected wildlife, or if you don't have facilities within your grazing area. One of the main reasons the rule was implemented was because we were getting a lot of pressure from our trading partner states, Wyoming and Montana. In March 2012 we identified a bison herd within our DSA that was positive for brucellosis and a small beef herd just outside of our DSA that tested positive for brucellosis. That resulted in our increasing the size of the DSA to include the entirety of Fremont County. The USDA did a review of Wyoming, Montana and Idaho just six months after we implemented our testing rule. At that time most of the cattle were still out grazing and had not come in for testing. Our trading partner states in the northwest became very concerned again. North Dakota was the first state to impose movement restrictions from cattle in Idaho statewide. South Dakota followed them. They are the two states that currently have restrictions on the movement of our cattle. Texas is proposing a rule change this fall to require post entry testing on all cattle coming from Idaho, Montana and Wyoming. Cows entering Texas will have to be tested 60 to 120 days after they enter Texas. Heifers need to be held in quarantine in Texas and tested 30 to 90 days after they calve. Those are the kinds of drastic steps our trading partner states are willing to take to ensure we don't send them potentially positive cattle. Mr. Barton doesn't want to see any more states imposing movement restrictions on Idaho producers.

Wyoming and Montana have county-to-county branding inspection requirements.

At least 24 hours prior to moving cattle out, call the Boise office. You will be asked if the cattle have been tested. If the answer is yes, you will be issued a permit. If the answer is no, we will work with you to get those cattle tested before they leave the DSA.

A stakeholder asked about the June 15th date and asked whether or not it was originally an earlier date.

Dr. Barton replied that it was originally January 1st to July 1st. But during discussions with Fish and Game, the majority of the elk have calved by June 15th. Cattle going out after June 15th don't have to test going out of the DSA.

Dr. Barton stated that the rule stays the same, except we are adding section 123 that wasn't previously there.

A stakeholder asked if you have a herd plan, is a permit still required to leave the DSA.

Dr. Barton spoke of the herd plan and is considering adding the language to the rule that if you have a signed herd plan on file, you are exempt from the permitting process.

Dr. Barton directed the meeting to the underlined portion of IDAPA 02.04.20.123.03, permit required for intrastate movement out of the DSA.

Lance Ellis asked why the method of shipment is important. Is it critical?

Dr. Barton answered not really. The language of the rule was patterned after other brucellosis testing rules.

Brad Archibald asked when you call in to get the permit, are they going to give you a date for the testing?

Dr. Barton stated that you have already tested prior to calling to get the permit. If you haven't already tested, we'll do whatever we need to do to get you in line for testing. The only exemption for testing prior to leaving the DSA is if you have a herd plan on file. This permitting process is nothing more than a mechanism to give us a means of ensuring that the cattle that need to be tested are tested.

Bob Ellis asked if he is shipping the cattle from where they are now to Idaho Falls to be butchered, do they have to be bled there or Idaho Falls?

Dr. Barton stated that in the current rule there is an exemption for testing if you are moving to an approved livestock market which will test DSA cattle on arrival, which Idaho Falls and Blackfoot are both approved. So are Burley, Twin Falls and Jerome. You are also exempted if they are going to a slaughter plant that will test for brucellosis on arrival. It used to be in excess of the 90% of the cull cows that went to slaughter in the US were tested for brucellosis. The federal government is dramatically downsizing slaughter surveillance program. The majority of Idaho cull cows will still be tested.

Dr. Barton stated if you have a herd plan on file that states when you are going to do that testing, I personally don't see a reason you should have to call and get a permit.

Mr. Ellis asked how soon ahead do you have to set that up to get that testing done. Is that done by Doc Williams?

Dr. Barton stated that most of your testing is going to be done by our private practitioner. We reimburse The practitioner per head fee for bleeding.

David Breckinridge asked how long does the test last while you're in the DSA.

Dr. Barton answered change in ownership of cattle or you ship cattle outside the DSA.

Mike Webster asked are you doing the same thing with interstate?

Dr. Barton stated the vet is going to have to write a health certificate on those cattle interstate. Yes, it's just someone else issuing the permit. Really, that's probably something we should include so there is no misunderstanding.

Mr. Breckinridge asked if we are keeping track of the cattle that's actually bleeding.

Dr. Barton answered enforcement of any rule is always a challenge. We've got two ISD employees on this side of the state. You as producers need to help us enforce this to the degree that you can. We need your help.

Mr. Webster asked how many times can I get caught before you throw me in jail.

Dr. Barton stated all of the rules have a statutory civil penalty no less than \$100 but no more than \$5,000 per offense. Enforcement action begins with a Notice of Violation delivered to the producer. We give them the opportunity for settlement conference. We have developed a matrix for 1st time violations, 2nd time violations. We certainly don't want to put a producer out of business but we want to get their attention. This is a serious issue for the cattle industry in Idaho. If the producer elects not to do a settlement conference, then he goes to an administrative hearing with a judge. The judge listens to the arguments and the judge makes the decision of what the penalty is. Most producers find the settlement conference much more appealing.

Luke Davis stated every DSA producer should have a herd plan, and if they do, they are exempt from this anybody coming in after the 15th of June will also be exempt from this. Who is this directed at?

Dr. Barton stated we've got a significant number of producers who do not live in the DSA who utilize the DSA and may go in before the 15th of June. So, we are wanting to know where those cattle are going and that they are tested.

Mr. Luke Davis asked whether those producers are required to have a herd plan.

Dr. Barton answered no. The producers within the DSA are not required by law to have a herd plan but most of them do.

Dr. Williams stated about 80% do and 100% of the producers where that is their livelihood.

A stakeholder stated we have a herd plan. How long does it take to get the test back? If it came back would you stop us from moving out of the surveillance area?

Dr. Williams stated we usually have results in three four days at the most.

Barton stated if you moved the cattle already, if they are all negative, that's a good thing. We want to structure these rules so that it is not any more onerous than it already is. We cover the cost of the bleeding. We don't cover the call charge.

A stakeholder asked about the cost of the I.D.

Dr. Barton answered we can provide the silver USDA free of charge. The three official I.D.'s with the new animal traceability rule are a bang's tag, the silver USDA tag or a radio frequency tag.

Mr. Pickard asked what if you have some cattle there before the 15th and you bring in some more cattle after the 15th, do you have to bleed everything?

Technically by the rule, cattle that came after the 15th don't need to be bled. If they co-mingle in one big pasture, I think it's the producer's responsibility to make sure that the cattle that were already there before the 15th get bled.

Mr. Neville asked if the surveillance area has been enlarged to include Fremont County.

Dr. Barton stated it was enlarge last spring. It used to come down highway 20.

Mr. Neville stated so nothing in Jefferson or Clark County.

Dr. Barton answered just the expansion we did last fall to include all of Fremont County. Madison county is the line over to Teton.

Dr. Williams stated that Madison County is outside. The rest of our DSA beside Fremont is all of Teton County, the Swan Valley and Palisades area of Bonneville and a little corner of Caribou County.

A Stakeholder asked Does it matter if elk are in different cities like Shelley. Are there more requirements than just elk being there.

Dr. Barton said we based it on testing data that Fish and Game supplied us with testing wild elk. If an elk positive on a blood test doesn't mean the elk is infected, but he or she has been exposed to it and they've developed antibodies for brucellosis. If we've got areas of the state that have a lot of positives for brucellosis, we've included those areas within our DSA.

A stakeholder asked how many herds under surveillance or quarantined have we've got in eastern Idaho

right now?

Dr. Barton replied that right now we've got two herds under quarantine. A bison herd in Swan Valley and the beef herd in Fremont County. You have to have three negative tests to get out of quarantine. We can deal with the disease. Brucellosis has become a very political disease and the trade implications are huge. The testing that we implemented in the 2011 legislative session is really good. This is aimed at maintaining trade at very least cost to you as producers. North Dakota and South Dakota come in and say all Idaho cattle have to be tested, I can't pay for those people in northern Idaho and western Idaho. I don't have the money.

Mr. Palmer asked if this is going to change South Dakota and North Dakota? Are they going to back off a little?

Dr. Barton stated he would be surprised if South Dakota didn't change and surprised if North Dakota did. The state vet in South Dakota did not want to impose these restrictions on Idaho. When their animal health board met, it got close to the end of the meeting and somebody said we still got to vote on Idaho and they wanted to get out of there. Somebody said let's do what North Dakota did, and that's what they did. Texas is another story. The state vet in Texas is a great guy, I think the world of him. He is very concerned about what is called Latent Heifer Syndrome, and there is no real good scientific studies to back it up, but there are antidotal reports that heifers can be infected with brucellosis and test negative for it until after they've calved. He's afraid he's going to get a heifer from one of the three GYA states and she's positive for brucellosis but tests negative until after she's calved. That's what he's worried about.

Mr. Webster stated that when this first popped up, it was pretty well cleaned up and then the elk got commingled with the cattle. We'll never get it cleaned up. So that's why this is so important to get the trading partners to buy in on this. It's going to make us money instead of cost us money.

Mr. Hagenbarth stated that what's important is that the gal who answers the phone knows what's going on. It's frustrating. I don't call if I have management plan. It's going to be difficult for each of us to know when to call and when not to call. Chances you are not going to be testing every year. Even though it's a little onerous to call for a permit. I think it's a lot simpler for everyone and a lot stronger position for Idaho. If any time any animal under any circumstances leaves the DSA, you call and get a permit. But you're going to have to be able to accept those calls. I would recommend doing that, otherwise it's not going to cut the mustard.

Dr. Barton stated that was one of his big concerns. If you dilute it too much, it's going to catch the attention of the trading partner states. Let me query the group. How do you feel any time you move, picking up the phone and making a call. Too much?

A stakeholder stated that you can do that after. You're going to out to Killgore and something is wrong, you call when you get home. You just have to know when the movement is.

Mr. Webster stated you know me, I call you every time I move cattle.

Dr. Barton replied you usually wanting help.

Mr. Breckenridge stated that all this is for trade with other states. Wouldn't it be a stronger statement if Idaho could say that everybody who has cattle in the DSA has this herd plan. Wouldn't that make it stronger.

Dr. Barton stated that's just more ammunition you've got. I think everyone that utilizes the DSA, I think that would be huge if everyone had a herd plan. We stayed away from using the word "mandatory" in the last rulemaking because the consensus was let's try this on a voluntary level. I think Wyoming it is mandatory. Montana is not.

Mr. Hagenbarth stated that he thought it was mandatory in Montana.

Dr. Barton stated that he will check on that. That strengthens your case absolutely.

Dr. Barton stated that our goal is to help you stay in business even in the face of a disease issue. It can be done. It's not as easy as normal operations, but we do everything within our power to keep you as close to normal running operations and still maintain a secure environment.

Dr. Williams stated that we've let some of those herd move and the one herd in Fremont County, they go to their own deeded ground. We've to mitigate risk on that. They were all tested negative before they went out and they will be tested again next fall.

Dr. Barton stated the challenge there is maintaining separation of herds.

(inaudible)

Dr. Barton stated that we did that in the 2009 herd. We found some public lands that they could go out on. It worked reasonably well.

Richard (last name unknown) stated that most of the focus of that group came up with towards fish and game. Pushing for increased testing in the elk, maintain separation. A lot of our focus will be on trying to get Fish and game working with them. We are looking to strengthen that. There has been quite a lot of talk about increased enforcement. I don't know how people feel about it.

Dr. Barton asked if there any other questions.

(inaudible)

Mr. Palmer asked can we call any time? How are you going to have that set up?

Dr. Barton stated that we issue import permits all day, every day. If it's after hours, you call the same number. One of them is mine. Even if you left a message with your name and number, we'd call you back. Our import lines are live 24/7. In the future, we are looking at electronic permitting systems soon. Don't hesitate to call.

A stakeholder asked how many people are in favor of what Jim's talking about where everybody calls even though you got a plan?

A stakeholder stated I think Jim has a good point.

A stakeholder stated that the best way for anything like this to work is for it to be straight across the board. It applies to everybody and that's how word spread.

Dr. Barton stated that he agrees. It carries more weight with the guys we're trying to target. North Dakota, they weren't a big deal. Last year I think we sent 40 head of cattle to North Dakota from Idaho. South Dakota and Texas, a little bigger deal. You start talking CO, KS CA and WA. The minute those states cave and put moving restrictions on us, we're back to being a class c brucellosis state.

A stakeholder asked are there any other states that you won't let cattle come in to here?

Dr. Barton replied I was tempted with Texas. We do have TB testing requirements on Michigan and California because they've had real recent cases.

A stakeholder asked what about North Dakota?

Dr. Barton replied they are pretty squeaky clean.

Dr. Barton asked are there any other comments? Think of something, give me a call.

Bill Barton adjourned the meeting at 8:20 p.m.

Respectfully submitted by Angel O'Brien