

SUBJECT: Regulation and quarantine of diseased animals

COMMITTEE: Agriculture and Livestock — favorable, without amendment

VOTE: 8 ayes — Patterson, R. Cuellar, Finnell, Hawley, King, Rabuck, Rusling, Walker

0 nays

1 absent — Swinford

WITNESSES: For — None

Against — None

On — Dr. Terry Beals, Texas Animal Health Commission

BACKGROUND: The Brucellosis Control Chapter of the Agriculture Code allows the Texas Animal Health Commission (TAHC) to classify areas in the state for control of brucellosis, a disease that causes cows to abort their calves. TAHC may establish control measures in those classified areas, including testing cattle for brucellosis, vaccinating female cattle, branding brucellosis-infected cattle, and/or restricting the intrastate movement of brucellosis-infected cattle.

DIGEST: HB 1219 would allow TAHC to establish criteria for classifying areas in the state for the control of animal diseases other than brucellosis. The commission could also establish control measures appropriate for the level of disease in a classified area, and could regulate the movement of animals, including restricting intrastate movement, and require testing, vaccination, and any other "epidemiologically sound procedure" before or after movement of the animals.

TAHC would be allowed to prohibit or regulate the movement of animals into a quarantined herd or area, but not to prohibit a person from moving his or her own animals within unquarantined lands next to each other, if the lands were owned or controlled by the animal owner.

If an owner demonstrated that a restriction on the movement of the animal would result in unusual hardship, TAHC's executive director could modify the restriction.

Quarantine provisions in the Agriculture Code would be amended to allow TAHC to prohibit the movement of an animal into an affected area.

It would be a Class C misdemeanor offense, maximum penalty a \$500 fine, for animal owners to knowingly refuse to perform procedures required by TAHC rule. Second or subsequent convictions would be a Class B misdemeanor, maximum penalty of 180 days in jail and a \$2,000 fine. Each day an owner knowingly refused would be a separate offense.

The Brucellosis Control Chapter of the Agriculture Code would be amended to allow TAHC to make indemnity payments to an owner of infected, as well as exposed, cattle.

HB 1219 would take immediate effect if approved by two-thirds of the membership of each house.

**SUPPORTERS
SAY:**

The TAHC brucellosis control program has been successful, and the commission should be allowed to apply similar controls to curb other diseases. The authority to classify areas of the state and to apply appropriate control measures, including restriction of movement, is necessary for the effective control of such diseases as equine infectious anemia, tuberculosis, swine brucellosis and other animal diseases that can threaten the economic health of the livestock industry.

Texas now has a Class A brucellosis classification, which means that Texas is only one stage short of completely eradicating brucellosis in the cattle population. This program would not have been so successful if TAHC had not had the authority to classify areas of the state and apply control measures such as temporarily restricting the movement of cattle suspected of being infected with brucellosis without imposing a formal quarantine.

The classification system is the most effective way of handling animal disease problems because the level of disease and the circumstances surrounding the disease vary widely around the state. For example, stricter control measures may be needed in areas where owners traditionally keep their livestock in close quarters, increasing the likelihood of disease transmission.

Because the TAHC would be treating different sections of the state differently, HB 1219 would require that the classification system be based on reasonable scientific evidence of the need for the particular classification

system established. TAHC has successfully and fairly classified the state for brucellosis control and would fairly classify the state for other diseases as well.

This bill would also give TAHC authority to prohibit an owner from introducing new animals into a quarantined herd, expanding on its current authority to prevent animals from *leaving* a quarantined herd or area. Owners should not be allowed to unjustifiably expose new animals to disease, potentially lengthening the time and expense for freeing the herd of the disease. If this provision created an undue economic hardship on the owner, TAHC could waive the provision for that owner.

Letting TAHC make an indemnity payment to an owner whose cattle have been infected with brucellosis, as well as retaining existing authority to indemnify owners of exposed cattle, is appropriate because federal law requires the slaughter of infected cattle. Owners would have an added incentive to admit brucellosis infection and have the animal slaughtered if they know they will be compensated. This would not be an expensive compensation program since it is estimated that there will be only about 200 cattle a year identified as infected and eligible for the indemnity payment of approximately \$200 for each head. This money would be taken from already appropriated funds, and the fiscal note says no cost to the state would result. Even with the federal and state indemnity payment, the owners would not be fully compensated for their loss.

OPPONENTS
SAY:

Brucellosis is a disease whose seriousness has justified a statewide method of eradication that may be inappropriate for other diseases. Classification leads to different treatment of owners in different classified areas and should be viewed warily. Letting TAHC decide which diseases require a classification system might lead to unfair treatment.

Although the classification system would be set up based on purportedly scientific principles, challenging those scientific principles would be time consuming and costly, which could deter challenges even if the system were unfair.

Allowing the TAHC to prohibit an owner from adding new animals to a herd could create a major financial burden. In the livestock industry, not being able to add new animals is tantamount to not letting the owner's business grow.

The proposed new state indemnity payments for infected cattle are questionable since the federal government already makes an indemnity payment to the owner.