

SUBJECT: Prohibiting dairy permits in bovine tuberculosis areas

COMMITTEE: Public Health — favorable, without amendment

VOTE: 8 ayes — Gray, Coleman, Delisi, Glaze, Longoria, Maxey, Uresti, Wohlgemuth

0 nays

1 absent — Capelo

WITNESSES: For — Brad Bouma, Texas Association of Dairymen; *Registered but did not testify:* John Cowan, Dairy Farmers of America, Inc.; Chris Copeland, Texas Veterinary Medical Association

Against — None

On — *Registered but did not testify:* Max E. Coats, Texas Animal Health Commission; Gene Wright; Susan Tennyson

DIGEST: HB 2463 would amend the Health and Safety Code to prohibit the Texas Board of Health from issuing a permit to a dairy in an area infected with or at high risk for bovine tuberculosis. The epidemiological determination of tuberculosis would be made by the Texas Animal Health Commission.

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 August 27, 2001. HB 2463 would not apply to persons operating in infected areas who held a permit before the effective date of the bill.

SUPPORTERS SAY: HB 2463 is necessary so that dairy producers in the El Paso and Hudspeth County areas can take advantage of a U.S. Department of Agriculture (USDA) program to eradicate bovine tuberculosis in Texas.

Bovine tuberculosis has been eliminated from all of Texas except for the El Paso-Hudspeth County area. The USDA has agreed to buy out the approximately 10 dairy operations in the area if the state will assure the USDA that no more operations will be opened there. HB 2463 would give the USDA that assurance by prohibiting the Texas Department of Health

(TDH) from issuing any permits in areas infected with or at high risk for bovine tuberculosis. Current law does not give TDH authority to deny new permits based solely on the presence of bovine tuberculosis.

The USDA has said that the buy-out program would take place only with the agreement of all producers in the area so no one would be forced out of business unwillingly. The USDA program is designed to occur over two to three years to ensure there are no agricultural production and marketing problems — such as a glut of dairy cattle being sold for meat — and to allow dairy producers to enter into new agricultural enterprises if they desire.

It is important that Texas work with the USDA to completely eradicate bovine tuberculosis from the state. Otherwise, the state's cattle industry could be subject to sanctions.

**OPPONENTS
SAY:**

Facilitating the USDA buy-out program by prohibiting new dairy permits in the El Paso-Hudspeth County area could lead to disruptions in the area's agricultural production and marketing industries.