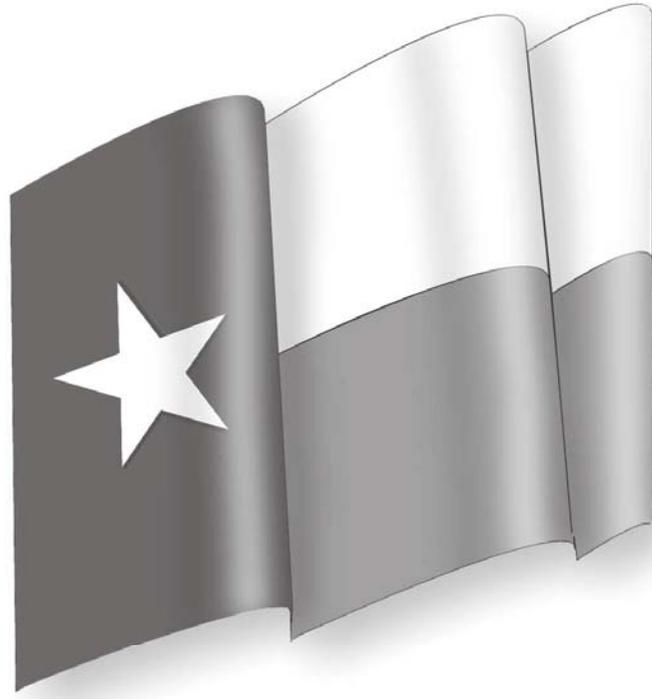


Summary of Sunset Commission Recommendations



Texas Animal Health Commission

February 2007





Texas Animal Health Commission

Agency at a Glance

The Texas Animal Health Commission (the Commission) works to prevent, control, and eradicate disease in Texas livestock, exotic livestock, domestic fowl, and exotic fowl. The Legislature established the Texas Animal Health Commission – originally named the Texas Livestock Sanitary Commission – in 1893 to fight the tick fever epidemic, which resulted in a federal quarantine of Texas cattle and threatened to cripple the State’s economy. Since then, the Commission’s responsibilities have remained consistent, although the Legislature has expanded the animals under the Commission’s jurisdiction beyond cattle, and added to the list of diseases that the Commission works to control.

Today, the Commission’s mission includes:

- ◆ protecting livestock and fowl from domestic, foreign, and emerging animal diseases;
- ◆ increasing the marketability of Texas livestock commodities worldwide;
- ◆ promoting and ensuring animal health and productivity;
- ◆ protecting human health from animal diseases and conditions that are transmissible to people; and
- ◆ preparing for and responding to emergencies involving animals.



*For additional information,
please contact Sarah Kirkle
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Key Facts

- ◆ **Funding.** In fiscal year 2006, the Commission operated on a budget of \$14.7 million, including \$5.9 million in federal funds.
- ◆ **Staffing.** The Commission employs a staff of 192, more than half of whom work in the Commission’s eight field areas. Employees also work in four laboratories, which the Commission jointly operates with the U.S. Department of Agriculture.
- ◆ **Surveillance.** In fiscal year 2006, the Commission examined 8.4 million animals at livestock markets. The Commission also monitored 3,271 livestock shipments.
- ◆ **Testing.** Employees in the Commission’s laboratory system processed about 2.9 million samples in fiscal year 2006. Tests conducted include those to detect bovine and swine brucellosis, swine pseudorabies, and bovine tuberculosis. Lab staff also identify disease-carrying parasites, such as fever ticks.
- ◆ **Emergency Management and Homeland Security.** In fiscal year 2006, Commission staff spent 6,234 hours planning for and responding to disease outbreaks and natural and man-made disasters. The Governor appointed the Commission as a member of the Texas Emergency Management Council in 2001, and the Homeland Security Council in 2005.

Commission Members (13)

Richard Traylor, Presiding Officer
(Carrizo Springs)
Rita Baca (El Paso)
Reta Dyess (Jacksonville)
William Edmiston, Jr., DVM (Eldorado)
Thomas George Kezar (Dripping Springs)
Coleman Hudgins Locke (Wharton)
Rogelio Martinez (McAllen)
Ernesto A. Morales (Devine)
Charles E. Real (Marion)
Ralph Simmons (Center)
Michael Louis Vickers, DVM (Falfurrias)
Jerry P. Windham (College Station)
Jill Bryar Wood (Wimberley)

Agency Head

Bob Hillman, DVM, Executive Director
(512) 719-0700

Recommendations

1. Clarify the Commission's role in preparing for and responding to natural or man-made emergencies, including a study of the State's capacity to perform disease testing during emergencies.
2. Clarify the Commission's authority to address diseases in other species that threaten livestock and fowl.
3. Clarify the Commission's authority to register feral swine holding facilities and regulate movement of feral swine for disease-control purposes.
4. Establish an agencywide compliance policy and improve public information regarding its compliance process.
5. Develop and implement a succession plan.
6. Continue the Commission for 12 years.

Issue 1

The Commission's Statute Has Not Kept Pace With Its Increasing Emergency Management Responsibilities.

Key Findings

- ◆ An increased awareness of the threat of an agroterrorism attack, as well as the impact of natural disasters on animals, has expanded the Commission's role in emergency management.
- ◆ Natural and man-made emergencies can have a devastating impact on livestock and fowl, humans, and the State's economy.
- ◆ The Commission lacks clear legislative direction to engage in emergency planning activities, an increasing and essential Commission function.
- ◆ Outdated authority for issuing quarantines and disposing of diseased livestock carcasses may limit the Commission's ability to control the spread of disease during an emergency.

Natural and man-made emergencies can have an impact on animal health, as well as public health and the economy. As the State's lead agency for animal issues, the Texas Animal Health Commission conducts emergency management planning related to livestock and fowl for the state and local jurisdictions, coordinates with federal emergency management planners, and offers planning and biosecurity advice and instruction to industry representatives and producers. However, the Commission lacks clear statutory authority to prepare and plan for such emergencies, even as the Commission's role in emergency management has significantly expanded in recent years. Also, limitations on issuing statewide or widespread quarantines and disposing of diseased livestock carcasses could hamper the Commission's disease control efforts.

Recommendations

Change in Statute

1.1 Authorize the Commission to plan for, prepare for, and respond to both natural and man-made emergencies that may have an impact on livestock and fowl.

This recommendation would establish emergency management as a vital responsibility of the Commission's mission in statute, thus allowing the Commission, as part of its routine activities, to perform emergency management duties currently not explicitly authorized in statute. The Commission would have authority to prepare and plan for, respond to, and recover from disaster events, including disease outbreaks; hurricanes; floods; tornadoes; wildfires; and acts of terrorism affecting livestock, exotic livestock, domestic fowl, and exotic fowl. In doing so, the Commission should ensure that it has established priorities to guide staff statewide in balancing emergency management duties with traditional disease surveillance, control, and eradication responsibilities. This recommendation would also clarify the Commission's authority to assist with local emergency management planning.

1.2 Authorize the Commission to impose a statewide or widespread quarantine on livestock and fowl when needed to prevent or contain a disease outbreak.

To address the spread of fast-moving and highly infectious diseases, this recommendation would authorize the Commission to issue a statewide or widespread quarantine on livestock and fowl as a means of quickly stopping the movement of animals potentially infected with disease. Given the immediate threat posed by a disease outbreak, and the need to act quickly, the Commission could

delegate, by rule, the authority to issue a quarantine to the Executive Director, who would promptly notify Commission members when a quarantine has been issued.

1.3 Clarify the Commission’s authority to determine the appropriate method of carcass disposal for diseased livestock.

Under this recommendation, the Commission would have authority to determine and implement the most effective method, including methods other than burning or burial, for disposing of diseased livestock carcasses. This would allow the Commission to consider factors such as the most appropriate disposal method for the particular disease, environmental implications, geographic location, number of carcasses, and weather conditions when deciding what method of carcass disposal to employ. To more quickly respond to carcass disposal issues, the Commission could delegate this authority to the Executive Director, by rule.

1.4 Require the Commission, the Texas Veterinary Medical Diagnostic Laboratory, and the Texas Department of Agriculture to jointly conduct a study regarding the State’s current and future capacity to perform disease testing for livestock and fowl during an animal disease outbreak or emergency.

In conducting the study, the Commission should include participation from other animal-health related partners, including the U.S. Department of Agriculture. The scope of the study should include, but would not be limited to, the following:

- ◆ determining the current testing capability and capacity level of animal health laboratories in the state;
- ◆ determining the current average time to conduct tests for animal diseases, and the current average time to report initial testing results and required confirmation testing results conducted by the U.S. Department of Agriculture;
- ◆ projecting the needed capability and capacity level of the State’s animal health laboratories during a statewide or nationwide animal disease outbreak over the next 20 years;
- ◆ assessing the potential benefits of expanding or combining existing animal health laboratories in Texas, including those operated in conjunction with the U.S. Department of Agriculture and other partners;
- ◆ establishing or relocating animal health laboratories in more accessible locations;
- ◆ pursuing location of federal animal health laboratories in Texas;
- ◆ exploring methods to reduce the average time to report both initial testing results and federal confirmation testing results for animal diseases; and
- ◆ projecting whether a change in the biosafety level – as designated by the U.S. Department of Agriculture and Centers for Disease Control and Prevention – is needed for animal health laboratories in Texas, based on projected future testing capabilities and capacity levels.

Issue 2

The Commission Has Limited Authority to Control Diseases Spread to Livestock and Fowl by Other Species, Potentially Resulting in Preventable Disease Outbreaks.

Key Findings

- ◆ Nonlivestock animals can transmit disease to livestock and fowl.
- ◆ The Commission does not have clear authority to address diseases in other species that could result in a disease outbreak among livestock and fowl.
- ◆ Introducing or reintroducing animal disease can have devastating effects on livestock and fowl, humans, and the economy.

The Texas Animal Health Commission has responsibility to protect livestock and fowl from disease. However, species that do not fall under the Commission's jurisdiction can spread diseases that threaten livestock and fowl. Some of these diseases also affect humans. Although the law clearly outlines the Commission's responsibility to protect livestock and fowl from disease, statute is not clear on whether this includes the authority to act to prevent, control, or eradicate diseases in other species that threaten livestock and fowl. Without clear direction, the Commission is limited in its ability to protect the species it regulates.

Recommendation

Change in Statute

2.1 Clarify that the Commission has authority to act to prevent, control, or eradicate diseases that affect livestock and fowl, regardless of what species carries the disease.

This recommendation would give the Commission clear authority to protect livestock and fowl from disease, even if the disease threat comes from a species not under the Commission's authority. The Commission's existing authority to regulate movement, establish quarantines, inspect shipments, and require testing would apply. However, the Commission's authority regarding species other than livestock or fowl would be limited only to instances when a disease that threatens livestock or fowl has been confirmed or is suspected to exist in another species and the Commission determines that a threat to livestock or fowl exists. This authority would not authorize the Commission to infringe upon or supersede any other agency's authority, such as the Texas Parks and Wildlife Department's authority to regulate wildlife. In those situations, the Commission would assume responsibility for disease-control efforts, but would work collaboratively with the other agency.

Issue 3

Lack of Clear Authority Regarding Feral Swine Limits the Commission's Ability to Prevent the Spread of Disease to Domestic Swine and Other Livestock.

Key Findings

- ◆ Feral swine transmit disease to domestic swine, threatening the health and economic viability of Texas' domestic swine population.
- ◆ Unclear authority to regulate the movement of feral swine and feral swine holding facilities limits the Commission's ability to prevent the spread of disease from feral swine to livestock.

Feral swine carry diseases, such as swine brucellosis and pseudorabies, that they can transmit to domestic swine and other livestock. The dramatically increasing number and range of feral swine, coupled with increased movement of these wild hogs for hunting and other purposes, has increased the risk of spreading diseases to domestic swine and threatens Texas' federally designated disease status. To protect domestic swine from this disease threat, the Texas Animal Health Commission has imposed restrictions on movement of feral swine and established a registration program to create standards for maintaining feral swine holding facilities. However, the Commission's authority to regulate movement of feral swine or register feral swine holding facilities, as well as its ability to adopt and enforce rules regarding feral swine, is unclear.

Recommendations

Change in Statute

3.1 Clarify that the Commission can regulate the movement of feral swine as a disease-control measure.

Under this recommendation, the Commission's existing authority to regulate the movement of animals would be clarified to include movement of feral swine for disease-control purposes. The Commission should adopt rules relating to the movement of feral swine, including disease-testing requirements prior to movement from one location to another. Regulating the movement of feral swine would aid the Commission's efforts to control the spread of disease to livestock by specifying conditions under which feral swine could be transported. This recommendation would not interfere with Texas Parks and Wildlife Department's authority to regulate the hunting or trapping of feral swine, as it would apply solely to movement of feral swine. The Commission should be given clear authority to take enforcement action for violations of statutory provisions or Commission rules or orders related to the movement of feral swine.

3.2 Authorize the Commission to register feral swine holding facilities.

This recommendation would grant the Commission specific statutory authority to require the registration of feral swine holding facilities for disease-control purposes, ensuring the Commission's ability to better protect domestic swine and other livestock from diseases spread by feral swine. Individuals would be required to register with the Commission if they confine feral swine in pens for slaughter, retail, exhibition, hunter-kill purposes, or other purposes determined necessary by the Commission to prevent the spread of disease. The Commission should adopt rules regarding registration requirements, issuance, revocation, and renewal; disease testing; inspections; record-keeping; construction standards; and location; as well as treatment in, and movement to and from, a feral swine holding facility.

As part of this recommendation, the Commission should also be given clear authority to take enforcement action against individuals who violate statutory provisions or Commission rules or orders related to feral swine holding facility registration. Because the Commission would only regulate feral swine from a disease-control perspective, the authority to register feral swine holding facilities would not authorize the Commission to interfere with any other agency's authority, such as Texas Parks and Wildlife Department's authority to regulate the hunting and trapping of feral swine.

Issue 4

Lack of Clear Compliance Procedures Can Lead to an Inconsistent Approach to Enforcement Across the Commission's Eight Field Areas.

Key Findings

- ◆ Lack of written agencywide compliance policies and procedures can lead to an inconsistent response to violations statewide.
- ◆ The Commission has not made its complaint procedures easily accessible to the public.
- ◆ The Commission does not use its compliance system to track repeat offenders, analyze common violations and complaint dispositions, or keep field staff informed.

The Commission has responsibility for identifying and stopping illegal activity that threatens animal health, a critical part of protecting livestock and fowl from disease. Because most of the Commission's employees work in the field, they identify the majority of the violations. However, the Commission has not developed clear policies and procedures to adequately guide field staff or Austin-based staff who process compliance actions. In addition, the Commission's complaint process is not readily accessible to the public. Also, because the Commission does not track violations or complaint dispositions that occur, it misses an opportunity to provide additional education and outreach opportunities to stop illegal behavior.

Recommendations

Change in Statute

4.1 Require the Commission to establish an agencywide compliance policy and internal operating procedures to guide compliance activities.

This recommendation would ensure that the Commission adopts an agencywide policy regarding its philosophy on compliance and conveys this policy to staff statewide. The policy should also address how to prioritize compliance activities with other agency operations, as well as how to prioritize the types of violations. In addition, the Commission should develop clearly defined procedures regarding the Commission's approach to addressing compliance with state laws and Commission rules. The Commission should post these internal operating procedures on the agency's intranet so that all Commission employees, including area office directors and field inspectors, have access to them.

4.2 Require the Commission to provide information regarding the process for accepting complaints on its website.

To provide the public with simple, easy-to-access information about the Commission's complaint procedures, the Commission would be required to post information regarding complaints on the home page of its website. These procedures should address how to file a complaint, what types of information

to include in the complaint, and the general process to expect. The Commission should also explain what types of complaints fall under its jurisdiction, thus reducing the potential for any confusion on nonjurisdictional complaints – such as those dealing with companion animals or animal welfare issues – that the agency does not have authority to resolve.

Management Action

4.3 The Commission should track categories of violations to identify common problems that could be addressed through targeted regulation or education efforts.

Tracking the types of complaints received and compliance actions taken would provide the Commission with useful information to identify regulatory problem areas. Types of complaints could be categorized by section of statute or particular rule violated, or under broader categories, such as failure to properly vaccinate or test an animal. Armed with this information, the Commission could target its public information and education efforts on those areas identified as a concern. Tracking dispositions of complaints, including those handled by the courts, would keep the Commission abreast of the actions taken to achieve compliance, thus allowing the Commission to more accurately report its activities to the Legislature, stakeholders, and the public.

4.4 The Commission should make its compliance database available to its employees statewide to facilitate better sharing of information and consistency in staff's approach to compliance.

Allowing field employees to have electronic access to the Commission's database would reduce field staff's reliance on paper copies, thus making it easier for staff to check for previous violations by the same offender, search for similar situations and violations by other individuals within the area and in other areas, and determine the final disposition of complaints submitted by field staff. By taking advantage of this additional information, field staff could take more consistent and effective steps to ensure compliance with animal health laws and rules.

Issue 5

Anticipated Changes in the Commission's Workforce Could Leave the Agency Vulnerable to a Significant Loss of Knowledge Critical to Its Operations.

Key Findings

- ◆ The Commission employs a highly technical and aging workforce.
- ◆ The Commission will likely experience a significant rise in staff turnover in the near future.
- ◆ The Commission is experiencing a shift in necessary job skills, as well as a decreasing pool of qualified applicants for some key positions.
- ◆ The Commission lacks a plan to deal with impending retirements and workforce changes.

Within the next five years, the Texas Animal Health Commission will likely experience a significant increase in its turnover rate, as many older and long-tenured employees become eligible for retirement. Coupled with normal attrition, this loss could leave the Commission vulnerable to a great void of institutional knowledge. At the same time, the pool of qualified applicants for some key positions is decreasing, as the skills needed by the Commission are changing. Although the Commission recognizes the potential for problems, it is not well-positioned to deal with its impending workforce changes.

Recommendations

Management Action

5.1 The Commission should develop and implement a succession plan to prepare for impending retirements and workforce changes.

The Commission should develop a plan to prepare for both anticipated and unanticipated departures of key staff, including identifying positions critical to the agency's operations. With the Commission's turnover rate expected to significantly rise, the Commission should implement this plan within two to four years, before anticipated retirement-eligibility dates of key staff. A succession plan would reposition the Commission to address future needs with current resources and ensure continuity of leadership.

5.2 The Commission should formally document its duties in writing by updating its manuals and making them available to all employees electronically.

This recommendation would ensure that the Commission captures institutional knowledge and uses this information to update its employee manuals to reflect current job duties and procedures. This would allow the Commission to record valuable knowledge and expertise before key staff leaves, providing an effective method to document current practices as well as to train new staff. The Commission should make these manuals available to all staff electronically, such as through the Commission's intranet, as a more effective means of information disbursement. This would allow the agency to more easily update information without printing new manuals every time information changes.

5.3 The Commission should train and develop staff to move into at-risk positions.

The Commission should identify positions at risk of becoming vacant in the near future and provide training and development opportunities to employees eligible to move into these positions. Training and development opportunities would give staff the skills and competencies needed to move into essential positions and enable the Commission to pass its institutional knowledge and expertise to new staff members. This recommendation would also allow the Commission to further develop its career ladder.

Issue 6

Texas Has A Continuing Need for the Texas Animal Health Commission.

Key Findings

- ◆ Texas has a clear and continuing interest in preventing, controlling, and eradicating disease in the state's livestock and fowl.
- ◆ The Commission effectively accomplishes its mission to protect livestock and fowl from domestic, foreign, and emerging diseases.
- ◆ Review of the Commission and other related agencies did not reveal any significant beneficial alternatives for consolidation or transfer of functions.

Since creating the Commission, the Legislature has strengthened its efforts to protect animals from disease by expanding the species under the Commission's jurisdiction, and by adding to the list of reportable animal diseases. Maintaining healthy, disease-free livestock and fowl benefits not only animal health, but human health as well, as many diseases are transmissible from animals to humans. Protecting animals from disease also greatly benefits Texas' economy, as the livestock and poultry industries contribute significantly to the State's economic health.

Recommendation

Change in Statute

6.1 Continue the Texas Animal Health Commission for 12 years.

This recommendation would continue the Commission as an independent agency responsible for preventing, controlling, and eradicating animal diseases in livestock, exotic livestock, domestic fowl, and exotic fowl for the standard 12-year period, until 2019. The Commission would maintain its activities focused on protecting livestock and fowl from disease. Doing so would not only benefit animal health, but would also help protect humans from zoonotic diseases and help protect Texas' economy from the potentially devastating effects that could result from an animal disease outbreak.

Fiscal Implication Summary _____

None of these recommendations would have a significant fiscal impact to the State.