

SUBJECT: Texas Animal Health Commission's animal ID program

COMMITTEE: Agriculture and Livestock — committee substitute recommended

VOTE: 5 ayes — T. King, Anderson, M. González, Kacal, Springer
0 nays
2 absent — Kleinschmidt, White

WITNESSES: For — Marida Favia del Core Borromeo, Exotic Wildlife Association; Jason Skaggs, Texas and Southwestern Cattle Raisers Association; Josh Winegarner, Texas Cattle Feeders Association; (*Registered, but did not testify*: Norman Garza Jr, Texas Farm Bureau; James Grimm, Texas Poultry Federation; Rick Hardcastle; Joe Morris, Texas Sheep and Goat Raisers Association; Darren Turley, Texas Association of Dairymen; Bob Turner, Independent Cattlemen of Texas and Texas Poultry Federation; Don Ward, Livestock Marketing Association of Texas; Josh Winegarner; Texas Cattle Feeders Association)

Against — Elizabeth Choate, Texas Veterinary Medical Association; Judith McGeary, Farm and Ranch Freedom Alliance; (*Registered, but did not testify*: Susan Beckwith, Texas Organic Farmers and Gardeners Association; Ronda Rutledge, Sustainable Food Center; James Wygant, Farm and Ranch Freedom Alliance; Patrick Fitzsimons; Carla Jenkins; Kelley Masters; Suzanne Santos; Roxanna Smock; Lori Teller)

On — Dee Ellis, Texas Animal Health Commission

BACKGROUND: Adopted in 2005, Agriculture Code, sec. 161.056, authorizes the Texas Animal Health Commission (TAHC) to implement an animal identification program consistent with the U.S. Department of Agriculture's (USDA's) National Animal Identification System (NAIS). The USDA withdrew the NAIS program in 2009, making section 161.056 defunct. At this time, the TAHC can only impose animal identification requirements that are connected to a disease control program.

DIGEST: CSHB 2311 would strike the statutory reference to the U.S. Department of Agriculture's National Animal Identification System and provide that any

state animal identification program could be no more stringent than any federal animal identification program.

The Animal Health Commission (TAHC) could, by a two-thirds vote, adopt rules to provide for a more stringent animal identification program for control of a specific animal disease or for animal emergency management.

The TAHC could adopt rules to require the use of official identification as part of the animal identification program for animal disease control or animal emergency management.

CSHB 2311 also would provide that all existing TAHC animal identification rules would continue in effect until they were amended or repealed.

The bill would remove language allowing the Animal Health Commission to establish a date for all premises to be registered and assess a registration fee.

CSHB 2311 would repeal the penalty provision for violations relating to animal identification, which is class C misdemeanor (maximum fine of \$500) or, if previously convicted, a class B misdemeanor (up to 180 days in jail and/or a maximum fine of \$2,000). The bill also would repeal the provision detailing what could be recognized as official identification numbers in the state.

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:**

CSHB 2311 would clean up a defunct statute and clarify the existing authority of the Texas Animal Health Commission's (TAHC) as it relates to animal identification to ensure that there was proper balance between animal disease traceability and continued commerce. The bill also would prevent the adoption of stringent rules without the support of a large majority of the TAHC.

Animal disease traceability is a vital component to the success of the Texas livestock industry. Texas animal health officers must be able to track potential diseased animals quickly and efficiently and in a way that

is practical and affordable for Texas livestock producers. In recent years, the Texas livestock industry has placed a renewed emphasis on controlling foreign animal diseases of concern. Intrastate and interstate animal identification plans recently have been developed and implemented at the federal and state levels to enable the livestock industry and animal health officials to more rapidly and effectively respond to animal health emergencies.

With input from many stakeholders, the committee substitute would strike a good compromise that balanced animal health and public health protection with the interests of the producers who contribute to the state's economy. It would address concerns about the state program being less stringent than the federal program by providing the TAHC with the flexibility to adopt more stringent animal identification rules with a two-thirds vote. This would preserve the TAHC's ability to take action to mitigate a foreign or domestic animal disease emergency.

Opponents' concerns that the bill would require the tagging of backyard chickens and other animals of small-scale farmers are overblown. The scope of the bill is narrow and would limit the TAHC to creating identification rules only for the purpose of disease control. The bill would not write any identification rules into statute concerning any species of livestock. In fact, a vote of two-thirds of the commission would set a higher burden under which identification rules could be adopted. Further, various livestock industries are represented by the TAHC and all rules adopted by must go through a period of open public comment. Plenty of existing checks and balances would ensure that one group was not inadvertently harmed when decisions were made regarding how animal identification and disease control will be handled in the state.

Limiting the bill to cattle identification programs or providing a direct-to-slaughter exemption could create inconsistencies and limit TAHC's ability to create rules protecting certain sectors of the industry.

**OPPONENTS
SAY:**

Requiring Texas' animal identification program to be no more stringent than the federal animal identification program would put Texas in a position to be reactive to federal standards rather than proactive to the needs of the state. This would cause uncertainty for both the Texas Animal Health Commission (TAHC) and the industry and could prevent the early detection and rapid response to any outbreaks that may occur.

The ability of the state of Texas to mitigate the spread of animal diseases that could potentially devastate animal health and ultimately the state's livestock economy is of paramount importance. The TAHC needs the statutory authority to implement a meaningful animal disease traceability system that would allow quick control of animal movements and quarantine of infected animals to halt the spread of disease.

Authorizing the TAHC to adopt federal animal identification regulations would be inappropriate since we do not know what regulations may be adopted in the future. Texas should work closely with the USDA in their disease control initiatives but should also preserve the ability to take a leadership role in animal health when necessary.

OTHER
OPPONENTS
SAY:

While CSHB 2311 appears to limit the Texas Animal Health Commission's (TAHC's) authority, the bill would actually do the opposite. CSHB 2311 would allow the TAHC to adopt animal identification rules in-state as long as they were not more stringent than federal regulations and would allow the agency to adopt even more stringent regulations with a two-thirds vote. The bill also would grandfather all of the agency's existing regulations, including those that exceed the agency's current statutory authority.

The bill would allow the TAHC to impose federal regulations — intended only to apply to those moving animals across state lines — on people who own and move animals entirely within the state. This would affect people who own any type of poultry or livestock animal, even just a few chickens in their backyard, a pet pig, or a horse, as well as thousands of small farmers and ranchers across the state.

Without the National Animal Identification System, the TAHC does not have authority to require tagging of an animal for identification purposes that is not connected to a disease control program. This bill would give the agency authority to adopt federal regulations for animal tagging and apply them in-state. Small-scale farmers and backyard poultry farmers that don't frequently cross state lines could be subject to tagging requirements for simply moving their animals within the state.

The TAHC already has authority to address animal diseases, and it can require identification as part of a disease control program. There is no need to give the agency authority to adopt stand-alone animal identification requirements, unconnected to any disease control program,

for in-state movements. The bill should be limited to cattle identification programs only and provide for a direct-to-slaughter exemption.

NOTES:

The companion bill, SB 1233 by Schwertner, was reported favorably as substituted by the Senate Committee on Agriculture, Rural Affairs, and Homeland Security on April 11.

The committee substitute differs from the bill as filed by:

- including a provision to allow the TAHC to adopt more stringent animal identification rules with a two-thirds vote;
- providing that all existing TAHC animal identification rules would continue in effect until they were amended or repealed; and
- removing references to the brucellosis program.