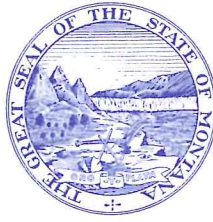


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The Big Sky Country

MEMORANDUM

Date: May 22, 2014

To: Chairman Brodehl, Legislative Audit Committee
Legislative Members, Legislative Audit Committee
Tori Hunthausen and Angus Maciver, Legislative Audit Division

From: Senator Mike Phillips

Subject: Request for Comprehensive Performance Audit of Efforts to Prevent Transmission of
Brucellosis from Wildlife to Cattle, 2000 Through Present

I respectfully request that the Legislative Audit Committee authorize the Legislative Audit Division to conduct a comprehensive performance audit of the efforts by Montana's Department of Livestock (DOL) and Fish, Wildlife and Parks (FWP) to prevent transmission of brucellosis to cattle from wildlife, principally bison and elk from 2000 through present. Why?

Efforts by Montana to prevent transmission of brucellosis from wildlife to cattle have been on-going for decades. Since 2000 efforts have been principally guided by the Interagency Bison Management Plan (IBMP) which was enacted in that year and called for collaborative management of the brucellosis issue by FWP, DOL, Yellowstone National Park, U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), and USDA Forest Service.

Since then efforts by DOL and FWP to prevent wildlife from transmitting brucellosis to cattle have often been characterized by controversy, confusion, and divisiveness. Not uncommonly concern over efforts has escalated to problematic levels as manifest by lawsuits, public demonstrations, and widely disparate bills introduced during several legislative sessions.

I am certain that a comprehensive performance audit of Montana's efforts to manage brucellosis since enactment of the IBMP would clarify the state's brucellosis management efforts. Such clarity could lead to a more cost-effective and less divisive approach for managing the disease that was mindful of the importance of our livestock industry and wildlife resources.

I think the legislature would benefit from a full disclosure of public documents, agency transparency, and a thorough accounting of the use of public money -- whether those expenses are justified and how those expenditures correlate to desired results and outcomes. Many of my constituents are desirous of greater clarity regarding the state's brucellosis management program. I suspect that Montanans across our state and legislators from both chambers hold a similar desire. I believe that a comprehensive performance audit by the Legislative Audit Division is strongly indicated.

I apologize for not submitting this request sooner. I am, nonetheless, hopeful that your Committee will support the request and that our Legislative Audit Division will be able to provide a final report before the start of the of our 2015 legislative session. Concerning the urgency of the performance audit, it is important to note that the Interagency Bison Management Plan is scheduled to be updated starting in late

2014. The final report resulting from a comprehensive performance audit could prove of cardinal importance in updating the IBMP, the new version of which will have material influence over efforts to manage brucellosis for many years to come.

I have concluded this memo with background information and a list of questions that could be considered by a brucellosis management performance audit.

I am proud to live in a state, and honored to serve citizens who place high value on both Montana's agricultural traditions and our wildlife heritage. Both give our great state distinction the world over. I look forward to a favorable review my request that the Legislative Audit Division conduct a performance audit on Montana's effort to prevent the transmission of brucellosis from wildlife to cattle. It seems clear that such an audit would provide foundational knowledge for improving efforts to protect our livestock industry and important wildlife populations.

BACKGROUND

The brucellosis controversy has raged for decades. Since the 1980s, over 7,800 Yellowstone bison wandering into the state have been killed through test, slaughter, hunting and scientific purposes related directly to Montana's need to minimize the threat of brucellosis.

At the outset of the controversy, management was primarily based on the assumption that bison were the vectors of brucellosis transmission to cattle.

Based on this assumption, during the 1990s our predecessors passed legislation (MCA 81-2-120) that removed bison management authority from FWP and assigned that responsibility to DOL.

In 2000 the present Interagency Bison Management Plan was enacted and called for collaborative management of the brucellosis issue by FWP, DOL, Yellowstone National Park, U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS), and USDA Forest Service.

As a result of implementing that plan millions of dollars have been spent. According to a 2008 Government Accounting Office report, annual costs have often approached \$2 million. Certainly, millions of hard earned state and federal tax dollars have been expended over the last 14 years. As you know, much of the public's money and a significant expenditure of human resources have focused on hazing and killing bison.

Yet over the last decade much has changed. For example, reliable research has improved our understanding of disease transmission. Some key land purchases and conservation easements have been established outside the northern and western boundaries of Yellowstone National Park. Public support for providing bison year-round access to suitable habitat has markedly increased. In a recent Environmental Assessment of possible options, almost 118,000 public comments of the 119,000 submitted supported a recently developed draft EIS that called for allowing bison to move seasonally outside the Park to winter range as numerous other species of wildlife do, including elk.

Through genetic studies we now know that elk are a viable vector for transmitting brucellosis to cattle. While researchers have yet to document wild bison transmitting brucellosis to cattle, elk have been implicated in recent outbreaks. That said, it is important to note that the best available science indicates that the risk of transmission via elk remains very low. I understand that researchers have also documented cattle to cattle transmission in Montana.

Not surprisingly, over the years DOL and APHIS have devised reasonable and common sense protocols for responding to brucellosis outbreaks in cattle, in those rare instances when an outbreak does occur. For

example, total herd depopulation is no longer required. Testing procedures enable state veterinarians to more aggressively pinpoint single infected animals and remove them from the herd. In addition, surveillance methods have improved along with requirements that cattle be inoculated with the best existing brucellosis vaccine and that animals be tested per costs that are relatively low and often subsidized with public funds.

Despite all of this, a great deal of uncertainty continues to persist over Montana's approach to managing wildlife relative to brucellosis transmission to cattle.

I have received complaints from my constituents that the public agencies involved with brucellosis management have not been forthcoming with information and scientific data that could clarify agency actions. I have heard criticism suggesting that there is no solid scientific basis for some brucellosis management decisions. I have listened to frustrated citizens asserting that they have been shut out of public meetings even though their potential involvement was mandated by state law. Recently I grew especially concerned when I learned that State Livestock Board had ignored a consensus-based approach to bison management developed by the Bison Citizens Working Group after much hard work to identify common sense components.

Given the high public profile of brucellosis management, the notable time and fiscal resources invested, and the consequences of success for Montana's livestock industry and our public wildlife, I am asking this committee to swiftly and urgently authorize the Legislative Audit Division to conduct a performance audit of Montana's brucellosis management programs and provide a final report by the outset of the 2015 legislative session.

Questions that could be considered by such an audit include, but are not limited to those listed below (assembled in no particular order). I stand ready to work with you, other Committee members, and the Audit Division to improve this list if necessary.

- What is the total cost of brucellosis management in Montana since the Interagency Bison Management Plan was implemented in 2000? In the context of this question it would be important to determine which agency is paying for what activities, and the amount of federal funds, their source, and any proscriptions for their use.
- What peer-reviewed or independent scientific documentation is being used by DOL and FWP in assessing the risk of wildlife transmitting brucellosis to cattle? In the context of this question it would be important to include a full list of relevant literature and any specific data that have been used to justify management actions on the ground. Additionally, in the context of this question it is important to know what science was used to inform DOL and FWP in its recent proposal for increased tolerance of Yellowstone bison in the state based on a predetermined numeric target (i.e. size of park bison herd).
- How many cases of suspected brucellosis transmission not owing to wildlife have been caused by vaccination blooms or by cattle to cattle transmission events?
- Where exactly, as identified on a map, have brucellosis outbreaks occurred and what are the details of those outbreaks?
- How much public money has been spent in responding to confirmed outbreaks?

- How many head of livestock have been involved in confirmed outbreaks and what costs were incurred by the ranchers?
- What federal mandates apply to Montana once an individual animal in a cattle herd has tested positive for brucellosis?
- Who bears the cost of management actions related to a brucellosis outbreak?
- What are the implications of infrequent brucellosis outbreaks for Montana's cattle trade across state and international boundaries?
- How many and what percentage of destroyed Yellowstone bison have been bulls? What percentage have been pregnant bison cows?
- In areas where bison control has been undertaken, what were the exact locations, as provided on a map, of relevant cattle herds and how did their presence align temporally and spatially with the presence and control of bison.
- What specific demands does APHIS apply to DOL and FWP regarding management and control of bison and elk to minimize the risk of either species transmitting brucellosis to cattle?
- What are the mandated protocols for testing and vaccinating Montana cattle with RB51?
- What do DOL and FWP intend now that it is known that elk, not bison, are confirmed vectors of brucellosis outbreaks?
- Who specifically in state government is responsible for decision-making concerning Montana's protocol for brucellosis management? In particular, the legislature would benefit by knowing who typically authors recommendations for managing brucellosis and who is responsible for authorizing on the ground management activities.