Audio File 9, continued from Audio File 8 to 9:59, end of Dr. Marty Zaluski's presentation. Transcript of other Audio File 9 comments separate.

...very closely together. We have 3 guys that supervise the entire state and supervise all the brand inspectors. They are paid half by Animal Health money and half by Brand Inspection money. So, I mean we have a very strong enforcement program. So what is the risk to Texas from Montana? And certainly my comments apply to the Greater Yellowstone Area, but they specifically apply to the state of Montana. I want to be very clear here. The state of Montana has had 3 cattle herds that have been infected with brucellosis since 2007. Let me say that again, 3 cattle herds only in 6 years. Now, in full disclosure we have a strong testing program that just picked up a couple reactors from a couple herds that we're chasing down right now. But, basically we've had 3 herds, with 8 positive animals since our brucellosis program in '07 we had a herd with 7 reactors. Since then, we've started a strong brucellosis program, we've had 8 reactors in cattle, or 8 positive animals in cattle. That's it in the entire state.

We have a strong testing program as I've mentioned, and its supported by the fact that when you first find the disease in a herd you want to know how infected that herd is. If that herd is very well and very highly infected, like the herd in Starr County (*this is a Texas county that had an outbreak of brucellosis in Feb. 2011 and the brucella was not related to the GYA elk or bison isolates, but cattle isolates – my note from research in the spring*) or another one, you know that brucellosis has been in that herd for a long time. You know that guy was under cover for quite awhile. When we did the math on Montana herds, our infection rate at the time of infection was 1.1%. So that means when you find that brucellosis herd and you say, 'Wow, that's a new one.', then you test all the animals and you see ow many animals are infected, its 1.1%. So that tells you we are doing a lot of work catching them early. And therefore the risk to test to Texas is not significant.

One of Dr. Ellis' concerns is the latent heifer syndrome. Latent heifer or sleeping heifer syndrome is a situation where you have a breeding animal from a brucellosis positive female. She calves, basically means a heifer calf, even though that heifer calf was birthed from a positive female remains negative for much of her life and then when she hits puberty or calves, then she pops positive. So shes like a ticking time bomb of sorts. And there's definitely some concern about that. But those animals are very rare. First of all, if you have 100 positive females, and those 100 positive females have 100 heifer calves, 2-3% of these may be latently infected. So that means only 2-3% of the females that you would test, of the offspring you would test, would stay negative even though they were infected. Is that, am I making that point? Basically, it is a very rare deal. In the state of Montana, we have not even had an infected female that had a calf in any of our herds. Again, barring the current investigation right now. So, but what I'm saying is the risk of latent heifers is minimal, if not negligible. And in fact, in the comments I've included, the USDA has submitted, a letter, an email from the Western Region, Associate Director, that went through to his local epi's (epidemiologists) in Fort Collins, as well as in the Greater Yellowstone Area and they gave me a letter that said the risk of latent heifers is not significant, and not certainly, doesn't warrant additional regulations.

So that brings me to the rule proposal. To me, certainly, the rule that's being proposed would address latent heifer syndrome. If there are latent heifers that would come out of the Greater Yellowstone Area of Montana, it would find them, again we come back to the intent of the rule and wanting to protect Texas. But, to me its like using a bulldozer to swat the moth. I mean

ultimately all the animals that are coming into Texas for breeding from the DSA are being tested already. So you are only looking for the tiny percentage of animals that test negative on the first test leaving Montana and then somehow test positive when they, after puberty when they come into the state of Texas. The rule proposes that DSA cattle from the state of Montana would wind up being quarantined for up to 20 months after they arrive into the state. So if you have a 6 month old heifer, and that animal comes into Texas, winds up being bred, she remains under quarantine, and then she must be tested 30-90 days after calving. That's an 18-20 month quarantine that is being placed on the state of Montana animals for a a risk that is negligible, certainly minimal based on the number of positive herds we have had and the number of positive animals.

This kind of regulation is unprecedented. And by unprecedented I mean even in the heart of the brucellosis wars there has never been a test of, that follows an animal after she goes to the new destination for up to a year and a half. I mean it is very extensive. One other significant concern I have about the draft is that it really, it requires the monitoring of the animals for this extended period of time and in the state of Montana, as well as other states. So what happens, the way the rule's written, is a DSA animal that goes into the state of Nebraska, the stat of South Dakota, would need to, veterinarian and would need to notify the state of Texas, whether that was a DSA animal and if it was a DSA animal, then it would need to comply with the rules as far as testing,

So you have a situation where DSA animals, to follow the letter of this rule, would need to be tracked for their lifetimes, there's not a time limit set on this, for heir lifetimes, as they leave the state of Texas, as they leave the state of Montana, the DSA, travel within Montana, have maybe several calves, and then other states would need to know its a DSA animal when they write the health certificates. Now I understand that practically speaking, its not going to be possible. So what the rule does is it either expects that other states will adopt rules to follow Montana DSA cattle, like Texas requests, or it will result in other states ignoring Texas regulations which I don't think is, would be the position that I would be in, would want to be in in Montana.

So, to sum it up, I believe this rule is a dramatic, is a scaling up of government work and government regulations without being justified by risk. It goes so far beyond what the federal government requires out of DSA cattle and Montana's brucellosis program that you cant even see the federal regulations from where this program is. I mean it is, the requirements are significant. And what I would suggest, when requirements are so significant and they're so onerous that producers will not import Montana cattle, I don't think its a regulation. I think its coming close to an embargo. Why would I, if I was a Texas producer, not had cattle or I wanted to buy cattle, breeding cattle, why would I take them from Montana? If I had a year and a half brucellosis quarantine, as opposed to taking them from Oklahoma, from North Dakota, from Nebraska? So to me this will shut down the imports of Montana breeding cattle into the state of Texas.

If the same standard for brucellosis that Texas would apply, if Montana would apply the same standard for brucellosis risk to TB, piroplasmosis, you would see that you would have horses that all Texas horses would have to be tested within 30 days of piroplasmosis, cattle would have to be tested for TB after they arrive, within, for 6 months to a year or more because of the incubation period. What I am saying is that moving cattle is inherently risk business, which we do our best to minimize that. But we cannot get that risk to zero, just like Texas cannot

make that risk zero for cattle coming into the state of Montana, as that North Dakota TB cattle, is proof of.

So what I would suggest, a couple things. One, I think is education. I think producers need to be well aware of the risk that they take when they move horses, cattle, sheep, llamas, exotics, you name it. Folks need to be aware of brucellosis, just like they need to be aware of other diseases. And I would suggest that working internally, to certainly find any brucellosis herd is, would be a good use of those resources and lastly, I will just close with saying that, I would request that you would put trust in our state efforts to get rid of brucellosis and minimize that risk. Just like we put trust in the Texas Animal Health Commission to keep our state from your imports, unless for whatever reason you give to think otherwise.

End 9:59. Other comments and questions coming soon