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Dear Texas Animal Health Commission:

As the state animal health official for Montana, I appreciate the opportunity to comment on proposed changes to TAHC rule §35.4 Entry, Movement, and Change of Ownership that require post-entry brucellosis testing of Montana origin breeding cattle. I have deep concerns over this proposal because it would require unprecedented, long-term government oversight on cattle which are of negligible risk of brucellosis.

Should this proposed rule be adopted, Texas as well as Montana livestock producers will be unnecessarily impacted; Texas cattlemen will be impacted by additional testing costs and quarantine on imported animals for up to 20 months after import, while Montana producers will be impacted by a dramatic decrease in the desirability of Montana cattle.

An explanation of Montana's brucellosis program and specific concerns regarding this TAHC rule include:

- 1. Montana brucellosis surveillance efforts are extensive:** In 2008, Montana began an intensive testing program that focused on the southwest part of the state where diseased elk were known to exist. Through this program and the subsequently created Designated Surveillance Area for brucellosis (DSA), the state has tested over 350,000 cattle and domestic bison since 2007.

Since 2007, Montana found 3 cattle and 2 domestic bison herds affected with brucellosis. Since testing was ramped up in 2008, all herds were found in the early stages of infection before the disease could spread to other herds or out of state. Only 30 reactors have been found cumulatively in all the affected herds to date.

Montana's DSA includes 282 operations with 73,200 cattle and domestic bison. This fiscal year, 42,025 of the 73,200 animals have been tested to achieve a 99% confidence that the disease (if it exists) is present at a rate of less than 0.008%. The chance that any one Montana animal is brucellosis positive is 0.00024%.

As an illustration of Montana's effectiveness of finding brucellosis affected herds, the average rate of infection at detection in Montana herds is 1.1%. This is significantly lower than has been found in affected herds historically in the national brucellosis program, and demonstrates that infected herds in Montana are rapidly identified.

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2. **Montana producers follow a rigorous set of brucellosis requirements:** The state of Montana requires sexually intact cattle that utilize the DSA to be:
- a. Officially and individually identified (males and females, any age),
 - b. Tested prior to sale or movement out of the DSA,
 - i. Males and females of any age if for breeding, or 12 months of age for others, and
 - ii. Cattle destined to slaughter ,
 - c. Officially vaccinated for brucellosis (this requirement extends beyond the DSA and includes the entirety of 4 counties of Beaverhead, Madison, Gallatin, and Park).

Herd plans are encouraged, but producers who do not have a herd plan are subject to all DSA regulations.

To improve compliance, brucellosis tests required by DSA regulations are reimbursed from the legislatively appropriated general fund. In addition to covering the testing costs, Montana producers receive \$2 per animal tested to cover staffing and equipment needs. 600 brand inspectors conduct inspections throughout the state for change of ownership and county-to-county movement.

3. **Strong partnership between animal health and brands enforcement ensures high compliance:** Brands Enforcement and Animal Health are divisions of the Department of Livestock. Cooperation between the two divisions is not only encouraged, but facilitated by the fact that the 18 district brand investigators (all law enforcement officers) report to 3 area supervisors who are paid jointly by Animal Health and Brands Enforcement divisions.
4. **Montana is conducting a multi-year wildlife capture study for brucellosis:** We are aggressively looking for brucellosis in wildlife by conducting a live-elk capture project that not only tests elk for brucellosis, but also monitors their subsequent movement to verify that seropositive elk remain within the cattle surveillance area. This effort: 1) addresses the problem of low sample return rates from hunter test kits, and 2) samples elk during the high risk time of the year (spring) as opposed to hunter-kill samples which are collected in the fall. Elk often travel dozens of miles between winter and summer range, and therefore, samples collected in the fall may not correctly reflect the cattle populations at risk.
5. **Montana is responsive to wildlife surveillance:** Montana has twice altered the DSA boundary (2011, 2012) after elk testing showed possible risk outside the existing DSA boundaries.

In spring of 2013, Wyoming announced the finding that two samples submitted by hunters from elk harvested east of Wyoming's DSA during the 2012 hunting season tested sero-positive for brucellosis. While DOL previously consulted with Montana's game management agency (Fish, Wildlife & Parks - FWP) on the potential risk to Montana herds in this area, this new development in Wyoming caused DOL to immediately reassess the potential for cross-border movement. Montana and Wyoming game biologists confirmed the previous findings that "there is no known mixing of the Wyoming elk with Montana elk during the brief time the Wyoming elk come a short ways into Montana."

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6. USDA-APHIS rated Montana's DSA highly, and Montana has been responsive to the recommendations: The USDA review states:

Montana is commended for its proactive approach to addressing the brucellosis situation in DSAs and developing and implementing a BMP [Brucellosis Management Plan] reflecting requirements critical to mitigating the risk of spread of disease. The Montana Department of Livestock and the Montana APHIS-VS Area Office are commended for the placement of competent personnel in key positions. The forward thinking and progressive attitudes of these valuable employees will continue to help the Montana Department of Livestock and Montana VS accomplish their goals to the greater good of the cattle industry and the brucellosis eradication efforts in the GYA [Greater Yellowstone Area].

The USDA-APHIS review recommended that DSA cattle used for breeding be tested for brucellosis regardless of age. The Montana Board of Livestock adopted just such a rule which became effective April 12, 2013. This requirement applies to both males and females regardless of the age of the animal. Montana is also continuing to test all DSA origin cattle moving to slaughter. This ensures that the nation's scaled back MCI slaughter testing program does not hamper the state from finding infected herds.

A copy of the USDA-APHIS-VS review and Montana's response is included with these comments (enclosure).

- 7. The risk to Texas is extremely low:** In most years, Texas imports fewer than 10,000 cattle from Montana (enclosed slide presentation). Per response #1, the chance of a Montana animal testing positive is 0.00024%. However, the risk to Texas is significantly lower because cattle from areas at risk are required to be tested for brucellosis prior to sale. So the number that may be expected to pose a risk to Texas is a small fraction of 0.00024% that test negative on the Montana test.
- 8. The proposed rule does not take into account that brucellosis risk is regional:** Since 2008, brucellosis affected cattle and domestic bison herds have only been found in southwestern Montana. The extensive wildlife surveillance has further documented that the risk is regional, rather than state-wide. Unfortunately, the proposed TAHC rule does not focus on the population at risk in southwest Montana, but requires that all the state's breeding animals undergo extensive post-import testing.
- 9. The proposed rule requires more extensive testing than would be required for Class B states under USDA's federal program:** States are classified as Brucellosis Class Free, Class A and Class B. States are classified Class B up to a herd infection rate of 1% (100 infected herds per 10,000). In comparison, the state of Montana has an annual infection rate of 0.007% with five affected herds over six years since 2007 (12,341 herds in MT, 2007 NASS) and already tests DSA-sourced cattle prior to export.

Therefore, the proposed rule would establish testing requirements that are disproportionate to the risk as established by USDA's brucellosis program requirements.

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- 10. Bulls do not spread brucellosis:** Breeding bulls do not contribute to the spread of brucellosis within a herd, however, the proposed rule includes breeding bulls for post-entry testing. There is no documented case of bulls spreading brucellosis. This is further supported by a recent study by USDA where semen from seropositive bull bison was cultured for brucellosis.
- 11. Latent heifers are extremely rare:** During a phone conversation on June 7, 2013, the Texas state veterinarian explained that one of his main concerns is the “latent/sleeper heifer syndrome”. This syndrome has been documented in heavily infected herds where female calves from infected dams initially test brucellosis negative and then turn positive at puberty or calving. Between 2 to 3% of female calves born from infected females may be latently infected. While this syndrome has been seen in heavily infected herds that sold breeding heifers, it has never been documented from the relatively few brucellosis affected herds in Montana because:
- Only three affected cattle herds and two bison herds have been found in Montana since 2007.
 - The average herd infection rate at detection is 1.1%.
 - Detection of the herd took place before any breeding animals were sold from infected herds and typically before any intra-herd transmission took place.

USDA also agrees that the risk of latent heifer syndrome from Montana is minimal per email dated June 24, 2013 from the Associate Director of Western Region, USDA-APHIS-VS (enclosure).

Therefore, Montana’s standing requirement of testing DSA-sourced breeding females of any age and other key components of the state’s program are sufficient to mitigate the already minimal risk of latent heifers.

- 12. Adult females carry little risk:** Even if the “latent heifer syndrome” remains a concern to Texas animal health officials, the proposed TAHC rule also requires adult cattle to be tested after being imported into Texas. Because latency is not an issue with adult cattle, I suggest that existing regulations that require all DSA-sourced breeding cattle, and other DSA-sourced cattle over 12 months of age be tested is sufficient to mitigate the risk to the state of Texas.
- 13. Burden of government oversight for over 20 months after import is prohibitive:** The proposed rule will require extended TAHC oversight for up to 20 months on breeding cattle originating from the three GYA states. For example, breeding heifers imported at six months of age will require a test 30-90 days after they calve at approximately 24 months of age. This 20 month quarantine (or similar regulatory action) will create a significant burden on TAHC, and on the Texas importer.

Cumulatively, this type of burden will make Texas producers unwilling to import Montana breeding cattle to the detriment of both Texas and Montana.

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14. Other diseases have incubation periods: This proposal attempts to address concerns over a long incubation period -- the time between when an animal is infected until it tests positive for a disease.

However, it should be noted that all communicable diseases have an incubation period. Unless future rule proposals by TAHC will require post-entry testing for diseases such as tuberculosis, trichomoniasis, and other diseases, I suggest that singling out brucellosis for this type of post-entry surveillance is inconsistent, and unjustified by risk as I described in the points above.

15. Producer education may be enhanced in place of additional regulations: Animal movements always present some level of risk. However, the risk of brucellosis to the Texas cattle herd from Montana is no greater than posed by other diseases from numerous sources. Producer education on the inherent risks of any herd animal additions to include DSA cattle and cattle from other sources is a more appropriate action.

In conclusion, this proposed rule will not benefit Texas or Montana producers. The additional costs and heavy burden of government oversight for up to 20 months after import on Montana origin cattle are not justified by the risk. The consequence will be that Texas producers will sustain significant inconvenience and costs or refuse to import Montana origin breeding cattle.

The above comments notwithstanding, I commend the TAHC for striving to prevent introduction of diseases to the Texas livestock herd. Efforts to find disease in livestock are often worthwhile and can bear significant long term benefit. Likewise, Montana has similar priorities. Brucellosis, blood borne, intestinal and skin parasites such as chorioptic mange or fever ticks, equine piroplasmiasis, Contagious Equine Metritis (CEM), and others diseases of horses and cattle pose a concern. Tuberculosis is of particular interest.

Montana has set a high standard for brucellosis surveillance and risk assessment, and I will look to Texas to provide a similar level of confidence for diseases of concern from Texas origin livestock imported into Montana.

Sincerely,



Marty Zaluski, DVM
State Veterinarian, Administrator
Montana Department of Livestock

Enclosures:

- Email from Dr. Don Herriott, Associate Director of Western Region, USDA-APHIS-VS on risk of latent heifers from Montana
- Montana response to USDA review of Montana's Brucellosis Management Plan (BMP)
- Presentation slides on Montana's brucellosis program with testing and export numbers
- USDA Review of Montana's BMP