



July 15, 2013

Carol Pivonka
Texas Animal Health Commission
2105 Kramer Lane
Austin, Texas 78758

Re: Proposed amendments to the Brucellosis chapter (§35.4) concerning entry, movement and change of ownership of cattle.

Dear Ms. Pivonka,

Thank you for the opportunity to provide comments regarding the Texas Animal Health Commission's (TAHC) proposed rule changes for cattle entering the state of Texas from Montana due to risk of brucellosis. My comments today are made on behalf of the membership of the Montana Stockgrowers Association (MSGA). Our association has reviewed and carefully considered the proposed rule changes to determine the potential implications for ranchers in Montana. MSGA has several concerns with the proposal to require an entry permit and post-entry brucellosis testing of breeding cattle originating from Montana and opposes these proposed changes as we believe they are not supported by scientific, risk-based analyses, will unnecessarily burden trade of Montana's high quality breeding cattle with Texas producers, and will set a dangerous precedent for other states to unjustifiably restrict import of Montana cattle.

There is an extremely low risk of brucellosis transfer posed by cattle coming out of Montana. While a small area of Montana in the Greater Yellowstone Area (GYA) is affected by rare transfers of brucellosis from wildlife, the state of Montana has proven highly effective in its efforts to mitigate the spread of brucellosis. The state's testing provides for a 99% confidence of finding brucellosis at a level of less than 0.008%. Montana has found only three infected cattle herds (and two bison herds) since 2007. A total of 30 reactor animals have been found in all of the affected herds in six years.

The proposed changes to §35.4 disregard the monumental efforts of the Montana Department of Livestock, USDA, and Montana cattle producers to zero in on higher risk areas and focus resources to prevent brucellosis from spreading from a regional (not statewide) wildlife threat. Montana is operating under requirements of the USDA's national brucellosis eradication program which has been successful in the progressive elimination of the disease from U.S. livestock. The requirements implemented by USDA have ensured the safety of U.S. cattle in all

states and have been effective in treating higher risk areas, with the implementation of Designated Surveillance Areas (DSAs). Montana has adhered to the stringent rules and procedures outlined by USDA and has implemented its own comprehensive rules.

Montana requires that all female cattle four months of age or older within Beaverhead, Gallatin, Madison and Park Counties (which are partly contained within Montana's DSA) must be official brucellosis vaccinates by January 1 of every calendar year. Montana also requires that all cattle and domestic bison must be tested for brucellosis within 30 days prior to change of ownership or movement out of the DSA if they are sexually intact and 12 months of age or older or any age intended to be used for breeding purposes. Montana has an official DSA identification requirement with the capability to trace imported animals back to the DSA.

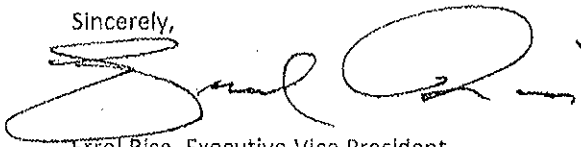
These regulations have proven successful and effective for both the state of Montana, as DSA-origin cattle move to other areas of Montana, and for other states that have imported cattle from Montana. Montana's DSA requirements have been effective in rigorously monitoring herds for brucellosis and preventing spread of the disease. USDA confirmed this in a September 2012 review of Montana's Brucellosis Management Plan: "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 is also working with the Montana Department of Fish, Wildlife and Parks to monitor the incidence of brucellosis in GYA elk, and the subsequent movement of positive elk in and around the DSA. Montana has twice adjusted the DSA boundary in 2011 and 2012 based on information gathered during elk brucellosis surveillance efforts to ensure that higher risk areas are included within the boundary and regulations of the DSA.

The proposed TAHC regulations are a step backward from USDA's progressive and effective focus on scientific, risk-based efforts to rules that are more restrictive than the old Class B brucellosis eradication program requirements. Per the draft rule "(3) Requirements for cattle entering Texas from Idaho, Wyoming, and Montana. (A) All breeding bulls and sexually intact female cattle entering Texas for purposes other than immediate slaughter or feeding for slaughter in a feedlot shall be tested for brucellosis 60 to 120 day post entry. (B) Sexually intact female cattle entering Texas that have not calved must be held until tested negative 30 to 90 days after calving (post parturient)." These stipulations are onerous and unnecessarily duplicative, and will drastically affect trade of Montana's high quality breeding stock with producers in Texas.

The proposed rule changes to require post-entry brucellosis testing of cattle originating from Montana is superfluous and will deter Texas producers from importing high quality breeding cattle from Montana. There is an extremely low risk posed by cattle coming out of Montana. The continuous efforts of USDA, the Montana Department of Livestock and producers in Montana's DSA have reflected the urgency and importance of this issue. Effective rules and procedures are already in place to protect Texas, as well as the rest of the state of Montana and other states, from the spread of brucellosis from wildlife in the Greater Yellowstone Area. We urge you to reconsider this drastic, unprecedented, and unnecessary effort.

Sincerely,



Errol Rice, Executive Vice President