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**PROPOSED TUBERCULOSIS AND BRUCELLOSIS**

**REGULATORY FRAMEWORK**

**PUBLIC MEETING**

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**PRESENTATIONS**, held on May 19, 2011,  
at the Causeway Bay Hotel and Convention Center, 6820  
South Cedar Street, Lansing, Michigan, commencing at 7:30  
a.m., Suzanne Duda, Court Reporter and Notary Public in  
and for the State of Michigan.

## PRESENTATIONS

PRESENTATIONS

MAY 19, 2011

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4 MS. DUNIGAN: My name is Anne  
5 Dunigan. I work in the Policy Division of  
6 the USDA. I'm here to moderate the meeting.  
7 Just a few logistics before we get started.

8 If you haven't noticed already, just  
9 outside the door straight down are the  
10 restrooms. Feel free to use those as  
11 necessary. We'll take a couple breaks, but  
12 step out as needed.

13 Our meeting will be transcribed, so  
14 if we take any comments or questions from  
15 the audience, if you would just wait until  
16 the microphone's been passed to you, we'd  
17 like to make sure those are captured for our  
18 transcriptionist.

19 If you have a BlackBerry or a cell  
20 phone, if you wouldn't mind just turning the  
21 volume off. Feel free to leave those on  
22 vibrate and step out as needed again.

23 A name tag was provided in your  
24 packets. If you haven't put that on, I'd  
25 appreciate it if you'd just put your first

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1  
2 name. We'll be having some small group  
3 discussions, and it would just be nice to be  
4 able to recognize everybody.

5 Just briefly, to go through your  
6 packet -- I'm sure most of you already had a  
7 chance to -- the very first thing on your  
8 left-hand side is the agenda. We'll have a  
9 couple presentations this morning followed by  
10 a series of breakout sessions or small group  
11 discussions. There will be three. We'll  
12 ask that you rotate between those three.  
13 There's three topics. When we get a little  
14 bit closer, I'll go into a little more  
15 detail about where those will be located.  
16 We'll end the day with any further questions  
17 or additional comments from the audience,  
18 and, again, those will be transcribed.

19 Just behind your agenda you'll see  
20 the notification of the public meetings. If  
21 you'd like to attend any further public  
22 meetings, the locations are indicated there  
23 followed by a news release with the similar  
24 information. There's copies of both the  
25 presentations. And then on our right-hand

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1  
2 side you'll see a complete draft of the  
3 framework that's going to be discussed today.

4 Any questions before we get started?

5 All right. Again, I appreciate your  
6 attendance.

7 I'd like to turn the microphone over  
8 to Dr. Lee Ann Thomas, Director of Ruminant  
9 Health Programs for the U.S. Department of  
10 Agriculture.

11 DR. THOMAS: Can everybody hear me  
12 okay if I don't use the microphone? No?  
13 Okay.

14 Can you hear me now?

15 I want to also thank everybody for  
16 being here today.

17 When I was on my way up here, I was  
18 thinking about the fact that 2 1/2 --  
19 roughly 2 1/2 years ago we started this  
20 process with the TB listening session, and  
21 the fact that we're here today as well as  
22 that we've published -- not published -- what  
23 we've made available, this framework document,  
24 is our commitment to have this process for  
25 change be as transparent as possible. As

## PRESENTATIONS

1  
2 Anne alluded to, we will be transcribing your  
3 comments today as well as I really want to  
4 encourage everybody to provide written  
5 comments.

6 The primary reason we're out here  
7 and we're taking the efforts that we are is  
8 that we want this process to be transparent.  
9 We are interested in getting your feedback  
10 because we recognize that we're talking about  
11 changing probably two of the primary flagship  
12 animal health programs within Veterinary  
13 Services.

14 The TB program has been with us  
15 since 1917. And you might ask, well, why  
16 are you changing it. Well, we're changing  
17 it because the playing field has changed.  
18 The industry has changed. In 1917 you  
19 probably are -- I suspect probably there's  
20 nobody that is producing cattle here that was  
21 around in 1917. So your forefathers, our --  
22 I can't think of the word I want to use.  
23 Anyway, our forefathers raised animals, and  
24 they weren't moving animals across the  
25 country or receiving, likely, imported

## PRESENTATIONS

1  
2 animals. So we have challenges. We have  
3 financial issues. And so those are some of  
4 the factors that are driving the change.

5 And because these are -- both TB and  
6 brucellosis are a flagship program, we want  
7 to make sure that we get your input  
8 regarding the proposed changes. And one of  
9 the focuses of the change is related to  
10 flexibility, and the other is we want to  
11 ensure that we have programs that do not  
12 penalize producers. We want to have some  
13 new programs that are based on risk.

14 And with that, an explanation of how  
15 we're going to break up the presentations is  
16 next. We'll have Dr. Steve Halstead, who I  
17 suspect all of you in this room know. Steve  
18 was a member of the working group,  
19 TB/brucellosis working group, and he'll be  
20 providing more background on that, but -- as  
21 a member of the working group, but probably  
22 more importantly as a stakeholder who has  
23 been, I think it's safe to say, significantly  
24 impacted by VS's regulations pertinent to TB  
25 is that he's going to provide some background

## PRESENTATIONS

1  
2 on the working group as well as provide his  
3 personal perspective based on his role as a  
4 state vet and how the TB program regulations  
5 have served his state and his industry, as  
6 well as I think it's fair to say how the  
7 regulations might be negatively impacting his  
8 state and this industry.

9 So with that being said, I'd like to  
10 turn it over to Steve to provide you some  
11 introductory comments relative to the  
12 framework as well as his personal perspective  
13 on TB regulations and brucellosis. But I  
14 suspect you don't want any brucellosis  
15 problems or don't have any.

16 DR. HALSTEAD: And very little depth  
17 to be able to speak from. Thanks, Lee Ann.

18 Looking around the room, it's obvious  
19 that what I'm speaking of is -- or speaking  
20 to the point of -- perspective that I'm  
21 speaking from is from a much shallower depth  
22 than just about everybody else in the room  
23 that is working with TB minute to minute,  
24 you know, field staff that are here, the  
25 producers that are here, the industry

## PRESENTATIONS

1  
2 representatives that are here, the extension.  
3 So there's a -- there's a different  
4 perspective that we want to -- there are  
5 different perspectives that we want to be  
6 bringing out. Mine is looking at it from  
7 the -- sort of the larger picture, maybe the  
8 intermediate picture, between USDA and between  
9 the folks living with it minute to minute in  
10 their jobs or in their production. And I  
11 think that's probably consistent with most of  
12 us that were on the working group that were,  
13 again, not from VS program staff or  
14 leadership but the other state veterinarians  
15 and tribal representatives. And I'll talk  
16 about that a little bit more as we get into  
17 the slides.

18 But we were asked by USDA -- well,  
19 long story short, we were asked by USDA to  
20 serve on this working group recognizing  
21 across our organizations that the program  
22 that started in 1917 no longer fit. As Lee  
23 Ann said, the field has changed, the industry  
24 has changed, the world has changed, some of  
25 the economic drivers and the controls and the



## PRESENTATIONS

1  
2 things we're trying to accomplish and the old  
3 program wasn't fitting anymore. So I'm  
4 hoping to bring some of that out as we work  
5 through these slides.

6 Go ahead, Anne, with the next one.

7 And I don't know if how we are --  
8 you saw the agenda. It's not broken out by  
9 discrete time blocks, so, Anne, you'll have  
10 to tell me if I'm running too long for  
11 what you want to accomplish and how we do  
12 that.

13 But, you know, it's obvious that we  
14 have made great strides with the program  
15 since 1917. We've gotten to where most of  
16 the states in the United States are free,  
17 and there's been great progress, of course,  
18 worldwide with managing TB. We are still  
19 shooting towards or shooting for eradication,  
20 but we're nowhere near that goal. That's  
21 been the goal since the beginning of the  
22 program. We reassert that every time we  
23 talk about this program, somebody will ask  
24 the question. And I looked at Mike  
25 Vanderklok here because Mike's always asking

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1  
2 me are we still eradicating this disease or  
3 are we managing the disease. And that's an  
4 important distinction because they're different  
5 approaches.

6 And I think the program that we have  
7 right now is pretty good at managing it, but  
8 it's certainly not getting us towards --  
9 getting us to the accomplishment of  
10 eradication. And when we look at issues  
11 like wildlife and some of the international  
12 issues, we've got to rethink those if we  
13 really are striving to eradicate this  
14 disease.

15 So, yeah, I want to make sure that  
16 it's clear that at least where we are right  
17 now and as we talk about it and where  
18 we're planning -- where we're proposing that  
19 this program goes that eradication is still  
20 the goal, not living with it in a management  
21 structure.

22 But having said that, it's no  
23 mystery -- that's not the right word. It's  
24 no surprise to anybody in the room that we  
25 are still seeing cases, and in Michigan those

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1  
2 are primarily related to wildlife and the  
3 wildlife livestock interface. But in other  
4 parts of the states, parts of the country,  
5 we're seeing new cases pop up with both of  
6 these diseases in association with animal  
7 movements and TB specifically with our  
8 imports. And also, you know, the adage that  
9 doing surveillance causes disease. The more  
10 we look, the more we find.

11 So we've got pockets of at least  
12 tuberculosis out there that are coming to our  
13 attention as we get more precise and more  
14 methodical about testing, and that causes  
15 concern as well. So we've got to redesign  
16 the program to manage and to work towards  
17 eradication in those areas as well.

18 So the challenge is -- these are no  
19 surprises to anybody -- I mentioned in  
20 Michigan it's the wildlife that we know to  
21 be the reservoir for the disease, and that's  
22 a long-term management challenge. No mystery  
23 there as well.

24 You could say the same thing with  
25 brucellosis and the Greater Yellowstone Area.

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1  
2 I know we're probably not going to spend a  
3 lot of time focusing on brucellosis here, but  
4 there is a very strong parallel between what  
5 we're dealing with in our TB situation here  
6 in Michigan.

7 And I don't think there's anybody  
8 from out of state other than the VS folks  
9 here. I thought we might get some of our  
10 Great Lakes region neighbors to come in  
11 today, and since this is the -- really the  
12 only meeting in the -- in the area.

13 Yeah, Mick Dutcher is a neighbor  
14 from Wisconsin, so he kind of wears both  
15 hats. He's VS but a neighbor across the  
16 lake.

17 So we've got a more specific thing  
18 to talk about here in Michigan, but it is  
19 important to remember that the brucellosis  
20 situation out West is a very near parallel  
21 to what we're dealing with. So differences  
22 in, as you all know, in vaccination and  
23 testing, those are significant differences,  
24 but the fundamental problem of a reservoir  
25 wildlife species or multiple species and

## PRESENTATIONS

1  
2 spillover to livestock is very similar.

3 Changing agricultural programs. Just  
4 one to mention is -- well, a couple -- the  
5 size of operations nowadays and the fact that  
6 operations are compartmentalized to where  
7 segments of the operation are managed maybe  
8 many states away. And the obvious example  
9 there is heifer raising and the commingling  
10 of dairy heifers from many regions, many  
11 farms in large operations in other parts of  
12 the country and the movement of animals in  
13 that system and the possible contact with  
14 other cattle that aren't in those same  
15 production structures at those operations.

16 Traceability. Michigan's an exception  
17 to this. On a national scale we've got a  
18 very effective and complete traceability  
19 system, but that's not the mean, the norm  
20 across the country. So that creates  
21 challenges with these programs.

22 Diagnostics. There's no surprise  
23 there either. The TB diagnostics are still  
24 at the 1917 level. And maybe that's a bit  
25 of an exaggeration, but it's frustrating.

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You don't think so, Gary?

SPEAKER: Not much.

DR. HALSTEAD: It's frustrating to all of us that we don't have better tools for doing diagnostics for tuberculosis, so we're stuck with that, how do we make it work within a program.

Importation. And we have to recognize that we have countries within our country as well. So the last bullet here, state/tribal, you have to remember that the tribes also have sovereign authority to manage their programs and as well as states do, and because of some of the gaps, the cracks, the faults in these programs, states don't feel -- states may not feel confident that the national program is doing everything it needs to. So states overlay additional requirements.

And another example, using the dairy industry -- not to pick on the dairy industry, but because that's -- that's where some of these changes and additional layers have come in -- the requirement for testing

## PRESENTATIONS

1  
2 even from free states before allowing the  
3 introduction of dairy -- some dairy animals  
4 to another state, that's well above what the  
5 national program calls for, but it's out of  
6 concern, call it fear, that the introduction  
7 of animals might bring disease. And so  
8 there are those additional hoops that states  
9 are imposing.

10           What we're looking for in a new  
11 program -- and I say "we." At this  
12 particular time, to be clear, that while I  
13 was on the working group and there were five  
14 other state veterinarians that were on the  
15 working group, we were asked to be part of  
16 that process to give our feedback to help to  
17 develop concepts to provide these sorts of  
18 points. And what are the challenges, what  
19 are the frustrations, what do we see for  
20 areas where improvement can be made, where  
21 directions need to be changed and where there  
22 are outright failures in the program. We're  
23 -- we're helping to provide that information  
24 at the foundational level to this change.  
25 It's -- VS has still got a long ways to go

## PRESENTATIONS

1  
2 -- Lee Ann will talk about this as we move  
3 on this morning -- but we've got some  
4 concepts that we've all talked about, and we  
5 are at the point where it's no longer  
6 getting us anywhere to talk amongst  
7 ourselves. So that's why we're bringing this  
8 up to the public, because we need to get  
9 that additional feedback.

10           And I'll talk a little bit more  
11 about some of the constraints on this  
12 process, and maybe Lee Ann will talk about  
13 that too when you get more time.

14           But we all recognize that the  
15 program has, as it is right now with things  
16 written in the Code of Federal Regulations,  
17 with things actually in law at detail level  
18 does not allow for flexibility or for  
19 case-by-case adjustments and directions.

20           So the idea, the overarching idea  
21 here, was to take things out of law that  
22 don't need to be in law, just put general  
23 concepts into the law, and put the details  
24 in support documents that are attached to the  
25 law or are directed by the law that can be



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1  
2 changed on a much shorter time frame so that  
3 as we -- as we look at how things are  
4 evolving in the program I'll say, we can be  
5 much more flexible. Right now it's not.

6 So the process to do that, of  
7 course, is to revise and manage the --  
8 remanage the law as it's written right now  
9 and develop a framework for how that new  
10 structure will look.

11 There are also -- well, and in the  
12 -- in the -- well, that's enough on that.

13 Certainly there are fiscal problems  
14 and funding problems. The cooperative  
15 agreements that states have used from VS to  
16 manage TB and many other program disease  
17 programs, those monies are -- the pool is  
18 getting shallower and shrinking so we don't  
19 have the same amount of money that we've  
20 been able to tap into in the past. We need  
21 to be more directed, more precise with that  
22 money.

23 And one of the, I think, most  
24 important areas there is related to the money  
25 that's available for indemnity. And we'll

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1  
2 have -- that will be one of the discussion  
3 topics in breakout groups. There's less  
4 money. There will be less money in the next  
5 several years as far as we can see. So  
6 we've got to decide collectively how best to  
7 use that -- again, that shrinking bank  
8 account.

9           When we look at 10,000-head dairies  
10 or 50,000-head operations, you think about  
11 the indemnity money. If we're talking about  
12 buying out those herds, that's not enough to  
13 buy out one of those operations let alone to  
14 spread it across six or seven states that  
15 are experiencing TB in cattle. So  
16 collectively we need to decide how we're  
17 going to deal with that challenge and not  
18 just force it on USDA to make those  
19 decisions because we'll never be happy if  
20 that's how -- even if they make the best  
21 decision possible, the fact that we're not  
22 involved will be problematic.

23           Next slide.

24           In the -- leading up to this point,  
25 there have been several opportunities to get

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1  
2 the message to USDA Veterinary Services that  
3 the program needs adjustments. There have  
4 been resolutions that have come out of U.S.  
5 Animal Health Association on both of these  
6 diseases. International guidelines have  
7 changed, so there is a need to keep pace  
8 with what's going on at the world level with  
9 TB and brucellosis. There have been  
10 opportunities through previous public forums  
11 and meetings to review the program and offer  
12 suggestions for changes in direction or for  
13 modifications. And, likewise, with  
14 brucellosis a similar path has been taken.  
15 So, as Lee Ann said, this has been something  
16 that's been under development for a few  
17 years.

18 It's also synchronized with Dr.  
19 John Clifford's VS 2015 effort to be more  
20 flexible, more responsive, and a little bit  
21 more globally thinking in all the programs  
22 that VS manages. So it's not something  
23 that's just come about.

24 And, obviously, we've been talking in  
25 Michigan about the shortcomings in the

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1  
2 program for, well, call it 15 years now. So  
3 the message is percolating to where it needs  
4 to percolate to and it's being heard.

5 Go ahead.

6 There have been a couple initial  
7 products that have outlined where changes  
8 need to take place and some high-level  
9 suggestions for what those need to be  
10 basically talking about flexibility in the  
11 program, not having it be a rigid  
12 law-directed program that is punitive in  
13 nature, as I think we've experienced here in  
14 Michigan, but that establishes appropriate  
15 protections, but also allows industry to be  
16 -- well, to profit, to manage themselves, to  
17 manage herds, manage the disease within herds  
18 without undue cost and burden on those that  
19 are affected.

20 So the concept papers tried to  
21 outline that, and that was a starting point,  
22 really, for where we began our discussions in  
23 the working group. And, of course, similar  
24 to both programs. So the working group,  
25 again, was to continue that effort.

## PRESENTATIONS

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2           Recognizing and realizing that TB and  
3 brucellosis are not the same diseases, there  
4 are some similarities, one being that we're  
5 well into those programs, almost 100 years,  
6 two being that most of the country has been  
7 successful in eradicating those diseases;  
8 however, there are still these pockets. And  
9 so there's a difference in the program from  
10 starting out where you've got a more or less  
11 uniform level of infection and a problem  
12 across a large landscape to getting down to  
13 some small focal areas. So the program  
14 needs to change just in that regard.

15           But looking at in the bigger picture  
16 as well, there are other changes that need  
17 to take place. Again, the funding structure  
18 is different, the infrastructure of staff,  
19 the personnel available to work on these  
20 diseases, the people in place has changed.  
21 So -- and then there's a long list of other  
22 changes. But the new regulatory framework,  
23 the concepts that have been outlined to allow  
24 flexibility, to allow industry, production to  
25 still profit at the same time that we're

## PRESENTATIONS

1  
2 collectively working to eradicate these  
3 diseases, to do it without punishment,  
4 overarching goals that we strongly continue  
5 to push and hold to as we talked about  
6 changes in the program, and, again,  
7 coordinating across the programs.

8           We do recognize, of course, that  
9 there are differences between TB and  
10 brucellosis, and those differences can be  
11 managed in the -- in the regulatory framework  
12 and the support aside from the law. So the  
13 law -- the laws as we envision them and  
14 could it operate -- there isn't anything on  
15 paper yet. Lee Ann, you can tell me if  
16 there is. It's all concept. But the  
17 general principles being in law and then the  
18 reference to other documents that can be  
19 changed flexibly that are -- that direct VS  
20 policy and partnership and state, federal,  
21 tribal industry partnership, that's a much  
22 more nimble process, and it allows for  
23 continued stakeholder input. And we'll talk  
24 about how that -- what that process is  
25 proposed to be as we get into the details of

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the program.

So we're just at the point right now of having had, what, three face-to-face meetings was it between the working group and VS program staff and essentially weekly conference calls to develop a concept for this comprehensive regulatory framework. That's just the first box in this diagram. Now we're at box two. So it's still very early in the process. It's still very much subject to the input that is received.

The next step, and then this is -- this is the step -- the process for all of -- things that we do that are done through VS and through federal agencies is to develop rules that are published in the Federal Register.

And, Lee Ann, are you going to talk about the anticipated timeline later?

DR. THOMAS: Mm-hm.

DR. HALSTEAD: Okay. Because I'm not sure what the idea is. But to get a proposed rule published that will offer or where folks will again have an opportunity to

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1  
2 provide written comment and respond, and then  
3 those comments will be taken back into the  
4 program. And I don't know, at that point, I  
5 think maybe we haven't talked about this yet,  
6 if the working group will, again, be  
7 consulted before a final rule or an interim  
8 rule is published some time later in the  
9 process. So, again, very early in this  
10 whole thing.

11 The working group, I mentioned state  
12 veterinarians or state health officials and  
13 tribal animal health officials working with  
14 Veterinary Services. We also had wildlife  
15 officials, we had folks from the legislative  
16 and public affairs within the USDA Veterinary  
17 Services, we had other analysts to help with  
18 the technical questions, analysts and folks  
19 that dealt with finances, those sorts of  
20 things. So approximately 20 members. And I  
21 don't really know the construct, but  
22 evidently the working group had to be limited  
23 to these people as official partners and to  
24 avoid being chartered as a federal advisory  
25 committee.



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Is that how that works, Lee Ann?

DR. THOMAS: Yeah. And I'll have a slide.

DR. HALSTEAD: Okay. So it was -- there are some sideboards on what John Clifford can ask people to do and who can be involved in that. And so because we've heard some questions, well, why haven't -- why wasn't this group involved in the working group or why wasn't it expanded. Evidently, there's legal reasons for that. And so we started out within the legal constraints that exist, and now it's going the next circle in the concentric rings and will continue to do that.

I guess that's enough for that slide, then.

So, again, the new framework, we're looking to be flexible but be consistent. The ideas that we held onto is we need to detect these diseases rapidly. We need better more effective detection tools, diagnostics as well as systems. We're all about stopping the disease when we find it

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to prevent further spread.

Again, the goal is to eradicate. That's where we're headed. We need to recognize that we don't live in isolation, and so there are needs to report at the national and international level, and USDA is the responsible party for that, so there are some things that are driven by our partnerships, our trade agreements with the rest of the world, so that domestic disease status reporting is an important consideration.

And the thing that -- the state vets in the room were always pushing for is to minimize the impact on industry and the states. So those were the concepts that we held in mind.

The proposed structure, what you'll hear about today and what we'll talk about in the breakout groups, uses a framework or describes a framework made up of eight elements. These are the elements that are in that framework, and it's in a document that you -- one of the documents that's in

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1  
2 your folder, starting out with a program  
3 where state requirements. Essentially what  
4 that's calling for is each state or tribe to  
5 describe how they're going to manage these  
6 diseases both in surveillance and in the  
7 event that they find a case. So it's a  
8 plan. It's essentially a work plan for TB  
9 and brucellosis. And under that it's --  
10 Michigan is certainly at a distinct advantage  
11 because we've been putting that plan together  
12 for the length of the time we've been  
13 dealing with TB in cattle, so since 1998.

14 Each state will have to do something  
15 very similar, not develop an MOU necessarily  
16 but a structure that addresses their  
17 surveillance approach, their management  
18 approach, their ideas about containment and  
19 response. So we're already there in  
20 Michigan. That's -- I guess if there's an  
21 advantage to what we've been living with for  
22 all this time, we're one of the few states  
23 that can say that.

24 The framework also talks about  
25 zoning. Michigan, again, is the flagship

## PRESENTATIONS

1  
2 when it comes to zoning because we've been  
3 doing it. We know all about it. We're  
4 still doing it. We will continue to do it  
5 as long as it's part of the program. But  
6 there's room for discussion about what that  
7 really means. There's some -- there was  
8 some discussion about whether we really need  
9 to -- whether -- whether zoning is an  
10 appropriate approach or whether it's a  
11 necessary approach.

12 And when you talk about this single  
13 occurrence of a TB detection in a herd -- in  
14 an area of the state, is it necessary to  
15 zone that state, or is it even necessary to  
16 drop that state's status. So state status  
17 is part of that as well. Those are concepts  
18 that are on the table that we need to have  
19 more discussion around to guide this program.

20 So I just want to make sure that  
21 it's clear those are things that we can talk  
22 about in the breakout groups, and I hope  
23 folks will.

24 Now, again, recognizing that sometimes  
25 things that we're dealing with in Michigan

## PRESENTATIONS

1  
2 are the things they're dealing with out in  
3 the Greater Yellowstone Area, having a  
4 wildlife reservoir does influence decisions  
5 about zoning and about status. So there are  
6 sublevels there as well and conditions that  
7 need to be kept in mind.

8           What we're all doing about  
9 surveillance. Is the surveillance that we're  
10 doing in the country sufficient. Some would  
11 argue it's not, our slaughter-based  
12 surveillance. You know, we have cases that  
13 show up. We find cases that weren't  
14 detected through slaughter. So as I  
15 mentioned earlier that surveillance causes  
16 disease, that's looking at it backwards.

17           But there's some fear of doing more  
18 surveillance because states don't want to go  
19 through what Michigan's gone through and what  
20 maybe California and Minnesota and, you know,  
21 there's a half dozen states that can talk  
22 about the risks of doing surveillance,  
23 because you find disease. And under the  
24 current program, that has consequences. We  
25 want to get away from that. We want to get

## PRESENTATIONS

1  
2 to the point where finding the disease is  
3 rewarded and it doesn't cost the producers,  
4 it doesn't cost the state status, it doesn't  
5 lead to zones with movement restrictions, if  
6 we can get there.

7           The next element in the framework  
8 that's proposed is effective herd management  
9 and epidemiology, epidemiological  
10 investigations. So what do we do with a  
11 herd when we find it, and what are we  
12 responsible for in further diagnostic work,  
13 further detective work when we have that  
14 single case show up in a feedlot or a  
15 cow-calf.

16           Indemnity. That's a big one, no  
17 question about it. I don't know that we're  
18 going to solve that here today, but we need  
19 to talk about it.

20           Interstate movement controls.

21           Importation requirements. Not as  
22 much an issue here in the Great Lakes area  
23 but certainly in other parts of the country  
24 in other types of operations. So it's an  
25 important element. And we all need to put

## PRESENTATIONS

1  
2 some thought into that, provide some  
3 feedback, because it can, in fact, impact any  
4 of us. You know, with animal movement as it  
5 is in this country and across national  
6 borders now, what are we doing about  
7 protecting ourselves from importation, from  
8 buying disease.

9           And then there's laboratories and  
10 official tests. I don't think we'll have an  
11 awful lot of discussion about that, but it's  
12 -- it's one of the elements because it's an  
13 important part of the program.

14           So with that list of things -- the  
15 one other thing that's not up here that I  
16 wanted to mention is we've had a lot of  
17 discussion about parallels in this program to  
18 some other state, industry, federal  
19 cooperative partnership programs in the past  
20 and approaches to managing disease. And the  
21 one that always comes up, because everybody's  
22 quite proud of the fact that it was  
23 successful, is the pseudorabies eradication  
24 program. There are not a lot of parallels,  
25 to be honest, because the diagnostics are

## PRESENTATIONS

1  
2 much better. We have a vaccine that was a  
3 very important part of the program. We had  
4 some money to do some herd buyouts that  
5 production -- and production systems that are  
6 just different.

7           However, one of the important pieces  
8 that was a significant part of success with  
9 the pseudorabies eradication program was the  
10 National Pseudorabies Control Board. It was  
11 a panel that was assembled, a partnership  
12 between states, industry and USDA to provide  
13 an advisory capacity back to USDA and to  
14 review the program and make sure that it  
15 satisfied everybody's needs; everybody at the  
16 larger scale. I'm not saying every producer  
17 that was discussed in the control board was  
18 happy with the outcome, but the direction  
19 that it steered us on and the results were  
20 very effective.

21           So we've proposed -- we the state  
22 veterinarians have proposed that in this  
23 structure we have an advisory panel similar  
24 to the pseudorabies -- that vet control board  
25 and that it be used by USDA, for example, in



## PRESENTATIONS

1  
2 the review -- and these are just -- these  
3 are just some of the ideas -- in the review  
4 of the state plans so that it's not just --  
5 so that there are components or persons from  
6 all of the impacted groups involved in making  
7 the decision. So a control board made up of  
8 industry organizations, of the state animal  
9 health officials, of partner organizations and  
10 Veterinary Services, and maybe there need to  
11 be some others on there too. We'll have to  
12 see how that builds. But that that group be  
13 the evaluator and advisor on some of the  
14 tough questions.

15 So it's not one of the elements, not  
16 part of the framework, but it's certainly  
17 something we've discussed considerably. And  
18 there is a strong opinion among the state  
19 animal health officials that it's an  
20 effective tool and that it lends credibility  
21 to the program.

22 And I don't -- I'll speak about  
23 government in general. We all know that  
24 there's the suspicion of government, whether  
25 it's state or federal.

## PRESENTATIONS

1  
2           And, Ernie, you're smirking back  
3 there. I'm not going to give you the  
4 microphone.

5           I think that -- and in the  
6 discussions, we feel that by putting a board  
7 together such as this, it has industry  
8 members and it has industry group leaders as  
9 part of that -- this whole package, this  
10 structure, it helps to bring some  
11 credibility, some balance, and helps to move  
12 the program ahead. So we're pushing strongly  
13 for that.

14           And sorry if I belabor that  
15 painfully for you, Lee Ann. I know that,  
16 again, there are some legal things that place  
17 sideboards on that, and we'll have to hear  
18 about that, and that's appropriate, but I  
19 just wanted to make that point strongly.

20           Anne, I think we're done.

21           So any questions for me before I  
22 turn the microphone back over to Lee Ann and  
23 she talks about this stuff in more detail?

24           Randall?

25           SPEAKER: You mentioned that -- a

## PRESENTATIONS

1  
2 problem with slaughter surveillance. I guess  
3 I'm just trying to figure out -- you said  
4 that there might be some problems with  
5 slaughter surveillance. And, you know, if  
6 the animals go through slaughter, was there  
7 some type of testing done on what was left  
8 of those tissues or -- I don't quite see how  
9 that -- you know, practically, how you would  
10 know that something didn't work in the  
11 slaughter surveillance system.

12 DR. HALSTEAD: Yeah. Our national  
13 surveillance is based on animals going  
14 through slaughter. And USDA has done, I  
15 think, a great job in the last few years  
16 trying to make that system more sensitive by  
17 providing ascendance to the folks working in  
18 the plants and additional training on what to  
19 look for, encouraging the collection of  
20 anything that looks like a likely TB lesion.

21 But my point is related more to what  
22 we experience here in Michigan. We find TB  
23 in Michigan not because of the slaughter  
24 surveillance but because of the on-the-farm  
25 testing that we're doing.

## PRESENTATIONS

1  
2           Now, I'm not advocating it, and I  
3 never would, and nobody would let me, that  
4 every state needs to be doing the level of  
5 caudal-fold testing that we're doing in  
6 Michigan. That's crazy. We can't -- we  
7 just couldn't do it. However, it helps that  
8 there's a disparity between what is picked up  
9 at slaughter and what we find on the farm.  
10 When we test in Michigan, we find usually  
11 the first animal in the herd and it hasn't  
12 spread. And that's -- it's just a much more  
13 sensitive system.

14           Slaughter surveillance is based on  
15 lesions and the finding of those lesions as  
16 those animals are run through a fast process.  
17 So there are obvious challenges, just  
18 physical challenges and consistency challenges  
19 with using slaughter surveillance as our sole  
20 means of detection for this disease. There's  
21 -- there are variations from plant to plant,  
22 variations in enforcement on that. And,  
23 again, those are things that can be  
24 corrected, but at the same time they are  
25 allowing for some weakness inside that

## PRESENTATIONS

1  
2 system. That's the point I was trying to  
3 make.

4 Other questions?

5 Thank you.

6 DR. THOMAS: Thanks, Steve.

7 Do folks need a break?

8 Hearing none, I'll go ahead and get  
9 started.

10 And thank you, Steve, for providing  
11 the introduction to the working group.

12 And this framework describes the  
13 concepts for the new TB and brucellosis  
14 programs. These are concepts, and Steve made  
15 a comment about have you written any  
16 regulatory text. We have not. We will  
17 begin the writing of regulatory text after we  
18 have analyzed the comments from our public  
19 meetings as well as the written comments that  
20 we receive.

21 As Steve indicated is that we wanted  
22 to first develop a draft regulatory framework  
23 that incorporated really the similarities  
24 between the TB and brucellosis program. And  
25 as Steve walked through the eight elements,

## PRESENTATIONS

1  
2 those were the eight elements that were  
3 really highlighted during our discussions that  
4 you would want to have in place or you would  
5 want to address with any disease program.

6 Any disease program is going to have  
7 a state or program requirements. It's going  
8 to have the need to have surveillance, to  
9 manage affected herds and have epidemiological  
10 investigation. So using that framework, or  
11 using those concepts, we developed the  
12 framework. And we are proposing to do a  
13 single rule.

14 And I want to stress that we are  
15 not suggesting, as Steve clearly indicated,  
16 that you can have exactly parallel procedures  
17 or processes for TB and brucellosis. That's  
18 not what we're suggesting here. What we're  
19 suggesting is a regulatory framework that  
20 would -- or regulation that would incorporate  
21 both diseases but would clearly recognize  
22 where there are differences between the two  
23 diseases.

24 A single rule will help ensure  
25 consistency, it will increase our flexibility,

## PRESENTATIONS

1  
2 and it will also reduce the administrative  
3 burden. And what I mean by that is that as  
4 you have all seen with the government's rule  
5 making process, it is a long process. It  
6 also, by having one rule will decrease some  
7 of that administrative burden with the intent  
8 that our rule making will move quicker.

9           The other thing that we want to do  
10 with this rule is we only want to put what  
11 is required in the regulations in the  
12 regulations. Where we can, we want to use  
13 program standards or other guidance documents  
14 that provide more of the details of the  
15 operations of these programs. I'm not  
16 suggesting that those other guidance documents  
17 or program standards would not be available  
18 nor would the process be less than  
19 transparent. We would probably still use  
20 some sort of regulatory component which would  
21 be a publication of a notice that would  
22 indicate, for instance, we're changing this  
23 aspect of the program standards for  
24 brucellosis. Here's the change, here's the  
25 reason why, and we would allow a comment

## PRESENTATIONS

1  
2 period. But in using that approach, it will  
3 give us more flexibility and will also allow  
4 us to change these rule -- this rule more  
5 quickly.

6 We -- as I indicated, we haven't  
7 started writing the regulatory text, so I  
8 want to go back and just assure you that we  
9 will recognize differences in TB and  
10 brucellosis, and we will rely on our  
11 regulatory writers that will be drafting this  
12 rule to make sure that the regulations  
13 clearly define the distinctions.

14 Also, when we talk about program  
15 standards, I still foresee that we would have  
16 a program standard for brucellosis and we  
17 would have one for TB. And when I say a  
18 program standard, if you're wondering, well,  
19 what does that look like, what are you  
20 talking about, I'm talking about the  
21 documents that you commonly know as uniform  
22 methods and rules, the UM&Rs. So when I say  
23 program standards, that's the type of  
24 document that you need to be thinking about.  
25 It's the nuts and bolts of the running of



## PRESENTATIONS

1  
2 the program.

3 Steve alluded to the timeline, and  
4 in his presentation he had the slide that  
5 had the little boxes that ended up with the  
6 final rule. Our intent -- and I'll be the  
7 first one to say it's quite ambitious -- is  
8 to have a proposed rule published in FY '11,  
9 fiscal year '11, with a final rule in 2012.  
10 That is ambitious. So stay tuned.

11 Next slide.

12 The working group had discussions  
13 about what these programs should cover. And  
14 are we going to have a program for sheep and  
15 goats, for instance, for brucellosis relative  
16 to concerns about brucellosis melitensis? Or  
17 excuse me, *Brucella melitensis*. Similarly,  
18 what agents are you going to include?

19 And based on the discussions as well  
20 as the fact that funding for these programs  
21 are limited is that we're not talking about  
22 expanding the host species that the current  
23 regs address; that is, we're still dealing  
24 with formal programs that deal with cattle,  
25 bison, or captive cervids, nor are we going

## PRESENTATIONS

1  
2 to expand the list of disease agents that  
3 will be formally covered.

4 I mentioned *Brucella melitensis*.  
5 Another question, an area that was raised,  
6 although I don't think you're seeing this  
7 problem in this part of the country, is *B.*  
8 *suis* infections in cattle. The way we plan  
9 on addressing these concerns, particularly *B.*  
10 *suis* in cattle, is that we currently have  
11 the ability under our existing regs, and we  
12 want to make sure that we continue to have  
13 this capability, is that when we see a  
14 suspicious titer, and we don't know whether  
15 it's *B. abortus* or *B. suis*, is that we  
16 still have the ability to indemnify that  
17 animal, take that animal for further  
18 diagnostics, as well as do a diagnostic  
19 workup, if necessary, on the herd of origin  
20 of the animal, and we would still intend on  
21 doing that.

22 Likewise, with TB, if you had an  
23 affected herd that had species that were not  
24 covered under the regulations -- say, for  
25 instance, if there was a llama on the

## PRESENTATIONS

1  
2 facility, we would still be able to indemnify  
3 that animal, for instance, if the herd was  
4 depopulated. So we plan on using our  
5 existing mechanisms of epi investigations and  
6 affected herd management to cover those  
7 species.

8 Next slide.

9 Our first element is program, our  
10 state requirements, and the linchpin here is  
11 really the animal health plan that Steve  
12 alluded to. And the state status system  
13 that we'll be proposing is a three-tier  
14 system as opposed to the current five-tier  
15 system that we have for both brucellosis and  
16 TB. We have -- we will have general program  
17 requirements. Reporting requirements are  
18 going to be critical for this program. And  
19 really all -- an inherent component of this  
20 regulation and these new programs will be the  
21 transparency. And then, finally, compliance  
22 and accountability are going to be built into  
23 the regulation.

24 So what does a state plan address?  
25 Steve alluded to it's how you deal with the

## PRESENTATIONS

1  
2 disease or how you plan to deal for disease  
3 should it occur within your borders. It  
4 would include legal authorities and resources,  
5 the surveillance that you do, how you handle  
6 the situation, or how you handle a case or  
7 an affected herd. High-risk subpopulations.  
8 And a high-risk subpopulation, we're not  
9 necessarily referring to wildlife. Steve  
10 alluded to the dairy heifers. And another  
11 area related to dairy heifers is  
12 backgrounding of dairy heifers and feedlots.  
13 So how do you address the risk of those  
14 subpopulations.

15 Another subpopulation that's commonly  
16 mentioned is rodeo or eventing cattle. There  
17 are concerns. And the working group  
18 discussed that subpopulation as well.

19 What is the state doing to mitigate  
20 the risk either posed by a subpopulation of  
21 animals, a wildlife reservoir.

22 And then lastly is a state plan for  
23 zoning. And I don't want to suggest that in  
24 every situation that zoning would be  
25 required; however, there are certain

## PRESENTATIONS

1  
2 situations -- and I think the GYA area is a  
3 good example -- of a situation where there  
4 is continued exposure from wildlife to cattle  
5 and vice versa, and how do you put in place  
6 risk mitigation so, you know, that disease  
7 does not spread out of that zone.

8           Using a state plan, evaluation of a  
9 state plan, as well as how that plan is  
10 implemented is we're looking at, if you will,  
11 three different statuses. A state can be  
12 consistent or it could be inconsistent with  
13 an intermediary phase of provisionally  
14 consistent. We don't have hard and fast at  
15 this point guidelines on the criteria or the  
16 thresholds that would be used to place the  
17 state within each one of these categories,  
18 and nor do we have a strict definition that  
19 a state would move from A -- or would move  
20 from consistent to inconsistent or could move  
21 from consistent to provisionally consistent to  
22 inconsistent. It's going to be based on the  
23 situation. We will try and, either in the  
24 regulations or in the program standards,  
25 provide more definitions.

## PRESENTATIONS

1  
2           The other factor of status is the  
3 current status system is based on movement  
4 controls. If your status -- as your status  
5 decreases, i.e., you go from TB free to  
6 modified accredited advanced is your movement  
7 restrictions increase. And we're not  
8 necessarily in all cases tying a decrease in  
9 status to a -- to increased movement  
10 requirements, or certainly there may be  
11 situations that call for that, but it's not  
12 going to be written into the regs that it is  
13 a given that when you lose your status,  
14 i.e., you go from consistent to inconsistent,  
15 that there would be increased movement  
16 requirements.

17           Next slide.

18           The other component -- or another  
19 component to state or program requirements  
20 that they develop infrastructure, that they  
21 have the infrastructure, the law and  
22 regulations to implement and enforce a TB and  
23 brucellosis program.

24           At this point I want to make sure  
25 that it's clear that this point doesn't

## PRESENTATIONS

1  
2 suggest that Veterinary Services is walking  
3 away from these programs. We still intend  
4 to work collaboratively and cooperatively with  
5 the states and tribes at the local level in  
6 implementing these regulations; however, there  
7 are some activities that -- such as the  
8 state having the ability to quarantine a  
9 herd, to conduct an epi investigation, to  
10 manage an affected herd, that we will  
11 continue to rely on, and that when we were  
12 -- when we would be evaluating a state, we  
13 would take this into consideration. It would  
14 be important for a state to have a  
15 requirement that cases of TB and brucellosis  
16 be reported.

17 And then, finally, as has been  
18 mentioned, is that the state or tribe would  
19 develop and implement a comprehensive animal  
20 health plan.

21 One of the questions that came up  
22 while we were discussing a comprehensive  
23 animal health plan is that, you know, where  
24 do we start, and what does it look like, and  
25 what details do you need. It's the intent

## PRESENTATIONS

1  
2 of program staff for both diseases to  
3 provide, if you will, an template document  
4 that will give stakeholders an understanding  
5 of what it is we're looking for and would  
6 really provide a starting point for their  
7 own, if you will, personalized animal health  
8 plan.

9           We also discussed is it going to be  
10 one size fits all, and no. Would I expect,  
11 necessarily, that the animal health plan for  
12 Michigan would be the same as the animal  
13 health from Rhode Island? No. Those  
14 documents will cover, likely, the same  
15 elements, but the details would be different.  
16 And this is, again, where we're looking at  
17 flexibility for the regulations. We don't  
18 want to make it one size fits all because we  
19 recognize that that's not the situation that  
20 we have with both diseases in the United  
21 States.

22           Next slide, Anne.

23           I mentioned reporting requirements and  
24 the fact that they're going to be critical  
25 for the success of these -- of the program,



## PRESENTATIONS

1  
2 and it would include the implementation of  
3 the animal health plan. And one aspect of  
4 the animal health plan that we plan as we  
5 move forward is that those health plans are  
6 made available. We're not going to keep  
7 them in a locked drawer. They're not secret  
8 documents. Our intent is that we would post  
9 those animal health plans for every state.  
10 So, for instance, if you heard that there  
11 was a TB -- and, please, this is  
12 hypothetical -- if you heard that there was  
13 a TB case in Arkansas -- and I'm from  
14 Arkansas so I feel free to pick on Arkansas  
15 -- is that you would be able to go to a  
16 website, and you would be able to see what  
17 their plan was.

18           Likewise, in that scenario what we  
19 would expect is that the state would do  
20 reporting or that there would be a report  
21 that would be available from the state of  
22 Arkansas in that situation that would provide  
23 some initial details on the affected herd,  
24 the number of trace-outs just -- and  
25 reporting that would provide updates with the

## PRESENTATIONS

1  
2 intent that we want to make sure everybody  
3 is comfortable with that hypothetical  
4 situation, they understand the degree of  
5 involvement with such an investigation with  
6 the hope that the mitigations that are put  
7 in place in that scenario are sufficient so  
8 that other states didn't want to implement  
9 their own interstate movement requirements.

10 And I think I'm getting -- touching  
11 on the area of preemption, and so that is a  
12 thorny issue, and I'm sure that we'll have  
13 further discussions in the breakout group.

14 But I think now in regards to the  
15 preemption is that what we're looking for  
16 both in your written comments and in these  
17 meetings is to understand what your concerns  
18 are and what is the risk that you're trying  
19 to address by the preemption issue. And  
20 Steve mentioned one area that I think is a  
21 really good example where the preemption  
22 issue can potentially come into play, and he  
23 mentioned dairy heifers and the fact that  
24 some states have instituted an interstate  
25 movement requirement for dairy heifers coming

## PRESENTATIONS

1  
2 into their state based on risk associated  
3 with how those animals are produced, so to  
4 speak, or managed. And if there is a  
5 perceived as well as documented risk  
6 associated with what I would refer to as a  
7 subpopulation, we do have the ability as we  
8 develop these regs to make that a requirement  
9 of the regulation.

10 So, again, when we're talking about  
11 the preemption issue, it's important to --  
12 for us to understand what the concern is.

13 And perhaps I should explain what I  
14 mean by preemption is that if we go forward  
15 with this rule making and we claim  
16 preemption, what that says is that the  
17 federal government -- that a state or tribe  
18 could not implement a law or regulation that  
19 has more stringent requirements than the  
20 federal government. And please don't tar and  
21 feather me at this point, but I do recognize  
22 that it is a contentious issue. I think  
23 it's perhaps an understatement. But what  
24 will help us as we move forward is  
25 understanding what the -- what the risk is

## PRESENTATIONS

1  
2 that the need to preempt is addressing.

3           And then, finally, the animal health  
4 plan needs to include a description of how  
5 the state and tribes will coordinate their  
6 reporting. And at this point we had  
7 numerous discussions within the working group  
8 regarding states and tribes and their  
9 interactions. And I don't, again, want to  
10 suggest that it would be one size fits all  
11 for the relationships between states and  
12 tribes. In certain circumstances it was  
13 mentioned that the tribe would probably  
14 coordinate and work within the state  
15 structure, perhaps have a comprehensive animal  
16 health plan that covered both the state and  
17 tribes. In some situation a tribe may have  
18 a separate plan. But, however, that being  
19 said, we want to make sure within the same  
20 geographic area that there is coordination  
21 between the states and the tribes regarding  
22 their reporting.

23           Next slide.

24           Compliance and accountability. We do  
25 want to build that into the system. We want

## PRESENTATIONS

1  
2 to ensure that it's a transparent process and  
3 that folks -- the rest of the U.S. is  
4 aware of what's going on. Compliant states  
5 or tribes would not be subject to interstate  
6 movement requirements or testing. And  
7 noncompliance options would include reductions  
8 to inconsistent status or imposition of other  
9 consequences, increased testing requirements,  
10 loss of funding, or increased surveillance  
11 requirements.

12 Next slide.

13 SPEAKER: Lee Ann, may I ask a  
14 question now, or should I wait to the end?

15 DR. THOMAS: Sure.

16 SPEAKER: Before you get to element  
17 2, zoning --

18 DR. THOMAS: Can you go back?

19 SPEAKER: Can I go ahead?

20 DR. THOMAS: Sure.

21 SPEAKER: So before you get to the  
22 other parts of this, let me just make sure I  
23 understand on the state plan. Each -- if I  
24 repeat back what I'm hearing, then maybe it  
25 helps me.

## PRESENTATIONS

1  
2           Each state will have to have a plan  
3 for surveillance for those two diseases. So,  
4 for instance, Michigan, would have to have a  
5 plan for surveillance for brucellosis, to  
6 detect if brucellosis is in the state?

7           DR. THOMAS: There would be a  
8 national component in the regulation such as  
9 slaughter surveillance.

10           If Michigan saw a need to have  
11 specific surveillance requirements for  
12 brucellosis?

13           SPEAKER: Well, I'm just trying to  
14 read into this what the state requirement --  
15 what the impetus will be on the states. For  
16 instance, a state that does not have  
17 brucellosis now has to have a brucellosis  
18 plan, but that plan only is implemented if  
19 brucellosis is discovered, or should -- or  
20 does the plan need to surveyal now for  
21 brucellosis as in Rhode Island you mentioned,  
22 Rhode Island, or Arkansas. Do they need to  
23 do surveillance now for TB and brucellosis  
24 beyond the slaughter surveillance that is  
25 part of the national government?

## PRESENTATIONS

1  
2 DR. THOMAS: They would likely be  
3 doing some sort of surveillance for, for  
4 instance, export purposes. So you would --  
5 it would be a very high level.

6 SPEAKER: Export out of the country  
7 or export out of the state?

8 DR. THOMAS: Export out of the  
9 country is the circumstances I was defining.

10 But let me get back to, actually,  
11 the point that I want to make here is that  
12 -- let me use the example of the GYA  
13 relative to brucellosis is that the need to  
14 do increased surveillance above and beyond  
15 what the national role would be in working  
16 with the states is if there's a higher risk.

17 I think everybody would agree that  
18 in certain parts of the GYA states is that  
19 increased surveillance that could include any  
20 number of activities is necessary.

21 So I think in regards to the plan  
22 -- and to use Rhode Island or Michigan as an  
23 example -- and I have to say is that I'm  
24 not familiar, nor could I quote when Michigan  
25 gained its brucellosis freedom, that status

## PRESENTATIONS

1  
2 -- but I think you make a really good point  
3 is that we're not going to require, nor is  
4 the advisory board going to, I think, have  
5 an issue if you don't have extensive  
6 surveillance activities in your plan for  
7 brucellosis because it would be a very low  
8 risk.

9 SPEAKER: I understand the issue of  
10 risk-based surveillance.

11 DR. THOMAS: Uh-huh.

12 SPEAKER: But the mechanism for  
13 discovering disease doesn't change, then.  
14 The mechanism for discovery of disease,  
15 whether it's -- let's use brucellosis in  
16 Michigan because TB we can discover we have.

17 So the current mechanism for  
18 discovering brucellosis in Michigan -- and  
19 it's a reportable disease I assume -- is  
20 that if something -- there's no surveillance.  
21 So when you look at -- when you look at --

22 DR. THOMAS: Well, is there, in  
23 fact, no surveillance? And I think when I  
24 think of surveillance, surveillance includes  
25 any activity that results in the detection of



## PRESENTATIONS

1  
2 disease. So I would include export testing.  
3 If, for instance, you have any herd that is  
4 doing any sort of certification testing is  
5 that that would be included in surveillance.

6 So I would suspect -- I don't know  
7 -- that there is some level of brucellosis  
8 testing ongoing in Michigan that would serve  
9 as your baseline surveillance.

10 SPEAKER: Most of the surveillance  
11 for brucellosis is done blind with a  
12 producer. It's done through blood samples  
13 and slaughter plants. It's done through milk  
14 testing and from samples.

15 DR. THOMAS: And thank you. Is  
16 that the national slaughter surveillance for  
17 brucellosis will continue, and it is a blood  
18 sample. So that will continue.

19 So in your plan is that we would --  
20 we want to take into account the testing  
21 that is going on. Because there's a very  
22 low level of testing, for instance, export  
23 testing, certification of herds that would  
24 ongo. That would be your baseline  
25 surveillance based upon the low risk --

## PRESENTATIONS

1  
2 there's also BRT testing in your dairies --  
3 is that that would be your baseline level  
4 based on what is probably a very low risk of  
5 brucellosis being in Michigan.

6 And I don't recall, unfortunately,  
7 when Michigan gained their brucellosis-free  
8 status, although if it follows the general  
9 trend, animals in the north, northeast have  
10 been free anywhere from 15 to 25 years of  
11 brucellosis.

12 SPEAKER: Thank you, Lee Ann.

13 DR. THOMAS: Lots of discussion  
14 regarding zoning, and I think Steve used a  
15 good term, and we -- the working group  
16 actually utilized that term to define when  
17 we're talking about zoning is a short-term  
18 containment activity and then there's  
19 long-term containment. I don't want to imply  
20 that in all circumstances what we're  
21 inferring here by using zoning is that it is  
22 an official zone that's based on some sort  
23 of official recognized boundary.

24 So with that, under short-term  
25 containment, we're talking about the actions

## PRESENTATIONS

1  
2 that are taken when you have an affected  
3 herd or you have the presence of disease in  
4 wildlife in absence of impacted or affected  
5 livestock.

6           And then we're looking at long-term  
7 containment where you have situations that go  
8 over a one-year period.

9           In short-term containment, we're not  
10 talking about different procedures that are  
11 currently seen today. Our expectation would  
12 be that herds are quarantined, and there is  
13 a standard epidemiological investigation  
14 conducted under a plan that would be  
15 described in your animal health plan, in the  
16 state or tribe's animal health plan. The  
17 goal of short-term containment is the  
18 eradication of the disease. And short-term  
19 containment would end when the quarantine or  
20 quarantine is released.

21           I didn't specifically indicate that  
22 there would be a zone. So, again, with  
23 short-term containment, we're not drawing  
24 specific circles or squares or some variation  
25 thereof, it's just the actions that are

## PRESENTATIONS

1  
2 necessary to contain that disease and prevent  
3 spread. Nor does -- the proposal does not  
4 cover or will not include specific trigger  
5 points for whether something is a long-term  
6 versus short-term other than that year  
7 designation.

8           And a question that has come up that  
9 I think I'd like to clarify is that if you  
10 have a herd under a test-and-remove protocol  
11 that may take two years, does that mean we  
12 have to move into a long-term containment  
13 plan? No, that's not the suggestion. The  
14 long-term containment plan is the situation  
15 where you have disease that you quite simply  
16 haven't been able to control the spread of  
17 the disease and you continue to have further  
18 cases. Again, there's not going to be a are  
19 we down in ten now to include any sort of  
20 direct relation or direct reference to number  
21 of herds. We want it to be risk based.

22           Next slide.

23           So, as I indicated, for long-term  
24 containment, we're talking about the situation  
25 where the disease has not been eradicated,

## PRESENTATIONS

1  
2 and you continue to have further spread of  
3 the disease, or the risk of transmission of  
4 disease remains high. And this is an area  
5 where we will employ the use of the advisory  
6 board. And if we had a situation where the  
7 risk was great and a state needed to develop  
8 this long-term containment plan based on the  
9 risk, VS would ask for, if you will,  
10 recommendations from -- and I'll just refer  
11 to them as an advisory board -- Steve  
12 referred to the pseudorabies control board.

13 And I should mention at this point  
14 when we discussed the animal health plan is  
15 the animal health plan is another area where  
16 we would ask for an evaluation and  
17 recommendations from the advisory board to  
18 determine if that advisory board feels that a  
19 state or tribe's animal health plan  
20 effectively addresses the risk and  
21 appropriately mitigates the risk of spread of  
22 disease from that state or those tribal  
23 lands.

24 In regard to further evaluations that  
25 might be done in regards to a long-term

## PRESENTATIONS

1  
2 containment plan, if necessary, we would --  
3 Veterinary Services would conduct a risk  
4 assessment to ensure that the necessary  
5 long-term mitigations were in place to  
6 prevent the spread of disease. And then a  
7 long-term containment plan would end with the  
8 eradication of the disease.

9           And I think one comment that I would  
10 add here is that there may be certain  
11 situations, such as the GYA, where a  
12 long-term containment plan is going to be a  
13 prolonged activity, as Steve alluded to. We  
14 have two situations now where we have endemic  
15 falci (phonetic) disease, the GYA and the TB.  
16 So there is no -- let me -- the challenges  
17 associated with those endemic falci disease  
18 are going to be, I think, with us for a  
19 while, particularly given our current  
20 diagnostics for TB and the situation that we  
21 have with wildlife in the GYA.

22           Next slide.

23           We currently have actually implemented  
24 an interim rule for brucellosis, this concept  
25 of a, if you will, risk-based management plan

## PRESENTATIONS

1  
2 where you have endemic disease such as in  
3 the GYA. And we published an interim rule  
4 in December of 2010 that described the need  
5 for the GYA states to develop and implement  
6 a brucellosis management plan based on the  
7 recognition that those states have a  
8 significant issue to deal with related to  
9 brucellosis in their wildlife populations.

10 Under this plan and in this  
11 regulations, rather than Veterinary Services  
12 define the zone, it is up to the GYA states  
13 to define that management zone. So we in  
14 this interim rule, VS is actually asking the  
15 states to define those zones. We will  
16 evaluate it, but it's up to the states to  
17 both define the zone boundaries as well as  
18 to implement the necessary mitigations to  
19 prevent movement of the disease outside of  
20 that zone.

21 Likewise, we issued a federal order  
22 for TB, and what that federal order did is  
23 that if a state has a TB-affected herd, that  
24 they do not depopulate -- in other words,  
25 it's under a test and remove -- that state

## PRESENTATIONS

1 is not subject to an automatic downgrade.

2 And, as I alluded to earlier, the benefit of  
3 that approach is that the entire state is  
4 not subject to increased interstate movement  
5 testing requirements.  
6

7 There are expectations, and I don't  
8 want to suggest that there weren't necessary  
9 mitigations that are expected to be conducted  
10 under that -- under the federal order. For  
11 instance, there has to be a herd plan. The  
12 herd has to be quarantined, appropriately  
13 tested as necessary. There has to be an  
14 epidemiological investigation.

15 So the current system, the  
16 expectation is using the, if you will,  
17 current system of mitigations has to be in  
18 place and that the state is implementing  
19 those mitigations, and, if so, we're not  
20 implementing increased testing requirements on  
21 that state.

22 DR. THOMAS: Next slide.

23 Surveillance. We've talked a little  
24 bit about surveillance already, and there are  
25 four components that the working group



## PRESENTATIONS

1  
2 discussed relative to surveillance. We've  
3 already -- I've already mentioned national  
4 surveillance, and for TB that would be our  
5 granuloma submission. It would also include  
6 any caudal-fold testing data that might be  
7 accumulated at the state level for  
8 brucellosis. It would be our national  
9 slaughter surveillance. It could also be at  
10 the state level BRT testing that's conducted.  
11 And there would also be the recognition that  
12 a state might be doing targeted surveillance  
13 as indicated in their animal health plan.

14           And, again, an example here would be  
15 the activities that are ongoing in the GYA  
16 states relative to testing requirements that  
17 have been put in place based on risk on  
18 herds within their defined high-risk zones.

19           Other activities that would be  
20 incorporated into this concept of surveillance  
21 would be the idea that there might be other  
22 surveillance that a state or tribe might be  
23 conducting that should be, and appropriately  
24 so, recognized as a surveillance mechanism at  
25 the state level.

## PRESENTATIONS

1  
2           The last component that frequently  
3 came up in this discussion was the issue of  
4 animal ID. And the background here, and  
5 it's not a surprise, is that surveillance  
6 needs to have a strong basis in animal  
7 identification. Is this regulation going to  
8 propose anything different or above what the  
9 traceability rule? No. We're not going to  
10 be redundant. There will be certain areas  
11 where there will be official identification  
12 requirements, but those are specific to our  
13 program activities.

14           One good example is vaccination is  
15 that we would still require animals to be  
16 officially ID'ed as well as any testing that  
17 would go on as a result of an epi  
18 investigation or an affected herd is that we  
19 would want those animals to be officially  
20 ID'ed.

21           SPEAKER: May I ask a question?

22           DR. THOMAS: Yes.

23           SPEAKER: What does that gain you as  
24 far as the program, because all you're  
25 requesting -- maybe brucellosis, not a lot --

## PRESENTATIONS

1  
2 very few -- less and less vaccination of  
3 brucellosis, right?

4 DR. THOMAS: Yes, but --

5 SPEAKER: Then officially tested  
6 animals which may be for export or something,  
7 suspects and reactors after the fact, after  
8 you find the disease, and now you're saying  
9 for animal -- for movement interstate tests  
10 are consistent with -- well, in some states  
11 wouldn't require anything, just officially to  
12 move one state to the other.

13 So what do you gain by -- if you're  
14 not going to ID the -- in the whole pool of  
15 20 million animals out there that aren't  
16 ID'ed, what good is the program do you when  
17 you want traceability?

18 I mean, how do you call -- how do  
19 you say you got traceability when you have  
20 20 million animals out here that aren't even  
21 ID'ed? To me it's a farce. The USDA is not  
22 going to do something for ID. The whole  
23 program's a farce.

24 DR. THOMAS: I understand. But I'd  
25 like to put this in the context and answer

## PRESENTATIONS

1  
2 your question based on the TB and brucellosis  
3 program regarded to official ID requirements  
4 is that in certain situations, we're talking  
5 about animals, the need to ID animals that  
6 are perceived as higher risk in the sense  
7 that if we're testing animals as a result of  
8 an epi investigation, those animals are at  
9 higher risk, so we want to make sure that  
10 we're able to identify those animals as they  
11 move forward.

12 In the past -- and I don't have the  
13 numbers of brucellosis-vaccinated animals --  
14 but in the past -- I'm sorry?

15 SPEAKER: 3,000 a month.

16 DR. THOMAS: But the need to --  
17 actually, those animals being vaccinated has  
18 been and others have referred to that it is  
19 a market incentive.

20 So I think I just want to leave the  
21 traceability discussion to within the concept  
22 of a program requirement. And, certainly, if  
23 you feel that the use of official ID for  
24 program activities is not needed, is I'd  
25 encourage you to bring that up later today

## PRESENTATIONS

1  
2 as well as submit written comments. But I  
3 don't, simply because there are probably  
4 others in this room that have been more  
5 involved with the traceability discussion, I  
6 don't want to pretend to be an expert on  
7 traceability and what's being discussed for  
8 traceability.

9 SPEAKER: Well, I've discussed it  
10 for 15 years, and the problem is that all of  
11 a sudden USDA has a new administration there,  
12 and all of a sudden they say we don't need  
13 it. I mean, if they'd listen to the  
14 producers and you quit listening to the  
15 environmentalists and everybody else, how  
16 about listening to the people who produce?

17 DR. THOMAS: So it sounds like you  
18 support the use of official ID?

19 SPEAKER: I do, I've worked on it  
20 for -- it's a farce now what you got here  
21 now.

22 DR. THOMAS: Okay. As I said, I am  
23 not a spokesman for the traceability, and I  
24 recognize and appreciate your comments. And,  
25 actually, they might be captured here today

## PRESENTATIONS

1  
2 right now. So thank you.

3 Affected herd management  
4 epidemiological investigations. We're not  
5 talking about recreating the wheel here. The  
6 procedures, the processes, the policies, many  
7 of the policies currently in place will  
8 continue to be used. We'll provide a  
9 definition of terms. What's a reactor.  
10 What's a suspect. What's an affected herd.  
11 We developed a significant list of items that  
12 we would provide definitions for.

13 We would define the process and  
14 identification of personnel involved in  
15 decision making regarding affected herds and  
16 epi investigations. Likewise, we'll provide  
17 a process and identification of personnel in  
18 developing and implementing a plan of  
19 managing affected groups, including movement  
20 restrictions. And here what we're talking  
21 about is a herd plan.

22 So, again, herd plans are not new to  
23 the regulations, and we will continue to have  
24 herd plans as we move into the new program.

25 The regulations will provide for the

## PRESENTATIONS

1  
2 development of investigation and reporting  
3 requirements, and I mentioned those reporting  
4 requirements earlier. They're going to be  
5 critical for this program. The regulations  
6 will allow consequences for noncompliance with  
7 the timelines established for the epi  
8 investigations. Likewise, if the epi  
9 investigations aren't conducted according to  
10 the standard that's been established.

11 We recognize -- now, having said  
12 we'll develop consequences, we recognize that  
13 there are circumstances that will require  
14 variances. So we want to make sure that the  
15 regulations do not back us into a corner  
16 that would require some sort of punitive  
17 action against a state or a tribe.

18 As a result of employing  
19 test-and-remove procedures where it's  
20 appropriate, we recognize that producers have  
21 the need to move animals off those  
22 quarantined facilities to, for instance, what  
23 might be a quarantined feedlot, and we want  
24 to make sure that the regulations recognize  
25 this and allow for those high-risk

## PRESENTATIONS

1 facilities. It doesn't -- that's not to say  
2 that if a state doesn't want to implement  
3 such a high-risk facility that we would make  
4 them, it just -- this aspect of the  
5 regulation addresses a need to move high-risk  
6 animals from a facility, particularly when  
7 under a test-and-remove procedure.

8 Next slide.

9 Indemnity. It seems like that folks  
10 are really getting somewhat anxious. Do  
11 folks need to take a 15-minute break right  
12 now? I'm seeing some nods. So why don't  
13 we take a 15-minute break, and we'll come  
14 back at 10:15 and I'll finish up.

15  
16 **(Whereupon, Off the record at 10:01**  
17 **a.m.)**

18 **(Whereupon, On the record at 10:18**  
19 **a.m.)**

20 MS. DUNIGAN: All right. If you  
21 would go ahead and take a seat, we'll  
22 continue our discussion on indemnity. If I  
23 could ask, if you have clarifying questions  
24 on the presentation, feel free to ask those  
25 at the end of each element, but we'll have



## PRESENTATIONS

1  
2 further discussion just maybe about 30  
3 minutes from now. So if you have anything  
4 more than a clarifying question, if you could  
5 just hold that until we get to your breakout  
6 session.

7 DR. THOMAS: I thought a break might  
8 be a good idea before we discussed indemnity.  
9 And first let me say that any one element  
10 within the working group, the discussion on  
11 indemnity was a difficult discussion. And  
12 the framework as well as the discussion I'm  
13 going to describe here is the VS position.  
14 I think the state vets have concerns. But  
15 there are challenges that we as a federal  
16 agency are facing that we're trying to  
17 address here. And I'd like to give you some  
18 background on indemnity.

19 And one of the challenges that we  
20 face as well as those of you that are in  
21 the state are flat or declining budgets.  
22 The figures here, the 16.8 million was the  
23 actual budget in fiscal year 2010 for the TB  
24 program. Unfortunately, in FY '11 it has  
25 decreased to approximately 15.6 million.

## PRESENTATIONS

1  
2 Some of the decreases here are the result of  
3 the removal of earmarks, but it -- I put  
4 this up here to indicate that in the  
5 challenges that the overall government faces  
6 we too in Veterinary Services face the  
7 challenge of declining budgets. Of that 15.6  
8 million for fiscal year 2011 we have \$1  
9 million that is set aside from indemnity.

10 And when I talk about indemnity, I  
11 want to define what we're using that money  
12 for. Some people think about indemnity only  
13 as the funding that is paid to populate a  
14 herd, but we also purchase animals as what  
15 we refer to as diagnostic purchases. These  
16 are animals typically that are associated  
17 with investigation, i.e., exposed animals that  
18 we want to remove because they represent a  
19 high risk of disease. So the funding for  
20 indemnity covers that diagnostic purchase --  
21 those diagnostic purchases as well as funding  
22 that would be used to indemnify a herd that  
23 is depopulated.

24 The brucellosis program also saw a  
25 decrease in funding this year of

## PRESENTATIONS

1  
2 approximately half a million, and that has no  
3 association with half a million that is  
4 highlighted or assigned for the use of  
5 indemnity. So we actually have a fairly  
6 limited pool of indemnity monies within  
7 Veterinary Services.

8           If you look at the TB program and  
9 how it has funded indemnity in the past, we  
10 have relied heavily on CCC monies, and CCC  
11 refers to Commodity Credit Corporation.  
12 Historically, CCC funding has been used when  
13 there is a, if you will, emergency need to  
14 fund certain activities. CCC monies have  
15 been used extensively in the TB program where  
16 we've had situations that we have had  
17 significant outbreaks of disease. I can  
18 think of -- in my history with the TB  
19 program we have used -- we have went forward  
20 and we received funding for Minnesota,  
21 Michigan, California and New Mexico where we  
22 have received significant funding dollars via  
23 CCC funding.

24           The current situation with CCC  
25 funding on an administration level is because

## PRESENTATIONS

1  
2 of the status of our federal budget and the  
3 deficit that getting approval for CCC funding  
4 is growing increasingly difficult to the  
5 point that can we rely on CCC funding in the  
6 future? Very questionable and I would say  
7 doubttable.

8 Now, why is that important to this  
9 discussion of indemnity? If you look at  
10 indemnity expenditures for the TB program  
11 since 2007, it has averaged \$5 million per  
12 year. So 1 million of that 5 million is  
13 appropriated funds coming out of the line  
14 item. 4 million is CCC funding. So if  
15 we're not able to get CCC funding is that  
16 it's going to have a significant impact on  
17 our ability to indemnify herd owners or  
18 depopulated herds and make these diagnostic  
19 purchases.

20 Finally, the last point of background  
21 that I'd like to make regarding indemnity and  
22 the current situation that we have is that  
23 if you look at the time that it takes to  
24 remove animals from herds that are being  
25 depopulated, it's roughly 60 days, two months

## PRESENTATIONS

1  
2 from when an appraisal is done to when these  
3 herds are depopulated. So we are leaving in  
4 this situation that we do have infected herds  
5 that are staying on the ground for 60 days.  
6 So that's the background that I'd like to  
7 provide before I go into the regulatory  
8 components related to indemnity.

9 We'll define those terms necessary  
10 related to the indemnity process. We will  
11 include that the payment of indemnity is  
12 contingent upon the availability of federal  
13 funds. Although I just gave you the  
14 background for a lack of federal funding, if  
15 you go to our existing regs, our existing  
16 regs say this. So this is not new. It's  
17 a recognition that you could have a situation  
18 where you simply run out of federal dollars.

19 We want to describe the process that  
20 we use regarding indemnity; however, we want  
21 to put the specifics in program standards.  
22 And I described earlier why we want to do  
23 that, because it gives us flexibility to make  
24 changes. Those changes will be made  
25 transparently. But we don't want to lock

## PRESENTATIONS

1  
2 ourselves into a regulation that if we want  
3 to change it, we have to go through a  
4 process of a proposed rule, final rule. It  
5 is a, as you're all aware, somewhat  
6 inflexible and lengthy process.

7 Next slide.

8 So we'll describe how an indemnity  
9 or an appraisal will be determined for an  
10 individual animal, and what we're proposing  
11 is that we further develop and implement the  
12 use of an appraisal calculator. The  
13 appraisal calculator would take into account  
14 such things as the animal's age, the animal's  
15 weight, is the animal bred for dairy animals,  
16 the milk production of that animal, as well  
17 as reflect regional values.

18 In the next slide I'll actually give  
19 you an example of a calculator that has been  
20 developed under a contractual agreement with  
21 Veterinary Services to produce some more  
22 detail about a calculator.

23 The regulations would define the  
24 process for updating the calculator. We  
25 recognize that market situations change, so

## PRESENTATIONS

1  
2 we want to be able to have a calculator that  
3 is current.

4 The indemnity would be paid on 100  
5 percent of the fair market value based on  
6 that calculator appraisal, but we would  
7 subtract out from the indemnity payment any  
8 value, any salvage value, that an owner might  
9 receive. And because we want to be able to  
10 rapidly be able to remove animals, we're not  
11 accounting for an appeals process.

12 Next slide.

13 I mentioned that I wanted to present  
14 an example of a calculator. VS contracted  
15 with the Livestock Marketing Information  
16 Center, Dr. Darrell Peel, to develop a beef  
17 calculator. It was reviewed by an individual  
18 at Washington State University, and the  
19 calculator covers bred heifers, bred cows,  
20 cow-calf pairs, and herd bulls. The baseline  
21 value is determined by the slaughter cow  
22 value with consideration given to a cow's  
23 age, the cow or bull's weight, the calf age  
24 and the quality. And the current calculator  
25 considers five different regions of the

## PRESENTATIONS

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United States.

I think I have a question.

SPEAKER: Is that calculator updated weekly? Because the market does fluctuate a lot.

DR. THOMAS: I don't have the answer to that question.

SPEAKER: You know, I don't want one that's six months or a year out of date.

DR. THOMAS: Okay. I don't want to mislead you by a response that I don't know how often it's updated.

Yes?

SPEAKER: With all due respect to the dairy industry, we in the beef industry have some pretty sophisticated data on production data and values of cattle we produce. I certainly as a purebred breeder would hate to get lumped in with the run-of-the-mill commercial cow. When we deal with performance data, DNA documentation of these animals and their high-value breeding stock, is there a section in there to deal with that?



## PRESENTATIONS

1  
2 DR. THOMAS: Under the current  
3 calculator, no, under this example that I've  
4 given you. It's, if you will -- one of the  
5 needs is to address that.

6 But in saying that, another issue  
7 that comes up relative to your question is  
8 that we haven't indicated that there would be  
9 any cap per animal. The current cap is  
10 \$3,000. And so with the background that our  
11 dollars for indemnity are finite is that if  
12 we were to have a situation in the United  
13 States where we had -- it isn't necessarily  
14 many TB herds, it could be one or two,  
15 depending on the size and the quality of the  
16 genetics of those herds, is that how do we  
17 appropriately spread those indemnity monies to  
18 last throughout the fiscal year.

19 The working group had significant  
20 discussions on this, and it is problematic,  
21 is if you get into one herd of 4- to 500  
22 animals that are high-quality genetic animals,  
23 you could potentially use your indemnity  
24 money with one payment. And so what do you  
25 do with the other hundred owners that have

## PRESENTATIONS

1  
2 affected herds if there's no more TB money  
3 left. So this is the dilemma that we're  
4 faced with on the federal side.

5 And, if you may, I just have one  
6 other comment based on discussions.

7 The working group also discussed the  
8 possibility of the state and/or industry  
9 providing funding for indemnity. Actually,  
10 there was concern on the state side because  
11 they have extremely limited funding as well.  
12 But we have discussed with our office of  
13 general counsel is would we, the federal  
14 government, be required to reduce our  
15 indemnity payment if a state or the industry  
16 paid some amount for -- or if a state or  
17 the industry chipped into the indemnity  
18 payment.

19 And our Office of General Counsel,  
20 which is our lawyers that this rule will  
21 ultimately go through, is they said as long  
22 as the fair market value of the animal is  
23 not exceeded is that we see no legal issue  
24 with the -- a state or an industry chipping  
25 into the indemnity payment.

## PRESENTATIONS

1  
2           So I just wanted to allude to some  
3 of the discussions that we had within the  
4 working group. But we are trying to address  
5 the situation where we are dealing with  
6 finite indemnity funds.

7           And, I'm sorry, you had another  
8 question?

9           SPEAKER: Well, it's just a  
10 statement. I'm a pretty simple guy. It's a  
11 federal law, it's to protect human health,  
12 and why should I, in essence, donate my  
13 lifetime's work of genetic material we've  
14 developed over close to 50 years for the  
15 greater good when it's a federal law? And to  
16 me it's a very simple concept. If you are  
17 going to take my livestock, you will pay for  
18 them, and you will pay fair market value.

19           DR. THOMAS: I understand. As I  
20 indicated, the situation is where we have  
21 finite funding, and is it fair if your herd  
22 occurs in October when we have funding, and  
23 your neighbor who has a comparable herd has  
24 -- is determined to be affected in September  
25 and there's no money. So what do you want

## PRESENTATIONS

1  
2 us to do as the federal government.

3 And I'll accept one more question,  
4 and then I'd like to -- there was a method  
5 to the madness of pairing up the indemnity  
6 discussion with the approval of laboratories.  
7 As I suspect, we will spend the majority of  
8 our time when we break out into our breakout  
9 groups on indemnity.

10 So one more question, and I'd like  
11 to move on.

12 SPEAKER: Just a comment. Maybe the  
13 funding should come from Homeland Security.

14 DR. THOMAS: And if -- I'm not  
15 aware, I don't know if others in the room  
16 are aware, that mechanism, but certainly, if  
17 there are monies available, I'm just not  
18 aware of that funding mechanism.

19 SPEAKER: It's a suggestion that may  
20 help your future presentations, okay? To get  
21 to the genetic point that Monte was making,  
22 and you alluded to it in your comments back  
23 to him about those are -- those discussions  
24 have taken place, we are considering it, I  
25 would suggest maybe putting something in the

## PRESENTATIONS

1  
2 presentation or including it in the  
3 discussions right up front that we are  
4 looking at genetic value and it will be part  
5 of the discussion. Because what happens over  
6 time if it's not discussed right up front  
7 and it's not in the presentation, that many  
8 times as these programs get rolled out, it  
9 simply gets forgotten about and lost.

10 DR. THOMAS: Okay. Thank you.

11 The regulation will describe the  
12 eligible indemnity expenses, i.e., what would  
13 Veterinary Services pay for, the  
14 transportation of the animals as well as the  
15 disposal; however, we're not intending to pay  
16 for any cleaning and disinfection. There  
17 might be circumstances where we would pay for  
18 the disinfectant.

19 Next slide.

20 Moving on to interstate movement  
21 controls. We want to have a regulation that  
22 provides for the interstate/tribal or area  
23 movement controls for animals in which a  
24 disease risk has been recognized, i.e. --  
25 and I hate to pick on the GYA area -- but

## PRESENTATIONS

1  
2 there have been movement controls that have  
3 been implemented at the state level in those  
4 zones or areas that require testing of  
5 animals moving out of that high-risk zone.

6 We will provide the authority to  
7 define the classes of animals and herds that  
8 might be subject to movement controls. And,  
9 again, we're talking about breeder animals  
10 moving out of a high-risk area.

11 Next slide.

12 What happens if a state or a tribe  
13 doesn't adhere to these requirements is that  
14 we want to ensure that consequences can be  
15 applied. Would the regulation necessary  
16 define that if the state does X or does not  
17 do X that we will institute the specific  
18 requirements? No, not necessarily. We want  
19 to make it flexible.

20 And, again, going back to the  
21 reference to an advisory board is the  
22 application of consequences would be an area  
23 that we would look for input from an  
24 advisory board. So it's just not VS making  
25 the decision about these restrictions,

## PRESENTATIONS

1  
2 whatever those might be.

3 And then we would recognize that if  
4 a state or a tribe has mitigation activities  
5 in place that these would preclude or  
6 diminish the need for movement controls. And  
7 here we're talking about examples of if they  
8 have terminal or quarantined feedlots and  
9 they have a well-defined and implemented  
10 disease management plan.

11 Next slide.

12 This sort of clause is extremely  
13 important in our regulations, and we actually  
14 have current regulations where we use this  
15 clause is that the administrator can -- and,  
16 actually, this is the terminology that is  
17 frequently used is the administrator, so  
18 we're -- if you will, we're referring to a  
19 much higher power that denotes a high degree  
20 of evaluation and consideration -- is that we  
21 will have the capability to consider  
22 variances from movement restrictions after the  
23 point that -- or at the point at which  
24 disease spread has been mitigated. So,  
25 again, trying to emphasize the flexibility in

## PRESENTATIONS

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these regs.

Now, again, this being said -- that being said, it's really important if you either as a state or federal or tribal representative feels that there are issues that require interstate movement -- and we've already mentioned one, interstate movement of dairy heifers, eventing or rodeo cattle -- we really need to have that sort of feedback.

Next slide.

Import. Again, we're not necessarily proposing extreme changes to what we're doing for import. And for the purposes of discussion, we have broken the -- this element into three different areas which really I tend to look at as where the activity takes place or where the focus of activity is. And so we have pre-import, import and post-import.

Next slide.

What are we doing in pre-import? We're determining the risk that the country -- that a country or zone represents in regard to importation of their animals. And



## PRESENTATIONS

1  
2 if you'll notice here -- and this was by  
3 intent -- we're not saying Mexican animals,  
4 we're talking about a regulation where we  
5 want to address the importation of any animal  
6 around the world. The mechanism that we'll  
7 use to evaluate a country or a zone exists  
8 today and we're not going to change that  
9 system. That system is what we refer to as  
10 our regionalization regs, and that's 9 CFR  
11 part 92, and it's the 11 factors for  
12 regionalization.

13 So this is a system that we  
14 currently use worldwide to evaluate countries.  
15 And we want to ensure that we -- when we  
16 evaluate these countries that the measures  
17 that they have in place in country or within  
18 the zone ensures that the animals offered for  
19 import into the United States are disease  
20 free, they're in place, it's operational, and  
21 we can verify it.

22 Next slide.

23 SPEAKER: Lee Ann?

24 DR. THOMAS: Yes?

25 SPEAKER: Would the designations of

## PRESENTATIONS

1  
2 consistent, partially consistent and  
3 inconsistent be applied to Mexican states?

4 DR. THOMAS: Not necessarily.

5 We're looking at threshold. And I'll get --  
6 the next slide is talking about that.

7 We are not looking at establishing  
8 comparable status for Mexican states, what  
9 we're looking at is the mitigations, the  
10 activities they have in place that -- that  
11 would be many of the same activities that we  
12 use to determine status. But we are not  
13 necessarily looking at giving a status to  
14 Mexican states consistent, inconsistent or  
15 provisionally consistent.

16 We may -- our import requirements  
17 may be increased from states or zones after  
18 a threshold such as prevalence, the number of  
19 slaughter cases of imported animals that turn  
20 up at U.S. slaughter that are determined to  
21 be TB or brucellosis affected.

22 Caudal-fold response rates. After  
23 such a threshold has been reached is at that  
24 point we would have the ability to either  
25 change the import requirements or in certain

## PRESENTATIONS

1 situations we could halt the import.

2 A question that frequently comes up,  
3 well, what about a state -- or zone that  
4 hasn't been evaluated. And we actually have  
5 in the current regs -- and this is I do  
6 have to be specific for Mexico -- we do  
7 allow for the import of animals from  
8 nonaccredited areas, but therefore immediate  
9 slaughter only.  
10

11 So, again, looking at the mitigation,  
12 and we're certainly not trying to prohibit  
13 trade within any country, our focus here is  
14 to allow trade using safe and appropriate  
15 mechanisms.

16 In the situation where we have  
17 increased or halted our imports is we would  
18 ease the restrictions after a period of time  
19 where improvements have been observed in the  
20 country or zone of origin to ensure that  
21 standards are met, and we would also have  
22 the mechanism to conduct an on-site review of  
23 the situation before easing of the import  
24 restrictions or allowing trade to go forward.

25 The next area after we evaluate and

## PRESENTATIONS

1  
2 we determine the appropriate risk assessments  
3 based on the evaluation, we would want to  
4 make sure that the first point of  
5 concentration of those animals that are  
6 imported must be identified, documented, and  
7 that the records maintained to facilitate  
8 tracing of the animals. If animals after  
9 importation are moved from that first point  
10 of concentration across state lines is we  
11 want to make sure that the state of  
12 destination is notified so you're aware at  
13 the state level if your state is receiving  
14 imported animals.

15 Next slide.

16 We want to make sure that there is  
17 continuity of identification or an ability to  
18 trace that animal, some official documentation  
19 that we have access to that identifies that  
20 animal as an imported animal and where its  
21 origin was.

22 I mentioned that states would need  
23 to be notified if an animal crosses state  
24 lines after its first point of concentration,  
25 and we would like to implement that an

## PRESENTATIONS

1  
2 interstate certificate, a veterinary inspection  
3 or a brand inspection is required when that  
4 animal moves. Moves interstate I should  
5 clarify.

6 And, again, we're not talking about  
7 anything new in these regulations that has  
8 already not been discussed and will be  
9 proposed in the traceability regs.

10 We will have post-entry and long-term  
11 testing requirements under certain  
12 circumstances. We want to make sure that  
13 imported steers and heifers for the purposes  
14 of food production or our feedlot processes  
15 that we have here in the United States, that  
16 those are maintained separately and apart  
17 from our domestic breeding population.

18 Particularly, we've had a lot of  
19 discussions around pasturing. We are and  
20 would very much appreciate your feedback  
21 regarding pasturing, the concept of pasturing  
22 and can you maintain separation between  
23 imported animal where there is a risk. And  
24 I've already mentioned several times periodic  
25 testing of rodeo or eventing cattle.

## PRESENTATIONS

1  
2           The last element, which was probably  
3 the easiest element to discuss, and Steve  
4 alluded to it, is that this particular  
5 element doesn't frequently come to mind when  
6 you're talking about a disease program, but  
7 what we know from our other programs, that  
8 it's critically important to define in your  
9 regulation what is an official program test  
10 as well as who can do the testing and what  
11 is the process for testing for your program  
12 disease. So this component of the regulation  
13 will provide definition for needed terms. It  
14 will describe the -- or allow for a process  
15 of initial approval and recertification of  
16 official diagnostic tests, official testing  
17 labs.

18           Again, we'll use a process where, if  
19 we're changing, for instance, official text,  
20 we would not necessarily have to go through  
21 a proposed final rule but we would look at  
22 using notices. Again, that would be  
23 published and would offer the ability for  
24 public comments. But we're trying to have  
25 flexibility here.

## PRESENTATIONS

1  
2           We do have new diagnostic tests that  
3 are being evaluated, but I think one thought  
4 that I had when I was listening to Steve's  
5 presentation about diagnostic tests is that  
6 particularly diagnostic tests for TB, Steve  
7 alluded to they haven't changed much since  
8 1917. But do you know what testing  
9 methodology they continue to use in human  
10 medicine for TB? Skin testing.

11           So while we continue to evaluate  
12 serologic tests, and I certainly am  
13 supportive of moving to that technology, we  
14 just have to make sure that it's going to  
15 have a sensitivity and specificity better  
16 than the caudal-fold test. And human  
17 medicine has found that to be problematic.

18           If we could find the test, a blood  
19 test, where we could collect one -- both  
20 sample at slaughter and test it for  
21 brucellosis and TB, that would be great.  
22 I'm not sure how close we are to that.

23           Finally, the regulations will provide  
24 a mechanism to withdraw or suspend approval  
25 of a laboratory or an official tester, and

## PRESENTATIONS

1  
2 it will reference the need to have quality  
3 assurance and quality control mechanisms in  
4 place for testing laboratories as well as  
5 proficiency testing of authorized personnel.

6 We also talked about the regs do  
7 recognize that there are some testing  
8 technologies that could be applied pen side,  
9 and we want to make sure that these  
10 regulations allow us to do that under the  
11 appropriate circumstances.

12 Next slide.

13 We've talked about advisory board,  
14 and we do have some limitations to an  
15 advisory board or a control board that Steve  
16 alluded to during his presentation. And we  
17 have to ensure that we're consistent with or  
18 we adhere to the Federal Advisory Committee  
19 Act or FACA. And what FACA says is that  
20 you do not have to have a formal advisory  
21 group approved and implemented at the request  
22 of the secretary as long as your input is  
23 provided by state and/or other personnel.  
24 Industry is not included in the group.

25 And don't shoot the messenger. I



## PRESENTATIONS

1  
2 didn't establish this Federal Advisory  
3 Committee Act. So we are limited when we  
4 talk about a control board or an advisory  
5 board to state and federal -- other state  
6 and federal as well as tribal  
7 representatives.

8           Is an advisory board or control  
9 board a decision-making body? No. It  
10 provides recommendations. In this case, it  
11 would be providing recommendations into  
12 Veterinary Services.

13           And in the context of the working  
14 group discussions, a number of activities  
15 where the role -- where a role of the  
16 advisory board was discussed was evaluation  
17 of state status, animal health plans,  
18 compliance with program requirements, as well  
19 as consequences of noncompliance. There are  
20 likely others where the advisory board could  
21 be used, and we'd certainly be interested in  
22 hearing your feedback on that.

23           So with that, I believe that's the  
24 end of my presentation. And for those of  
25 you who can't read this, it says, "You can

## PRESENTATIONS

1  
2 pump its tail as long as you want. I'm  
3 telling you, you'll never get any milk."

4 So with that, are there any  
5 clarifying questions?

6 SPEAKER: Lee Ann, I just -- just  
7 an overall question is you got the framework  
8 document over -- for the regulations and  
9 everything, and then you mentioned throughout  
10 the presentation a number of times the  
11 standards that are going to be developed that  
12 will replace the UM&R. Where is that in the  
13 process? When will those start being created  
14 or done, or maybe are they already in  
15 process, those standards. And I don't know  
16 if that would be -- I guess I could -- in  
17 some ways some of my questions I have about  
18 the framework here, well, what's the standard  
19 going to be for this and for that.

20 DR. THOMAS: And the standards will  
21 be published along with the proposed rule.  
22 Many of the standards -- the UM&R already  
23 exists, so it would be -- in some situation  
24 it's just going to be revising the format  
25 and the presentation. In some situations

## PRESENTATIONS

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2 where we're talking about a three-tiered  
3 status system, we would have to further  
4 define those and develop those. But they  
5 would be available when we publish the rule  
6 and would be subject to comment.

7 Yes?

8 SPEAKER: Did I hear right that in  
9 your consistent and nonconsistent state or  
10 zone they're going to make other states  
11 recognize those -- those -- any like  
12 consistent? If the zone is consistent, then  
13 all states recognize that zone as being  
14 consistent?

15 DR. THOMAS: Currently, that is our  
16 intent.

17 SPEAKER: Okay. Beyond that, are  
18 you going to make -- or how can you make --  
19 or will you work with countries such as  
20 Canada to also recognize zones within states  
21 as consistent for exportation of cattle?

22 SPEAKER: Million-dollar question.

23 SPEAKER: Presently, Canada won't  
24 recognize Michigan's zone free or their zone  
25 outside -- they lump all of Michigan in as

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the lowest classified area.

DR. THOMAS: Okay. In regards to other countries' positions on importing U.S. cattle, we typically negotiate import protocols, export protocols with those countries, and we would have to negotiate with Canada, explain what these programs are doing to gain acceptance of the -- our system.

There's no guarantee, as you just pointed out an excellent example, that we can make -- we can't make Canada accept -- sorry, Steve, I'm going to pick on you -- Michigan cattle, that they recognize -- I'm assuming -- I don't know specifically that they recognize only the lowest status of Michigan cattle in import and have import requirements determined accordingly. I don't know. Does anybody know what those import requirements are?

SPEAKER: Can't even make other states do it.

DR. THOMAS: I'm sorry?

SPEAKER: Can't even make other

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states do it.

SPEAKER: For Canada to recognize the lowest level, basically, you would have to take and adjust the whole herd, the herd of origin to move out.

DR. THOMAS: Okay. And, you know, this very essence, just the comment about other states, it gets to the preemption issue. And what we're trying to do is establish a level playing field for all states that appropriately addresses the concerns related to the risks that you have. And we've talked about several here today, and it's -- you know, it's -- frankly, there's going to be lots of discussions, ongoing discussions, about preemption. And certainly we want to hear your input.

Sorry, I sound like a broken record here, but that's what we're out here to hear.

SPEAKER: Just a point of clarification I guess. We came here to this building 2 1/2 years ago for a listening session, endured the federal TB program for

## PRESENTATIONS

1  
2 13 years now, and what you have just  
3 presented, I struggle to find much value in  
4 what we did 2 1/2 years ago here or what we  
5 have -- the lessons we have learned in  
6 dealing with the TB issues in Michigan  
7 presented here. It seems like we're starting  
8 at kind of ground zero on this thing and  
9 moving forward. And with Delmer's question  
10 about import/export, we've been pounded over  
11 the head for 13 years of, well, hell, you  
12 can't do that because then we'd have to do  
13 that in Mexico with the same -- you know,  
14 same protocols. But you just retreated and  
15 said, well, you can't make Canada do  
16 anything.

17           So is there any sight -- is there  
18 any finish line in sight on this thing? I  
19 mean, you have -- it's always -- in my years  
20 in government as an elected official, you  
21 always try to put a finish line and work  
22 back from there. Is there any finish line,  
23 or just based on retirement, pass it on to  
24 the next guy?

25           DR. THOMAS: The finish line is a

## PRESENTATIONS

1  
2 final rule in 2012.

3 Can we make any country do what they  
4 don't want to do? No. They can't make us  
5 do anything.

6 Where you can make an issue out of  
7 it if it is a WTO violation and you go to  
8 WT --

9 SPEAKER: You don't need to go  
10 there. The hormone ban works fine for me.  
11 We've only lost 13 billion, 14 billion  
12 dollars. We went to the WTO, we won, and  
13 it still didn't help. So you don't have to  
14 waste time on that one.

15 DR. THOMAS: But I think in regards  
16 to is this program different than the  
17 existing system is that I think it is. It  
18 allows, for instance, Michigan, to create a  
19 zone based on the surveillance and the  
20 information it has about disease. It can  
21 define that zone. It can define the  
22 necessary mitigations. It can look at  
23 differing risk levels of herds within that  
24 zone.

25 So do I see advantages to this

## PRESENTATIONS

1  
2 program? Yes, I do. But perhaps I'm  
3 biased.

4 Any additional comments, questions?

5 SPEAKER: Lee Ann, if I could  
6 interject, you know, the question about  
7 interstate -- I don't have -- I don't have  
8 answers. But the question on interstate  
9 movement, you know, the reality is that's not  
10 really a whole lot different -- and maybe  
11 I'm crossing the line by saying this -- that  
12 negotiating with Canada, we can set up our  
13 interstate requirements, but ultimately we  
14 can't force Missouri or Illinois or Ohio to  
15 necessarily accept the status that USDA gives  
16 the state. But I think the advantage that  
17 we have with this program that is being  
18 proposed is that we're trying to have more  
19 involvement from states through this advisory  
20 committee, more transparency, so a state like  
21 Ohio or Illinois would see what a state like  
22 Michigan is doing, would see what program  
23 Michigan has in place, would be able to see  
24 the fact that Michigan is doing these things  
25 and the disease is not leaving the state of



## PRESENTATIONS

1  
2 Michigan. And hopefully in the long run  
3 that would change the way other states treat  
4 each other.

5 But we're really embarking on a  
6 totally new direction. And to sit here  
7 today and to say, oh, yeah, absolutely, we're  
8 going to have every state taking cattle from  
9 Michigan is probably -- would be going out  
10 on a limb. That's just my two cents but...

11 SPEAKER: A comment, then a  
12 question.

13 To Monte's point about the time  
14 frame, I think the frustration from the  
15 industry is simply the fact that we were  
16 here 2 1/2 years ago -- and this isn't  
17 necessarily your fault, it's just a product  
18 of the system -- but we were here 2 1/2  
19 years ago to start the discussions on  
20 changing the rule. We're looking at a final  
21 rule in 2012, and it's my understanding  
22 probably implementation in 2013. So the  
23 point is, it just takes too long to fix the  
24 system, and we have to find a way to speed  
25 up the process if we can -- if we are ever

## PRESENTATIONS

1  
2 going to get to that end point that we want  
3 to get.

4 The question then becomes to get to  
5 the end point from this disease standpoint we  
6 clearly need to continue to focus on dealing  
7 with the disease where the disease is  
8 located. I'm not sure there's anything USDA  
9 can do in this rule process, but the point  
10 needs to be made that we do have a problem  
11 in the wildlife population that somehow some  
12 way we need to find a different way to  
13 address if state agencies aren't willing to  
14 clearly and solidly address the situation.

15 My question is, is there anything at  
16 all that we can for this rule process that  
17 would allow USDA to come in and put some  
18 pressure on those states to deal with the  
19 disease where the disease is at.

20 DR. THOMAS: And to answer your  
21 question is do we have a mechanism of  
22 applying pressure. I'll turn it around, a  
23 couple of thoughts on that.

24 I want to be very clear, and I know  
25 this is not what you want to hear. Do we

## PRESENTATIONS

1  
2 have the authority over wildlife? As you  
3 know, no, and that's the problem. Can we do  
4 anything in this rule making that gives us  
5 the authority? No.

6 Where we have the capability of  
7 providing influence is where the -- where you  
8 have the issue of disease spillover and --  
9 into your domestic herd. And is that a  
10 black and white -- or is that a black line,  
11 here you're okay, here you're not? No.

12 But your point is well taken, and  
13 it's what we struggle with, quite frankly is  
14 because can we require another federal agency  
15 to do X? No. It's the working  
16 collaboratively. We have successfully worked  
17 with our wildlife components, particularly  
18 when we're able to fund their activities.  
19 My concern is that when you lose funding or  
20 your funding goes down, how are you going to  
21 continue to fund those activities, encourage  
22 support of certain activities such as  
23 surveillance when funds are drying up. It's  
24 a tough question.

25 I am not giving you the answer you

## PRESENTATIONS

1  
2 want, but I don't think anybody in this room  
3 has the answer to that. Particularly what I  
4 see as the challenge is that wildlife in a  
5 state is often a billion-dollar industry, and  
6 how do you balance the needs of the, if you  
7 will, wildlife industry with that of the  
8 cattle industry. I don't have the answer  
9 for that.

10 SPEAKER: I have a question, just  
11 some clarification. Like, obviously, the  
12 goal is, like, to eradicate the disease and  
13 with the least impact on the industry. So  
14 right now, like, we kept talking about, like,  
15 a single framework.

16 So my question right now is  
17 comparing brucellosis with TB, are they being  
18 managed the same right now, like, currently  
19 or like -- I'm...

20 DR. THOMAS: Okay, when you say  
21 "managed," if you --

22 SPEAKER: The same rules and -- like  
23 just the same rules that -- or we were just  
24 talking about, like, how is it right now.

25 DR. THOMAS: I'm thinking about how

## PRESENTATIONS

1  
2 to respond to that, and to me the -- are  
3 they being managed similarly. To use  
4 examples. Do we quarantine herds for both?  
5 Yes. Do we conduct epi investigations that  
6 consider trace-ins and trace-outs? Yes. Do  
7 we vaccinate for TB to prevent disease? No.  
8 Do we for brucellosis? Yes. It's a  
9 mitigation tool. Do we do risk assessment  
10 of herds related to brucellosis and TB? Yes,  
11 that has been done.

12 So if you ask me do we manage the  
13 disease similarly? Yes. Are they the same?  
14 No, they're different diseases.

15 SPEAKER: Well, like, my big thing  
16 is, like, if you look at brucellosis and TB,  
17 like, right now, are we seeing that we're  
18 controlling one more than the other?

19 DR. THOMAS: The question was are we  
20 controlling TB -- are we controlling TB or  
21 brucellosis one more than the other. And  
22 does anybody else -- I don't think I'm doing  
23 a good job of answering this.

24 To me we manage the disease very  
25 similarly, there are differences, and we face

## PRESENTATIONS

1  
2 similar challenges of control with both of  
3 these diseases due to wildlife.

4 SPEAKER: Brucellosis is not as  
5 prevalent as TB is. I mean, it's controlled  
6 better, right?

7 SPEAKER: It depends where you're  
8 at.

9 SPEAKER: Yeah, in Michigan.

10 SPEAKER: I just...

11 DR. THOMAS: Are they -- okay. You  
12 know, we can -- I don't -- do we have more  
13 TB than brucellosis in the U.S.? Well, what  
14 is "more"? We have as -- Steve, you had a  
15 good slide. As you said, you know, we've  
16 been highly successful in these programs;  
17 however, we still have disease outbreaks. We  
18 have disease outbreaks of brucellosis. We've  
19 had five cases within the past year. And  
20 we've had three in Wyoming, we've had one in  
21 Montana, and we've had one in Texas.

22 So, you know, I don't think I'm  
23 understanding your question.

24 SPEAKER: That's okay.

25 SPEAKER: This gentleman over here

## PRESENTATIONS

1  
2 says he has the answer.

3 DR. THOMAS: Okay. Thank you.

4 SPEAKER: I think there's some real  
5 clarity to that, yes. The Greater  
6 Yellowstone Area has an elk and bison  
7 population owned by the federal government  
8 that refuses to control the brucellosis  
9 problem and has caused a great deal of  
10 problem to the producers in that area where  
11 you find most of the brucellosis outbreaks.

12 In northeast Michigan and previously  
13 in Minnesota have a wildlife harbor in the  
14 whitetail deer that the state owns and they  
15 refuse to address the issue.

16 So, yeah, they're very similar in  
17 how we are not addressing the problem of  
18 eradication. And you crack that nut, you  
19 become -- you maybe solve the problem.

20 DR. THOMAS: Several.

21 MS. DUNIGAN: All right. Thank you,  
22 everyone, for your questions. I think that's  
23 just a little over time. So let's continue  
24 our discussions in smaller groups, and that  
25 way everyone can have a chance to participate

1  
2 as well.

3 If you would just pull out your  
4 agenda very quickly, and I'll just briefly  
5 explain where we're going to go from here.

6 So you'll see there are three  
7 bullets. There have been eight elements  
8 discussed here today, and we've divided these  
9 into three sessions. We'll have one before  
10 lunch, we'll take a break for lunch, and  
11 then we'll continue the second two just after  
12 lunch.

13 We have about 35 people here in the  
14 room. If you would, please distribute  
15 yourselves fairly evenly. That would be  
16 about 12, 13 people in each room. You'll  
17 have a chance to listen and comment on all  
18 three groups, all eight elements. Please  
19 don't overwhelm one group.

20 There's going to be somebody  
21 facilitating the discussion. It's going to  
22 be transcribed. If there's more than about  
23 12 or 13 people, it's just going to become  
24 overwhelming, and your comments and your  
25 questions aren't going to get answered.



## PRESENTATIONS

1  
2           It's 11:15 now. We'll break for  
3 lunch around noon. We'll take about an  
4 hour, hour-and-15-minute break for lunch.  
5 There is a cafeteria -- or, I'm sorry, a  
6 restaurant here in the hotel; a few places  
7 just outside. Feel free to break for lunch  
8 on your own terms.

9           As we leave here, one session will  
10 occur here in this room, and that will be  
11 the first bullet, the Program (State)  
12 Requirements, Zoning and Surveillance. So if  
13 you'd like to join that discussion first, go  
14 ahead and stay in the room. It will be  
15 transcribed, again, and moderated.

16           The other two sessions will occur  
17 just around the corner. There's two rooms  
18 called the Imperial Room East and Imperial  
19 Room West. And the Affected Herd Management  
20 and Epidemiological Investigations, Importation  
21 Requirements and Interstate Movement Controls  
22 elements will be discussed in the east room.  
23 Just go ahead and mark that on your paper.  
24 Both doors are labeled as well. And then  
25 your third bullet being Indemnity and

## PRESENTATIONS

1 Approval Procedures will be in the west room.

2           So, again, as we leave here, or if  
3 you decide to stay in this room, distribute  
4 yourselves fairly evenly. If you came in a  
5 group and there's several people that you  
6 came with, try or consider maybe to  
7 distribute yourselves in different groups.  
8 Again, this is an opportunity for you to  
9 provide input to help a discussion, and so  
10 the more diverse the group, the greater the  
11 discussion and greater the input. And again,  
12 feel free to bring any suggestions you have  
13 up during these opportunities.

14           Any questions before we break?

15           SPEAKER: You guys can follow me,  
16 and I can take the ones to the meeting rooms  
17 right out the door to the right.

18           MS. DUNIGAN: All right. So feel  
19 free to move or stay in the room. Again,  
20 about 12 to 13 people in each room, and then  
21 we'll break for lunch and reconvene just  
22 after that.

23           If you're staying in the room to  
24 discuss the program state requirements, go  
25

## PRESENTATIONS

1 ahead and move towards this front table.

2 Again, it's going to be transcribed, so the

3 closer we are to the transcriptionist, the

4 better likely our record keeping will be.

5 So if you're staying in the room and you'd

6 like to join that discussion, move right up

7 to the front here, please.

8  
9 **(Whereupon, Off the record at 11:17**  
10 **a.m.)**

11 **(Whereupon, On the record at 3:12**  
12 **p.m.)**

13 MS. DUNIGAN: So I want to thank  
14 everyone for holding out till the end of the  
15 day. I know it's been a long day. I  
16 appreciate all your comments, your feedback,  
17 your suggestions. They're all being  
18 captured. They're all being considered.

19 We'd like to take just a few minutes  
20 to open it up to any final comments or  
21 questions or suggestions for the record. I  
22 know you've had lots of opportunity today,  
23 but if there's anything that is unresolved or  
24 anything mentioned, we'll go ahead and take  
25 just a few minutes to hear that now.

## PRESENTATIONS

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DR. BENGSTON: I don't know, maybe it was mentioned, but I think we had talked about there was a -- it may have been mentioned but I don't recall hearing it. Was there also for this present time a way to submit written additional comments? I don't remember if we talked about that.

DR. THOMAS: I was -- actually, Steve, that was one of my closing items.

DR. BENGSTON: Oh. Sorry.

DR. THOMAS: That's okay. I'll go ahead and do it now.

If you look in your handout, and you should have the notice that was published -- bear with me while I find the notice. There are two mechanisms to provide comments, and one is to -- if you go to the following APHIS website,

[http://www.APHIS.USDA.gov/animal\\_health/TB\\_bruc/meetings\\_dot](http://www.APHIS.USDA.gov/animal_health/TB_bruc/meetings_dot), I believe it's actually shtml. Anyway, that is in your handout, so you actually have that website that's available.

We have set up an e-mail address on that site that you can provide written

## PRESENTATIONS

1  
2 comments. We also have another mechanism,  
3 and that is if you go on regulations.gov,  
4 there is a mechanism at that site to provide  
5 your written comments as well on that site  
6 they have a copy of the framework. So you  
7 have two alternatives for providing written  
8 comments in addition to your oral comments  
9 that were captured today.

10 MS. DUNIGAN: Any other comments or  
11 questions or suggestions?

12 All right. I guess I'll turn it  
13 back over to Lee Ann for just a few more  
14 additional closing comments.

15 DR. THOMAS: I just wanted to thank  
16 everybody for all the very good discussion  
17 and comments that we had today. And  
18 although there was a comment earlier that,  
19 you know, it's been 2 1/2 years, and,  
20 obviously, it has been 2 1/2 years, but if  
21 you can imagine the magnitude and the  
22 concerns that we have as well, some people  
23 don't want this program changed. So we  
24 wanted to go forward in a transparent manner,  
25 and we want to put rules in place that are

## PRESENTATIONS

1  
2 going to be more flexible and more subject  
3 to rapid change.

4           So with that I just wanted to thank  
5 everybody's attendance, and also I'd like to  
6 thank the members of the working group as  
7 well as the technical representatives from  
8 Veterinary Services, and Anne and Mildred as  
9 well, for all their help. We also had two  
10 individuals from Michigan that were helping  
11 out with the registration. Cammie and Terri  
12 I believe. They've taken off, so express my  
13 appreciation to them.

14           And with that, thank you again, and  
15 I look forward to receiving your written  
16 comments.

17                   **(Whereupon, the Presentations**  
18                   **concluded at 3:20 p.m.)**

19  
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PRESENTATIONS

**CERTIFICATE**

1  
2  
3  
4 STATE OF MICHIGAN:

5 COUNTY OF INGHAM:  
6

7 I certify that this transcript is a  
8 complete, true, and correct record held in  
9 this matter on May 19, 2011.  
10

11  
12 

13 Suzanne Duda (CSR-3199),

14 RPR, CRR

15 Notary Public,

16 Ingham County, Michigan

17 County of Ingham

18 Commission expires:

19 May 6, 2013  
20  
21  
22  
23  
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25

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**PROPOSED TUBERCULOSIS AND BRUCELLOSIS  
REGULATORY FRAMEWORK  
PUBLIC MEETING**

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PROGRAM (STATE) REQUIREMENTS ZONING AND SURVEILLANCE  
SMALL GROUP SESSIONS

Indemnity and Approval Procedures Related to  
Official Tests and Laboratories

**Breakout Session I, II & III**, held on May 19,  
2011, at Causeway Bay Hotel and Convention Center, 6820  
South Cedar Street, Lansing, Michigan, commencing at  
11:15 a.m., before Patricia Hankerd, a Court Reporter  
and Notary Public in and for the State of Michigan.

**BREAKOUT SESSION 1****MAY 19, 2011**

1 MS. THOMAS: What I want to do in  
2 this break-out session is to -- I don't want  
3 to do the talking. So I've got some  
4 questions; and, certainly, if you have  
5 comments that you would like to bring up  
6 relative to the indemnity discussion, that's  
7 what we're here for. And I want to stress  
8 what I mentioned earlier, that the working  
9 group did not come to a consensus on  
10 indemnity. So this is a VS approach.  
11 Veterinary services is a procedure -- a  
12 process that would potentially stretch our  
13 Federal indemnity dollars as well as offer  
14 the ability to rapidly move affected herds.

15 So I think I'll start off with some  
16 questions just to stimulate conversation; but,  
17 certainly, if you have questions or comments  
18 you want to make, please do so. So what  
19 criteria are important to be considered in  
20 regards to a calculator?

21 SPEAKER: The need to -- it would  
22 need to include all segments of the industry.  
23  
24  
25

## BREAKOUT SESSION 1

1  
2 I just am appalled that you would even think  
3 about putting value on dairy cows based on  
4 their milk production and would not take into  
5 account what I do.

6 SPEAKER: Which is?

7 SPEAKER: Seed stock business. You  
8 know, the data collection and the genetic  
9 makeup of our herd is well-documented, and  
10 the sales price of the cattle is  
11 well-documented. And, you know, it was  
12 interesting -- and I realize we're in an  
13 extremely high cattle price cycle right now.  
14 We've never seen this before, you know,  
15 anybody; but we sold our yearling bulls for  
16 more than \$3,000 this year. Those are  
17 yearling bulls. So what's that calf's mother  
18 that can produce one every other year worth  
19 that can go on for years. What is that cow  
20 worth? So just the --

21 SPEAKER: Replacement value itself.

22 SPEAKER: To me, the ignorance of  
23 not including the seed stock in that  
24 calculator is disturbing to me.

25 SPEAKER: I think also that fair

## BREAKOUT SESSION 1

1  
2 market value based on beef carcass value is  
3 not a fair way to judge anything. We don't  
4 in our state do replacement value, and  
5 U.S.D.A. doesn't either. So replacement  
6 value would be for seed stock or milk  
7 production or loss of milk production,  
8 everything like that. At this time an  
9 animal is judged on the hoof what it's value  
10 is as meat. And that's -- that puts people  
11 out of business.

12 SPEAKER: That's not --

13 SPEAKER: That's not true?

14 SPEAKER: That's not the way that  
15 it's appraised. It's appraised for the  
16 intended purpose. So if it's a feeder size  
17 animal, it's appraised as a feeder. If it's  
18 a slaughter steer heifer, it's appraised as a  
19 slaughter steer heifer. If it's a dairy  
20 cow, it's appraised as a dairy cow.

21 SPEAKER: But no replacement value  
22 for loss of production?

23 SPEAKER: It's not -- replacement  
24 value isn't -- no. Future productivity is  
25 not included in that. What I hear most --

## BREAKOUT SESSION 1

1  
2 where we get into most times when producers  
3 are dissatisfied, are when you get into older  
4 animals. So you got breeding type animals  
5 that are older because really their sale  
6 value, what that animal is worth, is much  
7 reduced because it just doesn't have much  
8 productivity left in it. But they wouldn't  
9 -- there's not much of a market for an 11  
10 year old beef cow. Yes, it's worth more as  
11 slaughter as I can sell it to someone, but  
12 no one is going to buy it. And that's  
13 where they run into real difficulties is in  
14 the beef animal area you get older and older  
15 animals. Well, I want to buy a younger  
16 animal, so I can keep it for a long time.  
17 We see that a lot. Appraisal on that  
18 particular class, it's very difficult to come  
19 to an agreement on value.

20 SPEAKER: To that point I would make  
21 one comment.

22 SPEAKER: Yeah.

23 SPEAKER: The reason cows get old in  
24 our herd is because they're really good; and  
25 they are allowed to stay.

## BREAKOUT SESSION 1

1  
2           SPEAKER: That's where I know the  
3 difficulty with appraisal process is. It's  
4 when they appraise those because there's  
5 really not a -- people aren't selling 11  
6 year old cows. So it's very difficult to  
7 get a value on it.

8           SPEAKER: So an appraiser may  
9 consider it a cold cow as opposed to a  
10 productive animal.

11           SPEAKER: Yeah. Just because  
12 there's no market to sell an 11 year old  
13 beef cow. It's value to the owner is in  
14 its future productivity which we determined  
15 is really not taken into consideration in any  
16 good way for an older animal. That's where  
17 I see most of the dissatisfaction in  
18 appraised values with that class of animal.

19           SPEAKER: Well, and we recently were  
20 caught in a situation where a producer had  
21 -- I believe it was a productive cow, but he  
22 had received a high price the spring before  
23 for fair market value for meat. And it was  
24 like \$1.80 a pound or something like that.  
25 And then the appraisal occurred in the fall



## BREAKOUT SESSION 1

1  
2 when the market was flooded, and it was 85  
3 cents, and he fought that appraisal because  
4 he knew the same type of animal had gone  
5 last spring at a buck 85.

6 SPEAKER: Yeah, a different market.

7 SPEAKER: So that situation, if it's  
8 -- it's based on that day, it's very  
9 different compared to what producers think  
10 their animals are worth.

11 SPEAKER: Sure. As Monty just  
12 stated, this years bulls were very high. I  
13 assume he means last year they weren't.

14 SPEAKER: They weren't as high, but  
15 they are worth more than cents a pound.

16 SPEAKER: But his market changed  
17 and, you know, if the market went down next  
18 year, I assume you wouldn't say, Well, this  
19 year is the market is this. And if you get  
20 a fair value, that's great; but you wouldn't  
21 expect to get what you got last year.

22 SPEAKER: That's why I said in the  
23 day-to-day fluctuation we've seen in the last  
24 six months to a year, that it needs to be a  
25 rolling average, not a snapshot.

## BREAKOUT SESSION 1

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SPEAKER: Yeah, constantly updated.

SPEAKER: So our producers' production records, like your seed stock values, and those taken into account when they do the appraisal? That's the question that I have when the appraisal is done, do they take your records and value the animals?

SPEAKER: In Michigan I believe they do.

SPEAKER: Yeah. They ask for -- I don't know how they factor it in.

SPEAKER: Yes.

SPEAKER: But they do.

SPEAKER: The problem is it's capped.

SPEAKER: Yeah. We haven't really -- just in Michigan so far, it's been rare for us to get into very, very high priced animals on the indemnity side. We've been lucky we haven't had to deal with those types of issues, but you're talking about a nationwide program. So --

MS. THOMAS: We've gotten into a situation with TB that was extremely high

## BREAKOUT SESSION 1

1 value of a very large herd.

2 SPEAKER: It took all the money.

3 MS. THOMAS: No. They underwent a  
4 testing phase and were removed. They had  
5 one infected animal out of 14,000. So there  
6 again -- and one comment that I have about  
7 this indemnity discussion is that I'm not  
8 suggesting that we still do not have the  
9 opportunity for a test and remove protocol.  
10 So, for instance, you make the comment about  
11 having a highly valuable genetic pool in your  
12 herd. I'm not suggesting that we are  
13 automatically depopulate that herd. It would  
14 be based on evaluation, and we would the  
15 alternative that currently exists today to  
16 under go a test and remove.

17 SPEAKER: Having said that, you've  
18 got to understand it's not a dairy herd.

19 MS. THOMAS: I am.

20 SPEAKER: When you have a dairy  
21 herd, you have something to sell. If you  
22 got a test and remove breeding stocker, you  
23 have nothing to sell. So do you just make  
24 it right in the first place and get out, or  
25

## BREAKOUT SESSION 1

1  
2 do you hemorrhage until the bank owns the  
3 place. I mean, that's not even a topic of  
4 discussion -- logical discussion in my  
5 opinion.

6 MS. THOMAS: And that we have no  
7 control over right now, what U.S.D.A.  
8 determines what will be a test and remove  
9 herd as opposed to a depopulation, to depop  
10 a farm, it's all based on decisions at the  
11 federal level. So something like that isn't  
12 even taken into consideration.

13 SPEAKER: Do you have any  
14 recommendations -- I'm trying to think  
15 through how would you take into affect to  
16 compare these purebred animals -- I'll just  
17 use that word -- the purebred animals?  
18 Where would they get something to be able to  
19 say this is how I can tell --

20 SPEAKER: Well, in our business, in  
21 the Angus business, we have very detailed  
22 performance records. Each animal has a list  
23 of EPDs. You can put it on a graph where  
24 it ranks within the breed, its production  
25 record within the breed. It's a very simple

## BREAKOUT SESSION 1

1  
2 concept, very easy to understand and read,  
3 and published every month in the Angus  
4 Journal are the average prices for cattle  
5 across the country, what are bulls selling  
6 for, what are cows selling for.

7 SPEAKER: Just for Angus?

8 SPEAKER: Just for Angus.

9 SPEAKER: Well, it's not on the  
10 website. It's weekly, isn't it?

11 SPEAKER: What is that?

12 SPEAKER: On your website, the Angus  
13 breeders.

14 SPEAKER: No. It's -- as they  
15 calculate the average price, that's monthly  
16 as. Far as our production records, that's  
17 done weekly.

18 SPEAKER: How do you cross those  
19 two. You got the prices, and you've got the  
20 production records. Is there a way to cross  
21 those two so you can, say, take a farm and  
22 use that information and you'd be able to  
23 tell animal by animal based on the production  
24 records what a rate value for that animal  
25 would be?

## BREAKOUT SESSION 1

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SPEAKER: I mean I could --

SPEAKER: Okay.

SPEAKER: -- because I know the breed, know the animals. The other factor would be what to do the cattle sell for at public auction, you know.

SPEAKER: That's like --

SPEAKER: That's a bull test sale. What do my animals sell compared to everybody else.

SPEAKER: History.

SPEAKER: That's production record and production history as to what the value of those -- you know, in all honesty right now we're dealing in the purebred game, we're bumping the max on your payment limit. I mean, this well exceeds that. The average for these cattle well exceeds it and has for quite some time actually.

MS. THOMAS: I talked about a calculator, and you've mentioned some specific records that you had. But how would we go forward, and who should be involved in the development of a calculator? You mentioned

## BREAKOUT SESSION 1

1  
2 -- are there national sources of information,  
3 or does it strictly go to the individual?

4 SPEAKER: Well, the breed -- the  
5 breed association, the Angus Association in  
6 St. Joe, Missouri, would probably be your  
7 best source of information on what these  
8 cattle are trading for. And they can do  
9 that regionally actually.

10 SPEAKER: But you've got purebred.  
11 Most of our producers in Northern and lower  
12 Michigan have what they call colored cattle.  
13 And they basically run a new bull every two  
14 years and the breeds are different, and it's  
15 based on -- you know, they're trying to  
16 improve the carcass weight. So we don't  
17 have a purebred herd we're deal with. Right  
18 now appraisals are often done over the  
19 phones. If an appraiser -- and help me if  
20 I'm not on the right track, but my  
21 understanding is an appraiser calls the  
22 farmer, asks how many head he has, asks him  
23 the ages, and then determines the value of  
24 the animal without ever even traveling to the  
25 farm.

## BREAKOUT SESSION 1

1  
2           SPEAKER: See, there's a huge, huge  
3 disparity in the value of cattle because  
4 those farmers up there -- and with all  
5 respect, there are seed stock producers up  
6 there, but if those guys go to the local  
7 sale barn and by the cheapest bull, basically  
8 four moving legs with a pair of testicles,  
9 there's a huge difference in the value of  
10 those calves then if they come to the  
11 performance test control sales and have  
12 consistently done that over time and have the  
13 value not only to the calves that their  
14 selling every fall but the heifers who go  
15 back into that herd -- and I can take you  
16 to the herd in Northern Michigan that have  
17 consistently done that and those calves  
18 consistently come heavier. They bring more  
19 money because there's more value to the feed  
20 lot operator. There's more value at  
21 slaughter time because they will garner  
22 premiums because of the carcass value. So  
23 even just a cursory phone call and they're  
24 all worth a dollar a pound as feeder calves  
25 is crap because some of them are worth 70



## BREAKOUT SESSION 1

1  
2 cents a pound and some are worth a buck and  
3 a quarter, and the operators know that. The  
4 buyers, the guys that buy these cattle know  
5 that.

6 SPEAKER: So we have to have on-farm  
7 assessment.

8 SPEAKER: Yeah. You know -- and  
9 I've always felt this way. If you can  
10 document the value of your cattle,, you  
11 should be paid for it. If all you do is  
12 take them -- you're Up North. You take them  
13 to Gaylord and take what's offered, so be  
14 it. Those are your records. But the guys  
15 that actually takes some pride in what they  
16 raise and market those cattle, they deserve  
17 to be reimbursed for their life's work. I  
18 mean, that's the whole bottom line. If  
19 we're doing this quote for the greater good,  
20 that's fine. Step up and cover the costs.

21 SPEAKER: Can I ask what are the  
22 ways -- I'm just interested. What are the  
23 ways that you document currently the value?  
24 I'm trying to think of what could be  
25 consistently --

## BREAKOUT SESSION 1

1  
2                   SPEAKER: Well, your sale price for  
3 calves.

4                   SPEAKER: So previous up raises?

5                   SPEAKER: Absolutely. Previous sale  
6 prices for those cattle over time and that  
7 is as good as -- you know, that's really  
8 good documentation. The other is, you know,  
9 I guess I would factor into and I've  
10 appraised some cattle that -- where did you  
11 buy your bulls? Where did the cow herd come  
12 from? Where did you buy your bull? If the  
13 average bull is selling for 2500 and this  
14 guy consistently spends 3500 to 4000 to buy  
15 the better kind of bulls, those cattle -- I  
16 mean, it's just built in to the genetic  
17 makeup of that herd and it adds value to  
18 them. And that should also be further  
19 documentation for the value of the feeder  
20 calves because those guys -- I mean, I've  
21 got producers Up North when those guys go to  
22 Gaylord, they consistently top the market  
23 because there's people there waiting to buy  
24 them. And those are -- just because they  
25 have for 20 years, 25 years have used high

## BREAKOUT SESSION 1

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quality bulls.

MS. THOMAS: My question that I have for you is -- I didn't catch if you indicated. Is your herd a closed herd?

SPEAKER: No.

MS. THOMAS: Okay. How do you make decisions, and what do you take into consideration when you purchase an animal from the outside?

SPEAKER: I use the performance data.

MS. THOMAS: Okay. Do you look at the security requirements, or do you -- I'm not clear on what Michigan's importation requirements are. Are your animals TB tested before you bring on an animal to your farm?

SPEAKER: If they are required to be TB tested, they are.

MS. THOMAS: But if they --

SPEAKER: If they come from like Wisconsin, no.

MS. THOMAS: Okay.

SPEAKER: Because that's the federal rule, says they don't have to be.

## BREAKOUT SESSION 1

1  
2           SPEAKER:   Yeah.   We follow the  
3 federal rule.

4           MS. THOMAS:   Okay.

5           SPEAKER:   And probably in some  
6 instances they are probably more stringent  
7 than federal rule because we require that  
8 they have been test for BVD, persistent  
9 infection.   But the other -- the major  
10 criterias -- I mean, there's an assumption  
11 when I buy cattle, I don't go to operations  
12 that are going to have a significant security  
13 problem.   I'm not going to Unit 452 in  
14 Michigan and buy anything, and it's based on  
15 the performance criteria.

16           When I pull that EPD chart off the  
17 computer -- I mean, I've bought cattle on  
18 the phone, computer last year out of  
19 Wisconsin simply based on their genetic  
20 makeup on paper.   And, you know, so that --  
21 to me there's value there.   It's pretty  
22 simple -- I mean, it's a pretty commonly  
23 used concept in our business.   Nobody has  
24 time to drive to those sales anymore.   You  
25 look at the numbers.   You deal with

## BREAKOUT SESSION 1

1 operators that you trust, and you bid on  
2 cattle.

3  
4 SPEAKER: Coming back to face-to-face  
5 on-farm appraisals, in instances like this,  
6 you can't deliver your information, messages  
7 over the phone as a discussion. It's --  
8 it's basically a matter of respect to have a  
9 person sit down with you to discuss the  
10 appraisal and what the value of your animals  
11 to your livelihood that they're taking into  
12 account.

13 SPEAKER: So, yeah. If you're going  
14 down that move, that's kind of the opposite  
15 direction of a calculator. Where a  
16 calculator is designed to not have to do  
17 that kind of work.

18 SPEAKER: Well, it sounds like it's  
19 a matter of -- I mean, you keep excellent  
20 records on your herd. You have all this  
21 data. There probably are going to be herds  
22 out there where they have nothing. They  
23 don't have performance records or --

24 SPEAKER: Correct.

25 SPEAKER: -- or even --

## BREAKOUT SESSION 1

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SPEAKER: Receipts.

SPEAKER: -- where they purchase.

SPEAKER: Well, the guys that buy the better bulls know where they bought them; and they know what they paid for them because that's generally a source of pride at the coffee shop, too.

SPEAKER: But in a face-to-face, it may take into account the records. I mean, you can provide those records on your animals. And they can't. I mean, if they have nothing there, that's kind of --

SPEAKER: But we still feel the producers -- and we get this every time. We had, what, 2000 animals that had to come off a farm last year as suspects -- not a farm, the farms Up North. And to have animals taken without any consideration what they look like -- I mean, everybody has a source of pride for their animals even if they're just in their backyard and they're selling them.

SPEAKER: Well, that's fine. That's fine. But there's also value involved. I

## BREAKOUT SESSION 1

1  
2 mean, I know a lot of pet cattle that aren't  
3 worth taking to the slaughterhouse. So it's  
4 got to be based on reality. But anybody  
5 should to be able to pull from their tax  
6 records what they're calves brought last  
7 year. I mean, that's pretty simple; and if  
8 they don't, maybe they've got other issues to  
9 address, too.

10 MS. THOMAS: So we're talking about  
11 a scenario that in some circumstances the use  
12 of a calculator might be appropriate; but in  
13 others it would take -- such as the  
14 situation that you've described with your  
15 performances, is that there needs to be  
16 ability to take matters on a case-by-case  
17 basis?

18 SPEAKER: And that could be as  
19 simple as -- you know, it would have to be  
20 the right checklist or fill in the box;  
21 where do these cattle, where do they normally  
22 trade at or what do your performance records  
23 look like. And it's the same way with even  
24 the commercial operator that just sells  
25 feeder calves. You know, fill in the box.

## BREAKOUT SESSION 1

1  
2 Can you document what those calves have  
3 brought every October for the last five  
4 years? The Alpena guys or the guys Up North  
5 go to West Branch. I mean, there's a record  
6 there of what those cattle traded for.

7 SPEAKER: So there would be  
8 something in certain classes, say, slaughter  
9 weight cattle, feeder cattle, probably dairy  
10 cows, dairy calves that could probably -- you  
11 have enough information to be able to do a  
12 calculator probably very well for those.  
13 There would be other ones we're talking about  
14 now, your purebred breeding-type stock, that  
15 you're probably going to need to do an  
16 individual on-farm appraisal on those.

17 SPEAKER: Yeah. In a commercial  
18 operation, the guy buys two bulls out of the  
19 tested bull sale, send a copy of the  
20 pedigree and the purchase receipt.

21 SPEAKER: Right now we don't  
22 consider the heifers that come out of that  
23 and those bulls at all in their value  
24 because we just don't.

25 SPEAKER: No. Because say, for



## BREAKOUT SESSION 1

1  
2 example, the calculator on probably the most  
3 complex, feeder cattle, it's going to be  
4 based on, okay, you know, get the information  
5 of what does this guys have and then also so  
6 here is our average and, okay, historically  
7 where has he been. So I sold feeder cattle  
8 last spring. Okay. You sold at this sale.  
9 What were the prices there, and where were  
10 you in that value? So you could do  
11 something like that with a calculator. It  
12 would probably work because that's really --  
13 that's all you can do as an appraisal on  
14 those individual animals anyway. There's  
15 just no more -- there's no more information.  
16 It's based on what your intent for those  
17 animals.

18 Say, as you get into the breeding  
19 stock, that's more as you said. It's my  
20 relationship. It's based on trust. There  
21 are warranty assumptions that are built in to  
22 the seed stock area where, yes, I'm making  
23 the assumption that this thing is not coming  
24 with this disease or that disease. It's  
25 actually going to live, and there's probably

## BREAKOUT SESSION 1

1  
2 a warranty that comes with those that aren't  
3 on feeder cattle, you know, stuff sold  
4 through livestock sale yards. And that's  
5 what probably really the biggest difference  
6 is in seed stock because that's where value  
7 comes in. There's a warranty assumption or  
8 two.

9 MS. THOMAS: Given that our federal  
10 dollars is limited, what are your suggestions  
11 for how we stretch or do we try and stretch  
12 our indemnity dollars? Is it first come  
13 first serve?

14 SPEAKER: That's a tough one.

15 SPEAKER: If the -- my guess would  
16 be if the -- if the position is that  
17 U.S.D.A. is only going to operate within this  
18 particular amount of dollars that it's been  
19 given, it probably cannot do that and also  
20 have the position that they pay 100 percent  
21 of fair market value for the use intended.  
22 The dollars just don't add up. So U.S.D.A.  
23 probably can't have the position -- take both  
24 of those positions at the same time. So it  
25 either needs to say we're going to go down

## BREAKOUT SESSION 1

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2 the road -- we're going to stay with the  
3 fair market value; and then it has no option  
4 but to say, Well, you're going to pursue or  
5 we need the states to go pursue or -- you  
6 know, because money is there in the federal  
7 budget. It's not in the TB budget. And  
8 certainly the CCC funds -- okay. Who is the  
9 one that has the authority over releasing  
10 those? It may have to be an individual case  
11 by -- to do something like that.

12 But the U.S.D.A. cannot have the  
13 position of we only have a million dollars,  
14 and we know we're going to spend five, and  
15 we're going to do fair market value. It's  
16 designed to fail. So you got to have a  
17 system that works. So it's either saying we  
18 do fair market value, and then somebody is  
19 going to have to make sure it's funded, or  
20 our position is we're only going to stick  
21 with what the legislature gives us, and we're  
22 going to design our program year in and year  
23 out to make sure that we fit within that.  
24 Those are the only two viable options to  
25 have. You're put in the position right now

## BREAKOUT SESSION 1

1  
2 of having to do things they can't possible  
3 do at the same time.

4 SPEAKER: Unless you do test and  
5 remove.

6 SPEAKER: Well, that's it or you  
7 quit taking cattle, which really is another  
8 option. Quit taking cattle.

9 MS. THOMAS: And then you get into  
10 the question have you just moved from an  
11 eradication to a control program. That being  
12 said, I don't think in this day and age  
13 removing a herd either -- I'll refer to a  
14 high value dairy herd or a herd of 14,000  
15 animals because they have one infected  
16 animal, you know, there are risk space  
17 reasons that you choose to keep a herd on  
18 the ground because it continues to serve as  
19 a source of -- can continue to -- can  
20 continue as a source of income, and the risk  
21 can be appropriately mitigated.

22 So we've talked about -- well,  
23 there's CCC monies. There's also been  
24 mentioned from DHS which, frankly, I don't  
25 know how we avail ourselves to those monies.

## BREAKOUT SESSION 1

1  
2 But I want to get back to a question that  
3 was raised; is that -- I raised, is that if  
4 these regulations were to allow that if --  
5 and I realize there's a big if -- if  
6 industry or the state wanted to support a  
7 depopulation, is that -- it doesn't say that  
8 they have to, but what it means is that it  
9 provides us the flexibility where we would  
10 not have to further reduce the indemnity  
11 payment based on fair market based on --  
12 again we're talking about fair market value.  
13 Is something like that appropriate? Are we  
14 strictly looking at the desire to have the  
15 federal government fund these -- this  
16 indemnification process?

17 SPEAKER: Where are we on that,  
18 Mike? Michigan put a lot of money into  
19 indemnification over the years.

20 SPEAKER: We had a state indemnity  
21 program. The most common way doing the TB  
22 program was that the state paid some and the  
23 federal government paid some, and then both  
24 the federal laws and the state laws changed  
25 to say, well, whatever we pay we're taking

## BREAKOUT SESSION 1

1  
2 out whatever you guys are giving. Where we  
3 want to -- where I see a difficulty now is  
4 we both have -- we both say fair market  
5 value, on the state side and federal side.  
6 And the issue is how do you determine that  
7 fair market value. And that's where what we  
8 often see is, Well, I don't agree with the  
9 fair market value. I'd like to do get more  
10 when you've got no evidence to support that  
11 it's worth more. That's the typical  
12 situation we're in.

13 So now you're talking about  
14 supplemental in theory paying for more than  
15 fair market value. And that's usually the  
16 situation that we're in because there's an  
17 impact on the owner that's above and beyond  
18 the value of this particular animal. And  
19 when you're talking in a seed stock herd,  
20 you could say we're not in the indemnity  
21 business. What's the value of a seed stock  
22 herd that has bovine tuberculosis on the open  
23 market?

24 SPEAKER: Exactly.

25 SPEAKER: Zero. So, you know, you

## BREAKOUT SESSION 1

1  
2 look at there are lots of herds that its  
3 just not feasible to say we're going to do  
4 test and removal because by doing that the  
5 herd owner has no business. And that's the  
6 difficulty with TB is the disease is treated  
7 as this is a disaster. We respond as if  
8 this is a disaster. The industry has been  
9 has been trained to respond as if there is  
10 nothing worse could happen then to take any  
11 risk at all with possibly getting TB.

12 So we've facilitated getting into  
13 this. The question is: Is that a viable  
14 program given the type of disease it is,  
15 given what we have. And that I don't think  
16 has really been discussed ever is what's the  
17 appropriate response for a disease like this  
18 with the tools we have given the risks, what  
19 are the public health -- that's the  
20 discussion that really has to be had before  
21 you can talk about what's your program. You  
22 got to know why are we doing this. Why are  
23 we acting like we have a disaster every time  
24 we find a certain test result that we know  
25 is inaccurate? There's an opportunity to say

## BREAKOUT SESSION 1

1  
2 we really got to rethink this.

3 SPEAKER: So you're in -- let me  
4 put into what I think you just said is that  
5 the TB program is way overdone and we really  
6 just -- because we have epidemiologists and  
7 we can seek out and destroy anything that --

8 SPEAKER: Well, that's what the  
9 program really is, is a search and destroy  
10 program.

11 SPEAKER: But that being the case,  
12 movement of cattle in an area shouldn't -- I  
13 mean, we should not create such a stigma to  
14 the program?

15 SPEAKER: Without two things -- and  
16 you've got two types of programs. You've  
17 got search and destroy program, which is what  
18 the TB program is and has been. To be  
19 successful in that, it takes tremendous  
20 control. You have to have a tremendous  
21 amount of control to do something like that,  
22 and you have to have an incredible  
23 surveillance system. We have neither of  
24 those. But that's the program we're running.  
25 So what we're trying to get done -- the



## BREAKOUT SESSION 1

1  
2 program we're running is so out of line with  
3 the tools we have.

4 The other part -- the other program  
5 is we're going to prevent and respond.

6 Well, this TB program has very, very little  
7 prevention in deciding what are we trying to  
8 prevent it from. How are you going to  
9 prevent it from getting in the country.

10 Then at the country level, how do you  
11 prevent it from getting in the state. And  
12 then from there, how do you prevent it from  
13 getting into an area. How do you prevent it  
14 getting into a herd? And, you know, you  
15 look at all of that and say, Well, let's  
16 design a program that gets to what you want.

17 Is it feasible right now to have an  
18 eradication program in the beef industry  
19 where there's really no tracking, no animal  
20 identification --

21 SPEAKER: You're talking at the  
22 national level?

23 SPEAKER: And we're not going to get  
24 it. And it's probably safe to say we're  
25 going to have a search and destroy in the

## BREAKOUT SESSION 1

1  
2 beef industry to keep it down -- because  
3 what we're really concerned about food. We  
4 know we've got lots of protections in food.

5 But maybe in the dairy industry, we  
6 could say we can have an eradication program  
7 in the dairy industry because you can  
8 probably segment those two industries and you  
9 can have some success because it's a totally  
10 different industry. It's much more involved  
11 hands-on industry than beef. And when I say  
12 beef industry, I'm talking about anything  
13 that's not the dairy industry. But you can  
14 look at those segments and say where, you  
15 know --

16 SPEAKER: So you're saying indemnity  
17 for dairy and what for the beef?

18 SPEAKER: You would then, again,  
19 once you decide what's the logical program  
20 you're going to say, then you decide which  
21 tools you're going to use, but you have to  
22 make those decisions first. I think the  
23 program now is saying we're going to  
24 eradicate it in all bovine -- any species  
25 that's bovine, the industry has already said

## BREAKOUT SESSION 1

1  
2 we're not willing to do the things that it  
3 takes.

4           The program -- TB program now is  
5 more than an industry problem. It's a  
6 marketing problem more than anything else.  
7 It's not really a human health problem.  
8 We've demonstrated that. So you can say it  
9 is; but bovine TB in cattle, no, not really  
10 a big human health problem. We've got lots  
11 of safeguards in place. So those are the  
12 discussions that we need to have when you  
13 think what are we doing when you have that  
14 type of program.

15           MS. THOMAS: Just a comment. When  
16 you say -- in regards to the public health  
17 issue regarding TB is that the EU has  
18 instituted some new requirements in regard to  
19 milk and milk products. And it's interesting  
20 that they do not feel that it is sufficient  
21 that milk is pasteurized. So I only -- in  
22 regards to the raw milk industry in the U.S.  
23 is that the EU position is becoming  
24 problematic because we tend to think that --  
25 you said it perfectly, we have mitigations in

## BREAKOUT SESSION 1

1  
2 place. But the EU doesn't recognize those  
3 mitigations.

4 SPEAKER: So the dairy industry may  
5 say that that's a big enough marketing  
6 concern for us that we would like to have an  
7 eradication program, but that doesn't mean  
8 the beef industry. Like I say, there's an  
9 option to break -- to start to talk about  
10 the different segments.

11 MS. THOMAS: And I don't suggest  
12 that I agree with that approach because to  
13 me that's a zero approach because how many  
14 people historically -- well, we're talking  
15 about the pasteurized milk. We're talking  
16 about how many cases of TB were we aware  
17 that it was from consumption of pasteurized  
18 milk that was from an infected cow. I don't  
19 believe it is a risk approach -- and I have  
20 to be careful because these comments are  
21 going to be transcribed and publicly  
22 available -- not to cast aspersions on the  
23 EU partners.

24 SPEAKER: I have a question going  
25 back to the topic of how much the State of

## BREAKOUT SESSION 1

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Michigan provides for indemnity payment.

Where does that fit in budget-wise? Is that MD or is that really the State of Michigan? Where does that --

SPEAKER: Well, the state goes would go through MD. We rarely pay an MD.

SPEAKER: Except for don't we pay for suspect animals?

SPEAKER: No. Pretty much when U.S.D.A. -- when they went to a full value and at that point agreed to start paying for suspect stuff, for TB, we rarely in this state pay indemnity. We would, say, if we have cervids, cervids tasking is done on dead animals. So it's not really an issue. So we really don't pay in the State of Michigan indemnity for TB except in rare such instances.

SPEAKER: But we do have it in our law under Act 466.

SPEAKER: Well, it says we may.

SPEAKER: So right now in State of Michigan, we don't have anything budgeted, I guess, in terms of helping with indemnity

## BREAKOUT SESSION 1

1  
2 payments? We fully rely on the U.S.D.A.  
3 money for the CCC? So obviously the  
4 U.S.D.A. funding is one million right now?

5 SPEAKER: Total.

6 SPEAKER: And that's clearly not  
7 going to pay for full value for every single  
8 herd or every cow that comes down --  
9 diagnosed with TB. It's not clear whether  
10 we need to switch to just one; we're paying  
11 full market value or -- I forget what the  
12 option is. One or the other, we don't have  
13 enough to pay for every single cow full  
14 market value. Then we're looking into see  
15 whether the industry can chip in to help,  
16 you know, generate more funds or whether the  
17 states can. Looking at the State of  
18 Michigan, I don't know where the State of  
19 Michigan is going to come up with much  
20 money. I mean, I feel like --

21 SPEAKER: The key -- the key point  
22 is industry is not going to help.

23 SPEAKER: Yeah.

24 SPEAKER: Industry is not going to  
25 help because we didn't write the law, and we

## BREAKOUT SESSION 1

1  
2 didn't -- we have not mandated this program  
3 upon ourselves.

4 SPEAKER: I understand that.

5 SPEAKER: Federal government has done  
6 that. It is their responsibility to abide  
7 by what they have mandated upon the world.

8 SPEAKER: And I understand that.  
9 When the topic was brought up in the earlier  
10 discussion both industry and state, I was  
11 kind of like, I don't think that's going to  
12 happen especially because I assume the  
13 industry was going to have a version similar  
14 to that. And State of Michigan, like I  
15 said, our state is broke. Like I know other  
16 states are in similar situations. So I  
17 don't have a solution to where we're going  
18 to get this extra money.

19 I know that in states that are in  
20 dire financial straights to begin with,  
21 there's no extra money laying around. So,  
22 you know, whether we need to -- I don't  
23 know. I don't have a solution. I --  
24 whether you can spread out the money -- you  
25 know, you can't -- you know, producers can't

## BREAKOUT SESSION 1

1  
2 predict whether their cows are going to be  
3 diagnosed with TB early in the fiscal year  
4 or late in the fiscal year. You know, I  
5 don't have a solution; but I don't think any  
6 money from the state or industry is a very  
7 feasible option right now.

8 SPEAKER: If we look at -- and this  
9 is one thing I think is important to get in  
10 is in Michigan most of our indemnity is paid  
11 for diagnostic samples. We do 150 to 170  
12 animals a year. The reason that we pay that  
13 money is because the quarantine restrictions  
14 that are required by the federal program make  
15 it infeasible for people to not send those  
16 animals to laboratory. The option to retain  
17 those animals and have them retested is just  
18 not there because the economic -- the  
19 industry can't survive that.

20 Certainly our tests are not good  
21 enough to every time you get a suspect  
22 animal point and say you'll treat the herd  
23 as if it has bovine tuberculosis. That  
24 drives a lot of the costs, trucking, lab  
25 costs simply because the quarantine



## BREAKOUT SESSION 1

1  
2 restrictions are way beyond the information  
3 our diagnostic tests can tell us. The  
4 program used to be prior to 2005 where you  
5 would quarantine individual animals and retest  
6 them, but at that point in time, we did not  
7 send these tremendous amounts to the  
8 laboratory. That changed where they said you  
9 had to quarantine the entire herd drove what  
10 we are now spending our time and money on,  
11 the indemnity.

12           And the statistics just don't show  
13 up that it's appropriate to treat a herd  
14 with a gamma interferon suspect or cervids  
15 suspect as it had bovine tuberculosis that is  
16 incorrect. Over 98 percent of the time,  
17 it's an incorrect assumption.

18           SPEAKER: In our case because we do  
19 testing and surveillance --

20           SPEAKER: Right.

21           SPEAKER: But nationally in a herd  
22 that is tested, it might just be one animal  
23 out of many that are exposed.

24           SPEAKER: But I think you have to  
25 take that into consideration; what's the

## BREAKOUT SESSION 1

1  
2 reason you're testing. But now it's a one  
3 size fits all. You stick tuberculin in the  
4 butt and treat you all the same. And that  
5 drives a lot of the cost of the program.

6 SPEAKER: So are you suggesting if  
7 there's a program in place where there is  
8 disease in wildlife and there's animal  
9 surveillance testing, then you would consider  
10 that a responder would be quarantined on its  
11 own rather than the entire farm being  
12 quarantined.

13 SPEAKER: I think for surveillance  
14 testing, it's very costly to treat a herds  
15 that are undergoing surveillance testing  
16 wherever they happen to be as if they have  
17 bovine tuberculosis because our test is not  
18 good enough to make that assumption unless --  
19 and you're willing to pay the costs. Pay  
20 the costs means you have to do appraisals  
21 really fast and get those babies out to the  
22 lab. The costs can be very expensive. It  
23 actually costs more to actually test the  
24 animal than it takes to --

25 SPEAKER: I would like to change the

## BREAKOUT SESSION 1

1  
2 subject. Earlier you asked if there was  
3 anything that might help with spreading the  
4 funds. And in the case of wildlife, we have  
5 wildlife mitigation plans that we request  
6 producers adopt to mitigate the transmission  
7 of the disease. It doesn't always prevent  
8 it, but it's another tool in the case.

9           So if we have producers that refuse  
10 to adopt risk mitigation plans, even if  
11 there's funding for it from the state or  
12 federal government; and they still get 100  
13 percent fair market value and there's no --  
14 I guess my point is, there's no reason for  
15 them to adopt plans unless there's indemnity  
16 issues attached like 75 percent if you don't.  
17 If you don't have risk mitigation plans in  
18 place, you only get 75 percent of the fair  
19 market value.

20           SPEAKER: Bridgett, can I interject  
21 here?

22           SPEAKER: Yes.

23           SPEAKER: I'm the one that suggested  
24 that whole concept and that was the reason I  
25 suggested it is because if you're willing to

## BREAKOUT SESSION 1

1  
2 step up and try and protect yourself, you're  
3 covered. And there should have been three  
4 or four tiered, maybe five tiers. If you  
5 don't do anything, you're on your own. If  
6 you have a plan you've not completely  
7 implemented it or you've taken longer than  
8 you should, then you're at 50 percent. If  
9 you haven't quite got to where you need to  
10 be and if you've done everything you've been  
11 asked to do, you're safe. Somebody is going  
12 to be standing beside you -- stand behind  
13 you. And that's why I suggested -- that's  
14 how when we made those proposals in policy  
15 with the Cattlemen's and further with Farm  
16 Bureau and the department -- and dairy  
17 people, Michigan Milk, I guess to me that  
18 might be a shortcut of government for, once  
19 again, implementing programs and not having  
20 the constitution to follow why we did it.  
21 We didn't -- I didn't -- I didn't ever  
22 suggest that for just another activity to  
23 employ state employees or federal employees.  
24 It was really an intent on my part that we  
25 clean this mess up; but, once again, common

## BREAKOUT SESSION 1

1  
2 sense it sounds to me maybe has gone out the  
3 window.

4 SPEAKER: So this would be a good

5 --

6 SPEAKER: Absolutely.

7 SPEAKER: -- program?

8 SPEAKER: That shouldn't even be a  
9 discussion.

10 MS. THOMAS: In the discussion that  
11 included compliance about security plan or  
12 herd plan, we also discussed if -- would we  
13 necessarily indemnify a herd owner twice.  
14 That's another issue associated with what we  
15 were discussing. So I just want to go on  
16 the record as saying we actually discussed a  
17 multitiered system that addressed security  
18 plan or risk assessment and necessary  
19 mitigation support assessment and compliance  
20 issues.

21 SPEAKER: Well, it was discussed,  
22 but didn't end up in the proposal?

23 MS. THOMAS: That's correct.

24 SPEAKER: Chicken?

25 MS. THOMAS: I'm not going to answer

## BREAKOUT SESSION 1

1  
2 that question.

3           SPEAKER: Well, you know, we've  
4 dealt with this for 13 years. And I use  
5 the example my operation. I'm three miles  
6 from Indiana, 300 miles from Alpena. If you  
7 draw a circle, you can be in Toronto,  
8 Canada; Columbus, Ohio; Louisville, Kentucky;  
9 probably could get to Davenport, Iowa;  
10 Wisconsin, Illinois. A year ago I called a  
11 Wisconsin. I had one of my friends here in  
12 Lansing, what does it take to get them all  
13 whole herd tested? A visual test,  
14 quarantine, retest once a day. I moved  
15 those bulls three miles. They called  
16 Indiana, said show them to the vet. He'll  
17 write a paper.

18           Okay. This is what this whole  
19 concept of circles. I mean, that's what is  
20 very frustrating to me. I thought we were a  
21 lot farther down the road in this process  
22 than we appear to be. We have, in essence,  
23 done all the trail blazing for you. In, I  
24 think, 2001 I wrote the policy for the  
25 Cattlemen's to require mandatory electronic

## BREAKOUT SESSION 1

1  
2 identification, and it was not easy. It was  
3 a reasonable sell there. It was much  
4 tougher at Farm Bureau to get that through,  
5 and way much tougher to get my good friends  
6 in Lansing to accept that, Oh, my God, we're  
7 going to do what? But it worked.

8           And we're where we're at now --  
9 because producers have stepped up and figured  
10 that out. Just figure it out. And I'm  
11 dumbfounded that we've kind of ignored  
12 everything that we have put into practice  
13 here on a national basis and don't have  
14 something that -- a template in place to  
15 move forward with.

16           SPEAKER: Well, what we need is  
17 lobbying from the Cattlemen's Association, the  
18 Farm Bureau, and Michigan Milk Producers.

19           SPEAKER: Who would we like to  
20 lobby?

21           SPEAKER: You talk to the  
22 legislature about indemnity. You're risk  
23 mitigation and tied to there, I know there  
24 are bills drafted that are sitting there  
25 waiting for the right sponsor. And they've

## BREAKOUT SESSION 1

1  
2       been there for three years.

3               SPEAKER:   Well, in my opinion  
4       there's others that need to be dealt with  
5       before that quite honestly; but, you know, so  
6       we've -- we've stepped up and then in turn  
7       have encountered a beating over the head.  
8       Well, you've got these ear tags.   You should  
9       do this.   And I look at 49 other states  
10      that aren't doing a damn thing, but we've  
11      put in place programs and policies that have  
12      allowed vet services to just beat us to  
13      death.   Just beat us to death and waste  
14      money.   And I think Mike is absolutely  
15      right: Are we out there -- you know, what is  
16      the true risk?   If it's not a human health  
17      risk, what are we doing?   What are we doing?  
18      We've killed a lot of innocent cattle in  
19      this state.

20              MS. THOMAS:   Any other comments?   I  
21      think I've pretty much addressed the  
22      questions that I wanted to cover.   And get  
23      your feedback on.   So, again, I'd appreciate,  
24      if you feel so moved, written comments.

25              SPEAKER:   I just would say if you're



## BREAKOUT SESSION 1

1  
2 coming back at lunch, the next session will  
3 start at 1:15 and just go ahead and move to  
4 a different room.

5 **(Whereupon Session I was adjourned at**  
6 **12:10 p.m.)**

7 **(Whereupon off the record.)**

8 **BREAKOUT SESSION II**

9 **MAY 19, 2011**

10 MS. THOMAS: So I want to go ahead  
11 and get started with our indemnity  
12 discussion. Really the purpose of this  
13 break-out group is not for me to talk but  
14 it's for you to provide feedback. I do have  
15 some questions this group will be covering  
16 indemnity and approval procedure for physical  
17 tests in laboratories. So with that I just  
18 want to offer these introductory comments  
19 that you heard earlier; that the position  
20 that was put forth is a veterinary services  
21 position.

22 The working group did not come to  
23 consensus. There were a number of concepts,  
24 ideas that were discussed during our working  
25 group discussions; and actually some of those

## BREAKOUT SESSION 1

1  
2 came up during the last group discussion.  
3 But what we're looking at, VS is looking for  
4 evaluating methods that stretch federal  
5 indemnity funds and offer the ability to  
6 rapidly depopulate animals.

7 So just to get the discussion  
8 started, what criteria should be considered  
9 to develop a calculator; or if you think a  
10 calculator shouldn't be used, you can also  
11 point that out. But I open up the floor to  
12 your comments and, perhaps, for further  
13 questions or discussion around indemnity.

14 SPEAKER: I want to clarify just so  
15 that I understand. When you're talking about  
16 using a calculator, you've really got the  
17 basic factors already published, if you will,  
18 known prior to the condemning of an animal.  
19 So would those -- how -- I say known, but  
20 how known would they be? How known would  
21 they become? Because if we're not going to  
22 allow for rebuttal of the appraised value,  
23 then truly it has to be a process that  
24 people understand that this is it up front  
25 and where those numbers came from up front.

## BREAKOUT SESSION 1

1  
2 MS. THOMAS: And it's been  
3 generically discussed that there might be a  
4 set of questions that would be utilized to  
5 provide feedback on the particular criteria  
6 that you might go either likely to the  
7 producer and say provide me the age of that  
8 animal, provide me the milk production  
9 animal. In other words, we would seek out  
10 specific inputs that are -- specific criteria  
11 that then would be inputted into the  
12 calculator. So the development of the  
13 criteria -- the development of the calculator  
14 would tease out which criteria you are  
15 looking to assess and evaluate to determine  
16 an appraisal value.

17 SPEAKER: Now, you're talking  
18 slaughter price only? You're not taking into  
19 account -- in your forum here, it's a  
20 slaughter value.

21 MS. THOMAS: Well, let me -- rather  
22 than answering that question: Does the group  
23 feel it is important that genetic value of  
24 the animals be included?

25 SPEAKER: Yes. Lee Ann, God

## BREAKOUT SESSION 1

1  
2 Almighty, you've got to have either  
3 registered or grade animal. There's a big  
4 difference.

5 SPEAKER: Very big.

6 SPEAKER: So you've got to have that  
7 in the calculator. The other question I ask  
8 you regarding the calculator --

9 MS. THOMAS: Can I ask you just one  
10 question related to that comment? Do you  
11 think there is a mechanism or there are  
12 mechanisms to have a calculator for  
13 registered animals?

14 SPEAKER: In some species, yes. In  
15 other species because they don't sell enough,  
16 the volume is hard. Because I handle the  
17 indemnity for MDA, and I have livestock  
18 degradation as well. So every now and then  
19 if I have to try and chase down the price  
20 for a limousine, per se, I have to go  
21 through the grade associations or whatever.  
22 And it's a very wide species. Registered  
23 Holsteins, there's thousands of them.  
24 There's thousands of sales throughout the  
25 country; but the calculator in my mind has

## BREAKOUT SESSION 1

1  
2 to come up with some kind of a key for  
3 registration purebred versus grade.

4 Secondly, the calculator in my  
5 estimation is twofold. If it's a total  
6 depop, that needs to be recognized. If it's  
7 a test and removal, one of the factors in a  
8 test and removal are what I call the  
9 veterinarian and labor time for retesting  
10 that herd two or three times, probably five  
11 or six times over a three or four-year  
12 period. That to me is a factor. That to  
13 me has got to be a built-in expense.  
14 Because in my estimation, this test and  
15 removal where producers don't like that --  
16 and we have some situations we're dealing  
17 with right now -- they would rather go out  
18 of business; but because of the lack of  
19 funding, per se, then they're caught.  
20 They're stuck doing the ongoing test and  
21 removal. Where they'd rather just sell the  
22 herd, get rid of it, take the appraised  
23 value minus the slaughter value that they get  
24 out.

25 And the other thing is when I look

## BREAKOUT SESSION 1

1  
2 at the five regions, a lot of the U.S.D.A.  
3 staff, when I look at some of the prices  
4 they look at or get, you can't appraise  
5 cattle in Northern Michigan compared to North  
6 Carolina, South Carolina. They're not the  
7 same. And so when you think you can cut  
8 the country in five slices and say this is  
9 what cattle are worth in this part, this is  
10 what they are over here, it's not the same.

11 It's just like houses in Michigan in  
12 residential areas, they got one price; rural  
13 areas, they've got a different price. And  
14 it may be almost the identical house.  
15 That's the same thing in livestock. I know  
16 there's not a lot of money, but you've heard  
17 all kinds of issues from the producers. You  
18 haven't even begun to hear from the producers  
19 that the program would implicate. Because I  
20 always said when I bought my first herd ten  
21 years ago because we had some money, it's  
22 always easier to take the wife and kids than  
23 the old man's cow. And the wife always  
24 says, no, just take the old man and the kids  
25 and leave me the cow and life is good.

## BREAKOUT SESSION 1

1  
2 MS. THOMAS: So based on your  
3 comments, do you feel that the use of a  
4 calculator is even appropriate? Do you  
5 support some form of the current system,  
6 appraisal system that works.

7 SPEAKER: I think that there are  
8 qualified appraisers in the country both male  
9 and female that can go out there and give  
10 you a fair estimate of the value of those  
11 livestock on site, and I think we'd be  
12 further ahead to do it that way, and I think  
13 you'd get a lot better volume from the  
14 producers.

15 SPEAKER: Rather than a calculator?

16 SPEAKER: Yeah.

17 SPEAKER: But it would be good, too,  
18 for the appraiser makes sure that they  
19 explain how they came up with the amount for  
20 the number that they did. Because depending  
21 on where the appraiser is from, if you have  
22 a local person or, you know, a couple of  
23 people on a national level that is going to  
24 come out and do the appraising -- I don't  
25 know how it will work -- if you have some

## BREAKOUT SESSION 1

1  
2 outside person coming in, they're going to  
3 have to make sure they can defend because  
4 people are going to say they want more than  
5 what they get no matter what you give them.  
6 So you have to be able to make sure that  
7 you can justify why you are paying that  
8 amount.

9           So I don't know that a calculator is  
10 the right term for that, but there does need  
11 to be some sort of qualification or  
12 justification or reasons why people are  
13 getting the money. That way, too, when the  
14 next door neighbor has TB issues and they're  
15 only getting a certain amount of money for  
16 their cattle, you can explain why the  
17 difference in price.

18           SPEAKER: Well, I imagine you're not  
19 going to send appraisers out for one animal  
20 on a farm that's caudal-fold suspect -- or  
21 gamma suspect. It's different if it's the  
22 entire herd, but if it's one animal, most  
23 people are happy if you tell them what that  
24 is. And it may even be slaughter value, and  
25 they might be willing to take that to get



## BREAKOUT SESSION 1

1  
2 out the quarantine and be done with it  
3 versus the buy-out.

4 SPEAKER: Right.

5 SPEAKER: And I have struggled with  
6 this myself. I go back and forth on the  
7 issue because in the UK they publish prices.  
8 These our indemnity prices. These are our  
9 indemnity prices for this month. Here is  
10 the numbers. And they've got it broken out  
11 by registered, by grade. They've got it  
12 broken down by beef, by dairy, by male, by  
13 female. And yet where we have a system that  
14 says we're going to appraisal these animals,  
15 I hear so much complaint about that system  
16 that I think, okay, if it was a calculator,  
17 we've eliminated all the uncertainty; and  
18 therefore, you shouldn't have the complaints.  
19 Something is wrong with the current way it's  
20 done in my mind because we're getting a lot  
21 of complaints about it. And you and I both  
22 know the people we're talking about because  
23 we've both talked to them.

24 SPEAKER: Right.

25 SPEAKER: So the question is here

## BREAKOUT SESSION 1

1  
2 can the current system be improved enough or  
3 should it be replaced by a calculator? And  
4 I don't know the answer to that.

5 SPEAKER: I don't think the  
6 questions are going to -- the phone calls  
7 are not going to go away with a calculator.

8 SPEAKER: Well, the thing that we  
9 need to keep in mind, too, is the amount of  
10 time it takes to go through an  
11 indemnification process. That needs to be  
12 addressed because that's a serious issue.  
13 Yeah, you've got the money side of it; but  
14 the amount of time it takes is just  
15 ridiculous and it's a big issue.

16 SPEAKER: Animals that are identified  
17 as infected or potentially infected because  
18 they're were caudal-fold and they were CCT or  
19 gamma interferon ought to leave as soon as  
20 they're identified in my mind because they're  
21 potentially a positive animal and not stay on  
22 the farm for six months.

23 SPEAKER: But I think that's a  
24 separate issue because like in Michigan, the  
25 laws are set up and the feds they know they

## BREAKOUT SESSION 1

1  
2 won't pay indemnity on a dead animal. But  
3 if they do an appraisal, they got a picture  
4 of that animal. The removal of that animal  
5 should happen pretty much right after that  
6 appraisal is done. So if the appraisal is  
7 done within that week, you know, the animal  
8 is gone and the appraisal process can -- if  
9 there's an appeal process in that, that can  
10 go on until, you know, that producer is  
11 satisfied or until the appeal process is  
12 done. But the animal should come off.

13 SPEAKER: That's not how it happens.  
14 It takes weeks and weeks.

15 SPEAKER: Right. In Michigan that  
16 has been our culture has been the director  
17 has said, Well, we're work with them and  
18 we'll keep it on there. And everything  
19 that's -- it's never been that, Okay, it's  
20 been classified as reactor, we're going to  
21 get that animal.

22 SPEAKER: I've taken them the same  
23 day.

24 SPEAKER: We've waited six months  
25 before we've taken some of them.

## BREAKOUT SESSION 1

1  
2           SPEAKER: My complaint is not within  
3 the state or how long, it's the fact that  
4 once they get -- it may take weeks to get  
5 an U.S.D.A. appraisal from the animals, and  
6 then it takes so much paperwork time before  
7 anything happens again. It comes down to  
8 accountability. There's all sort of things  
9 in here about state accountability, the  
10 states are going to be accountable. There's  
11 nothing that says U.S.D.A. has to be  
12 accountable for making stuff happen in a  
13 reasonable time frame. And I think the  
14 producers -- if the calculator meant that we  
15 got down it a reasonable time frame that  
16 indemnity would actually happen and those  
17 farms could get off the -- and those cows  
18 could get off the farm, they would be  
19 willing to take a more reasonable calculator  
20 fee.

21           SPEAKER: What if the calculator was  
22 used for the initial taking of animals for  
23 diagnosis. We're taking animals to slaughter  
24 and to find out if they're PCR or culture  
25 positive. Okay. So if we use the

## BREAKOUT SESSION 1

1  
2 calculator for those animals which is a few  
3 animals a herd; and then we use an appraiser  
4 if we're going to depop a herd; or if we're  
5 going to do a test and removal on a herd,  
6 then we use an appraiser for those. It  
7 solves the problem -- Vickie is exactly  
8 right. It solves the problem of establishing  
9 a value for those animals we want to get to  
10 the lab now.

11 MS. THOMAS: Can I ask a clarifying  
12 question related to your comment about the  
13 indemnification process and making it more  
14 quickly. I took that to mean that you want  
15 the animals to be removed in a timely  
16 manner, but I want to make sure you're not  
17 talking about concerns relative to the actual  
18 receipt of a check in the mail?

19 SPEAKER: No.

20 SPEAKER: No.

21 MS. THOMAS: That's not what you're  
22 talking about?

23 SPEAKER: No. It's the fact that  
24 the paperwork has to go to region, and it  
25 goes to somebody else somewhere else, and it

## BREAKOUT SESSION 1

1  
2 sits with somebody else because somebody is  
3 on vacation and weeks some of these things  
4 will sit --

5 MS. THOMAS: Before --

6 SPEAKER: -- before the animal can  
7 leave the farm; and, therefore, the guy can't  
8 get off quarantine until not only they leave  
9 the farm but until the test results are  
10 back.

11 SPEAKER: The farmer has 15 days to  
12 sign a paper and get it back. The U.S.D.A.  
13 can take anywhere from 50 days to three  
14 months to analyze a response before the time  
15 to turn around on it. My argument has  
16 always been if the farmer has got 15 days,  
17 at a max the U.S.D.A. should only have 30  
18 days because that's why the farmer is sitting  
19 there waiting to get off quarantine because  
20 U.S.D.A. is down region getting a review.  
21 Then from there it goes over to Riverdale.  
22 And then a few more people take a look at  
23 it, and then they bounce it back. We need  
24 a few of those steps eliminated.

25 SPEAKER: And we could get the

## BREAKOUT SESSION 1

1  
2 calculator value and get that cow off the  
3 farm, I think farmers would accept that  
4 calculated value for those animals. I don't  
5 know what percentage of animals are being  
6 taken off as a result of this testing  
7 process versus depopulating animals. Is it a  
8 huge difference?

9 MS. THOMAS: I don't have a number,  
10 but I would believe that it is weighted  
11 toward the depopulated animals; that there  
12 are more animals taken as a result of  
13 depopulation as opposed to diagnostic  
14 purchases.

15 SPEAKER: Because I don't think  
16 that's true in Michigan is it we depopulate  
17 more than we kill for what we --

18 SPEAKER: I think we kill more for  
19 --

20 SPEAKER: I think we take more  
21 innocent bystanders.

22 SPEAKER: More, more suspect.

23 SPEAKER: Yeah.

24 SPEAKER: And those are quickly off  
25 the farm, though.

## BREAKOUT SESSION 1

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SPEAKER: Not necessarily.

SPEAKER: No.

SPEAKER: Those are -- a lot of them that we're talking about we're talking about right now.

SPEAKER: Yeah. The depops are a different story. But if a calculator would help us get those cows off the farm fast, I think the farmers would be for it.

SPEAKER: So I'm seeing a need to tie these two things together; the path that the paperwork takes along with if something like the calculator would speed this process up. Two things need to be changed. Mainly the way that appraisals are -- are done, but also how that paperwork is handled and the amount of time it seems it take to pass it along and then eventually get back to the cattle owner. Because those are actually two separate processes.

MS. THOMAS: Well, the --

SPEAKER: And occasionally with our government appraiser because he's limited to how many dollars in a period of time he can



## BREAKOUT SESSION 1

1  
2 use, we've delayed appraisals on depops  
3 because we've already exceeded that amount;  
4 but you can't start until three weeks from  
5 now. So there's a lot of red tape and  
6 unfortunately we don't have it here with us.  
7 There's a lot of U.S.D.A. red tape involved  
8 that impacts what we're doing and a lot of  
9 people don't understand that. But when the  
10 appraiser can't go out and do it until next  
11 week because he's already allotted his  
12 spending for this month, per se, then we  
13 turn him loose again. And maybe a  
14 calculator would work free.

15 MS. THOMAS: Well, our current  
16 system of appraisals does include contracting  
17 with individuals that are recognized as  
18 appraisers. So having and establishing a  
19 contractual relationship with those individuals  
20 as well as their availability to go in, and  
21 we've heard not necessarily because of their  
22 time, but simply because they have other  
23 responsibilities or they're doing appraisals  
24 in --

25 SPEAKER: Right.

## BREAKOUT SESSION 1

1  
2 MS. THOMAS: -- in Ohio and suddenly  
3 they need to go to Pennsylvania. So it --  
4 I'm sorry I should have said Arkansas.

5 SPEAKER: I want to say just one  
6 thing that goes along with the appraisal and  
7 the use -- or the potential use of a  
8 calculator type of system because we've  
9 mentioned grade animals and registered animals  
10 most likely being at a different value.  
11 There are also -- because I didn't see it in  
12 what was presented today -- the part about  
13 the type of use that the animal is intended  
14 for which speaks to if you're starting with  
15 slaughter value because not every cow is a  
16 slaughter animal whether she's registered or  
17 grade. And -- or we have feeder cattle  
18 which is a totally different class of animal.  
19 So we have several different classes of  
20 animals that really would need to be figured  
21 into using any type of calculator in order  
22 to come up with a fair market value for the  
23 intended use of that animal.

24 SPEAKER: Does the calculator include  
25 pregnancy status?

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MS. THOMAS: Yes.

SPEAKER: It should.

SPEAKER: It needs to.

SPEAKER: And with U.S.D.A.

standards, is it the intended use? From what I've seen from today's U.S.D.A. standards are for salvage use period.

MS. THOMAS: I'm sorry, I'm not following the question.

SPEAKER: Salvage or slaughter?

SPEAKER: I think it's based on their use as they are being used today on a farm. Not -- if you take a dairy farm, we're not just wiping them out because the beef price for these dairy cows is this amount. That's where their taking in amount production and if the cow is bred.

MS. THOMAS: And just to clarify, that example that I talked about the beef calculator, that was strictly an example for beef. The beef calculator is simpler to explain than the dairy calculator. This is not an area that I get involved with. So I chose to go to just give an example of what

## BREAKOUT SESSION 1

1  
2 a calculator that has actually been developed  
3 and has been reviewed would include, and I  
4 chose not to go over the more complex dairy  
5 calculator. So there has been a dairy  
6 calculator, but I didn't discuss it, and so  
7 I can't go into details about what it  
8 currently includes.

9 SPEAKER: Lee Ann, I want to shift  
10 gears a little bit if we can and talk about  
11 the pool of indemnity money.

12 MS. THOMAS: Okay.

13 SPEAKER: Because it seems to me  
14 that if indemnity is going to mean a doggone  
15 thing, then we've got to get some more money  
16 in there. And I think the industry is going  
17 to be the source of that money. I don't  
18 know that the industry will agree at this  
19 point; but that's what I think is the real  
20 possibility. And if I look at that and say,  
21 Okay, well, you know, U.S.D.A. has been  
22 spending five million a year on TB; and they  
23 only have a million in indemnified indemnity  
24 funds, the 4,000,000 needs to come from the  
25 industry. And then if I look at your

## BREAKOUT SESSION 1

1  
2 advisory rules and say, Well, you can't use  
3 industry in an advisory capacity, I think  
4 well that's not going to fly. You can't  
5 take 80 percent of the money from industry  
6 in indemnity and say that's nice, but you  
7 don't have a say in this.

8           So I just wonder how that could be  
9 worked out and how it actually would work.  
10 I mean, if industry agreed to kick in the  
11 funds -- and I really think that needs to be  
12 pursued both the beef industry and the dairy  
13 industry. It has to be pursued with them --  
14 to say, okay, folks we don't have the money.  
15 It has to come from you, but let's create a  
16 system whereby you have a voice in this,  
17 whereby it's controlled, whereby it satisfies  
18 your producers' needs. I think we really  
19 have to explore that issue.

20           MS. THOMAS: Under the existing  
21 FACA, or Federal Advisory Committee Act, is  
22 there a way to include industry? Yes.  
23 However that requires standing up an official  
24 advisory committee which the whole of the  
25 U.S.D.A. currently has two advisory

## BREAKOUT SESSION 1

1  
2 committees. And one of those you may be  
3 familiar with is the secretary's advisory  
4 committee on animal health. I'm not familiar  
5 with what the other one is. But those are  
6 -- they're scarce as hen's teeth. So having  
7 an alternative that is not inconsistent with  
8 FACA regulations is a challenge. I don't  
9 know how we would do that, and the comment  
10 that I would make about the pseudo rabies  
11 control board, that was never codified in our  
12 regulations. And I don't know if there was  
13 anybody that was familiar with the  
14 pseudorabies control board. I suspect it  
15 included industry which --

16 SPEAKER: It did.

17 MS. THOMAS: Okay. -- may be the  
18 mechanism or the fact that it was never  
19 codified in the reg. The system worked,  
20 although a whole lot of people commented that  
21 it had it's problem, but I think overall  
22 people speak very highly of that control  
23 board. So I don't -- your point is well  
24 taken. How could we stand something up that  
25 allows industry input.

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SPEAKER: Not just industry input. Again if industry puts in four out of \$5, then token industry input isn't quite what they're looking for either.

MS. THOMAS: I wasn't suggesting that it would be token. The challenges are how to do that within the existing act which is law.

SPEAKER: Well, let's discuss, first of all, how something like that could even take place. For instance, there's checkoff monies, and we have checkoff things. There's the dairy money. What is the dairy money called?

SPEAKER: The promotion.

SPEAKER: CWT money which would be totally industry funded, but it's quasi government, I suppose in it's establishment here. So is the CWT board a model for how an indemnity board could be organized?

MS. THOMAS: I'm sorry, I'm not familiar with CWT.

SPEAKER: CWT stands for Cooperatives Working Together. They take a portion of

## BREAKOUT SESSION 1

1  
2 every cow sold, isn't it?

3 SPEAKER: I'm not sure of --

4 SPEAKER: I'm a dairy guy. I  
5 should know this.

6 SPEAKER: Basically it's a program  
7 set up to buy out dairy groups to remove a  
8 certain amount from the market -- milk from  
9 the market.

10 SPEAKER: Or to incentivize exports  
11 which is where they've put their emphasis  
12 now. It's a percentage out of every hundred  
13 weight of milk sold.

14 SPEAKER: I was going to say I  
15 thought it was by production.

16 SPEAKER: Yeah. So that goes to  
17 that's collected on a voluntary basis from  
18 those wishing to participate, and they  
19 participate on a, quote, cooperative level or  
20 individual level; and they're eligible for  
21 the benefits of that. In the case of the  
22 herd buy-out, only those producers who are  
23 contributing to that could actually benefit  
24 from that. So in some ways you could call  
25 it an insurance program. In that case, it's



## BREAKOUT SESSION 1

1  
2 kind of a price insurance program to some  
3 degree because the purpose of that is to  
4 help price sales.

5           If something like that was set up  
6 for TB brucellosis where now the buy out of  
7 animals was funded in a situation like that  
8 where if you're a contributor to that under  
9 the rules of what that contribution would be  
10 in a period of time and such, then you'd be  
11 eligible for payment; and if you're not a  
12 contributor to it, then maybe you get federal  
13 money if it's available, I don't know; or  
14 maybe you get it on a lower basis; or maybe  
15 the federal government is a contributor to  
16 this CWT-type program for indemnity purposes.  
17 But, you know, we can't -- we really can't  
18 talk about an indemnity program of one  
19 million dollars and not address the source --  
20 the fact that that's simply not enough.  
21 It's a door with the elephant in the room.

22           SPEAKER: CWT impacts all dairy men  
23 where TB in Michigan only impacts only a  
24 small segment.

25           SPEAKER: I know.

## BREAKOUT SESSION 1

1  
2 SPEAKER: So it would be hard to  
3 get the larger volume of producers possibly  
4 to be willing to step up to help fund a  
5 program that theoretically isn't going to  
6 benefit them.

7 SPEAKER: But the amount collected  
8 would have to be very little theoretically in  
9 order to fund something that only impacts a  
10 few.

11 SPEAKER: Well, hopefully.

12 SPEAKER: Yeah. I mean, if you  
13 look at the Australian model, the industry is  
14 a major contributor in that working in  
15 partnership with government. So I think we  
16 have to look at a partnership between  
17 government and industry but in a way that  
18 honors industry and just doesn't treat them  
19 like a second-class partner.

20 SPEAKER: Right. They would have to  
21 have a role at the table.

22 SPEAKER: Yeah.

23 MS. THOMAS: So if industry were to  
24 kick in, should there be a cap on the amount  
25 of indemnity be it the current -- similar to

## BREAKOUT SESSION 1

1  
2 the current regulations where it's \$3,000 or  
3 a percentage of the fair market value, or  
4 should it be a flat fair market value?

5 SPEAKER: If industry is a  
6 contributor, let them figure it out. Because  
7 I know this animal, people say, sell is  
8 worth \$50,000. I watched a heifer sell for  
9 \$83,000 one time. To take \$3,000 for an  
10 animal like that would be an insult. But  
11 let the people contributing the money figure  
12 that out, rather than just make a rule. So  
13 there truly was a board where industry was  
14 involved where industry is coming in, give  
15 them an opportunity establish the rules.

16 SPEAKER: The problem with industry  
17 money at that level is we're talking  
18 nationwide; and to equally distribute that  
19 cost over beef farms, cattle, dairy farmers  
20 ranchers, that's going to be very hard to  
21 do.

22 SPEAKER: But if we're asking them  
23 to do this on a statewide level, you're  
24 asking each state to come up with their own  
25 plan or program or however you phrase it, I

## BREAKOUT SESSION 1

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2 mean it's -- can -- anyway they can set up  
3 their own -- I mean, per state set up their  
4 own indemnity, CWT board or however you want  
5 to phrase it, something along those lines on  
6 a statewide basis with, of course, having the  
7 national counsel or however you want to  
8 phrase it, just some sort of input along  
9 those lines; but making each state  
10 responsible for coming up with a good chunk  
11 of the funds with limited federal dollars but  
12 having each state work with the industry and  
13 come up with their own funding; and then let  
14 them regulate how they spend it.

15 I mean, if they're coming up with  
16 the dollars, let them pick how they're  
17 spending it. And it's going to depend on  
18 how big the dairy or beef industry is in  
19 each state as to how much money they need  
20 even to begin with especially if you get  
21 them testing for TB in the first place. So  
22 that would actually help them realize they  
23 have it, too.

24 SPEAKER: And it's set up that way  
25 right now. For instance, if there's a herd

## BREAKOUT SESSION 1

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2 \$10,000 bill on it and we in the state  
3 pitched in \$5,000, the feds would pitch in  
4 the other five. If the state had the money  
5 to do that, I think we would go ahead and  
6 do that whole process and not count on the  
7 federal process; but right now the state  
8 doesn't have my money. So we're counting on  
9 the feds to do that, trying to abide by  
10 their indemnity aspect on it.

11 SPEAKER: What you wouldn't want to  
12 do is penalize the state for industry kicking  
13 in by saying, you wouldn't need federal  
14 funds. You want to incentivize that by  
15 actually making a higher percentage available  
16 to the states with something like that. You  
17 want to make a reward for it, having  
18 industry come up with funding sources by  
19 using federal funds for that. In fact, you  
20 might use it as the incentive that, you  
21 know, if we only have a million dollars,  
22 it's going to be given to states that come  
23 up with funding with industry partnership for  
24 indemnity and we'll retain 200,000 for  
25 incidental purposes. But the other

## BREAKOUT SESSION 1

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2 three-quarter of a million is to be used  
3 only for states that come up with it.

4 MS. THOMAS: I think what you just  
5 described is looking at that state and  
6 industry relationship and putting it within  
7 the state plan may be a mechanism to some  
8 degree to address your comment about having  
9 industry coming to the table in full bore  
10 capacity.

11 SPEAKER: At the same time, though,  
12 too like your comment was made, there's all  
13 kind of things in that plan about what the  
14 state has to do; limited federal  
15 accountability. If the state is going to go  
16 through about making sure we got the money  
17 and going through all these steps, we still  
18 have to make sure the federal government  
19 keeps it going does in a timely fashion and  
20 does their part of without the state being  
21 accused of, Well, the state is supposed to  
22 be writing me this check, why haven't they  
23 sent me the check yet or why haven't they  
24 gotten this animal off my farm. Well, it's  
25 not the state's fault. The federal

## BREAKOUT SESSION 1

1  
2 government is waiting for the -- or the  
3 state is waiting for the feds to say go  
4 ahead. So there's got to be accountability  
5 on both sides.

6 MS. THOMAS: Understood. But I  
7 think, again, how we foresee in those  
8 instances where we have a calculator is that  
9 potentially the criteria would be entered  
10 into the calculator and that appraised price,  
11 if you will, using a calculator could be  
12 given to an individual producer and say we  
13 will pay you X amount of dollars. Here is  
14 the paperwork.

15 Our thought regarding the appeal is  
16 that if there is significant -- and we have  
17 heard that there is really concern about not  
18 having an appeal process, that's where  
19 potentially would get into this cycle of  
20 paperwork moving to region, moving to  
21 headquarters, moving to Fort Collins and then  
22 back to John Clifford when there was an  
23 appeal. So there's even one further step.  
24 It comes into Riverdale and then it goes  
25 down to John Clifford as some of you in

## BREAKOUT SESSION 1

1  
2 Michigan are probably aware. But if there  
3 is a way that a calculator can be used under  
4 certain circumstances where it's acceptable  
5 and it results in a procedure where animals  
6 can be quickly removed within a day or two  
7 as opposed to two months or a month later, I  
8 definitely see the advantage to that.

9           SPEAKER: The Scrapie calculator  
10 works reasonably well. I can tell them  
11 before I leave the farm what they're going  
12 to get paid. The first question is  
13 registered or not.

14           MS. THOMAS: And thank you for the  
15 reference to Scrapie, although recognizing the  
16 differences we do use a poultry calculator;  
17 and it is accepted by the industry. So we  
18 have some history of the use of calculators  
19 understanding there's a big difference between  
20 the species we're talking about. But we do  
21 have some experience. The Scrapie example is  
22 probably much closer to cattle bison and  
23 cattle herds.

24           SPEAKER: There's one other point I  
25 would like to bring up here because it's



## BREAKOUT SESSION 1

1  
2 been touched on in a way, and it made me  
3 think when the \$50,000 heifer was mentioned  
4 or \$83,000 thousand dollars heifer, I was  
5 just thinking about the \$55,000 bull I saw  
6 sell. But it ties in with what the other  
7 part of this session was said was going to  
8 be about as far as diagnostic tests or  
9 official tests in laboratories and should  
10 there be a more accurate test that can be  
11 done in a live animal so that by the time  
12 we run out of -- we run through all of the  
13 live animal testing that can be done and we  
14 know that there's a 95 percent probability  
15 that that cow is an infected cow, at that  
16 point. That individual cow at that point  
17 when she's confirmed to be infected is after  
18 they're dead in this case.

19 She's worth nothing once it's known  
20 that it's an infected cow, she's worth  
21 nothing; but the rest of her herd mates; and  
22 in our case in Michigan where we may have  
23 one or two animals in a herd that are  
24 infected and the whole herd is killed and we  
25 find out the rest of the them are not

## BREAKOUT SESSION 1

1  
2 infected, that's where people are looking at  
3 that \$83,000 animal that, you know,  
4 potentially they had there is where I see a  
5 big difference in how this -- this direction  
6 could go for indemnity and tying that with  
7 testing. I know there's no short term  
8 probability that we'll have a more accurate  
9 test here; but when it's a known diseased  
10 animal, my point is that one individual,  
11 that's worth nothing to anybody. But the  
12 other ones --

13 SPEAKER: But we don't have that  
14 situation in most cases.

15 SPEAKER: Typically it's one animal.

16 SPEAKER: The way the disease is at  
17 this point in time, we don't have that.

18 MS. THOMAS: We've got a couple more  
19 minutes left. Any other comments you have  
20 for indemnity or official tests and  
21 laboratories.

22 SPEAKER: We want better tests.

23 MS. THOMAS: We all hope for that.

24 SPEAKER: In thinking about the  
25 testing that we do in test and removal

## BREAKOUT SESSION 1

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2 herds, correct me if I'm wrong -- I don't  
3 follow things closely enough to know exactly,  
4 but are we using the gamma interferon and  
5 the CCT in parallel or in sequence once  
6 we've identified --

7 SPEAKER: It's called a full  
8 responder.

9 SPEAKER: Well, let's say we've  
10 identified it as an infected herd, we're  
11 going to get better detection if we use  
12 those two tests in parallel. That is, any  
13 responder on either test would trigger the  
14 slaughter of that animal.

15 SPEAKER: Its called caudal-fold  
16 responders. I know it's a screening test,  
17 but what I'm thinking is using the gamma  
18 interferon and the CCT, using them both on  
19 each animal rather than caudal-fold.

20 MS. THOMAS: Neither is as  
21 sensitive. They don't have the sensitivity.

22 SPEAKER: No. It don't think it  
23 would work.

24 SPEAKER: You don't have the  
25 sensitivity.

## BREAKOUT SESSION 1

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SPEAKER: No. I don't think it would work. It's specificity, but not sensitivity. Caudal-fold is more sensitive is my understanding.

MS. THOMAS: Any last comments or questions? We're typically using those testing in series.

SPEAKER: I know. It was by using them in parallel that I thought you could gain greater sensitivity and with specificity.

MS. THOMAS: I don't think so.

SPEAKER: I haven't heard of them trying to put the two together.

MS. THOMAS: Typically, they're thought of as either/or. A CFT followed by a CCT, or a CFT followed by the gamma.

SPEAKER: Right.

MS. THOMAS: And it seems to me there's a preference probably because of the ease of doing the test of using the gamma.

SPEAKER: It depends. Yeah. It depends in this state, but we're also using them not in the TB zones. We're using gamma, and if we get gammagrams, we'll go

## BREAKOUT SESSION 1

1 into CCTs. So we are using that.

2  
3 MS. THOMAS: Well, I appreciate  
4 everybody's comments. Some interesting  
5 concepts to consider here. And you're free  
6 to rotate to the next group.

7 **(Whereupon Session II was adjourned**  
8 **at 2:03 p.m.)**

9 **(Whereupon off the record.)**

10 **BREAKOUT SESSION III**

11 **MAY 19, 2011**

12 MS. THOMAS: I'm sure that you saved  
13 your most passionate an interesting discussion  
14 to the last indemnity and approval procedures  
15 for official tests and laboratories. The  
16 purpose for this is not for me to talk. I  
17 do have some questions that I will be asking  
18 you regarding indemnity, but basically this  
19 is your time to provide feedback. I'll get  
20 the discussion started with a question or  
21 two; but really this is your time to provide  
22 comments, suggestions regarding indemnity and  
23 approval procedures for official tests and  
24 laboratories if you're so inclined.

25 I would ask you that we need to

## BREAKOUT SESSION 1

1  
2 talk one at a time for the transcriptionist  
3 as well as if you will -- if we can all  
4 sit and make sure that we're facing the  
5 transcriptionist.

6 SPEAKER: Would it be okay to ask a  
7 question on approved labs, or do you want to  
8 do some questions first?

9 MS. THOMAS: We can do approved labs  
10 first. I'm really surprised, though.

11 SPEAKER: Well, we have a kind of  
12 an unique situation. I'll give a little bit  
13 of background. In Michigan we have gamma  
14 interferon tests, and we run into some issues  
15 with the shipping because we have to ship it  
16 down to -- the blood down to Lansing to be  
17 tested. And what we did was we put in a  
18 lab in Atlanta, Michigan, where most of us  
19 that deal with the TB problem are located;  
20 and what that allowed us to do is spin the  
21 blood down and stimulate the first part of  
22 the test. So it pretty much eliminated any  
23 kind of poke-test failures we ever had which  
24 is a control measure we use for the positive  
25 control.

## BREAKOUT SESSION 1

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2 We had epidemiologists show --  
3 present data showing the degrade. We had a  
4 hood system. We had all this stuff, but we  
5 could not get approval on the lab because  
6 that was the consensus putting it all the  
7 way up the channels was it really wasn't --  
8 they weren't doing the -- they were just  
9 doing part of the test. They weren't doing  
10 the whole test. So now we're looking at  
11 every time I walk into that room, we got all  
12 this money in centrifuges, exhaust systems,  
13 and all this stuff and we can't use it. So  
14 I guess my thought is if it's a different  
15 group of people approving us or, you know,  
16 that could be brought up again.

17 MS. THOMAS: I don't know the  
18 circumstances behind that discussion. When  
19 did that decision take place?

20 SPEAKER: It's been a couple of  
21 years.

22 SPEAKER: Maybe about two years.

23 MS. THOMAS: I'm just -- I'm not  
24 familiar with that situation, but I think  
25 certainly is that -- what I would encourage

## BREAKOUT SESSION 1

1  
2 you to do is to work through Steve as well  
3 as Reed, your AVIC and find out if there is  
4 the possibility. I don't know what the  
5 concerns were. I don't recall those  
6 discussions.

7 SPEAKER: Okay. I know Steve was  
8 involved quite a bit in the whole process.  
9 And I know Larry Judd had -- because we were  
10 pulling dual samples for a long time showing  
11 that the response we're getting with when the  
12 blood was spun quickly versus all the way  
13 down to Lansing -- typically Fed Ex closes  
14 at 5:30. They get their sample at 10:00.  
15 Okay. If you draw a blood sample at 9  
16 o'clock, you've got a pretty good delay  
17 before it gets spun down.

18 MS. THOMAS: Yeah. Not having been  
19 involved in those discussion, I wouldn't even  
20 venture a guess as to how they came to the  
21 final decision.

22 MS. THOMAS: So any other comments  
23 about indemnity and approved procedures  
24 related to official tests and laboratories?

25 SPEAKER: Yeah. I was wondering --



## BREAKOUT SESSION 1

1  
2 Dr. Hall said this morning how the tests are  
3 really outdated. And I was wondering just  
4 because they're old, does that really mean  
5 their bad.

6 SPEAKER: They're bad because they're  
7 bad.

8 MS. THOMAS: Their bad because the  
9 bacteria -- he hit the nail on the head.  
10 They're -- these type of bacteria are  
11 particularly difficult to diagnose. It's not  
12 like having a nice response that spikes a  
13 large antibody titer and you say bingo. He  
14 was just saying.

15 SPEAKER: The nature of the bacteria  
16 is the trouble rather than the nature of the  
17 test.

18 MS. THOMAS: He used the term CMR,  
19 cell mediated response. Animals that are  
20 infected with Mycobacterium don't generate a  
21 high CMR.

22 SPEAKER: Yes.

23 MS. THOMAS: That's what you were  
24 referring to. So to answer your question:  
25 Is it lack of research into diagnostics?

## BREAKOUT SESSION 1

1  
2 No, I wouldn't say that. It's -- the nature  
3 of this beast is the organism, and it can  
4 somewhat fly under the radar with our current  
5 diagnostics. The sensitivity of the  
6 caudal-fold test is roughly about 85 percent.

7 SPEAKER: But it is in a way a lack  
8 of research, isn't it, because for 50 years  
9 we didn't do anything basically?

10 MS. THOMAS: Well, I guess I look  
11 at the human medicine example where there's a  
12 whole lot of human TB, and they haven't come  
13 up with a better test either. They're still  
14 using skin tests.

15 SPEAKER: Just because they haven't  
16 done research, isn't a good reason for us  
17 not to do research, is it?

18 MS. THOMAS: I didn't say they  
19 weren't doing research. They haven't  
20 evaluated serologic tests as we continue to  
21 evaluate serologic tests. But we have not  
22 currently found a good test that will replace  
23 the caudal-fold test.

24 SPEAKER: I had another question on  
25 tests. Double-strength cervical for exposed

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animals is that --

MS. THOMAS: More sensitive.

SPEAKER: -- being used less now?  
We've lived through -- I'm working with three  
exposed bulls and thought that would be, you  
know, the procedure; but after consultation  
with our area being regional epidemiologists  
--

MS. THOMAS: Going with gamma.

SPEAKER: -- they came with a  
parallel caudal-fold kind of thing depending  
on the age of the bull and the number of  
tests, those types of things. But the  
double strength was not even addressed at all  
on this farm.

MS. THOMAS: I think I don't know  
if they were including in the discussion the  
use of a gamma test.

SPEAKER: Yeah.

MS. THOMAS: I think there tends to  
be a desire because of the ease of doing a  
gamma test and feeling that it gives you  
comparable information is the use of that  
test as opposed to the actual skin testing

## BREAKOUT SESSION 1

1  
2 of the animal. Certainly, as you alluded  
3 to, it's still available out there. We  
4 certainly haven't precluded or have any  
5 policy that precludes its use.

6 So y'all want to talk about  
7 laboratory tests and not indemnity?

8 SPEAKER: No. I want to talk about  
9 indemnity.

10 MS. THOMAS: Okay. Well, does  
11 somebody -- should we consider using a  
12 calculator?

13 SPEAKER: As long as it's accurate.  
14 If you got one that is six months old, the  
15 way the market fluctuates, it could be way  
16 high one time or way low another time. If  
17 it's a weekly calculator, yeah.

18 MS. THOMAS: Okay.

19 SPEAKER: Or even maybe a monthly at  
20 the least, but I know you guys fluctuate  
21 quite rapidly.

22 SPEAKER: Fluctuate a lot in a month  
23 sometimes. A lot.

24 SPEAKER: Yeah.

25 SPEAKER: I personally feel that

## BREAKOUT SESSION 1

1  
2 there's a lot -- there's a lot that goes  
3 into appraisals versus just a calculator-type  
4 thing. And to me, yeah, it's simplified;  
5 but to me I don't think a calculator -- I  
6 mean a calculator could do it. But that's  
7 my own personal opinion.

8 SPEAKER: A calculator can give a  
9 market range.

10 SPEAKER: Yeah.

11 SPEAKER: And that's good in a lot  
12 of cases. Now, if you're doing breeding  
13 stock and somebody has purchased a \$10,000  
14 bull and has only had it a year, then you  
15 pretty much got to go with the value of the  
16 animal if you can prove that, I would think.

17 SPEAKER: But we're holding our  
18 appraisers -- in indemnity we're holding or  
19 appraisers to this thing; and if the produce  
20 appeals it, then it's got to be in a  
21 specific form. The appeal process on  
22 indemnity is a very involved procedure almost  
23 to the point that a person has to go out  
24 and buy herd insurance.

25 SPEAKER: I think if it's separated,

## BREAKOUT SESSION 1

1  
2 a producer won't have to approve it, or  
3 would not have the need for it.

4 SPEAKER: Well, I noticed on your  
5 the slides one of the last points was no  
6 appeal.

7 SPEAKER: Yeah.

8 SPEAKER: So if you're going to do  
9 indemnity, you need to start with do you  
10 have information on the value of this animal.

11 SPEAKER: Right.

12 SPEAKER: Absolutely. Here is a  
13 bill of sale.

14 SPEAKER: And after it reaches the  
15 age of five years old, it's production goes  
16 down anyway. So it's a cull price or market  
17 price anyway regardless of what it was two  
18 or three years prior. That changes, you  
19 know, at the age of the animal, too.

20 SPEAKER: Well, age was one of the  
21 factors, it took into in the calculator.

22 SPEAKER: The age of the animal.  
23 It would change. Even in it was a \$10,000  
24 bull, once it reaches six years old,, he  
25 might be good for three more; but I wouldn't

## BREAKOUT SESSION 1

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pay that price.

SPEAKER: The goal has to be as much objectivity as you can get in indemnity for everybody's sake, for the government's sake as well as the producers. So you -- I think you can't get away from some type of a calculator.

SPEAKER: Right.

SPEAKER: So if the producer has information as to the more specific price, then that's -- that needs to be right up front. But to say, no, we're not going to use a calculator or we're not going to use something objective, that would be horrendous.

SPEAKER: Because there are animals that are \$50,000 or \$100,000. I just used \$10,000. But there are animals quite often for \$100,000 sales.

MS. THOMAS: What I hear you saying was a proposal actually or a suggestion that the last group came up with and that was that for what we refer to as diagnostic purchases, the suspects and reactors they want to get off the farm is to use a

## BREAKOUT SESSION 1

1  
2 calculator for those animals. Typically  
3 there's fewer numbers, one or two or maybe  
4 five or six animals that really -- I'm  
5 trying to paraphrase here, but most owners  
6 would be happy to get rid of those animals  
7 at a set price and would likely not be able  
8 to -- not as likely to argue.

9 SPEAKER: If you could come back  
10 with an immediate response.

11 MS. THOMAS: That's -- yeah. That  
12 needs to be timely, and we need to be able  
13 to get those animals off as opposed to two  
14 or three --

15 SPEAKER: Because nobody wants to be  
16 quarantined for three or four months.

17 MS. THOMAS: Exactly. Is that to  
18 be able to remove those animals -- I just  
19 pick this out of the air -- say, within a  
20 week's time. For those situations where  
21 you're depopulating herds was the suggestion  
22 to use some sort of appraisal system that we  
23 come up with now.

24 SPEAKER: Seems like a pretty good  
25 suggestion, don't you think?



## BREAKOUT SESSION 1

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SPEAKER: Yeah, I think so.

SPEAKER: Because, I mean, like you said, when you're dealing with individual animals versus a whole herd, it's a whole different situation.

SPEAKER: A herd has got a value of what -- you got the product, the guy's income off of it, and everything else, how old the animals are. There's a lot that goes into it. You take a whole herd away from a guy, you take his livelihood.

MS. THOMAS: And I think the other thing is that -- your comment, Gary, just made me think. I think we're talking two different things. Are you talking replacement value? Because in my mind replacement value, there's a difference between that and fair market value.

SPEAKER: I'm talking replacement value if a guy has got \$100,000 bull that he can get calves out of it and replace that and show them that after one year's service.

MS. THOMAS: Okay. So it's replacement value?

## BREAKOUT SESSION 1

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2           SPEAKER:    If that bull is worth that  
3 until they reach a certain age, four, five  
4 years old.    Then that bull, in my opinion,  
5 is not good to any.    I sell mine at that  
6 age.    Some I may keep them longer, take a  
7 chance; but, yeah, you can't draw semen from  
8 him after at that point if he's positive and  
9 use that.

10           MS. THOMAS:    Okay.

11           SPEAKER:    But you have to be able  
12 to prove it's worth that.    And other than  
13 that, a commercial herd or something, yeah,  
14 fair market value, a calculator works good.

15           SPEAKER:    I'm sorry, I'm late coming  
16 in.    I mean, the big thing we hear about  
17 indemnity in Michigan is they want it to be  
18 replacement value instead of fair market  
19 value.

20           SPEAKER:    Well, that depends on the  
21 animal.

22           SPEAKER:    Well, I mean, to some  
23 extent even on the animal if it's a breeding  
24 bull, and they can -- and it's a two-year  
25 old bull and it's registered, they're going

## BREAKOUT SESSION 1

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2 to get more money if they prove that its  
3 registered. But if it's a two year old bull  
4 that's crossbred and there's no likelihood of  
5 showing any -- not that I'm saying a  
6 crossbred bull has no genetic value but.

7 SPEAKER: Depends on how it's  
8 crossed.

9 SPEAKER: Exactly.

10 SPEAKER: Because I've got crossbred  
11 bulls that I paid eight or \$9,000 for them.

12 SPEAKER: I mean, the industry  
13 typically is crossbred with the highbred  
14 figure and all that comes with bringing in  
15 those different genetics to your product that  
16 you're selling. But I think in those  
17 producers that can demonstrate there's value  
18 to that animal, typically from what I've  
19 seen, you know, U.S.D.A. has worked with  
20 them. And through their appeal or the fact  
21 that they've got all their paperwork  
22 together, they'll get a higher than maybe  
23 what is market for a bull that's sold  
24 through the livestock market.

25 SPEAKER: I think what we're trying

## BREAKOUT SESSION 1

1  
2 to do is set something up so we don't have  
3 the appeal process that will work in that  
4 case.

5 SPEAKER: Well, you're saying in the  
6 framework so that there's no appeal.

7 MS. THOMAS: Well, the framework was  
8 just a snapshot of a position. So this  
9 discussion is what you might suggest in lieu  
10 of. And one of the suggestions was to use  
11 the calculator for your diagnostic purchases;  
12 and that, I think, would defeat the purpose  
13 of a calculator if we go into an appeal  
14 situation. We'll have to get buy-ins from  
15 the state in the industry that this is what  
16 we're going to do; that we're purchasing  
17 these animals for under these circumstances.  
18 There is another alternative that, okay, if  
19 you're going to use a calculator for  
20 diagnostic purchases and the owner is not  
21 happy with the price, have the owner pay for  
22 himself or herself the appraisal. But that  
23 defeats the purpose of trying to get those  
24 animals off the farm quickly --

25 SPEAKER: Well, the calculator.

## BREAKOUT SESSION 1

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MS. THOMAS: -- and to put -- go ahead.

SPEAKER: The calculator gives you the appraisal.

MS. THOMAS: Exactly. Yes.

SPEAKER: If you don't need that, it wouldn't do them any good. So if that calculator price is done even biweekly, I don't see where they'd have a complaint.

SPEAKER: So I guess if we could use a calculator, why do we even need appraisers then?

SPEAKER: You don't need appraisers.

SPEAKER: Only for herds?

SPEAKER: Only for what?

SPEAKER: Only if we're going to take the whole herd, you're saying?

SPEAKER: Well, I think the calculator is based on market price, correct?

MS. THOMAS: Yes.

SPEAKER: Where we need an appraiser is if we're going above market price.

SPEAKER: You are only on some animals, but you don't need an appraiser for

## BREAKOUT SESSION 1

1  
2 it if the guy has got --

3 SPEAKER: He's got documentation.

4 SPEAKER: -- written documentation on  
5 what the animal is worth. I mean, you ought  
6 to be able to look that up without hiring an  
7 appraiser for it, I would think.

8 SPEAKER: That's what I'm trying to  
9 convince -- I got a farm -- we have an  
10 animal that comes off the farm. The  
11 producer says this animal is worth this much.  
12 I say, well, first of all, you're going to  
13 have to have some market data. You're going  
14 to have to have something to justify why you  
15 say it's worth that much. You saying it's  
16 worth that much is not going to do it.  
17 Even though you're in the cow business and  
18 all this, you've got to come up with some  
19 recent sales data --

20 MS. THOMAS: Objective data.

21 SPEAKER: Yeah. If he files his  
22 income tax, he should have a record. I do.  
23 I know what my animal brings. If I was  
24 milking cows, I would know how much milk  
25 each cow produces.

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SPEAKER: But the difference there is you kept your records. The other guy didn't keep his records. So he says it's worth this, but he has nothing to prove it.

SPEAKER: If he has nothing to prove it, it's market value. That's a calculator price.

SPEAKER: Sounds great to me. I mean, any other business you're supposed to keep records for like seven years.

SPEAKER: I mean, if you don't have records to prove what you're doing, then you don't need to be there.

MS. THOMAS: But it happens.

SPEAKER: Yeah. Probably trying to avoid paying taxes.

SPEAKER: So is the U.S.D.A.'s thought in putting a state, indemnities is a hotly contested issue. So really the fact that you've thrown out here that there's no appeal is for the standpoint that you want to get these animals off the farm as quickly as possible?

MS. THOMAS: Yes. And there are

## BREAKOUT SESSION 1

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2 other things that were discussed that  
3 actually -- such as one group discussed what  
4 I will refer to as a multitier approach and  
5 that's where you tie in compliance, for  
6 instance, in Michigan with mitigation  
7 activities. If somebody has had a risk  
8 assessment and there had been mitigations  
9 prescribed to help prevent infection of that  
10 particular herd and the owner is not  
11 following them, that a lesser percentage of  
12 indemnity would be paid. So if you will,  
13 you can you look at it from those producers  
14 who are doing their best to implement  
15 mitigations, is that that activity, their  
16 efforts would be recognized as 100 percent of  
17 that indemnity. And the working group  
18 discussed that.

19 We also discussed in an effort to  
20 try to spread the money is a formal cap.  
21 We currently, I've mentioned, have a \$3000  
22 cap. And if you look at it, it could be a  
23 percentage we would pay. You can pick the  
24 percentage out of the air. So there have  
25 been several -- through nine months of



## BREAKOUT SESSION 1

1  
2 conversations, there were a variety of  
3 conversations that it would be impossible  
4 within a day's meeting to go through and  
5 talk about the different suggestions. And  
6 there have been some good suggestions that  
7 have come up here today.

8 SPEAKER: That would encourage the  
9 other -- at least in Michigan, to put a  
10 mitigation plan on their place for those who  
11 don't.

12 SPEAKER: Well, what happens is -- I  
13 understand the risk mitigation concept or  
14 whatever to implement and to deal with  
15 indemnity; but, for instance, in Michigan,  
16 you know, you only have that in the Northern  
17 11 counties. So if you were here in Ingham  
18 County, and you were just doing a test to  
19 move to another state or you're doing your  
20 accredited herd test and you have an animal  
21 that needs to come off for diagnostic  
22 purposes --

23 SPEAKER: The first time -- we're  
24 talking about the first time you get paid.  
25 What happens the second time? They get half

## BREAKOUT SESSION 1

1  
2 the price? Is that what you're saying?

3 MS. THOMAS: Well, it could be both.  
4 In the situation where an individual is in a  
5 zone where there is -- it's considered to be  
6 a high risk zone, and so they're doing risk  
7 assessments and he happened to have -- be  
8 one of those -- excuse me he or she here.  
9 I'm not being gender.

10 SPEAKER: No, I know. I believe  
11 you.

12 MS. THOMAS: Picking on my gender  
13 here. Is that if they were required as  
14 their presence in the hot zone to have a  
15 risk assessment and there were risk  
16 mitigations, say, put in place, fencing their  
17 feeding area, and they chose not to do it  
18 because they didn't believe it worked and it  
19 subsequently turned out that they had a TB  
20 infected herd, is that in that situation the  
21 indemnity would be paid at a lower percentage  
22 because they knew what their risks were.  
23 They were given mitigations, and they chose  
24 not to follow them.

25 SPEAKER: That's fair.

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MS. THOMAS: So that's one scenario.

We also talked about -- which gets to your two strikes and you're out -- if an individual is under a herd plan because we depopulated him or her once and I come back again and they haven't followed that herd plan, it's like -- it's the same concept, that we're not going pay you or --

SPEAKER: No.

MS. THOMAS: -- we're going to reserve the right not to pay you indemnity when you've been advised of what the risks are and you've chosen not to mitigate those risks.

SPEAKER: I think everybody should get it the first time. So that should eliminate what you're saying no matter where it's at because this isn't just a Michigan program. This is a nationwide program.

SPEAKER: I think for the speed of moving animals or potentially diseased animals, the calculator makes a lot of sense. But my fear or concern with the calculator is: Is it being kept up to date enough with

## BREAKOUT SESSION 1

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2 the current market prices changing. And if  
3 that can be demonstrated and it's fair and  
4 the industry realizes that, I think you could  
5 potentially have buy-in for that.

6 SPEAKER: Not solely. Because some  
7 of the commercial cattle are higher dollar.

8 SPEAKER: So, say, if they're  
9 selling purebreds, there needs to be and  
10 there's documentation, they can demonstrate  
11 the genetic value of the animal --

12 SPEAKER: If they can prove that.

13 SPEAKER: Yeah. They can get a  
14 higher dollar if that can be put into the  
15 calculator. Yeah, that would be --

16 SPEAKER: Well, even if that's not  
17 in the calculator, use a calculator for  
18 everything but that. I mean, have  
19 exceptions.

20 MS. THOMAS: Okay. The last group  
21 discussed the role of industry with  
22 indemnity. It was suggested that we look  
23 for ways to ensure that we can include  
24 industry in the advisory board. So we could  
25 take a lot of the issues to the advisory

## BREAKOUT SESSION 1

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2 board, industry would be at the table. And  
3 kind of a hook there is that if industry was  
4 at the table, perhaps industry would be  
5 willing to kick in money for indemnity.

6 So here I am picking on you as a  
7 representatives of the CBA, so to speak, they  
8 reference something and maybe some of you are  
9 familiar with the acronym. There's a CWT  
10 program for dairy and it's like a checkoff  
11 thing, so to speak.

12 SPEAKER: You get so much for every  
13 bottle of milk that comes out, half a  
14 percent or whatever it is.

15 MS. THOMAS: I didn't catch what CWT  
16 stands for.

17 SPEAKER: Hundred weight.

18 SPEAKER: It's for the weight of  
19 milk.

20 SPEAKER: So for every hundred  
21 weight of milk, they take a half a cent out  
22 of it or whatever it is?

23 SPEAKER: Whatever it is.

24 SPEAKER: The problem with the beef  
25 industry is who is going to collect that

## BREAKOUT SESSION 1

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2 money? When an animal is -- we don't have  
3 another. We don't get paid for it twice  
4 like the dairy does. I can't sell the cow  
5 and get paid and make milk off of them, too.

6 MS. THOMAS: So the CWT is based on  
7 100 weight relative to milk and that's --  
8 that payment occurs related to the milk and  
9 not the animal? Just so I understand it.

10 SPEAKER: Yes.

11 SPEAKER: The dairy industry, what  
12 their selling is the milk; whereas, in the  
13 beef industry, it's the meat. So if you get  
14 the dairy industry to --

15 SPEAKER: So theirs is going direct  
16 to the right the dairy industry because their  
17 milk all goes through the --

18 SPEAKER: They have co-ops and so  
19 forth I would imagine that pays --

20 SPEAKER: Our beef isn't sold that  
21 way. So how do we collect that if we do  
22 something like that and who collects it?

23 MS. THOMAS: Well, we needed you in  
24 the last group.

25 SPEAKER: Well, the pork industry

## BREAKOUT SESSION 1

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has had a checkoff for the last --

SPEAKER: We have a checkoff, too.

SPEAKER: Yeah. The beef industry has a checkoff for --

SPEAKER: But it doesn't -- it's not for that.

SPEAKER: It's for marketing purposes. And I think that's exactly what the milk one is, too, for marketing. Just like the pork one is probably.

SPEAKER: But you're saying take an earmark of that checkoff and shift it to --

SPEAKER: You can't do that.

SPEAKER: The reason we can't take any of that checkoff is because when that got voted in, U.S.D.A. gets -- the government or U.S.D.A. appoints 106 people to control half of that dollar. The other half is controlled by each state. And that money can only be used for promotional and consumer research. Nothing else. Three percent can be used for staff expense --

SPEAKER: So it's --

SPEAKER: -- of each state.

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MS. THOMAS: And, Gary, just to clarify --

SPEAKER: That's a law.

MS. THOMAS: The CWT --

SPEAKER: Federal law.

MS. THOMAS: -- is part of that checkoff program?

SPEAKER: No, that's not.

MS. THOMAS: Okay. That's --

SPEAKER: That's a dairy.

MS. THOMAS: That's strictly dairy?

SPEAKER: Yes.

MS. THOMAS: But somehow coordinated through a branch of the U.S.D.A. --

SPEAKER: Well, I'm not sure that.

SPEAKER: The CWT I think is coordinated through the co-ops.

SPEAKER: Yeah. That's individual.

SPEAKER: -- the MMPA, Michigan Milk Producers Association.

SPEAKER: See, dairy has three or four checkoffs. They collect money through different things. We don't do that. We have one checkoff and that's a dollar, and



## BREAKOUT SESSION 1

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2 it's regulated pretty strong, pretty tightly.

3 SPEAKER: Yes. There's been several  
4 -- a number of producers in Michigan that  
5 have been saying we need to get a checkoff  
6 that's specific -- or for lack of a better  
7 term, a checkoff that (A) could help with  
8 indemnity; and (B), could help with research.  
9 And so when they've asked me that, I go,  
10 State of Michigan, we can't go down that  
11 road and help you. That's got to be  
12 something driven by the industry. And like  
13 Gary said, with the beef checkoff, you can't  
14 add another dollar to the beef checkoff  
15 because it's tied to what's going on  
16 nationally. So it would have to be an  
17 animal health checkoff or something that's  
18 national or something that could then go into  
19 indemnity or disease research or --

20 SPEAKER: But producers aren't going  
21 to -- see, you're going to have to have a  
22 certain percentage of producers okay that.  
23 Producers all over the country aren't going  
24 to be okay if they don't have a TB problem.  
25 They're not going to pay more money out of

## BREAKOUT SESSION 1

1  
2 their pocket if they don't have a problem.  
3 So each state would have to do that, and it  
4 has to go through the state legislation, and  
5 who is going to handle that?

6 SPEAKER: Is that something that  
7 could be part of the state plan on a  
8 state-by-state basis? I know, more work for  
9 you, right?

10 SPEAKER: It's not something  
11 producers are going to like, but the only  
12 way you can take money out of the producers'  
13 check --

14 MS. THOMAS: If they see an  
15 advantage, and would they see an advantage to  
16 having indemnity --

17 SPEAKER: That would have to be sold  
18 to them. And it would have to be voted on  
19 through state legislation. I don't think  
20 federal is ever going to work because there's  
21 not a big enough TB problem in the country  
22 that would make it work.

23 MS. THOMAS: Nor probably with  
24 brucellosis?

25 SPEAKER: Right.

## BREAKOUT SESSION 1

1  
2           SPEAKER: I don't think they would  
3 trust the federal government with their money  
4 right now. I really don't think the federal  
5 could get -- but the states, some states  
6 where there's a problem, like Michigan -- I'm  
7 not saying that they can or can't. I don't  
8 know if they've tried.

9           MS. THOMAS: And the concept of  
10 doing this through the state plan was  
11 actually one of the suggestions that came up  
12 in the last group, but it was for the  
13 purposes of having supplemental funds  
14 available.

15           SPEAKER: And I'm not saying they  
16 couldn't do that, but somebody is going to  
17 have to write the bill. It's going to have  
18 to be on the ballot. It's going to have to  
19 be voted on through the FSA office because  
20 that's where most farmers are registered at  
21 probably. And then you're going to have to  
22 have a certain percentage of the vote pass.  
23 Over 50 percent probably of the people vote,  
24 usually that's about ten percent of them.  
25 Most of them don't pay attention to these

1  
2 things.

3 SPEAKER: Right.

4 SPEAKER: I'd agree with that.

5 Something like that, I think would be very  
6 advantageous whether it's for the TB,  
7 brucellosis, or any disease program such --

8 SPEAKER: Industry -- it would be --  
9 you know, to have that for this day and age  
10 where not everybody has got all kinds of  
11 money; and if you're just all chipping in,  
12 you're helping address an issue for that  
13 state which would then play a bigger role  
14 for the nation's health.

15 SPEAKER: You might be able to do  
16 it as an animal health issue and get pork  
17 and dairy and beef all in on it. I mean,  
18 get more money available for different  
19 issues, whatever issue might come up. But  
20 then who is going to regulate it? Who is  
21 going to control it? Who is going to make  
22 sure the money is there?

23 MS. THOMAS: Well, I think from the  
24 last group's perspective is that it would be  
25 the state and the industry at that local

## BREAKOUT SESSION 1

1 level who would be controlling that money.

2 SPEAKER: You're going to have to  
3 have a committee or a board to do that.

4 MS. THOMAS: Well, is there a  
5 mechanism that exists currently at the state  
6 level where you could do this; or, Gary, is  
7 that your point, that if you try to stand up  
8 this procedure or policy, whatever you want  
9 to call it, whereby at the state level there  
10 was a checkoff fund for animal health, is  
11 that -- is that your point; that that would  
12 require a change in the law --

13 SPEAKER: Absolutely.

14 MS. THOMAS: -- and the regulations?

15 And that currently states don't have  
16 the mechanism to have association with the  
17 industry? In other words, this is uncharted  
18 territory.

19 SPEAKER: No. The mechanism is  
20 there. We actually have a checkoff in place  
21 right now in state. We don't act on it.  
22 We don't collect on it.

23 MS. THOMAS: May I ask why?

24 SPEAKER: Because we have a national  
25

## BREAKOUT SESSION 1

1  
2 one, and we just leave it at that right now.

3 MS. THOMAS: So there's a national  
4 checkoff, and there's also a state checkoff?

5 SPEAKER: Because of the Michigan  
6 Cattlemen's Association and your bylaws or  
7 your policy or whatever, you guys do have  
8 the other checkoff?

9 SPEAKER: We haven't --

10 SPEAKER: But you have not utilized  
11 it?

12 SPEAKER: Right.

13 SPEAKER: What is that for?

14 SPEAKER: It's for any cattle sold  
15 in the state. And for every cattle sold,  
16 it's one and a half percent, I think, or  
17 something like that.

18 SPEAKER: What is it supposed to be  
19 used for if you were to use that?

20 SPEAKER: I wasn't there when they  
21 put that in place.

22 SPEAKER: Okay.

23 SPEAKER: I mean, I wasn't there to  
24 help write that bill. I don't know if it's  
25 similar to the promotional or whether it's

## BREAKOUT SESSION 1

1 something that could be used for this even.

2 But that checkoff is already in place.

3 MS. THOMAS: I guess one of the  
4 other areas regarding this funding that might  
5 support it would be research. I mean, I  
6 think the advantage to that is that it  
7 wouldn't be research to fund necessarily the  
8 U.S.D.A.'s research branch; i.e., ARS. But  
9 that would be funding you could use at the  
10 individual state and university level to fund  
11 -- to fund research.

12 SPEAKER: Well, let me ask you this:  
13 If we were to put a checkoff in place for  
14 animal health, would the feds --

15 SPEAKER: Match it.

16 SPEAKER: Yeah. -- match it or go  
17 two-thirds or one-third or something? I  
18 mean, is that --

19 MS. THOMAS: Well, currently --

20 SPEAKER: What I'm doing is throwing  
21 a cookie out for the producers and trying to  
22 get a bite.

23 MS. THOMAS: I think, Gary, are you  
24 wanting me to say that, yes, we would  
25

## BREAKOUT SESSION 1

1 indemnify a chronically infected BVD animal?  
2 I think that -- well, I'll put it within the  
3 context of what we're talking about, within  
4 our 2012 budget and what actually Congress is  
5 evaluating right now is we're moving from a  
6 distinct line item funding -- i.e., Scrapie,  
7 TB, brucellosis -- to what I'll refer to as  
8 commodity line item where we have a cattle  
9 health line item. And then we have a small  
10 ruminants and cervids and equine.

11  
12 I know that's a bizarre category,  
13 but we had to try and incorporate -- we  
14 couldn't put everything into cattle. I mean,  
15 if we have sheep and small ruminants and  
16 cattle, that's a huge funding pool. So what  
17 we did is we have cattle health. Cattle  
18 health includes Johne's, BSE surveillance, TB,  
19 cattle fever/tick is included in there, screw  
20 worm is included in there. So those  
21 diseases that focus on cattle health.

22 What we plan on doing, if Congress  
23 approves that, is if we have cattle health  
24 funding is that potentially indemnity relief  
25 for cattle health issues based on the



## BREAKOUT SESSION 1

1  
2 prominence of issues. And currently if the  
3 prominence of issues TB and brucellosis, we  
4 would want to ensure that we are able to  
5 fund those activities. However, if BVD were  
6 to become -- how do I want to phrase this?  
7 -- more of a regulatory issue and the  
8 industry wanted us to potentially divert  
9 funds into either BVD indemnity or BVD  
10 activities, this rule will allow us to do  
11 that.

12 The caveat is that within the cattle  
13 health program, we have a finite set of  
14 funding --

15 SPEAKER: Shift it around.

16 MS. THOMAS: -- so we're shifting  
17 monies around. We're not saying that it's  
18 going to give us an increase in the amount  
19 of money. It just gives us flexibility to  
20 move that money around. That's -- I'm  
21 giving you the long term, big time picture;  
22 and I don't want anybody to go out here and  
23 say, No, Lee Ann suggested they're going to  
24 start indemnifying animals for BVD. No.  
25 Just the context of how we are changing our

## BREAKOUT SESSION 1

1  
2 regulatory -- our budgetary system to allow  
3 us more flexibility.

4 SPEAKER: So does the Farm Bureau  
5 need to put provisions in to get that money  
6 through them.

7 MS. THOMAS: For more TB and  
8 brucellosis?

9 SPEAKER: For animal health.

10 MS. THOMAS: Well, I'm being  
11 transcribed here.

12 SPEAKER: Well, maybe I --

13 MS. THOMAS: I can't ask you to go  
14 lobby. I can tell you that all the funds  
15 -- the funding situations are as I depicted  
16 on that slide. And is our funding going  
17 down?

18 SPEAKER: Yes.

19 MS. THOMAS: Yes, it is.

20 SPEAKER: I realize that. I also  
21 realize federal government is not going to  
22 give us -- or give farmers, I should say, a  
23 whole lot of money when we have had a 30  
24 percent increase last year and we have a 14  
25 trillion dollar deficit. So in that farm

## BREAKOUT SESSION 1

1  
2 bill, they're probably going to cut probably  
3 all of the subsidies, if not a lot of them.  
4 So some of that money maybe needs to go to  
5 animal health.

6 MS. THOMAS: I would agree with you.

7 SPEAKER: So when I see Stabenow  
8 next week, I need to talk to her about that.  
9 Well, it doesn't matter. We've got to talk  
10 about the crime bill. So --

11 MS. THOMAS: It is what it is.

12 SPEAKER: It's a major issue.

13 MS. THOMAS: We've got about five  
14 more minutes.

15 SPEAKER: Any other comments about  
16 indemnity?

17 SPEAKER: Well, you said had you a  
18 couple of questions. You only asked one.

19 MS. THOMAS: I've gotten five here.  
20 What criteria should be used to develop a  
21 calculator? Who should be involved in the  
22 development of the calculator? I asked the  
23 question about a calf.

24 SPEAKER: Which the stock market  
25 will tell you.

## BREAKOUT SESSION 1

1  
2           SPEAKER: I guess my one thing with  
3 the calculator so far -- I notice the -- the  
4 dairy calculator is already out there. Am I  
5 correct?

6           MS. THOMAS: Dairy and beef have  
7 both been developed.

8           SPEAKER: Right. But I guess the  
9 beef is the more recent one. Dairy has been  
10 out there for a while longer, or maybe I'm  
11 misinformed?

12          MS. THOMAS: I don't know the  
13 chronology, James.

14          SPEAKER: That's fine. I guess by  
15 question -- or concern is with the beef  
16 calculator what you've developed and what you  
17 showed on your slide is there were only two  
18 people who reviewed that calculator. And I  
19 guess my --

20          MS. THOMAS: Uh-huh.

21          SPEAKER: It would be -- well,  
22 there's the developer and then the one person  
23 looked at it. So two people have looked at  
24 it. I guess I think there needs -- you  
25 know, before you settle on it, there needs

## BREAKOUT SESSION 1

1  
2 to be wider spread evaluation of it. And  
3 probably for both of them. I mean, I've  
4 never seen either one. I knew -- I have  
5 known the dairy calculator has been out there  
6 for a while; and in some instances here in  
7 Michigan, we use that to get animals off the  
8 farm quicker. We haven't really, to my  
9 knowledge, tried to even use the beef  
10 calculator yet.

11 SPEAKER: We just need to have  
12 consensus that it's somewhat accurate.

13 SPEAKER: If it's verified by  
14 Washington State, that's all you need.

15 SPEAKER: Yeah, because you're an  
16 alumni from there.

17 SPEAKER: If it's verified by the  
18 national market, that's what we need.

19 SPEAKER: That's my comment, I  
20 guess, on the calculator is what you showed  
21 is the developer and the one reviewer. And  
22 I'm not saying that -- there may be more,  
23 but I guess it would probably be good to  
24 make sure there are a few other folks;  
25 economists and industry.

## BREAKOUT SESSION 1

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SPEAKER: A peer review process.

MS. THOMAS: No. And that's why the question is here because I suspect having two reviewers is not considered to be a wholly transparent process.

SPEAKER: Well, national market is posting weekly or daily. So it's not hard to get on the website and see what something is worth.

SPEAKER: I guess, one of the things that concerned me about the calculator is there's been some talk about, Well, you're out there testing and you get a suspect, the veterinary can just crank the calculator out and say this is what we're going to offer you.

It's sometime nice especially with the rapport developed with the producer if the veterinarian can be removed from the appraisal somewhat. I think it takes a lot of pressure off. You know, you've worked with this producer for a number of years and developed an understanding. And then when you start to get involved in indemnity and

## BREAKOUT SESSION 1

1  
2 some of these other issues, it's where we've  
3 even noticed it initially on the wildlife  
4 risk. A veterinary has developed the time  
5 and testing; and now I want you to fence off  
6 all that property there that is a swamp. So  
7 initially it costs. It can cause a little  
8 bit of discomfort between the vet -- the  
9 testing veterinary and the producer.

10 SPEAKER: Well, most of the sales  
11 are reported daily when it's sold. And to  
12 bring up that average isn't hard. It  
13 wouldn't take any time whether it's done  
14 through a calculator or whether it's done  
15 through a computer. You ought to be able to  
16 get it back fast enough to get rid of the  
17 animal quickly enough where it's not going to  
18 tie up the producer --

19 MS. THOMAS: That's the --

20 SPEAKER: -- most of the time.

21 MS. THOMAS: And I think regarding  
22 your comment about not having a veterinarian,  
23 we haven't talked about within the context of  
24 this new program, the actual getting of the  
25 inputs and who gets those inputs. The fact

## BREAKOUT SESSION 1

1  
2 of the matter are a lot of the inputs are  
3 going to be what the producer has. So do  
4 you have to go through a mediator to get  
5 that information, or can you work directly  
6 with the own veterinarian to get that  
7 information. And I'm making an assumption  
8 when you talk about the veterinarian, you're  
9 talking about the private veterinarian and  
10 not necessarily a state or federal vet?

11 SPEAKER: Well, here in Michigan it  
12 predominantly is a regulatory vet. So, I  
13 mean, we have had conversations in the TB  
14 program within the area office here in  
15 Michigan to -- to -- to appease and work  
16 with the industry some, could our regulatory  
17 staff when they're out on the farm, they  
18 find a -- for instance, they have a  
19 caudal-fold responder and they go to -- in  
20 the TB program they go to draw blood for the  
21 gamma interferon, could they have a weight  
22 taken. Weigh the animal, take a picture of  
23 it and send it in or collect a little bit  
24 more information.

25 And we made the decision because of



## BREAKOUT SESSION 1

1  
2 what Dr. Winslow shared is now you're not  
3 only asking our regulatory staff to be out  
4 doing the regulatory part and testing and  
5 truly calling on caudal-fold responders if  
6 there's any swelling there; and that  
7 interaction with the producer. And then on  
8 top of them, now saying this is what your  
9 animal is now going to be worth, you know.  
10 And just collecting some of that data puts  
11 them in a predicament where we've made the  
12 decision, No, let's keep them just doing the  
13 testing. And we'll stick with the current  
14 process.

15 Now, we've tweaked it a little bit  
16 within the U.S.D.A.'s compliance, and allow  
17 the capabilities of the rules and  
18 regulations. And we're sharing appraisal  
19 values with the producer. And more of that  
20 information once it's been approved by the  
21 region and so forth; but they've never gotten  
22 to where they appeal it. And that seems to  
23 be helping us here in Michigan some, too.

24 SPEAKER: We're kind of fortunate  
25 because of the large animal practitioner

## BREAKOUT SESSION 1

1  
2 crisis, most of the producers don't have a  
3 vet. They pretty much got to do everything  
4 on their own, and it's difficult for them to  
5 even get somebody out if they needed a  
6 veterinarian. That's just not sufficient  
7 anymore.

8 SPEAKER: In Michigan, really, we  
9 don't have any large animal vets here. It's  
10 cats and dogs. They make too much money  
11 taking care of some old lady's cat, I guess.

12 SPEAKER: I have cats.

13 MS. THOMAS: Well, I see Ann is  
14 here, so I think we're out of time.

15 **(Whereupon Session III was adjourned**  
16 **at 3:30 p.m.)**

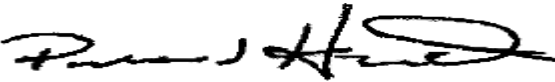
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**CERTIFICATE**

1  
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3  
4 Being a Certified Shorthand Reporter  
5 duly licensed and qualified in and for the  
6 State of Michigan at Large, I do hereby  
7 certify that pursuant to notice there came  
8 before me the above proceedings touching and  
9 concerning the matters in controversy in this  
10 cause.

11 Thereupon said proceeding was recorded  
12 stenographically, and was later reduced to  
13 transcription under my supervision; said  
14 transcription being a true record of the  
15 proceedings herein.

16 I further certify that I am neither  
17 related to any of the parties in this action  
18 or financially interested in the action.

19  
20 

21  
22 PATRICIA J. HANKERD,

23 DATED: JUNE 30, 2011  
24  
25

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**PROPOSED TUBERCULOSIS AND BRUCELLOSIS  
REGULATORY FRAMEWORK  
PUBLIC MEETING**

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Affected Herd Management and Epidemiological  
Investigations, Importation Requirements and Interstate  
Movement Controls

Small Group Sessions

**Breakout Session (Cont'd)**, held on May 19,  
2011, at Causeway Bay Hotel and Convention Center, 6820  
South Cedar Street, Lansing, Michigan, commencing at  
11:01 a.m., before Bridget Householder, a Court Reporter  
and Notary Public in and for the State of Michigan.

**BREAKOUT SESSION 1 (CONT'D)****MAY 19, 2011**

1  
2  
3  
4 MR. HENCH: To start off, I'm Bill  
5 Hench with TB staff. I report to Lee Ann  
6 on ruminant health programs. I've been in a  
7 staff position since February of '05. My  
8 cohort in crime, as it seems to be  
9 consistently for a lot of years, is Dr. Mick  
10 Dutcher who I reported to when I was on  
11 staff in '05. So Mick and I will sort of  
12 work this as moderators.

13 I don't want to direct things. I  
14 don't want to control things. I don't want  
15 to tell you where to go. I want you-all to  
16 go where you think we need to go. And we  
17 have three topics. We have the affected  
18 herd management and epidemiological  
19 investigations, interstate movement controls  
20 and importation requirements. And Lee Ann  
21 went through them briefly.

22 We have developed a list of  
23 questions for each topic. Under affected  
24 herd management, they have questions. Let's  
25 see, working group discuss reporting

## BREAKOUT SESSION 1 (CONT'D)

1 requirements and time frames for  
2 epidemiological investigations. I'm going to  
3 read this directly from these notes so you  
4 may reference that we'll incorporate those.  
5 And the first one is: What components of  
6 the disease investigation should be reported;  
7 what time frame should be required for  
8 reporting; what time frame should be required  
9 for conducting an epidemiological  
10 investigation; under what circumstances with  
11 variances from reporting requirements or time  
12 frames that epidemiological investigations be  
13 appropriate.  
14

15 We talked about the need for  
16 restricted quarantine pastures, feedlots, pins,  
17 terminal versus mixed use or other types of  
18 operations.

19 SPEAKER: Bill, where are you  
20 reading from?

21 MR. HENCH: You guys don't have  
22 this. I'm sorry. This was prepared for us  
23 so that we could look smart. I'd have to  
24 turn around for that.

25 Other discussions of the working

## BREAKOUT SESSION 1 (CONT'D)

1 group were, you know, destinations for  
2 restricted animals. The questions here are  
3 do we breed in such a facility should be  
4 allowed, what requirements would be needed to  
5 ensure that such operations could be operated  
6 safely without the risk of spread of disease.  
7 Is it likely that security plans would be  
8 required for such facilities, how should  
9 these plans be evaluated and by whom, what  
10 approval process, if any, should be used for  
11 such facilities.  
12

13 Many of the existing policies  
14 regarding affected herd management and  
15 epidemiological investigations will be  
16 maintained in these new regulations or  
17 program standards. And that's referring to a  
18 lot of what we already have in place. What  
19 policies would you like to see changed and  
20 why? And if a herd is placed under a  
21 test-and-remove strategy, should mitigations be  
22 put in place to allow the producer to market  
23 test-negative animals; and if so, what sort  
24 of mitigations would be required?

25 So let's just throw it to affected

## BREAKOUT SESSION 1 (CONT'D)

1 herd management and epi investigations. Some  
2 of the questions there may jog some stuff in  
3 your mind. I suggest, you know, you keep  
4 your own notes because at the end of the day  
5 there will be an opportunity for each of you  
6 to individually present your thoughts, ideas,  
7 suggestions, directions. But right now let's  
8 throw it open on affected herd management and  
9 epi investigations.  
10

11 SPEAKER: Bill, I've got a question.  
12 I'm not sure. The details in the UM&R, we  
13 talk about things like depop or  
14 test-and-remove and what would be required  
15 for those; is that right?

16 MR. HENCH: The current UM&R spells  
17 out that depop is preferred.

18 SPEAKER: But when you talk about  
19 affected herd management, those details are  
20 pretty doggone important to look at. And  
21 understanding, then, a feedback mechanism for  
22 the overall framework, you really need to  
23 know what kind of details you are proposing  
24 at the same time. What I heard Lee Ann  
25 saying is that okay, that will be just

## BREAKOUT SESSION 1 (CONT'D)

1  
2 published and have an opportunity to comment  
3 on publication. But without those two side  
4 by side, it seems to me that we're being  
5 asked to comment on something that's -- the  
6 details, it's always the details sitting out  
7 here just, you know, out of reach.

8 MR. HENCH: Good question, Phil,  
9 good question. What I have understood  
10 through all of the discussions that have been  
11 going on for the past umpteen months, when  
12 we publish the proposed rule, the supporting  
13 documentation for the program standards will  
14 be published along with it.

15 It is my understanding that it will  
16 be a complete package coming out. You will  
17 not just see the CFR with the standards to  
18 be developed later. It is my understanding  
19 that that will come out as a package.

20 SPEAKER: Why aren't they brought to  
21 us now as a package?

22 MR. HENCH: Because at this point  
23 we're not writing the specific text. We're  
24 not writing the details. We're looking for  
25 your input. For instance, let's take the

## BREAKOUT SESSION 1 (CONT'D)

1 question of test-and-remove herd. If we have  
2 a test-and-remove herd, what should we do  
3 with it? What would you like to see done  
4 with the test-and-remove herd? Give me your  
5 general thoughts. What would you like to  
6 see done with the test-and-remove herd?  
7

8 SPEAKER: You are asking me right  
9 now?

10 MR. HENCH: Yeah.

11 SPEAKER: Here's what I see was  
12 happening with that whole issue is we went  
13 from a depop requirement basically to what's  
14 almost now a test-and-remove requirement,  
15 because we have herds now that are being  
16 pushed in test-and-remove that don't want to  
17 be test-and-remove, and they have no other  
18 choice because of the lack of indemnity.  
19 And so instead of having really two options  
20 that best suit the situation, that best suit  
21 the producer or that best suit disease  
22 management, we've gone from one option to the  
23 other option. And that's not what the point  
24 of our discussion was back when we were at a  
25 depop model to say we need to have a

## BREAKOUT SESSION 1 (CONT'D)

1  
2 test-and-remove option. It wasn't to have a  
3 test-and-remove as the only thing. It was  
4 to have a test-and-remove option. And now  
5 we've got not only a test-and-remove option,  
6 we have a test-and-remove requirement  
7 basically. And I'm concerned about that.

8 MR. HENCH: Since the -- we changed  
9 the policy. I believe it was in July of  
10 '09 that came out from the secretary's  
11 office. And I can't remember the exact  
12 numbers, but I believe I looked at them near  
13 the end of FY2010. There had been something  
14 like 17 TB affected herds. These are not  
15 exact numbers. Please don't quote me. But  
16 what I found was that something like 14 of  
17 those 17 had been depopulated.

18 The majority of the herds since we  
19 implemented the policy that depop would not  
20 be our primary tool, that we would valuate  
21 each of them, we have depopulated the  
22 majority of affected herds we've found.

23 SPEAKER: Has it been the herds in  
24 -- well, it's been some of the herds in  
25 Michigan, I know. But, in Michigan, it



## BREAKOUT SESSION 1 (CONT'D)

1  
2 certainly has seemed -- because I know  
3 producers, and these would be beef producers.  
4 Back when I was working on the issue of  
5 let's have test-and-remove as an option, we  
6 were talking about dairy producers because  
7 dairy producers can get by without the sale  
8 of animals. But the last several TB herds  
9 in Michigan have been beef herds. They  
10 don't have the option.

11 MR. HENCH: What can we do to give  
12 them the option?

13 SPEAKER: Give them the option.

14 SPEAKER: How are they going to sell  
15 animals out is what he's saying. Currently  
16 they can go directly to slaughter; right,  
17 from quarantine?

18 MR. HENCH: That's correct.

19 SPEAKER: These are herds that have  
20 actually wanted to be depopped. They've  
21 said, okay, depop me; I don't want to go  
22 through this thing and not be able to sell  
23 animals for a year or whatever it is.

24 SPEAKER: If we don't have any  
25 money, we don't have anybody who will buy

1  
2 those animals.

3 SPEAKER: Right.

4 SPEAKER: But depop is not an option  
5 for them. It was told, you are going to go  
6 on a test-and-remove program, period. And so  
7 I assume --

8 SPEAKER: So help staff to figure  
9 out a way to have depop as an option without  
10 indemnity is what you're saying, Bill; right?

11 SPEAKER: Indemnity is driving  
12 decisions. When the rule came out in 2009,  
13 I would like to think it was based on good  
14 science because of our presentation that USDA  
15 gave, but I don't believe that. I believe  
16 it's actually based on the lack of indemnity  
17 money; right? And now it's a lack of  
18 indemnity money, which we're just saying,  
19 heck, you may want depopped; you may have a  
20 good case for depop, but we can't depop you.

21 MR. HENCH: If we can't depop them,  
22 how can we help them? What can we do to  
23 help them?

24 SPEAKER: Well, it goes to the issue  
25 of indemnity, of course, and what's going to

## BREAKOUT SESSION 1 (CONT'D)

1  
2 happen with indemnity. But we force people  
3 into a one-size-fit-all when we force them  
4 into a test-and-remove just like it was when  
5 we forced them into depop.

6 MR. HENCH: I would suggest that  
7 those indemnity discussions be with Lee Ann.  
8 But what I'm looking for here now is --  
9 let's step away from indemnity. If we have  
10 a herd that is under a test-and-remove for  
11 whatever reason, what can we do to help that  
12 producer? Tell me. What can we do to help  
13 him? If he's a dairy herd, if he's a beef  
14 herd, what can we do to help him if he's  
15 under a test-and-remove? That's what I'm  
16 looking for here.

17 SPEAKER: Well, anything you do  
18 would need money, and you don't have money,  
19 so what are you going to do.

20 SPEAKER: Are we going to have a  
21 discussion that's dominated by the lack of  
22 money now? Let's do this, let's do that,  
23 but we can't do this or that because we  
24 don't have any money.

25 MR. HENCH: I'm trying not to go

1  
2 there.

3 SPEAKER: Maybe you ought to lift  
4 the lack of money as an element here, and  
5 let's talk about what we would design as the  
6 best program. I mean, is that what you're  
7 looking for? It sounds like you're saying  
8 collectively how can we change the program  
9 given the fact that we can't change it  
10 because of limitation of funding; right?

11 MR. HENCH: How can we change the  
12 program --

13 SPEAKER: We're talking about  
14 designing a new program; right?

15 MR. HENCH: Designing a new program.

16 SPEAKER: So we're talking about  
17 designing a new program given all limitations  
18 of the old program being funding.

19 MR. HENCH: Funding is certainly a  
20 limitation. And we have to design something  
21 that will take that into account; you're  
22 right. You're right, Pete. For producers,  
23 your beef producers, they're under a  
24 test-and-remove. What can we do for them?  
25 How can we, short of buying everything out,

## BREAKOUT SESSION 1 (CONT'D)

1 what can we do for them to help them?

2  
3 SPEAKER: Okay. So it's an issue  
4 of market obviously. And it's an issue of  
5 value of animals, value they get for those  
6 animals at market, what markets they can go  
7 to and if those animals are clean. So will  
8 the federal inspection system allow those  
9 animals to be raised in a better market or  
10 can the federal inspection system be changed  
11 to allow those animals to go to market as  
12 they would have.

13 MR. HENCH: Well, they're allowing  
14 them to go to market now direct to slaughter  
15 on the premise. What would you propose we  
16 change?

17 SPEAKER: One of the problems with  
18 that is they don't get full market value for  
19 those animals.

20 SPEAKER: If they go to slaughter, I  
21 thought they did.

22 SPEAKER: Currently there are very  
23 few plants that will accept them.

24 SPEAKER: Yeah. Animals.

25 SPEAKER: And producers get the

## BREAKOUT SESSION 1 (CONT'D)

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prices, salvage prices.

SPEAKER: Right, but that's not market. What we're asking is all the other independent markets going back to a farm, how would they accept --

SPEAKER: If we have a submission system for -- if we have an inspection system, then couldn't those animals simply go through maybe an enhanced surveillance at slaughter but go to any market? I'm just asking questions.

MR. HENCH: What I'm hearing you say is are you referring to slaughter-only animals from the affected herd or other class of animals from the affected herd. What I'm hearing you say is, if I'm selling from an affected herd and I sell through a market, this animal needs to go to an enhanced inspection.

SPEAKER: Problem is, a lot of these herds in Michigan are cow/calf herds. They're not raising them for finished weights for slaughter. So then what do you do?

MR. HENCH: I have plenty of ideas,

## BREAKOUT SESSION 1 (CONT'D)

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but I'm looking for yours.

SPEAKER: I don't know that I have any ideas for you.

MR. HENCH: That's fine.

SPEAKER: The issue is that beef herds on a test-and-remove are on a slow death.

MR. HENCH: Beef herds under a test-and-remove are under a slow death due to lack of markets is what I'm hearing you say?

SPEAKER: Yeah.

MR. HENCH: And that the markets that are available are discounted markets; is that correct?

SPEAKER: That's correct.

MR. HENCH: Okay. What's anybody else think that we might be able to do to fix that? I do appreciate you identifying the problem. I think that's -- I think that's really clear the way you got it. It certainly gives us something to work with with. But can anybody brainstorm an idea to fix --

SPEAKER: What you're inferring then,

## BREAKOUT SESSION 1 (CONT'D)

1  
2 because they are a discounted market, is that  
3 there's some kind of perceived notion that  
4 there's probably some human health concerns  
5 regarding those cows going to market; right?

6 SPEAKER: Perceived.

7 SPEAKER: Therefore, why don't we  
8 tap into some funds outside of USDA and on  
9 the human health side. We totally try to  
10 keep TB separate from human health. Well,  
11 when you get ready to market something --  
12 even like milk, we had a heck of a time in  
13 a market for some herds when they got a herd  
14 with TB and producing that milk because of  
15 the notion that it's a human health problem.  
16 Therefore, if it is a human health problem,  
17 why is it up just to USDA to find money for  
18 indemnity only from USDA? I mean, it should  
19 be open to other agencies of government  
20 regarding human health. USDA has kind of a  
21 narrow mind set as far as, you know...

22 MR. HENCH: Let me see if I'm  
23 understanding this correctly.

24 SPEAKER: If there's no human health  
25 problem, there would be no discounted market



## BREAKOUT SESSION 1 (CONT'D)

1 if there's no perceived human health problem.

2 MR. HENCH: So let me see if I'm  
3 understanding this. USDA should be looking  
4 to involve the human health agencies to  
5 contribute part of the costs of the program  
6 --  
7

8 SPEAKER: Right.

9 MR. HENCH: -- because of the health  
10 factor?

11 SPEAKER: Right.

12 MR. HENCH: Is that it?

13 SPEAKER: That's it.

14 MR. HENCH: I love it, ideas, I  
15 love them. I throw out a thousand a day.  
16 A lot of them get shot down; but you know  
17 what, once in awhile one of them triggers an  
18 idea in somebody else. And that's key.  
19 That's key. Throw them out there. It may  
20 be crazy, but they may trigger an idea in  
21 someone else.

22 Yeah, Phil.

23 SPEAKER: Bill, Lee Ann was asked  
24 the question about control of the wildlife.  
25 Her answer said -- in her answer, I believe

## BREAKOUT SESSION 1 (CONT'D)

1 she said that there's no control over  
2 wildlife except where they interface with a  
3 cow. I think that's what she said, but I  
4 could be wrong.

5  
6 MR. HENCH: Go ahead.

7 SPEAKER: If so, thinking again  
8 about our TB affected herds, one of the  
9 complaints that I hear from producers is that  
10 why don't we go in and take out deer in an  
11 X mile radius from that farm. Why don't we,  
12 you know, work on a clearance zone. We know  
13 that infection occurred between an infected  
14 animal -- transmission occurred between an  
15 infected animal to a naive animal. That  
16 infected animal is still out there, so why  
17 don't we go in and have some kind of control  
18 on the wildlife population from which the  
19 infection came. And that doesn't seem to be  
20 a part of any of the problems that we have  
21 here.

22 MR. HENCH: I'm trying to --

23 SPEAKER: If we actually find an  
24 infected deer, we do a ten mile radius, 300  
25 heads -- is that what it is, Pete?

## BREAKOUT SESSION 1 (CONT'D)

1  
2           SPEAKER:    Something like that.    It  
3           seems like that.

4           SPEAKER:    If we have an infected  
5           cow, there's no requirement.    There's not a  
6           single additional deer head taken.    And it's  
7           a little silly because if it was an infected  
8           cow, then we knew it was an infected deer.

9           MR. HENCH:    I'm not sure that's a  
10          correct statement that if we find an infected  
11          cow, there's no increase surveillance.

12          SPEAKER:    It depends if you're  
13          outside the zone.

14          MR. HENCH:    The zone and that, but  
15          that's definitely --

16          SPEAKER:    I was speaking within  
17          terms of the zone, which is where our herds  
18          are.

19          MR. HENCH:    The surveillance that's  
20          done within the zone is in excess of that  
21          300-head square mile.

22          SPEAKER:    And I guess the question  
23          comes in, does USDA have the authority to  
24          make that happen, to make the states do that  
25          together.

## BREAKOUT SESSION 1 (CONT'D)

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SPEAKER: If you --

SPEAKER: Because apparently right now we don't.

SPEAKER: -- you had an authority in the interface of a transmission.

SPEAKER: Right.

SPEAKER: Not in general, but when does a transmission that occurs in the interface between that wildlife population.

SPEAKER: Then you have a mandate.

MR. HENCH: Do you want to touch base on any of the other topics like interstate movement controls or importation requirements?

SPEAKER: Where is the right group to talk about the wildlife component? I mean, that's central to everything here. Is that in program requirements? Is that affected herd management? Is that indemnity?

MR. HENCH: My instinct -- and I don't know for sure --

SPEAKER: The first room.

MR. HENCH: -- would be the first group that is the state program requirements

## BREAKOUT SESSION 1 (CONT'D)

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or whatever it's titled.

SPEAKER: Does that sound right?

SPEAKER: Yeah.

SPEAKER: I mean, that's obviously central here in Michigan.

MR. HENCH: As it will be in the GYA. I think that might be the appropriate place to present those discussions.

MR. HENCH: Any thoughts on imports, Mexican imports?

SPEAKER: Now you are bringing them in the United States before you even test them or look at them.

MR. HENCH: I'm not sure I understand that.

SPEAKER: Last I heard was that several locations you're going to bring the animals to the U.S. before they're inspected. You are going to let them physically come in and reside in the United States before you decide whether or not they are eligible for dispersement or to move onto other locations.

SPEAKER: Don't they come into quarantine facilities?

## BREAKOUT SESSION 1 (CONT'D)

1  
2           SPEAKER: Yes, because of the drug  
3 cartels.

4           MR. HENCH: The animals that are  
5 coming into the U.S. now are tested in  
6 Mexico, presented with papers. They are  
7 brought to facilities on U.S. side because of  
8 security reasons. They are inspected and  
9 verified there. If they are passed, they  
10 move on. If they are not passed, they go  
11 back.

12           SPEAKER: It seems the better thing  
13 would be to just say we're not going to take  
14 them until you straighten out your problem  
15 with your drug cartels.

16           MR. HENCH: So until Mexico cleans  
17 up drug issues, we should not accept imported  
18 cattle?

19           SPEAKER: Right.

20           MR. HENCH: Any other thoughts?

21           SPEAKER: Why are we importing  
22 cattle from Mexico? I'm not totally familiar  
23 with the situation. I don't suspect that  
24 they have superior genetics that we're trying  
25 to breed.

## BREAKOUT SESSION 1 (CONT'D)

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SPEAKER: Cheap cattle.

SPEAKER: Just cheap. That makes sense.

MR. HENCH: We import -- I think we're on pace this year to do about one and-a-quarter million head of cattle imports.

SPEAKER: Okay.

MR. HENCH: We have varied in the past anywhere from about three-quarters of a million to about one and-a-half million per year in cyclic. They import them as feeders. They raise them up and send them to slaughter here.

SPEAKER: Because they are cheap.

MR. HENCH: There is money to be made in that market. If it wasn't there, it wouldn't happen.

SPEAKER: Okay.

SPEAKER: Also, there's the thing called free trade agreement.

MR. HENCH: There's that. NAFTA. Interstate movement controls, anybody got any thoughts on those after this morning's presentation?

## BREAKOUT SESSION 1 (CONT'D)

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2           SPEAKER: Just to rehash, it sounds  
3 like you're hoping that the states, out of  
4 their goodwill, are just going to follow  
5 whatever USDA says as far as interstate  
6 movements. Is that kind of -- is there  
7 going -- is there any push or pressure?  
8 That's what I heard.

9           SPEAKER: If you have preemption as  
10 a part of this, you've already got tied in  
11 here that you have flexibility in penalties  
12 based on state status -- consistent,  
13 partially, inconsistent. Why could not the  
14 acceptance of state status for interstate  
15 movement be part of the definition of  
16 consistent state status?

17           SPEAKER: Very good.

18           SPEAKER: In other words, you would  
19 not be a consistent state if you did not  
20 accept all the --

21           SPEAKER: The definition of  
22 consistent status includes the acceptance of  
23 the same status from other states for the  
24 purpose of interstate movement.

25           SPEAKER: Acceptance of the USDA's



## BREAKOUT SESSION 1 (CONT'D)

1 status for the other states.

2  
3 MR. HENCH: A condition of being a  
4 consistent state would be that the state  
5 accepts the USDA classification of all other  
6 states and/or zones for purposes of  
7 interstate movement. Did I capture it?

8 SPEAKER: That's pretty close, I  
9 think.

10 SPEAKER: So failure to do that  
11 would drop your state status to whatever  
12 disease that was --

13 SPEAKER: Either to partially,  
14 consistent, or inconsistent with the  
15 concurrent penalties that go with that. So  
16 if I'm state X -- I'll try not to name  
17 states.

18 SPEAKER: Looking at our state,  
19 since we have a ban on bringing  
20 privately-owned cervids in for CWE, so if we  
21 don't accept USDA standards for letting them  
22 in, then that will lower our state status so  
23 our --

24 SPEAKER: Only in relation to the  
25 CWE program.

## BREAKOUT SESSION 1 (CONT'D)

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SPEAKER: Right; exactly.

SPEAKER: He's using that as an example.

SPEAKER: But for our producers to go ahead -- if we don't accept USDA standards, then our producers are penalized on tests because we lose our state status to sell animals to another state.

SPEAKER: Which puts it -- I mean, I understand.

SPEAKER: Right.

SPEAKER: But it puts the burden on having -- on a state having a plan that really is going to prevent the spread of that to another state through interstate movement in order to be consistent. I mean, it puts the burden on the state to prove that that disease will not get out of state.

MR. HENCH: Right. I think this would be a good one for the one group that's discussing the state requirements, the first group that --

SPEAKER: You keep telling me I'm in the wrong room.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 MR. HENCH: I think you're  
3 practicing is what you're doing.

4 SPEAKER: This is an importation  
5 requirement; right?

6 SPEAKER: It's interstate.

7 SPEAKER: Interstate movement.

8 MR. HENCH: It's certainly worthwhile  
9 mentioning there, also.

10 MR. DUTCHER: You know, one of the  
11 things that we talked about as a working  
12 group was using this consistent, inconsistent  
13 and in-between, whatever you come up with --  
14 I can't remember what the middle one is now.

15 SPEAKER: Provisionally.

16 MR. DUTCHER: Provisionally. The  
17 idea that the working group had was that a  
18 state's ability to move cattle and movement  
19 restrictions would depend not on whether or  
20 not they had disease X but rather how they  
21 were managing it. And the example would be,  
22 you know, state X has TB, but they haven't  
23 shipped any infected cattle through another  
24 state in five years. They're managing the  
25 program. They have a state plan that

## BREAKOUT SESSION 1 (CONT'D)

1  
2 they're managing according to the plan that  
3 was approved by USDA, and so their cattle do  
4 not pose a risk to other states. So that  
5 state would be a consistent state.

6 And then you may have another state  
7 that just found TB in one herd, but they've  
8 shipped all kinds of infected cattle to other  
9 states and have not quarantined the herd in  
10 an appropriate time frame, they haven't done  
11 their disease investigations. You could make  
12 the argument that the state with 40 herds  
13 who hasn't shipped any infection anywhere is  
14 not a risk and the state with one herd that  
15 has shipped infected cattle all over the  
16 country and isn't following up on the  
17 infection is a larger risk. So rather than  
18 getting ding'd just because you have the  
19 disease, you are getting ding'd because of  
20 the way you are managing it.

21 And the inconsistent state would  
22 therefore have restrictions on their movement.  
23 The in-between stage was to allow a state to  
24 respond and not immediately get dropped.  
25 Like Michigan and Minnesota unfortunately have

## BREAKOUT SESSION 1 (CONT'D)

1 had the experience of doing it in the past.  
2 They got two infected herds, and they were  
3 MA. This will allow a state to be basically  
4 put on warning. You are in this middle  
5 ground now. And here's some things you need  
6 to address pretty quickly or you're going to  
7 get knocked down, and other states are going  
8 to recognize you as a risk -- or a zone.  
9 It could be a state or a zone.

11 But the idea was that there would be  
12 a review process involved, and that review  
13 process would no longer be just some people  
14 from Riverdale going out to state X and  
15 doing an inspection -- doing a review. It  
16 would involve potentially some state officials  
17 so some other states would have the  
18 opportunity to see inside of your program.  
19 And if a state is doing things right, that  
20 would be a plus because it would eliminate  
21 some of these unfair trade requirements that  
22 other states put on each other because they  
23 are involved in the review process.

24 A recent example of that is  
25 Minnesota. They had at least one state

## BREAKOUT SESSION 1 (CONT'D)

1  
2 veterinarian. They had multiple state people  
3 do their TB review along with some federal  
4 people. I can't say that that's going to be  
5 the silver bullet in this case, but we're  
6 hoping that by having this advisory board and  
7 having states involved and not just this  
8 closed behind closed doors USDA handling a  
9 situation, it will open up how a state is  
10 handling things. And in a case like  
11 Michigan's, that's a plus, because somebody  
12 will come in here from another state and be  
13 able to see that Michigan is doing things  
14 well.

15 MR. HENCH: Transparency.

16 MR. DUTCHER: You know, that's one  
17 of those buzz words, think outside the box,  
18 transparency.

19 MR. HENCH: Outside the cage.

20 MR. DUTCHER: Outside the cage,  
21 yeah.

22 MR. HENCH: We've got a few minutes  
23 before they want us to break for lunch.  
24 Thank you all for coming down to visit with  
25 us and at least listen. We love ideas.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 And I'm absolutely sure that toward the end  
3 of the day, I'll let you know how you can  
4 submit your written comments. We're all open  
5 for comments. Game plan that I've heard is  
6 that I believe they're hoping to get comments  
7 by like the 27th of June, which will be a  
8 week or so after all these public meetings  
9 are over. And then we'll get those  
10 assembled and proceed down the road.

11 SPEAKER: What time are we supposed  
12 to break?

13 MR. HENCH: She said about noontime.  
14 The one thing I want to reiterate is it's  
15 been mentioned before, we haven't put pen to  
16 paper on this, on the new regs. We haven't  
17 started with anything. We're still looking  
18 for guidance, still looking for directions,  
19 where do you want us to take this program.

20 MR. DUTCHER: You know, it's hard to  
21 talk about interstate requirements, because  
22 that's what this breakout is supposed to be,  
23 without discussing status, too. I don't know  
24 how -- sometimes trying to divide these into  
25 separate discussions is almost impossible.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 Before we go, I guess, I'll lay down kind of  
3 where the working group started. When we  
4 sat down the first time in Riverdale as a  
5 working group, we said, okay, let's come up  
6 with a framework -- another term that I'm  
7 getting tired of -- let's come up with a  
8 framework that doesn't have state status. So  
9 there's no state status anymore. And  
10 everybody thought that that's really great,  
11 but you've got to have some way to define  
12 interstate movement requirements. And the  
13 requirements should be based on a perceived  
14 risk. So cattle from this part of the  
15 country have a higher risk of having the  
16 disease so they should have some additional  
17 requirements before they leave that state or  
18 zone. So how do you do that without still  
19 having some kind of status level? So that's  
20 where we ended up coming to with this  
21 consistent, inconsistent, and in-between  
22 because we felt like there had to be some  
23 sort of measuring stick to identify cattle  
24 from a particular class or geographic area  
25 were a higher risk and therefore needed some



## BREAKOUT SESSION 1 (CONT'D)

1 additional testing or whatever before they  
2 could move without tying it to the system  
3 we've got now, which clearly doesn't work and  
4 unfairly punishes states that may be managing  
5 their situation just fine otherwise. So this  
6 was the working group's attempt to come up  
7 with a way to mitigate the risk of disease  
8 moving between areas of the country while not  
9 penalizing necessarily a particular group or  
10 area.  
11

12 MR. HENCH: My mind does move slow.  
13 I'm 99 percent sure you can go to  
14 www.regulations.gov -- and I believe you can  
15 actually just type in regulations.gov -- look  
16 up these public meetings, and there should be  
17 information on submitting written comments.  
18 I'm 99 percent sure that's there. But if  
19 you don't like all the W's in a row, I'm 99  
20 percent you can just type in regulations.gov.

21 MR. DUTCHER: There's a copy of --  
22 in the folder, there's a copy of the notice  
23 for these meetings.

24 MR. HENCH: That's where you'll find  
25 it.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 MR. DUTCHER: And there's -- each  
3 one of them has a docket number. So, for  
4 instance, the one for this is  
5 APHIS-2011-0044. If you're on  
6 regulations.gov, you can search for that  
7 docket number and pull it up.

8 MR. HENCH: Thanks, everyone.

9 **(Whereupon off the record at 12:01**  
10 **p.m.)**

11 **(Whereupon on the record at 12:18**  
12 **p.m.)**

13 MR. HENCH: Good afternoon, everyone,  
14 and thanks for coming out to visit with us.  
15 I'm Bill Hench with the TB staff. And Mick  
16 helps out here, been helping me out a lot  
17 longer than just today. And the topics we  
18 were looking to cover in today's discussion  
19 group is affected herd management and epi  
20 investigations, interstate movement controls,  
21 and import requirements.

22 I've been given a bunch of questions  
23 to generate discussion. And I tried going  
24 through those line by line in the previous  
25 group, and it didn't seem to stimulate

## BREAKOUT SESSION 1 (CONT'D)

1  
2 things. So I'm searching here, you know, to  
3 find ways to get input because what we're  
4 looking for here is for you guys to tell us  
5 where you want us to go with the program  
6 now, you know, what do you want to see in  
7 it, where do we want to go, where do we  
8 need to take it. So do we want to start  
9 by reading the questions -- you do not have  
10 these in your handouts -- or do we just want  
11 to throw it open?

12 SPEAKER: I have some questions I  
13 can ask.

14 MR. HENCH: Works for me. Go,  
15 James. I love it.

16 SPEAKER: I guess just with the  
17 affected herd management at the investigations  
18 element four -- and I know, Bill, you've  
19 probably been one of the key people working  
20 on the standards and so forth. But I guess  
21 just one of my questions is, is what is  
22 going to be or is there going to be any  
23 change or guidance on what a standard  
24 epidemiological investigation is or what the  
25 standards are going to be to have some

## BREAKOUT SESSION 1 (CONT'D)

1 consistency across the country, you know,  
2 because kind of like UM&R right now just  
3 says do your trace-in and trace-outs for five  
4 years. And that's predominantly about it for  
5 the epi investigation. And there's so much  
6 more that we can try to learn from these  
7 affected herds.

8  
9 MR. HENCH: The current stuff, as  
10 you point out, is kind of thin. I do have  
11 buried in my archives stuff from 20, 25  
12 years ago. It seems to be a lot more  
13 complete. Our game plan is to utilize  
14 previous documentation, if possible, in areas  
15 like epi investigation, which is fairly  
16 common and somewhat well-understood. But  
17 rather than going immediately to it -- and I  
18 threw in a little bit of words. What would  
19 you like to see in an epi investigation?

20 SPEAKER: Well, I mean, I guess from  
21 my standpoint, I mean, the trace-in/trace-out  
22 investigations are very critical and a key  
23 part to look for cattle-to-cattle  
24 transmission. But, you know, here in  
25 Michigan, as in Minnesota, we also have the

## BREAKOUT SESSION 1 (CONT'D)

1  
2 wildlife reservoir, and those need to be --  
3 you know, those things need to be considered.  
4 But I guess getting more specific into the  
5 investigations, I think there's -- you know,  
6 as veterinarians, as we're trained to go out  
7 and we have a disease outbreak on a farm,  
8 you know, yes, you're going to want some of  
9 the diagnostics and do some of that stuff,  
10 but there's so many other things that can  
11 play into it. What are the normal cattle  
12 management practices, you know, how are the  
13 animals housed, how are the animals moved on  
14 that property in that management system.  
15 What's their body condition score? Are they  
16 in good condition or do you see differences  
17 in the class -- the age groups? How do the  
18 animals behave and interact with one another?  
19 I mean, do you have all the different groups  
20 segregated? Is there a lot of commingling?  
21 Some of those things -- I mean, we've tried  
22 -- I've tried to implement into our Michigan  
23 epi investigation, so I'm not trying to say  
24 our way is the only way, but I think we're  
25 trying to do a much more complete versus

## BREAKOUT SESSION 1 (CONT'D)

1  
2 conversations we have with other states that  
3 it's kind of just their trace-in and  
4 trace-outs. And so when you add -- so just  
5 not on the cattle side, you need to look at  
6 more than just that. So some of those  
7 management things, I think, are things that  
8 need to be considered.

9           And then when you have a wildlife  
10 side, I think that needs -- you know, that  
11 brings up a whole other realm of things to  
12 discuss. I mean, we only have two states  
13 where we know we have a known wildlife  
14 reservoir, but who's to say there aren't  
15 other areas where there are wildlife  
16 reservoirs. There's obviously unknown  
17 questions with what was going on in South  
18 Dakota and Nebraska potentially there. And  
19 so, you know, in every epi investigation, we  
20 know wildlife could potentially be  
21 transmitting the disease. Why don't we  
22 consider that in all situations and look into  
23 that? And maybe it is and I'm just not  
24 catching wind of it all always. But, I  
25 guess, that's -- without getting into the

## BREAKOUT SESSION 1 (CONT'D)

1 nitty-gritty right here today, that's just  
2 some thoughts.

3  
4 MR. HENCH: So you're suggesting  
5 that in an epidemiological investigation, in  
6 addition to the traditional  
7 trace-ins/trace-outs, that we also include  
8 consideration of management husbandry of the  
9 herd and wildlife -- potential wildlife  
10 involvement?

11 SPEAKER: Yeah. You know, what is  
12 around in that area for wildlife habitat and  
13 wildlife. In some ways it would be nice to  
14 just have a checklist, say here's a set of  
15 questions that need be answered, and you just  
16 kind of go through that.

17 SPEAKER: Careful what you ask for.

18 SPEAKER: Yes. I understand that;  
19 but at the same time, there's just some --  
20 you know, I think everybody in the room  
21 would agree, you know, TB has been around  
22 for hundreds of years. We know less about  
23 TB than we know about AIDS and HIV, which  
24 has only been around for 30 years. That's  
25 due to economics, I mean, and everything.

## BREAKOUT SESSION 1 (CONT'D)

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But, you know, yes; it's a rare disease. Why aren't we trying to learn as much as we can with each individual incident? I'm more of an epi, so I do have my biases.

SPEAKER: One thing I seen in Michigan with, you know, the epi team going on on positive herds is that some of these practices and different things, when it gets to the herd plan stage, you've already done quite a bit of preliminary work. So when we get into situations like trying to find markets for feeder cattle on these beef operations, depending on the size of the operation and the quality of the cattle, that has some implications on trying to find, you know, a market for the feeder cattle and these beef producers on a test-and-removal program. We're fortunate. We have law life services; we have DNR.

SPEAKER: We have quite the team. We have wildlife biologists both from state and federal government and then --

MR. HENCH: Would you put some sort of deadline on these investigations?



## BREAKOUT SESSION 1 (CONT'D)

1  
2 SPEAKER: Yeah. Well, you know,  
3 Michigan is in a different situation than in  
4 other states when it comes to doing the  
5 trace-in and trace-outs in our traceability  
6 program. So we can do it typically much  
7 more efficiently. So I know what we could  
8 typically do is probably quicker than other  
9 states. I think in some ways you need to  
10 -- I mean, within 30 days there ought to be  
11 a -- there needs -- you need to be showing  
12 progress and within 60 or 90 days have that  
13 investigation wrapped up, I think.

14 SPEAKER: For states that don't have  
15 the same level of ID requirement, do you  
16 think that six months is feasible for a  
17 five-year trace-back and trace-out?

18 SPEAKER: Well, I would love to say  
19 -- I know some take longer than that, but  
20 six months would probably be fairly  
21 reasonable. They might not be totally done  
22 with their trace investigations, but they are  
23 well on their way.

24 MR. DUTCHER: I think it would vary  
25 a bit on the herd, too. If you've got a

## BREAKOUT SESSION 1 (CONT'D)

1  
2 herd that's milking 3,000 cattle, 5 years of  
3 movement records is a significant amount of  
4 paper to wade through compared to a herd  
5 that's got 40 cows and calves on it.

6 SPEAKER: Sure.

7 MR. DUTCHER: And I'm not -- this  
8 is a question that actually was one of the  
9 things they were hoping to get some feedback  
10 from these groups is what sort of time  
11 frames do folks think should be expected for  
12 a state to complete an investigation on an  
13 affected herd.

14 SPEAKER: The way that at times I've  
15 felt that Michigan was treated after we went  
16 to a mandatory ID program by the feds, the  
17 shorter the better. And I took a note when  
18 the lady was giving a presentation this  
19 morning that, you know, there wouldn't be  
20 consequences if you didn't execute the --  
21 complete the epidemiology in a timely manner.  
22 And, to me, that is code for -- that's an  
23 excuse for not having an ID program, and  
24 you'll be excused. You won't be held  
25 accountable. And, I guess, to me, you know,

## BREAKOUT SESSION 1 (CONT'D)

1  
2 if you wanted to be treated reasonably, maybe  
3 you need to step up and implement a program.

4 MR. DUTCHER: So say we -- just for  
5 the sake of discussion, say we had a rule  
6 that said six months to complete an  
7 epidemiologic investigation of an infected  
8 herd. What would be a reasonable excuse not  
9 to meet that?

10 SPEAKER: Our producers quarantine  
11 for six months. They can't go that long  
12 without --

13 SPEAKER: You don't release the  
14 quarantines until the work is done. That  
15 will get people moving, I'm thinking.

16 SPEAKER: I mean, in some ways, you  
17 know -- you know, TB is a zoonotic disease,  
18 and so there's always been the health food  
19 safety component being a big push for it in  
20 various avenues of why we need to do things  
21 and so forth. I mean, I think in today's  
22 day and age, I mean, the amount of food  
23 safety concern with this disease in the  
24 United States is quite minimal. That's never  
25 going to be -- that's not going to push

## BREAKOUT SESSION 1 (CONT'D)

1 things, so I guess I don't know -- I guess  
2 the shorter -- I think six months probably,  
3 in all honesty, is probably reasonable, I  
4 guess, for the other states. But at the  
5 same time, it's --

6  
7 SPEAKER: Way too long.

8 SPEAKER: In some ways, it could be  
9 too long, I think. Food safety, I guess, is  
10 a serious issue potentially with this  
11 disease, but it's such a minor player. But  
12 at the same time, it has such a major impact  
13 on the industry when it does happen that if,  
14 you know, you take it seriously and get it  
15 done quickly but --

16 MR. DUTCHER: What sort of movements  
17 do you think -- the problem we run into  
18 routinely now with herds under quarantine, of  
19 course, is what they do with their calves  
20 and their heifers, especially for the folks  
21 that don't generally raise them on farm  
22 anymore. What sort of movements do you  
23 think are acceptable that we should allow for  
24 herds that are under quarantine?

25 SPEAKER: Go into slaughter.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 MR. DUTCHER: What about restricted  
3 feedlots; do you think that that's an option?  
4 Do you think that's a system that would work?

5 SPEAKER: I'm a proponent for  
6 restricted feed -- somewhere where if they're  
7 having feeder calves and they're not a  
8 cow-calf operation, their sole source of  
9 income is the sale of their feeder calves,  
10 there needs to be a place where they can  
11 market them to and get paid current market  
12 value or as darn close to it as possible and  
13 be able to raise them in another place where  
14 they are quarantined. And then once they  
15 are at finishing weight, then go off to  
16 market.

17 SPEAKER: Plus, a lot of them don't  
18 have the feed resources to carry them through  
19 on a test-and-remove. It's going to take a  
20 year, year and-a-half even in a best-case  
21 scenario. They don't have the food supply  
22 for that. They have to sell those calves  
23 really.

24 SPEAKER: Now, I think also you need  
25 to have that avenue, you know, and we do in

## BREAKOUT SESSION 1 (CONT'D)

1  
2 the current regulations where they have some  
3 that they want to go to slaughter, you know,  
4 just -- they want to call some cows or if  
5 they're doing birth to finish on their farm.  
6 We do have that in the regulations where we  
7 can send them on in a sealed trailer and  
8 send them off to slaughter. And I think if  
9 you are having some that there in quarantine,  
10 I think from an animal welfare standpoint,  
11 you need to have some of those options.

12 SPEAKER: I think that, in my mind,  
13 that was always a shortcoming of our program  
14 here that we didn't pursue a terminal feedlot  
15 up in the northeast country to effectively  
16 take care of those cattle. But having said  
17 that, when the gate is open on the front  
18 side, the backside goes directly to  
19 slaughter. And, of course, we're ID'd. But  
20 if you're going to do that somewhere else,  
21 they have to be ID'd, and meticulous records  
22 have to be kept because there's always that,  
23 oh, that's a nice set of heifers. We can  
24 make a couple bucks extra if they come out  
25 the back door and walk left instead of going

## BREAKOUT SESSION 1 (CONT'D)

1 right to the slaughter house. And I think  
2 that's the deal is that, yeah, to me, it's  
3 very feasible to do it, but simply it has to  
4 be monitored, and it can't be monitored every  
5 other year. There has to be records and  
6 people held accountable.  
7

8 SPEAKER: We've done it. We've took  
9 a herd to the feedlot, and then James and  
10 Kevin had to be there to make sure they were  
11 loaded out and went to slaughter.

12 MR. DUTCHER: We -- you know, this  
13 question about epidemiologic investigations  
14 ties a little bit into interstate movement  
15 because one of the things that working group  
16 what they push for is that there needs to be  
17 more actual reporting, meaning USDA needs to  
18 really be reporting what's going on in  
19 California, what's going on in Michigan,  
20 what's going on in Ohio and Indiana, because  
21 right now it's sort of a big mystery.  
22 Sometimes it's almost a well-kept secret. It  
23 creates distrust, and it creates some of  
24 these unfair movement requirements because  
25 other states don't really know for sure

## BREAKOUT SESSION 1 (CONT'D)

1  
2 what's going on. How much of the epi  
3 investigation -- say hypothetically USDA sets  
4 up a website which they update with current  
5 TB information for each state; how much of  
6 the information on epi investigations do you  
7 think should be out there for -- I mean,  
8 obviously not names and addresses.

9 SPEAKER: Right.

10 MR. DUTCHER: But how much do you  
11 think should be shared in terms of reporting  
12 to other states?

13 SPEAKER: Well, the herds that are  
14 safe should all be reported. From my  
15 perspective, the ones that are not are the  
16 ones that are quarantined. Ours have been  
17 tested. We know they are safe. We don't  
18 know if Wisconsin's are safe even though they  
19 don't take our cattle.

20 MR. DUTCHER: Right.

21 SPEAKER: Sitting on the state line  
22 three miles from Indiana, you know, I just  
23 get the feeling that trying to sell breeding  
24 stock or the lack of opportunity in Indiana  
25 and the way this has been reported that



## BREAKOUT SESSION 1 (CONT'D)

1  
2 basically a hundred miles south of me,  
3 everyone -- they think every herd in the  
4 state has TB. And what has kind of  
5 irritated me over time is we've been at this  
6 for 13 years now. And as far as positive  
7 animals are concerned, we aren't even at a  
8 hundred yet, are we?

9 SPEAKER: One hundred forty-three.

10 SPEAKER: One hundred forty-three  
11 animals off of fifty-three farms.

12 SPEAKER: Fifty-two.

13 SPEAKER: Am I getting ahead?

14 SPEAKER: I don't want 53.

15 SPEAKER: You haven't reported that  
16 one yet; okay. You know, the bottom line is  
17 we're talking three -- on average, three  
18 animals per farm. But the reality is some  
19 of them only have one, and some of them had  
20 seventeen or something. I mean, there was a  
21 couple really hot ones. But, to me, that's  
22 information people should know, that it isn't  
23 rampant; in the herds that are taken, it's  
24 not every one of them has a problem.

25 MR. DUTCHER: How much of the herd

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is --

SPEAKER: I can think of one of the larger operations, 300 plus head of cattle, and I think there were 3.

SPEAKER: So, I guess, to get back to your question, I mean, I think what you need to do is some of the stuff that should be shared from the epi investigation is you have this herd, beef or dairy, what's the herd size, how many animals were positive or give a herd prevalence, and then how many trace-ins and how many trace-outs are you looking at at this time and kind of share that and where those animals come in from, from what states. If they're from other states, just very generically say, you know, here's an infected herd in Michigan. It's got 50 beef cows and had 1 positive animal. And there's ten trace-out investigations to farms all in Michigan; but there's five trace-ins, and three are from Michigan and two are from Ohio or whatever it might be. So then that way it just kind of -- you're sharing enough of the basic, but some of

## BREAKOUT SESSION 1 (CONT'D)

1  
2 that more detailed stuff can be utilized by  
3 the national program as, you know, you can  
4 back over time and start looking at things  
5 like, well, this is what we see with --  
6 we're trying to put more of that data  
7 together to say this is what we see  
8 happening and maybe why this -- some herds  
9 are more prone to TB than others and so  
10 forth.

11 SPEAKER: Maybe they need to use the  
12 total numbers of cattle in Michigan to  
13 compare it to rather than just one herd.

14 SPEAKER: Well, I think --

15 SPEAKER: It makes it look like  
16 Michigan has got TB instead of the majority  
17 of cattle.

18 SPEAKER: I guess what you -- I  
19 would say I would have no problem reporting  
20 in what county was the animal found positive  
21 -- or the herd found positive. I guess you  
22 could -- I mean, I don't know if there's a  
23 whole lot of value for another state saying  
24 Michigan has 1.1 million cattle and 14,000  
25 farms. That doesn't add a whole lot to it

## BREAKOUT SESSION 1 (CONT'D)

1  
2 other than, yeah, you got a pretty good size  
3 cattle industry; you're not maybe the biggest  
4 one in the country, but you're not the  
5 smallest either. That's all that would  
6 really tell me, so I don't know if I would  
7 feel that a lot of that would add additional  
8 information.

9 SPEAKER: I know at one point in  
10 time -- and I've not been close to this for  
11 awhile, but that based on the numbers --  
12 like the Upper Peninsula when we pushed to  
13 get their free status, the statistical -- we  
14 didn't have enough cattle up there to do the  
15 surveillance, simply slaughter and whatnot.  
16 I think those things need to be taken into  
17 consideration. I also heard this morning  
18 that they'll now use testing for export.  
19 Like if I was going to test to go to a  
20 sale or something like that -- I don't know,  
21 I was told over the last decade that those  
22 weren't reliable sources of information  
23 either. Now, all of a sudden when we run  
24 out of money and we can't keep our thumb on  
25 one geographic area, some of what I would

## BREAKOUT SESSION 1 (CONT'D)

1  
2 consider common sense, more reasonable  
3 approaches are being considered. And I would  
4 certainly hope that they would -- going  
5 forward, that that would be the case, because  
6 in my opinion, for no more reliable than a  
7 TB test is, so you tested four cattle out of  
8 eighty, there is some significance there that  
9 at least some of that population was tested.

10 MR. DUTCHER: Right.

11 SPEAKER: And I've felt quite often  
12 in our history with this process that we  
13 were made to be the rented mule because, you  
14 know, we've got mandatory -- well, you should  
15 do a better job of collecting that data.  
16 Well, quite honestly, what we did was pretty  
17 damn good. Nobody else had even tried it,  
18 you know, from the standpoint of, yeah, those  
19 readers failed. And not everybody can go in  
20 and fix the dumb thing. So, you know, I  
21 think we've -- it's been trial under fire,  
22 so-to-speak. I would hope that what has  
23 been learned in the last ten years, ten,  
24 twelve years here and maybe step back and  
25 look at it from the common sense application

## BREAKOUT SESSION 1 (CONT'D)

1  
2 would work nationally. I think it's worked  
3 here. We've identified where the problem is.  
4 Unfortunately, we spend a hell of a lot of  
5 money going well beyond that area in  
6 surveillance and, you know, killing innocent  
7 cows. To me, that's the correct term. It's  
8 a suspect offer.

9 SPEAKER: Some of the information  
10 that we take from the computer model on  
11 positive herds, it seems like a lot of that  
12 could be used for -- I mean, that  
13 information is not real specific. It's more  
14 just general information that could possibly  
15 help on some transparency, too. And, also,  
16 you know, part of the epi investigation has  
17 to cover those particular questions that they  
18 need further computer modeling to get done.

19 MR. HENCH: Would that fall under  
20 the management and husbandry type stuff?

21 SPEAKER: Yeah. Most of the  
22 questions you guys are asking on that is  
23 dealing with --

24 SPEAKER: How many cows do you have;  
25 how many heifers or yearlings do you have;

## BREAKOUT SESSION 1 (CONT'D)

1  
2 how many calves and so forth.

3 MR. DUTCHER: This is MSU's model?

4 SPEAKER: Yeah, the national  
5 surveillance unit's model.

6 SPEAKER: I have a question or  
7 comment. So we're talking about interstate  
8 movement of cow and trying to make other  
9 states in the surrounding area or the country  
10 more aware of what prevalence exactly is or  
11 how rare TB actually is within Michigan.  
12 And we're talking about what we need to  
13 report to USDA for them to disseminate  
14 information to --

15 MR. HENCH: Everything.

16 SPEAKER: Yeah. I guess, if you're  
17 talking about getting communication going  
18 between states, how much of it is USDA  
19 versus how much is MDA? Like, is this more  
20 of a state issue that we should be working  
21 on at the state level, making sure that the  
22 announcements are made or information is out  
23 there versus coming from a national level of  
24 USDA?

25 MR. DUTCHER: I can tell you what I

## BREAKOUT SESSION 1 (CONT'D)

1  
2       overheard in our working group meetings, and  
3       this is mainly comments that were made by  
4       state representatives from other states. And  
5       the feeling is that, to some degree, USDA  
6       should be a disseminator and a clearing  
7       house, so-to-speak, because Missouri might not  
8       always trust what it's hearing directly from  
9       Michigan. I'm not saying that that's true  
10      or not, but there is this feeling that it  
11      should go through USDA. That way there's  
12      more confidence that what they're hearing is  
13      the truth.

14                SPEAKER:    It's a more objective  
15      standpoint.

16                MR. DUTCHER:  Yeah, more objective.  
17      That's a better way of putting it.

18                SPEAKER:    Okay.

19                MR. DUTCHER:  And sort of what we  
20      had proposed is having some sort of a  
21      website or something that would be updated by  
22      USDA to indicate what's going on in each  
23      state. And one of the things that might be  
24      on there is Michigan has, you know, ten open  
25      epidemiologic investigations in the last



## BREAKOUT SESSION 1 (CONT'D)

1  
2 quarter. They have closed three, and they  
3 have initiated two new ones. Because the  
4 other thing that I was hearing at some of  
5 these meetings was that you hear that  
6 California has a new infected herd, but you  
7 never hear anything else. Well, what did  
8 they do? Did they do an investigation?  
9 What was the source? Was it the same type  
10 as the last herd they had or was it a  
11 totally new strain? And these are the  
12 things --

13 SPEAKER: And that's some of the  
14 stuff that needs to come out, but that takes  
15 three months or so before some of that all  
16 comes out, too.

17 MR. DUTCHER: But would you guys --  
18 I mean, would you, sitting here in Michigan,  
19 be comfortable with USDA putting that kind of  
20 information up on a website for other states  
21 to look at with all identifying information  
22 removed, of course, no names.

23 SPEAKER: I guess, in Michigan we've  
24 taken the stance of we'd rather be more  
25 transparent than trying to hide things. And

## BREAKOUT SESSION 1 (CONT'D)

1  
2 if everybody knows what we're doing, then I  
3 think they give us a fair shake and  
4 potentially are much more interested in our  
5 industry.

6 SPEAKER: It may promote it more to  
7 other states.

8 SPEAKER: It's something that I  
9 would appreciate because just recently Indiana  
10 had a cow -- TB cow. I swear to God that  
11 four years ago they had a TB cow, but they  
12 swear that they haven't had a TB cow in  
13 thirty years.

14 SPEAKER: They had one a while ago.

15 SPEAKER: Don't ask them. I got  
16 all their popular press, oh, no, no, no, no;  
17 we didn't have a problem.

18 MR. HENCH: There were some traces  
19 several years ago that went to that area.  
20 Nothing was ever confirmed.

21 SPEAKER: Other than the cow went to  
22 slaughter from this farm.

23 MR. HENCH: The cow was in a lot of  
24 five. The identification was not good. We  
25 tested all five source farms. We did not

## BREAKOUT SESSION 1 (CONT'D)

1 find any disease at any of those farms.

2 SPEAKER: Were they all in Indiana?

3 MR. HENCH: No.

4 SPEAKER: Well, in the local media,  
5 they got credit for it. From the Indiana  
6 farm papers I get, they got credit for it.  
7 And, you know, that one is, like, wait a  
8 minute, you know.

9 MR. HENCH: Right.

10 SPEAKER: And, once again, we don't  
11 ID them, we don't test, so we don't have a  
12 problem.

13 MR. DUTCHER: Talking about -- and  
14 this triggered my memory actually, your  
15 question about the Indiana animal. Talking  
16 about herds, the debate that has come up  
17 more often than I care to count is what  
18 qualifies as a herd. A recent example is in  
19 the last five years or so there was a state  
20 -- southern state that had a positive  
21 trace-back out of slaughter. And there was  
22 quite a bit of debate whether it qualified  
23 as an infected herd because the guy only had  
24 a couple cows, you know, basically out behind  
25

## BREAKOUT SESSION 1 (CONT'D)

1 the barn. And that has been a debate in  
2 the past. Okay. At what point does it  
3 become a herd and what point is it just a  
4 couple animals out in the back 40? Do you  
5 have opinions on that? If you have animals,  
6 is it a herd?  
7

8 SPEAKER: What difference does it  
9 make how many they have?

10 MR. DUTCHER: That's my question to  
11 you.

12 SPEAKER: If it's positive, call it  
13 whatever you want, it's infected.

14 SPEAKER: Should be able to depop  
15 them then, huh?

16 SPEAKER: Probably could afford to  
17 do that.

18 MR. HENCH: Come on. We have to  
19 have all of our students participate.

20 SPEAKER: I'm trying to think of  
21 something. He knows me. I never shut up.

22 MR. DUTCHER: You get bonus points  
23 if you can figure out how to turn down the  
24 thermostat in here.

25 SPEAKER: They got a lock on it.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 Seventy-six degrees, too.

3 MR. HENCH: Well, what do you-all  
4 think about imports? We'll go to another  
5 good one.

6 SPEAKER: Let me ask on the imports.

7 SPEAKER: It's getting better.

8 SPEAKER: How much do you see the  
9 framework right now -- the way the framework  
10 is worded right now, is it much change from  
11 what the current regulations are?

12 MR. HENCH: There are significant  
13 additions at -- if you recall, Lee Ann  
14 mentioned -- broke imports out into three.

15 SPEAKER: Right.

16 MR. HENCH: Preimport, at-import,  
17 postimport. Preimport is essentially going  
18 to remain what it currently is. There's  
19 been no fine-tuning. At this point, our  
20 idea is we will fine-tune it a little bit,  
21 but there won't be any significant changes.

22 SPEAKER: Right.

23 MR. HENCH: The framework  
24 incorporates some changes at the at-import  
25 and the postimport levels.

## BREAKOUT SESSION 1 (CONT'D)

1  
2           SPEAKER:   That's -- I didn't read  
3           that -- this section real closely because I  
4           don't deal with it a whole lot.   But, I  
5           guess, what I saw in quickly reviewing this  
6           and listening to Dr. Thomas's presentation  
7           this morning is that there seems to be some  
8           further follow-up versus what's in the  
9           federal regulations right now with cattle  
10          coming in from Mexico and everything.   I  
11          think that's a good step in the right  
12          direction of having further follow-up and  
13          making sure that they are identifying there's  
14          a paper trail.   That will be a huge critical  
15          part to it, making sure that you're able to  
16          follow up with them and that they are  
17          quarantined and so forth or they're not  
18          commingled with other animals.   I think  
19          that's an improvement.

20                 SPEAKER:   So they keep them separate  
21                 for 60 days; is that what they're doing  
22                 right now and then retest them?

23                 MR. HENCH:   I don't believe so.

24                 SPEAKER:   Well, they should.

25                 MR. HENCH:   They're tested in

## BREAKOUT SESSION 1 (CONT'D)

1  
2 Mexico. They come in and are inspected at  
3 the border for ticks and scratched. The  
4 paperwork is addressed.

5 SPEAKER: The tags are removed.

6 MR. DUTCHER: Tags aren't removed  
7 until they get to the feedlot.

8 MR. HENCH: They cross the border.  
9 They may go ten miles up the road; they may  
10 go a thousand miles up the road. Once they  
11 are cleared at the border, to my knowledge,  
12 that's it.

13 SPEAKER: So as it stands now, if a  
14 cow comes in through Mexico, once it's in  
15 the U.S., there's no identification that that  
16 cow originally came from Mexico?

17 SPEAKER: They take the tags out,  
18 most of them do.

19 MR. HENCH: Once we sign the 1730,  
20 they're a U.S. cow.

21 SPEAKER: So somebody could buy it  
22 two years down the road and not know that it  
23 came from Mexico.

24 MR. HENCH: Absolutely.

25 MR. DUTCHER: They do have a brand.

## BREAKOUT SESSION 1 (CONT'D)

1  
2           SPEAKER:    Then some of them even  
3           come in like the Mexicans do.

4           MR. DUTCHER:   That's not --

5           SPEAKER:    Do these pose import  
6           changes?    Am I reading it correctly that  
7           that would change, that papers would have to  
8           go with that cow for the rest of its life,  
9           you know, until --

10          SPEAKER:    I think they ought to be  
11          quarantined for at least 60 days and then  
12          tested.

13          SPEAKER:    As I recall with the  
14          discussions at NCBA and the M-Health  
15          committee -- and this would have been two  
16          years ago -- the issue is those cow move in  
17          and go into a feedlot -- this is the real  
18          risk factor, and the 60 days doesn't make  
19          much difference.    They go into a feedlot or  
20          they go into wheat pasture.    The tags have  
21          been removed.    They are in the feedlot next  
22          to a thousand head of Holstein heifers that  
23          have been gathered up from all over the  
24          country and are being fed there.    And it  
25          could be bred and sold as heifers back all



## BREAKOUT SESSION 1 (CONT'D)

1  
2 over the country, Heifers are in this pen.  
3 The Mexican cattle are in this pen. If you  
4 are lucky, they got contained that long. So  
5 there's nose-to-nose contact. The other  
6 issue is they will get just dumped out on  
7 wheat pasture with feeder cattle from all  
8 over, gathered sets of cattle. And there's  
9 just no way to track them down if there is  
10 a problem. And I think the recommendation  
11 that come out of NCBA, if I recall, was to,  
12 one, that you had to have management  
13 protocols in where there wouldn't be direct  
14 contact with those cattle. And secondly,  
15 they had to keep the damn tags on them or  
16 -- you know, and have a paper trail to  
17 account where those cattle went so they could  
18 be traced. That's a huge issue now. I  
19 mean, we lose one tag up here and it's a  
20 federal offense. Down there, it's a laughing  
21 matter. They don't care. And it's the same  
22 way --

23 SPEAKER: It ain't that they lose  
24 them.

25 SPEAKER: Correct. They take them

## BREAKOUT SESSION 1 (CONT'D)

1  
2 out so they can be identified as Mexican  
3 cattle. The same thing is true with the  
4 event cattle that are hauled from one rodeo  
5 to the next rodeo across state lines in the  
6 middle of the night. Nobody knows where  
7 those cattle came from or where they went or  
8 where they've been. And that's a huge  
9 issue.

10 MR. HENCH: Do we look like we're  
11 on the right track here with what we're  
12 talking about?

13 SPEAKER: Well, if you're going to  
14 have identification -- permanent identification  
15 on those and track it, yes. Anything less  
16 than that, I'd say you are spinning your  
17 wheels.

18 MR. DUTCHER: And he was proposing a  
19 60-day quarantine and retest after entry.

20 MR. HENCH: On anything. Any  
21 imported animal would be quarantined for 60  
22 days and then tested before being turned  
23 loose?

24 SPEAKER: That's what mine had to be  
25 if they went to Nebraska when we first got

## BREAKOUT SESSION 1 (CONT'D)

1  
2 TB. What's the difference? We're treated  
3 that way in our own country. Why would we  
4 not treat others outside the same way?

5 MR. HENCH: We have about two  
6 minutes.

7 MR. DUTCHER: If I bring up my next  
8 thing, we'll go over two minutes.

9 MR. HENCH: Go for it.

10 MR. DUTCHER: One of the things that  
11 came up in the working group is that a lot  
12 of these feeders that come in from Mexico  
13 don't go -- unless they leave the port, they  
14 don't go directly to a feedlot.

15 SPEAKER: They go to grass.

16 MR. DUTCHER: Well, before that,  
17 they usually go through a dealer. So  
18 they're imported, and their destination is a  
19 broker's address somewhere. We don't  
20 actually know where their final destination  
21 is going to be. And one of the things that  
22 was at least discussed was should there be a  
23 requirement for those dealers to be inspected  
24 and approved by whatever state they are in  
25 so that they couldn't actually receive

## BREAKOUT SESSION 1 (CONT'D)

1  
2 Mexican cattle unless they were on a list  
3 that's approved by the state vet in Texas or  
4 the state vet in New Mexico so that we know  
5 where they are going before they get parceled  
6 off and sent to their final destination.

7 SPEAKER: That would certainly make  
8 sense from an epidemiological standpoint  
9 simply from the standpoint that at least  
10 there's somebody responsible for knowing where  
11 they go. Even if the feds know where they  
12 are supposed -- he's the one -- this guy is  
13 supposed to have the records of the ten  
14 farms they went to, ten ranches.

15 SPEAKER: Maybe I'm naive, but why  
16 wouldn't you?

17 SPEAKER: Really, they don't keep  
18 records?

19 MR. DUTCHER: They might.

20 SPEAKER: We have dealers in this  
21 state that do the same thing.

22 SPEAKER: They are supposed to keep  
23 records. And to some extent, they do; to  
24 some extent, they don't.

25 MR. DUTCHER: Right.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 MR. HENCH: The provisions are there  
3 to take these dealers' licenses away for not  
4 maintaining records.

5 SPEAKER: But it's just not in  
6 force?

7 MR. HENCH: I have never seen it  
8 occur.

9 SPEAKER: But if you're ID'd at the  
10 border when they come in and you sign for  
11 them, whoever is taking them cattle, if you  
12 hold them responsible for it -- I don't care  
13 who it is, whether it's a ranch or whether  
14 it's a jockey, he's held responsible for it  
15 for those 60 days until they are retested  
16 again.

17 MR. DUTCHER: Refresh my memory. Do  
18 they have to have an import permit or can  
19 they just meet tests and requirements and  
20 come in without -- you don't need to call  
21 NCIE and get a permit ahead of time, do  
22 they?

23 SPEAKER: If they do, they'll get a  
24 bunch of blanks and fill them out themselves.  
25 That's the way they do things.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 MR. DUTCHER: The reason I ask is  
3 because if there was a permitting  
4 requirement, that would give us some way to  
5 verify where the address is they are going  
6 to and verify it's a legitimate address and  
7 that it's a dealer that's on the record  
8 books in Texas or New Mexico or Arizona or  
9 something.

10 SPEAKER: Because if they come into  
11 Texas and they go to a broker, I mean, how  
12 long are they staying with that broker?

13 MR. DUTCHER: They don't really go  
14 to a broker, but that's the address --

15 SPEAKER: That's what happens in New  
16 Mexico.

17 MR. HENCH: They go somewhere up the  
18 road. They get sorted out by size, weight,  
19 and color, horns, no horns.

20 SPEAKER: That's exactly what  
21 happened in New Mexico.

22 MR. HENCH: And then bammo, who  
23 knows where they go. What we are proposing  
24 here is that we are going to know where that  
25 first place is.

## BREAKOUT SESSION 1 (CONT'D)

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SPEAKER: Yeah.

MR. HENCH: And that when that place breaks them up into lots, they must, one, maintain records of what they broke them up into. And if they're going to another state, we're proposing that those people are responsible for informing that other state with, hey, here they come. Okay?

SPEAKER: Makes sense.

MR. HENCH: Right now, they get to that commingle lot. That one looks like a good -- that one looks like a Corriente, let's send it over here for a roper. Those look kind of puny, let's send them over here on grass. And there's no record of where those lots end up.

SPEAKER: That just amazes me.

MR. DUTCHER: If we find them at slaughter right now and we're lucky enough that it still has a Mexican tag in it, we can usually figure out where it was just before it went to slaughter. And if we got the ID, we can go back to the port of entry and figure out where it came from, but we

## BREAKOUT SESSION 1 (CONT'D)

1  
2 don't know where it's been in between. So  
3 if it came into Texas and then went to Idaho  
4 for awhile and then it went to Kansas and  
5 then it went to slaughter, all we're going  
6 to know is Kansas and Durango or something.

7 SPEAKER: What about an MX brand on  
8 them, too, so they can't hide it?

9 MR. HENCH: That's another issue.  
10 Thank you all. You can go to  
11 regulations.gov in case somebody stole the W  
12 on your keyboard, and there will be  
13 instructions there on how you can also submit  
14 written comments. I encourage you all to  
15 please submit them. Let us know what you  
16 want us to do.

17 SPEAKER: You got till June 20th,  
18 right, Bill?

19 MR. HENCH: It's 20th, 27th,  
20 something like.

21 MR. DUTCHER: Inside your folders  
22 there's a printed copy of the notice for  
23 these meetings. At the top of that, there  
24 will be a docket number. So if you go to  
25 regulations.gov, you can do a search for that



## BREAKOUT SESSION 1 (CONT'D)

1 docket number, and it will pull up that  
2 notice and there will be instructions.

3 SPEAKER: I understand they do not  
4 take faxed or E-mail comments?

5 MR. HENCH: I have not read the  
6 announcement personally. Faxed or E-mailed  
7 comments, do you know?

8 SPEAKER: You can send E-mail  
9 comments or whatever, I thought, to Lee Ann  
10 Thomas's.

11 MR. HENCH: There should be contact  
12 information.

13 SPEAKER: You can either do it to  
14 Lee Ann Thomas or get on the website and do  
15 it that way.

16 **(Whereupon off the record at 2:01**  
17 **p.m.)**

18 **(Whereupon on the record at 2:12**  
19 **p.m.)**

20 MR. HENCH: I'm Bill Hench, national  
21 TB staff, been on staff for a little over  
22 five years now. Dr. Mick Dutcher, who was  
23 on staff when I came on board, decided to go  
24 to greener pastures and be in the AVIC in  
25

## BREAKOUT SESSION 1 (CONT'D)

1 Wisconsin, and I think he was the smart one.

2 We're going to run through the three  
3 items that were identified for this  
4 discussion group. Those items being affected  
5 herd management, epidemiological  
6 investigations, interstate movement controls  
7 and importation requirements. We're here to  
8 sort of brainstorm, come up with what you  
9 guys would like to see in the new program,  
10 tell us where you want us to go and, as  
11 been indicated previously, we have not set  
12 the first pen to paper. We have not set  
13 pen to paper on any of these regulations, so  
14 we're open for input. We have a bunch of  
15 questions they gave us to stimulate  
16 discussion or we can throw it open on those  
17 three topics. From the previous two groups,  
18 everybody seemed to like to get started with  
19 affected herd management and epi  
20 investigations. So why don't we start there.

21 Epi investigations, should we publish  
22 those in our new program, those being made  
23 available to you all the other states.  
24 Thoughts, suggestions?  
25

## BREAKOUT SESSION 1 (CONT'D)

1  
2           SPEAKER: I'm not sure right now  
3 there's a -- is there really a standard epi  
4 investigation template that states are using?

5           MR. HENCH: Has not been developed  
6 at this time.

7           SPEAKER: I think if you intend to  
8 share it, that probably would be something  
9 that --

10          MR. DUTCHER: A template?

11          SPEAKER: Just a recommendation.

12          MR. HENCH: What might you suggest  
13 would be on that?

14          SPEAKER: Well, you're going to have  
15 three different areas that you're going to  
16 hash out. One is going to be investigations  
17 and sources of infections.

18          MR. HENCH: Sources.

19          SPEAKER: One is going to be on  
20 epidemiology and disease within the herd.

21          MR. HENCH: Disease within the herd.

22          SPEAKER: And then potential where  
23 the disease may have gone to.

24          MR. HENCH: Trace-out.

25          SPEAKER: Yeah. Those are your

## BREAKOUT SESSION 1 (CONT'D)

1  
2 three base areas.

3 MR. DUTCHER: When you talk about  
4 your epidemiologic investigation within the  
5 herd, are there any factors that we don't  
6 routinely look at that you think we should  
7 make more routine?

8 SPEAKER: I only know how we do it  
9 here. We try to do a tremendous amount of  
10 effort on that work in this situation, so I  
11 can't say that there's stuff people aren't  
12 doing.

13 SPEAKER: Is the surrounding wildlife  
14 always routine?

15 MR. DUTCHER: Bill can probably  
16 speak better to that than I can because he's  
17 a little more involved nationally now. I  
18 think my impression is that it is -- every  
19 state that has a positive herd is now asked  
20 to at least look at the surrounding wildlife  
21 and whether it's a risk and whether any  
22 surveillance needs to be done. And that  
23 wasn't routinely done before.

24 MR. HENCH: Wildlife surveillance is  
25 increasing in awareness. I'm sorry. I may

## BREAKOUT SESSION 1 (CONT'D)

1  
2 have missed it. Are you suggesting that we  
3 add something like that into an  
4 epidemiological investigation?

5 MR. DUTCHER: She was asking if it  
6 is routinely looked at now or not.

7 SPEAKER: If it's not, it probably  
8 should be a part of it.

9 MR. HENCH: The last affected herds  
10 that I can think of, wildlife has been  
11 looked at. This, I think, is more  
12 reflective of the states desiring to do a  
13 complete job as opposed to it being required.  
14 So if we were to find a herd in state Z  
15 and they said, no, we're not going to look  
16 at the wildlife, there at this time is no  
17 requirement for them to look in the wildlife.  
18 So would you consider that might be something  
19 we should put in?

20 SPEAKER: I think it should be  
21 looked at to at least consider whether or  
22 not there is potentially a wildlife -- not  
23 saying that you have to go out and test  
24 wildlife, but it should be part of the  
25 investigation and consider whether or not

## BREAKOUT SESSION 1 (CONT'D)

1  
2 it's something that needs to take more  
3 action. This is for captive cervids, too;  
4 right? This is only cattle we're talking  
5 about?

6 MR. HENCH: This is for any captive  
7 domestic herd, i.e., bovine, bison, or  
8 captive cervids since we're rolling the whole  
9 program together. So what I'm understanding  
10 is you're suggesting that the epidemiologic  
11 investigation should, at a minimum, evaluate  
12 the potential for a wildlife involvement.  
13 And if that seems -- maybe help me out here  
14 -- possible, likely, probable, at maybe what  
15 level should we then move into actually  
16 conducting wildlife surveillance.

17 SPEAKER: Well, I say, at a minimum  
18 needs to be considered as a potential. I  
19 don't know that I'm prepared to say how much  
20 further we need to go or how much we need  
21 to go, but I think as a state -- for  
22 Michigan for deciding whether or not animals  
23 are going to come into my state, I want to  
24 know if the wildlife --

25 MR. HENCH: Okay. So considering

## BREAKOUT SESSION 1 (CONT'D)

1  
2 and probably then doing some actual  
3 surveillance in the wildlife would be part of  
4 the epidemiologic investigation?

5 SPEAKER: Yes.

6 SPEAKER: I think you -- it would  
7 have to be part of what they investigate.  
8 And if they're not going to do any  
9 surveillance of the wildlife, they should  
10 justify the reasoning why, because in every  
11 section you have a report includes a why.

12 MR. DUTCHER: How long do you think  
13 is -- should there be a required time frame  
14 to complete the investigation? What do you  
15 think is a reasonable time frame?

16 SPEAKER: What is it currently, six  
17 months?

18 SPEAKER: Sixty days, isn't it?

19 SPEAKER: In the current standards,  
20 it's this in so much time, and then the next  
21 step is so much time, the next step is so  
22 much time. We have pretty involved -- we  
23 have a very, very good tracking system in  
24 the state of Michigan, a very good animal ID  
25 system. And we within about 60 days we can

## BREAKOUT SESSION 1 (CONT'D)

1  
2 get most of the trace stuff, investigation  
3 and testing done. There are some -- I think  
4 that it's going to be very difficult in the  
5 rest of the country where they really don't  
6 have any -- it may take them two or three  
7 months just to try to identify where animals  
8 may have gone. I think the standard should  
9 be shorter; but without knowing down the road  
10 of animal ID tracking, it's probably not  
11 feasible.

12 MR. DUTCHER: One of the previous  
13 groups proposed six months.

14 SPEAKER: You've got a lot of  
15 movement in six months.

16 MR. DUTCHER: With the understanding  
17 that there are states that don't have the  
18 same level of traceability that Michigan  
19 does.

20 SPEAKER: I think you could  
21 benchmark six months.

22 MR. DUTCHER: I can speak from  
23 experience, in the herds in California with  
24 3,000 milking cows, 6 months is probably an  
25 impossibility because of the volume of



## BREAKOUT SESSION 1 (CONT'D)

1  
2 movements that they had to wade through if  
3 you're talking about 5 years either  
4 direction. But I think for the majority of  
5 your average size herds, six months. Does  
6 that seem reasonable?

7 SPEAKER: Let's go back a little bit  
8 before that. You just mentioned that  
9 five-year thing. Are there any statistics  
10 that's been issued in the state that  
11 livestock dealers are only required to keep  
12 records for two and that -- really five  
13 years makes it a hugely more elaborate  
14 investigation. Are there any statistics as  
15 to how much positive animals can trace back  
16 for a year -- like from that fifth year  
17 record, have you ever found a positive herd  
18 for going back that far in a trace-out?

19 MR. HENCH: I have not looked at  
20 that. I have looked at a lot of things,  
21 but I haven't looked at that one.

22 MR. DUTCHER: You know, in the last  
23 outbreak, if you want to call it that, in  
24 California, they found several herds over the  
25 course of the investigation. I wonder if

## BREAKOUT SESSION 1 (CONT'D)

1  
2 any of those were detected through older  
3 traces. That's a good question, and I don't  
4 know the answer.

5 SPEAKER: Certainly it would speak  
6 of some traces but not so much -- because  
7 we've been doing this for awhile, but I know  
8 other the states that were only doing the  
9 two or three years amount of information  
10 would probably speed up that process.

11 SPEAKER: I would think in states  
12 where the records -- where it is more  
13 incomplete or particularly what brought the  
14 situation is, in most of the country, which  
15 is we just find a herd out of the blue.  
16 There was nothing here before. We don't  
17 have any idea when they got it. It's  
18 probably necessary to go way back in those  
19 because you don't have any idea where we  
20 find -- and certainly we've got a long  
21 history of testing, testing, testing; but I  
22 would guess, in the rest of the country, it  
23 is probably necessary to go much farther back  
24 because you really do want to identify --  
25 that's the only thing you really have to

## BREAKOUT SESSION 1 (CONT'D)

1 identify other herds is through your traces.

2 MR. DUTCHER: If you find a herd  
3 and you find 50 percent of the animals with  
4 lesions and they are all chronic lesions, you  
5 got to figure that you got to go back a  
6 ways in a herd like that because it's  
7 probably been there awhile.

8 SPEAKER: The only problem with that  
9 is that you if have to go back ten years on  
10 a trace and that farm was ten years ago and  
11 we haven't found it on slaughter surveillance  
12 since then, then we have a real problem in  
13 the slaughter surveillance system. We should  
14 have found it way before if it was infected  
15 for ten years.

16 MR. DUTCHER: What do you think  
17 qualifies to call an investigation closed?  
18 So if you have an infected herd in Michigan  
19 and you've gone back five years and you  
20 reported those traces out and testing may not  
21 be done in those other herds yet, is that  
22 trace closed? What if those traces go to  
23 another state and you don't have any control  
24 over them, the testing? So say you have a  
25

## BREAKOUT SESSION 1 (CONT'D)

1  
2 herd here and two of your traces go to  
3 California, you've got all the testing here  
4 done, but there's two herds in California  
5 that aren't tested yet. Is Michigan stuck  
6 with an open trace until California does its  
7 testing?

8 SPEAKER: I think we need to look  
9 at it as -- this isn't a state program.  
10 It's a state federal program. In that  
11 instance, you're correct; the federal  
12 government is stuck with a trace that's open.  
13 And when you're talking about that state,  
14 it's the clear responsibility of the federal  
15 government to say, okay, you got to deal  
16 with California to get that done.

17 MR. DUTCHER: So it's closed in  
18 Michigan, but USDA has two open traces?

19 SPEAKER: What Michigan needed to do  
20 is done for that. Certainly I think until  
21 all of those testing is completed, it's  
22 difficult to say you put up a final epi  
23 report because you don't have all the  
24 information you need to complete your epi  
25 report.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 SPEAKER: If California is going to  
3 step in in that kind of situation with an  
4 open trace like that, the federal government  
5 is not, then who's to say that movement is  
6 not going to stop and who knows where that  
7 will go from that. So I just see that  
8 amplifying if no one steps in, if California  
9 doesn't. I mean, I don't know what they do  
10 over there. I have no idea. I'm just  
11 looking at what Michigan does. So I just  
12 see if federal doesn't step in there and  
13 this is a federal-state program, then you're  
14 only going to amplify problems from there if  
15 you don't trace it back to where they came  
16 from.

17 SPEAKER: And it's appropriate for  
18 that to be in the consistent standards.  
19 We're talking about time lines for getting  
20 things done. Certainly if the state has  
21 traces that comes into the state and has  
22 work that it needs to do and it does not do  
23 that, that, I hope, would come up in whether  
24 it's going to maintain its consistency or  
25 not.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 MR. DUTCHER: Sixty days? If you  
3 assume that they got a trace today and they  
4 just did some testing last week for movement,  
5 they couldn't retest those animals for 60  
6 days.

7 SPEAKER: You are making an  
8 assumption that that herd would need to be  
9 tested. More than likely, it's already met  
10 its testing requirements, so that's where the  
11 traceability comes in. But certainly doing  
12 the trace is pulling that information  
13 together to determine if --

14 SPEAKER: Right.

15 SPEAKER: If testing needs to be  
16 done, certainly need to go out and do it.

17 MR. HENCH: And you would leave the  
18 determination of whether that herd needs to  
19 be tested. Who would you vest that  
20 authority in?

21 SPEAKER: That would -- the only  
22 person that's going to have the information  
23 would be the state and regional epis.

24 MR. HENCH: State and regional epis  
25 -- the DTE and the RTE?

## BREAKOUT SESSION 1 (CONT'D)

1  
2 SPEAKER: Yes. I think that would  
3 be appropriate.

4 SPEAKER: I have a question about  
5 time lines. Apparently we can do an epi  
6 investigation in Michigan around 60 days is  
7 the way I understand. But we're saying for  
8 other states, because they have poor records,  
9 a poor tracking system, that we're going to  
10 give them six months. I understand we could  
11 have a national ID system. Would they give  
12 you more time as opposed to saying you  
13 should improve your records and need to get  
14 it done at this time?

15 MR. DUTCHER: It becomes a balancing  
16 act for the federal government because we  
17 have an ID program that says this is what's  
18 acceptable. We can't expect the state to  
19 have something that exceeds what our federal  
20 requirements are, so it's a catch-22.

21 SPEAKER: Does that mean your  
22 federal requirements are maybe a little  
23 outdated and we should look at updating them  
24 and getting a better national ID system?

25 MR. DUTCHER: That's a discussion

## BREAKOUT SESSION 1 (CONT'D)

1  
2 for the traceability working group, not the  
3 TB working group.

4 SPEAKER: But if that's a problem,  
5 if we're talking about not having that  
6 ability, I mean, instead of being happy with  
7 a substandard system --

8 MR. DUTCHER: You have a valid  
9 point. But it's also -- it is a separate  
10 topic, and it has been -- whether you agree  
11 with the decision or the outcome or not, the  
12 traceability working group did come up with a  
13 plan for traceability and it does not involve  
14 anything more stringent. There's no  
15 requirement for RFID at this time. There's  
16 classes of animals that are still going to  
17 be excluded from ID requirements. That's  
18 what the working group came up with. I'll  
19 keep the rest of my thoughts to myself  
20 before I get myself in trouble.

21 MR. HENCH: So what about affected  
22 herds that we got under test-and-remove  
23 program? What do we need to help those  
24 folks along? Primarily I'm thinking beef  
25 herds.



## BREAKOUT SESSION 1 (CONT'D)

1  
2 SPEAKER: I think we need to have a  
3 provision to move animals that are under  
4 quarantine to slaughter so that they have a  
5 --

6 MR. HENCH: We currently have in the  
7 rules regulations to move to direct to  
8 slaughter.

9 SPEAKER: But that's direct from --

10 MR. HENCH: The farm to slaughter.

11 SPEAKER: To a slaughter facility?

12 MR. HENCH: What would you suggest  
13 we have?

14 SPEAKER: I wasn't sure.

15 SPEAKER: With electronic ID --

16 MR. HENCH: What would you like to  
17 see?

18 SPEAKER: If there was some kind of  
19 a permit system that would allow an animal  
20 to go through a sale yard in a slaughter  
21 sale, it might make it easier, because there  
22 are going to be areas in the country where  
23 there is a place that will accept a single  
24 animal for slaughter.

25 SPEAKER: But if you have electronic

## BREAKOUT SESSION 1 (CONT'D)

1  
2 ID and you can easily trace it if you need  
3 to find it quickly -- so, otherwise, it  
4 shouldn't be able to go to the sale yard.

5 MR. HENCH: So with electronic ID  
6 and a permit, move through a sale yard?

7 SPEAKER: Uh-huh.

8 MR. HENCH: What destination from  
9 the sale yard?

10 SPEAKER: Slaughter.

11 MR. HENCH: Slaughter only.

12 SPEAKER: Slaughter only with a  
13 movement permit from anyone in the Michigan  
14 markets so we know what slaughter plant that  
15 animal shows up in.

16 MR. HENCH: Okay.

17 SPEAKER: But in answer to your  
18 first question, there ought to be more money  
19 allocated in indemnity so that these beef  
20 herds that are on a test-and-removal, if they  
21 can choose to just depop, we might be money  
22 ahead to depop them rather than continually  
23 send the veterinarian and his cohorts out  
24 there every six months and TB test that  
25 herd. That's a lot of money over three or

## BREAKOUT SESSION 1 (CONT'D)

1  
2 four, five years.

3 MR. HENCH: That was that room.

4 SPEAKER: I want you to hear it on  
5 this side, too.

6 SPEAKER: You did ask what we could  
7 do to --

8 MR. HENCH: Absolutely. You're  
9 right, more indemnity.

10 SPEAKER: Not even that, just  
11 considering replacement value instead of fair  
12 market value.

13 MR. HENCH: That is going to take  
14 an act of Congress. The Federal Animal  
15 Health Protection Act says fair market value.

16 SPEAKER: We'll go to Congress.

17 MR. HENCH: That will take an act  
18 of Congress to change.

19 SPEAKER: I think on affected herd  
20 management, it certainly is -- that movement  
21 of slaughter cattle would be helpful. I  
22 think probably you're going to need to say  
23 at a certain point in the test-and-removal  
24 program the statistics, how many tests, and  
25 say at this point in time it's probably okay

## BREAKOUT SESSION 1 (CONT'D)

1  
2 to go through -- you probably want to fit  
3 them back into the normal marketing channels  
4 as soon as you can and say, okay, from this  
5 particular herd, like you said in your epi  
6 investigation, what's the herd, what's the  
7 level of infection in here, look at that  
8 risk and say that probably some animals at a  
9 certain point that are no different than --  
10 of unknown status showing up at a market.  
11 I'd probably say that's an okay to do it and  
12 track a destination.

13 The really difficult one -- the  
14 other place they could go on slaughter that  
15 may not require that is there's a difficulty  
16 in dealing with slaughter plants with  
17 restricted animals. You run into that more  
18 and more that they do not want to deal with  
19 animals that are restricted. That really  
20 does put some obstacles on the TB program  
21 for really no foreseeable reason that we've  
22 been able to identify other than they --

23 MR. DUTCHER: It's inconvenient for  
24 them. It slows down on a production line.  
25 It's moving at 250 head an hour and whatever

## BREAKOUT SESSION 1 (CONT'D)

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it is.

MR. HENCH: Let me back up one before I get into the slaughter issue. Moving these animals on a permit to a market for sale to slaughter, should we have some sort of security requirements on these animals while they're at the sale yard?

MR. DUTCHER: Like separate pens.

SPEAKER: Not according to the expert at Michigan State University. He's answered that question several times. It's a very low risk for transmission at the sale markets because they are not there that long in the pasture. That's one of the questions that we asked John at least seven or eight years ago.

MR. HENCH: I just wanted to touch base on that.

SPEAKER: Sure.

MR. HENCH: The restrictions at the slaughter house that you're encountering, are these due to the management or due to the inspectors?

SPEAKER: Both. Case and point, a

## BREAKOUT SESSION 1 (CONT'D)

1 week ago Monday, we shipped cattle out of a  
2 feedlot in mid Michigan. A week before I  
3 cleared it with the plant manager and the  
4 FSI inspector general there at the plant,  
5 told them that these were exposed to exposed  
6 animals. So when the paperwork come, 127,  
7 it said not restricted. Got to the plant 2  
8 or 3 o'clock in the morning or whatever,  
9 6:30 my phone rang, and they are not  
10 unloading the cattle because it was -- a  
11 paper number was wrong. It was written down  
12 twice on the paperwork by the veterinarian.  
13 So I talked to the plant manager. Around 10  
14 o'clock, we got them unloaded. And then the  
15 kill plant, they wouldn't kill them until we  
16 sent the special report over acknowledging  
17 that we knew where that other tag come from.  
18 It took a couple hours to find that other  
19 tag, but we did find it. And finally I  
20 talked to the FSI inspector. And he said,  
21 okay, they'll go ahead and kill them.

22 It should have been -- they knew it  
23 was a mistake on the paperwork, but they  
24 held those cattle up the better part of  
25

## BREAKOUT SESSION 1 (CONT'D)

1 probably five hours before they slaughtered  
2 them. There's a lot of red tape, because  
3 they are afraid of the -- and anybody in  
4 there on the line finds out that they came  
5 in on a sealed truck, they're afraid the  
6 line will walk off. They don't want 1,200  
7 employees walking out when they got 1,800  
8 head of cattle to kill. They are a little  
9 nervous about paperwork.  
10

11 SPEAKER: On the cervid side,  
12 captive cervid herd plan --

13 MR. HENCH: Herd plans for what?

14 SPEAKER: Affected herds. Especially  
15 ranches, a situation where you've got a ranch  
16 that's infected and you can't test because  
17 you're not going to catch the animals so  
18 they're going to sit there. We have two of  
19 those. So we're trying to devise a plan so  
20 that these people can eventually get off  
21 quarantine. We're trying to make it up as  
22 we go along.

23 MR. HENCH: So you're looking for  
24 more guidance for captive cervid affected  
25 herd plans?

## BREAKOUT SESSION 1 (CONT'D)

1  
2           SPEAKER:  Ranches especially, options  
3 for getting them off quarantine.  And it's  
4 like a new category.  If it's not depop,  
5 it's not test-and-remove, it's something else.  
6 Surveillance and test until you --

7           MR. HENCH:  That's going to be a  
8 challenge.

9           SPEAKER:  I just threw it out there.

10          MR. HENCH:  It's great.  The captive  
11 cervid part of this rule has sort of been  
12 set to the side.  Yeah, we're going to  
13 include them; yeah, we're going to include  
14 them.  And I appreciate you bringing it up  
15 because now it's up in front.  And that we  
16 definitely needed.

17          As far as these ranches where we  
18 know they are affected, we don't have the  
19 ability to really go in and do a  
20 test-and-remove on them.  We need to develop  
21 some way to work these herds into a disease  
22 free status.  Did I get it right?

23          SPEAKER:  Yes.

24          MR. HENCH:  I'm trying to go back  
25 and make sure we get it all clear on our



## BREAKOUT SESSION 1 (CONT'D)

1 transcription. That's great.

2  
3 MR. DUTCHER: Did everybody follow  
4 what the working group was proposing in terms  
5 of the current -- the status levels in  
6 interstate movement going forward? There's  
7 still going to have to be some sort of  
8 requirements to move interstate; but rather  
9 than being based on whether the state is  
10 positive or negative for the disease, it's  
11 going to be based more on how the state is  
12 managing its particular situation. A state  
13 that's managing it well could be completely  
14 consistent, and a state that's not would be  
15 inconsistent. Does that make sense? And do  
16 you think, based on that, that we still  
17 maintain the same general type of interstate  
18 movement requirements so if they're  
19 inconsistent, there's some sort of herd test  
20 or individual test that's required prior to  
21 the movement? Would you propose something  
22 different for an inconsistent state?

23 SPEAKER: I think you're going to  
24 have to have some sort of standards for  
25 inconsistent states simply because if there's

## BREAKOUT SESSION 1 (CONT'D)

1  
2 no consequences for being inconsistent, what's  
3 the point in wasting the effort of caring  
4 whether you're consistent or not. So there's  
5 going to have to be something where the  
6 federal government steps in at a state  
7 boundary because that's where they have  
8 authority for inconsistent. And I think  
9 those standards would say, well, what do you  
10 assume the state has then if they're  
11 inconsistent. If you're inconsistent, that's  
12 probably what we have to tell our trading  
13 partners that we're going to require as  
14 federal, you know...

15 MR. DUTCHER: You know, what the  
16 working group was talking about was having --  
17 you know, consistent status where a state has  
18 a management plan for TB and brucellosis and  
19 how it would respond to the detection of TB  
20 or brucellosis. And as long as it's  
21 following that plan and it's not  
22 disseminating disease to the other 50 states,  
23 it would be considered a consistent state.  
24 But then if there's a red flag of some kind,  
25 higher incidents, higher prevalence of

## BREAKOUT SESSION 1 (CONT'D)

1  
2 disease, bunch of infected herds overnight,  
3 and the state is not following up on  
4 investigations the way that we'd like,  
5 something like that, it would get bumped down  
6 a notch to that in-between level and we'd  
7 have a review. And the review would  
8 hopefully include some state representatives  
9 as well as federal. If there's an advisory  
10 board, they would probably be involved. And  
11 they would be given a certain period of time  
12 to fix whatever issues were addressed. And  
13 if they didn't do that, they would go down  
14 to the -- that bottom level.

15 Is it possible to have a variable  
16 movement requirement depending on what the  
17 problem is? Like rather than having an  
18 across-the-board herd test and individual  
19 test, if you're in that bottom level, maybe  
20 for one state it's this is the requirement  
21 that you can move cattle, but in another  
22 state maybe your cattle can only go to  
23 slaughter because the problem in your state  
24 is a bigger problem. I mean, is there a  
25 way to do that? Is that something worth

## BREAKOUT SESSION 1 (CONT'D)

1  
2 looking at, to have some sort of variable  
3 requirement for movement if you're in that  
4 bottom level?

5 SPEAKER: I think what you mentioned  
6 is the, you know -- it's part of your plan.  
7 What are you going to do to -- which would  
8 be changing the way it works now. So when  
9 you're talking about interstate movements,  
10 it's the state of destination's job to worry  
11 about what happens if they get animals that  
12 don't meet what the requirements are to move.  
13 If you're talking about a plan with a state  
14 that has a disease -- I'm going to get  
15 lambasted for this -- but there's probably a  
16 better chance of assuring that that works by  
17 maybe having export requirements as opposed  
18 to import requirements in regards to a state.  
19 Say, for example, in the -- we can enforce  
20 those animal movements because we do have  
21 some authority to say, well, before you move,  
22 you have to get this, but it's under our  
23 authority right now. Say Wisconsin is going  
24 to send something to us. If a guy doesn't  
25 do it, well, it's up to Michigan to worry

## BREAKOUT SESSION 1 (CONT'D)

1 about it. There is no provision on the  
2 interstate. So maybe if you're going into  
3 one of those -- maybe you're going to have  
4 preapproved movement certificates, preapproved  
5 health certificates where yes, the state of  
6 origin is actually helping with that -- we're  
7 helping assure. I think that would give  
8 other states a lot more comfort with the  
9 program saying, oh, okay, it's no longer just  
10 up to us to worry about if something went  
11 wrong and we have to deal with it. We have  
12 some assurances that maybe stuff is happening  
13 the way that it's supposed to before they  
14 leave. We try to put a lot of emphasis on  
15 that in Michigan, and we find some that have  
16 been following up with our producers covering  
17 that. I'm not real sure it's really common  
18 in most states, but that may add some  
19 credibility to the whole point of getting  
20 other states to accept this --

22 MR. DUTCHER: So in their state of  
23 origin, they would have to have a permit to  
24 even move from -- like if it was leaving the  
25 state of Wisconsin, they would have to have

## BREAKOUT SESSION 1 (CONT'D)

1  
2 a permit to leave the state?

3 SPEAKER: Depending if you're talking  
4 about TB or brucellosis, there may be some  
5 that would think that would be a good thing.  
6 That's maybe more of a plan, but with some  
7 considering it a plan and going, okay, this  
8 is why you other states shouldn't arbitrarily  
9 --

10 SPEAKER: I would hope that once the  
11 framework is proposed in the federal register  
12 and it's approved, the states around us will  
13 open their doors and start letting Michigan  
14 cattle move more freer.

15 MR. DUTCHER: One of the things  
16 that's been clear throughout the process with  
17 the working group is that the members that  
18 were in the group from other states really  
19 pushed that whatever we do going forward that  
20 there should be more reporting done by USDA,  
21 reporting of what the different states are  
22 doing so that, you know, Wisconsin would feel  
23 more comfortable taking Michigan cattle  
24 because they have all the facts about what's  
25 being done in Michigan whereas right now

## BREAKOUT SESSION 1 (CONT'D)

1  
2 there's this sort of general feeling that TB  
3 is just a well-kept secret all over the  
4 place, not just Michigan. So states are  
5 reluctant to, not just Michigan, but take  
6 animals from other states because they don't  
7 know what's going on for sure in California  
8 or Indiana or Kentucky or Nebraska, you know,  
9 pick your state.

10 SPEAKER: Would your reporting  
11 include the actual names of the farms or is  
12 just a statistical investigations and such  
13 status?

14 MR. DUTCHER: That's sort of to be  
15 determined, I mean, what we would include,  
16 but definitely would not include identifying  
17 information.

18 SPEAKER: I think it's a great idea.

19 MR. HENCH: It's been suggested  
20 reporting to the county level.

21 MR. DUTCHER: Like what county the  
22 herd was in without reporting the name.

23 SPEAKER: We do that.

24 MR. HENCH: That's where the  
25 suggestion came from?

## BREAKOUT SESSION 1 (CONT'D)

1  
2           SPEAKER: I'm surprised actually to  
3 find out that you don't share our reports.

4           SPEAKER: We're all on-line.

5           SPEAKER: Yeah.

6           SPEAKER: I'm sorry. Just for  
7 clarification, a state would be consistent or  
8 nonconsistent or --

9           MR. DUTCHER: There's a middle  
10 level.

11          SPEAKER: So there would be no more  
12 zoning?

13          MR. DUTCHER: There would be zoning,  
14 but the impetus for zoning would be for  
15 management purposes, not for status purposes.

16          SPEAKER: It would be part of your  
17 state plan?

18          MR. DUTCHER: Yes.

19          SPEAKER: So part of our plan would  
20 still be to address our TB area. And as  
21 long as we did that, we would have  
22 consistent status?

23          MR. DUTCHER: Yeah. But the two  
24 zones may not have different statuses. The  
25 zoning would be strictly for the purposes of



## BREAKOUT SESSION 1 (CONT'D)

1  
2 managing the disease within a specific  
3 geographic or even potentially a class of  
4 animal, not a geographic location.

5 The example I've used in the past is  
6 the New Mexico situation a couple years back.  
7 There really wasn't a geographic focus to  
8 that even though New Mexico ended up zoned.  
9 My argument at the time was that there was a  
10 particular industry that was really the  
11 source of the problem, so why not have two  
12 different statuses, one for dairy cattle and  
13 one for beef cattle. So the zoning --  
14 zoning is not the proper term. There's  
15 another term that I'm drawing a blank on.

16 SPEAKER: So we could departmentalize  
17 as part of your herd plan.

18 MR. DUTCHER: Right.

19 SPEAKER: So it's not a federal  
20 designation anymore; it's a state designation?

21 MR. DUTCHER: Well, it would be part  
22 of the state's management plan, and that  
23 would be approved by --

24 SPEAKER: But you wouldn't have a  
25 certain declaration of a certain status

1  
2 within the state?

3 MR. HENCH: We could.

4 SPEAKER: Since all the states have  
5 different terminology with their laws, you  
6 certainly -- as mentioned earlier, if you're  
7 going to have different things that need to  
8 be done in different geographical locations  
9 of your state, you would need to have the  
10 legal authority to do that, whatever you  
11 use to -- whatever legal authority it is,  
12 however you designate those.

13 I think it would be expected to --  
14 I'll use the Greater Yellowstone example.  
15 There's a Greater Yellowstone area. Within  
16 that, you have different things when you end  
17 up in different areas. Well, if the federal  
18 government would just recognize the Greater  
19 Yellowstone area plan, within that plan talks  
20 about all the details -- so we would have a  
21 Michigan area plan for TB, and it would  
22 delineate out in that document, this is how  
23 it's -- we have zoning, that's what we  
24 called it, so we establish maybe zones.  
25 Wisconsin may call them, I don't know,

## BREAKOUT SESSION 1 (CONT'D)

1 baseball diamonds or something.

2 MR. HENCH: The big difference we  
3 would have is that the zone would not be  
4 identified in the CFR --

5 SPEAKER: Right.

6 MR. HENCH: -- that takes 12 chisels  
7 and 8 sledge hammers to change. It would be  
8 in the supporting documentation so that we  
9 could move much quicker.

10 SPEAKER: And the supporting  
11 documentation is available to anyone in the  
12 state -- if the documentation is acceptable  
13 by this advisory board, then we would have  
14 consistent status?

15 MR. HENCH: Consistent status, yes.

16 SPEAKER: You said you'd probably  
17 plan a publishing notice that has something  
18 --

19 MR. DUTCHER: Right. There stills  
20 needs to be opportunity for the public to  
21 comment.

22 MR. HENCH: The one thing I would  
23 caution on -- and I'm not sure here -- but  
24 I think if we do a zone, UYA zone or  
25

## BREAKOUT SESSION 1 (CONT'D)

1  
2 whatever, I believe we, at the federal level,  
3 would have to recognize that zone for  
4 purposes of international trade. I mean, it  
5 would be ideal to say Michigan sets its  
6 zone. Their plan is consistent. See their  
7 plan.

8 But I think for international trade,  
9 we, as USDA, may have to and somehow impact  
10 that zone by publishing it on our side on  
11 some sort of official USDA website.

12 MR. DUTCHER: Our trade partners  
13 want the USDA seal of approval, so-to-speak,  
14 on it.

15 MR. HENCH: In an ideal world, you  
16 would have your management plan that says  
17 this is the zone. This is what comes out  
18 of it. This is how it comes out. We  
19 would say they're consistent with their plan.  
20 Your plan is available to everybody.  
21 Great. In an ideal world. International  
22 trade partners may not accept that.

23 SPEAKER: The state trade partners,  
24 some of them are not going to accept that  
25 either.

## BREAKOUT SESSION 1 (CONT'D)

1  
2 MR. HENCH: That's another issue  
3 which sort of gets to the preemption thing.  
4 But I just want to caution you against that  
5 one proviso as far as zoning goes. I'm not  
6 a hundred percent sure, but my gut tells me  
7 that is what needs to happen.

8 SPEAKER: You would have two  
9 statuses then. You would have one for  
10 movement within -- you would have one that  
11 refers to country, and then you would have  
12 one that refers to international trade. And  
13 at certain points in time they may be off a  
14 little bit. You may change --

15 MR. HENCH: I would hope.

16 SPEAKER: Well, you may change your  
17 plan, which could happen very quickly, but  
18 you may have to publish in the federal  
19 registry, actually change the zone,  
20 designation.

21 MR. HENCH: But that would not be  
22 in the CFR. So it's going to be out of  
23 the CFR so we can get rid of that hammer  
24 and chisel to change things. That's the  
25 game plan.

## BREAKOUT SESSION 1 (CONT'D)

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SPEAKER: So it could change.

MR. HENCH: Absolutely.

MR. DUTCHER: The idea is we would publish a notice; and within 60 to 90 days, it could be done, just giving people time to comment and time for us to respond to the comments we get.

SPEAKER: Something that I didn't hear this morning or this afternoon so far with state plans being proposed and all the additional evaluation review that would be required in order to know if all of these states were consistent with their plans or partially or inconsistent, where's the staff going to come from to do all this?

MR. DUTCHER: It will be a combination of federal and state employees. It's not actually anything different than what we've always done.

SPEAKER: On the federal side.

MR. DUTCHER: On the federal side. The exception would be that we would invite -- state personnel would be invited to participate as well, which hasn't been done

## BREAKOUT SESSION 1 (CONT'D)

1  
2 in the past.

3 SPEAKER: So we're talking about 50  
4 states?

5 MR. DUTCHER: Yeah. But a review  
6 team is a handful of people.

7 SPEAKER: Do you see any additional  
8 enforcement on the USDA side when things go  
9 awry and movements are made from inconsistent  
10 states to places they shouldn't be? The  
11 example he was just talking about an export  
12 permit. The state of Michigan isn't going  
13 to criticize somebody for an export permit  
14 because that animal is now in another state.  
15 We're not going to enforce that.

16 SPEAKER: There was a farmer here  
17 who did it.

18 SPEAKER: Yeah. USDA is not going  
19 to get the enforcement.

20 MR. HENCH: I don't know how that's  
21 going to work. I really don't. I don't  
22 recall it being addressed, do you,  
23 enforcements?

24 MR. DUTCHER: I mean, we already  
25 have an investigative and enforcement branch

1  
2 that investigates illegal movements. And I  
3 don't think that would change. The thing  
4 that they struggle with, our investigative  
5 and enforcement service, IES, struggles with  
6 is volume versus their workforce. And  
7 they're dealing with a tremendous backlog of  
8 cases. And currently you're undergoing a  
9 process review at the national level to find  
10 a way to streamline those questions.

11 And in certain cases where it's cut  
12 and dry, just basically collect the  
13 documentation and take whatever action is  
14 required without doing a full investigation,  
15 and define which cases that would apply to  
16 and try to allow them to free up time to  
17 work on the more involved cases that do  
18 require investigation, and that would  
19 continue. So I think right now it's a struggle  
20 for them based on volume versus the number  
21 of investigators they have. They realize  
22 that we're trying to find solutions to it.

23 MR. HENCH: Angie is about to come  
24 back to the door and tell us time is up.  
25 So is there anything for the last moment?



## BREAKOUT SESSION 1 (CONT'D)

1  
2 SPEAKER: Another cervid issue. The  
3 cervids right now as far as state status,  
4 there's not a lot of surveillance that all  
5 states are doing on captive cervids. So at  
6 the starting level, would everybody be  
7 provisional, and you work your way up or  
8 everybody starts consistent or -- I'm  
9 thinking from an interstate movement, how do  
10 you know as a state that there's surveillance  
11 going on in other states?

12 MR. HENCH: That would be part of  
13 the new program's transparency. As part of  
14 the state plan, one of the things that  
15 would be evaluated would be surveillance and  
16 captive cervids, at what level. And as  
17 these plans are being made available to  
18 everybody, they can say, oh, these guys are  
19 doing a great job in their captive cervid  
20 industry. These guys are doing this job in  
21 their captive cervid industry. As I said,  
22 it's sort of one of those that's on the edge  
23 and we're -- the game plan, as I understand  
24 it, is it's all going to be together, the  
25 three species -- cattle, bison, and captive

## BREAKOUT SESSION 1 (CONT'D)

1 cervids. The state will be consistent for TB  
2 and --  
3

4 SPEAKER: I guess I'd offer a  
5 comment, then, that maybe could be considered  
6 that maybe there should be different statuses  
7 for the different species, cervids versus --

8 SPEAKER: The cattle industry can do  
9 all that they can to keep TB out of their  
10 population, but we can't do anything about  
11 the deer because the DNR won't let us. So  
12 you can't say that because we found TB in  
13 the deer population, that the cattle are now  
14 put at the nonconsistent or inconsistent  
15 level.

16 SPEAKER: I'm talking about the  
17 captive cervids.

18 SPEAKER: Got ya.

19 SPEAKER: It's going to be in the  
20 wild or whatever. I'm not for sure I'm  
21 fully comfortable having the same state  
22 status for both species because those animals  
23 are different.

24 MR. HENCH: But wouldn't the  
25 different handling be best addressed in the

## BREAKOUT SESSION 1 (CONT'D)

1 state plan as opposed to a federal level  
2 recognition?  
3

4 SPEAKER: I think for the cervids,  
5 what you might do is -- so you're talking  
6 about no minimum surveillance standard for  
7 captive cervids; right?

8 MR. HENCH: No.

9 SPEAKER: There would be a minimum  
10 level?

11 MR. HENCH: We haven't gotten to  
12 that level of detail yet.

13 SPEAKER: I think that's something  
14 that you're probably going to have to have.  
15 If not, you're going to have to give states  
16 the option of opting out and saying we're  
17 just going to be inconsistent for  
18 privately-owned cervids, but that doesn't mean  
19 we can't be consistent in cattle.

20 MR. HENCH: So you are suggesting  
21 that while we're -- at this time we're  
22 proposing that states would be consistent or  
23 inconsistent by disease, i.e., consistent TB,  
24 nonconsistent bruc, you are also proposing  
25 that states might be considered consistent

## BREAKOUT SESSION 1 (CONT'D)

1  
2 bovine and nonconsistent captive cervid?

3 SPEAKER: Yes.

4 SPEAKER: I would disagree with that  
5 because if we have a plan for the cervid  
6 industry, it may be different than the cattle  
7 industry, but it's still a plan in place.

8 SPEAKER: You are going to have  
9 states that haven't done any surveillance in  
10 their captive cervids, and there's no way  
11 you're going to call them consistent. And  
12 that means they can't be consistent in their  
13 cattle, and that's not fair.

14 SPEAKER: But don't we require  
15 certain importation tests and health  
16 requirements and health certificates that if  
17 they are consistent -- if they're consistent,  
18 you're still not going to get in because we  
19 don't have the status.

20 SPEAKER: But we do have the status.

21 SPEAKER: They are asking all the  
22 states to recognize if you're consistent --  
23 and I think for cervids, that's very tough  
24 for -- they're not there yet.

25 MR. HENCH: They are telling us that

## BREAKOUT SESSION 1 (CONT'D)

1  
2 they want to reconvene in the big room in  
3 about five or eight minutes.

4 Regulations.gov, send us your comments. Tell  
5 us what's wrong. Tell us how to fix it.  
6 Tell us how you want us to go, please,  
7 please, please.

8 **(Whereupon the proceedings were**  
9 **concluded at or about 3:03 p.m.)**

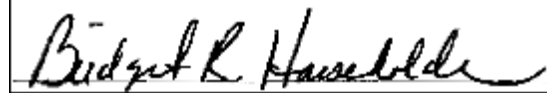
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**CERTIFICATE**

STATE OF MICHIGAN

COUNTY OF SHIAWASSEE

I hereby certify that on the date and at the place herein before set forth, I reported stenographically the proceedings held in the matter herein before set forth, and the testimony so recorded was subsequently transcribed by me, and that the foregoing is a full, true and accurate transcript of my original stenotyped notes.



Bridget R. Householder,

Dated: July 1, 2011

1  
2

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**PROPOSED TUBERCULOSIS AND BRUCELLOSIS**

**REGULATORY FRAMEWORK**

**PUBLIC MEETING**

**PROGRAM (STATE) REQUIREMENTS**

**ZONING AND SURVEILLANCE**

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**SMALL GROUP SESSIONS**, held on May 19, 2011,  
at the Causeway Bay Hotel and Convention Center, 6820  
South Cedar Street, Lansing, Michigan, commencing at 7:30  
a.m., Suzanne Duda, Court Reporter and Notary Public in  
and for the State of Michigan.

**SMALL GROUP SESSIONS**

**MAY 19, 2011**

1  
2  
3  
4 DR. BENGSTON: Welcome, all. My  
5 name is Steve Bengston, and I'm with  
6 Veterinary Services. I work with the  
7 National Surveillance Unit, and so I'll be  
8 kind of asking a few questions here.  
9 Probably other things we haven't considered  
10 will come up, which is fine.

11 I should say I'm not a member of  
12 the working group. I was one of the  
13 technical advisors that worked a little bit  
14 at times with the group. But we've -- since  
15 Steve's here, he is a member of the group,  
16 and he has a lot of knowledge of the  
17 discussions that I may not be completely  
18 aware of.

19 So I thought -- so we've got three  
20 topics to cover. We want to talk about the  
21 program standards, we want to talk about the  
22 zoning a little bit, and then we want to  
23 talk a little bit about surveillance. And  
24 so I'll start off with some questions. The  
25 whole point is to get some feedback, your

3  
SESSIONS

1  
2 thoughts. And then, like I said, if we  
3 don't cover the areas that -- you know,  
4 we're not hitting the mark, then my  
5 questions, we can throw them out, and we can  
6 come up with other things.

7 One of the things I found difficult  
8 or challenging with this process is that as  
9 the group went through and you try to  
10 identify eight points or whatever, a lot of  
11 these things tend to overlap. So, you know,  
12 surveillance is one good example that comes  
13 kind of into play in a lot of areas. So  
14 to segment them out is sometimes difficult,  
15 but we'll do the best we can.

16 I think the first thing -- one of  
17 the things that Lee Ann and Steve both  
18 talked about quite extensively was this  
19 concept of the advisory board modeled after  
20 sort of the pseudorabies program, giving  
21 advice on state -- the state animal health  
22 plan, compliance issues, when state status  
23 changes should be triggered and so forth.

24 So to start it out, I guess, is  
25 there any thought -- does that sound like a

## SESSIONS

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good idea to this group here?

SPEAKER: The advisory board?

DR. BENGSTON: Yeah.

SPEAKER: Yeah, because they can take input from producers too. I realize producers can't be on it, but if --

DR. BENGSTON: Yeah. And I'm -- I don't know, because that kind of threw me there. I didn't realize coming into this --

DR. HALSTEAD: No, I think what Lee Ann was talking about -- and I don't think she's in here -- but when she had that slide that talked about that law, that rule --

DR. BENGSTON: That formal grouping.

DR. HALSTEAD: -- yeah -- that was just for, as I understood it, for the working group, not for an advisory board specifically. Because when we had -- of course, the Pseudorabies Advisory Board was producers, and it was -- you know, it was a national --

DR. BENGSTON: At the end, though, she mentioned this other law, and we talked about advisory boards, and that confused --

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SPEAKER: I'm not sure what the law is, because a producer group worked with her before your group did on the same issues outlined and everything, and then it was about six of us as well.

DR. HALSTEAD: Yeah. So I think I had a phone call, I stepped out when she was -- maybe as she was wrapping that piece up so I missed some of what she said.

DR. BENGSTON: She mentioned about these federal and state people.

SPEAKER: It did come across as there could not be any producers or farmers on the committee, and that would be --

DR. BENGSTON: Well, that's something that --

SPEAKER: That's one of the --

DR. BENGSTON: That's one of the questions is who should make up that group. So I think we definitely have to at least have it being recorded.

SPEAKER: She did have a slide that said advisory board at the top.

SPEAKER: If it is governed by that

1  
2 rule, at least look at some ex officio  
3 members from the producer community and have  
4 them from areas that are dealing with the  
5 disease. Too many times when, you know,  
6 those type of programs or committees are  
7 appointed people get appointed to serve on  
8 them that haven't dealt with the issue.

9 DR. BENGSTON: Right. And that's a  
10 big question, just how should that selection  
11 process go. Should -- I mean, any further  
12 thoughts on that? Certainly, you know, you  
13 --

14 SPEAKER: I would allow the states  
15 to make nominations.

16 DR. BENGSTON: State nominations, and  
17 then -- who are dealing with the issue at  
18 the time.

19 And then would you see that as  
20 something that would be like a term or  
21 rotate or stay on it or a period of time,  
22 or would that be more an indefinite thing?

23 SPEAKER: Well, you can get burned  
24 out after a while.

25 DR. BENGSTON: Right. Right. Well,

1  
2       yeah, you might get tired of it, and it's  
3       also good to get new blood in sometimes and  
4       different perspectives.

5                SPEAKER:     Probably needs to be a  
6       two-year term or a three-year term.    If it's  
7       two, an opportunity to serve a second  
8       two-year because, yeah, you can get burned  
9       out.

10               DR. BENGSTON:    Yeah.

11               SPEAKER:     It's another responsibility.  
12       But you want some consistency and uniformity  
13       and knowledge too as well.

14               DR. BENGSTON:    Right.    Right.

15               SPEAKER:     You want to make sure that  
16       -- I mean, based on the timeline or how  
17       quickly we're moving here, you don't want to  
18       put them in without the opportunity to  
19       actually see anything come to fruition, like  
20       to be able to accomplish anything on the  
21       advisory committee.    So you want to make  
22       sure that they're on there long enough to  
23       get their voice heard and to see something  
24       happen.

25               DR. BENGSTON:    That's a very good

1  
2 point, because sometimes -- I mean, I'm sure  
3 there will be input, particularly early on,  
4 if I heard correctly and envisioned it.  
5 Like once these state plans coming out, if  
6 they have a role in reviewing those state  
7 plans, then that would be something that they  
8 could certainly be involved in. But state  
9 status decisions, those can range quite a  
10 period of time.

11 SPEAKER: I think they want to  
12 tighten them up too as well. I talked to  
13 Lee Ann earlier about that.

14 DR. BENGSTON: Tighten up...

15 SPEAKER: The timelines up on how  
16 long some of these statuses and things move  
17 and the paperwork. Sometimes now it takes  
18 six years to put a report -- or six -- I  
19 shouldn't say six years, but it seems like  
20 it -- six months for everybody to get a  
21 report out and then another six months to  
22 have it reviewed, and that needs to be  
23 tightened up.

24 DR. HALSTEAD: Well, and if we move  
25 away from statuses altogether, if it's



## SESSIONS

1  
2 consistent or nonconsistent or -- what was  
3 the other term?

4 SPEAKER: Provisional.

5 SPEAKER: Provisional.

6 DR. HALSTEAD: Yeah. And we also  
7 -- those terms, consistent, nonconsistent,  
8 come from this great big program. So it's  
9 jargon. And as long as you're familiar with  
10 the Scrapie program, people understand that.  
11 But it's -- they're kind of confusing terms.

12 DR. BENGSTON: They are. I think  
13 the intent is as I -- this is -- maybe I'm  
14 speaking out of turn here -- but my -- you  
15 know, right now the status system is fairly  
16 punitive. And if a state is able to manage  
17 their disease and control their disease, why  
18 should we penalize all the producers for  
19 that.

20 DR. HALSTEAD: Right. That was a  
21 hard push -- I mean, it was a strong push  
22 that we put into these proposed concepts for  
23 revision.

24 I think the other thing, coming back  
25 to the advisory board or whatever it's

1  
2 called, we've got a great launching pad for  
3 guiding and directing and assisting with  
4 putting things like that together. It's the  
5 USAHA TB advisory -- or TB committee. And,  
6 again, the model from pseudorabies showed  
7 that that was very effective. We had a  
8 pseudorabies committee within USAHA. That's  
9 where the positions on the board were  
10 determined, not the persons that held those  
11 positions, but from the committee came  
12 recommendations -- or actually design of the  
13 board, so, you know, somebody from National  
14 Pork Board, somebody from Farm Bureau. I  
15 don't remember all exactly who it was, but  
16 that worked very well. And it got the  
17 buy-in from all of the effective  
18 stakeholders.

19 DR. BENGSTON: Well, another issue  
20 related to the advisory board, then, too is  
21 now, as you heard, we're trying to take what  
22 at least on paper have been two separate and  
23 distinct programs with different terminology  
24 and seeing if both the brucellosis and TB  
25 program can be -- the regulations are going

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SESSIONS

1  
2 to be fairly flexible enough where, with  
3 program standards having all the detail, that  
4 that's hopeful to work.

5 How about the advisory board? Would  
6 that -- would the advisory board be able to  
7 cover, do you think, both diseases, there  
8 will be similar issues, or would that get  
9 too overwhelming? Because now you've got  
10 expertise coming from -- you know, somebody  
11 may have great TB expertise and not so much  
12 brucellosis. So would you see that as a  
13 separate advisory board maybe for brucellosis  
14 versus TB?

15 SPEAKER: Yeah.

16 SPEAKER: Currently we have a TB  
17 advisory board for Michigan. It's pretty  
18 much made up of state, industry, Veterinary  
19 Services that does -- you know, deal with a  
20 lot of the issues that, you know, this  
21 proposed advisory is, you know, could -- I  
22 mean, that could serve as a model. At least  
23 we would have a model here on what, you  
24 know, maybe the advisory -- if you look at  
25 what the TB advisory committee's doing now,

1  
2 you know, with these proposed advisories.

3 DR. BENGSTON: Okay. Any other  
4 thoughts from anybody on the advisory board,  
5 or should we say we're good on that?

6 SPEAKER: But the term thing, you  
7 know, it would be almost like politics, you  
8 know. I mean, everybody wants a new person  
9 in there all the time, but there's a  
10 learning curve that before somebody gets, you  
11 know, effective as a legislator, they got to  
12 be there for a period of time. And there's  
13 this thing about, you know, his suggestion  
14 seems really good about, you know, give the  
15 person a time frame that's realistic and not  
16 always want new people immediately, you know,  
17 because that really does cause havoc I think.

18 DR. BENGSTON: And I thought that  
19 was a good suggestion possible for a re-up  
20 if the person was willing to give some  
21 continuity to it.

22 DR. HALSTEAD: What other -- who  
23 else should be on it? You know, we talked  
24 about industry and we talked about state and  
25 federal regulatory. Wildlife? Should we

1  
2 have a -- let's say that then we need to  
3 have a person from the wildlife agency,  
4 Wildlife Services, or maybe a state wildlife  
5 agency. That's -- I'm just thinking TB  
6 board now. Brucellosis probably models or  
7 reflects it. Who else, though, should be on  
8 the board?

9 SPEAKER: Maybe DNR.

10 DR. HALSTEAD: Well, again, if it's  
11 a national, then we need to be sure we're --

12 SPEAKER: It's got to work for  
13 everybody.

14 DR. HALSTEAD: Yeah. Wildlife  
15 Services would be --

16 SPEAKER: Of course, that doesn't  
17 necessarily have to be -- each state can set  
18 their own, can't they?

19 DR. BENGSTON: Well, I think this  
20 one is -- they certainly could, but I think  
21 what we're talking about here is a national  
22 board to deal with the state -- individual  
23 state plans. And then if state status  
24 issues or noncompliance and how do you handle  
25 it, do you -- you know, some advice on

1  
2 here's what they're doing, do we drop the  
3 status, or are they handling things and so  
4 forth. So I think this discussion is  
5 envisioning more the national level.

6 SPEAKER: I would think you would  
7 want a couple of private practitioners on  
8 there, people that are actually out doing TB  
9 testing. It would make some logical sense.

10 You might even want to have a couple  
11 people who represent the College of  
12 Veterinary Medicine who are doing any or  
13 could represent any type of research that's  
14 being done on disease.

15 SPEAKER: California I think are  
16 doing research on new tests.

17 DR. HALSTEAD: Mm-hm.

18 SPEAKER: Maybe it wouldn't hurt to  
19 have one of them on there.

20 DR. HALSTEAD: And if we're -- well,  
21 Lee Ann talked about the specific species  
22 that we're talking about. Do we need to  
23 have a representative from each of those  
24 species groups? And then you've got -- you  
25 might have multiple national organizations

1  
2 too. We'd just have to decide how many  
3 people you want to have on the board.

4 SPEAKER: You're referring to dairy  
5 versus beef? Is that what you're getting  
6 at, Steve?

7 DR. HALSTEAD: Well, yeah --

8 DR. BENGSTON: Possibly cervids too.

9 DR. HALSTEAD: Cervids, right.

10 DR. BENGSTON: We haven't talked  
11 much about cervids, but that's going to be  
12 rolled into this, captive cervids industry.

13 DR. HALSTEAD: So a member to  
14 represent each of those organizations to be  
15 balanced makes sense.

16 SPEAKER: What about representatives  
17 from -- elected officials of affected areas,  
18 could they be part of that, or...

19 SPEAKER: They don't necessarily come  
20 up with the right people.

21 SPEAKER: Probably not going to  
22 understand the disease, that's the issue.  
23 You want people who understand the -- on  
24 there that understand the disease and  
25 understand dealing with the industries that

1  
2 are impacted.

3 DR. BENGSTON: The other thing that  
4 always comes up to me in those kinds of  
5 groups is what size of group is really a  
6 functional group, you know. If it gets --  
7 if everybody's represented -- you know, you  
8 want everybody represented --

9 SPEAKER: I don't think you want  
10 much more than 15 on it.

11 DR. BENGSTON: No. I think it gets  
12 pretty unwieldy after a while.

13 DR. HALSTEAD: I'd just throw out  
14 also a member from the National Association  
15 of State Animal Health Officials, the state  
16 veterinarians.

17 SPEAKER: Dr. Park you mean from the  
18 national organization?

19 DR. HALSTEAD: No, I'm saying from  
20 the National Assembly of State Animal Health  
21 -- the state vets. But Elizabeth from  
22 Cattlemen's, yeah. So at least somebody  
23 from, you know, the breed organization, the  
24 industry organization.

25 DR. BENGSTON: Okay. The next thing



1  
2 I have is reporting. It was mentioned in  
3 there that there would be reporting  
4 requirements. And so maybe we could have  
5 just a discussion on what type of things --  
6 one of the things that were mentioned were  
7 status of disease investigations, for example,  
8 caudal-fold response rates, things of that  
9 nature. Are there -- what do you guys see  
10 as reporting requirements from states so that  
11 other states can access this information and  
12 have assurance that everything's going --

13 SPEAKER: It needs to be in a  
14 timely manner.

15 DR. BENGSTON: Well, yeah, that's  
16 another aspect of this. How do we do it?  
17 Who's responsible? What's the mechanism for  
18 that? But --

19 SPEAKER: Well, in Michigan right  
20 now with the TB program we have to submit  
21 two official reports, a midyear and an annual  
22 report, to USDA on the TB program that looks  
23 at how much surveillance tests we've had,  
24 that includes the affected herds, our  
25 wildlife testing activities and so forth. So

1  
2 we do that twice a year, you know, basically  
3 October and March or April.

4 DR. BENGSTON: Right.

5 SPEAKER: So that's what's being  
6 done right now. That's mandated.

7 And then upon every herd that we do  
8 surveillance -- find infected we have to keep  
9 USDA appraised of what's going on with that  
10 investigation, where we are in the  
11 investigation, how many trace-ins, trace-outs  
12 we have and so forth so we keep them  
13 appraised. And then we submit our final epi  
14 investigation report to USDA also.

15 SPEAKER: How often is that?

16 SPEAKER: Well, that's as often as  
17 you have an infected herd.

18 So that -- you know, so typically  
19 what we try to do here in Michigan is try  
20 to have our epi investigation report done  
21 within about 60 days of the actual herd  
22 being found infected.

23 DR. BENGSTON: Yeah.

24 SPEAKER: And that goes beyond just  
25 the trace-in and trace-outs. That's probably

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for another discussion.

SPEAKER: They're going to move some things along within a year based on where it's at and the situation. You might want to change that to 90 days on the other one instead of twice a year.

SPEAKER: I don't know if I want to -- I mean, we write enough now.

SPEAKER: Gary, I might look at going the other way and say if you're doing an annual report, that's probably enough, because what good does it do to have a report and have it sit in a computer or on a desk somewhere and no one ever looks at it.

SPEAKER: If you're not able to move on it.

DR. BENGSTON: You identified one of the problems and issues is because these things haven't moved, you know.

Hopefully the future is to get these things moving through and then become -- now, let me ask you this. Some of the semi annual and the annual report. Well, every

1  
2 -- I think an annual report is a requirement  
3 of all states right now, but that may be  
4 something to do with your multiple zones.  
5 You have a lot -- right now you're kind of  
6 -- you're way ahead of the curve. And I  
7 don't think -- we're talking about for some  
8 of these other states I think more so, some  
9 basic reporting requirements. You're probably  
10 exceeding what we put into the --

11 SPEAKER: And Michigan does exceed  
12 that. I mean, the other thing is we do  
13 share our caudal-fold response rates on an  
14 annual basis. Actually, I think we do do it  
15 semi-annually, we do include it in your  
16 midyear. I'd have to go back and look at  
17 it. So that's included in there.

18 And I guess at the last USAHA  
19 meeting last year the recommendation was made  
20 to USDA to start -- on a quarterly basis  
21 start sharing with the National Assembly of  
22 State and Animal Health officials what is  
23 going on TB nationally, do a newsletter and  
24 so forth.

25 So that's where -- then they're

1  
2 wanting to know what -- you know, as we have  
3 infected herds, we're obviously having to  
4 communicate with USDA and they're starting to  
5 -- they put those things in there.

6 SPEAKER: Well, what can you do to  
7 move the statuses on faster?

8 SPEAKER: So as in if they're  
9 consistent or not consistent? I think that --  
10 I mean, looking at what I've seen today, I  
11 mean, I would say that's based on what kind  
12 of plan you have in place and are you  
13 meeting those minimums. Are you responding  
14 -- are you doing enough targeted  
15 surveillance. Are you doing enough baseline  
16 surveillance. Are you getting those epi  
17 investigations done. Are you containing  
18 those animals to where they need to be.

19 SPEAKER: (Inaudible)

20 SPEAKER: I guess that's what I --  
21 it is not in the framework where I see right  
22 now, you know. Typically, you know, the  
23 current --

24 SPEAKER: Once they put the -- once  
25 they define everything and put the timelines

1  
2 on, it will be in the framework. And if  
3 they want to change some of these within a  
4 year, it's going to -- what do you got to  
5 do to do that.

6 SPEAKER: The bigger question here  
7 is rather than how much should we be  
8 reporting, the question is what are you going  
9 to do with it. What is it for. How is it  
10 going to be utilized. And if there's no  
11 need for it, then, number one, don't waste  
12 the time. But if there is reporting, why  
13 are we doing it. Somebody tell me that  
14 first, and then you can determine how much.

15 DR. HALSTEAD: And there's a couple  
16 reasons -- that's a good question because,  
17 you know, what are you submitting and what  
18 value is it. You have to ask that. You  
19 have to know what your -- why you're  
20 submitting it before you can really decide  
21 what you are going to submit.

22 One is, like James said, other  
23 states need to know, at least under the  
24 current program, because we don't have this  
25 field-leveling device that -- of a state --

1  
2 all states having plans. So when a new  
3 state has an I'll use TB case, the rest of  
4 us are wondering what are they doing. How  
5 are they managing. What's their plan for  
6 containment, for surveillance, for response,  
7 depopulation, all those things. None of that  
8 is consistent right now, it's all, in most  
9 cases, made up as they move along because  
10 they haven't had to deal with it.

11 So there's a lot of frustration, and  
12 it moves out slowly. And there's a lot of  
13 concern about consistency from one state to  
14 another in the absence of an actual framework  
15 for all those things.

16 So that's a really important reason  
17 for us to, one, have a plan for each state  
18 so that we can share that and know ahead of  
19 time that it's been judged, evaluated by a  
20 -- by a panel that we all trust to say it's  
21 a good plan. That's where this board  
22 concept comes in.

23 So it's consistent with -- or it's a  
24 good plan that's approved, then they respond  
25 in accordance with that plan. Well, we need

1  
2 to be all reassured that, yeah, they are.  
3 So we need the reporting coming out of a  
4 state that's got a new case that tells us --  
5 that lets us then look at the plan, look at  
6 the response and line them up and say, yeah,  
7 that's what they said they're going to do  
8 and they're doing it so we're all comfortable  
9 that that's going to work for us.

10 In the absence of that, or if they  
11 aren't doing what they said they're going to  
12 do, then they're inconsistent and some  
13 consequence should happen.

14 The other reason is for international  
15 trade. And that gets -- you know, it gets  
16 out of the states' arena immediately. But  
17 it's an important requirement for USDA, and  
18 it keeps -- you know, keeps things moving.

19 So that's an important part of the  
20 reporting. I'm not sure what all is  
21 necessary, though, what we have to report  
22 there. You know, that's a -- that's a --

23 SPEAKER: Don't you think every  
24 state's going to be a little bit different  
25 because of the situation?



1  
2 DR. HALSTEAD: Well, I think what  
3 needs to be reported at the -- at the  
4 international level is higher.

5 SPEAKER: I mean as far as the  
6 state plan goes.

7 DR. HALSTEAD: Yeah, each state's  
8 plan is going to -- there's going to be some  
9 --

10 SPEAKER: Because they're going to  
11 give you more leeway to work within each  
12 state.

13 DR. HALSTEAD: Yeah. Yeah. So the  
14 state plans are going to -- the reporting  
15 requirements are going to be different from  
16 what's necessary for international reporting,  
17 and it is going to vary from state to state,  
18 depending on what you're dealing with there.

19 SPEAKER: So is the reporting  
20 concept transparency? Are we -- the public  
21 is going to have access to the reporting or  
22 -- I mean, from her talking, I kind of  
23 envisioned a website that you guys would have  
24 that, you know, representatives could go to,  
25 the public could go to, industry could go

1  
2 to.

3 DR. HALSTEAD: With certain  
4 information but not --

5 SPEAKER: Yeah. I mean, it would  
6 just have general information, it wouldn't  
7 have -- you know, I know there are  
8 confidentiality problems with it, ID and  
9 everything. But, I mean, if we just have,  
10 you know, the size of the herd, the -- you  
11 know, what was being done, the tracing that  
12 -- you know, level where the tracing status  
13 was at that time and --

14 DR. HALSTEAD: Yeah. In which  
15 direction and what states -- what other  
16 states have follow-ups because of the  
17 tracing.

18 DR. BENGSTON: And I think -- you  
19 can elaborate, Steve, but I think one of the  
20 things I heard from a lot of the state vets  
21 in the working group was right now you have  
22 no flippin' idea what's going on in  
23 Tennessee. So all you do is you see a  
24 press release, they got TB, now what do we  
25 do. And some states will then say, okay,

1  
2 we're going to pass a law to prohibit them  
3 from bringing animals in here.

4 DR. HALSTEAD: Or what happens is I  
5 pick up the phone, call Charlie Hatcher in  
6 Tennessee, and ask him, Charlie, what's going  
7 on, and he'll tell me. But that's -- you  
8 know, there's only 50 of us, so it's a  
9 pretty small -- but that doesn't -- that  
10 doesn't lead towards the transparency we're  
11 all looking at and the consistency and the  
12 public confidence in what's going on here.

13 SPEAKER: Well, you would think any  
14 state that has a positive herd or an  
15 outbreak of a disease should probably do some  
16 type of reporting every six months would make  
17 probably logical sense. If you don't have a  
18 problem, probably an annual report's enough.

19 SPEAKER: Who approves the state  
20 plans?

21 DR. HALSTEAD: VS ultimately. But  
22 on the advice -- this is the proposal -- on  
23 the advice of the advisory board.

24 So VS has to -- since they're  
25 responsible for the plan -- we had this very

1  
2 discussion. Is it the board or is it  
3 Veterinary Services. And it turns out  
4 legally it has to be Veterinary Services.  
5 But they're going to take their guidance  
6 from the board if it goes in that direction.

7 SPEAKER: The only reason I raised  
8 the question is I would hope there would be  
9 continuity between the states on state plans,  
10 where what happens now with TB programs or  
11 other animal health programs, they're not  
12 consistent across the country by region.

13 DR. HALSTEAD: Yeah. And that's,  
14 again, the goal of having a board that looks  
15 at all of them and makes those sort of  
16 quality assessments on them --

17 DR. BENGSTON: And also somewhat of  
18 an attempt that what is promised in the  
19 future so at least we don't have, you know,  
20 17 different formats of how to address these  
21 things. So at least here's the areas  
22 addressed, and fill that in, and it can be  
23 evaluated.

24 SPEAKER: So is that -- I mean,  
25 this is getting off from reporting to the

1  
2 plans and everything because I guess I had  
3 -- I do have some questions or so regarding  
4 that.

5 So the way the framework is laid out  
6 at this time, it looks like is that every  
7 state needs to make sure they, for lack of a  
8 better term, have an emergency preparedness  
9 plan for bovine tuberculosis or brucellosis.

10 DR. BENGSTON: Right.

11 SPEAKER: So -- but then -- so  
12 that's if something happens, they're able to  
13 respond in a timely manner.

14 But at the same time, is the plan  
15 going to say -- because I know surveillance  
16 is part of this conversation, supposed to be  
17 here too, that there needs to be a minimum  
18 amount of surveillance that they're doing in  
19 each state. Because people are going to  
20 write a plan and not have much in it  
21 potentially because they're not going to even  
22 bother to do the surveillance because if you  
23 look, you're going to find it. So I guess  
24 how good is a plan if you're not having a  
25 certain level of surveillance going on.

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DR. BENGSTON: Well, there should be some national -- similar to there is now, some national minimal baseline standard of surveillance. I think the idea is, yeah, they will -- you would have to comply with that.

SPEAKER: Right. But the national-based surveillance right now is on slaughter, and so --

DR. BENGSTON: Slaughter and testing they do for various reasons.

SPEAKER: But if you get into states that are -- for instance, I'm -- not to pick on Rhode Island, but it's a small state. It's a small agricultural state when it comes to cattle production. So the amount of actual whole-herd tests or caudal-fold tests they're probably doing in that state is very minimal, and the actual amount probably being sold for slaughter is going to be quite minimal. But they could have a disease in there, and they're hardly doing any testing, and it would be years before we'd even find out.

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2           So what I guess my thought is, as  
3 part of these plans and as part of the  
4 surveillance, there ought to be -- some  
5 percentage of their cattle operations need to  
6 be tested on an annual basis or whatever  
7 just to be doing some surveillance versus  
8 just waiting on that. Get out and do some  
9 active surveillance versus just the passive  
10 surveillance that is being done through the  
11 slaughtering process. And I think that needs  
12 to be part of those plans and everything,  
13 and I don't necessarily see that right now  
14 in these plans. It's just you have to let  
15 the legal framework to respond and quarantine  
16 a herd and do all that stuff which most  
17 states probably to some extent already have  
18 that. But I think the plans need to  
19 incorporate a little bit more than what I'm  
20 seeing right here at this time.

21           SPEAKER: They don't have enough  
22 money to take care of the problem they  
23 already got. They probably don't want to  
24 find any more.

25           SPEAKER: Well, but, I mean, you

1  
2 know, but why isn't a state rewarded, then,  
3 that's doing good. You know, why are they  
4 allowed to get by without --

5 SPEAKER: I'm not disagreeing with  
6 you.

7 SPEAKER: But, I mean, but it's --  
8 I mean, that's where you use your private  
9 practitioners if you know who the regulatory  
10 government have the staffing to do all that.  
11 You use the private sector to help do some  
12 of that active surveillance. Yeah, you're  
13 going to have to pay them a little bit, but  
14 it might be cheaper than hiring additional  
15 staff.

16 DR. HALSTEAD: So what's the  
17 response to that? Is there inadequate  
18 surveillance just based on the testing that  
19 gets done right now for movement and  
20 accreditation and the passing through  
21 slaughter? Is that insufficient in the  
22 country? Do we need to do -- do we need  
23 some level of active surveillance? And then  
24 you got to consider who pays for that. And  
25 James brought it up what the cost of that is



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and --

SPEAKER: It is insufficient if states are going to use their pre --

DR. HALSTEAD: Pre-status?

SPEAKER: If states are going to use disease status or disease prevalence as an ability to impact commerce between the states.

DR. HALSTEAD: So -- okay.

SPEAKER: So, i.e., we'll talk about Wisconsin because that's where the problem is. They're holding it over our head that they will not accept cattle from Michigan, as we all know, because we have a disease, but they don't know if they do or not. Okay?

DR. HALSTEAD: And we test more cattle than any state in the country.

SPEAKER: Exactly right.

So we've got to find a fix to the problem. We can't be using it is an artificial trade barrier, which is exactly how it's being used if the rest of the country isn't going to test to find out what they have. It's that simple. Either you do

1  
2 away with it or everybody tests. Figure  
3 something out.

4 DR. HALSTEAD: So in this approach  
5 with a state plan, should there be a  
6 requirement that there be a certain  
7 percentage of the state's herd, to get to  
8 James' point about Rhode Island being a small  
9 state, that get tested on an annual basis by  
10 an active process?

11 SPEAKER: I think that would be  
12 great, but it will never fly.

13 DR. HALSTEAD: Yeah, that's -- I  
14 think that's --

15 SPEAKER: Let's be realistic.

16 SPEAKER: You can't force the other  
17 states to do that.

18 DR. HALSTEAD: Well, if it's part of  
19 their plan, I mean, if that was a  
20 requirement to have an approved plan. But I  
21 think you'd get a lot of push-back if that  
22 were proposed to be part of the plan. I  
23 mean, that's the advantage of being free  
24 right now is you're relieved of the burden  
25 of testing.

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SPEAKER: Either you test or you accept cattle from states that are consistent.

DR. HALSTEAD: Okay. So there's a quid pro quo to it.

SPEAKER: Absolutely.

SPEAKER: Ours we know are safe, but we don't know if what they're going to is. But they won't accept us.

DR. HALSTEAD: Yeah. We test more cattle in Michigan than anybody does, and yet there are trade barriers built against us even though we can say with pretty high certainty what our herd health is.

SPEAKER: So I guess if you had a minimum standard, you had to test even in free states, can you as a state then challenge that minimum standard saying your state doesn't have enough risk to support that minimum standard, go to advisory committee on that? I mean, because that's --

DR. HALSTEAD: To get a variance so to speak?

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SPEAKER: Yeah. They're going to say, hey, we haven't had TB in whatever number of years, and what we're doing now seems fine.

SPEAKER: And the rest of the other states are going to say you haven't had it because you haven't looked for it.

DR. HALSTEAD: Yeah. You have it and you just don't know it.

So that goes back to the preemption issue too. Can a state do what Wisconsin's been doing to us for all these years.

SPEAKER: I think that's a -- that's a logical trade-off.

SPEAKER: I just don't think it should be fair they can do it when we know ours are safe, ours have been tested.

SPEAKER: Well, we all know that's simply a personality issue there.

SPEAKER: Well, I know it.

SPEAKER: It won't go away until the --

SPEAKER: It shouldn't be acceptable.

SPEAKER: It's a test issue too.

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We don't have a great test.

SPEAKER: Illinois and some others.

SPEAKER: Illinois and Iowa as well.

SPEAKER: Steve, the question -- the comment you made this morning, and I want to ask you about it -- and I don't disagree with the statement -- but when you say we find more cattle with TB through the caudal-fold process versus slaughter --

DR. HALSTEAD: In Michigan. In Michigan.

SPEAKER: In Michigan. The thing we haven't done in Michigan, nor will -- maybe USDA won't allow us to do it -- is what I say conduct a pilot project where -- we've got all the animals ID'ed, we go to slaughter, where you take two or three of those infected counties and test the slaughter surveillance process and see how well it works. We have found cattle from Michigan with TB at slaughter just like Indiana found their animal down there.

So the point is that as you move forward, the pressure gets to where the --

1  
2 I'm surprised that Carey hasn't brought it up  
3 or Delmer -- producers are saying we've been  
4 at this thing for so many years now, test,  
5 test, test, every year. Go every two or  
6 three years with a whole herd test, but go  
7 a couple of years moving cattle to slaughter  
8 based on the RFID program and see if we can  
9 catch those at slaughter. If we do catch  
10 that herd or individual animal at slaughter,  
11 then we go back and we test the herd. But  
12 put some credibility to the program.

13 SPEAKER: I think that's the reason  
14 when you get to the status that we're  
15 getting already is --

16 DR. HALSTEAD: If we have that  
17 framework in place.

18 SPEAKER: Well, I talked --

19 SPEAKER: They won't allow us to get  
20 it there. I mean, that's one of the things  
21 that I worked with Lee Ann down in DC for  
22 two or three weeks. That was the reason  
23 they --

24 SPEAKER: Well, and I got a call  
25 from them in Minnesota, Animal Health Board,

1  
2 yesterday, one of the veterinarians out  
3 there. She asked me a bunch of questions  
4 about our animal ID, and evidently she's been  
5 new to the job or stone cold to what we've  
6 been doing. And so I was driving back from  
7 Atlanta so I had a lot of time to talk to  
8 her. I gave her an update of what we're  
9 doing and she was shell shocked. And she  
10 said, well, how did you implement the  
11 program? And I said, well, it was pretty  
12 easy. We lost a few government employees in  
13 the process, but we got it done.

14 DR. HALSTEAD: Sawed some off. Got  
15 some sawed off of --

16 SPEAKER: Some were sawed off and  
17 are a little shorter than they used to be;  
18 not as tall as they used to be.

19 But the point -- even her and I  
20 discussed the fact that what are you doing  
21 with slaughter surveillance. And I said,  
22 well, it's kind of irrelevant right now  
23 because we test everything.

24 DR. HALSTEAD: But out of your --  
25 James, I don't know if you know the numbers

1  
2 off the top of your head. Out of our herds  
3 that we've had, how many positive animals has  
4 it been total? Do you remember what the  
5 number is?

6 SPEAKER: 143 I think out of the 52  
7 herds.

8 DR. HALSTEAD: Yeah. So roughly  
9 three times as many as the number of herds.  
10 And some of those herds have been -- have  
11 had a significant portion of those extra  
12 animals if you figure --

13 SPEAKER: Typically, it's one animal  
14 per herd.

15 DR. HALSTEAD: It's one animal per  
16 herd. And we don't have a TB epidemiologist  
17 in the room that could tell us the  
18 difference in the sensitivity and  
19 specificity on the -- between the slaughter  
20 and caudal-fold testing or the statistics on  
21 those, but we do know that the caudal-fold  
22 finds it earlier and...

23 SPEAKER: And I don't dispute that.  
24 But I would also say that we've also killed  
25 a lot of innocent bystanders that are



1  
2 associated because they're associated with  
3 that herd, unfortunately. And, as Lee Ann  
4 said, you know, it would be great if we had  
5 a blood test, if we had an accurate test.

6 DR. HALSTEAD: Well, if we did have  
7 the infrastructure in place at all the  
8 slaughter plants in the country to capture  
9 all of the information from at least our  
10 Michigan cattle who are wearing those fancy  
11 ear tags. We heard -- we've heard  
12 repeatedly, and I've heard it here recently  
13 in some meetings from USDA leadership, that  
14 there's no expectation that we're going to  
15 have electronic readers in all of the plants  
16 in the country, you know, so -- there's just  
17 no money to do that.

18 SPEAKER: We're not even getting  
19 FSIO's people to write the RFID number down  
20 on a trace-back called drug residue.

21 DR. HALSTEAD: Right. Right.

22 SPEAKER: And that's really sad when  
23 you deal with those people --

24 DR. HALSTEAD: Hard wall between  
25 those programs.

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SPEAKER: And it's like wait a minute, that is an official as the model tag, and you've got one federal agency not recognizing what I think is a critical program. And so to me, those are continuity that we've got to straighten up if we're going to move a lot of this thing forward.

DR. BENGSTON: Just to elaborate a little bit on slaughter surveillance, you know, as Steve said, it is the system sensitivity that is much lower than test. And where you gain in that with the very low prevalence disease is over time now you have a better chance of its coming out of a bigger herd, you know, a higher prevalence herd because you've got -- maybe it hasn't even developed lesions. Maybe an inspector didn't see the lesion. Then did they submit the tissue sample and so forth. So -- but it depends very much on herd size. And then you may have, you know, small producers that never send an animal to slaughter. So -- but I don't know...

DR. HALSTEAD: We're not getting

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them anyway.

DR. BENGSTON: We're not -- yeah, I was going to say -- I almost said we don't care, but I --

SPEAKER: We're getting them.

SPEAKER: They send them sometimes.

DR. BENGSTON: But they're not going to be the big disease causer.

SPEAKER: Right.

DR. BENGSTON: So it's fairly effective when you get into these large --

SPEAKER: Well, they can be a big disease causer because they go unnoticed. And then when you find the infected herd, it impacts your state status and your ability to be, whether it's, you know, with the current status, the five-tier, or if it's this proposed three-tier. It does -- and that's why I bring up the comment about there needs to be some active surveillance out there.

DR. BENGSTON: Right. Now, one thing I'll just say in this proposed new concept, you know, in the past we have based status levels on prevalence, herd prevalence.

1  
2 That's not necessarily the case in the  
3 future. And now like the interim rule now  
4 for a state -- you guys are kind of an  
5 exception -- but for a state that was free  
6 and they find a herd, they don't necessarily  
7 drop status like they were, two herds in a  
8 period of time. So that's another question  
9 about this consistent or inconsistent status,  
10 you know, what should trigger that.

11 We're kind of thinking more is it's  
12 -- if they have a plan and they're following  
13 their plan, then finding it should not  
14 penalize the state. That's a good thing if  
15 we find it, you know. But it's not right  
16 -- in today's it's not.

17 So are there -- should we consider  
18 prevalence or incidence of new cases in the  
19 state or should there just be other things.  
20 I think the idea was if a state gets an  
21 affected herd and they manage the  
22 investigation and do all the epi and so  
23 forth and take care of it, and then that  
24 really you shouldn't penalize the state for  
25 that.

1  
2           So I don't know whether -- that's  
3 always something you get to a point where if  
4 you have a high enough incidence you'd say  
5 are they really managing this. So there may  
6 be a line there where that changes.

7           DR. HALSTEAD: I think it's sort of  
8 a self-indicator, you know.

9           DR. BENGSTON: Right. Right.

10          DR. HALSTEAD: It would certainly  
11 raise questions.

12          SPEAKER: Are we not being  
13 consistent -- we're managing our situation  
14 well, but we're not controlling our disease.

15          DR. HALSTEAD: Yeah. When you bring  
16 a wildlife component into it, then some --  
17 you have to sort of move to another room  
18 when you talk about it.

19          DR. BENGSTON: Right. Right.

20          SPEAKER: They're not willing to put  
21 their foot down and do the right thing.

22          DR. BENGSTON: And that's what I  
23 would ask the group, you know. I understand  
24 and I'm all for surveillance, but it's a  
25 different scenario if you don't have the

1  
2 wildlife or something out there that's a  
3 constant exposure risk. And we've gone back.

4 Now, states do testing it's more of  
5 a passive thing, it's not necessarily  
6 whole-herd tests which is flawed.

7 SPEAKER: I don't disagree with what  
8 James was saying, but you're going to get a  
9 lot of kickback from the states that haven't  
10 had a problem.

11 DR. BENGSTON: Right. Right. And  
12 I think we -- you know, that was the program  
13 up until, what, '58 or something, and then  
14 we didn't get much bang for our buck there  
15 and then went to this slaughter surveillance  
16 just from a -- you know, we tested lots of  
17 herds and purchased a lot of animals, which  
18 didn't go over well, because many of them  
19 proved to be negative because of poor  
20 specificity of the test, you know.

21 SPEAKER: Might I suggest one way to  
22 get at the surveillance issues and part of  
23 surveillance is traceability. Maybe you put  
24 into the rule that a state either needs to  
25 implement an electronic ID and tracking

1  
2 system for movement of livestock or do some  
3 sort -- some level of caudal-fold testing.

4 We've got to get there. I mean,  
5 we've got to -- we've been talking about it  
6 forever, you know. And now we're coming out  
7 with a brand-new plan that -- not we, you --  
8 that require CBIs --

9 DR. HALSTEAD: You're part of it  
10 now, your name's on the list for this  
11 meeting.

12 SPEAKER: -- that require CBIs on  
13 movement of pretty much everything, which is  
14 a whole nother issue in terms of who's going  
15 to pay for those because --

16 SPEAKER: They don't have the money,  
17 that's why they haven't developed that.

18 SPEAKER: But the bottom line is --

19 SPEAKER: They may ask Farm Bureau.

20 SPEAKER: -- we are one of the few  
21 countries in this world that doesn't have  
22 traceability, that does not have a national  
23 ID system, because we're afraid of stepping  
24 on some toes. If we're serious about  
25 disease surveillance and we're serious about

1  
2 fixing the problem in the event that  
3 something happens, then better do it, and we  
4 might as well do it right.

5 DR. BENGSTON: I can tell you I  
6 worked with the working group on a  
7 surveillance area, and that's exactly what  
8 that statement was up there was all about  
9 because we said without adequate animal  
10 identification, we can't have a successful  
11 program. But we're kind of stuck with this.  
12 That traceability rule is on sort of a  
13 separate track.

14 DR. HALSTEAD: It is.

15 DR. BENGSTON: We were just trying  
16 to say we -- so we're not going to write  
17 anything --

18 SPEAKER: Our foreign markets are  
19 going to demand that. It's going to be  
20 market driven.

21 DR. BENGSTON: Well, that could be,  
22 but we're kind of in a dilemma with our  
23 little group just looking at TB because we  
24 want to keep certain requirements for ID that  
25 we had, but we're not going to get into the



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traceability rule --

DR. HALSTEAD: And that will be out sooner anyway so we'll have that.

DR. BENGSTON: Yeah. Yeah.

SPEAKER: Steve, before -- and it's probably pretty close to noon. On the concept of zoning -- we didn't talk about zoning -- under this proposed structure, zones may or may not be necessary, may or may not be part of it.

SPEAKER: Don't need the geographic boundaries.

DR. HALSTEAD: Yeah. So what do you think about zoning?

One of the -- just let me -- one of the thoughts that we discussed quite a bit in the working group was the zones may not necessarily be geographic.

Now, we talked about the dairy industry quite a bit this morning and how that industry has changed so much in the last 20 years with background efforts and moving them out to the essential feedlots, and in some cases there are feedlots

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commingled with Mexican feeders.

SPEAKER: And then they pull them back out and put them in the breeding stock. What they need to do in those feedlots is keep them in separate pens.

DR. HALSTEAD: Well, so that is -- is the dairy industry a separate zone, you know, as a concept, maybe a virtual zone. It's sort of a stretch. We've never thought about that. But -- or maybe it's the feeder market, the feeder business that's a separate zone. And we need to keep -- treat them a little bit -- treat that industry, that type of operation, that managing structure --

SPEAKER: I think those big feedlots, that they'd be willing to separate those, keep them separate as they come in.

DR. BENGSTON: I think -- I think that will be a good opportunity -- that one of the other groups, that's -- the import I think is going to go heavily into that very issue of commingling and, you know, contact with dairy --

SPEAKER: I think zonings vary

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geographically throughout the country.

DR. HALSTEAD: Say that again, Gary?  
You think...

SPEAKER: Zoning would vary  
throughout the country.

DR. HALSTEAD: Do you think it's  
still an important component, a tool in this  
management?

SPEAKER: Yeah, I don't know. It  
depends on how you do it. I think farm  
status in an area out around it would be a  
different --

DR. HALSTEAD: A surveillance zone  
or a circle concept?

SPEAKER: Yeah. It doesn't  
necessarily have to be a circle, but circle  
works good in Michigan because Michigan is --  
when you go out West where you got a ranch  
that goes 200 miles, you might just have to  
get the border --

DR. BENGSTON: And I think what the  
group was getting at with this, whatever the  
first-tier zone was more like a herd.  
Basically -- it's basically an epi

1  
2 investigation and following that through and  
3 taking care of it. So when the zoning kind  
4 of --

5 DR. HALSTEAD: Containment --

6 SPEAKER: But then you get your  
7 surveillance testing from the herds.

8 DR. BENGSTON: Yeah, as opposed to  
9 when you get into the wildlife, then the  
10 geographical zone maybe makes more sense.

11 SPEAKER: Well, not necessarily in  
12 the cattle because even though the wildlife  
13 is there, there's some places up there that  
14 don't have any problems in that four-county  
15 area.

16 DR. HALSTEAD: Because of practices  
17 --

18 SPEAKER: Right. So -- but don't  
19 penalize them people for it.

20 DR. BENGSTON: Right. And, you  
21 know, we tend to -- sometimes we tend to  
22 look at the wildlife as uniformly distributed  
23 or something, and, you know, so it's  
24 difficult --

25 SPEAKER: Well, when wildlife comes

1  
2 up with it, I think we probably are going to  
3 have to test in that area to make sure.

4 DR. HALSTEAD: One of the things  
5 that we had was whenever there's a new  
6 detection in a herd there needs to be  
7 surveillance in the wildlife associated with  
8 that, whether it's a 5-mile zone, a 50-mile  
9 zone. It just depends on the species and  
10 what we're looking for.

11 So we need to find out is there a  
12 wildlife piece to this detection. And let's  
13 say it's in Louisiana. We've never had it  
14 there before.

15 SPEAKER: If wildlife would have  
16 called them deer all off ten years ago,  
17 there's the money we've already spent to  
18 repopulate it with a healthy herd. Other  
19 than that, we wouldn't be arguing about this.

20 DR. HALSTEAD: Yeah. And if  
21 Greenville, Mississippi, wasn't built...

22 SPEAKER: I know. Won't put their  
23 foot down and do the right thing.

24 DR. BENGSTON: On that note, I think  
25 we're out of time on this one. Thank you

1  
2 all for your contributions. I guess they're  
3 meeting back at 1:15, and you can just hit  
4 one of those two other rooms for the other  
5 two topics of your choice.

6 (Whereupon, Off the record at 12:04  
7 p.m.)

8 (Whereupon, On the record at 1:26  
9 p.m.)

10 DR. BENGSTON: I think this is our  
11 group so we can get started. I'll introduce  
12 myself first. I'm Steve Bengtson and I'm  
13 VS, and I work at CEAH for the National  
14 Surveillance Unit. And I have been kind of  
15 tapped to be somewhat of a facilitator here,  
16 and I have some questions to throw out.

17 I should say first I'm -- I was not  
18 a member of the working group, I was sort of  
19 a technical representative to it for certain  
20 issues. But Dr. Halstead's the -- he was  
21 definitely a member of the working group, so  
22 he provides a lot of insight into what went  
23 on in those discussions and so forth.

24 DR. HALSTEAD: Blame, really, is  
25 what you're saying.

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DR. BENGSTON: Yeah. We got to throw the blame somewhere.

So we've got the program requirements, zoning, and then surveillance is our topics.

So, starting out, I guess we'll start out the same way we did with the last group. We had quite a discussion there on the concept of this advisory board that was going to look at potentially as states had animal health plans they may review and provide input into that, they may have the advisory in terms of state status issues and a number of other things that were mentioned.

So, first of all -- so I guess the first question is how does everybody feel? Does that sound like a reasonable idea, to have a board like that which would interact and make some of these decisions? I guess that's the question number one. Any thoughts on that?

SPEAKER: We talked a little bit in my last group about what sort of people would be on the board.

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DR. BENGSTON: Yeah, we can certainly -- we'd like that input too. That was the...

SPEAKER: Basically, the impression I got was that it would be people that are already working for different government agencies and wouldn't be able to be in industry at all.

DR. HALSTEAD: Oh.

DR. BENGSTON: Yeah, we had -- and Lee Ann on her presentation at the very end had said that, and I think we -- threw me for a loop a little bit because I didn't know that there was potentially that restriction.

Our last group did talk about producer input, industry input, different types of people who would bring value, as well as people specifically from -- who had, obviously, expertise in the area of disease and were working with them from the states and so forth.

So I guess we'll have to clarify that, because that's the first I heard of it



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today.

SPEAKER: Well, there could be a difference between being on the committee and being at the committee. I mean, you know.

DR. HALSTEAD: That's true. That's true.

SPEAKER: I think there's federal restrictions on who could be on those things. And so at least ones I've seen before in the past, you have to be pretty careful about that, but it doesn't mean you can't consult with others.

DR. BENGSTON: Right. So it would be an advisory -- advisory role on that. So that would be a good --

SPEAKER: Ex officio members or something.

DR. BENGSTON: Right. Right. So are there other types of folks that you guys have thought about that might be valuable to a group like that?

SPEAKER: Well, I don't know if this was envisioned or not, but because of the wildlife component that we obviously think

1  
2 about here, I'm hoping they're having some  
3 wildlife disease experts to be part of that  
4 too.

5 DR. BENGSTON: I think that --

6 SPEAKER: I mean, it won't apply in  
7 every state, but certainly in Michigan, you  
8 know, it's just front and center. Front and  
9 center GYA.

10 DR. BENGSTON: Absolutely.

11 SPEAKER: Do you know what was  
12 envisioned in --

13 DR. BENGSTON: I think that would  
14 certainly have to be a part of it because,  
15 you know, they may not -- like you said, it  
16 may not apply in all circumstances. But  
17 you're looking at Michigan, or maybe  
18 Minnesota in the past, or who knows what  
19 next. Or just with wildlife issues, you  
20 know.

21 One of the things that's come up  
22 with -- VS doesn't really have the regulatory  
23 authority, so what -- you know, what about  
24 evaluating something if they found wildlife  
25 but it hasn't been found in cattle. I think

1  
2 issues like that could -- they could  
3 certainly be useful I think.

4 SPEAKER: So I wasn't here this  
5 morning, but is there any association with  
6 the One Health concept? Because I know  
7 APHIS has some program for that and some  
8 strategies, and it just seems like a good  
9 one to tie into that a little bit so you're  
10 getting the environmental and the wildlife  
11 along with the --

12 DR. BENGSTON: That's very  
13 interesting. I don't know that it's been  
14 discussed, but what -- I know what we've  
15 been trying to do is whenever we can tie it  
16 in with One Health concept.

17 SPEAKER: Yeah, especially with these  
18 two diseases --

19 DR. BENGSTON: Right. Right.

20 SPEAKER: -- you're going to get  
21 that wildlife interface and --

22 DR. BENGSTON: Definitely have a  
23 public health component.

24 SPEAKER: Yeah, public health too,  
25 yeah. That's always a thorny issue with

1  
2 infected herds and workers, and, you know,  
3 could they be a source of infection. And  
4 then dealing with the public health interest  
5 infrastructure of trying to get people  
6 tested, which is kind of maddening at times,  
7 or they've got their own things to do.

8           And I think -- we had talked also  
9 about making sure -- and I don't know what  
10 form they'd be in, various industry  
11 representatives potentially, and we  
12 specifically -- you know, dairy and beef, but  
13 also cervids would be incorporated under  
14 this. So with cervid issues, that was  
15 another one that came up.

16           SPEAKER: What about swine?

17           DR. HALSTEAD: No, they're not part  
18 of this revision. And you missed it, Nancy,  
19 but when Lee Ann went through what species  
20 would be -- if it expanded to swine, then  
21 certainly we'd want to -- there should be a  
22 swine representative -- swine industry  
23 representative.

24           And on the wildlife side one of the  
25 -- and we'll talk about -- we can talk about

1 zoning here in this breakout room too.

2  
3 There's -- whenever there's a new herd found,  
4 cattle herd, wildlife has to be considered,  
5 whether it's truly implicated or involved in  
6 the disease transmission or in -- as a  
7 reservoir; however, we'd recognize that we've  
8 got to look to see if there are -- if  
9 there's a wildlife component to it.

10 So we'd want to have people with  
11 that expertise on any sort of a board or a  
12 panel regardless of whether it was Michigan  
13 or Minnesota or another state. So as a  
14 working member of that advisory group, we  
15 need to always consider the wildlife piece  
16 with these two diseases at least, probably  
17 more.

18 SPEAKER: Is there a national  
19 advisory board and then we're talking about  
20 state?

21 DR. HALSTEAD: This would be a  
22 national, not -- we're not talking about like  
23 our own Michigan TB Advisory Committee.

24 SPEAKER: Right.

25 DR. HALSTEAD: We're talking about a

1  
2 national -- similar to the Pseudorabies  
3 Control Panel.

4 SPEAKER: Is there a component in  
5 the program, I assume, for -- a requirement  
6 for state advisory boards?

7 DR. HALSTEAD: Mm-mm.

8 SPEAKER: There's not?

9 DR. HALSTEAD: There's not. Not  
10 right now.

11 SPEAKER: So it's just in state you  
12 don't have to have an advisory -- you don't  
13 have to have a state advisory board?

14 DR. HALSTEAD: No, it's not --

15 SPEAKER: Because that's where you  
16 could get industry involvement for sure on  
17 the state board.

18 DR. HALSTEAD: Yeah. Certainly at  
19 the national level. The national industry  
20 organizations would be expected to be  
21 involved.

22 And we mentioned earlier in the  
23 previous group that one way to get the right  
24 places, not people necessarily, but the right  
25 places as standing members or representatives

1  
2 on the board is to work through the USAHA TB  
3 committee. That's a -- we did that with  
4 pseudorabies was through the USAHA and that  
5 was LCI.

6 SPEAKER: Do you have AVMA on there?

7 DR. HALSTEAD: We did talk about  
8 private veterinarians, so representing private  
9 veterinarians. And that's a good idea is to  
10 use -- let AVMA sort of be the name who we  
11 have state veterinarian.

12 SPEAKER: There seemed to -- my  
13 concept, but on the advisory -- federal --  
14 or the advisory committee we're talking about  
15 here, I would guess I'd probably see, in my  
16 mind, if we're looking at the national  
17 program, that some of the big concerns I  
18 think the industry and others would have with  
19 the national program is the direction, and  
20 the big question is when is it done, where  
21 are we trying to get, and are we actually  
22 getting there or not. And that, to my mind,  
23 is an appropriate thing for a national  
24 committee that's probably what would be an  
25 appropriate focus for that. And the issues

1  
2 that were pointed out are all fairly  
3 technical issues. And I think it may be  
4 difficult to find a group that would be able  
5 to serve both purposes. There seems like  
6 you're asking them to do a whole lot of very  
7 technical stuff and just haven't been in it  
8 for 15 years. It takes me forever just to  
9 try and figure out how to take very complex  
10 subjects and how to mire them down enough so  
11 somebody who really has never been in a TB  
12 program and never tested herds before, never  
13 had to deal with all these issues, to be  
14 able to try to get some understanding so  
15 they can make an intelligent decision on it  
16 seems like more high level. Just from my  
17 understanding, if we're talking about -- if  
18 we're talking about the standard AVMA  
19 representative, USAHA representative, you're  
20 probably not going to have people that are  
21 that versed in the technical side of it. So  
22 you'd either have to --

23 DR. BENGSTON: Right. I think you'd  
24 have to have people pretty well versed for  
25 what -- for one of the concepts is, you



1  
2 know, the requirement that each state has an  
3 animal health plan, and there would be  
4 somewhat of a template there so that  
5 everybody knew what the rules were based on  
6 the performance standards that are yet to be  
7 set out. And then -- so their role would  
8 have to be knowledgeable enough, I think,  
9 because if they're going to be evaluating  
10 these plans. And here it says what we're  
11 going to do on paper to be able to give  
12 advice and say, well, that seems like  
13 adequate, reasonable versus -- and same  
14 thing. When it comes to -- it's kind of  
15 the same thing, but one of the other things  
16 mentioned was maybe an advisory role on their  
17 part in determining whether state status  
18 should be dropped based on, you know, their  
19 plan and whether they're adhering to the plan  
20 and whether they're doing everything in there  
21 and so forth.

22 So, yeah, it would have to -- I  
23 would agree with you it has to be somebody  
24 pretty knowledgeable with the program there.  
25 For those roles you'd probably have to have

1  
2 two different -- because what puts USDA in a  
3 bad position right now is everyone in the  
4 country is put in the position of having to  
5 just trust them that they know what they're  
6 doing. All the authority really is in USDA.  
7 They make all the individual decisions on the  
8 program, and you're asking people to put a  
9 lot of trust in them. And I'm not sure the  
10 industries -- I'm not sure they're in a  
11 position now where everyone's willing to do  
12 that. There's been a lot of trust that's  
13 been broken, and that needs to be built back  
14 up again. And that would be one way is to  
15 look at a point like that that's not  
16 necessarily --

17 DR. BENGSTON: Right. A little more  
18 of an independent body.

19 SPEAKER: And you can also say,  
20 well, yes, it's not just all on your plate  
21 to have to take on this load of what to do  
22 and get industry actually more buying into  
23 the program. I think that would be helpful.

24 We've really been fighting to try to  
25 do that in Michigan is it's an industry

1  
2 program. We're always in the position of  
3 the government having to make all these tough  
4 decisions that nobody likes, and that's not  
5 designed for success.

6 DR. BENGSTON: Right. Right.

7 SPEAKER: So that maybe another  
8 group with that same concept would be very  
9 valuable to USDA, a higher level.

10 DR. BENGSTON: Sure. Another thing  
11 that we discussed a little bit earlier, but  
12 when we're talking about these boards, one of  
13 the questions to throw out, you know, we're  
14 merging these two programs into one rule,  
15 brucellosis and TB. And so just a question  
16 that was placed out there was, well, which  
17 -- could you have an advisory board that  
18 would cover both of them, or should each  
19 disease have its own advisory board. And  
20 I'd like to hear what you guys think about  
21 that.

22 SPEAKER: Would the boards have  
23 pretty much the same people on them?

24 DR. BENGSTON: Well, that would be  
25 open I guess. I think if you had one board

1  
2 you'd probably -- you'd need people with  
3 expertise, obviously, in both programs, and  
4 not everyone has expertise in both. If you  
5 had two separate ones, it would probably be  
6 two separate -- you know, there may be some  
7 overlapping there.

8           But even though the rule is going  
9 forward as a combined rule, and because the  
10 program standards are going to be defining  
11 the individual requirements, it will probably  
12 work in a regulatory rule. But just from a  
13 practical point of view, you know, there are  
14 differences in the programs. And anybody  
15 that's worked in the program sees that, you  
16 know, they've sort of grown up independently  
17 in the past and had different ways of  
18 looking at status, for example.

19           So I don't know if that's even an  
20 important question at this point. But I was  
21 just curious as to whether we might need a  
22 separate board for each group or not -- for  
23 each disease or not.

24           SPEAKER: It almost seems like if  
25 you're going to do -- have an advisory board

1  
2 is to almost work with the board members,  
3 people who are potentially going to be on  
4 that board and work with them and say, you  
5 know, where is your comfort level with  
6 judging this program versus this program.  
7 That seems -- I mean, if they feel like they  
8 can and it's successful for them to be one  
9 unified board for both programs, then that  
10 may work, but they may not feel that they're  
11 up to that task.

12 DR. BENGSTON: It may have to be  
13 determined later.

14 SPEAKER: And you may run into a  
15 time commitment too, because it's going to be  
16 enough of a time commitment to have  
17 somebody do both. I don't know.

18 DR. BENGSTON: Yeah, there's a time,  
19 and then also, you know, how do you identify  
20 those people, or how do you invite them or  
21 nominate them, or how should that process be  
22 -- is that something that you see states  
23 being able to recommend people for something  
24 like this? And then from there you get into,  
25 well, how long are they going to serve on

1  
2 this board. Should it be, like, a certain  
3 term or -- and then get -- rope other people  
4 in or -- any thoughts on how that might --

5 SPEAKER: Well, I'd just throw a  
6 thought out that if industry can't serve on  
7 the board, they should have some say as to  
8 who serves on the board.

9 DR. BENGSTON: Okay.

10 SPEAKER: I'm assuming this wouldn't  
11 be a paid position? Kind of voluntary?

12 DR. BENGSTON: I think that's a good  
13 assumption.

14 SPEAKER: Does the board make  
15 decisions that impact individuals or impact  
16 state status, or is it advising the USDA on  
17 how to --

18 DR. BENGSTON: The way it's been  
19 laid out is it is still up to, like, state  
20 status, or not so much the individuals, that  
21 would be VS. But state status would  
22 ultimate be the responsibility's to VS, but  
23 they would use this board in an advisory  
24 capacity and weigh heavily what they would  
25 recommend.

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SPEAKER: So they would influence policy, the board would.

SPEAKER: They'd influence individual decisions probably.

SPEAKER: Which is why I think they'd better, at least now, have to be regulatory personnel because they're influencing policy. That's the national. That's what Lee Ann --

DR. HALSTEAD: So they'd advise VS on her plans, state plans. Are state plans consistent with the guidelines. Are state responses, assuming that disease shows up, consistent with their plan. So they'll be the people that provide that level playing field that are looking at everybody as everything.

SPEAKER: This is going to have a wildlife segment to the board as well?

DR. HALSTEAD: Yes, that's what's been proposed.

SPEAKER: I would personally think that you need to have individuals that are, you know, in a capacity to influence change

1  
2 and not just pontificate, you know. So you  
3 have to have people on the board that,  
4 number one, understand the issues. Number  
5 two, have the capability of seeing movement  
6 -- or making movement on issues instead of  
7 just raising their hands and saying, oh,  
8 we're just advisory, we can't really do  
9 anything. That's just frustrating.

10 DR. BENGSTON: Right. Well, and I  
11 don't know about the legalities, but I think  
12 it would have the ability to have a strong  
13 influence. You know, just technically the  
14 law, I don't think -- they're not going to  
15 be the decision makers.

16 SPEAKER: No, but a working  
17 influence.

18 DR. BENGSTON: Yes. Yeah. Yeah.  
19 Otherwise it would just be --

20 SPEAKER: They know how to make  
21 changes.

22 DR. BENGSTON: -- otherwise it would  
23 just be, well, you know, we can take the  
24 pressure off VS, that's what the board said,  
25 and --



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SPEAKER: Right. We're used to that already.

DR. BENGSTON: And we like it so we'll take it, or we don't like it so we won't take it. But hopefully it's a little more than that and really have a...

And, you know, this thing is probably going to be an evolving process as it goes through.

And I don't know, Steve, if you -- I know you've talked about sort of the model for this is the Pseudorabies Control Board, and I don't know how that really functions myself.

DR. HALSTEAD: Well, it's been some time since it's been in place because of where we are in the state with the federal program. But the control board looked at each state's application every year to evaluate whether they were -- I mean application for status.

So, you know, we've moved up through the five stages of the program, and as states applied to move up in status, the

1  
2 board looked at those applications and said  
3 yes or no on them. So they were comparing  
4 them to the standards, comparing them to the  
5 expectations. There weren't state plans so  
6 much as we're describing or as we're  
7 proposing them under this approach, but there  
8 were -- there were -- the states had to put  
9 together -- there was more of a template,  
10 more standardization of that.

11 I envision what's going to happen  
12 here is, is more unique to each state  
13 because of what each state has in industry  
14 and in the -- their infrastructure and what  
15 other factors are -- you know, wildlife  
16 versus non-wildlife as one example.

17 So I think there's a little bit more  
18 variability about what those plans will look  
19 like, but still somebody's got to look at  
20 them and say, yeah, this is consistent, and  
21 if the state does this, then -- you know,  
22 then when they have an outbreak or have a  
23 case of the disease, then they're meeting  
24 their proposed plan and they won't be  
25 downgraded or somehow otherwise affected by

1  
2 having that disease in their -- within their  
3 boundaries.

4 So that's how the Pseudorabies  
5 Control Board -- they also did advise on  
6 program changes so some of the technical  
7 features of the program.

8 I don't know that they have gotten  
9 involved much -- Joe, do you know -- with  
10 directing where the funding went or how money  
11 was spent?

12 SPEAKER: I don't know, Steve.

13 DR. HALSTEAD: I don't recall.

14 SPEAKER: So they made -- were they  
15 able to influence changes and see changes  
16 happen?

17 DR. HALSTEAD: Absolutely. Yeah.  
18 Yeah.

19 SPEAKER: Was it more economical in  
20 that sense, moved faster?

21 DR. HALSTEAD: Yeah, it helped to  
22 move things along.

23 One area where they were able to  
24 influence change was, for example, was as we  
25 got closer to the end of 2000 when the

1  
2 goal was to have all states have free status  
3 advising on how to move states that were  
4 falling behind, you know, prod them further  
5 ahead. And some of that did involve  
6 spending money, you know, there was some  
7 buyouts that took place, some herd buyouts.

8 Now, some of that was managed more  
9 at the -- well, most of that was managed at  
10 the state level, but it came through the  
11 national control board to try to move that  
12 state faster and to get them caught up with  
13 the national, you know, status.

14 Does that help?

15 SPEAKER: Yeah, it helps. I just  
16 -- I guess I'm thinking bigger picture and  
17 thinking that this advisory board could have  
18 the capability of advising on zoonotic  
19 diseases and having influence with, you know,  
20 CDC on it and somebody from wildlife and  
21 just really having the ability to not just  
22 -- why are we only considering advising on  
23 brucellosis and TB when the next disease  
24 outbreak might need the same advisory board.

25 DR. HALSTEAD: Well, you know, the

1  
2 secretary does have an Animal Health Advisory  
3 Board that's separate from this.

4 SPEAKER: Does it include wildlife  
5 people?

6 DR. HALSTEAD: Yeah, yeah, wildlife.

7 SPEAKER: And community -- or excuse  
8 me -- CDC and public health?

9 DR. HALSTEAD: I don't know for  
10 sure. Don Hoenig, the state vet from Maine,  
11 is the chair of it, and it does have --  
12 yeah, it's pretty broad. Renders, for  
13 example, I know happen to be represented on  
14 it and so, you know, figure everything in  
15 between.

16 SPEAKER: Mm-hm.

17 DR. HALSTEAD: So that's a very  
18 broadly scoped board. This we're talking  
19 about just moving these two programs along.

20 And limiting -- to Nancy's point,  
21 there may be people that -- there may only  
22 be one person from an organization, an  
23 industry organization, that that organization  
24 feels is appropriate to have on either of  
25 these boards. So they may be doing both of

1  
2 them, and the time that they have to spend  
3 and put into it is going to be a factor.

4 And then, of course, there's the VS  
5 time working with the board and having two  
6 boards doubles the amount of board management  
7 time. So the narrower you can keep the  
8 scope, you know, the more I think you can  
9 limit that.

10 SPEAKER: So this board is not just  
11 because of the wildlife interface?

12 DR. HALSTEAD: Well, no, this is TB  
13 and brucellosis, regardless of wildlife or  
14 not.

15 SPEAKER: The problem is not  
16 considered just wildlife interface?

17 DR. HALSTEAD: It's not.

18 SPEAKER: It's movement, animal  
19 movement?

20 DR. HALSTEAD: Yeah.

21 SPEAKER: But don't --

22 DR. HALSTEAD: It's surveillance --

23 SPEAKER: Don't you have the ability  
24 to do that -- control that already? I mean,  
25 you've got all the mechanisms in place to

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control that issue.

DR. HALSTEAD: The reason it came up was because there's a -- I mentioned that this morning -- there's some distrust, you know. Mike made the point earlier about they make the rules, and so some of the distrust that states will get a fair hearing. Maybe that's not quite the right word, but that the level -- the field is level and that the rules are being uniformly applied and that there's somebody advocating for production for states, for producers. Transparency, uniformity.

DR. BENGSTON: And we touched a little bit on status, and the proposal, of course, is to have -- you know, change the tiers and have it consistent, and then possibly have provisional, and then downgrade to inconsistent. And I think to me one of the key concepts is to get away from our current system based on herd prevalence that's very punitive so that if a state is -- has all their stuff in place and properly follows up on things, it won't necessarily

1  
2 impact the whole state negatively,  
3 particularly if it's in a specific area or  
4 something like that.

5 I guess a question to ponder is so  
6 given that scenario, would you guys see any  
7 specific marker or indicator that would  
8 automatically drop a state inconsistent when  
9 it was -- could be lack of adequate  
10 surveillance or it could be a reporting we  
11 can talk about, having certain reporting  
12 requirements or other things, or would there  
13 be something that maybe would trigger, you  
14 know, kind of a movement testing thing in  
15 there.

16 SPEAKER: Well, I think that goes  
17 automatic. It's probably even spelled out in  
18 the program standards. There probably are  
19 things that are --

20 DR. HALSTEAD: If you can't do that  
21 --

22 SPEAKER: If you can't do that, or  
23 you made a conscious decision to do a no-no,  
24 you're not going to be, and here's what you  
25 have to do to get back. I think there will



1  
2 probably be a few small things that could  
3 probably trigger that.

4 And then the control board -- I'm  
5 sorry -- advisory committee's role would  
6 probably say, okay, yep, that's appropriate  
7 that that happened, and here's what you do  
8 to get back.

9 And then the other would be if it's,  
10 well, we're going to put you in this middle  
11 zone, okay, what needs to happen to get back  
12 on what time frame, so on.

13 DR. BENGSTON: Is that -- right now  
14 I think it's targeted for the provisional  
15 zone, you could potentially be in that for a  
16 year. So is that a reasonable amount of  
17 time before you either can address what the  
18 problem was to get back up, or is that too  
19 short or too long or...

20 SPEAKER: That would be one that I'd  
21 probably have to say may be open.

22 SPEAKER: I think it would be  
23 dependent on the issue that drops a state  
24 from being consistent to being provisional.

25 SPEAKER: For example, if you have

1  
2 to gather some -- say, just for Michigan's  
3 situation, you had to gather some information  
4 about what's going in the wild. There's  
5 only a certain time of year you're going to  
6 do that. So you may have to -- so there  
7 may be instances where -- I think that's  
8 one that would be -- probably doesn't need  
9 to be written in stone if it's a flexible  
10 program. But USDA needs to then have the  
11 wherewithal to go with a -- having that  
12 authority and exercising that flexible  
13 authority, which I know it could be difficult  
14 within USDA to, well, the law doesn't say,  
15 so we can't -- we better check with the  
16 lawyers. That's something that -- and maybe  
17 this advisory thing can help with --

18 DR. BENGSTON: Yeah, you make a good  
19 point, because, yeah, the way TB is, it's --  
20 you know, some of these things take a while.  
21 So to have even a time frame on there may  
22 not be --

23 SPEAKER: A flexible program is, by  
24 definition, expensive, time consuming and  
25 unknown. You're looking at specifically

1  
2 individual situations. Unless everybody shall  
3 do this the same, is USDA going to have the  
4 funding. I mean, I've heard them talking  
5 about less funding. Well, a flexible  
6 program's going to cost a lot more than an  
7 inflexible one like we have now.

8 SPEAKER: How do you mean? Just  
9 because there will be time involved with this  
10 advisory board reviewing the issues, or where  
11 is the extra money coming from? I'm not  
12 understanding.

13 SPEAKER: It's cheap and easy to  
14 have a consistent program where everyone's  
15 required to do the same thing.

16 SPEAKER: Yeah, but if you have an  
17 advisory board that is supposed to be capable  
18 of moving quickly on decisions, I don't think  
19 it's that costly.

20 SPEAKER: I'm sorry, I'm thinking  
21 beyond. I'm thinking the flexible program,  
22 not just the little advisory committee piece.  
23 A flexible program is much more expensive  
24 than an inflexible one to run.

25 SPEAKER: Well, gosh, forgive me, I

1  
2 thought that it would be less expensive  
3 because they could make practical decisions  
4 based on true risk instead of just going by  
5 the book where --

6 SPEAKER: Oh, by the book is cheap  
7 and easy.

8 SPEAKER: We've spent \$100 million  
9 by the book. It's not cheap and easy.

10 DR. HALSTEAD: Just think if we'd  
11 been flexible.

12 SPEAKER: No, I think if we'd been  
13 flexible we'd have this problem solved.

14 Who is she.

15 SPEAKER: Is there going to be --  
16 like I know you say there are going to be  
17 program standards, but each state basically  
18 will make its own plan. There are a lot of  
19 states that don't consider TB or brucellosis  
20 an issue for their state. They maintain  
21 they're -- you know, they do their little  
22 grant, say, yeah, we have stage 5 free and  
23 this is what we do, and we don't have feral  
24 swine so that's not an issue, we don't --  
25 you know, so they probably are going to do a

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basic minimum.

Is there going to be a minimum standard that USDA establishes for each state? Okay, here's the basic set of rules. You can expand upon these, but you do have to at least do this.

DR. BENGSTON: Yeah, I think there will be a baseline of things.

DR. HALSTEAD: What do you think, Wendy, should there be?

SPEAKER: I think there should be, because you're going to have an awful lot of states that are going to adopt that baseline and not need anything additional, and it's going to make it much easier then for an advisory committee. Because if you have 40 states that don't have issues with brucellosis or TB, they're going to adopt the minimum standards, and they'll be very consistent for 40 states. You'll have maybe California and Michigan and maybe Minnesota, maybe Indiana will have more unique plans and different things where they're seeing TB cropping up a little bit more. Greater

1  
2 Yellowstone Area will have more brucellosis  
3 things there. I think it would just give  
4 each state kind of a fallback area where  
5 they can say, okay, this is at least here,  
6 and then if there is a problem, then, well,  
7 we can adapt --

8 DR. HALSTEAD: You can expand on it,  
9 yeah.

10 SPEAKER: -- and expand.

11 DR. BENGSTON: Yeah. Now, an  
12 example might be surveillance, because we  
13 have routine surveillance requirements on the  
14 national level that everybody would have to  
15 meet, and then supposedly the state in their  
16 plan would have to at least address any  
17 other, whether there were high-risk  
18 populations or things that they need --  
19 specifically wanted to target surveillance  
20 for. And hopefully that would be a genuine  
21 assessment of the risk, whether it's wildlife  
22 or, you know, certain cattle populations or  
23 something like that.

24 But, yeah, there has to be something  
25 that's sort of the bare minimum. And that's

1  
2 one of the things I think that's a struggle,  
3 to be honest, is, like we talked about the  
4 advisory board and the states coming up with  
5 on the health plan and having a template to  
6 address these issues. But what -- it's yet  
7 to be determined what would be adequate.  
8 How does the state then demonstrate that  
9 they've adequately addressed a given risk.  
10 That's something the advisory board might  
11 look at and say, well, maybe you have to  
12 have something substantive, say you at least  
13 looked at these various aspects or something  
14 along that line.

15 So it's going to -- you know, that's  
16 -- and what happens currently, as a matter  
17 of fact, you know, we have a very  
18 prescriptive program. We have annual  
19 reports. Annual reports, takes a while to  
20 assess those, but nothing currently much  
21 happens with them.

22 So the hope is that the advisory  
23 board might be able to go in there and say,  
24 this looks good, this looks like a reasonable  
25 plan or not, or maybe we need more

1  
2 information from the state or something along  
3 those lines.

4 But, yeah, there's definitely going  
5 to be a baseline of certain -- that's what  
6 the program -- the program -- well, I  
7 shouldn't --

8 DR. HALSTEAD: You have program  
9 standards.

10 DR. BENGSTON: Yeah. And I  
11 shouldn't say -- I have to be careful with  
12 the terms, because we talk about these  
13 performance standards, and that's where this  
14 flexibility comes in because we say, well,  
15 you have to do surveillance adequate to do X  
16 or Y, and then that may be different,  
17 depending upon the state.

18 SPEAKER: So are you trying out the  
19 uniform methods and rules?

20 DR. HALSTEAD: This would be  
21 essentially replacing them.

22 DR. BENGSTON: It is. But don't --  
23 it's not as though -- many of the things  
24 that are currently being done, those --

25 SPEAKER: Yeah, I was going to say



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why throw out the baby.

DR. BENGSTON: Those -- that includes UM&R will be rolled into the now called program standards. It just won't be in the -- see, you can change those more flexibly without having to go back and change the law, so that's a good thing.

DR. HALSTEAD: Well, this is all geared towards this --

SPEAKER: That's because the board is going to be able to do it this time?

DR. HALSTEAD: No, no, because they'll take out specific wording from the law, from the CFR, and move -- and just provide maybe as general as the program -- the department shall develop a program for management of TB and brucellosis, you know, that would be the basic, the very minimum. And then all that -- the road map to getting to there is in the program standards or in the uniform methods or rules, whatever the support documents are that are built, which can then be changed a lot more flexibly than going back to the CFR, which takes a couple

1  
2 of years.

3 Anne give me the five-minute flash  
4 here about five minutes ago, so don't want  
5 to cut off the conversation. We'll wait  
6 till people start filtering in or until she  
7 comes back and brings the hook, but just to  
8 let you know.

9 SPEAKER: I just have a question to  
10 throw out -- it came up in a previous group  
11 -- that if this advisory group approves each  
12 state's plan, says it's good enough based on  
13 the risk that's in your state, what is there  
14 that would be -- would make other states  
15 respect any particular state's plan so that  
16 there's free movement of cattle or whatever  
17 from one state to another? You could have a  
18 good plan in one state, but right now the  
19 other states don't necessarily have to --  
20 they can have whatever requirements they want  
21 in order to get cattle to move in or  
22 whatever or just say, you know, we don't  
23 want your animals coming through the state.  
24 And is there going to be any teeth from this  
25 advisory group to say, no, you can't do

1  
2 that, these states are doing what is required  
3 to control the disease?

4 DR. BENGSTON: Well, and I can't  
5 answer that, although I know Lee Ann's  
6 presentation she talked about this preemption  
7 thing which I think gets right to the heart  
8 of it. And that's a very controversial  
9 thing because, you know, in the past, the  
10 federal government had certain standards. A  
11 state can exceed those if they want. And  
12 that's what's happened. They go, oh, wait.  
13 Heard you got TB in Michigan. No, no cattle  
14 here. We'll make you -- you know, we'll ban  
15 them from coming in or whatever or put a  
16 bunch of requirements on them. And they're  
17 hoping to avoid that.

18 I don't know where that's going, but  
19 that is a concern, because it doesn't -- you  
20 know, part of the objective here is to sort  
21 of level the playing field with all the  
22 states.

23 SPEAKER: They threw an idea out at  
24 the other meeting is that one provision for  
25 each state to maintain their consistent

1  
2 status is that they respect the status of  
3 the other states and the plans of the other  
4 states.

5 DR. HALSTEAD: And I think that's  
6 implied, but it's certainly not a bad idea  
7 to make it explicit and not just imply it.

8 I can tell you that among the state  
9 vets that were working on the working group,  
10 the six of us, we pushed pretty hard that  
11 there needs to be this -- we're considering  
12 it an arbitrary -- or -- the wrong word --  
13 an objective advisory to USDA that's -- the  
14 USDA can push back and say that's -- you  
15 can't do that because of law, or we can't do  
16 that because of budget. And maybe there's  
17 another category there we didn't think of,  
18 but those are the two that we did. And  
19 otherwise the VS program management is moving  
20 in the direction that the control board  
21 advisory panel, whatever you call it,  
22 recommends.

23 So if a control board -- I'll use  
24 that term -- says that Minnesota is -- has a  
25 good plan and what they're doing is

1  
2 consistent with their plan, all states are --  
3 have said that they would be much more  
4 comfortable treating that state in accordance  
5 with what the control board is saying and  
6 wouldn't feel that they have to then come  
7 back and overlay higher standards or other  
8 expectations. If it's only within VS,  
9 they're not as confident that they could do  
10 that.

11 SPEAKER: Did you have Wisconsin on  
12 that group of six?

13 DR. HALSTEAD: They're not of the  
14 six, but they are members of the national  
15 assembly, and that's where this idea  
16 originated is that -- with all 50 states  
17 together in the room.

18 SPEAKER: The preemptive idea  
19 originated --

20 DR. HALSTEAD: The idea of a control  
21 board and the comfort around the control  
22 board.

23 SPEAKER: But the preemptive has not  
24 been discussed yet with Wisconsin, has it?

25 DR. HALSTEAD: It's been discussed,

1  
2 and it needs further discussion, not just  
3 with Wisconsin but all states. And it's --  
4 John Clifford's drawn the line pretty deeply  
5 in the sand when it comes to preemption,  
6 both on this issue and on traceability, that  
7 if we get these rules, they're saying that  
8 all states either are consistent -- if  
9 they're consistent, they're complying, and  
10 that you can't -- Wisconsin can't say,  
11 Michigan, you've got to do this much more.  
12 We'll see where it goes.

13 I think it's time to rotate to the  
14 one remaining group you all haven't been to  
15 yet. Nancy, you're an exception. But we'll  
16 take a break after this next one, but I'm  
17 not sure what the timeline is there but --  
18 45 minutes? Half hour, 45 minutes, something  
19 like that.

20 DR. BENGSTON: After the next one.

21 DR. HALSTEAD: Yeah.

22 SPEAKER: Let me ask a question  
23 since nobody's here. It's not clear to me  
24 through this plan if it's -- if we are in  
25 TB eradication or TB management. I mean, is

1  
2 this where -- I mean, if that's been  
3 decided, or who's going to decide that.  
4 Because it's pretty clear from what we've  
5 seen from the models that eradicating TB from  
6 deer in Michigan is probably impossible now.  
7 So where does that -- I mean, are we still  
8 going to talk the eradication talk?

9 SPEAKER: I haven't heard anybody  
10 talking about eradication today personally,  
11 everybody is talking about management.

12 SPEAKER: But I have. I have. I  
13 mean, but is that going to be decided by  
14 this board or through this process? Are we  
15 -- is eradication still the goal or sort of  
16 eradication, semi-eradication.

17 DR. HALSTEAD: I can tell you that  
18 John Clifford has said this is still an  
19 eradication program. And, you know, I'm not  
20 VS, I'm just stating what I heard, but  
21 compartmentally, so in the livestock  
22 compartment.

23 SPEAKER: Okay.

24 SPEAKER: Also, we're discussing  
25 today regulatory issues.

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SPEAKER: If it's a goal, it's an issue I guess.

DR. HALSTEAD: Well, likewise, with brucellosis, you know. And some of the comments that were made this morning about there seems to be a lack of will within the -- who owns the livestock, you know, to actually effect eradication.

SPEAKER: Lifestock or wildlife?

DR. HALSTEAD: I'm sorry. The wildlife. Thank you. The wildlife.

DR. HALSTEAD: You passed that test, Pete.

SPEAKER: Well, that's one thing I think what we haven't seen in here, which is probably I don't think has been done in a hundred years, is a good analysis of whether it's possible, starting with is it possible to eradicate TB with what we're doing now that then drives the what do you have to do and how will that change your analysis to get to a point where it is. That's critical if there's going to be integrity in the program. Yeah, it's built on something



1 that's actually possible.

2 DR. HALSTEAD: Or a converse of  
3 impossible.

4 Well, you know, Pete, we can use the  
5 model, the same example we've been using.  
6 You know, we say we've eradicated  
7 pseudorabies in livestock, but we know we  
8 still have it in feral swine.

9  
10 **(Whereupon, Off the record at 2:07**  
11 **p.m.)**

12 **(Whereupon, On the record at 2:16**  
13 **p.m.)**

14 DR. BENGSTON: I'll introduce myself  
15 first. I'm Steve Bengtson, and I'm VS, and  
16 I work at CEAH for the National Surveillance  
17 Unit.

18 And I have been in contact with the  
19 working group as a technical advisor on  
20 certain things and participating with them a  
21 couple of times, and, of course, Steve was a  
22 full-fledged member of the technical working  
23 group, so he has a lot of knowledge about  
24 the discussions and stuff that went on.

25 So we've got three topics here.

1  
2 We've got the program standards, we've got  
3 zoning we can talk about, and surveillance.  
4 And what I've seen, these things, to me,  
5 they tend to overlap into each other a lot  
6 of times, so you may have been over some of  
7 this ground, it just comes up as the  
8 talking's going on. But we had some  
9 questions we wanted to throw out to get the  
10 discussion started, and if you guys want to  
11 take it another direction, we can.

12 The first thing, we've had a couple  
13 of good discussions about this advisory group  
14 and the merit of having an advisory group  
15 and the makeup and type of people that might  
16 be in there. So I guess we could throw it  
17 out to you guys. Do you think the advisory  
18 group as it was sort of laid out makes  
19 sense? That would be question number one.

20 And then, number two, what kind of  
21 makeup do you think is appropriate for that,  
22 and if there are roles that were mentioned,  
23 such as reviewing and giving advice on  
24 state's animal health plans, maybe also  
25 assisting on evaluating compliance,

1  
2 noncompliance and status issues with the  
3 states, any thoughts on whether this advisory  
4 group makes sense or not. I guess that's  
5 the question, number one.

6 DR. HALSTEAD: Or its role with the  
7 larger sense of the role and how it sort of  
8 fits into the -- to a program.

9 SPEAKER: Yeah, I think it makes  
10 sense to involve people. I'm a big  
11 proponent of making sure that you get input,  
12 especially from people who are more connected  
13 to what's actually occurring and where the  
14 problem lies.

15 So the general answer is yes, have  
16 an advisory group. The roles defined are  
17 limited roles as I see it. There's a review  
18 state plans, okay. And the other one was --

19 DR. BENGSTON: Well, if --

20 SPEAKER: Surveillance? Go ahead.

21 DR. BENGSTON: Well, one of them was  
22 advising on whether or not it's appropriate  
23 to downgrade a state status.

24 SPEAKER: Oh, yeah. Right.

25 DR. BENGSTON: That would be another

1  
2 one.

3 SPEAKER: But I think that it ought  
4 to be a little broader than that and also  
5 look at what the overall picture is, you  
6 know. If you have an advisory group, you're  
7 saying are we reaching the goal of  
8 eradication, are we getting toward the goal  
9 of eradication.

10 We really have to get out of the  
11 motive of controlling things and staying on  
12 an even keel and move the keel up or down.  
13 And an advisory can do that if they're given  
14 enough authority to do that.

15 So what you don't want -- so I  
16 would say advisory group, yes. But make  
17 sure you give them authority. Make sure you  
18 let them have input that means something or  
19 else it's just another meaningless  
20 organization to have.

21 SPEAKER: Did I understand the  
22 presenter this morning to say that there  
23 wouldn't be any producers on this?

24 DR. BENGSTON: Yeah, that's what we  
25 understood her to say.

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SPEAKER: Then I'll just give you two bits real quick.

DR. HALSTEAD: Don't bother.

SPEAKER: It's just another layer of bureaucratic nothing. You guys don't -- you don't have a clue as to how I have to deal with this issue. He does because he gets it on his cell phone occasionally. He even gets a compliment occasionally.

SPEAKER: Now and then.

SPEAKER: But it's useless.

DR. BENGSTON: And we'll have to clarify that, quite honestly, because that slide that she referred to is the first time I had seen that.

I think the discussion with one of the groups was I think the working group -- and correct me, Steve -- but they were very adamant that that type of input from all areas would be needed for something like this. So I'm a little thrown by that, because that's the first --

SPEAKER: Because, you know, quite honestly, should a state be downgraded

1  
2 perspective, I probably wouldn't be a good  
3 one to ask, because we've been whipped up on  
4 so long, sure, go ahead. Kick them in the  
5 ass and make them do some testing. Make  
6 them ID them too while you're at it. I  
7 would not be qualified to do that.

8 But on just operating type things,  
9 how long does it -- how long should I have  
10 to wait at the bridge to get inspected and  
11 get through, get back on the road with a  
12 load of cattle, those kind of questions I  
13 can answer. We can resolve those problems.

14 DR. HALSTEAD: Yeah, Monte, the --  
15 this recommendation came from the state  
16 veterinarians because we were happy with the  
17 way a similar board worked under pseudorabies  
18 eradication. It took a lot of sort of the  
19 mystery out of it because it was producers,  
20 it was industry folks, it was groups, it was  
21 -- you know, wildlife was involved. The  
22 board was pretty well assembled. And it was  
23 -- it was really directed through the U.S.  
24 Animal Health and Livestock Conservation  
25 Institute who the members were, or at least

1  
2 what organizations, then the organizations  
3 picked the members that were on it. And  
4 that board made the decisions about status  
5 changes and program standards and those sorts  
6 of things. So that was all public and  
7 visible, and USDA built the program based on  
8 the recommendations from the board within the  
9 -- I guess the side boards of law, you know,  
10 what the law says they have to do. Then  
11 that's what we were saying we need in this  
12 program as well.

13 The pushback that we've gotten and  
14 that sort of what we heard Lee Ann say this  
15 morning is that there's this law about  
16 advisory boards was all new. I didn't think  
17 that applied to what we were talking about.  
18 I know it applies to, like, the group that  
19 we -- the working group itself, you know,  
20 that applied to who is on the working group.  
21 That's why we couldn't have as broad a  
22 representation, you know, producers on the  
23 working group. It applies to the secretary's  
24 Advisory Committee on Animal Health, which is  
25 another high-standing board that is limited

1  
2 and in what they could do because they're  
3 constrained by that law.

4 We didn't see this control board as  
5 having to comply with that. If it does,  
6 then we've talked of other ways about how to  
7 still get producer members and wildlife  
8 people as members and get AVMA, for example,  
9 was a suggestion from the last group, get  
10 everybody that needs to be around the table  
11 on that and still have it meet the law if  
12 that law is a box we got to fit in. It's  
13 got to be done. If it's going to be  
14 meaningful, it's got to be that. Otherwise,  
15 you're right, it's just another layer that  
16 slows things down and gets in the way.

17 SPEAKER: And, for God's sake, we do  
18 not want to slow things down. For 2 1/2  
19 years this is -- what we're doing today, in  
20 my opinion, is ridiculous. We did this 2  
21 1/2 years ago. I thought we were actually  
22 going to look at something to evaluate the  
23 work that's been done. Apparently we've done  
24 a lot of kicking the can down the road.

25 And I wrote a note earlier this



1  
2 morning that the official date could probably  
3 be, if you were to take the average of  
4 everybody -- average retirement date of  
5 everyone working on the project, took an  
6 average, that may be the completion date.  
7 So just as you retire, it's wrapped up.  
8 Made it to the finish line.

9 DR. BENGSTON: Well, I hear you, I  
10 will say that.

11 SPEAKER: Speed it up.

12 SPEAKER: Let's -- let's -- if I  
13 may?

14 DR. BENGSTON: Sure.

15 SPEAKER: Let's look at something  
16 else besides the advisory board and talk  
17 about the state program.

18 A couple things that came up in the  
19 state program at least in one of the other  
20 group discussions was that in the definition  
21 of a state being consistent, we talked about  
22 the fact that that state would need to  
23 recognize the status of other states for the  
24 purpose of interstate cattle movement. So  
25 the state could not be consistent unless it

1  
2 recognized also free interstate movement of  
3 cattle, other consistent states.

4 Now, I brought it up under  
5 interstate cattle movement and they said,  
6 well, you got to bring it up under state  
7 programs, so I'll bring it up under state  
8 programs.

9 DR. BENGSTON: Well, just so you  
10 know, the last group brought that up too, so  
11 that's been heard definitely.

12 SPEAKER: Good.

13 DR. BENGSTON: And, you know, that's  
14 a big issue because that's so -- what's the  
15 term --

16 DR. HALSTEAD: Preemption.

17 DR. BENGSTON: Preemption I guess.  
18 Yeah, that's what they're trying to avoid.  
19 And maybe, as Steve said, last group I  
20 think, you know, it was sort of implied in  
21 there. But it's not a bad idea to  
22 explicitly put that in there as one of the  
23 requirements of consistent state status  
24 because --

25 DR. BENGSTON: The other thing I

1  
2 would encourage under definition for  
3 consistent state status is that states  
4 demonstrate the ability to trace all animal  
5 movements within 24 hours.

6 Now, you can call that the back-door  
7 for animal ID, because that's exactly what it  
8 is, but they can call it whatever they want.  
9 But if they can't trace every animal movement  
10 within that kind of time frame, then they  
11 are not -- then they don't have a valid  
12 state plan no matter what they say.

13 So you don't have to have a national  
14 program for an animal ID, you have to have a  
15 national requirement of the states -- have a  
16 requirement for that in order to be  
17 consistent. Just my two cents.

18 DR. HALSTEAD: That's good.

19 DR. BENGSTON: Yeah. And I know I  
20 worked with some of the groups on the  
21 surveillance area when we had a face-to-face  
22 meeting, and that came up, and that's why,  
23 you know, it's sort of recognized that if we  
24 don't have proper animal notification, then  
25 you really don't have a very successful

1  
2 program. But there's this sort of separate  
3 track, and I don't know where that's going,  
4 of the I guess it's the traceability rule.

5 SPEAKER: It's not going anywhere.

6 DR. BENGSTON: Well, that may be, I  
7 don't know. I haven't been too privy to  
8 that. But, yeah, that certainly is something  
9 that can be considered.

10 You look like you have a question.

11 SPEAKER: Well, I have a ton of  
12 questions. But you mentioned ID and  
13 surveillance? Were you referencing slaughter  
14 surveillance?

15 DR. BENGSTON: Do I...

16 SPEAKER: Were you referencing ID as  
17 part of slaughter surveillance?

18 DR. BENGSTON: Right. Some of the  
19 groups talked about, yes, identification,  
20 slaughter surveillance, yeah.

21 SPEAKER: So with that it will only  
22 work if SSIS decides to collect it. Because  
23 I have five occurrences where we knew they  
24 had at least one official ID, because we  
25 filled out the 127 to send them. So they

1  
2 had RFID and at least one metal tag and a  
3 herd tag. What was collected? None of it.

4 DR. HALSTEAD: Back tag?

5 SPEAKER: That was it, a back tag.  
6 Which what does a back tag mean to the  
7 farmer? Nothing. What does an RFID mean to  
8 the farmer? Well, it may or may not. But  
9 what does a metal tag mean to the farmer?  
10 Nothing.

11 DR. HALSTEAD: Yeah. RFID, we'd  
12 like that to mean a lot more to the farmer  
13 since --

14 SPEAKER: It is now, but a metal  
15 tag means nothing to the farmer.

16 DR. HALSTEAD: Right.

17 SPEAKER: If I have a herd tag,  
18 they all know who it is. But a metal tag  
19 or back tag means nothing.

20 But the only thing collected at five  
21 occurrences where they had multiple official  
22 IDs was the back tag. In that instance, we  
23 could cross reference on the 127, well, yeah,  
24 she had this RFID and these two metal tags  
25 also and this herd tag but...

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DR. BENGSTON: Right.

SPEAKER: So unless they're willing to do their part --

DR. BENGSTON: Yeah, you're right. It will take a lot of coordination for them to say --

SPEAKER: So it's not just what they submitted TB-wise, but also when I get involved with tissue residues, when they just say -- when they provide no ID or a back tag, you try to go to the farm and say, you supposedly had a residue, well, who was it? Don't know.

DR. BENGSTON: Right.

SPEAKER: You tell me.

SPEAKER: Leave, buddy, because I don't need to talk to you. You can't identify my animal so...

SPEAKER: They said that. So I proposed to them did you sell a cow on this day. Yeah, we sold 15. Okay. Did you treat anybody with penicillin? Don't know.

So, yeah, so unless they're willing to hold up their end, it makes it on our

1  
2 end to trace anything extremely difficult.

3 DR. BENGSTON: Right. Absolutely.

4 DR. HALSTEAD: How's the concept of  
5 consistent or nonconsistent state status feel?  
6 You know, you've got a plan, the plan's been  
7 approved, now there's the finding, there's a  
8 disease detection, and the board or somebody  
9 looks at it and says, yeah, you're doing  
10 everything in accordance with that plan. No  
11 harm, no downgrade, no implications, or  
12 you're not so you've got to do these other  
13 things to fill the gap, so to speak. No  
14 working up through stages of the program and  
15 possibly being downgraded and subzoned and  
16 all the things that we've experienced here.  
17 Does that feel like a better way to go, or  
18 are there problems with that or are there  
19 risks that haven't been addressed in the  
20 proposal?

21 SPEAKER: My first blush at that  
22 would be that facing what we've dealt with  
23 here is, okay, we've put a mandatory ID  
24 system in place. Is it perfect? No. Is  
25 it pretty good? Yeah.

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DR. HALSTEAD: Yeah.

SPEAKER: But then that was turned around and used as a club that we aren't doing good enough. You know, you are not -- you're not keeping good enough records. You're not doing this, you're not doing that. Hell, 49 states aren't doing a damn thing.

So I'd be very concerned -- in fact, I'd be concerned about who is -- are you following the plan, who is making that determination.

And I get a little nervous with bureaucrats making those determinations because, you've heard me say it before, at the end of the day, they go home, they will collect their paycheck, their insurance is paid for and their pension. We go back and struggle to make the thing work.

SPEAKER: Steve, the other thing I'd say about it, certainly this is a big departure from the five-tier system we have now. And I like the movement. I understand where -- what Lee Ann was talking about with the lack of any kind of state designation,



1  
2 but I understand the need for state  
3 designation. But I almost wonder -- and  
4 this is just, you know, a concern of mine in  
5 the back of my head -- I almost wonder if  
6 we've swung the pendulum a little too far  
7 because we're not evaluating risk at all.

8 So, I mean, if Michigan -- I hate  
9 to, you know, put Michigan down -- but if  
10 Michigan under this system could have been  
11 consistent the whole time and does that --

12 DR. BENGSTON: For status?

13 SPEAKER: -- fully appreciate the  
14 risk of cattle from Michigan.

15 Now, I recognize that the state plan  
16 which would have -- would address what you're  
17 doing about affected herds. So, you know,  
18 if I was -- if I was a Wisconsinite,  
19 whatever they're called --

20 DR. HALSTEAD: A Badger.

21 SPEAKER: Yeah. Maybe other words.  
22 Would I buy the fact that a consistent state  
23 status out of Michigan meant that there's no  
24 more risk of cattle coming from Michigan than  
25 there would be from cattle coming from

1  
2 Florida let's say. And I don't know if I'm  
3 -- if I would have bought that or not.

4 DR. HALSTEAD: Okay.

5 SPEAKER: Wisconsin hasn't bought  
6 anyway so that's a very poor example.

7 SPEAKER: Well, I know how -- they  
8 are the reason --

9 SPEAKER: It makes zero -- it makes  
10 zero sense if you're going to talk risk to  
11 continue to test me sitting down here on the  
12 state line 300 miles from the nearest TB  
13 herd. And we've been whole-herd tested five  
14 times and two of them on trace-outs. At one  
15 point I wondered if we weren't the source of  
16 infection when seven of my customers are  
17 taken down, okay?

18 We've wasted millions of dollars and  
19 killed thousands of innocent cattle over this  
20 perceived -- you know, this testing  
21 surveillance system. I mean, it's just  
22 asinine what we've done.

23 We had early stepped up and  
24 identified where the problem was. Have we  
25 had some incidents outside of that? Yes.

1  
2 Have they spread? No. We know where the  
3 problem is, you know.

4 So -- and I think, you know, to  
5 Indiana and Ohio's credit, they've stepped up  
6 and said, yeah, we trust what you're doing.  
7 They've -- they -- you know, they've trusted,  
8 you know, and a lot of movement now.

9 SPEAKER: And that same analogy is  
10 just kind of talking like with our CWD  
11 aspect. You know, we've shut our borders  
12 off to other states, you know, basically all  
13 the other states. No imports even from  
14 states that have never had CWD, you know,  
15 for that same aspect.

16 Under this new plan for the  
17 brucellosis and TB, that forces us to open  
18 up our borders. So it gives a little bit  
19 of that authority from the state that they're  
20 going to give up to USDA and say, then,  
21 okay, we accept your programs, that they're  
22 going to carry that out to any other state  
23 that has a risk to make sure that they're  
24 compliant with that. I think that's a big  
25 trust issue that other states are going to

1  
2 have with USDA in that same aspect, because  
3 it comes back to what Monte was saying. Now  
4 we're getting into regional-wise programs in  
5 a certain area where we don't include  
6 somebody that's -- you know, if they were on  
7 the east side of the state, they'd be two  
8 states away if they were in Monte's  
9 situation. So it's very --

10 SPEAKER: And maybe a system works  
11 is if you have a minimum level of  
12 surveillance testing required in every state.  
13 The problem is with no testing requirement in  
14 a state a problem could get into a state --

15 SPEAKER: And you wouldn't know.

16 SPEAKER: -- and you wouldn't know  
17 it until it got to the point of a real  
18 problem.

19 So it seems to me that -- I mean, I  
20 really would like to be able to have the  
21 freedom to ship animals out of Michigan, to  
22 be able to call -- because Michigan would  
23 be, theoretically -- theoretically, Michigan  
24 would be consistent and therefore the risk is  
25 handled. But I want that backed up by a

1  
2 testing program in all states, not because of  
3 Michigan but because of everything --

4 SPEAKER: Right.

5 SPEAKER: -- so that we know -- we  
6 back up that trust. It gives us the basis  
7 for the trust then.

8 SPEAKER: Yeah. And it spreads out  
9 that -- you know, the program basis instead  
10 of Michigan having to endure all this, you  
11 know, testing programs, all the states get  
12 scot-free. It evens it all out with all  
13 producers. Because all the risk, what I've  
14 seen, you know, being here 11 years, it's  
15 about very similar with the movement of the  
16 livestock back and forth.

17 DR. HALSTEAD: Yeah. It's all just  
18 -- a lot of it is just chance, who's tested  
19 the right animal by whatever method by chance  
20 today and found that disease.

21 Now, in Michigan at this point it's  
22 hard to miss it because we test so much.

23 SPEAKER: Exactly.

24 DR. HALSTEAD: If Monte had TB, we'd  
25 know it, you know, there's no question --

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SPEAKER: I think you ought to test him again, though, just to make sure.

DR. HALSTEAD: We'll draw his name.

DR. BENGSTON: To piggyback on the surveillance, what about -- and it was mentioned in the presentation, you know -- does there need to be a national standard for also any specific high-risk groups or interstate movement such as the heifers that were -- dairy heifers, rodeo cattle or event cattle come up quite frequently that stay around the country, move all over the place all the time. Does that -- can that be handled within a state's program, or does that need to be a nationalized standard.

SPEAKER: Well, I think it comes with the national program as long as you have that industry at the table because, again, they're driving the program. So if it comes from that higher advisory board committee board that puts those in order, I think that's where you go with it.

SPEAKER: One of the issues we talked about about import/export was the

1  
2 cattle coming in from Mexico and then just  
3 spread to the wind with no ID, IDs being cut  
4 out of them. You know, there has to be a  
5 better accounting for those cattle. And we  
6 discussed it in NCBA animal health. You got  
7 a feedlot with 5,000 head of dairy heifers  
8 being thrown out, and the pen right next to  
9 them might have those Mexican cattle in it,  
10 nose to nose contact, and you have -- I  
11 mean, yeah, these cattle have been tested  
12 when they got here, but were they retested?  
13 Were they ID'ed? Where have they been?

14 And some of those management and  
15 security issues have to be addressed, because  
16 when these heifers, these 5,000 heifers, get  
17 bred, they leave there and 45 head to a load  
18 and go to the wind, I mean, they can be in  
19 Texas one day and be in the thumb of  
20 Michigan the next, or Minnesota or California  
21 or Idaho. And there has to be some sort of  
22 tracking of those animals, particularly with  
23 what's apparent lack of biosecurity as far as  
24 keeping them separated.

25 And then -- of course then you've

1  
2 got the event cattle which is another whole  
3 ballgame. They just load up and move across  
4 the country, wherever to wherever, and it can  
5 be a fair amount of interaction there,  
6 because if the bucking bulls come in, and  
7 the roping cattle were local or whatever, I  
8 mean, there's a -- and then they go out and  
9 they do it again somewhere.

10 DR. BENGSTON: And under current --  
11 currently it's a real problem because I know  
12 that some of those that come in, they may  
13 come across and, you know, you have initial  
14 control over them, and then they go in a  
15 state and then become now members of that  
16 state, you know, they're not accounted for,  
17 you know. So -- and as you said, metal ear  
18 tags get cut off. They're supposed to be  
19 inbranded, but there's a lot of funny  
20 business with ear tags and stuff, ID. So...

21 SPEAKER: You know what -- what they  
22 indicated in the other group was that there  
23 has to be some sort of accountability when  
24 those cattle come across the border. Who's  
25 taking -- you know, the dealer takes control



1  
2 of them, buys them. There has to be a  
3 physical address where those cattle go and  
4 then records held as to where they go from  
5 there.

6 DR. HALSTEAD: Phil had to leave to  
7 get to a meeting back up home, so he didn't  
8 just bail on us, he announced that he was  
9 going to leave early.

10 But his point about are we confident  
11 that a state is any safer, talking about  
12 risk, just because they have a plan in  
13 place, well -- and he used Michigan as an  
14 example and Wisconsin, how they treated us.  
15 We didn't have a plan in place in 1997 when  
16 the deer was found and then in '98 when the  
17 cow was found. It took us the next couple  
18 years to get a plan in place, and in that  
19 time USDA downgraded Michigan status. It was  
20 2000 when that happened. Then that took us  
21 another three years or, you know, over the  
22 next three or four years to get our zones in  
23 place and to get them sorted out. So we  
24 downgraded, then we moved certain areas up to  
25 higher zones. And that could have either

1  
2       been avoided if we had in place a plan that  
3       was an approved plan and we were following  
4       that plan, or it could have -- that plan  
5       might have included in the event that  
6       wildlife is a component of the disease  
7       outbreak these zones are established for  
8       further surveillance and control to keep the  
9       disease -- you know, the containment idea.

10               I think we would have seen much less  
11       panic across the country, other states  
12       reacting, rather than measuring their response  
13       and saying, yeah, they're doing a good job  
14       with it. We can see what they're doing.  
15       It's obvious, it's transparent, we've seen it  
16       ahead of time so we know. Instead it was  
17       we don't know what's going on in there, and  
18       we've got an opportunity to sort of gouge  
19       them a little bit because of some history.  
20       There's pieces of that in there too, and  
21       we're still stuck there.

22               So I think -- I mean, the whole  
23       idea of having this -- this plan structure  
24       in place is to be ready when things happen  
25       and to have answers ready to implement and

1  
2 be able to demonstrate the risk is minimal  
3 if not negligible.

4 DR. BENGSTON: That brings to mind a  
5 little bit one of the other things that was  
6 talked about in there was to have reporting  
7 requirements. And I know Michigan currently  
8 has a lot of reporting requirements given  
9 their history. But, you know, to have some  
10 kind of a -- the idea is to get  
11 transparency, so some kind of reporting  
12 mechanism which will allow other states to  
13 have a feel for an investigation if there's  
14 an affected herd or some of the other things  
15 going on, surveillance information, caudal-fold  
16 performance rates and so forth.

17 Does anybody have any thoughts on  
18 what might be appropriate to have as  
19 reporting requirements that would -- the  
20 whole idea to be giving some of these other  
21 states who may have a trust issue or concern  
22 because they don't know what's going on  
23 access to easy -- or information that gives  
24 them a little more assurance that the program  
25 is functioning as it's supposed to? Or is

1  
2 that a problem with, you know, historically  
3 it's states have been kind of not wanting to  
4 share it so much. But I think it's becoming  
5 more and more recognized. I think it was  
6 USAHA that came up with the request to --  
7 what was it, the last USAHA? I don't  
8 remember.

9 DR. HALSTEAD: It was this past  
10 November.

11 DR. BENGSTON: Yeah, caudal-fold  
12 performance standards. And I think the  
13 agency's in the process of figuring out and  
14 going to report those.

15 But are there other things? It was  
16 mentioned in there investigations, at least  
17 some sort of initial information about, you  
18 know, the herd that was affected, possibly  
19 interim reports somewhere, or at least a  
20 closing report of, you know, quarantine of  
21 the herd, testing of adjacent herds,  
22 trace-outs.

23 SPEAKER: EMERS?

24 DR. HALSTEAD: EMERS is going away,  
25 isn't it?

1  
2 DR. BENGSTON: Well, who knows with  
3 the IT stuff. But, yes, it is going into  
4 EMERS, but, obviously, I don't think USDA has  
5 been real efficient in -- that's only  
6 accessible, then, right now to the state that  
7 puts that in there I believe. So this is  
8 more of a -- and it could be a website or  
9 something where these would be posted and  
10 give other states access to allow them to  
11 see what's going on following the  
12 investigation.

13 As Steve has pointed out many times,  
14 he -- you know, he doesn't know what's going  
15 on, so he'll call his counterpart and say  
16 what's going on because we're concerned about  
17 it. And, you know, that's a fine way to do  
18 it. But this would be more of a way to  
19 have it up there and give a little more  
20 credibility to what the state's doing so  
21 there's not the perception out there that,  
22 well, yeah, they got TB. We don't know if  
23 they're doing anything about it. And there  
24 may be, you know, many activities going on  
25 and testing and so forth.

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2           But would that be a useful tool, or  
3 are there other things you could think of  
4 that might -- you know, that would be good  
5 things to report in terms of these types of  
6 things?

7           SPEAKER: I think it would be useful  
8 because I know we use that for just  
9 emergency management issues here in the state  
10 of Michigan. If we have a response, we can  
11 go onto MIHAN or --

12           DR. HALSTEAD: MIHAN or Mike uses  
13 NING, the NING web system.

14           DR. BENGSTON: So all of our law  
15 enforcement, public health officials and  
16 everybody has that information. If we put  
17 it out there, then everybody has the ability  
18 to go out there and look at it and make  
19 their own dissemination from it or contact  
20 our department in regards to what's going on.

21           But, you know -- but, again, that's  
22 cost. And if they do something with that, I  
23 think that would be the best thing. And  
24 then basically you just hold the states --  
25 you know, hey, you put it in there in that

1  
2 time, and USDA as the overlooker of the  
3 whole process, they look, okay, state of  
4 Michigan put that in, they're abiding by  
5 being a consistent state. Hey, if Texas  
6 doesn't look at it, you know, can't help  
7 them. But it is out there for them to view  
8 the information that -- for that program.

9 DR. HALSTEAD: Yeah, it provides the  
10 transparency that we've all been looking for,  
11 and hopefully some -- I think it downgrades  
12 the likelihood of a reaction, you know, if  
13 everything -- see, there's got to be some  
14 confidentiality aspect. We did that already,  
15 so that's -- and USDA does it. I don't  
16 think that's a concern.

17 But we need to be able to look at,  
18 well, Ohio, you know, they've had -- or  
19 Indiana, they've had some cases here  
20 recently, and everybody's curious what's going  
21 on there. How many trace-outs are there?  
22 What herds? Is it all cattle herds? Are  
23 there some cervid herds involved? Are there  
24 some wild deer involved in the positive pool?  
25 What states have those trace-outs led to?

1  
2 What's that all about? We all want to see  
3 that. And when you get that information,  
4 it, again, reduces the urge to say, well, I  
5 don't trust them at all, slam the boards  
6 closed to them and shut them off. So that  
7 kind of -- some level of reportability  
8 consistent with states' needs for making  
9 their own decisions.

10 And then there's the whole, you  
11 know, trade partners, the international trade  
12 partners. We got to make sure that we are  
13 reporting at that level so that our borders  
14 stay open for our product. And that's a  
15 very important function that USDA provides.

16 SPEAKER: Kind of being new to this  
17 realm, I guess, I believe it was you, we  
18 were out at the National Symposium for vet  
19 students in March, and I believe it was you  
20 that --

21 SPEAKER: Yeah. Are you talking  
22 about --

23 SPEAKER: Someone from California  
24 said something about Michigan, the TB state  
25 or something. And I'd like to see coming



1  
2 into this profession that -- we've talked  
3 about it a lot today, like, the trust  
4 between the states and to eliminate this,  
5 like, black list on Michigan, because that's  
6 how, being new to it, the scene, I feel like  
7 my state is already, like, just -- all the  
8 other states have written us off as, like,  
9 the TB state.

10 So I think something like that that  
11 is overseen by the USDA so that, like we  
12 talked about in the last group, so there's  
13 trust from the other states that Michigan  
14 isn't just making this up. The USDA has  
15 looked at Michigan, the USDA has looked at  
16 Ohio, you know, looked at each state so it's  
17 a more trusting source if there are issues  
18 with states not trusting, you know, whether  
19 it's Wisconsin and Michigan or whatever.

20 SPEAKER: Yeah. Because in addition  
21 to that, in our last group, we were talking  
22 about the epidemiological studies and putting  
23 more of those factors as they come in, you  
24 know, to point out the actual prevalence of  
25 stuff, you know. It's not as -- so it's

1  
2 not like, oh, poor Michigan, we have TB kind  
3 of thing, it's actually, you know, a small  
4 percentage of -- like Ronnie said, it's part  
5 -- a part of Michigan, it's not TB's rampant  
6 in Michigan, because that's how others --

7 SPEAKER: That was the perception  
8 that you gathered from the statement from  
9 California.

10 SPEAKER: Right. California vet  
11 students think we all have it.

12 SPEAKER: I mean, we're dealing with  
13 a complete count of 52 herds and 140-some  
14 head of cattle. And we've killed thousands  
15 of innocent cattle and found 142 positives.  
16 And that's never brought to light. That's  
17 never...

18 SPEAKER: It's always the state.

19 DR. HALSTEAD: You know, whenever we  
20 speak, we always are very quick to draw the  
21 line, you know, point out where we're talking  
22 about and show the maps and talk about how  
23 we've done surveillance, you know. We don't  
24 use Monte -- we could use specifically --  
25 here's a herd that's, what, 20 miles from

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the state line, or are you closer than that?

SPEAKER: Closer than that. Three.

DR. HALSTEAD: Okay. Three miles from the state line and has had numerous tests and never had a positive animal. Had some responders to the test and that's appropriate. And as almost 300 miles away from the zone, is that -- does that make any sense at all.

SPEAKER: Zero. Hell, I even had a spot check by the state enforcement officer and an ear tag guy one day just out of nowhere here in the driveway.

DR. HALSTEAD: This guy?

SPEAKER: I was with somebody else.

DR. HALSTEAD: He was just justifying his road trip to somewhere else.

SPEAKER: As I recall, they were on their own back from Shishewana.

SPEAKER: Yeah. Let's make a detour, I got somebody I want to look at.

DR. HALSTEAD: There's another thought that crossed my mind if I can dredge it back up again. Yeah, what about

1  
2 wildlife. You know, we're all frustrated  
3 because we can't make progress on wildlife.  
4 The question came up in the last group is,  
5 is this really an eradication program if  
6 we're accepting that we're going to live with  
7 wildlife disease.

8 I made the point that, well, you  
9 know, we've compartmentalized other diseases.  
10 We've said -- with pseudorabies. We don't  
11 have -- that we've eradicated it in the  
12 commercial swine industry. We know we still  
13 have it in feral swine and we're probably  
14 never going to get rid of it. Is that just  
15 rationalizing to make us feel better or is  
16 that -- are those real epidemiologic  
17 separations that we can go to the bank with.

18 And, likewise, if we continue to  
19 push our producers to build barriers between  
20 their cattle and the wildlife, is that really  
21 -- and we keep the cattle from getting  
22 disease, is that really eradication, or are  
23 we just sticking our heads in the sand.

24 And, you know, we can beat up on  
25 DNR, and we do regularly, but the fact is

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we're probably going to still see TB.

And you made the point about retirement. I'd like to see it eradicated in the deer by the time I retire, Monte. I don't think we will.

SPEAKER: We have no plan in place to get that done and there's no will to do it.

But, you know, I think you really need, and it was discussed in the indemnity group I sat in on, it -- you know this whole thing was couched as a health risk to humans. Are we really -- is it really a health risk to humans? I mean, are we -- are we being real about this? When was the last time you heard of somebody getting TB from eating beef from an infected cattle.

DR. HALSTEAD: Yeah. Or drinking milk.

SPEAKER: Or drinking milk.

DR. HALSTEAD: Unless it was raw milk.

SPEAKER: Correct. You know, so we've set in some god-awful stringent

1  
2 guidelines over the last 94 years that  
3 probably aren't at all realistic today in the  
4 prevalence rate that we have today, you know.  
5 We aren't -- I mean, we found, what, one  
6 herd in the state with 17 positives or  
7 something and that was it. I mean, that was  
8 the --

9 DR. HALSTEAD: That was the big one.

10 SPEAKER: That was the hotbed. That  
11 was the mother lode. And how that guy  
12 managed to accumulate that's beyond me, but  
13 the group management wasn't the greatest.

14 So, you know, maybe we need to step  
15 back and assess -- at least assess that, you  
16 know. Do we need to continue sacrificing  
17 innocent cows for the sake of, quote,  
18 eradication when we have a test that's --

19 DR. HALSTEAD: So-so.

20 SPEAKER: -- half ass at best and  
21 is the same test they used 94 years ago?

22 It's easy for me to remember that.  
23 My dad was born in '17. He'll be 94 next  
24 week. And I jotted a note down earlier.  
25 It would be great if in his lifetime he

1  
2 could see this thing changed so it wasn't so  
3 punitive and, you know, it's affordable.

4           Yeah, we keep moving on, and we try  
5 to, you know, eradicate slash manage and let  
6 business go on. But the pushback from  
7 California, Wisconsin, Illinois, whatever is  
8 the threat of getting the hammer dropped on  
9 them if they fine the herd.

10           DR. HALSTEAD: That's right.

11           SPEAKER: That's the whole bottom  
12 line here.

13           DR. HALSTEAD: It's not the health,  
14 it's the cost.

15           SPEAKER: It's got nothing to do  
16 with human health anymore, nothing to do with  
17 human health. If people aren't smart enough  
18 to cook their food or pasteurize their milk,  
19 so be it.

20           SPEAKER: See, I don't know. I  
21 have to slightly disagree a little bit  
22 because I understand, like, the point that we  
23 have a very low prevalence of TB in the  
24 state and the fact that it's not, in the  
25 grand scheme of things, right now it's not a

1  
2 huge human public risk. But what we are  
3 being taught in school right now and from  
4 what I learned in the past few years is that  
5 all it takes is one person to not cook their  
6 meat or to drink raw milk. All of a sudden  
7 the dairy industry, cattle in general, are  
8 going downhill because you get TB from cows.  
9 Like, it would blow up.

10 SPEAKER: Yeah, I think if it comes  
11 from a pasteurized situation. But I think  
12 if they're drinking it from a raw milk  
13 aspect it's -- I think it -- and we had  
14 that example with that deer hunter that cut  
15 his hand and got TB. So it was the same  
16 thing. So that's been really our only  
17 source of human health concerns.

18 DR. HALSTEAD: We've had two human  
19 cases, and the other one we can't explain.

20 SPEAKER: Exactly.

21 SPEAKER: How much of that -- you  
22 know, it's kind of like, well, we don't see  
23 a lot of disease anymore in animals because  
24 we vaccinate for them --

25 DR. HALSTEAD: Right.



1  
2           SPEAKER:   -- and we put up these  
3 barriers.   If we stop, you know -- I know  
4 we're doing a lot of testing right now for  
5 TB.   I don't know how much of it is -- you  
6 know, we're preventing it from getting into  
7 the cattle.   But, you know, if we stopped  
8 doing what we're doing, are we all of a  
9 sudden going to see a higher prevalence? And  
10 then it's going to be a larger human health  
11 issue if we stop testing, if we stop -- I  
12 don't know.

13           DR. HALSTEAD:   You can make the case  
14 that we don't see the cases because of the  
15 program.

16           We have to remember that these  
17 programs, and you could throw in childhood  
18 vaccination and other food safety things as  
19 being so effective that the current  
20 generation thinks that some of these  
21 protective measures are overblown, that we  
22 don't need them anymore, the pushback against  
23 childhood vaccination and against  
24 pasteurization of milk and -- they don't  
25 remember.   They have not experienced polio in

1  
2 their lifetimes.

3           So there's -- we do need to continue  
4 to talk about the public health basis of it,  
5 but it's hard to make the strong argument  
6 right now that people -- we can't say people  
7 are dying so we have to keep doing this.  
8 That's --

9           SPEAKER: And I see both sides, it's  
10 just kind of like do you -- you know, is  
11 there a risk.

12           SPEAKER: The reality of your risk  
13 of getting TB is probably greater standing  
14 next to someone that's importing milk cows  
15 than the cows themselves.

16           SPEAKER: But I also had another  
17 comment, turning back to wildlife. You know,  
18 reading through all these pages about, you  
19 know, what we're trying to establish at,  
20 like, the national level down to state level,  
21 have the states write their own guidelines, I  
22 think, you know, a lot of these are good  
23 ideas. At the same time, like, in Michigan  
24 my problem, you know, is the reservoir and  
25 the deer. So it's like, you know, we've got

1  
2 a whole state of hunters. You know, let  
3 them go -- let them go crazy with the deer  
4 during hunting season.

5 SPEAKER: Well, every single man in  
6 my family hunts, and not every single one of  
7 them get their deer checked. And --

8 DR. HALSTEAD: What are you doing  
9 about that?

10 SPEAKER: I am lecturing them.

11 But, I mean, I can tell you, they're  
12 friends, a few of my uncles. I mean, I can  
13 tell you for a fact they're not stopping at  
14 those roadside checks to get their deer  
15 checked for TB, and it is rampant. And as  
16 much as hunting is supposed to solve the  
17 problem, that means you have to get compliant  
18 hunters. And my uncles are up there not  
19 necessarily being compliant, you know. So --

20 SPEAKER: As long as they're  
21 shooting and shooting often and they're  
22 successful, that's all that we care about.

23 SPEAKER: I think that's where it  
24 comes back to, what you were asking, Steve,  
25 in regards to are we managing the disease

1  
2 right now for keeping markets open versus --  
3 and I think we should. We should at least  
4 manage that, you know, and keep those markets  
5 open, and when we do have reports of it  
6 respond to it and put that fire out.

7 But for the full eradication, like  
8 what Steve was saying, since we have wildlife  
9 and there's no plan to go ahead and get it  
10 out, we're going to be -- in my opinion,  
11 we're going to be managing it for a long  
12 time.

13 DR. HALSTEAD: The fact is USDA  
14 Veterinary Services doesn't have wildlife  
15 authority. They can build it into the  
16 plans, and we do that in our MOU. Every  
17 time we rewrite it we put -- there's  
18 wildlife management. But that's in  
19 partnership with our DNR, and they have to  
20 be willing to sign whatever's in there. So  
21 it's never as authoritative as we'd like it  
22 to be.

23 SPEAKER: That's demonstrated in  
24 what's happening with the baiting issue, you  
25 know. That's gone through -- if you want to

1  
2 go back to baiting. And we have no  
3 mechanism in place to enforce. The penalties  
4 are weak at best. And there's, you know --  
5 there's no will out there on that side of  
6 the equation to address the issue. And, you  
7 know, I think to a person, they know the  
8 right thing to do but they're not --  
9 certainly not voting that. They're not going  
10 to vote that conscience.

11 Well, Steve, I tell you, I got a  
12 meeting I've got to get to.

13 DR. HALSTEAD: Well, I think we've  
14 used our time up. We probably can take a  
15 break.

16 **(Whereupon, the Sessions concluded at**  
17 **3:02 p.m.)**

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STATE OF MICHIGAN:

COUNTY OF INGHAM:

I certify that this transcript is a complete, true, and correct record held in this matter on May 19, 2011.



Suzanne Duda (CSR-3199),  
RPR, CRR  
Notary Public,  
Ingham County, Michigan  
County of Ingham  
Commission expires:  
May 6, 2013

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