



# Montana Board of Livestock Meeting Minutes

December 5, 2018

MT Department of Livestock Board Room #319  
301 N. Roberts, Helena, Montana

## Board Members Present

John Lehfeldt, Chairman (sheep producer)  
John Scully, Vice-Chair (cattle producer)  
Lila Taylor (cattle producer)  
Ed Waldner (swine producer)

Nina Baucus (cattle producer)  
Sue Brown (dairy & poultry)  
Brett DeBruycker (cattle producer)

## Staff Present

Mike Honeycutt, EO  
Brian Simonson, Deputy EO  
Gary Hamel, Meat & Poultry Bureau  
George Edwards, Livestock Loss Board  
Evan Waters, Centralized Services  
Dan Olson, Centralized Services

Donna Wilham, Adm. Asst. to EO  
Dr. Marty Zaluski, State Veterinarian  
Dr. Tahnee Szymanski, Animal Health  
Dr. Eric Liska, Animal Health  
Leslie Doely, Brands Administrator

## Public Present

Rob Stutz, Legal Services Division  
Kyle Chenoweth, Legal Services Division  
Charlotte Lauerma, MVMA  
Kim Ashmore, Sheep Mountain Creamery  
Cindy Perdue-Dolan, Senator Daines  
Jerry Collins, Garfield County Commissioner

Liv Stavick, MFBF  
Kori Anderson, MSGA  
Brian Ohs, MSGA  
Amy Angel, Angel Dairy

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## MEETING CALLED TO ORDER

**8:00 AM**

Chairman John Lehfeldt called the meeting to order at 8:00 AM

## APPROVAL OF BOARD MINUTES

**8:00 AM**

## **MOTION/VOTE**

**8:00 AM**

Lila Taylor moved to approve the BOL minutes for the October 18, 2018 meeting and the November 5, 2018 and November 29, 2018 conference calls. Sue Brown seconded. The motion passed.

## **APPROVAL OF BOARD ADMINISTRATIVE CONSENT AGENDA ITEMS**

**8:02 AM**

A request was made by John Scully to pull the Meat & Poultry Reports from the Consent Agenda

## **MOTION/VOTE**

**8:02 AM**

John Scully moved to remove the Meat & Poultry Inspection Bureau Reports off the Consent Agenda. Lila Taylor seconded. The motion passed.

A request was made by Nina Baucus to remove the Out-of-State Travel Requests from the Consent Agenda

## **MOTION/VOTE**

**8:03 AM**

Nina Baucus moved to remove the Out-of-State Travel Requests from the Animal Health & Food Safety Division and the Centralized Services Division off the consent agenda. Lila Taylor seconded. The motion passed.

## **ANIMAL HEALTH & FOOD SAFETY DIVISION**

**8:04 AM**

### **8:04 am – MEAT & POULTRY INSPECTION BUREAU–**

John Scully commented that when the Meat & Poultry Inspection Bureau reports are part of the Consent Agenda, there are unanswered questions for those reading the report and no way to discuss them unless the report is removed from the Consent Agenda:

- Gary Hamel said that all of the items on the Consent Agenda Report in Lieu of Presentation have been discussed with staff and are being discussed with plant management

- Mike Honeycutt said that sometimes he thinks there is an assumption that the BOL is the only time the DOL staff is communicating with the industry , but in reality they are communicating with the industry every day
- In the Humane Handling section of his report, Mr. Hamel explained that the term in his report where it talked about a slaughter process being “out of control,” it is a term from regulation where an animal is not being slaughtered humanely and they don’t meet criteria
- It was reported that some landfills and renders are not taking sheep offal because of diseases and because the pelts tear up rendering machines

## **MOTION/VOTE**

**8:27 AM**

**Nina Baucus moved to accept the travel plans for out-of-state travel for the Milk & Egg Bureau and for the Animal Health Bureau out-of-state travel as presented. John Scully seconded. The motion passed.**

## **MOTION/VOTE**

**8:28 AM**

**Nina Baucus moved to approve the IT out-of-state travel request. Lila Taylor seconded. The motion passed.**

## **OLD BUSINESS**

**8:29 AM**

### **8:29 am – FINANCE COMMITTEE DISCUSSION**

#### **8:29 am – Review of Legislative Budget Requests–**

John Scully handed out the agenda of the most recent BOL stakeholder meeting that was turned into a BOL Finance Committee Meeting and was attended by four BOL members, along with stakeholders, except for Jim Brown of the Montana Woolgrowers Association, who was in attendance at his annual meeting

Mike Honeycutt reviewed the House Bill Legislative requests that will be made by the DOL to the 2019 Legislature:

- HB2
  - In the July 2018 snapshot, for Personal Services, every filled and vacant position was considered. The Governor’s office has reduced the total Personal Services amount by 2%, a managed-required vacancy savings
    - On the books currently, there are 18 vacant FTEs in the BOL, some are short-term, but some have been vacant for a while, which may be used to explain to the Legislature that the DOL has left some vacant FTEs to manage through the snapshot issue from 2017

- With the salary increase issue now included in the snapshot, it has affected the base budget going forward
- A correction was made for the HB2 request. In the budget that came out of the 2017 Legislature, in the DSA Program, the Personal Services and Operations were flip flopped in the program
  - With the correction made, it appears that Operations Expense is \$700,000 higher, when it actually is not
- Other proposals in HB2 are Lab equipment one-time-only expenditures, short-term equipment needs in Brands, additional staffing in Brands (1.5 FTEs), DSA expansion (\$300,000 general fund to cover expansion in Beaverhead County plus some additional funds to prepare for another expansion), Public Information Officer Work (\$50,000), Present Law Adjustments (\$200,000)
- Mike Honeycutt explained that in this budgeting process, the DOL has added other funding types besides general fund, per capita fees and user fees and those funds in the section C request. Proprietary funds are in a section P request in HB2
- HB3
  - HB3 funds are a supplemental that apply to the current biennium and give agencies the ability to deal with unforeseen circumstances that have had an impact on their budget and must be expended before the end of the fiscal year. BOL HB3 requests are for \$561,850
  - The Lab Study Committee money to move to the next step with architectural design and visual rendering for the Lab facility
  - The DOL salary issue, where the BOL acted upon instruction and intent from the 2015 Legislature, but through the 2017 process, that action wasn't captured
  - Another increased salary issue developed in the Meat & Poultry Bureau whose employees organized with a public employee union
  - Board of Milk Control's increased legal fees
- HB5
  - HB5 deals with long-range planning legislation and long-range building infrastructure, and if funds are received, they will be available for use in the next biennium for the proposed new VDL building
- HB10
  - This one-time-only request, for \$1.3 million in authority, divided up for two years of the biennium, will be used for the DOL IT plan, which will pursue some upgrades in the Milk & Egg Bureau and some other areas that the DOL has not had enough funding to pursue

Mr. Honeycutt covered a list of Legislative issues that he also reported on at the most recent BOL Stakeholder and Finance Committee meeting:

- Two items removed from the list were: The Governor's office did not agree with adding goats to the DOL estray list, and so it was dropped. It was decided that it would be best to deal with recognition of revenue as an internal financial control rather than to pursue a Legislative solution

- Two items to present to the Legislature from the Meat & Poultry Bureau were: Strike language in State law regarding allowing home-grown and home-killed meats to be shipped into any town in Montana because it would put the DOL in a position of not meeting or exceeding Federal standards. Strike language in State law that would require the abeyance of suspension for 30 days until the BOL meets and replace it with a new appeals process that gives due process to those constituents
- One item in the Brands Enforcement Division would request that Legislature remove the language for a \$50 dealer licensing fee set in State statute be set in rule
- As far as Animal Health Import, the Legislative request will be to strike some outdated language regarding importation of semen and biologics
- Another Legislative request will be to move all animal import statutes into one area of the MCA
- In CSD, there are two pieces of legislation: Change language to say that the fees for the aerial hunting program go to CSD for servicing rather than being placed in the predatory animal account that all goes to Wildlife Services. A second issue on aerial hunting is to change the language in statute that requires that no out-of-state hunter can be registered or licensed if that area was already being flown by an in-state pilot
- Mr. Honeycutt said that the bill drafts were done and that he had received all of the pre-introduction letters. Once the Governor's office gives the go-ahead, Mr. Honeycutt said he will be reaching out to legislators to see if they are willing to sponsor the bills by the December 15, 2018 deadline

## **MOTION/VOTE**

**9:33 AM**

**John Scully moved to approve the submitted recommendations on the DOL budget in planning and IT resources that are contained in HB2, HB3, HB5 and HB10, as reported by Mike and submitted this date. Sue Brown seconded. The motion passed.**

Mr. Honeycutt explained that after approval from the BOL, it was decided to out-source a .5 FTE for public relations rather than request a full-time Public Information Officer, from the Legislature

## **NEW BUSINESS**

**9:42 AM**

**9:42 am – Lab Study Committee Report and Meeting Discussion (Determine Any Necessary Action Needed)–**

John Scully, who is serving as Chairman of the BOL Lab Study Committee, reported on their November 16, 2018 meeting:

- Mr. Scully apologized for having scheduled that meeting during the Montana Farm Bureau Federation annual convention, which meant that John Youngberg was not able to be in attendance at the Committee meeting
- The first agenda item was to identify the design needs or preferred options for the proposed Lab complex
  - The option recommended includes a VDL/MT Department of Ag share and not ignore any other entity that may want to be a part of the Lab
  - There was discussion as to whether or not MT Department of Ag still wants to be part of a combined lab
- FWP does not want to own a portion of the complex, but possibly would lease a portion of the complex, as they are currently developing their own “mini-lab” that includes some range of services
- The Committee pared down the VDL to a facility with a smaller footprint at a cost of \$34 million, for the VDL only, which includes some equipment, and voted as their recommendation to the BOL to adopt Version 3, as a motion to be approved, which would not exclude anyone, but do homework first as to what the BOL believes the VDL needs to be as an anchor tenant in the process

## **MOTION/VOTE**

**9:52 AM**

**John Scully moved on behalf of the Lab Study Committee’s recommendation, for the BOL to adopt Recommendation 3 for construction of a combined lab complex, and not exclude at any time the joining of the Montana Department of Agriculture, Montana Fish, Wildlife & Parks and any other entity that would like to join in this planning process. Sue Brown seconded. The motion passed.**

- Critical path issues were identified
  - An incinerator would be needed by both the VDL and FWP and would require a sizeable capital investment, permits, inspections and upkeep of the health of that incinerator
  - There was discussion as to whether or not the Lab should continue to be located on Montana State University property since the Lab does not appear to be a priority of the University
    - Representation from the Committee should be allowed to go forward to make an appointment with the President Cruzado, when it’s appropriate, on her schedule and the Legislative activity to meet with her to discuss pros and cons of the VDL
  - Decide whether or not there needs to be a chain of custody
  - Employee structure and recruitment considerations
  - Finance Alternatives and Timetables
    - Mr. Scully said it is not out of line to consider individual or industry contributions for the Lab
- HB5, the Long-Range Planning bill, will put the request in front of the 2019 Legislative Session

- Stuart Doggett, a member of the BOL Lab Committee, said that he had met with Representative Daines' staff and they were interested in the project
- Capital Changes and Replacement
- If the plan is not funded, the Committee discussed briefly what are the future plans for the VDL
- Emergency and Safety Issues
  - The Committee has asked the staff to compile a list of “what-ifs” regarding safety issues in the building, especially electricity and ventilation issues
- One possibility mentioned for land for the VDL was to contact the State Land Board regarding their property; another possibility was to possibly consider the Huntley experiment station property
- Mike Honeycutt, Dr. Zaluski, Lila Taylor and John Scully are on the convention agenda for the Montana Stockgrowers Association regarding the Lab

## **MOTION/VOTE**

**10:15 AM**

**Sue Brown moved that the BOL use the document presented by John Scully as a guide for moving forward with the new Lab. Lila Taylor seconded. The motion passed.**

## **10:16 am – Update on Legislation and Session Planning –**

Mike Honeycutt updated the BOL on legislation and planning for the 2019 Legislative Session:

- House and Senate Ag meet Tuesdays and Thursday at 3 pm, meaning sometimes attention will be divided. There is a daily Governor's office briefing each day at 1 pm
- Rocky Mountain Stockgrowers plan to use the DOL as a pass-through agency in a bill they want to bring forward to get more funding for wolf management to Wildlife Services
  - What is possibly going to be pursued is something attached to hunting licenses
- The DOL may be brought in for technical expertise for a bill that may be brought by the Montana Farmers Union, Montana Cattlemen's and the Northern Plains Resource Council that would require Montana grocery stores display placards identifying where their meat comes from
- There may be some attempts in this Legislative session to identify what meat is in Montana to distinguish it from cell-cultured meat
- It appears there are some bill drafts that will address things going on in Central and Northeastern Montana regarding domestic bison, particularly with the American Prairie Reserve
- There may be an attempt to change or repeal MCA 81-2-120, Management of Wild Buffalo or Wild Bison for Disease Control

- Raw milk bills may be coming at the DOL from two fronts
- One raw milk bill is coming from proponents
- Another raw milk bill may be from industry stakeholders that would be acceptable to the industry and to the managing agencies

### **10:30 am – Interagency Bison Management Plan Update –**

- Mike Honeycutt said the IBMP group met a couple weeks earlier in Chico Hot Springs for their winter meeting
  - A major item discussed was transportation safety on the north and west side of the Park, especially with bison
    - The Montana Department of Transportation was brought into the meeting to discuss changing speed limits and enforcement of those speed limits
  - The DOL has contributed their deliberate documents for the annual report, to explain what was done in terms of bison management over the past year by the DOL
  - The DOL did not agree to approve the winter operations plan before the end of the meeting
    - Language regarding hunt/trap issues between FWP, YNP and Tribal Authorities is being redone
    - Language dealing with quarantine is being redone because the DOL and APHIS had issue with the way it was originally stated
  - A report on Yellowstone bison estimates the population to be in the mid-4000s, and so a cull is proposed that is exactly the same as the previous year
  - Between the hunt and the administrative harvest, about 1100-1200 bison were taken last year
- Mr. Honeycutt addressed a quote that a newspaper said he had made in a story regarding Yellowstone bison, saying he was eager to get bison to Fort Peck
  - Mr. Honeycutt said his whole statement concerned five bison bulls, presently housed at Corwin Springs, who have completed quarantine, but have not been transferred yet because there has not been an MOU agreement drafted between USDA-APHIS and Fort Peck in regards to quality assurance testing USDA-APHIS wants completed at their facility. He said his comments were around the only thing holding up those five bulls is those two government entities finalizing an agreement with each other. So, that is what he was eager to see
- Mr. Honeycutt said that there is a cohort of males and females at the Stephen's Creek facility in the quarantine phase, and even though there is some desire to do that phase at Fort Peck, the DOL still stands in how they look at State law and Federal rules that preclude that from happening
  - In Mr. Honeycutt's conversation with the Superintendent of YNP he believes that, at least for right now, they came to the agreement that pushing that line was a no-go because State law prohibited it



- Mr. Honeycutt praised and thanked Maggie Nutter, MSGA's Brian Ohs and Korie Anderson, for their public comment at the IBMP meeting that conveyed the industry of the livestock industry in Montana

**10:43 AM - RECESS**

**11:00 AM – RECONVENE**

## **LEGAL COUNSEL UPDATE**

**11:00 AM**

### **11:00 AM – Update from Legal Counsel, Rob Stutz**

Rob Stutz gave an update on legal issues facing the DOL:

- S&T Project Meats
  - There is a petition of judicial review of the BOL's decision upholding the inspection decision, and after a hearing in April 2018, there has been no action other than the DOL filing various status reports with the court while the plaintiffs decide what they want to do
  - A tort claim was filed with Risk Management Tort Defense a week or less ago, and S&T hired Mike Kaufmann as their attorney
  - Mr. Kaufmann has reached the conclusion that now that there is a tort claim filed, what is the purpose for the existing litigation against the BOL on the judicial review
  - Mr. Stutz anticipates that the petition for judicial review may be dismissed because if S&T is going to pursue the tort track, where they could seek damages, there's not as much of a point of having litigation that simply identifies problems with the BOL's decision and tries to seek a renewed BOL decision
- K&C Meats
  - This establishment was suspended because of unsanitary conditions, but there were reports of ongoing activity during the suspension
  - The DOL filed litigation in State District Court in Missoula for them to stop producing despite their suspension
  - There hasn't been any ongoing activity as far as production of the facility for transport of meat out of the facility since the lawsuit was filed
  - Mr. Stutz said he would like to discuss strategy in executive session in light of the apparent compliance, in spite of the lack of a court order
- Horob
  - A claim for \$100 million was filed against the DOL by a prisoner in Pennsylvania, not serviced from a court or anything official
  - Mike Honeycutt forwarded the claim, a hand-written note, onto Risk Management and Tort Defense for review

- Coremark
  - A claim has been received for attorney fees and costs regarding the 1<sup>st</sup> Amendment Claim that was not dismissed
    - One component of the claim is that the DOL restricted or compelled their speech by forcing them to put a sell-by date on the milk jug – that claim was lost
    - The second component was that the DOL restricted their speech by not allowing them to put a best-buy date on the milk jug – that claim prevailed
  - Attorney fees and costs requested are for \$409,682.13, stemming back from 2015. \$261,000 for adjusted attorney fees and a 150% multiplier in consideration of how many years of litigation they had gone through to get to the current lawsuit

**11:18 AM – EXECUTIVE SESSION**

**12:45 PM - RECONVENE**

**12:45 PM - LUNCH**

**1:15 PM – RECONVENE**

**MOTION/VOTE**

**1:17 PM**

Sue Brown moved to go forward with ARM 32.8.205, to have the new labeling, listing the dual dates. Lila Taylor seconded. The motion passed.

**CENTRALIZED SERVICES DIVISION REPORTS**

**1:19 PM**

**1:19 PM – LIVESTOCK LOSS BOARD**

- George Edwards reported that the LLB has paid out claims for 267 head, for a total of \$210,806 – that total is the highest paid out since the decade the LLB began operation
- Mr. Edwards says he has \$136,200 left for claims between now and the end of the fiscal year
  - The LLB has been dipping into reserve funds, and he feels there is a possibility funds will run out in the next biennium because reserve funds are no longer allowed to be carried over
- Indications are that the Montana Woolgrowers will be running a bill to try and increase LLB appropriations in the 2019 Legislative session

- Mr. Edwards gave a current predation payment break out through LLB so far this year:
  - \$105,299 is for grizzly bear loss; \$73,220 is for wolf loss; \$32,288 is for mountain lion loss
- Wesley Sarmiento, FWP Bear Management Specialist, based out of Conrad, according to Mr. Edwards, has managed to keep bears out of Valier and has taken a proactivist step to help ranchers, hazing bears away from ranch buildings as soon as he's called
- A bill was brought forth a few sessions ago to take some money off a wolf license to help fund the LLB and Wildlife Services, but the Region 6 FWP office in Colorado sent out a letter saying that if any of the license dollars are touched, it jeopardizes their Pittman-Robinson dollars
- Per Nina Baucus' request, George Edwards said he would send out an email to those who have received predation funds, asking them if they would be willing to share how many animals they were short in the fall when the animals come back in
- Mr. Edwards said that if the Federal shutdown happens, it will impact Wildlife Services, and so he is giving out his phone number to walk people through how to preserve the evidence on a kill, so it can be held until Wildlife Services is back to work for their claim
- Mr. Edwards said he had sent an article regarding a Cornell University study on composting of offal to a veterinarian, per John Scully's request

## **1:39 PM – FISCAL BUREAU**

### **1:39 PM – November 2018 – June 2019 Expenditure Projections**

Brian Simonson reported on the projection summary through October 31, 2018 and then projections from November 2018 through June 2019:

- Projected budget expenditures are \$218,000 to the negative
  - There has been some difficulty with hiring in the VDL and so some of the higher paid positions may be moved to the right a few more months than anticipated, helping to drive that number down
  - There is about a \$50,000 difference between last month and this month because it is tied up in operations for rent and contracting services, but, because of timing, that number is expected to come back down next month
- For the DOL, Personal Services is projected to be \$165,864 in the hole
- Centralized Services Personal Services is projected to be \$107,000 to the negative
- CSD is off because Brian Simon's salary wasn't in there last year and there have been several wage increases over that period of time, Mike Honeycutt's, Sheila Martin's and some wage increases in the budget office
  - Meat and Poultry is projected to be \$119,000 to the negative
  - Brands Enforcement Division is projected to be \$327,000 to the negative

- Mr. Simonson said that in the next biennium there will be wage increases that correspond to that for covering the snapshot, so it is expected there will be over \$100,000 in authority in CSD
- The negative \$393,738 in per capita fee, under budgeted funds can be only partially offset with a transfer of excess authority from the Shielded Egg Grading fees. That is another explanation for the request of HB3 funds

### **1:48 PM – October 31, 2018 Budget Status Report**

Brian Simonson reported on DOL budget expenses compared to this same time last year:

- Personal Services is 27% expended with 29% of the payroll complete
- Operations are 22% expended with 25% of the budget year left
- The DOL total expenditures are \$281,000 lower than at this time last year; vacancies are doing a good job of filling the gap that is needed to make it to year-end
- Operational Expenses are \$123,000 less than last year at this time
- \$97,000 is one of two per capita payment collection charges made to DOR. The second payment, of approximately that same amount, will be made at the end of 2018
- Mike Honeycutt said that the DOL liability for payouts isn't as great as when he started with the DOL three years ago because there have been some pricy payout retirements that have taken place since he has been at the DOL
  - 25% of the DOL employees are likely to retire in the next couple of years
- The current DOL employee handbook executes a policy change limiting accumulated time

### **2:04 PM – Per Capita Refund Reminder**

Brian Simonson said that a per capita fee refund form has been posted to the DOL website and needs to be submitted by January 31, 2019

### **2:08 PM – INFORMATION TECHNOLOGY**

#### **2:08 PM – IT Business Analysis and Strategic Planning**

Dan Olson reported on the Information Technology plans to utilize HB10 in the upcoming session to help fund potential IT-related projects in the DOL:

- Mr. Olson said that several meetings were held with IT and each Bureau to view demos of products to upgrade their areas
- Two products appear to be viable and have been included in the proposed IT project for DOL that has been submitted to the DOA-ITSD to submit to OBPP. It was accepted
  - Safelnspect is being considered for use in the Milk & Egg Bureau and ties in with some of the work being done with Fort Supply

- Laboratory Information Management system (LIMS) is being considered for use in the VDL
- Mr. Honeycutt said that the DOL is looking for products that will not just meet the needs of one area of the DOL, but cover overall needs of the DOL
- IT will be a part of a presentation that DOA gives to a Legislative long-range planning subcommittee. No date has been given for that presentation as of yet
- Mr. Olson provided the BOL with a time line, starting in July 2019, should the proposed project be accepted by the Legislature
- Mr. Olson reported that IT has been checking into switching to I-Pads to use for brand inspections out in the country, and has watched a couple demos, but so far, no vendor has come forward with a cost-effective solution
  - Mr. Honeycutt said that going electronic out in the field would cut time and expense and also help with compliance issues and receiving information in real-time.

## **2:32 PM – MILK CONTROL BUREAU**

### **2:32 PM – Updates Regarding the Board of Milk Control and Bureau Updates**

Chad Lee reported on recent activity at the Milk Control Bureau and the Board of Milk Control:

- Chad Lee said that when the Board of Milk Control received the final report for their study in June, it included approximately 13 recommendations, they have acted on the one to amend Montana's Class 2 and Class 3 prices
  - Amended Class 2 and Class 3 prices went into effect October 1, 2018
  - Prices increased about 4.6% relative to the old rules – 4.7% and 4.1% in November and December respectively
- The Board of Milk Control sent a survey to all producers and to the pool plants to get feedback on the study's 13 recommendations
  - 13 responses to the survey have been received from producers, five from the Board, and none from the plants
- The Board of Milk Control plans to schedule a meeting in January 2019 to discuss several items:
  - Consider milk control assessment rates for FY2020 (the Milk Control Bureau's recommendation is for no change in those rates)
  - Discuss survey responses
  - Consideration of study recommendations
  - Discuss a memo from the Montana Milk Producers Association that identified their recommendations for changes
  - Discuss and accept the Milk Market Administration Industry Report
  - Appoint two producers to serve on the producer committee
  - There are currently two vacancies because one member became ineligible to continue to serve on it and one resigned
- Mr. Lee said that the Milk Control Bureau has been included on the HB3 requests for additional funding, relating to their budget and potential legal costs

**2:38 PM - RECESS**

**2:49 PM - RECONVENE**

## **ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS**

**2:49 PM**

### **2:49 PM – MILK & EGG BUREAU**

#### **2:50 PM – Hiring Sanitary Position for Milk & Egg**

Dan Turcotte explained that he would like to rewrite a vacant position's duties and move it to Great Falls:

- The position is currently listed as a Sanitarian, but Mr. Turcotte would like to add some egg-grading duties to it
- The initial training for the position would be working in the egg plant with the graders for a month, followed by taking a USDA exam, followed by a two-week training with supervisory USDA personnel in Washington DC and finally a couple more weeks at the Great Falls plant
- Mr. Turcotte plans for the new hire to eventually be the official supervisor of the Shield Grading

## **MOTION/VOTE**

**2:52 PM**

**Ed Waldner moved to hire the Sanitary position for the Milk & Egg Bureau. John Scully seconded. The motion passed.**

### **2:56 PM – General Updates**

Dan Turcotte reported on general updates at the Milk & Egg Bureau:

- The computer system worked well enough for the dairy license renewals to be sent out. That was done on December 1, 2018
- The Bureau has done some work with the FDA on check ratings in Montana
- State Rating Officer recertification has started for Rosemary Hickey and Dan Turcotte. That renewal is due next year
- One dairy has gotten two positive antibiotic, one in September and one in November. A third will mean they need to come before the BOL for a hearing on their license
- Positives may have happened because a cow being dry-treated escaped out of a corral and ended up back in the milking herd. The numbers in the computer system to prevent the milker from coming on were bypassed

### **3:11 PM – ANIMAL HEALTH BUREAU**

Dr. Tahnee Szymanski introduced Dr. Anna Forseth, a new veterinarian to the Animal Health Bureau, whose background is in swine, that joined the DOL in October and would be working on emergency preparedness and other programs dealing with the Bureau's cooperative agreement

### **3:12 PM – Administrative Rule Adoption – Equine Infectious Anemia**

Dr. Tahnee Szymanski explained proposed rule changes to ARM 32.3.1401, which would help bring the rule in line with the USDA guidelines if there is a detection of EIA in Montana:

- The proposed changes went out for public comment with one comment that was not related to the scope of the proposed changes
- Some of the proposed changes include:
  - How long a horse has to be away from a positive animal before they're retested
  - What is considered official ID on the test chart
  - What tests call a reactor vs an animal this is suspect and needs testing

## **MOTION/VOTE**

### **3:13 PM**

**Lila Taylor moved to adopt the proposed changes to ARM 32.3.1401-Equine Infectious Anemia, as proposed by Dr. Tahnee Szymanski. Sue Brown seconded. The motion passed.**

### **3:13 PM – Report on Out-of-State Travel to USAHA in Kansas City, MO**

Dr. Tahnee Szymanski reported on the attendance of herself, Dr. Marty Zaluski and Dr. Eric Liska, at the USAHA Annual meeting, held in Kansas City, MO on October 18-25, 2018:

- Dr. Szymanski said that she thought the general consensus of State veterinarians on HB705, a bill to provide the Department of Interior authority over emergency disease impact in wildlife on Department on Interior land, was that they were in support of it
- Goat Yoga is mentioned in a new compendium that contains recommendations for interaction between the public and domestic livestock in a safe way
- Wildlife Services (WS) gave reports:
- On Avian Influenza, WS said that with no recent detections of the disease, they are moving away from that
  - Ferrets and dogs are being trained and used to detect the presence of Avian Influenza in bird feces
  - Clarification was given on how States can handle indemnity for low-path Avian Influenza detections

- African Swine Fever is being added to the WS surveillance plan for 2019, due to feral swine populations in the US
    - Nina Baucus said it was reported by WS at the December Montana Woolgrowers Association Convention that feral swine are four miles north of the Canadian border
  - Kansas provided an update on a Cattle Trace Pilot underway in their state, with hopes they can get an official, electronic ID into all livestock moving in their state and collect data on all of their movements
    - Movement data would include the official ID of the animal, location of where the ID was scanned and the time it was scanned
    - There was discussion by the States to decide on which emerging technology should come through for a national cattle ID program, deciding on whether to utilize non-electronic metal tags, low-frequency RFID tags or ultra-high frequency tags
    - USDA set some targets for States to work towards in moving forward on a national cattle ID program
      - Phasing out metal tags, yellow bangs tags and noose tags
    - Undersecretary Ibach said that they want the industry to choose which electronic tag to move forward with. The Kansas pilot program will help demonstrate which one
    - The Kansas Livestock Association recently moved in support of a mandatory national individual ID system for all cattle
    - There was discussion by the BOL regarding whether the producers would be the ones required to pay for the new national ID technology
  - A private diagnostic company has developed a platform to do an ELISA that is more specific to B-Ovis
  - In a Health Committee presentation regarding whole genome sequencing and the use of DNA, the stickiness of DNA was discussed, and how that has caused contamination of samples because of carelessness
  - Risk pathways for African Swine Fever (ASF) were discussed and how feedstuffs can be tested efficiently to help prevent the disease from entering the US, especially from countries with ASF
    - Dr. Zaluski said that high-risk feed products are ones that have the opportunity to be in contact with animal agriculture and are the ones that have a higher likelihood of having viable virus after they go across the ocean
  - There was BOL discussion regarding one presentation that covered captive cervids becoming infected with CWD
- Dr. Marty Zaluski highlighted items from the USAHA meeting that he found interesting:
- Information at one presentation reported that whole genome sequencing has helped reveal the strain of tuberculosis found in the six Tuberculosis cattle herds reported each year in the US. Dr. Zaluski said that in strains from humans to cattle, typically, the infection has been documented to come from international workers



- In 2018 118 TB-positive animals were found – a third from Minnesota, primarily Michigan wildlife zone, a third through epidemiologic investigations and a third through slaughter
- Dr. Zaluski said that USDA is going through a “reformation” which is reinvigorating their emphasis on the states
- California is working to potentially removing their requirement for brucellosis vaccination, and nationally, a resolution was passed at USAHA that discourages the use of the RB51 vaccine in areas of the country where the disease doesn’t exist
  - Cost of the RB51 vaccine and public health concerns with administration of the vaccine, because it is transmissible to people are probably two of the largest factors for discontinuing the brucellosis vaccination
- Dr. Zaluski’s concern about what happens if much of the nation stops vaccinating is whether there will still be vaccine available because of decreased demand, but, he was assured by the Colorado serum people that there is a sufficient international market to continue production of RB51
- Dr. Zaluski said that one presentation’s information showed him that he has little confidence in CWD certification of captive wildlife herds
- The Committee on Wildlife reported that out of the 15 positive CWD captive wildlife herds diagnosed in the last year, six were from certified herds
  - Dr. Zaluski said that with import and movement of animals across the state, that kind of risk cannot be tolerated, and he is concerned about that
- With a resolution to remove Brucella from the select agent status, Dr. Zaluski said that one of the challenges is that research for a vaccine for either cattle or wildlife is difficult and cost-prohibitive

### **3:57 PM – TB Update**

Dr. Tahnee Szymanski gave an update on bovine TB in the US:

- TB was detected in a South Dakota steer at slaughter earlier this year and it was determined that the steer came out of a group of 400 head from 99 contributors in five states
- North Dakota had 30, Montana had 17, Minnesota had around six, Wyoming 2 and the balance were from South Dakota – a total of 50+ herds
- USDA gave direction that each would need to be followed back to the source and the herds of origin would need to be tested
- As of right now, testing has been done on nine of the Montana herds, and Dr. Szymanski is working to establish contact with the rest
- One herd was already shipped in September, and so they will be caught next year when they come through
- All but one of the herds tested have cleared. The one herd has suspect animals and additional testing has been done
- 2500 head have been tested so far with about another 2000 head left to test
- There is no cost to the producers for the testing, however it usually takes one DOL veterinarian and 2-3 Brands staff. It is charged to the zoonotic portion of the umbrella grant

#### **4:09 PM – Outbreak Preparedness Plan of Action Presentation**

Dr. Anna Forseth explained the handout she had given the BOL titled “Outbreak Preparedness Plan of Action”:

- The handout contained items from a report that Dr. Emily Kaleczyc had put together after the FMD simulated outbreak
- Training opportunities, according to Dr. Forseth, should be taken advantage of
  - Sending veterinarians to foreign animal disease diagnostician training to be able to efficiently identify clinical signs associated with foreign animal diseases
  - Send individuals to incident command structure training, a standardized program that deals with any type of response
- Have a plan in place for the outbreak situation, whether or not Montana is the index state, because the index state receives more Federal assistance than the others
- Determine a depopulation plan, training and identifying staff to deploy the depopulation event
- Determine carcass disposal options, taking into consideration the area’s restrictions
- Draft a host outbreak surveillance and vaccination plan, as total depopulation of a herd with an infected animal is not popular anymore
- Secure food supply plans in Montana for pork, beef, milk, and turkey
- Brainstorm with people who will be involved with helping during an outbreak
- Dr. Forseth has requested that the VDL determine and report back to her, which diseases they can test for, from a list of reportable diseases in the state
- Dr. Forseth plans to have the 2007 Montana Animal Health Emergency Plan fully rewritten in two years
- One BOL member said that the biosecurity portion of the plan will end block management
- Dr. Forseth said that right now the USAHerds program and the EMRS program give incomplete data, but GIS mapping information will be more complete
- Dr. Szymanski said that all premise ID data is housed in USAHerds, but most registered premises in Montana are voluntary, meaning the list is not complete

## **BRANDS ENFORCEMENT DIVISION REPORTS**

### **4:36 PM**

#### **4:36 PM – General Updates**

Leslie Doely reported on the current status of the livestock markets in the state:

- The markets, from July 1, 2018 – November 30, 2018, were down 25% compared to the 2017 markets and down 1% compared to the 2016 markets during that same time period

- The markets, from January 1, 2018 – November 30, 2018, were down 22% compared to the 2017 markets and down 6% compared to the 2016 markets during that same time period
- Mike Honeycutt commented that although market numbers were down, that has never correlated to the number of cattle that per capita is being paid on, it is just a change in producers' marketing schemes

Leslie Doely brought the board up-to-date on the Brands Enforcement Division personnel situation:

- There is a Livestock Inspector position open in Billings and two open positions in Helena, one, a compliance position and one, a mortgage clerk
- Mike Honeycutt explained that in the Chinook livestock investigation district the response to calls may not be as timely because an employee had to take some leave and the DOL is trying to cover that position by subbing in from other districts

Leslie Doely reported that the Brands Enforcement Division is trying to ramp up training for local inspectors:

- An annual meeting should be called by the District Investigator who oversees the local inspectors
- The Division is considering implementing twice-a-year meetings with the local inspectors to be able to add even further training for them
- Ms. Doely assured the BOL that local inspectors will hear from the Brand office as far as compliance issues and verifying that information is correct, if there is an issue because they are doing compliance and verifying to make sure those issues are handled as much as they possibly can
- Ms. Doely said that the Helena office can print county brand books, but that same information can be found on the Department website
- There is only one full-time and one-half-time brand inspector for the newly-acquired Missoula livestock market. Lila Taylor said that having no brand inspector to help load trucks the day after a sale is an issue to be avoided because people want to move their cattle out once the purchase is made

Because the DOL does not have jurisdiction on reservations around Montana, Mike Honeycutt expressed the need to establish MOUs with tribal governments:

- MOUs would be a help to non-tribal members who are having issues pasturing their cattle on reservations
- MOUs also would help prevent the quarantine of an entire region if there is a disease outbreak of cattle on the reservation
- Ms. Doely said that the DOL does compliance on the books of tribal brand inspectors, and if there are severe compliance issues, the established practice has been to pull those inspectors' books
- The Tribal Government accepted that Leslie Doely is in charge of the tribal brand inspectors
- To bypass the jurisdictional issues on tribal land, it was suggested that an electronic brand inspection system be put into place because then, brand inspectors would have to abide by network rules
  - Brett DeBruycker said that especially getting set with an electronic system, brand fees would have to be raised at some point, and he said he wanted

to go on record as saying "I am not raising them for the local inspectors unless we get a piece of it."

- It was requested that the DOL act to be able to set the local brand inspector fees vs the DOL fee, especially if the system goes electronic
- A suggestion was made that the DOL begin charging inspectors for both their books and training, according to a fee structure that is based upon the cost of providing them the service, but the concern raised was that half to three-quarters of the inspectors would quit

## **COMMENTS FROM THE PUBLIC ON NON-AGENDA ITEMS/COMMENTS FROM PRODUCER ORGANIZATIONS**

**5:10 PM**

Amy Angel said that she owns a food product/dairy distributorship in the Billings/Roundup area:

- Ms. Angel said she appreciated the BOL addressing the dual dating issue on milk
- She also commented on the importance of having Montana's date on the top
- She voiced concern over the enforcement of the rule

Brian Ohs, new Natural Resource Director for the MSGA, introduced himself:

- Mr. Ohs said that MSGA appreciates Dr. Zaluski, Mike Honeycutt and Lila Taylor being part of one of the subcommittees at their annual convention which was scheduled for December 11-13, 2018 in Billings
- Mr. Ohs also said he plans to continue attending BOL meetings and looks forward to working with the BOL in the future

## **SET DATE FOR NEXT BOARD MEETING**

**5:12 PM**

It was decided by the BOL to float the date of the next BOL meeting until after the start of the 2019 Legislative Session

## **MEETING ADJOURNED**

**5:20PM**

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John Lehfeldt, Chairman

*John Scully*  
VICE CHAIRMAN