



# Montana Board of Livestock Meeting Minutes

April 3, 2018

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

## Board Members Present

John Scully, Vice-chair (cattle producer)  
Lila Taylor (cattle producer)  
Ed Waldner (swine)

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

**John Lehfeldt and Brett DeBruycker were not present**

## Staff Present

Mike Honeycutt, EO  
Gary Hamel, Meat & Poultry Bureau  
George Edwards, Livestock Loss Board  
Evan Waters, Centralized Services  
Leslie Doely, Brands Enforcement Division

Donna Wilham, Adm. Asst. to EO  
Dr. Marty Zaluski, Animal Health  
Dr. Tahnee Szymanski, Animal Health  
Dr. Eric Liska, Animal Health  
Dan Olson, Centralized Services

## Public Present

Kraig Glazier, USDA Wildlife Services  
Rob Stutz, Legal Services Division

Kelsie Harbert, MFBF  
Dr. Tom Linfield, USDA-APHIS

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## MEETING CALLED TO ORDER

**8:00 AM**

Vice-Chairman John Scully called the meeting to order at 8:00 AM

## ROLL CALL

**8:00 AM**

With no members of the public present at the time, Vice-Chairman John Scully received a roll call of BOL members and staff present:

- Lila Taylor reported they had received 24 inches of new snow the previous day

- Ed Waldner reported they had received over a foot of new snow
- Sue Brown reported snow
- Nina Baucus reported new drifts but that the ground was visible
- Mike Honeycutt and Donna Wilham introduced themselves

## **APPROVAL OF BOARD MINUTES**

**8:02 AM**

## **MOTION/VOTE**

**8:02 AM**

Nina Baucus moved to approve the minutes from the February 21, 2018 meeting. Sue Brown seconded. The motion passed

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

**8:03 AM**

John Scully moved the Milk Control Bureau Report off the consent agenda. Milk issues were discussed:

- Ed Waldner said that Chad Lee had told him the Milk Control Study is about a month behind
  - John Scully said that a new submission date for the draft report had been moved to April rather than March
- Ed Waldner and Sue Brown reported that there is a glut of milk worldwide
  - Ed Waldner said that genetics and increased milk production per cow has caused over-production of milk
  - Some larger Idaho dairies have closed and Dean Foods has cut off some of their producers in the US according to Ed Waldner
  - Sue Brown reported that high shipping costs have kept the excess milk from being shipped to parts of the world where it is really needed

## **OLD BUSINESS**

**8:08 AM**

**8:08 am – Personnel Committee Update –**

### **8:08 am Deputy Executive Officer Position**

Mike Honeycutt reported that the Deputy Executive Officer position had been discussed with the three members of the Personnel Committee:

- The first review of the 19 applicants for the position was in mid-March
- The list of applicants was pared down to four that met the minimum qualifications

- Minimum qualifications are having the appropriate Bachelor's Degree, a CPA, six years of management experience and some experience with independent pricing models and capitol replacement models
- The review process also singled out three highly qualified candidates that were only lacking a CPA but based on work experience and education would be qualified to sit for the CPA exam relatively quickly
- It was decided that a possible conference call would be held between now and the next BOL meeting to give the BOL members time to review the applications and then decide the direction they want to take in the hiring process of the Deputy Executive Officer position

### **8:21 am - Personnel Evaluation Update**

- Mike Honeycutt explained the Fusion system process that he is using to complete the personnel evaluations by the June 15<sup>th</sup> target date
- John Scully reminded the BOL that they needed to establish who does Mr. Honeycutt's review so that can be completed as well

### **8:35 am - BOL Policies and Guidelines**

John Scully requested input from BOL members on revisions to be made to the 12/15/15 version of the Board of Livestock Procedures and Guidelines

- Nina Baucus and John Scully said they would meet with Mike Honeycutt to make revisions in the Guidelines and have them ready for the rest of the BOL to review at the next BOL meeting

### **8:41 am - Legislative Audit Update**

#### **Brucellosis Performance Audit Update**

Mike Honeycutt reported that a final response to the Brucellosis Performance Audit had been requested and submitted:

- The DOL reported back to the auditors that they believe all four recommendations have been implemented
- The auditor who worked on the initial audit has left the Legislative Audit Division and a new auditor has been assigned to the project
- The DOL has not received notification of the final readout of the audit, but does not expect that the Committee will require DOL presence when it is done. Once that readout takes place, the audit will be complete

Dr. Eric Liska explained what the DOL is doing to assure that every brand inspection is accounted for in the DSA, a practice implemented in the Brucellosis Performance Audit:

- Emily Kaleczyc has gone through records of every DSA producer to assure that movements and testing are accounted for and any change of ownership is also documented

- Going forward the DOL will no longer only look at those DSA producers that tested less than 15%, but will now always do every DSA producer for compliance evaluation

John Scully made the BOL aware that the DOL has always followed IBMP guidelines, still is and will continue to do so:

- Mike Honeycutt said that if an audit ever requests a standard higher than IBMP management guidelines, the DOL will follow that

Dr. Liska explained the reasons that the vast majority of the variances are protesting on return home on a seasonal grazing variance

- Animals were grazing on the DSA during a very low risk period and are unlikely to transmit the disease
  - For animals that graze in the DSA during low risk period times, movement is allowed out of the DSA without testing, but surveillance is continued
- Some regulations require heifers to be identified prior to movement out of the DSA
  - Those heifers can go home without ID but once home must be tested, receive an ID tag and vaccination within a short period of time

Dr. Liska said that he has been working with FWP to have some confidence with the DSA boundary and have found that there are brucellosis-positive elk within that area

- Dr. Liska said that the DOL has done a fabulous job maintaining a separation of cattle and bison
- Dr. Liska said his top priority is sero-prevalent elk combining with cattle during the risk period

## **2018 Financial Audit**

Mike Honeycutt reported that the 2018 Financial Audit is completed:

- The Financial Audit Committee has communicated to John Lehfeldt their non-trivial misstatements and areas of concern and are in the process of putting together a draft final report
- An exit conference is expected sometime in April

## **9:01 AM – Meat & Poultry Inspection Process Improvement Committee Report**

### **Appeal Process Update**

Mike Honeycutt gave updates on the proposed overall DOL rule:

- The original proposed rule had been published with an error and so when that error was corrected, the public comment period was extended to April 13th
- No public comment had been received so far

Mike Honeycutt updated the BOL on the DOL appeal process:

- The appeal process for the DOL will not be technically official until the DOL overall appeal rule is adopted
- Dr. Zaluski reported that the DOL had received communication from the FSIS policy group that they would be giving their opinion this week on whether or not the proposed DOL appeal and food recall processes were compliant with the “meets or exceeds” standards of FSIS

## **MOTION/VOTE**

**9:07 AM**

Lila Taylor moved to adopt the proposed overall DOL appeal rule (MAR 32-18-289), contingent upon no contrary public comment by April 13, 2018. Sue Brown seconded. The motion passed.

### **9:09 AM - Food Recall Process Approval**

Mike Honeycutt suggested that no action be taken today on the Food Recall Process until communication was received from FSIS saying that the recall process presented to them from the DOL was compliant with the “meets or exceeds” standards of FSIS:

- John Scully reminded the BOL that once FSIS agrees those standards are in place, the BOL will be required to create a recall committee that an inspected business can engage for guidance as to whether or not they should recall their product

### **9:12 AM – EIAO (Enforcement Investigation Analysis Officer) Position Update**

Mike Honeycutt reported that Mike Finnegan, who filled the DOL’s EIAO position, retired as of March 30, 2018:

- Gary Hamel was in the process of asking his State colleagues for the job descriptions of their EIAO persons and also was checking Federal job description of the same position:
- A revised job description needs to be written for Montana’s EIAO position because there is a discrepancy in qualifications in the Federal and other State EIAO positions from what Montana had been utilizing
  - A revised job description requires approval by the State and then once approved, with title and pay, will come back to the BOL for approval
- In some states, the EIAO position is held by a veterinarian, in others the position is held by someone with a Master’s degree in Meat Science or Microbiology, somewhat like what a sanitarian would have in the Milk program
- The new job description would include with it a potential budgetary impact because the classification would go beyond just being an education or training officer
  - The Snapshot on this position will not be lost, but the impact of reclassifying the position at a higher salary will be seen in the next fiscal year
- No one currently on the DOL staff is certified to fill an interim EIAO position and would need to go through two month-long courses to become certified
  - Mike Finnegan cannot contract his services out to the State until he has been retired at least six months
  - Mr. Hamel and Dr. Zaluski will evaluate EIAO questions by processors in the interim
- It was requested that a list of positions in the DOL that require extensive training and the cost of that training be compiled

## **NEW BUSINESS**

**9:42 AM**

### **9:30 am – Approval of Department Legislative Changes**

Mike Honeycutt presented to the BOL several statute changes, requested by various divisions in the DOL, that once approved by the BOL, can be submitted to the Governor for his approval and then be presented for consideration by the Legislature:

- License to Operate by a Livestock Dealer-Application (81-8-271)
  - In paragraph (2) the application fee was set at \$50. The request is to change that to “established by the department”, allowing the fee to be established through administrative rule

## **MOTION/VOTE**

**9:47 AM**

**Ed Waldner moved to approve the concept of removing the “of \$50” application fee verbiage in MCA 81-8-271 and replace it with “established by the Department”. Sue Brown seconded. The motion passed.**

- Estray Defined (81-4-601)
  - In the Estray Defined section of the statute, the request is to add goats to the list so there is some action that a livestock investigator can take in the case of goats on the loose. This has been a problem in the NW part of the state
  - Ms. Doely said that the livestock markets would be able to refuse housing at-large goats because they are currently only required to take in horses and cattle

## **MOTION/VOTE**

**10:01 AM**

**Nina Baucus moved to approve the concept of adding “goats” to the list of animals defined as estrays in MCA 81-4-601. Lila Taylor seconded. The motion passed.**

- Fees for Inspection and Livestock Transportation Permits (81-3-205)
  - In paragraphs (1) and (3) regarding fees being payed to inspectors issuing market or transportation permits or doing inspections, the request is to replace the word “must” with “may” regarding an inspector’s expenses being paid by the owner. The inspector already receives a salary and expenses from the State

- Another request in paragraph (4), it is requested to remove the verbiage that says State stock inspectors must be “paid for their services and receive their expenses as fixed by the department” and add instead “an employee of the department”

## **MOTION/VOTE**

**10:08 AM**

**Lila Taylor moved to approve the concept of changing the verbiage in MCA 81-3-205, Fees for Inspection and Livestock Transportation Permits (paragraphs 1, 3 and 4), as discussed. Nina Baucus seconded. The motion passed.**

- Per Capita Fee to Pay Expenses of Enforcing Livestock Laws Permits (15-24-921)
  - In paragraph (2) add “(a) Per capita fees due on May 31 are to fund the Department’s subsequent fiscal year expenses.” which would no longer recognize per capita as revenue in the same fiscal year it was received, but defer it until the beginning of the next fiscal year
  - It was decided to defer changing paragraph (1) regarding the use of per capita funds to help pay salaries and all expenses connected with the enforcement of the state livestock laws and bounties until the BOL meeting

## **MOTION/VOTE**

**10:20 AM**

**Ed Waldner moved to approve the concept of amending the verbiage in MCA 15-24-921, Per Capita Fee to Pay Expenses of Enforcing Livestock Laws, to add “Per capita fees due on May 31 are to fund the Department’s subsequent fiscal year expenses” as discussed. Sue Brown seconded. The motion passed.**

- Board of Livestock to Prescribe Per Capita Fee – Refunds (15-24-922)  
In paragraph (3)(a) change the due date of the refund from “January” 31 of the following year to “March” 31 of the following year, which will mean the refund request will happen after per capita is paid for the year
  - At the end of paragraph (3)(a) also add the sentence, “The applicant shall provide documentation of transfers such as inspection forms.” This means that a refund will not be given if per capita wasn’t paid
  - Mike Honeycutt reported that Dan Olson and Evan Waters are working on a project to track those “partial-year” grazers that come into the state so that per capita can be collected from them, and this will be in compliance with statute
  - Rob Stutz said he would provide a write up for the BOL regarding what there is to enforce and who has the authority to enforce penalties for failure to report per capita

## **MOTION/VOTE**

**10:31 AM**

Sue Brown moved to approve the concept of amending the verbiage in MCA 15-24-922, Board of Livestock to Prescribe Per Capita Fee-Refunds, relative to the date, as discussed. Nina Baucus seconded. The motion passed.

## **RECESS**

**10:47 AM**

## **RECONVENE**

**11:00 AM**

## **LEGAL COUNSEL UPDATE**

**11:00 AM**

### **11:00 AM – Legal Counsel Update**

DOL Legal Counsel Rob Stutz gave an update on pending litigation in the department:

- S&T Project Meats
  - Mr. Stutz reported that he would be in Billings on April 5, 2018 for oral arguments on a motion to dismiss the jerky inspection case
- Park Street Pasties
  - Jeff Hindoien is continuing to advise the DOL on that case, but as of now, no decision has been received one way or the other
  - Pat Gallagher, opposing counsel, had a death in his family that pushed back the hearing date on that case
- Montana City Meats
  - The settlement has been implemented, but some deadlines were missed by the plaintiff in what was negotiated in the settlement agreement
- Coremark
  - The case is still in discovery and Coremark would like a protective order regarding their practices

## **EXECUTIVE SESSION**

**10:47 AM**

## **RECONVENE**

**12:02 PM**

**12:02 pm – Approval of Department Legislative Changes – CONTINUED**

- Residency requirement (81-7-503)
  - Request is to repeal the entire statute, which would repeal the residency requirement for out-of-state aerial hunters
  - Currently there are not enough aerial hunters permitted to fill the needs of the state and repealing this statute recognizes that

## **MOTION/VOTE**

**12:17 PM**

**Sue Brown moved to approve the concept of repealing MCA 81-7-503, Residency Requirement. Nina Baucus seconded. The motion passed.**

- Duration of Permit - Fee (81-7-504)
  - Request is to utilize aerial hunting permit fees for administration of the aerial hunting of predator animal program rather than for predatory animal control
  - Currently the approximately \$1900/year acquired from the permits goes to USDA Wildlife Services and the DOL is not recouping any of the administrative costs of handling those permits

## **MOTION/VOTE**

**12:17 PM**

**Sue Brown moved to approve the concept of changing the ruling of MCA 81-7-504, Duration of Permit - Fee, utilizing permit fees for administration of aerial hunting of predator animal program rather than for predatory animal control. Nina Baucus seconded. Lila Taylor voted no. The motion passed.**

- Documents Required for Importation - Exemptions - Fee (81-2-703)
  - Dr. Tahnee Szymanski's request is to establish separate criteria for the importation of animal biologics from the importation of animals
  - The USDS Center for Veterinary Biologics has a stringent process by which biologics are approved in the US and so it is not practical to require a health certificate on biologics
  - Dr. Szymanski said there are a very small number of biological products that pose a potential risk when used and so she would like the DOL to specify which products must meet additional import requirements
  - Dr. Szymanski also requested that the department be given discretion on what documentation is required for importation into Montana of animal and animal semen which she hopes will help keep costs down for the producer and give them the desire to be more compliant with regulations

## **MOTION/VOTE**

**12:44 PM**

**Sue Brown moved to approve the concept of changing the verbiage of MCA 81-2-703, Documents Required for Importation-Exemption, repealing paragraph 4, and other changes specific to animal semen and biologics as discussed. Nina Baucus seconded. The motion passed.**

## **LUNCH**

**12:47 AM**

## **RECONVENE**

**1:01 PM**

### **1:01 pm – Approval of Department Legislative Changes – CONTINUED**

- Suspension or Revocation of Inspection Service or Establishment Number – Hearing-Appeal (81-9-235)
  - It was suggested that, rather than repealing the entire statute, depending on whether or not the proposed Overall DOL Rule goes forward, that only paragraph (2) of the statute be repealed, with the possibility of being further amended, and that would be the notice given to the Governor’s office. Paragraph (2) states “State meat inspection service or establishment numbers may be suspended or revoked only after a hearing before the board upon reasonable notice. Notice must be given to the licensee by service of the complaint upon the licensee.”

## **MOTION/VOTE**

**1:02 PM**

**Sue Brown moved to approve the concept of repealing subsection 2 of MCA 81-9-235, Suspension or Revocation of Inspection Service or Establishment Number, Hearing Appeal, with the possibility of further amending that section. Ed Waldner seconded. The motion passed.**

- Powers of the Department (81-2-102)
  - It was requested to strike the language in paragraph (h) that says “that must provide ways and means for shipping home grown and home killed meats into any city in this state” and list the statues regarding meat inspection including 81-9-216, 81-9-220 and 81-9-226 through 81-9-236 because the language is outdated and in conflict with previous statutes

## **MOTION/VOTE**

**1:02 PM**

Sue Brown moved to approve the concept of striking language in MCA 81-2-102 paragraph (h) that is outdated and in conflict with previous statutes in Powers of the Department, and include reference to statutes MCA 81-9-216, MCA 81-9-220, MCA 81-9-226 and MCA 81-9-236. Ed Waldner seconded. The motion passed.

## **CENTRALIZED SERVICES DIVISION REPORTS**

**1:03 PM**

### **1:03 AM – Livestock Loss Board**

George Edwards updated the BOL on livestock predation numbers in the state:

- Current claim payments for all livestock is \$38,950 more in 2017 than in the previous year

George Edwards gave details of the upcoming Northern Continental Divide Ecosystem Grizzly Bear Meeting:

- Areas discussed in the meeting include the Northern Continental Divide Ecosystem-the Rocky Mountain Front and west of the divide running up through Seeley Swan
- Meeting is scheduled for May 9, 2018 at the Hilton Garden Inn in Missoula at 10 am
- George Edwards reported on how the Governor's office budget cuts have affected his area of the department
  - Budget cuts were a little over \$8,000 to the Livestock Loss Board but carryover money that would have gone for grants and Wildlife Services, will allow the LLB operations to continue to fiscal year end

### **1:07 PM – Fiscal Bureau**

Evan Waters said that projections for the March 2018-June 2018 period were coming down and looking better than the prior period:

- Personal Services for the entire department are projected to be over by \$329,199
  - Those Personal Services projections should be coming down more when Operations monies are moved into Personal Services
- Total Expenditures for the Department at the end of February are short \$132,471
  - The Expenditures shortfall will be covered by carry-forward funds
- Lab Fees are proprietary fund and cash reserves from prior years will help cover at the lab level
- General Fund is short \$184,883, partly due to the 10% budget reduction requested during this year's special session
- A state holiday from paying the employer side of health insurance for two months reduced the expense for the State but reduced appropriations

- The DOL is anticipating being approved for HB3 Supplemental in the upcoming Legislative session to receive spending authority that could be expended during next year's budget cycle that would correct the mistakes that were made in per capita for salary increases and in general fund for the two Meat and Poultry Inspection Bureau FTEs allowed, but general fund not appropriated for them
- The projections for the Meat and Poultry Inspection Bureau have not changed a whole lot and total budgeted funds continue to have a deficit of \$215,934
  - Evan Waters said there is a possibility that egg grading fees may be used to shore up some programs
- Brands Enforcement Division expenditures are getting better with a projection shortage of \$72,243
- There appears to be a disproportionate dispersal of livestock compared to other years possibly due to an 11% increase in feed costs, weather conditions and herd expansion
  - There is a \$200,000 increase in per capita so far compared to the prior year
- Market Inspection fees are up \$80,955 through February over the prior year

### **Per Capita Fee Refund Request for Livestock Temporarily Out of State**

Evan Waters reported that there was an application from a livestock owner for a refund on a portion of per capita fee because the livestock was moved out of the state:

- The application date was March 11, 2018 and mailed March 13, 2018, which is late for the statutory time frame of January 31<sup>st</sup>

### **MOTION/VOTE**

**1:28 PM**

**Lila Taylor moved to not approve the refund request of partial per capita fee to a livestock owner as presented by Evan Waters. Nina Baucus seconded. The motion passed.**

### **IT Timeline**

John Scully requested that a timeline be given for the Brands Enforcement Division regarding their IT plan

- Dan Olson said that the DOL will be following the strategic plan that just came out from ITSD, the technology division at the DOA and analyzing that compared to the plans the DOL has for IT
- Mr. Scully expressed his concerns in the Brands Enforcement Division, especially with the renewal of the Fort Supply contract coming up soon
  - Mr. Scully said that word was received that no user group meetings have been held in Brands
  - Mr. Scully asked if issues in the markets are consistent across the state?
  - Should a plan be developed within Brands and their needs that will overlap with the needs of the DOL?

- Dan Olson said that the big issues in technology in the Brands Enforcement Division is with the handheld Archers
- Mr. Scully said that he would put together a skeletal outline of what is needed in Brands IT because it had not been dealt with efficiently for two years and requested that a user group be put together to find out what is and isn't working

### **1:28 AM – Predator Control**

Kraig Glazier, USDA-APHIS Wildlife Services (WS), gave an update on their activities:

- The first grizzly for the year came out near Libby on March 25<sup>th</sup> and killed two goats. Another grizzly was reported on the Rocky Mountain Front
- The wolves are active right now after the FWP hunting/trapping season for them closed
  - 166 wolves were taken through gun season and 88 wolves were taken through trapping this season
  - Wolves have killed cattle in the Grasshopper, Helmville, Avon, Augusta and Choteau areas
- Three mountain lions jumped a seven-foot wire fence in Hamilton and killed three ewes and that night jumped the fence again and killed some pigs – All three have been captured
- Coyote kills reported to Wildlife Services are up 64% compared to last year due to increase in population and snow conditions
- Wildlife Services needs to do a full engine overhaul on one of their helicopters this summer at a cost of around \$150,000

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

### **1:32 PM**

#### **1:32 PM – Milk & Egg Bureau**

Dan Turcotte reported on activity at the Great Falls egg plant:

- Every one of the shield egg graders have been recertified by USDA
- Five new producers have contracted with the plant having approximately 45,000 birds each, to bring the plant's total to about 1.3 million birds
  - Some of the egg production is currently being shipped directly to a Washington plant for grading
  - The increased production would add about one full day of production a week, but even though there is an approved egg grading FTE at the plant, it will probably not be filled unless needed
  - There have been some management changes at the plant
- Three egg producers will be transitioning from cage to cage-free
- Mr. Turcotte said that the start of producers getting out of the dairy industry has begun and he expects it to be a domino effect because of the milk market being down for so long
- There has been an uptick in small, artisan plants with two or possibly three opening later this spring

Mike Honeycutt discussed succession and transition plans in the Milk and Egg Bureau

- Mr. Honeycutt said he wants Mr. Turcotte to consider for the next biennium budget, possibly hiring people into the Bureau with a thought of transition of leadership in the future

### **12:42 PM – Meat & Poultry Inspection Bureau**

Gary Hamel gave an update on activities in the Meat and Poultry Inspection Bureau:

- The Bureau received word of two wrecks of semi-trucks carrying meat products in the Missoula area and worked with the USDA compliance investigator from Montana of how to deal with the loads
- Mr. Hamel conducted a plant review with his staff on a custom exempt establishment that was going out of business and ended up suspending the operation until it could rectify its sanitation conditions
  - Once sanitary conditions were maintained, the plant owner was able to process several hanging beef at the facility and then closed up shop. DOL staff then sent an In-Plant Personnel (IPP) inspector to collect the plant's license
- A GIS mapping system is in beginning stages of operation to map out efficient routes that meat inspectors can follow when conducting inspections of facilities that do not require daily inspection
- Gary Hamel and some meat inspectors, along with Dr. Eric Liska inspected a facility that was interested in slaughtering wild Yellowstone bison
  - Although, upon inspection, the owner did agree that the facility was not ready to slaughter those bison at this point, he still wants to get that facility in a condition where slaughter of those animals can happen sometime in the future
  - Mike Honeycutt explained that currently, there is not enough capacity in the three Montana establishments that have been approved for wild Yellowstone bison slaughter to move them through at the rate desired
- A grant of inspection has been issued to a Bozeman plant that plans to produce only sausages

### **2:20 PM – Animal Health Bureau**

### **2:20 PM – Summary of Recent Attendance at USDA TB Eradication Program Training**

Dr. Tahnee Szymanski reported on her recent attendance at the USDA TB Eradication Program Training held March 20-22, 2018 in Manhattan, KS:

- As far as the history portion, Dr. Szymanski said the training covered the development of the TB program starting in the 1700s to the 1980s
- Dr. Szymanski said that the epidemiology portion of the training was a significant take-home
  - Genome sequencing of TB has shown that there are strains that have not yet been identified

- When genome sequencing has been done on 1500 samples of Mexican-origin TB and 100 samples of human cases it was found that there is more correlation between the human cases to the cases diagnosed in domestic cattle than in the 1500 cases that originate from Mexico
- All the links of TB in humans transmitting to cattle and cattle to humans are not in place yet, but some states, like in North Dakota, where a dairy co-op is requiring a TB test prior to employment at their dairies

### **2:31 PM – Administrative Rule Change Update**

Dr. Tahnee Szymanski discussed a handout listing proposed rule changes for the Animal Health Bureau:

- The list of rules were divided into categories – housekeeping changes, correcting citations, updating terminology, health certificate vs certificate of veterinarian inspection and changes that change function of the rule
- It was requested that Dr. Szymanski not bring all rules at once to change but to split them up, bringing them to the BOL for consideration a few at a time

### **2 PM – Brucellosis: Live Elk Capture Update**

Dr. Eric Liska gave an overview of the live elk capture that occurred in the Tendoy Mountain Range in Beaverhead County:

- FWP captured 100 elk – 40 in one area and 60 in the southern Tendoy
  - Of the 60 captured in the southern Tendoy, one tested positive for brucellosis
  - FWP is planning another flight in a month or two to check and monitor the movements of the 30 collared elk and DOL is working to gather information
  - Dr. Liska and Dr. Zaluski do not feel confident to make any recommendation as of yet regarding changing the DSA boundaries until the information gathered is considered further
  - Dr. Zaluski said that guidelines for use internally need to be put to paper regarding enforcing DSA boundaries and all that goes with that process
- Idaho has collared elk in their state as well and FWP plans to work with them to gather information

### **2:54 PM – Veterinary Diagnostic Laboratory**

Dr. Zaluski reported for Dr. Steve Smith, who was not present:

- The Lab Director position has been reposted to the website with the intent of having someone in that position by the end of the fiscal year
- Dr. Zaluski gave an update on the Laboratory Study Committee
  - Dr. Zaluski participated in the selection group that evaluated five engineering firms to conduct an engineering study and provide a prospectus for the feasibility of a Combined Lab Complex. The prospectus would be completed by September, presented to the Long-Range Building Committee and put on the Legislative calendar

- The hope is that the Legislature will support rolling engineering, blueprinting and construction costs into one bill
- The DOL plans to request that a BSL3 Lab be part of a new VDL that would allow research on select agents
- To keep up with the VDL's caseload, Dr. Smith has been sending tissue slides out of the Lab to a board-certified pathologist for interpretation
- The VDL now has on-site mail and package pickup once a day
- There are currently three vacancies at the VDL with possibly two more that will occur before the end of June
- Both the Animal Health Bureau Annual Report and the Meat & Poultry Inspection Bureau Annual Report are completed and will be posted to the DOL website
- Dr. Zaluski invited the BOL members to attend the upcoming five-state FMD functional exercise in May
- Dr. Szymanski reported that 10 members of a USDA incident management team will travel to Montana to provide guidance throughout the exercise
- Dr. Zaluski and Dr. Szymanski assured the BOL that communications, including press releases, etc., will be clearly marked as "Exercise" during the event

## **RECESS**

**3:22 PM**

## **RECONVENE**

**3:31 PM**

## **BRANDS ENFORCEMENT DIVISION REPORTS**

**3:31 PM**

### **3:31 PM – Fort Supply Contract Renewal**

Leslie Doely reported that changes to the Fort Supply contract presented at the February BOL meeting were minor and hoped that the BOL had a chance to review it:

- Cost for the contract has been significantly reduced from last year, from \$24,000 down to \$15,000

## **MOTION/VOTE**

**3:32 PM**

**Sue Brown moved to approve the Fort Supply contract as had been presented at the February 23, 2018 BOL meeting. Lila Taylor seconded. Nina Baucus voted no. Ed Waldner was not present for the vote. The motion passed.**

### **3:32 PM – Brands Inspection Audit**

Leslie Doely said that an auditing feature had been added to the Fort Supply system and that four years' worth of data has now been entered into it:

- The auditing feature works with information received from the brand inspectors in the field and compares it with information in the Helena database
- Now that the auditing feature is in place and brand books can be audited, Ms. Doely said that significant progress is being made with training and meetings with the local Brand Inspectors
- Mike Honeycutt said a goal needs to be pushed out to district investigators to conduct at a minimum an annual meeting with local Brand Inspectors, which may need to be done in three or four parts
- There is an annual training session for Deputy Brand Inspectors

The Beef Checkoff forms can be acquired at the markets but had not been seen in agricultural publications

### **3:53 PM – Grazing Permit Rule**

Leslie Doely reported that the Grazing Permit Rule (32.2.404) became effective on March 31, 2018 and that interested parties had been notified of that adoption

### **3:53 PM – Market Sale Days**

Leslie Doely reported that there had been no changes in the Billings market sale days

### **3:53 PM – Truck Stop Report**

Per the request of Lila Taylor, Leslie Doely provided a truck stop report:

- The Brands Enforcement Division averages 51 truck stops per month by District Investigators across the state
- June and October are the heaviest months with well over 100 stops per month; December and January are the slowest truck stop times

Mike Honeycutt answered a question from the BOL, saying that in Title 7 of State code, it is clear that the sheriff is the humane officer of the county in cases of animal mistreatment.

- The DOL does not have jurisdiction in those animal mistreatment cases, but are often called upon to assist and do an inspection to determine number of animals and who is the owner of those animals

### **3:59 PM – Fort Supply Contract Renewal - CONTINUED**

John Scully invited a motion to reconsider the failed Fort Supply contract renewal that happened earlier in the meeting. He said that Ed Waldner was now present to vote:

## **MOTION/VOTE**

### **3:59 PM**

**Lila Taylor moved to reconsider the previous vote for renewing the Fort Supply contract. Sue Brown seconded. Nina Baucus voted no. The motion passed.**

Leslie Doely said that if renewal of the Fort Supply contract was voted down that the system would be useless because it would not be able to be fixed if a problem occurred in the software

## **MOTION/VOTE**

**4:06 PM**

Ed Waldner moved to extend the Fort Supply contract for one year. Sue Brown seconded. Nina Baucus voted no. The motion passed.

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

**4:11 PM**

- Keslie Harbert, MFBF, was the only representative present from a producer organization and she did not have any comment
- There were no members of the public present for comment

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

**4:12 PM**

- Date for the next Board of Livestock meeting was not set, but would be potentially scheduled between May 22-24, 2018
- The remaining portion of Mike Honeycutt's salary increase needs to be accounted for

## **MOTION/VOTE**

**4:22 PM**

Nina Baucus moved to adjourn the meeting. Sue Brown seconded. The motion passed.

## **MEETING ADJOURNED**

**4:22 PM**



John Scully, Vice-Chairman