



# Montana Board of Livestock Meeting Minutes

**(This Meeting was Open to the Public & By ZOOM)**

July 31, 2024

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

## Board Members Present

Gene Curry, Chairman (cattle producer)

Alan Redfield (cattle producer)

Jake Feddes (cattle producer)

William Kleinsasser (swine producer)

Greg Wichman (sheep producer)

Lily Andersen (dairy & poultry)

**(William Kleinsasser left the meeting at 2:20 pm)**

## Staff Present

Mike Honeycutt, EO

Brian Simonson, Deputy EO

Evan Waters, Centralized Services

Rick Corder, Centralized Services

Tom Shultz, Centralized Services

Dale Haylett, Centralized Services

Brendan Boots, Centralized Services

Lindsey Simon, Centralized Services

Mike Spatz, Centralized Services

Donna Wilham, Adm. Assistant to EO

Dr. Tahnee Szymanski, MT State Vet

Dr. Greg Juda, Director, MVDL

Dr. Brad De Groot, Animal Health

Dr. Heidi Hildahl, Animal Health

Jay Bodner, Brands Enforcement

Alicia Love, Meat, Milk & Egg Inspection

George Edwards, LLB

## Public Present

Ellie Brighton, MSGA

Kate Kilzer, USDA-APHIS

Kali Wicks, Treasure State Strategies

Cheryl Curry

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## MEETING CALLED TO ORDER

**(:00) 8:01 AM**

Chairman Gene Curry called the meeting to order at 8:01 AM

## CALL TO ORDER AND INTRODUCTIONS

**(:08) 8:00 AM**

Chairman Gene Curry called the meeting to order and requested Introductions:

- Lily Andersen, Dairy & Poultry Representative, south of Livingston
  - Ms. Andersen reported that the County Fair had been held the previous week and they had another record-breaking sale

- Some of the weather was wild, Ms. Andersen said, with some rain falling about every single day and that there was also some hail
- William Kleinsasser, Swine Representative, Augusta
  - Mr. Kleinsasser reported that hog prices were holding steady for now
  - The first cutting of hay was wrapped up, Mr. Kleinsasser said and now they were harvesting full steam, adding that it was not what it was last year, but, was still average
- Jake Feddes, Cattle Representative, Manhattan
  - Mr. Feddes reported that cattle prices were holding steady and that there was a lot of optimism in the cattle industry with everybody feeling like there would still be a couple more good years
  - Irrigated hay ground had been really good so far, but, the dryland, he said, was not so good, with the weather situations they had
- Greg Wichman, Sheep Representative, Hilger, North of Lewistown
  - Mr. Wichman reported that the lamb markets were a little soft and that wool was almost non-existent on the coarser stuff
  - The hay crop in their country, he said, was probably around a half to 2/3 of what was normal, adding that because last year was a phenomenal hay year, they had enough carryover and would be fine
  - Grasshoppers were starting to make themselves known, but Mr. Wichman said it would start raining eventually
- Alan Redfield, Cattle Representative, Paradise Valley
  - Mr. Redfield reported that they had a phenomenal spring and a really amazing hay crop, with it cut off in record time.
  - Things were still green in their area, he said, with totally amazing native grass, even though it was spotty
  - The weather had brought an inch of rain in one storm to his neighbor, Mr. Redfield said, but, in that same storm, he received nothing, and he lived just a half-mile away. Their worry right now, he said was lightning strikes
- Gene Curry, Cattle Representative, Valier
  - Mr. Curry reported that their Spring crops were looking really good, but they had been dry all year. A wild hay field on their place was looking the poorest it had in 25-35 years and he was not confident what the rest of the year would be like. It was quite a contrast from two years previous when it took two 4-wheel drive tractors and an excavator to free a truck that was stuck
  - Their cattle were scattered all over the state, Mr. Curry said, but where they were, the grass was good
  - Mr. Curry said that their Fair was down on beef this year but that his granddaughter got around \$23-\$24/pound
- Ellie Brighton, from the Montana Stockgrowers Association was in the room and introduced herself.
- Kali Wicks, with Treasure State Strategies said she was in the meeting today representing Montana Milk Producers Association. She said she had just started with MMPA the week before. Although she was originally from a family farm south of Chester, she said she had been living in Helena for about 16 years

- Kate Kilzer, a Veterinary Medical Officer and Emergency Coordinator for USDA-APHIS in Helena was in the meeting, saying that she was here to introduce herself. Originally from north of Billings, she said that she had been in her role with USDA-APHIS since January
- Lindsey Simon, DOL Counsel, was in the room and introduced herself

**(7:01) 8:08 AM EXECUTIVE SESSION**

**(7:03) 9:05 AM RECONVENE**

Gene Curry called the BOL meeting back to order, announcing that there was no action to be taken as a result of the Executive Session

**BOARD ADMINISTRATIVE ITEMS**

**(7:14) 9:05 AM**

**(7:20) 9:05 AM – BOARD APPROVAL OF PAST MEETING MINUTES**

Gene Curry entertained a motion to approve the minutes of the last BOL meeting:

**MOTION/VOTE**

**(7:25) 9:06 AM**

Alan Redfield moved to approve the minutes, as presented, from the Montana Board of Livestock May 28, 2024 meeting. Lily Andersen seconded. The motion passed.

**OLD BUSINESS**

**(7:42) 9:06 AM**

**(7:44) 9:06 AM – UPDATE ON GOVERNOR’S OGSM STRATEGIC MANAGEMENT AND EXECUTIVE OFFICER STRATEGIC GOALS**

Mike Honeycutt reported that the last six-month horizon items had been met pretty well and he was open for any ideas for the goals covering the next six-month horizon that ended in December:

- There was no Ops Review meeting held in July, Mr. Honeycutt said, and he was expecting the next meeting to be held sometime in August
- One possible item mentioned for the December horizon was addressing the buffalo issue in the Paradise Valley
- Alan Redfield said that the Park Superintendent spoke to him about items shared at a public meeting, but Mr. Redfield said he would be dealing with someone else regarding that situation

**NEW BUSINESS/EXECUTIVE OFFICER UPDATES**

**(10:57) 9:10 AM**

**(11:20) 9:10 AM – HUMAN RESOURCES UPDATES**

Mike Spatz, Human Resource Officer for the DOL, introduced himself

**(11:30) 9:10 AM Staff Openings, Recruitment and General Updates**

Mike Spatz reported on the Staff Openings and Recruitment information for the DOL since the last BOL meeting was held:

- Mr. Spatz reported that currently, the DOL was actively recruiting for seven open positions, but that for a lot of those, interviews had already happened and he imagined that in the next few weeks those would be filled
- An accepted verbal offer for a Staff Veterinarian to help Dr. Szymanski had been received, Mr. Spatz said, and so details of a formal offer were being worked on and that should go out this week
- There had been five new individuals hired in both the Brands and Animal Health areas, but there had been six vacated positions due to retirements and separations
- Mr. Spatz announced that there had been some engagement and positive feedback in the DOL's interactions with people with disabilities that had been applying for jobs and how the DOL went through that process with them
- The Brands Division had some really good new people join, Mr. Spatz said
  - Katie Finney had been hired as a Market Inspector in the Great Falls market
  - Lucas Decker and Devin Hughes had been hired as Market Inspectors in the Billings market and a third Market Inspector position was still being recruited for in Billings as well
- The District 9 District Investigator/Market Supervisor position had been vacated because that employee left the DOL to attend Vet school, and so Brands now had a need to recruit to fill that combo position in the Dillon area
- Mr. Spatz welcomed Dr. Heidi Hildahl to the Animal Health team, joining as a Veterinarian Supervisor, and would be introduced later to the BOL
- Mary Horner Richardson joined the MVDL team as a Clinical Microbiology Technologist, Mr. Spatz said, and when the final open Microbiologist position was filled, that might cause some other movement in the MVDL, that would require some backfill of other positions
- Mr. Spatz said there were some Requests to Hire in the Brands Division
  - The District 9 combo position, Market Supervisor/District Investigator in the Beaverhead-Madison Counties/Dillon area and vacated due to the employee going to Vet School; a part-time Market Inspector in the Chinook area was also requested due to work demands. Due to the closing of the Missoula market and the vacancy left by that, the Chinook position could be filled by a permanent rather than a seasonal worker
- Mr. Spatz said there were some Requests to Hire in the Animal Health area
  - A Meat Inspector for Superior/Plains; an Eastern Relief Meat Inspector position that was vacated due to an employee moving out of state; a Meat Inspector in Shelby vacated due to retirement. The Shelby Inspector would also provide coverage for Chinook and Great Falls to help those who were overworked

- In the MVDL, because of a potential that one of the currently open Microbiologist positions would be filled internally and then that position filled internally, the request was for a backfill of a backfill of a Laboratory Technician and a Front Office position

## **MOTION/VOTE**

**(20:27) 9:19 AM**

**Jakes Feddes moved to approve the hire of a District 9 Investigator/Market Supervisor and part-time Market Inspector in Chinook in the Brands Enforcement Division. He also approved the hire of a Meat Inspector for Superior/Plains, Eastern Relief Meat Inspector and a Meat Inspector in Shelby in the Meat, Milk & Egg Division. He also approved the backfill hires of a Laboratory Technician and a Front Office position at the MVDL due to the internal hire of an open Microbiologist position. William Kleinsasser seconded. The motion passed.**

There was discussion by the BOL regarding applicants applying for open positions:

- Mike Spatz reported that even though there had not been huge numbers of people applying for jobs at the DOL, there were enough to be picky and the quality of applicants had been really impressive
- Jake Feddes said that he thought some of the government money was drying up and that people were going back to work and that was why more applicants were being seen
  - Mr. Honeycutt reported that listening to reports from the Department of Labor, unemployment rolls were shrinking and people who had left the workforce two or three years ago were coming back
- The DOL still struggled to fill highly specialized jobs, Mr. Honeycutt shared, because of not having a lot of people trained for highly specialized jobs out there and also the competition. And, in the case of filling Veterinary positions at the DOL, he thought that was why it took so long

Mike Spatz reported on the DOL's efforts in building a safety culture

- Mr. Spatz said that Valerie Dunlap had been holding quarterly safety meetings at the DOL
- A lot of safety culture messaging, Mr. Spatz said, was going to be included in job descriptions and postings to let people stat onboarding appropriately with that safety messaging up front
- Mr. Spatz added that there was a required onboarding that employees had to receive regarding Workers' Comp issues and safety messaging from the HR side of things, but he was not quite sure what actual training happened in the field or at markets when those types of employees were hired
- Jay Bodner shared that newly hired District Investigators received a Field Training Officer program conducted by certified DOL employees that trained them how to conduct themselves during truck stops and also for day-to-day activities such as roping, clipping, etc. He said they weren't utilizing videos, but the training was on-the-job. He added that as dangerous as that job was, there were very low injury incidents that occurred

- Mike Honeycutt said that the most Workers' Compensation issues at the DOL had been office ones
- Mr. Bodner said that as candidates were interviewed for certain positions, they conducted a yard test where the candidates were observed in an environment with cattle. He added that those yard tests were pretty highly supervised closely to make sure that no bad situations occurred, and that none had occurred
- Dr. Tahnee Szymanski said that typically, they send folks out in pairs until they're confident that they could go out and do that work onsite without any concerns about safety. But, she said it was pretty rare to send out a single individual to do any sort of farm work, such as Brucellosis or TB testing and she commented about the benefits of having the expertise of Brands staff to round out a testing crew
- The most important safety meeting you can have, Mike Honeycutt said, was the daily contextual meetings like the one that Dr. Szymanski shared where they had at the start of a daily session out in the field a meeting where you reminded everybody, this is what we're going to be doing today, be spatially aware, look out in your environment and look out for everybody else around you as well

**(33:04) 9:32 AM LEGAL COUNSEL UPDATE (May Require Executive Session)**

Lindsey Simon, Agency Legal Counsel, updated the BOL on current legal issues regarding the DOL, adding that there would be a point today where a closed session would be requested

**(33:31) 9:32 AM Revocation of Custom Exempt Meat Processing and Storage Depot License No. 2147**

Lindsey Simon said that she felt the discussion of the proposed revocation for the custom exempt license was appropriate to be done in an open session. But if there was a potential litigation or future steps to be taken in the case after the conclusion of the discussion, that could be continued in a closed session

- Ms. Simon reported that she was here on behalf of the Meat, Milk & Egg Inspection Bureau requesting a final order by default to revoke the custom exempt meat processing license that had been issued to Dustin Mallory, who did a business called Belgrade Custom Meats. She added that she was advocating for revocation of the license and giving her view as the prosecuting attorney, and so if the BOL felt they needed independent law advice, she suggested tabling the issue and seek counsel from Agency Legal Services
- Ms. Simon explained that in her opinion, she believed that Mr. Mallory had a due process interest in the license requiring the proceeding to happen pursuant to the Montana Administrative Procedures Act, and so she modeled her way of handling the issue the way the Department of Labor and Industry handled their disciplinary actions
  - A Notice of Proposed Action be sent to the licensee setting forth the basis for the potential revocation and why the DOL believes they would be relevant in doing that. Statute 81-9-201, Subsection 2 said that when the

- DOL found an establishment wasn't conducting its business in accordance with the rules and orders of the BOL, the DOL shall revoke the license
- Ms. Simon said that she and the Meat, Milk & Egg Inspection Bureau believed that Mr. Mallory's license was not in compliance with both the sanitary requirements for custom exempt meat processors and also recordkeeping
  - Ms. Simon said that because the issue occurred by default, a notice had been sent to Mr. Mallory, and no response was received, nothing was contested, and so, she drafted a Final Order by Default for the BOL to consider and that the Milk, Meat & Egg Inspection Bureau had requested that the BOL approve and sign that Final Order, which would then become the final agency action on this
- Gene Curry entertained a motion from the BOL to table the issue if they felt that it was appropriate. Hearing none, he requested input from Alicia Love regarding the issue
  - Alicia Love said that she had worked very closely with Lindsey Simon on the path forward and she supported the decision she was suggesting
  - Ms. Simon reminded the BOL that if they formally revoked the license, she felt the DOL would be in a much better position of saying any future ongoing conduct that constituted meat processing would be unlicensed practice at this point, as the DOL had previously sent Cease and Desist orders to this processing company

## **MOTION/VOTE**

**(40:57) 9:39 AM**

**Alan Redfield moved to approve serving the Revocation of License No. 2147, as drafted and presented by Lindsey Simon, and for it to be sent to Dustin Mallory of Belgrade Custom Meats. William Kleinsasser seconded. The motion passed.**

Lindsey Simon said that she thought it would be appropriate, if there were any questions about any potential further steps, once the order was served or any other legal updates to be discussed, it would be an appropriate time to go into Executive Session

**(43:05) 9:42 AM EXECUTIVE SESSION**

**(43:07) 10:59 AM RECONVENE**

Gene Curry called for a 10-minute break

**(43:10) 10:59 AM RECESS**

**(43:26) 11:11 AM RECONVENE**

**(43:28) 11:11 AM UPDATE ON ONGOING FEDERAL PROCESSES**

Mike Honeycutt announced that he would be giving the Ongoing Federal Processes report, but that the Sage Grouse Plan had gotten buttoned up and the DOL was still waiting to see what the grazing policy would be

**(43:53) 11:12 AM YNP Bison EIS/IBMP Operations**

Mike Honeycutt said that the only things to update on would be in the Yellowstone Bison world:

- The EIS Final Record of Decision, Mr. Honeycutt said, had been issued in the Federal Register and was nothing different than what was expected
  - Alternative 2 had been chosen, which put an upper limit on the population of bison at 6,000 but still retained, pretty much, all the tools available for population control
  - Although shipping was a tool retained in Alternative 2, Mr. Honeycutt said that it would be the least used tool they would want to use and then, only in extreme circumstances. The priority one for removal would be the Brucellosis quarantine and moving Brucellosis-free bison to other locations, primarily to Tribes in the Bison Conservation Transfer Program. The secondary tool for bison population control would be Tribal hunting. The administrative harvest, was something they would try to avoid
- Mr. Honeycutt reported that going into last season, the bison population count was about 4,800 to 5,200 and there were very few removals because there was no out-migration, as the winter conditions didn't really allow for that
  - Mr. Honeycutt said, because the winter conditions last season also were such that they would not have caused any winter kill for the bison, he expected that going into this next season, population would be approaching that 6,000 bison population level, which was the level it was at two seasons ago when there were conditions for an out-migration
  - If the bison number did go above that 6,000 level in the Park, the max level that they would want to remove at one time was 25%, but the bison would have to be out of the Park for that to happen or at the edge of the Park
- If it was a mild winter and not many of the 6,000 bison migrated to the boundary, next year, that bison number might be 6,400 and the animals might become a little more aggressive, Mr. Honeycutt said, and we would have to see how that played out
- Although Alternative 3 was not chosen, which would have allowed up to an 8,000 bison population in the Park, Mike Honeycutt said that the State was still expressing its displeasure with the process and had to consider what it does next because once the bison walk into Montana, they do become the State's problem
- Mr. Honeycutt said the year where around 1,000 bison were removed by hunting, it created its own cries from the community, from the Biologist concern that removing too many at once begins to hurt genetic viability within the population. He said that removing them by quarantine though, had its limits because there was only so much capacity to handle them



- Right now, Mr. Honeycutt said, the only place for those bison to go for quality assurance testing was at the Fort Peck facility, but, there was talk of Wind River in Wyoming building a similar facility. He added that he was not certain though, if that Wyoming facility would come on board, how that state would view allowing full quarantine there
- Dr. Tahnee Szymanski said that she suspected that when that Wyoming facility initially would come online, it would be an assurance facility as there were a lot of hurdles they would have to get over to allow it to be a quarantine facility. She said that Fort Peck was in the process of expanding their facility by building an additional pen
- There had been challenges, Mr. Honeycutt said, even with the Tribal hunts, to find plants to slaughter the bison and in recent times, the only Tribal authority willing to work with the DOL and take meat on consignment was the CSKT
- Although most of Yellowstone Park is in Wyoming, migration of bison to the south into Wyoming has been limited because of running into Grand Teton National Park and the National Elk Refuge. When those bison had come out of the Park into Montana, there was community concerns about the bison hunt because of the danger that came with so many hunter in that space, especially with people who live there and when clean up wasn't always great, it left an attractant, particularly for grizzly bears
- Dr. Tahnee Szymanski reported that the new bison employee on the West side of the Park, Zach Martin, had secured a position at the Academy this Fall

**(1:01:34) 11:29 AM – LEGISLATIVE INTERIM ACTIVITIES UPDATE**

Mike Honeycutt said there was not a whole lot to report on Legislative Interim Activities Update:

- Mr. Honeycutt reported that the DOL was scheduled to go in front of the Economic Affairs Interim Committee with its three Legislative proposals on August 29, 2024 during a 10-minute time frame. He clarified that four concepts had originally been sent over, but the Governor's Office requested that two of those be combined into one piece of legislation, so all four concepts were still intact
- If pre-introduction was approved by the Committee, Mr. Honeycutt said it would give a guaranteed slot in the process of getting the legislation drafted, getting a bill drafter assigned to it and the DOL would have to find a sponsor to carry the legislation

**(1:03:12) 11:31 AM – BUDGETING FOR 2025 SESSION (Executive Planning Requests)**

Mike Honeycutt reported that the DOL budget proposals had been submitted to OBPP and the DOL was now playing a waiting game of what they think about what was proposed or any edits or changes they want made:

- Mr. Honeycutt said that September 1, 2024 is when the budget had to be in the system and that the Governor had to present a budget to the Legislature by November 15, 2024

- EPP decisions the BOL could take some items off the table, but could not put them back on the table after the deadline and that the Governor transferred the budget to the Legislature on November 15, 2024
- Brian Simonson said that during the month of August, the DOL would receive what the present law adjustments were going to be, giving a better idea as those were put into the DOL budget. Mike Honeycutt said that he would not be surprised to see those go up due to inflation and other things
- Mike Honeycutt shared that in a recent cabinet meeting, the Governor said to be prepared, as you may not get everything you asked for in your EPP requests, and if you were asking for general fund, you might be told to come up with a different fund source for it. He added that very little of the DOL requests were general fund, with the exception of the Milk piece and Meat Inspection requests

## **CENTRALIZED SERVICES DIVISION REPORTS**

**(1:07:29) 11:35 AM**

**(1:07:34) 11:35 AM – FISCAL BUREAU**

Brian Simonson, Chief Financial Officer, introduced himself

**(1:07:41) 11:35 AM Predator Control Aerial Hunting Allocations**

Brian Simonson reported that it was about this time every year that he asked the BOL to authorize aerial hunting payments to Wildlife Services and three counties that didn't participate in the Wildlife Services contract

## **MOTION/VOTE**

**(1:08:14) 11:36 AM**

**Alan Redfield moved to approve authorizing the annual payment for Wildlife Services Predator Control aerial hunting and the payment for the three counties that did not participate in Wildlife Services aerial hunting. William Kleinsasser seconded. The motion passed.**

- Mr. Simonson said that the amount of money that was going from the DOL for predator aerial hunting control this year was \$523,710
- The FWP Wolf Donation fund, Mr. Simonson said, was a second amount going to Wildlife Services, and that amount this year was \$125,915
- Mr. Simonson explained that the LLB had voted as a board to send 40% of leftover claim money to Wildlife Services for predator control, and that amount was \$115,833
- The total for all three checks going through the DOL to Wildlife Services was \$765,458 this year
- Mike Honeycutt reported that Jake Eshelman, one of the DOL District Investigators, had been approached by someone from Carter County on how to get more money into their predator control fund, particularly for coyote control. Mr. Honeycutt said that with the long distance to come to Helena for a BOL meeting, he offered to attend one of the Carter County Predator Board meetings

to speak with them about their predator issues and their ideas to raise more money for predator control in that county

- Mr. Honeycutt explained that the concern in Carter County was about the fact that they had a lot of out-of-state and in-state seasonal grazers that didn't report their per capita numbers. He said that there were also people who weren't paying into the Carter County livestock petition
- Greg Wichman offered to attend the Carter County Predator Board meeting as well with Mr. Honeycutt. He thought that the Carter County livestock petition was \$5/cow and \$1/ewe

### **(1:14:30) 11:42 AM June 30, 2024 State Special Revenue Report**

Brian Simonson explained that the report before the BOL was the fiscal end-of-year, June 30, 2024 report for fiscal year '24:

- Mr. Simonson said that this report was finalized in about mid-July, so all the revenue for 2024 was in this report. He pointed out that because of doing FY23 close-out and clean-up, those numbers tended to jump around a little bit
- Field and Market Inspections at \$216,000 and \$1.4 million respectively, did not come off too far different than last year, and close to what was budgeted
- Investment Earnings in Brands at \$544,147, Mr. Simonson said, was a larger number than was budgeted for, about \$150,000 difference between FY24 and FY25, but he didn't expect to see that again going forward, that it would level off
  - Mr. Simonson explained that the Brands Investment earnings came from permit fees and rerecord monies that were invested in a STIP
- Mr. Simonson said that the Per Capita Fee numbers at \$4,867,000 was way better than he thought it was going to come in at. He said that the chicken numbers had a big drop off, possibly because of HPAI
- Investment Earnings for Per Capita Fee Collections was a good number at \$691,000
- Milk Inspection and Egg Grading came in as expected, Mr. Simonson said, and he expected to see the same thing going forward
- Although the Diagnostic Laboratory came in at \$11,000 less than last year, it was still \$1.5 million, which Mr. Simonson said was a good year in the Lab
- The Wolf Donations continued to keep going and ended the year at \$125,000

### **(1:20:29) 11:49 AM June 29, 2024 Budget Comparison Report**

Brian Simonson noted to the BOL that the report in the book was just 99% complete as it was actually for June 29, 2024, because it wasn't closed out until late last week, adding that those few more changes that came in after that were very minute:

- Mr. Simonson explained that there were no projections listed on this report because of being at the end of the year and so what was listed was what was left
- As of June 29, 2024, 93% of the DOL budget had been expended. Mr. Simonson said that having 7% left was good as you want to have between 5% and 10% left at the end of the year
- Employee payouts were 60% less than last year. This year, payouts were nearly \$150,000 and last year they were at \$364,000

- Mr. Simonson said that in August, a projection report was going to be compiled that would show what the DOL projections were going forward for FY25
- Mike Honeycutt said that there were less and less employees that had the length of service payouts like in the past, in one case, 45 years. He explained that law enforcement, however, was eligible for retirement at 20 years, and the DOL had lots of folks who had already put in their 20 years
- Policy changes had been made a few years back, Mr. Honeycutt said, where caps had been put on the number of hours of vacation and comp time that could be accumulated by DOL employees and that was helping to mitigate the huge retirement payouts that had been made in the past
- Mr. Simonson said that nearly \$1.5 million had been spent by the DOL than the previous year, but the DOL was still under-spending our authority by \$1.2 million. He added that most of that extra spending was because of the pay raise employees received on July 1<sup>st</sup>, but that a portion of it was a result of overtime as well
  - The reason there was \$1.2 million in authority left for the year, Mr. Simonson said, was because there was a 50% increase in State ITSD from the last Legislative Session and the DOL did not spend \$115,000 of it. Also, there were some EPP requests that went in as biennial including some radios and Brands Enforcement equipment, a vehicle for the Import Office that hadn't been purchased yet. There was also less testing in the DSA and vacancies in the Bison Program that caused underspending in the Federal Umbrella category of about \$247,000
- Most of the \$576,000 in total Equipment, Mr. Simonson said, was one-time-only purchases at the MVDL, but there were also some items Brands purchased through the EPP process
- The \$150,000 listed under Claims, Depredation Remediation, was a new item added due to an amendment in the LLB's budget put in place by the Legislature
- There was around \$190,000 worth of Expenses in Brands that had not been listed the year before because of overtime and repair maintenance costs from the new software onboarding
- Mr. Simonson said that the plus-ups from NAHLN and ADT were the only changes that happened from last period under statutory appropriations and budget amendments
- Although there was a considerable reserve in Per Capita Fee, Mr. Simonson said that the DOL spent more per capita fee than was actually brought in last year, which meant the reserve was cut by a few hundred thousand dollars
  - The HB10 million-dollar software application projects took quite a chunk of money, Mr. Simonson said. Mr. Honeycutt added that those were one-time-only, and so they were done

**(1:37:59) 12:06 PM PREDATOR CONTROL**

**Update on Activities of USDA Wildlife Services – (Presented by Dalin Tidwell, Montana State Director)**

Mike Honeycutt read the report submitted by Dalin Tidwell, as he was in meetings that day and would not be able to attend the BOL meeting:

- Mr. Tidwell's report stated that it had been fairly quiet for investigations during the summer months and that they had not seen anything out of the ordinary
- The 62 Charlie helicopter was due for an engine replacement at the end of August, but the other engine had been sent for overhaul last year and was just now getting ready
- Mr. Tidwell stated in his report that the new Work and Financial Plans with the DOL were in place and approved and would be plugged into Work Plan for helicopter work and the Wolf Mitigation fund
- Although there had been no finding of wild pigs, mostly domestic and no real evidence, Mr. Tidwell said that they had responded to a few swine calls from the Squeal on Pigs program
  - Mr. Honeycutt said that the new Blaine County person who started with Wildlife Services on July 1<sup>st</sup> was the person who had responded to the pig call on Fort Belknap and found the pig, dealt with it and got it back to the owner
  - Mr. Honeycutt said that even though initial pictures of the pig looked suspect, once it was captured and he took a straight-on picture of it, it was haired up on its back, but the face and jawline showed it was obviously a domestic pig. He gave a "thank you" to Dalin and Wildlife Services, adding that they were great to work with and because Wildlife Services could get on Fort Belknap to look around where the DOL didn't have that ability
  - Mike Honeycutt shared that a Commissioner from Hill County had commented to him that nobody could ask for anything better than us getting a pig report and dealing with it in 24 hours. Mr. Honeycutt said he had passed onto that Commissioner that the job was done with the collaboration of Wildlife Services and the DOL
- Gene Curry said that Mike Honeycutt told him that while he was on social media, he noticed that KRTV was still reporting the sighting but not that the pig had been found
  - Mr. Honeycutt said that he was not sure if the BOL should send out a press release every time a pig was caught, but that the DOL should be doing a little bit more post follow-up
- Mike Honeycutt advised that the BOL give their input to Wildlife Services on their Strategic Plan questionnaire that had been sent to BOL members

**(1:14:53) 12:14 PM LLB PREDATION CLAIMS REPORT AND GENERAL UPDATES**

George Edwards, Executive Director with the Montana LLB introduced himself and updated the BOL on the activities of the Livestock Loss Board:

- Mr. Edwards reported that, just like Dalin Tidwell's report, claim numbers seemed to be steady
- There had been an LLB board meeting held in Fairfield about a month ago, Mr. Edwards said, where there were a few people in attendance

- 18 grant applications were reviewed by the LLB board and 11 were approved. Mr. Edwards said some were not approved because they were incomplete or they applied for things that the LLB board didn't cover, such as bee yards, chicken coops and people's yards
- Beginning around October 1<sup>st</sup>, Mr. Edwards aid they would be accepting grant applications again and hold a meeting in December or January to decide on those applications
  - There was a change in the grant application on the match requirement, Mr. Edwards reported. While there was a 50% cost share between the LLB Board and the producer for wolf projects and 30% for grizzly projects, that had been changed to a 30% cost share where the LLB Board would pay 70% and the producer would provide 30% of the project expenses for either wolf or grizzly
- Gene Curry shared that in his country, the berry crop was almost non-existent and he anticipated the bears to be hungry this fall, and maybe traveling a little bit more trying to find food. He said it also looked like in his country that the sows were kicking the cubs off earlier as well and so he expected to see those young ones, without any guidance, looking for an easy meal
  - Alan Redfield said that he and his wife were gathering cattle and saw a bear, which he said normally they didn't see them until hunting season. He said that even though they would have a berry crop, this was early and that they were seeing the bears move more
- Mike Honeycutt shared that there had been a domestic bison depredation by a grizzly bear in the Red Lodge area and the producer found out that they were not eligible for a claim on domestic bison. He said, that there might be some push to add bison as one of the species allowed for depredation claims during the coming Legislative Session
  - George Edwards said that he was contacted on that situation and he let the producer know they would have to go through a Legislative process if they wanted bison added to the depredation list
- Alan Redfield shared that it made us look bad the way Fish and Game handled a bear in Gardiner that was getting into trash cans and breaking into buildings. The bear was taken care of, he said, but was dumped in the river after removing the head and paws off of it

**(1:55:04) 12:23 PM LUNCH**

**(1:55:09) 1:00 PM RECONVENE**

Gene Curry called the meeting back to order

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

**(1:55:14) 1:00 PM**

**(1:55:24) 1:01 PM – MEAT, MILK & EGG INSPECTION BUREAU**

Alicia Love, Bureau Chief for the Meat, Milk & Egg Inspection Bureau, introduced herself and said that she only had two items to present that day

**(1:55:58) 1:01 PM Listeria Letter to State-Inspected Establishments**

Alicia Love reported that they were planning to send a letter to State-inspected facilities regarding the frequency of Listeria sampling in the plants:

- Currently, Ms. Love said, Listeria sampling was done by many of the State-inspected establishments quarterly, which was based on guidance from previous administration in her position. But USDA guidance showed there was not adequate scientific support for facilities to be sampling Listeria quarterly and the recommendation was to do it monthly unless they were a seasonal operator that didn't make ready-to-eat products every month
- Ms. Love said that the letter would advise the industry of the support that existed for the more frequent sampling, adding that since the DOL had previously communicated a standard that was less than what it felt was acceptable now, that the DOL would be starting to correct that course with the industry
- Because there was no effective date listed in the letter, Ms. Love said she would add a date before sending it out before the next BOL meeting

**MOTION/VOTE**

**(1:59:00) 1:04 PM**

**William Kleinsasser moved to approve sending the Listeria letter to State-Inspected establishments, as presented by Alicia Love, with the addition of an effective date added to it before being sent. Alan Redfield seconded. The motion passed.**

- Jake Feddes said that the letter would probably create some push back because of the cost of the extra testing, but he said the test was easy to do and it was important that plants all be on the same page and he didn't feel that doing more testing to make sure we're being safe was a bad thing to do right now
- Alicia Love said that Listeria sampling was something that was already in place with the facilities and so she didn't think that September 1<sup>st</sup> would be too narrow of a time frame for it to become effective

**(2:06:18) 1:11 PM Ingredients Entry Letter to State-Inspected Establishments**

Alicia Love reported that she would like to send another letter to industry regarding non-meat ingredients contained in their products

- Ms. Love said that the letter would address existing Federal regulations about non-meat ingredients, such as spice blends. She said that there had been a lot of issues with establishments trying to get their nitrite and nitrate concentrations calculated correctly because local spice blend makers were not being transparent in their labeling and it wasn't known just how much of those restricted ingredients were in their product
  - Ms. Love said that the DOL had been working with facilities to try and get more information from spice makers but had not had good success with that. She added that the DOL would now be taking a little bit more of a

regulatory hand to say that the law said that your plant must have a complete and accurate label on it and if you were essentially buying from manufacturers that didn't follow FDA regulations, you should not be using them in your meat products

- The law addressed in the letter was not a new one, Ms. Love said. She said that the DOL had been at this discussion for a very long time and would need to start enforcing the labeling law and start writing violations for those establishments who did not provide the accurate ingredients on their labels
  - Mike Honeycutt said that mislabeling or misbranding was one of the triggers that the DOL had to issue a recall
- Ms. Love said that this letter would be for State-inspected establishments as custom exempt products weren't fit to enter commerce. She said that custom exempt product cannot be in a State-inspected establishment and so for those facilities doing both State-inspected and custom exempt products, they would have to have separate buildings

## **MOTION/VOTE**

**(2:11:44) 1:17 PM**

**Alan Redfield moved to approve sending the Ingredient Entry letter to State-Inspected establishments, as presented by Alicia Love. Lily Andersen seconded. The motion passed.**

Lily Andersen said that one of milk truck drivers named Rollie, had retired and now Dairy Farmers of America (DFA) were trucking the milk out of the area where Gene Curry lived. She added that even with the extra pickup by DFA they were still meeting the Pasteurized Milk Ordinance regulation regarding how often milk had to leave the farm, but she said we'd see what happened when it was the middle of winter

## **(2:15:12) 1:20 PM - VETERINARY DIAGNOSTIC LABORATORY**

Dr. Greg Juda, Director of the Montana Veterinary Diagnostic Lab in Bozeman, introduced himself to the BOL

## **(2:16:18) 1:21 PM Operational Update**

Dr. Greg Juda reported on some Operational Updates at the MVDL that had occurred since the last BOL meeting that had been held on May 28, 2024:

- Dr. Juda said that some of the primary focuses at the MVDL the past couple months had been staffing
  - Three positions had been filled and at the beginning of June, the MVDL had two people on maternity leave. Dr. Juda said that during that time of being down so many people, they relied heavily on the Fellows and cross-training and were able to keep operations going
  - Dr. Juda reported that one of the Fellows decided to extend her Fellowship for another year but that they told her if another opportunity came up during that year to let them know and they would work with her to make it happen. Dr Schwarz was able to acquire another APHL Fellow, an MSU graduate, who would be starting at the MVDL the following day



and would be working on developing and validating a couple of equine assays

- Although the majority of the Lab instruments were performing well and were operationally sound, Dr. Juda said that some repairs were needed on the Immulite Chemistry Analyzer in Clin Path and on a plate reader in Serology that was used for Brucella screening for the FP assay. The Immulite repair would be covered by a service agreement, but the plate reader repair was around \$500 or \$600
  - The Dimension Chemistry Analyzer in Clin Path had been delivered, installed and trained on, Dr. Juda said. He said they had 60 days to return the old chemistry analyzer, but they were currently validating the new instrument against the old, running both at the same time, which he said cost a bit more, but that process should be done before long

### **(2:21:25) 1:27 PM New Building Construction Update**

Dr. Greg Juda reported on the progress of the new Lab construction and said that you could see tangible differences on a weekly basis:

- Several pictures of the construction were shown to the BOL. One of the pictures showed what Dr. Juda called, a shot of one of the ongoing traffic problems in Bozeman, which is construction that we happened to cause at this time on Garfield Street and it had traffic backed up for a good stretch on 19<sup>th</sup> as well
- Dr. Juda said that the footers for most of the Wool Lab had been poured and they were working around to the Analytical Lab portion
- The incinerator was anticipated to be delivered in November and with its heavy weight, would have to be dollied in. Dr. Juda said the size of the bay door on the incinerator room had been increased from 10 feet to 12 feet and a crane would have to be brought in to install the stack

### **(2:26:00) 1:31 PM Out-of-State Travel Requests**

Dr. Greg Juda said that he had a couple out-of-state travel requests:

- Dr. Juda requested that up to four people be approved to attend the annual AAVLD meeting, which was scheduled for October 10-16, 2024 in Nashville, Tennessee. He said that Dr. Smith had told him he did not intend to go, but he was sure that Dr. Erika Schwarz, Tess Moore and himself would probably attend the event. The \$13,000 cost for four attendees had been approved on the Fiscal '24 NAHLN grant
- Dr. Juda requested that Gloria, one of the Milk Technicians and the most recent hire in the Milk Lab, be able to attend the FDA Laboratory Examination of Dairy Products course on September 16-20, 2024 in Oklahoma City, Oklahoma. This course was required, Dr. Juda said, he thought, every three years and would be paid for by the MVDL travel budget

## **MOTION/VOTE**

### **(2:30:07) 1:35 PM**

**Greg Wichman moved to approve both out-of-state travel for four MVDL staff to attend the AAVLD Annual meeting, scheduled for October 10-16, 2024 in**

**Nashville, TN and for a Milk Technician to attend the Laboratory Examination of Dairy Products Course, scheduled for September 16-20, 2024 in Oklahoma City, OK. William Kleinsasser seconded. The motion passed.**

**(2:34:17) 1:39 PM – ANIMAL HEALTH BUREAU**

Dr. Tahnee Szymanski, Animal Health and Food Safety Division and State Veterinarian, introduced herself

**(2:34:31) 1:40 PM Out-of-State Travel Requests**

Dr. Tahnee Szymanski said she had a slew of out-of-state travel requests, but that these requests would get us through 2024 with some additional travel requests coming up next Spring:

- **(2:35:14)** The *Swine Health Improvement Plan (SHIP) House of Delegates (HOD) meeting* was scheduled for September 3-5, 2024 in Bloomington, MN. The DOL Cooperative Agreement funds would pay for three individuals to attend, Dr. De Groot and two non-DOL delegates, William Kleinsasser and Dr. Thomas Wurtz
  - Montana Pork Producers Council would be sending one voting delegate and one non-voting delegate to the meeting
  - The SHIP program was modeled after the National Poultry Improvement Plan (NPIP) program and was working to create a program that would hopefully, get swine back into international markets if there was a detection of African Swine Fever or Foot & Mouth Disease. The Annual SHIP HOD meeting brought delegates together to discuss and vote on changes to the program
- **(2:36:55)** The annual *United States Animal Health Association (USAHA) meeting* was scheduled for October 10-16, 2024 in Nashville, TN. The Cooperative Agreement funds, Animal Disease Traceability and the Federal Umbrella, should be able to complete pay for two Veterinarians to attend
  - The USAHA meeting offered a lot of industry engagement, attendance at several committee meetings and an opportunity to be part of influencing where some of our disease programs and policies go
- **(2:38:24)** The *Idaho Triennial USDA DSA Review* was scheduled for August 27-29, 2024 in Boise, ID. USDA would pay for all costs, except for the salary and per diem, of the State Veterinarian to attend the event
  - Montana's State Brucellosis program was set to be reviewed by the USDA next summer. This review was required to be done every three years. USDA had offered that a State Animal Health Official, this year Dr. Szymanski, attend the review being done in Idaho in August, giving her the opportunity to see what was working and not working for Idaho in their program
- **(2:39:46)** The *North American African Swine Fever Forum* was scheduled for September 17-19, 2024 in Ottawa, Canada. Cost for this travel for the State Veterinarian would be from per capita funds
  - Organizers for this meeting were requesting for up to 12 State Animal Health Officials be in attendance with folks from Canada and Mexico as

well to collaborate on what the response would look like regarding African Swine Fever's impact on those three countries

- (2:41:03) *USDA Foreign Animal Disease Diagnostician (FADD) Training* had not been scheduled for certain yet for time or place, but the earliest time to attend would probably be in the Spring of 2025 for Dr. Heidi Hildahl to attend. This training would be paid for out of Cooperative Agreement funds
  - FADD training was a specialized training for Veterinarians so that they could be highly trained and deployed into the field if there were a suspected Foreign Animal Disease incursion. Attendees were trained in how to get on and off that facility in a bio-secure fashion, what the diseases looked like, what samples to take and how to take those samples in a timely fashion. Dr. Szymanski said the course was difficult to get into and the DOL had not been successful in sending someone to it in about five years
- (2:42:31) *USDA Field Skills Training Course* was scheduled for September 10-12, 2024 in Ames, IA. This training would be paid for out of Cooperative Agreement funds for Dr. Heidi Hildahl to attend
  - This training covers livestock handling of multiple species diagnostic sample collection, covers captive bolt training and also provides certification to do the comparative cervical TB test, which is the test where a State or Federal employee who is certified on the cervical TB test, does a required secondary test when an animal going to exhibition in another state or country initially tests suspect for Tuberculosis

## **MOTION/VOTE**

**(2:48:14) 1:53 PM**

**Jake Feddes moved to approve out-of-state travel for the Program Veterinarian (Brucellosis) and two industry individuals to attend the US Swine Health Improvement Plan (SHIP) HOD Meeting, scheduled for September 3-5, 2024 in Bloomington, MN; the State Veterinarian, the Program Veterinarian Supervisor (Animal Disease Traceability) and the Program Veterinarian (Brucellosis) to attend the United States Animal Health Association Meeting (USAHA) Meeting, scheduled for October 10-16, 2024 in Nashville, TN; the State Veterinarian to attend the Idaho Triennial USDA DSA Review, scheduled for August 27-29, 2024 in Boise, ID; the State Veterinarian to attend the North American African Swine Fever Forum, scheduled for September 17-19, 2024 in Ottawa, Canada; the Veterinarian Supervisor to attend the USDA Foreign Animal Disease Diagnostician (FADD) Training, scheduled for a date and place to be determined; and for a Staff Veterinarian to attend the USDA Field Skills Training Course, scheduled for September 10-12, 2024, in Ames, IA. Lily Andersen seconded. The motion passed.**

**(2:48:44) 1:54 PM Introduction of Newly-Hired Program Veterinarian/Feral Swine Conversation (Non-Agenda Item)**

Dr. Tahnee Szymanski introduced Dr. Heidi Hildahl, the Program Veterinarian, who started about three weeks earlier in the Animal Health Bureau:

- Dr. Szymanski said that Dr. Hildahl would be responsible for the Import Office, for feral swine, for doing a lot of the traceability work for the DOL, covering different disease programs like NPIP, Johnes, and currently, Rabies
  - Dr. Heidi Hildahl introduced herself, saying that she was an “Okie,” but had strong ties with Montana since 1989 where she used to spend summers helping her sister in Red Lodge rounding up cattle out of the mountains
  - After attending Vet school, Dr. Hildahl said she returned to Montana where she married a USDA Market Reporter, but his job took them to Arkansas where she was an Extension Veterinarian and was part of their feral hog eradication task force, working with Louisiana and Tennessee to help mitigate their feral hog problems as well. She also was the Beef Quality Assurance Coordinator for the State of Arkansas and audited dairies for the Food Safety Net Services and was on the Board of Directors for the Professional Animal Auditor Certification Organization that trained auditors how to audit dairies and feedlots
- Dr. Hildahl said since she had been with the DOL, there had been three phone calls from the Squeal on Pigs line and the team that was assembled to deal with those reports were amazing and were able to find that every one of those reports had been an owned pig. She said that if it did get to the point where the ownership of that pig could not be found, it would have to be destroyed because it was very clear in our regulations that hunting of feral hogs was not allowed. She added that she hoped it would stay that way as hunting feral hogs was what caused the problem to explode in Tennessee and Texas
- If a sounder of the feral hogs were hunted, Dr. Hildahl said, and not all of them were killed at once, the herd would split and made multiple sounders and they could breed very quickly
- Dr. Hildahl said that if pigs were found on Tribal land, then the DOL would have to find out who had authority there and they were still ironing out details on how that communication worked
  - Dr. Szymanski reported that when the report of a loose pig on the Fort Belknap Reservation came, the initial post that went out on Social Media from the Fish & Wildlife person from the Tribe said that if you saw the pig, please shoot it, which got the attention of people off the reservation because we had been spending six years messaging, please don't shoot them if you see them, and this is why. But fortunately, the pig's owner was found without meeting its end. Dr. Szymanski said she hoped to have a meeting with Fort Belknap and hopefully, get on the same page with them on that type of situation
  - Dr. Szymanski shared the story about the report of multiple pigs on the landscape in Richland County about a month earlier. She said Wildlife Services and Brands Enforcement worked together, with Wildlife Services flying and Brands Enforcement staff on the ground. In that instance, Dr. Szymanski said that Wildlife Services had been authorized to take the group of pigs if they felt like they would be able to get all of them

- Mike Honeycutt shared about pig traps working sort of like a fish trap, where the pigs come into the trap but couldn't get back out. The trap systems could be back-packed into an area by one person and set up, because the posts don't get driven into the ground
- Dr. Szymanski said that in regards to discussion about feral swine with Tribes, the primary contact for the DOL had been through the Montana Invasive Species. Historically, the Tribe that had representation on the Council was the CSKT who were not supportive of having feral swine. The Blackfoot Reservation was also not supportive of having feral swine. Rocky Boy, Fort Belknap and Fort Peck, she said, historically had been in agreement, but not a really tight agreement, about eradicating the feral swine, but, they did not want them. The Crow and Northern Cheyenne had not had representation on the Council
- Dr. Szymanski said that there were a lot of people who wanted the opportunity to be able to hunt the feral swine and she shared that she had received a phone call that week from somebody that had seen the news report about the Fort Belknap pig and offered their services to hunt it for us
  - At the recent PNWER meeting, Dr. Szymanski reported that an economist from Wildlife Services presented information that if you consider the revenue that hunting feral swine generated compared to the cost those swine cause in damage to crops, waterways, predation, and disease spread, in Texas, the damage far outweighed any revenue you could bring in from having a hunting presence

**(3:03:25) 2:08 PM ADT Update**

Dr. Tahnee Szymanski said that she thought it would be worthwhile to update the BOL on Animal Disease Traceability as USDA finalized the rule on mandatory electronic identification of animals, effective November 5, 2024:

- Dr. Szymanski said that starting November 6, 2024 then, anything that was required to be officially identified would have to have an electronic tag in its ear and if it had a metal tag in its ear on that day, that tag was good for the life of the animal or until it fell out
- Dr. Szymanski further added that the impact of the regulation in Montana meant that when you TB test an animal, when you Brucellosis test an animal, when you officially calf-vaccinate an animal for Brucellosis, all those would require official identification and would have to have electronic tags placed in their ear
  - It was not a USDA requirement that was making animals be Brucellosis-tested, it was a State requirement and Dr. Szymanski said that the Animal Health Bureau had been in touch with USDA about ways that maybe the DOL could potentially buy some tags with Federal ADT money or potentially some general fund money that was designated for the DSA
- Historically, Dr. Szymanski reported, Montana had gotten about 270,000 free tags given from the Federal government to be distributed within the state, but this year had only received 169,000 and that 50,000 of those had already been distributed, divided between 50 different Veterinary clinics. She said that Veterinarians had requested 127,000 tags so far and there were only about 121,000 left

- Concern had been raised from some of the Veterinary community about the volume of tags that they used at livestock markets and those wouldn't be free, Dr. Szymanski said, so several groups were putting pressure on USDA to try and increase the number of free tags available
- Although the DOL had not purchased tags in couple years, Dr. Szymanski's rough estimate for the cost of an electronic ear tag was \$1.80 to \$2.20 per tag, based on the volume of tags purchased
- Mike Honeycutt said he had spoken with the Director of the National Cattlemen's Beef Association at the recent ILIA conference who talked about many states reporting they had more tags than they needed and he was surprised to hear quite a different story from Montana, because there was a high level of Brucellosis vaccinations and tagging and cattle arriving at the market from out-of-state were tagged on arrival. Mr. Honeycutt said we left him with the impression of our national organizations having some more work to do back in DC because the cost of those tags had to get passed on somewhere
  - Jake Feddes thought it was a good idea to apply some pressure to some of the national organizations and show them that we were short of tags in Montana and other states that were long on tags and maybe we could get more
- Mr. Feddes said that he felt there needed to be some good communication from the DOL about which animals required tags because most producers didn't understand that steers and spayed heifers didn't need tags, but they think every animal had to have the tag
- Mike Honeycutt said that everything that needed to be tagged before needed to be tagged now, the rule didn't change. The only thing that changed was the type of tag

(William Kleinsasser left the meeting at 2:20 pm, 3:15:05)

### (3:15:07) 2:20 PM HPAI Update

Dr. Tahnee Szymanski gave an update on High Path Avian Influenza:

- Dr. Szymanski reported that currently there were 13 states affected with HPAI, but added that we could probably drop a couple of the states off as not having active infections in their dairy industry right now
- There were 172 total farms where there had been HPAI detections, with Colorado seeming to be the hot spot right now with over 50 dairies affected. Dr. Szymanski said that Colorado had also racked up the tally of affected humans and that they had both affected dairies and affected poultry facilities in proximity to those dairies
  - Dr. Szymanski said the genome sequencing of the isolates showed that the transmission of HPAI came from dairy cattle back into poultry. All of the human infections had been in individuals that were helping respond to the positive poultry operations. Consistent with past reports, it had been people that had conjunctivitis and very mild respirator signs
  - Anecdotally, Dr. Szymanski said the Colorado State Veterinarian reported that it seemed like before the dairy cattle were showing any clinical signs,

about two weeks prior, conjunctivitis would roll through their workers and then two weeks later, the cows broke out, and so it was thought HPAI was circulating through the dairy. She added that the uptick in human cases was continuing to put on a lot of pressure from the public health side of things

- There had been discussion in the last week, Dr. Szymanski said, about conducting a double-blinded study where milk samples would be collected from all processing facilities that received Grade A milk, and in Montana, that would be three facilities, and that would show a national prevalence of HPAI in bulk tanks across the country, but would contain no geographic information in the report
  - Dr. Szymanski said that she suspected if there were a really high prevalence in our dairy industry, that we would see tremendous pressure from public health agencies, and potentially the White House, to do more aggressive on-farm sampling, because if the virus were left on the landscape long enough there was the concern of its ability to move from cattle to people or from poultry to people increasing
- Dr. Szymanski said that based on all of the national conversations, she didn't expect that a vaccination for HPAI would be used here in the US because even in a very limited capacity, almost all of our trading partners would close down trade because we've leveled that option for our trading partners. She added that for poultry, the vaccine didn't prevent the disease and may just reduce the severity of it and so depopulation of the birds would still have to take place. She thought if there was an opportunity to utilize the vaccine on the cattle side of things to help build herd immunity, that might be the only place for a conversation
- In Minnesota, Michigan and Iowa, Dr. Szymanski said the HPAI virus was moved around the landscape by moving livestock, cows, people or equipment and it was found that there were individuals that either worked at both a poultry and dairy facility or were in a household where one individual worked at a dairy and another worked in a poultry barn
- Dr. Szymanski explained that dairy and beef cattle were different breeds but not different species. In dairy cattle, the primary impact was when the virus set up in the udder. But the udder of a lactating beef cow was different from that of a dairy cow and so she thought that even if there were HPAI infections in beef cows, it probably wouldn't be the severity because it would not have that same viral load
  - Testing of beef cattle for HPAI had been limited to symptomatic animals that match the symptoms seen in dairy cattle, Dr. Szymanski said. Mike Honeycutt added that in Weld County, Colorado was where the most recent testing was done on beef herds and anywhere testing had occurred, there had not been a positive detection in beef cattle
- Alan Redfield said it seemed the HPAI seemed to show up more where there were larger concentrations of animals such as in poultry barns or larger dairies and so he thought that part of the prevention might be to have the animals spread out on the landscape. Dr. Szymanski agreed saying that this is a good time of year when cows were spread out on the range and there was an abundance of heat, as the virus didn't survive well in heat

- Within the next week or two, Dr. Szymanski said that she expected the FDA would be send out a letter saying that milk from affected dairies that was going to processing for pasteurization and then human consumption would continue to be allowed to move
- Regarding testing of bulk tanks of milk, Dr. Szymanski said that when the milk was still under control of the animal owner it was a test of the livestock. But, once the milk left the farm and changed ownership and was tested at a processing facility, she didn't know if livestock confidentiality laws would apply
  - It would be hard to know in a bulk tank of milk at a facility who contributed the milk, Dr. Szymanski said
- Dr. Szymanski said that we were fortunate to have been able to have dialogue with Raw Milk of Montana about the HPAI situation in dairy because she had made the statement, she believed you should not consume raw milk from sick animals with a message to please monitor for symptoms and consider testing animals because of the human health concern. She added that group had been good to work with and the information she provided to them had been put on their website
  - Raw milk was not eligible to go across state lines and didn't have to hit the same triggers that Grade A milk did, so Dr. Szymanski didn't believe that raw milk dairies could be forced to test for HPAI
  - Mike Honeycutt said that over the several Legislative Sessions when the raw milk issue came up, the DOL actually developed a working relationship with some of the people in that industry, and even though we may have been on the opposite side of the fence at one point in the past, we had been able to reach out to them and so far, those contacts had been willing to share communication

**(3:33:10) 2:38 PM RECESS**

**(3:33:15) 3:01 PM RECONVENE**

Gene Curry called the meeting back to order

## **BRANDS ENFORCEMENT DIVISION**

**(3:33:18) 3:01 PM**

Jay Bodner, Brands Enforcement Division Administrator, introduced himself

## **(3:33:29) 3:01 PM INTERNATIONAL LIVESTOCK IDENTIFICATION ASSOCIATION (ILIA) CONFERENCE - UPDATE**

Jay Bodner updated the BOL on the recent ILIA conference the DOL had hosted July 14-17, 2024 in Billings:

- Mr. Bodner explained that the International Livestock Identification Association conference was an organization of member states, including the US, provinces in Canada, New England, Native American Tribal Nations and Mexico where they had legislation that backed livestock identification, which was the basis of the organization itself



- The DOL's Ty Thomas would take the helm next year as President of the organization. The current President was from New Mexico
- The 150 attendees at the event was fewer than expected, Mr. Bodner said, but he thought that probably budgets had some influence on that number
- The Lieutenant Governor, Kristin Juras, opened up the conference and Mr. Honeycutt also addressed the attendees. Dr. Tahnee Szymanski highlighted some of the work between Brands and Animal Health, giving some case studies of how those two Divisions interacted together to do a lot of work on the identification side of things. Becky Waid gave a demonstration on the ServiceNow electronic inspection program and Cally Goyins, as the State Brand Recorder, was part of a Brand Recorder panel
  - Mr. Honeycutt said he came away from the conference feeling much better about the work we do and all the staff there were sharp, professional and represented the DOL well
  - Mr. Honeycutt said that the state of Montana has 50,000 brands, with a very robust conflict check process and was the only state with that many brands, except for Texas, with 254 counties and brands being done at a county level
  - New Mexico, Mr. Honeycutt said seemed to be the closest to Montana, regulatory-wise. He said that while Montana had 21 sworn officers to cover the state, Nevada said they had five and only three of those positions were allowed to be filled. The Nevada representative also shared that they really had only one stockyard in their entire state and Montana had 12 commission companies and had staff at all 12
  - Gene Curry shared that he felt the only state close to Montana's strength with Animal Health and Brands was Washington. He said that very few states had Brands and Animal Health integrated together and Texas Brands Enforcement was the Southwest Cattle Raisers Association and North Dakota's Brands Enforcement was the North Dakota Stockgrowers Association. Mike Honeycutt said that in Idaho they moved their program from the Department of Agriculture to their Highway Patrol
- Mr. Bodner said that Raylee Honeycutt with the Montana Stockgrowers Association got to address the attendees, adding that MSGA was a major sponsor of the event and helped put the conference together
  - Mike Honeycutt thanked MSGA as the title sponsor of the event and said they ran the A/V at all the meetings, handled the registration table, dealt with the hotel and meal set-ups, adding that he couldn't say enough about their help as it was a big commitment and they were there for several days. Jay Bodner said they did a tremendous job for the DOL and said there were some other sponsors as well that also helped make it a very successful event
- Mr. Colin Woodall from NCBA talked to the group about industry topics and wove traceability into that, too. USDA's Animal Disease Traceability Program Lead Doctor, Alex Turner, not only addressed the group, but Dr. Szymanski was able to visit with him specifically about the electronic tag issue. Leo Barthelme, a rancher from Malta, talked about the virtual fence project he had been doing for a

number of years from a rancher/industry perspective. Forrest Roberts, who was a past CEO of NCBA but now was on the board for 406 Bovine, did a facial recognition presentation that took a three-second video of an animal from above their eyes to above the nose and had a 99% identification rate on those animals

- Mr. Bodner said that overall, he felt the conference was very successful with people liking the Billings location and receiving good feedback. He said he thought adding a few more speakers would have added even more robustness to the conference but there were advantages for people to be able to talk to the speakers and talk with adjoining states
- 2025's ILIA was scheduled to be in Scotts Bluff, Nebraska, Mr. Bodner said

### **(3:54:15) 3:22 PM ARM RULE – 32.18.202 ADJOINING COUNTY GRAZING PERMITS PROPOSED CHANGE**

Jay Bodner shared proposed changes with the BOL to an ARM rule dealing with grazing permits that began being discussed around the end of May:

- Mr. Bodner said that in the discussion with District Investigators, there was confusion expressed about what requirements there were for adjoining grazing permits versus the deeded permits where you could travel multiple counties away, and as long as you were on deeded land, you could get a permit there
- Although the statute regarding those permits, MCA 81-3-211, had been established back in 1997, Alan Redfield said, there were adjustments made in 2017
- Jay Bodner said that DOL Counsel Lindsey Simon was questioned on portions of the statute and adjoining county versus deeded land, which she answered. However, there was confusion regarding whether the animals needed to be branded because there were some exclusions with the revised statute that allowed for, they didn't have to be branded if they were virgin breeding females or nursing calves and that conflicted with the rule that was currently in place. And so, Mr. Bodner said either the statute would need to be changed, or the Brands Enforcement Division's recommendation was to change the rule to reflect what the statute said. Basically, the change would be to allow unbranded virgin females to be either in the adjoining county or the deeded and the nursing calves didn't have to be branded in either of those areas
- Mr. Bodner said that some grazing permits had already been written this year before all this came about, but after that, he said they made sure there was a very consistent approach as to how those grazing permits were written and what the requirements were for each one. He added that because of the October 1<sup>st</sup> deadline for completing a rule because of the upcoming Legislative Session, he wanted to put it on the BOL's radar so possibly some prework could be done on the proposal and then initiate the process on January 1st

### **(4:01:28) 3:29 PM BRANDS ENFORCEMENT UPDATE**

#### **(4:01:32) 3:29 PM Staffing**

Jay Bodner updated the BOL on current staffing in the Brands Enforcement Division:

- Mr. Bodner reported that Shelby Martinell, the District Investigator in the Dillon area and Market Supervisor had left the DOL on July 26, 2024 to attend Vet School. He said that there were some interviews in the process now in hopes to get that position filled in time for Fall Run
  - Dan Bugney, the current Western Supervisor, was covering the market there along with a short-term worker. He said that other Market Supervisors from Ramsay or Three Forks could also be called in to help when needed at the market
- Sam Novak graduated from the Law Enforcement Academy on June 25, 2024

#### **(4:03:32) 3:31 PM Legislation**

Jay Bodner updated the BOL on the Legislative proposals approved by the BOL previously and sent on to the Governor's Office for approval:

- Mr. Bodner reported that all four proposals had been approved by the Governor's Office but that now there were just three, because they combined two of them into one, the two regarding dead animals in feedlots
- The other two that would be needing sponsors for legislation were allowing digital copies of inspection to travel and the repeal of the carcass ink stamp

#### **(4:04:23) 3:32 PM DOL Truck Stops**

Jay Bodner reported on the various truck stops the Brands Enforcement Division had set up around the state:

- Mr. Bodner said that starting on June 1<sup>st</sup> for 10 days, they were in the Browning area at the intersection of Highway 2 and 89 that was staffed with both Blackfeet Tribe folks and a number of DOL District Investigators
  - Of the cattle producers that came through the truck stop bringing their cattle into pasture, there was 100% compliance. They also had about 5,000 head of cow/calf pairs, some horses, heifers and steers that came through the truck stop
- Numerous times at those truck stops, Mr. Bodner said they caught a lot of rodeo contestants going to the High School Rodeo and there were more issues with that than anything else. He said there were a number that didn't stop that had to be run down and some thought horses didn't comply as livestock. He said there were some that the DOL had to provide some education to and warnings and one citation was issued
- Mr. Bodner said that they would be having upcoming truck stops set up in Dearborn, Drummond, East Glacier and in Southeast Montana in the Miles City area. He said they had been very active at the Fairs, too, working with 4-H contestants and also at the horse races
- When asked by Gene Curry about operating in conjunction with the DOT scales, Mr. Bodner said he didn't think the DOL would necessarily want to interfere with their business and preferred those big safe areas where you could get people off on a trailer and have room if somebody did bypass it to catch them
- Mr. Bodner shared that for any type of FTO training the truck stops were used and he said they liked to get the new recruits in on those to become familiar

adding that part of the training for them is doing scenarios where brand staff were the actors doing the truck stops

- Gene Curry suggested changing the hours the truck stops were open on occasion, in case anyone was trying to circumvent the system

#### **(4:14:28) 3:42 PM Animal Estray Advertising**

Jay Bodner reported that they had run the annual Estray Ad in the Western Ag Reporter:

- Mr. Bodner said the ad usually runs twice a year and it was required by statute to run those. It did generate a number of calls for the Division and was an opportunity for people to try and recoup proceeds if that was their animal
- There was a great effort made at the markets, Mr. Bodner said, to be able to, those people consign those animals if there was a hold to try to clear up the holds. He said that this year they sent second letters out as a reminder saying, hey, this animal was consigned by you but additional paperwork was needed to remind them that money was being held here and if you were the rightful owner of the animal, give the DOL the paperwork so you could be paid
- Gene Curry shared a couple scenarios that occurred in the markets with livestock and brands. Mr. Bodner said there were a lot of scenarios and the Division wanted to make sure that the money went to the rightful owner of the animal. He said in a lot of cases the animals weren't rebranded and that happened a lot with bulls. But, it took just a simple bill of sale from the owner that you bought it from to get that cleared up so that the DOL could pay them
- Mike Honeycutt shared that there were \$138,000 worth of cattle last fiscal year that had run a full two years without being cleared up at the market and then that money reverted to the DOL. He said it was \$158,000 the year before that

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

#### **(4:20:45) 3:48 PM**

Gene Curry announced that there was one loner in the audience that had stuck with the meeting the entire day, Ellie Brighton from MSGA and he asked if she would like to give any comments:

- Ms. Brighton thanked the BOL for having her at the meeting and said that, as always, she learned something

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

#### **(4:21:23) 3:48 PM**

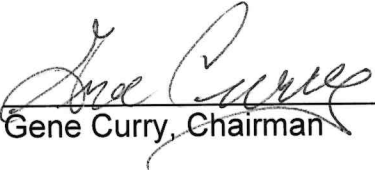
Gene Curry requested that the BOL make a decision on when to schedule their next meeting:

- Mike Honeycutt said that August 28<sup>th</sup> or 29<sup>th</sup> would work if the BOL wanted to sneak a meeting in before the end of August. He said it was the week before Labor Day and so there would be no meeting during a holiday week

- Lily Andersen said the 28<sup>th</sup> looked great to her. Mike Honeycutt said that the 28<sup>th</sup> was the first day of school, but that was okay. He said he did not see any key staff planning to take those days off
- Mike Honeycutt said that Brian Simonson would remind you that on August 28<sup>th</sup>, he had nothing to report because there weren't enough days to talk about budget stuff because we would still be in the first real month of the fiscal year
- The next BOL meeting was scheduled for Wednesday, August 28, 2024

**MEETING ADJOURNED**

**(4:23:40) 3:51 PM**

  
Gene Curry, Chairman