



Montana Board of Livestock Meeting Minutes

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

March 26, 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)
Lily Andersen (dairy & poultry)

William Kleinsasser (swine producer)
Nina Baucus (cattle producer)
Greg Wichman (sheep producer)

Staff Present

Brian Simonson, Deputy EO
Evan Waters, Centralized Services
Rick Corder, Centralized Services
Tom Shultz, Centralized Services
Dale Haylett, Centralized Services
Mike Spatz, Centralized Services
Lindsey Simon, Centralized Services

Donna Wilham, Adm. Assistant to EO
Dr. Tahnee Szymanski, MT State Vet
Dr. Greg Juda, Director, MVDL
Britta Sekora, AH Bureau
George Edwards, LLB
Jay Bodner, Brands Enforcement
Alicia Love, Meat, Milk & Egg Inspection

Public Present

Ellie Brighton, MSGA
Krista Lee Evans, MMPA

Luke Hofer
BLF

MEETING CALLED TO ORDER

(:06) 8:00 AM

Chairman Gene Curry called the meeting to order at 8:00 AM

CALL TO ORDER AND INTRODUCTIONS

(:07) 8:00 AM

Chairman Gene Curry said the first order of business was Introductions:

- Nina Baucus, Cattle Representative, north of Helena
 - Ms. Baucus reported that they had lost over 30 calves during their calving season, with those calves being born weak and dying fairly shortly after birth
 - Results from blood and liver tests, Ms. Baucus said, showed that the cows had a real shortage of vitamins and minerals, even though they had them on extra minerals. She said that with the couple of

- dry years they had, the nutrition in the grass wasn't what they thought it was
 - Calves were now getting major vitamin and mineral shots at birth in hopes of keeping them alive
 - Ms. Baucus said that she and her husband had just returned from attending the Helena hockey team's National game in St. Louis, and the team had won the game and brought home the Fraser Cup
- Lily Andersen, Dairy & Poultry Representative, south of Livingston
 - Ms. Andersen said that they were almost done calving and had only four cows left to go
 - Ms. Andersen reported that she had been out of town as well, attending the Annual Dairy Farmers of America meeting, which was held in Kansas City
- William Kleinsasser, Swine Representative, Augusta
 - Mr. Kleinsasser reported that hog prices had been keeping steady, the futures were good and that the cost of production had come down about 25%
 - They were done calving, Mr. Kleinsasser said, and were anxious to get into the field and start seeding. He added that the five inches of snow though, would probably prevent that from happening, but they were thankful for the moisture
- Jake Feddes, Cattle Representative, Manhattan
 - Mr. Feddes said that their bull sale was done about two weeks previous and that it went well and now he was getting ready to start delivering bulls
 - He said they were getting ready to start synchronizing cows in about a week and start breeding
 - The cattle market continued to be good, Mr. Feddes said, and should stay pretty good for the next couple of years. He said, everybody was optimistic
- Greg Wichman, Sheep Representative, Hilger, North of Lewistown
 - Mr. Wichman reported that they were probably a couple weeks out on both sheep and cattle, and so he said, "let 'er snow for a while"
 - Mr. Wichman said his son had been calving and that their calves were doing good and they even had a few sets of twins
 - They had plenty of hay compared to the last two years, Mr. Wichman said
- Alan Redfield, Cattle Representative, Paradise Valley
 - Mr. Redfield reported that they had received two feet of wet snow since the last meeting and that it had gotten almost dry enough to walk around without being in mud, until the snow they just received the Saturday before
 - Calving was about 2/3 of the way done. He added that their due date was March 15th, but they already had about half of the calves on the ground by then
- Gene Curry, Cattle Representative, Valier
 - Mr. Curry reported that he was officially done calving his heifers but that the ranch was far from done calving

- Mr. Curry said that their neighbor who ran just over 100 head of cows, had nine sets of twins born
- Four to five inches of snow had been received over the weekend and then they had below zero temps the day before in the morning, Mr. Curry said. He said he was getting anxious to get to farming
- The neighbor, Mr. Curry said, had a really good Hereford bull sale, adding that the bulls were exceptional this year
- Ellie Brighton, Montana Stockgrowers Association, who was present in the audience, introduced herself

BOARD ADMINISTRATIVE ITEMS

(9:34) 8:10 AM

(9:34) 8:10 AM – BOARD APPROVAL OF PAST MEETING MINUTES

Gene Curry requested approval of the minutes of the last BOL meeting

MOTION/VOTE

(9:39) 8:10 AM

Alan Redfield moved to approve the minutes, as presented, from the Montana Board of Livestock February 27, 2024 meeting. Lily Andersen seconded. The motion passed.

Gene Curry expressed that he did not feel that there was a need for such detailed minutes:

- Mr. Curry said he had spoken to the Lieutenant Governor regarding the minutes and that she said that if there was something on the agenda that received a lot of discussion but not any action it could be put in the minutes that the item was discussed. Mr. Curry said he had also spoken with some other people who didn't feel the minutes needed to be that detailed. He said that the issue would be discussed further at the next meeting
- Nina Baucus said that she was not sure how long the recorded minutes were kept, but that the hard copy was right here and that it was much easier to research the written minutes than watching through hours of video. Brian Simonson said that the first entry of recorded minutes on the website was May 17, 2014
- Alan Redfield said that in the 2013 Legislative Session, a bill had been passed that the BOL had to record their meeting minutes, as there were a lot of administrative issues happening in the DOL at that time

OLD BUSINESS

(16:15) 8:16 AM

(16:15) 8:16 AM – UPDATE ON GOVERNOR'S OGSM STRATEGIC MANAGEMENT AND EXECUTIVE OFFICER STRATEGIC GOALS

Gene Curry explained that Brian Simonson would be giving the OGSM Report from a handout rather than slides this time:

- Brian Simonson said that he would be giving the OGSM Report that day, as Mike Honeycutt would not be attending this BOL meeting because he had broken his ankle over the weekend and had been slated to go into the hospital that morning
- Mr. Simonson said that he was present in the room for the March 19, 2024 OGSM meeting that he and Mr. Honeycutt had attended
- Quarterly slaughter figures, Mr. Simonson said, were comparable to those in 2022, which he said, were good numbers
- The DOL reported 11 vacancies to the Governor during that OGSM meeting
- With the DOL currently in the per capita fee season, Mr. Simonson said, revenue was a big uptick from this time last month, and the budget showing that expenses were lower than revenue
- It was reported to the Governor that market cattle movements were very similar to last year, which, Mr. Simonson said had been holding true for a couple of months
- IT projects were progressing positively, a high that Mr. Simonson said was reported to the Governor
- The DOL, Mr. Simonson said, was given high praise as far as the number of rules that were going out for the second round of Red Tape Relief rules and statutes to be addressed
- One of the lows reported to the Governor was that four candidates had come through to fill the Assistant State Veterinarian position but it still was not able to be secured
- Another low reported to the Governor, Mr. Simonson said was the potential closure of the Five Valleys Livestock Market in the Missoula area
- It was also reported to the Governor, regarding an actual meat processing plan, that the Cooperative Interstate Shipment (CIS) program was still waiting for someone to come on board in Montana, Mr. Simonson said, as one establishment in Corvallis that had been on the line for that decided to go to USDA
- The DOL had been looking at getting some demos going for the new Animal Health software
- The \$500,000 incinerator purchase for the new Lab, Mr. Simonson said, was on a positive track, as the paperwork for that purchase had been processed
- Mr. Simonson said that goal focuses reported to the Governor were that the DOL continue to meet on AI, provide support for CIS and work with the milk industry to refine and develop strategies for review for the revenue shortfall
- Mr. Simonson said that the plans to finalize the new VDL groundbreaking celebration was on that day's agenda
- Other goal focuses reported to the Governor, Mr. Simonson said, was that livestock dealer audits would resume and meetings would be held with the Crow and FWP for Brucellosis surveillance
- Gene Curry said that he thought the Governor would still be expecting DOL goals be reported at the OGSM meetings, and so that was something the BOL would have to keep in mind

NEW BUSINESS/EXECUTIVE OFFICER UPDATES

(24:18) 8:24 AM

(24:18) 8:24 AM – HUMAN RESOURCES UPDATES

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

(24:28) 8:25 AM Staff Openings, Recruitment and General Updates

Mike Spatz reported that he would just be giving the standard Staff Openings and Recruitment information for the DOL:

- Mr. Spatz reported that currently, there were eight positions posted in the DOL with an additional IT position that didn't get put on that list
- The Assistant State Veterinarian position had been reposted
 - Mr. Spatz reported that four applicants had gone through this time
 - He reported that although recruiting for an Assistant State Veterinarian was still in the process, if there was a need for another plan to go forward that would not include hiring an Assistant State Veterinarian, questions about that would probably be best answered by Dr. Szymanski
 - Gene Curry said that Greg Wichman and Nina Baucus would probably not be part of any new interviews for Assistant State Veterinarian because doing that was beyond what the BOL's duties were and wanted to stay within their boundaries
- There were two new hires in the Brands and Animal Health areas since the last BOL meeting and one vacated position, Mr. Spatz said, along with notification of one future resignation in the CSD area, which was actually a retirement
- Mr. Spatz said the Assistant Market Supervisor interviews for the Billings Livestock Auction Market happened on March 18, 2024 and they were working on giving a recommendation to hire one of the applicants
- The Market Inspector applicants for Miles City had been screened, Mr. Spatz said, and interviews had been scheduled for April 3, 2024. Applicants for a Great Falls Market Inspector had been screened as well, with interviews scheduled for April 11, 2024
- Although applicants for the District 16 Investigator position had been screened, Mr. Spatz said that no interview date had yet been set
- Mr. Spatz said the DOL was welcoming Ty Hultman, who would start on April 1, 2024 in the District 25 Livestock Investigator position
- Three of the four Meat Inspector positions that had been approved by the 2023 Legislature had been hired by Alicia Love

(30:38) 8:31 AM EXECUTIVE OFFICER ANNUAL REVIEW (Closed Executive Session May Be Required)

Brian Simonson announced that with Mike Honeycutt not in attendance at the BOL meeting, the Executive Office Annual Review segment of the agenda would be removed

(31:45) 8:32 AM UPDATE ON ONGOING FEDERAL PROCESSES

Lindsey Simon, DOL Counsel introduced herself and announced that although she was not really familiar with a lot of the Federal issues as of yet, she would give a procedural update on those items

(32:21) 8:32 AM BLM Sage Grouse Planning

Lindsey Simon reported that the BLM did release their draft Environmental Impact State and Resource Management Plan on March 14, 2024 and that comments were due to the BLM on June 13, 2024. She added that it was likely other State Executive Branch agencies would spearhead the comments on behalf of the Executive Branch, but the DOL would work with them for issues relevant to Livestock

(32:47) 8:33 AM BLM Grazing Rules

Lindsey Simon reported that she didn't substantively, have a lot of updates on the BLM Grazing Rules and wasn't entirely sure where it was in the process, but did not believe that there had been any comments yet submitted from the Executive Branch agencies

(33:03) 8:33 AM EPA Effluent Standards for Meat Processors

Lindsey Simon reported that the EPA proposed their rule revision for this on January 23, 2024 and that comments were due by March 25, 2024:

- Dr. Tahnee Szymanski said that the DOL had not made comments on that rule revision

(34:03) 8:35 AM EPA Animal Waste Emission Standards

Lindsey Simon reported that she had met with the Governor's Office which she thought was handling a lot of this issue:

- Comments regarding the proposed standards were due on February 15, 2024 and Ms. Simon said that she was not entirely sure if anything had been submitted on those, but that the next step for this process would be proposed rule and when that happened, there might be another chance for comments

(35:33) 8:36 AM YNP Bison/ IBMP Operations

Lindsey Simon reported that a draft Environmental Impact Statement had been issued, with comments accepted through October 10, 2023 and that DOL was currently awaiting the final Environmental Impact Statement and Bison Management Plan, which, according to what had been posted Federally, was expected in the Summer of 2024:

- Alan Redfield said he had attended a meeting with the Upper Yellowstone Watershed Group and Cam Sholly of Yellowstone Park
- Mr. Redfield reported that at the meeting, Mr. Sholly's statement to them was that the bison numbers in the Bison Management Plan would be in the middle of what they were originally and the high number, and that was after-calving numbers
- Mr. Redfield said that he had shared a story at that meeting about a landowner in the Paradise Valley that had contacted IBMP members wanting to do a ranch tour at their ranch outside the tolerance zone and he had told a person from that ranch at the IBMP meeting that it wouldn't work and that was the stance the DOL was taking on them doing that

- Although no representative of that ranch was at the Watershed/YNP meeting, Mr. Redfield said when he shared that story, he said that he wanted the group to realize that if the DOL could not haze the bison and if they got further out, you're guaranteed the death of that bison, adding that if people did not want the DOL to have to kill those wandering bison, they needed cooperation
- Mr. Redfield reported that Cam Sholly said we can't let the bison get out of the Gardiner Basin and as long as he was involved, they would not be going past that. The Gardiner Basin and Allenspur were both natural barriers and if you let the bison out, the whole Valley would be full of bison and you wouldn't be able to keep them out, Mr. Redfield said
- Dr. Tahnee Szymanski reported that 50 bison had moved as far north as Beattie Gulch and that Yellowstone National Park had captured 29 bison who would be tested the next day. Any negative animals that qualified for quarantine would be moved into quarantine, positives would be shipped to slaughter and negative animals, not eligible for quarantine, would be released
- Before they were pushed back into the Park, Dr. Szymanski said that four bison were harvested, bringing the hunt count this year to 23. With most of the tribes done hunting this weekend, she said unless there was a continued movement of bison past the Stephen's Creek Facility, it wasn't expected that the bison harvest this year would be substantial

(41:43) 8:42 AM USFWS Bison ESA Analysis

Lindsey Simon reported that there was a proposal to add Yellowstone Bison to the Endangered Species list:

- Currently, Ms. Simon said, the proposal was in the species status assessment process with scientific data solicited and that comments were due March 2, 2024
- Based on what she could find, Ms. Simon said the next step in the process would be a published finding of that species status assessment and if there was going to be a proposed rulemaking to list the YNP Bison as endangered species that was expected no later than September of 2026

An Executive Session was called by the Chair to discuss litigation strategy

(42:55) 8:43 AM EXECUTIVE SESSION

(42:59) 9:02 AM RECONVENE

(42:59) 9:02 AM RECESS

(43:21) 9:11 AM RECONVENE

Gene Curry called the meeting back to order, announcing that there was no action required by the BOL

NEW BUSINESS/EXECUTIVE OFFICER UPDATES (Continued)

(43:23) 9:11 AM

(43:23) 9:11 AM – LEGISLATIVE INTERIM ACTIVITIES UPDATE

Brian Simonson updated the BOL on Legislative Interim Activities:

- Mr. Simonson said that the only thing that he was aware of that had occurred since the last time the BOL met was the quarterly meeting of the Interim Budget Committee (IBC) for Section C where Rob, the Legislative Fiscal Analyst gave a synopsis of where the DOL was with their budget and showed an update on the vacancies. Mr. Simonson added that the report has been a positive one
- At that IBC meeting, Mr. Honeycutt broke down the 11 vacancies, including the Assistant State Veterinarian and also talked about the Five Valleys Livestock Market situation. Mr. Simonson said that Mr. Honeycutt also gave the CWD testing numbers at the VDL and shared about the 90-day construction pause at the new combined lab complex and that the plan was to break ground sometime in May
- Mr. Simonson said that Mr. Honeycutt also discussed the anticipated cuts in Federal funding for the Meat & Poultry Inspection Division and the Federal umbrella in the Animal Health Bureau that would take effect next year
- Gene Curry said that he had visited with Mr. Honeycutt after the meeting and was told that things went really well

(47:07) 9:15 AM – RULES, LEGISLATION AND BUDGETING FOR 2025 SESSION

Brian Simonson updated the BOL on where the DOL was regarding Rules, Legislation and Budgeting for the upcoming 2025 Legislative Session:

- Mr. Simonson said that there were 27 rules proposed for Red Tape Relief that the BOL has already looked at and would have a couple more meetings before any necessary action would be taken. He said that any of those requiring Legislative action would need to be presented, in concept, by May 6, 2024 to OBPP
- Any new budget proposals, additions or present law adjustments were due to OBPP by June 6, 2024, Mr. Simonson said. Staff had been told to start preparing those and by the end of March have those ready to go so that the BOL could look at them at the next BOL meeting
- Mr. Simonson said there could be a HB10 budget item brought before the BOL that would be an option to have a Lab Information System upgrade that would tie in with Animal Health. The deadline date to have that request in to State IT was May 31, 2024

Nina Baucus requested that there be another short Executive Session

CENTRALIZED SERVICES DIVISION REPORTS

(51:53) 9:20 AM

(51:53) 9:20 AM – FISCAL BUREAU

Brian Simonson said he hoped to be able to run the screen and do his presentation at the same time

(52:18) 9:20 AM Request to Hire Accounts Payable Technician Position

Brian Simonson requested to hire an Accounts Payable Technician Position:

- Mr. Simonson explained that Glenna, who was the current Accounts Payable Technician, was retiring in May after nearly 20 years in State government and planned to leave in May
- Gene Curry expressed his thanks to Glenna for her nearly 20 years of service

MOTION/VOTE

(53:21) 9:21 AM

Alan Redfield moved to approve the hire of an Accounts Payable Technician in the Centralized Services Division, as presented by Brian Simonson. Jake Feddes seconded. The motion passed.

(54:15) 9:22 AM Per Capita Fee Collections Update

Brian Simonson updated the BOL on per capita fee reporting:

- Mr. Simonson said that January 1, 2024 was the start of per capita fee reporting and that reports were due at the end of February to report livestock, with per capita fee payments due by March 1, 2024
- As of March 11, 2024, Mr. Simonson said that there were 8757 report forms filed by the Department of Revenue, 81 less forms than in 2023. Revenue reported as of March 11, 2024 was \$3,467,488, which was \$16,467 more than this same period last year. The Department of Revenue estimated that by the end of the year, there would be about the same revenue as last year, which was around \$4.6 million
- Brian Simon said that the amount paid so far was more than last year but that number could be deceiving because the date to have payments in had changed from previous years and so it could be a lot more people had responded earlier. He added that more revenue had come in since the March 11th report and now that \$3.4 million revenue number had jumped to over \$4 million
- Nina Baucus said that she believed there were more horses in the state of Montana than the 26,000 head count reported and that Jay Bodner, along with the BOL needed to figure out how to deal with that
- Gene Curry said that there was a decrease in per capita revenue from the horses and also 3,000 fewer horses reported, which seemed suspect to him
- Alan Redfield said that the number of permanent brand inspections, because those were the people that did a lot of traveling with their horses would give a number. He said an outfitter in the Paradise Valley saddled 100 horses a day for rides but said that he reported all of those
- Lily Andersen said she felt that places that sold horse feed, larger places, such as Murdoch's, should hand out flyers explaining per capita
- Greg Wichman said that he knew there were more swine barns going up, but the head count went down and he wondered what that was attributed to

- William Kleinsasser said that 10 farms in the last 15 months had completely depopulated and started from scratch with their swine, and so maybe those numbers reflected that
- Brian Simonson said that all swine 3 months of age and older were to be reported and all cattle 9 months of age and older were to be reported for per capita. He said that the number of swine reporters was 149 last year and was 120 this year
- Nina Baucus requested that the BOL put on our goals that a usable way be found of identifying livestock owners and billing them for their per capita
 - Jake Feddes said until there was an electronic system to do all of the brand inspections, it would be difficult to do that because it would take too many man hours going through paper forms to identify livestock owners
 - Lily Andersen said to amend Nina's suggested goal to start with educating on paying per capita
- Jay Bodner said he would not want to confuse or overburden people during brand renewal time to give them an information sheet on per capita, but there was an opportunity maybe on new brand applications to supply that information sheet
- Mr. Bodner said that all current brand owners were in the system but not many emails available to send out an information sheet on per capita. He said that hard copy mail, was pretty good, but said that during rerecord the DOL got 20,000 pieces of mail returned. Currently, he said, the Brands system and the Department of Revenue per capita system did not talk to each other and so he didn't know if there would be a way to compile a list of brand owners who paid per capita and not send the information to them
- Nina Baucus said that the DOL did not make people pay per capita. Alan Redfield said that the DOL put a lien on them if they didn't pay
- Jay Bodner reported that they do get public information requests on who paid per capita, which typically were for specific areas or people, but that list could not be used as a distribution list
- Since going through the list of possible horse owners several years ago, some new per capita payers were acquired, but that list had gone down in number, Mr. Simonson said. He said that when that mailing was sent to possible horse owners regarding per capita, over half of what was mailed came back as undeliverable and others contacted the DOL asking what we were doing reporting them as a non-filer, because they said they did report. It was also found that some who received brand permits had used an address of a hotel as their mailing address. Some also used the name of their corporation rather than their name
- Jay Feddes suggested that one educational piece that could be used for per capita payments would be if on online rerecord payments would have a screen pop up that says you're required to pay per capita on every animal you own and that it would not allow a person to rerecord their brand unless they checked a box that said you understood and agreed to pay per capita
- William Kleinsasser suggested hiring a full-time person that would follow up with every producer checking if they paid per capita or not

- Greg Wichman said utilizing the technology side for checking on per capita would be a good goal, but it would take a while to get there
- Jay Bodner said that a lot of the horses at sales come in from out of state and then leave the state, so they may not meet the per capita requirements
- Brian Simonson reported that the Department of Revenue would be sending out estimate cards to non-payers around this week time frame and then a statement of account and after that, if payment was not received, the Department of Revenue would charge penalties for late filing and interest accrual after 30 days

(1:23:39) 9:52 AM February 29, 2024 State Special Revenue Report

Brian Simonson reported that not a lot had changed on this report from less than a month ago:

- Mr. Simonson reported that the New Brands and Transfers number of \$37,916 was large compared to last year's as another year of money had been recouped in the 10-year cycle
 - Mr. Simonson explained that the rerecord money that was collected was put into STIPs, a short-term investment and as it gained interest, that interest went right back into Brands
- Both the Market Inspection Fees and the Field Inspection Fees were pretty close to this time last year and it was a very similar story with sales or change of ownership compared to last year, at least so far, Mr. Simonson said
- The Per Capita Fee numbers were as of February 29th, and so they were a little behind the numbers that had just been discussed
- Mr. Simonson explained that interest rate on the DOL's short-term Investment Earnings was 4.4% last year and this year was 5.4%, and that was why increases were being seen there
- Milk Inspection and Egg Grading were coming in as normal, Mr. Simonson said
- There was another strong month for the Lab, Mr. Simonson said, and they were standing at nearly \$36,000 better than last year
- Although there was not much yet to report on Wolf Donation Funds, Mr. Simonson said that with the conservation licenses and fishing licenses being sold, the next reporting cycle should show more monies being collected

(1:28:35) 9:57 AM March 2024 Through June 2024 Budget Projections Report

Brian Simonson reported on the latest budget projections in the DOL:

- Mr. Simonson said that there was \$275,699 excess budget in Personal Services projected at the end of the year, which he said was looking very solid
- Although there was a big op tempo increase in Brands, a negative \$25,000 in Overtime, Mr. Simonson said that overall, Brands was still showing a positive projection for the year. He added that vacancies probably had a lot to do with that negative figure
- Mr. Simonson said they were projecting \$364,649 over the budget in Operations at the end of the year, with the big mover for the month in that category being Contracts, showing \$238,779

- Under Budgeted Funds in the General Fund Category, there was over a \$150,000 increase in just the last month because Mr. Simonson said they had gone back into the DSA and looked to see what the bills were and they showed there was less testing
- The DOL was looking pretty good, Mr. Simonson said, in Total Expenditures and total Budgeted Funds, growing over \$180,000 in the last 29 days
- Mr. Simonson explained that the projected revenue for Milk Inspection was \$290,190, with the authority for Milk Inspection showing \$397,000. That meant the DOL was bringing in around \$100,000 less than what the authority was
- Brian Simonson said that the budget number for Laboratory Fees was \$1,323,000, which was projected to bring in over \$1.5 million. He said that Brucella testing cost around 3x more than when this budget was last looked at and the DOL would probably have to go to the Legislature with a \$300,000 request, explaining to them that the general fund, per capita fee and Lab fees had lagged behind what the actual costs of tests, machinery and maintenance of those things were
- Mr. Simonson said that because the Milk Lab was not necessarily paying for itself with the amount of general fund earmarked for it, the requests to the Legislature may be more than one-quarter of the general fund being asked for in the Lab

(1:41:12) 10:09 AM February 29, 2024 Budget Comparison Report

Brian Simonson reported on the February 29, 2024 Budget Comparison Report:

- Mr. Simonson said that it might be alarming when you see that under Total Personal Services, it states that the DOL had spent \$439,000 more this year than last year. But, he said that there was a surplus in the budget and that the DOL was spending more due to a 4% to 8% pay increase for all staff and also because in Brands and in Meat Inspection, in 2023, there were a lot of vacancies, making this year's number look so large, and it was expected and nothing to be alarmed about
- Total Operations, Mr. Simonson said, was \$43,474 less than this time last year
- The \$319,000 Equipment number was due to the one-time-only MALDI purchase in the Lab and also \$80,000 in radios purchased in Brands
- Mr. Simonson explained that the LLB had processed \$115,000 worth of claims so far this year and had also received \$150,000 more in general fund from the Legislature last year
- There was \$30,000 less spent in the Federal Umbrella than at this time last year, Mr. Simonson said, but in the projections, the Umbrella was showing a negative \$4,000, meaning they've spent nearly everything in the Umbrella, which is where they should be at this time of year
- Mr. Simonson explained that in Milk Inspection Fees, it showed that we had spent \$7,000 less than last year, but, depending on expenses, that number could be double next month
- Mr. Simonson said that the \$1 million in NAHLN funding was for the incinerator and furnishing and equipment for the new Lab, and that it had not all been spent at this point

(1:55:15) 10:23 AM PREDATOR CONTROL

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

Gene Curry said that Dalin Tidwell would not be attending the day's BOL meeting and had sent a note to Mike Honeycutt that he would read:

- Mr. Tidwell said in his note to Mr. Honeycutt that he would not be attending the BOL meeting because he would be away on leave with his family over Spring Break Week
- Mr. Tidwell's note said that flight hours were just below normal pace, with a negative 129 hours compared to last year at this time of season. During that same period, Mr. Tidwell said that coyote take was also down by 2,260, which he said that last year's efforts appeared to have reduced many problems
- According to Mr. Tidwell's note, the new Blaine County Wildlife Special position would be announced on April 1, 2024 and would be on the ground before July
- Last-minute language Mr. Tidwell said, was included in a Congressional appropriation bill that was passed which prohibited the Secretary of Agriculture use of M44s and LPC (Livestock Protection Collar). The Secretary of Agriculture was prohibited from purchasing, deploying or training third parties on the use of M44 sodium cyanide ejector devices and M44s, including any components or parts or sodium fluorosilicate fluoroacetate compound 1080, except for activities directly related to the removal of M44s that have been placed on Federal, Tribal, State and private land. The agreement directs the DOL to update the Committee within 30 days of enactment of this Act on implementing this directive. Mr. Tidwell went on to say that Wildlife Services was complying with the provision and direction from the Department and Agency leadership, adding that Montana did not rely on M44s and did not use LPCs, but it was never good to have any less tools to do the work
- Mr. Tidwell said that they had been told to prepare for a 5% increase in salary but not have Pay Act money to pay for the difference, meaning they would be looking at a \$90,000 shortage that would be passed on to cooperators
- Brian Simonson said that the LLB, he thought, would have maybe \$150,000 to go to Wildlife Services unless his board had other missions for that money
- Mr. Simonson said that he would consider "cooperators" to be FWP and County petitions

(2:03:43) 10:32 AM LLB PREDATION CLAIMS REPORT AND GENERAL UPDATES

George Edwards reported on predation claims received in the Livestock Loss Board office:

- Mr. Edwards said that in his weekly visits with Dalin Tidwell, when it came to coyotes, he said the lack of snow and wind had kept some of their flying hours down, with the lack of snow hurting the most because of finding the coyotes and shooting them
- Mr. Edwards said that there was an extra \$150,000 of HB2 money that the LLB had been using to pay claims and that 40% of that excess could go to Wildlife Services if it was not spent at the end of the budget year

- The number of claims being received, Mr. Edwards said, had been really slow, with the LLB paying for 15 head so far this year. He said that mountain lions had been the real cause of losses right now
- Mr. Edwards pointed out that a lot of people with goats had not been paying per capita and he had been sending them a letter, forcing them to pay their per capita before he would pay their claims. He said that a lot of this activity had taken place in the Missoula area, from Kalispell, all the way down to Hamilton
 - The common response Mr. Edwards said he received when notifying them about owing per capita was that, why wasn't there any kind of a notification put out so that they knew about per capita, because they were missing notifications put in the newspaper and other publications. He said a lot of people buy their goat feed at places like Murdoch's and he thought that a flyer there would be a terrific way to let them know about per capita
- Mr. Edwards said that he would be sending out the new grant for later this week and those would be due on May 31, 2024. A grant meeting would be held at the end of June to issue out the grants
- There was a \$300,000 statutory appropriation, Mr. Edwards explained, that the LLB was allowed to carry over from year to year. He said that his board was looking at putting an administrative rule in place to put a six-month time limit for submitting claims, because some claims had been paid out of the wrong budget year and that had caused them to lose money in that carryover used to do payments

Gene Curry requested an Executive Session take place now, as that would help keep the meeting running closer to schedule

(2:13:37) 10:41 AM EXECUTIVE SESSION

(2:13:39) 11:32 AM RECONVENE

Gene Curry called the meeting back to order, announcing that there was no action to be taken as a result of the Executive Session. He then requested an adjournment for lunch

(2:13:39) 11:33 AM LUNCH

(2:13:46) 12:14 PM RECONVENE

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS

(2:13:50) 12:14 PM

Gene Curry announced that Alicia Love would be taking over the next segment of the meeting

(2:13:57) 12:14 PM – MEAT, MILK & EGG INSPECTION BUREAU

Alicia Love, Meat, Milk & Egg Inspection Bureau Chief, introduced herself

(2:14:18) 12:15 PM General Updates

(2:14:18) 12:15 PM Updates on Potential New Plants

Alicia Love updated the BOL on potential new plants requesting State inspection in Montana:

- Ms. Love said there were two plants since the last BOL meeting who had a final walkthrough the previous week and neither received their Grant of Inspection, but that she expected that one of them would probably have it this month and the other had a little more time to go
- Ms. Love also reported that two more applications had been received since the last BOL meeting for Grants of Inspection

(2:15:12) 12:16 PM Progress Toward CIS Plants

Alicia Love updated the BOL on CIS Plant progress in the state:

- Ms. Love reported that the facility that had been visited by USDA the previous month was planning to pause the CIS process for now and not do some needed construction until things began to pick up in the Spring and Summer
- Ms. Love was anticipating another application for a CIS plant from one of the new facilities that she had visited

(2:15:49) 12:16 PM Requests to Hire – Meat Inspector for Eureka Area/Meat Inspector for Malta Area

Alicia Love requested that the BOL approve the hire of two Meat Inspector positions in different areas of the state:

- Ms. Love explained that the Malta position was moving one position from a plant that was going to Federal inspection and that the Eureka position was the fourth and final new position that had been granted from the last Legislative Session
- It was very obvious, at this point, Ms. Love said, the need for more Inspectors to be requested during next Legislative Session

MOTION/VOTE

(2:16:19) 12:17 PM

Nina Baucus moved to approve the hire of Meat Inspectors for the Eureka area and for the Malta area, as presented by Alicia Love. William Kleinsasser seconded. The motion passed.

Alicia Love reported that she had been in communication with one of the members of the Co-op located in Kalispell and that the Grant of Inspection of the previous plant was not transferrable, but would be treated as a new facility for the new owners:

- Ms. Love said the plant was one of the oldest in the state and that she had communication with the Area Supervisor and the EIAO to work on HAACP plans to make sure things like sewer records were on the up and up and that everything was followed through. She also requested that the EIAO do a

walkthrough of that plant in a couple weeks to make sure if there were any questions about anything those could get addressed

- Ms. Love said that it was her understanding that the plant was still being inspected with its current owner. Half of that plant was Federally inspected and half was State inspected, the jerky portion of the plant under Federal inspection and the slaughter and processing component was under State inspection

(2:21:54) 12:23 PM Travel Request for Alicia Love – ASMID Meeting

Alicia Love said that the out-of-state travel request was for herself but that she was requesting to send two of her Supervisors to the June conference:

- Ms. Love explained that the ASMID Conference was for Program Managers where they learn about challenges that other states were facing, discuss new technologies, new food trends, and she was particularly hoping her two Supervisors would be able to attend a segment on managing Tribal jurisdiction, where plants on Federal land wanted to sell meat to non-Tribal residents
- An entire seminar on mobile poultry slaughter was also one of the conference topics, Ms. Love said
- The reason that Ms. Love gave for not attending this year's conference was that she had commitments that same week with her USDA Egg Auditor

MOTION/VOTE

(2:24:07) 12:25 PM

Jake Feddes moved to approve out-of-state travel for two Meat Inspection Supervisors to attend the ASMID Meeting, May 21-22, 2024 in Omaha, Nebraska, as presented by Alicia Love. Lily Andersen seconded. The motion passed.

(2:26:05) 12:27 PM Licensing for Custom Exempt Field Slaughter

Alicia Love reported to the BOL that there had been some discrepancy discovered between regulations for custom exempt processors and what her program had been allowing:

- Ms. Love explained that she became aware of the issue a few weeks earlier when she had been asked whether people who were slaughtering animals and transporting them to a custom exempt facility required a license
- MCA 81-9-217 and 81-9-201 made it very clear, Ms. Love said, that it was unlawful for a person, firm, court or corporation to engage in the business of slaughtering livestock or poultry, including the operation of a mobile slaughter facility as defined in 81-9-217 for processing, storing or wholesaling livestock or poultry products without having a license issued by the Department. She said that in communication from one of her Area Supervisors, that was not what they had been enforcing
- Ms. Love said that there were farm-kill units in the state whose entire business model was to go out, kill one animal, take it to a custom exempt facility then go to another property and do the same thing, all without being regulated by the DOL in any fashion, a clear violation of State and Federal law
- In meeting with the State Veterinarian, the area Supervisors, DOL Counsel and herself, Ms. Love said a compromise solution was discussed that would be

realistic for field slaughter agents and yet protect public health. She said although the details of that solution could be worked out later, she said there would need to be some discussion needed with farm-kill operations to verify that sanitation on those on-farm kills was maintained, along with the assurance that the Humane Methods of Slaughter Act were being followed

- Custom exempt facilities, Ms. Love said, required a bathroom, cold-holding and a hand-wash sink and having those farm-kill units somehow be associated with a custom plant was a way she could stay with both State and Federal law and not put the business under
- Ms. Love felt that if the farm-kill units had some kind of written agreement or form from the DOL they could sign so that they could be linked to a plant, it would hopefully, be less impact on the industry. She also said that her intention going forward was that the first visit to a custom plant would be unannounced and the second visit would be to call and make an appointment to see their slaughter to assure it met the Humane Methods of Slaughter Act
- When asked about State-inspected slaughter trailers, Ms. Love explained that food trucks, for example, did not need a sewer permit in every county but would have a specific dump site where they had a written agreement for where the water went
- Ms. Love said that in dealing with this issue, she wanted to be fair, wanted to be sure State law was followed and that if in the next audit field slaughters became a bigger issue, she wanted to be prepared for that. She added that public concern was a bigger concern to her as well as the Bureau had occasionally received complaints regarding the safety of meat from farm-killed animals
- Changing custom exempts to be less regulated, Ms. Love said, was not a good road ahead, but she was hoping with the proposed plan regarding this issue to be at least equal to USDA regulation and she thought that USDA recognized that they were making good faith efforts to get better in her Bureau

(2:54:47) 12:56 PM Milk Inspection Conversation (Non-Agenda Item)

Gene Curry requested that a non-agenda item be addressed at this time regarding milk inspection:

- Krista Lee Evans said that the Montana Milk Producers Association had submitted a request to the DOL the previous fall for some basic numbers after receiving word that inspection fees were going to have to be looked at and asking for a producer-driven or industry-driven solution. Ms. Evans said that she had received those numbers from Lily Andersen last month
- After meeting with her folks earlier in the month, Ms. Evans said that a list of issues and questions was put together. She also followed up with Darigold producers and was in the process of identifying contact information for some private entities such as Lifeline, Hedstrom Dairy and Kalispell Creamery to make sure they were included in the conversation
- Ms. Evans said the last time Montana milk producers dealt with an assessment increase was in 2016 and so the Montana Milk Producers Association had been involved in the conversation before and would be happy to be a part of it again,

but that trying to circle up everyone was not always so easy because they were across so many different processors

- She requested even more information so that conversations about an industry-driven recommendation would continue and also requested that a meeting be set up with the DOL and BOL
- Ms. Evans said that there was some concern from the dairies' perspective on the risk associated with taking general fund to solve the issue and that folks she had interacted with were very interested in funding this through their assessments
 - Brian Simonson said that if the issue would not be a Legislative issue and if it were funded through the industry as it was currently being funded, that setting up the meeting in April would be the month to schedule that. Ms. Evans said that her group met quarterly and wanted to meet in June, but she would reach out to them and let them know it needed to be held earlier
 - Alicia Love requested that because the Sanitarians and herself would be in Colorado at the end of April, to not choose that date for the meeting

(3:06:03) 1:07 PM - VETERINARY DIAGNOSTIC LABORATORY

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

(3:06:30) 1:07 PM Out-of-State Travel Request – NVSL/AAVLD Molecular Diagnostic Testing

Dr. Greg Juda requested that the BOL approve out-of-state travel for Aracely Ospina Lopez and Sarah Horak to attend a joint meeting between NVSL and AAVLD revolving around Molecular Diagnostic testing:

- Dr. Juda explained that NVSL was the National Veterinary Lab in Iowa and AAVLD was the VDL's regulating body. Funding for their travel would be reimbursed by both NVSL and the AAVLD, with a few ancillary costs that would not be covered
- The meeting, Dr. Juda said, was schedule to be held at Cornell University on June 11-12, 2024 and was geared toward Laboratory technicians who were doing this type of testing

MOTION/VOTE

(3:08:20) 1:09 PM

William Kleinsasser moved to approve out-of-state travel for Aracely Ospina Lopez and Sarah Horak to attend NVSL/AAVLD Molecular Diagnostic Testing on June 11-12, 2024 at the Animal Diagnostic Center at Cornell University in Ithaca, New York. Greg Wichman seconded. The motion passed.

(3:08:51) 1:09 PM Operational Update

Dr. Greg Juda reported that he had just a couple Operational Updates to give

(3:08:59) 1:09 PM Internal Audits/Management Review/Status of Upcoming AAVLD Application Submission

Dr. Greg Juda reported that the VDL had been very focused on retaining its AAVLD accredited agent which required submitting an application and involved preparation, including conduction of internal audits and management review:

- Dr. Juda said that Tess Moore, the QA Manager had completed eight internal audits to regulatory compliance that pretty much covered all the individual Lab sections as well as receiving. Those audits would be included as part of the AAVLD accreditation application that was due on April 1, 2024
- Management reviews were conducted on March 5-6, 2024, Dr. Juda said, taking a total of 15 hours of meeting time, involving himself, Dr. Smith and Dr. Schwarz (Section Heads) and Tess Moore, where there was a recap and summary of the action items. The output from that Review was also provided as part of the accreditation package
- Other items needed for the AAVLD application submission included the VDL's Quality Manual and all quality system documents to the audit group, which included hundreds of documents, internal audit reports, corrective action logs, examples of corrective action reports over the last year, funding summary, tests and services provided with a Director's Assessment for the group, talking about what the VDL had been able to achieve over the last five years
- Dr. Juda said that he thought every Lab section had at least one potential non-conformance noted with a pretty broad spectrum of what was found. He added that the goal of an internal audit was to improve and that he didn't feel any of the findings were deal breakers
- The onsite audit committee was scheduled to be at the VDL from June 2-5, 2024, Dr. Juda said. There was an audit team of three coming, one with NVSL, one with the North Dakota Lab, Dr. Juda wasn't sure of the third member's specialty, but he said a fourth member, who was part of the Wyoming Lab, would be coming as well

(3:15:43) 1:16 PM Building Construction Update

Dr. Greg Juda gave an update with some new Lab construction highlights:

- Dr. Juda reported that the construction people had been moving dirt again this week, doing some utility work in recent weeks, along with building a water retention pond. He said that in speaking with folks at Swank recently, he was told that they anticipated getting back into full-fledged operations the following week
- There had been a significant amount of behind-the-scenes work being done, Dr. Juda said, related to the incinerator purchase and he thought the down payment had been paid by now. Work was now being done as far as how the incinerator was to be built and engineered and they were going through the process of specifying that to the contractor
- Dr. Juda said that he had been in discussion with Brian Simonson, Evan Waters and Dr. Tahnee Szymanski about how to get authority to pay for the large chunk of case work that had been pulled out of the construction budget
 - Max Grebe, Dr. Juda shared had told him that the Department of Agriculture had informed him that they had funds available to find a

mechanism to get the authority for that purchase. If an EPP request was used, the money would not become available until July 1, 2025 and Dr. Juda wondered how that would jive with the construction timeline. The construction company wanted all three parties of the new Lab complex to get casework from the same vendor to simplify the process and make the purchase all at once

- Lead time on a massive building's worth of cabinetry was going to be significant, Dr. Juda said, and so he thought the sooner the better in cutting a check for that part of the construction. He said that there was a possibility that the NAHLN financial plan could be modified to pay for the down payment
- Brian Simonson said that the funds were there, but authority was the big question mark. He explained that A&E had a lot of excess authority that they used when issues like this arose and that the construction project was not our authority, but it was A&E's authority and so we might just be looking for a pus-up on what they had available

Gene Curry reported that in conversation with Mike Honeycutt, the first half of May was groundbreaking and he requested a date be discussed so that the architectural firm could facilitate what would happen

- Alan Redfield said, "the sooner, the better," as people would be getting into the field. He said that one of the Legislators who had been instrumental in helping get the new Lab project through had just recently passed away
- William Kleinsasser said that they had some holidays during that time, adding that Thursdays were not good days for him
- Jake Feddes said to be sure to schedule the groundbreaking as far away from MSU graduation as possible because the hotel rooms would be \$500/night around that time. He requested that the time of the groundbreaking be set for the middle of the day, otherwise he might be busy. Gene Curry added that scheduling it a little later in the day would mean that people could travel down there to attend the event and not have to think about motel rooms in Bozeman
- Greg Wichman said he would be calving during that time, but that lambing would be done and to go ahead and set the date because "if it works, it works, and if it doesn't it doesn't"
- Gene Curry said that May 2, 2024 at 1:00 pm was the first choice for the event and May 8, 2024 at 1:00 pm was the second choice for the event
- Brian Simonson said that MSU graduation was scheduled for May 10, 2024

Dr. Greg Juda briefly discussed the Fellows at the VDL:

- Dr. Juda announced that there was another Fellow that had agreed to join the VDL, an MSU student, who he thought was pre-Vet and was scheduled to begin on August 1, 2024 for a 12-month Fellowship

(3:37:34) 1:38 PM RECESS

(3:37:35) 1:50 PM RECONVENE

Gene Curry called the meeting back to order

ANIMAL HEALTH & FOOD SAFETY DIVISION REPORTS (Continued)

(3:37:45) 1:50 PM

(3:37:45) 1:50 PM – ANIMAL HEALTH BUREAU

Dr. Tahnee Szymanski, Animal Health and Food Safety Division, introduced herself, apologizing for her remote attendance as she was on vacation

(3:38:40) 1:51 PM Red Tape Relief – Administrative Rule Changes

Dr. Tahnee Szymanski reported that she had made all of the suggested changes to the proposed rules that were presented at the last BOL meeting:

- Gene Curry requested that, because everything that Dr. Szymanski would be presenting that day had already been discussed in the past, that she just go through those suggested revisions made by the BOL

(3:39:15) 1:52 PM ARM 32.3.1202-*Rabies Quarantine*

Dr. Tahnee Szymanski reported that this rule regarding rabies and trying to modify the 60-day quarantine zone would have no changes made to it at this time

(3:39:27) 1:52 PM ARM 32.3.611-*Duties of Veterinarians and Meat Inspectors Upon Finding Tuberculosis Lesions in Animals*

Dr. Tahnee Szymanski reported that this rule had been removed and that there would be no proposed changes stated at this time

(3:40:19) 1:53 PM ARM 32.3.104-*Subject Disease or Conditions*

Dr. Tahnee Szymanski reported that this rule was listed as presented at the last BOL meeting, adding the authority to quarantine a few conditions that the DOL did not currently have quarantine authority for

(3:40:35) 1:53 PM ARM 32.3.108-*Quarantine or Release of Quarantine/Indemnity for Animals Destroyed Due to Disease*

Dr. Tahnee Szymanski reported that per BOL request, she had added changes to this rule:

- Dr. Szymanski said that she had corrected her numbers in the rule
- Also added to the #5 section regarding USDA 840 Series Radio Frequency ID Tags or microchips, was language allowing other species that microchips could be used in
- Dr. Szymanski said that a lot of the conditions seen in this rule had been pulled out of some of the disease-specific language and brought forward into the general quarantine section
- It was pointed out by Dr. Szymanski that she did not include a new section of language in the indemnity section and so she suggested holding that until the next meeting to ensure that the BOL was okay with the new language. Gene Curry agreed that be held until the next meeting to get clarification on it

(3:41:44) 1:54 PM ARM 32.3.131-Vehicles used in Transporting Diseases Livestock to be Cleaned and Disinfected

Dr. Tahnee Szymanski reported that per BOL suggestion, she added language that specified those which had held an animal known to be infected with an infectious contagious disease, which she said would clarify those that had to be cleaned

(3:42:24) 1:55 PM ARM 32.3.132-Cleaned and Disinfected Vehicles to be Placarded

Dr. Tahnee Szymanski reported that this rule was a repeal

(3:42:28) 1:55 PM ARM 32.3.140-Duties of Deputy State Veterinarian

Dr. Tahnee Szymanski reported that there were no changes made to this section of rule

- Jake Feddes pointed out that this rule applied to Deputy State Veterinarians not the Assistant State Veterinarian

(3:42:37) 1:55 PM ARM 32.3.201-Definitions

Dr. Tahnee Szymanski reported that there were no changes to what was presented to the BOL at the last meeting

(3:42:47) 1:55 PM ARM 32.3.207-Permits

Dr. Tahnee Szymanski reported that there were no changes to what was presented to the BOL at the last meeting

(3:42:57) 1:56 PM ARM 32.3.216-Horses, Mules and Donkeys

Dr. Tahnee Szymanski reported that there were no changes made to this section of rule

(3:43:08) 1:56 PM ARM 32.3.402-Extension of Time Limits

Dr. Tahnee Szymanski reported that this rule was a repeal

(3:43:16) 1:56 PM ARM 32.3.403-Use of Brucella Abortus Vaccine

Dr. Tahnee Szymanski reported that there were no changes made to this section of rule from last month

(3:43:20) 1:56 PM ARM 32.3.407-Department-Ordered Brucellosis Testing of Animals

Dr. Tahnee Szymanski reported that this rule was a repeal

(3:43:25) 1:56 PM ARM 32.3.411-Procedure Upon Detection of Brucellosis

Dr. Tahnee Szymanski reported that BOL feedback on this rule was to specify that it would be cattle these regulations were applied to, but in reading the administrative rule in context, she found that Brucellosis regulation were specific to cattle and so there was no reason to add that language to this section of rule

The following rules had been discussed during the February 2024 BOL meeting and changes to those were also included in the motion:

ARM 32.3.412-Memorandum of Understanding

ARM 32.3.416-Identification of Tested, Reactor and Other Animals

ARM 32.3.418-Indemnity Paid for Reactors

ARM 32.3.440-Certified Brucellosis-Free Bovine Herds

ARM 32.3.301-Definitions

- **ARM 32.3.302-Reporting of Pseudorabies**
- **ARM 32.3.303-Quarantine of Swine Herds – Use of Quarantine**
- **ARM 32.3.304-Quarantine of Exposed Herds and Animals**
- **ARM 32.3.305-Release of Quarantine**
- **ARM 32.3.307-Department Ordered Pseudorabies Testing**
- **ARM 32.3.308-Change of Premises Testing**
- **ARM 32.3.309-Test Expenses and Duties**
- **ARM 32.3.310-Disposal of Dead Animals**
- **ARM 32.3.311-Procedure Upon Detection of Pseudorabies**
- **ARM 32.3.312-Memorandum of Understanding**
- **ARM 32.3.313-Extension of Time Limits**
- **ARM 32.3.314-Movement of Swine Through Licensed Livestock Markets and Other Concentration Points**
- **ARM 32.3.315-Herd Status Establishment**

ARM 32.3.606-Identifying Infected Animals

ARM 32.3.608-Reporting Death of Animals from a Tuberculosis Quarantined Herd

ARM 32.3.1305-Disclosure of Information

ARM 32.3.1505-Blood Testing With Salmonella Antigens

ARM 32.3.1507-Exhibitions of Poultry

ARM 32.3.2006-Intrastate Movement of Cattle: Identification

ARM 32.3.2301-Control of Biologics

ARM 32.3.2303-Diagnostic Tests

MOTION/VOTE

(3:50:26) 2:03 PM

Alan Redfield moved to approve proposed administrative rule changes, as presented by Dr. Tahnee Szymanski to: ARM 32.3.104, ARM 32.3.131, ARM 32.3.132, ARM 32.3.140, ARM 32.3.201, ARM 32.3.207, ARM 32.3.207, ARM 32.3.216, ARM 32.3.402, ARM 32.3.403, ARM 32.3.407, ARM 32.3.411, ARM 32.3.412, ARM 32.3.416, ARM 32.3.418, ARM 32.3.440, ARM 32.3.301, ARM 32.3.302, ARM 32.3.303, ARM 32.3.304, ARM 32.3.305, ARM 32.3.307, ARM 32.3.308, ARM 32.3.309, ARM 32.3.310, ARM 32.3.311, ARM 32.3.312, ARM 32.3.313, ARM 32.3.314, ARM 32.3.315, ARM 32.3.606, ARM 32.3.608, ARM 32.3.1305, ARM 32.3.1505, ARM 32.3.1507, ARM 32.3.2006, ARM 32.3.2301 and ARM 32.3.2303. A proposed new section in ARM 32.3.108, “Indemnity for Animals Destroyed Due to Disease,” was not voted on at this time. William Kleinsasser seconded. The motion passed.

(3:50:53) 2:04 PM Non-Agenda Item (HPAI Detection in Texas Dairy Cattle Discussion)

Dr. Tahnee Szymanski reported on a High Path Avian Influenza Detection in Dairy Cattle:

- Dr. Szymanski said that about a week and a half ago there was a report of some kind of illness being seen in dairies in the Texas Panhandle. Animals had decreased food consumption, a substantial drop in milk production, and in some cases a very abnormal appearance in the milk, which was thick and yellowish, almost like colostrum. Some animals had tacky or very loose feces, a low grade fever and some would go on to develop respiratory disease
- The primary animals affected, Dr. Szymanski said, were second lactation and older animals that were more than 100 days in milk
- Over the weekend, Dr. Szymanski said that samples from the sick animals were tested for High Path Avian Influenza and it was found that two Kansas dairies and one Texas dairy had positive milk samples for HPAI. One other Texas dairy had a positive-like nasal swab for HPAI
- The presence of dead birds on site at some of these dairies is what Dr. Szymanski felt prompted the decision to test the cattle for HPAI. The isolates obtained from the animals did not show that the disease had spread from mammal to mammal and so it was believed the likely transmission was from bird to cow and that HPAI wasn't the only thing causing illness in these animals
- Some individuals working at the dairies, Dr. Szymanski said, were showing respiratory symptoms and tests were pending on them
- Dr. Szymanski said that our milk supply continued to be safe as all of the milk leaving those dairies came from healthy animals and it was pasteurized before going into commerce. USDA was going to keep in touch with Animal Health Officials to keep them updated on the situation
- Dr. Szymanski said in an update call she had with USDA the day before, discussion was on path of exposure and path of introduction and whether it was fecal/oral with wild bird feces in the water source or feces in the food source or possibly feces in the pens where the animals were housed
- Although this particular strain of HPAI had not demonstrated substantial zoonotic capabilities, Dr. Szymanski said there were two reported cases since the onset of the outbreak, one of an individual in Colorado that had been involved with depopulation and cleanup and another in Europe early on in the outbreak. She questioned whether the strain had modified or possibly the individuals had consumed raw milk on farm
- Dr. Szymanski said that she did not know if the DOL had an easily accessible list of how to communicate to raw milk dairies in Montana the situation, but that the DOL had been consistently advocating against the consumption of raw milk
- Although there had been some HPAI detections in commercial poultry facilities in Montana, Dr. Szymanski said that those facilities were so overwhelmingly self-sufficient that it hadn't take a lot of Federal resources to respond to those outbreaks, adding that if we should get into a situation where there was a large amount of inputs needed from the State side to respond to HPAI, the USDA had supplemental funding that the DOL could apply for

- Jake Feddes expressed concern that if HPAI could get into dairy cattle, it could get into beef cattle which weren't monitored like dairy cattle were
 - Dr. Szymanski said there was so much information that wasn't yet known, but that in her call with USDA the day before, they were trying to do some level of surveillance of beef cows in the surrounding area of the dairies, but so far, there had not been any report of illness, calf mortality or calf loss that would suggest it was in beef cattle
- Although Texas did not feel like they had authority to quarantine those animals, Dr. Szymanski said she thought that even though HPAI wasn't a specific disease listed in the reportable conditions, she believed we had authority to quarantine those animals, but she would look for input from DOL Counsel
- Jake Feddes said that he had spoken with several people in discussions that they thought this could have been something brought across the border from a country that didn't necessarily like us and wanted to infect our food supply system. He said, if you consider that, you've got ASF and FMD as well that were undetectable by our Border Agents, and that was just another reason he had been harping on biosecurity for three years and the need to continue pushing for it

BRANDS ENFORCEMENT DIVISION

(4:14:17) 2:27 PM

Jay Bodner, Brands Enforcement Division Administrator, introduced himself for the record. He said he had just returned from District Investigator Levi Stovall's POST graduation at the Montana Law Enforcement Academy and congratulated him. He said the next candidate to attend POST was scheduled to start April 1, 2024 and would attend the Law Enforcement Academy for three months:

- Mr. Bodner said that the most recent hire was currently POST-certified. Cost of POST certification, Mr. Bodner said, was about \$6,000-\$7,000

(4:17:08) 2:30 PM LEGISLATIVE AND ARM REVISION PROPOSALS

Jay Bodner reported that he had done some additional work on the Legislative and Administrative Rules proposed revisions that he had brought before the BOL at the last meeting

(4:17:36) 2:30 PM MCA 81-3-211-*Inspection of Livestock Before Change of Ownership or Removal from County Transportation Permits – Proposed Revision*

Jay Bodner reported that proposed changes to this statute would allow for digital copies for inspection for travel or transportation purposes only with no change of ownership through digital copies:

- Mr. Bodner said that he did add specific language referring to what was done and that he had run this by Brands staff who requested there would be a legible copy of that inspection or a lifetime because it was front and back, but, he wasn't certain if that could be written into statute or if it would be better to use an administrative rule attached to the statute for that

- Mr. Bodner said that he had looked at FWP's statute and that theirs was more vague, saying you had to present a copy of your license. The DOL statute said you needed the original

(4:20:12) 2:33 PM MCA 81-3-215-Inspection of Dead Animals in Feedlots: Proposed Repeal/MCA 81-3-232 – Penalty for Non-Inspection of Dead Animal in Feedlot – Proposed Repeal

Jay Bodner reported that these statutes, dealt specifically with inspection of dead animals in feedlots and were not current industry practice and he recommended that both statutes should be repealed:

- Gene Curry said that these statutes were almost like adding insult to injury that cost you money and then you gotta pay more for the inspection
- Mr. Bodner said that not only these statutes, but the entire slate of what was being brought up should receive industry input as well

(4:22:06) 2:35 PM MCA 81-9-112-Inspection and Marking of Hides and Meat of Slaughtered Cattle or Horses – Records – Bill of Sale – When Inspection Not Necessary – Proposed Amendment

Jay Bodner reported that he had originally been looking at repealing ARM 32.18.404 and ARM 32.18.403, but found that they were both attached to MCA 81-9-112:

- Mr. Bodner said that when MCA 81-9-112 was brought before the BOL at the last meeting, a broad discussion took place regarding hide inspections at slaughter plants and so he met with Jake Feddes, the Brands Assistant Administrator and a Brands staff District Investigator after that meeting regarding the issue
- Mr. Bodner said that currently, our State Inspectors work with their Local Inspectors to try to make sure that the slaughter plants, or the locals or themselves were there to inspect hides, but that with the number or staff turnover, he said he wasn't sure of this
- Discussion in the meeting with Mr. Feddes was whether or not the law needed to be kept in place and how to make sure that there was better compliance with the slaughter plants and their requirements that the DOL was asking them to do
- At the end of the day, Mr. Bodner said that it was probably better to go out with a more thorough, educational, informational type letter to all plants in the State informing them that this was the current statute for hide inspections and this was what was expected for them to comply with and also include an information sheet they could hand out to their customers
- Jake Feddes explained that the law originated in the '30s when there was a hide market and that plants kept them and sold them. He said it was discussed to possibly have Inspectors at the plant to inspect those animals while they got dropped off during a four-hour period in the morning. The statute does say that the hide inspection could be waived if it had a pre-slaughter inspection by a State or Deputy State Stock Inspector
- Jay Bodner said that a pre-slaughter inspection would be much easier to accomplish for a producer and the processor, he thought. Jake Feddes said, the statute stated specifically that the inspection had to be done by a Deputy State Stock Inspector, and so the green slip would have to travel with the carcass

- Education before enforcement would be the best way to go, Mr. Feddes said, and education of the plant customers meant letting them know that the animal could not be slaughtered at a meat plant unless it came in with a copy of the blue brand inspection, not a bill of sale
- Mr. Feddes said that in the four years he had his plant that he had never heard from a Brand Inspector and that nobody said anything to him about this statute, but he said different parts of the state were handling it differently because with the turnover, there were Inspectors and Deputy Inspectors that didn't even know this statute existed
- Jay Bodner said that the reason this statute was even brought forward was because of the proposed appeal of the two ARM rules (ARM 32.18.404 and ARM 32.18.403) attached to it that talked about the quarters being stamped with a Brand inspection stamp that was not even used by anyone. Jake Feddes said that the Brands Department was not inspecting meat and was not stamping quarters
- Gene Curry said that there would be no action taken at this time and that proposed changes to the statutes that Jay brought forward that day would be taken to the industry for input. Jay Bodner reported that with discussions on the statutes the past two BOL meetings, the industry had been watching those and that he had also utilized some of our Brand Advisory Committee members, who included a number of the Ag industries and he was able to utilize their help to provide some of the language

(4:37:36) 2:50 PM BRANDS ENFORCEMENT UPDATE

(4:37:36) 2:50 PM Market and Dealer License Renewal

Jay Bodner updated the BOL on where the DOL was at on the Market and Dealer License Renewals:

- Mr. Bodner reported that letters had been sent out on March 18, 2024 and that licenses were due by May 1, 2024. He said he appreciated that so many people had sent those in already
- Although there was still an option for online renewal, Mr. Bodner said they had hoped to make some improvements to that online version currently on there, but basically, did not have time to make those changes this time around
- Mr. Bodner shared that his vision for online renewal of dealer licenses would be that they could just put in their dealer license and all their information would come up and it would be either a verification of that information or they could make any changes to it. The current online system was through State IT and because of security, there were a lot of requirements to go through and it would take longer than you ever thought it would

(4:40:35) 2:53 PM Google AI

Jay Bodner reminded that the Google AI project would utilize Google to scan paper inspections in, pick up a certain percentage of that information, we verify it, adding the remainder of the information and it all goes into ServiceNow:

- Mr. Bodner said that the Google AI project had been on hold while Google was doing some real platforming on their whole process, and so they had only met once with them since the last BOL meeting
- Mr. Bodner assured the BOL though, that Brands staff was working very diligently in preparation for when the platform went live
- There were a few defects in the ServiceNow program, that was continuing to be worked on, Mr. Bodner said, about 20 issues on the To-Do list of projects to get done with ServiceNow working with the contractor, but that none of them were major issues. He said he didn't feel that list would ever get down to zero as they would always continue to look at ways to modify and improve it

(4:44:11) 2:57 PM Board Discussion on BLM EIS

Alan Redfield announced that the BLM would be holding a meeting in Billings on April 11, 2024 on the State Drought Plan that they had come out with which included some alternative they had been considering. He said there was a virtual meeting scheduled for April 9, 2024, and also other meetings scheduled in Reno, Colorado, Cheyenne, Rock Springs and in New Orleans:

- Mr. Redfield said that his information came from the Western Landowners Alliance and it said that the BLM had just released their draft environmental impact statement and planned amendments for Sage Grouse, pursuing Alternative 5

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

(4:46:26) 2:59 PM

Gene Curry said there was just one producer organization representative present at the meeting:

- Ellie Brighton, MSGA Government Affairs Representative said that she was happy to be at the BOL meeting. She said she was grateful that she always learned something and offered to be a resource if the BOL had anything

SET DATE FOR THE NEXT BOARD MEETING

(4:47:23) 3:03 PM

Gene Curry requested that a date be set for the next BOL meeting:

- Regarding the new Lab groundbreaking, Gene Curry said that Brian needed to get together with Mike Honeycutt regarding the invitation list. He said a date needed to be solidified with the architectural firm who had to coordinate with the other parties involved and that hopefully, that would be known by the next BOL meeting
- William Kleinsasser said that Wednesdays worked better for him than Tuesdays, but that he had a meeting on the 17th of April
- Jake Feddes said that for April and May Monday, Wednesdays, Thursday and Fridays would not be good days for him

- Brian Simonson said that April 24 and 25 were probably off the table as dates because Mr. Bodner, Mike Spatz and himself would be at an off-site leadership retreat those days
- Greg Wichman said that April 23rd would work for him because his daughter's birthday was on April 26th
- The next BOL meeting was scheduled for Tuesday, April 23, 2024

MEETING ADJOURNED

(4:55:11) 3:08 PM



Gene Curry, Chairman