

Approved: 2-4-93
Date

MINUTES OF THE SENATE COMMITTEE ON AGRICULTURE

The meeting was called to order by Chairperson David Corbin at 10:00 a.m. on February 2, 1993 in Room 423-S of the Capitol.

All members were present except: Quorum was present.

Committee staff present: Lila McClaflin, Committee Secretary

Conferees appearing before the committee:

Dan Walker, Doctor of Veterinary Medicine, Kansas Animal Health Department
Jack Jones, Director, Facilities Inspection Program
Susan Stanley, Special Assistant, Attorney General's Office
Wendell E. Maddox, Humane Society of the United States

Others attending: See attached list

The Chairman stated the agenda for the meeting was a briefing and update from the Animal Health Department regarding the puppy mill legislation that was passed last session. He called on Dr. Walker.

Dr. Walker gave a brief overview of the Department and distributed information on the Brucellosis Eradication Program (Attachment 1). He introduced Jack Jones and Susan Stanley.

Mr. Jones said he was appointed director of the Companion Animal Facilities Inspection Program in February 1992. He presented the status report on the Companion Animal Facilities Inspection Program (Attachment 2). Other information regarding the Department and their inspection and licensing procedure are on file in the Committee office.

Susan Stanley presented a yearly summary of the actions of the Companion Animal Facilities Inspection Program (Attachment 3). She was assigned to the Department in January of 1992.

Wendell Maddox was recognized by the Chair. He applauded the Department for the job they have accomplished in cleaning up the industry. He hoped the commitment would continue as long as Kansas has breeding facilities. In response to a question regarding what could be done to lift the boycott, Mr. Maddox stated he wasn't sure, but it wouldn't hurt to send a letter to the President of the organization. The Chair asked Mr. Maddox to brief the new committee members regarding the boycott. Mr. Maddox said the Humane Society of the United States and the state of California imposed a boycott on Kansas Champion animals until such time as notable progress was made in the industry.

A motion was made by Senator Sallee to approve the minutes of January 28. Seconded by Senator Morris. Motion carried.

The next meeting is scheduled for February 4, 1993. The meeting adjourned at 10:38 a.m.

GUEST LIST

COMMITTEE: Senate Agriculture

DATE: February 2, 1993

[illegible]

KANSAS ANIMAL HEALTH DEPARTMENT

ANIMAL HEALTH BOARD

LIVESTOCK COMMISSIONER
DAN WALKER, DVM 77290

GERALD ALBRIGHT
JERRY BOHN, CHAIR
LEE BORCK
GENE BRINKMAN
DALE HOLTERMAN
MARK MCKEE
TIM MEYER

OFFICE SUPERVISOR
ELLAN SPIVEY 48310

*

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LOIS SUCCI 70951

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PAUL GROSDIDIER DVM 48558

VETERINARIAN II
WILBUR JAY DVM 53960

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INTERSTATE DIVISION

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** OFFICE ASSISTANT III
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TERESA ARNOLD 59730

** KEYBOARD OPERATOR I-49%
DEVA RANDEL 53089

SPEC INVESTIGATOR III
RUDY DEINES 65036

SPEC INVESTIGATOR III
JACK LEE 65615

... BRAND INSPECTOR
RICHARD PFEIFER 42936

... BRAND INSPECTOR
GARY GILLUM 43250

... BRAND INSPECTOR
DALE STRAMEL 59887

... BRAND INSPECTOR
AL GEIST 61631

... BRAND INSPECTOR
NORMAN STRAYER 64855

... BRAND INSPECTOR
MARVIN ZWEYGARDT 66613

... BRAND INSPECTOR
CHARLES MONG

... BRAND INSPECTOR
VACANT 74013

COMPANION ANIMAL FACILITIES DIVISION

SPEC INVESTIGATOR III
JACK JONES 132456

... ATTORNEY B
SUSAN STANLEY 158994U

... OFFICE ASSISTANT III
ROYCE STUBBLEFIELD 44690

... COMP ANIMAL INSPECTOR
SHARON KOENIG 135110

... COMP ANIMAL INSPECTOR
DOROTHY MCRAE 135111

... COMP ANIMAL INSPECTOR
GREG BOUCHER 135112

... COMP ANIMAL INSPECTOR
NADA WOODWORTH 162170

... COMP ANIMAL INSPECTOR
DEBORAH SPEZIA 163333

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JANET KURTZ 76088

** OFFICE ASSISTANT II
WENDY PETERS 57830

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CHRIS LIPPERT 70169

LIVESTOCK INSPECTOR
BILL LYNN 48438

LIVESTOCK INSPECTOR
RAY BURGETT 53704

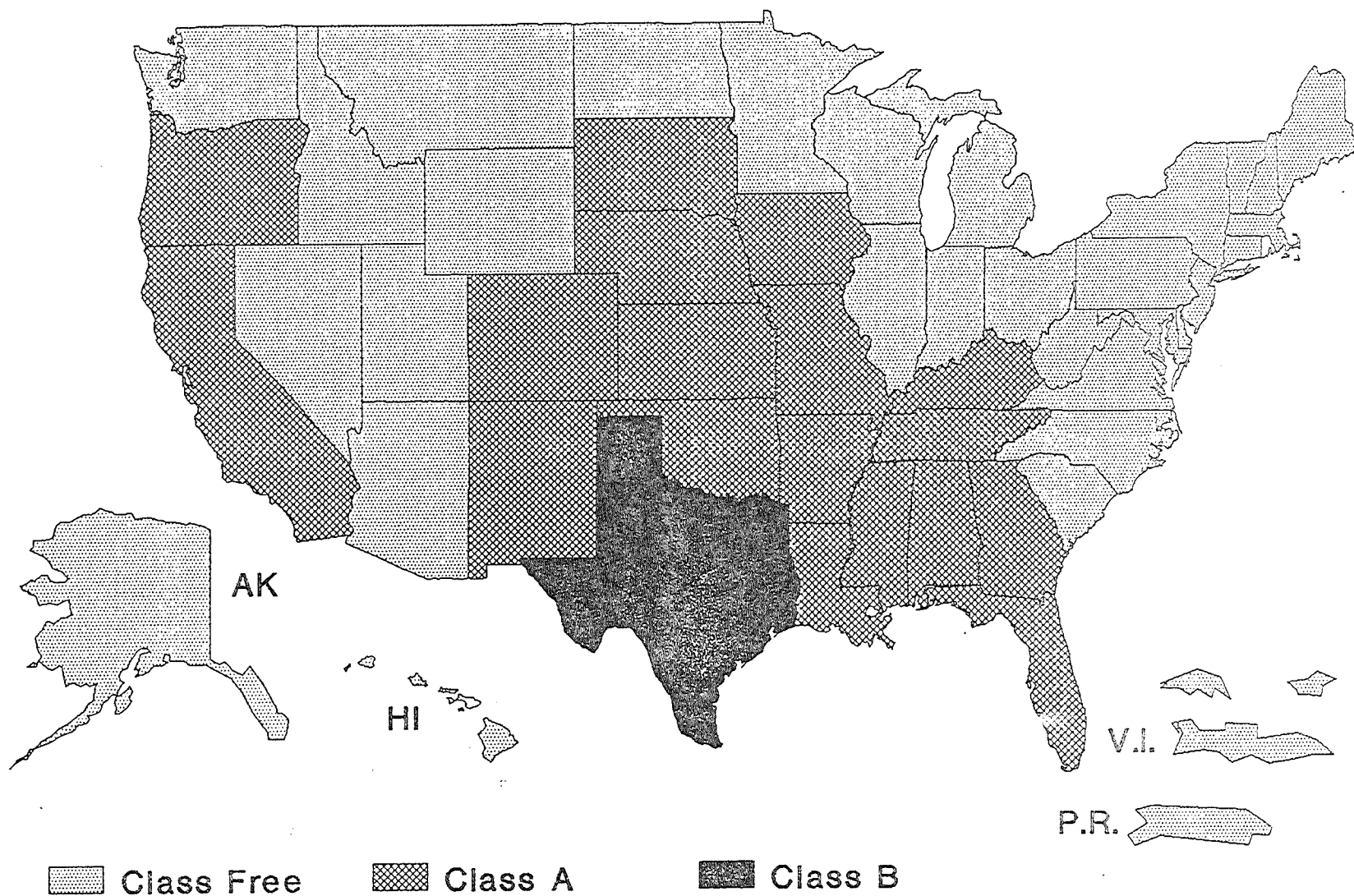
LIVESTOCK INSPECTOR
JACK DEWERFF 54268

LIVESTOCK INSPECTOR
DAN HORIGAN 54346

LIVESTOCK INSPECTOR
DAVE CUTHBERTSON 72649

Donated by
2-2-93
attachment 1
1-1

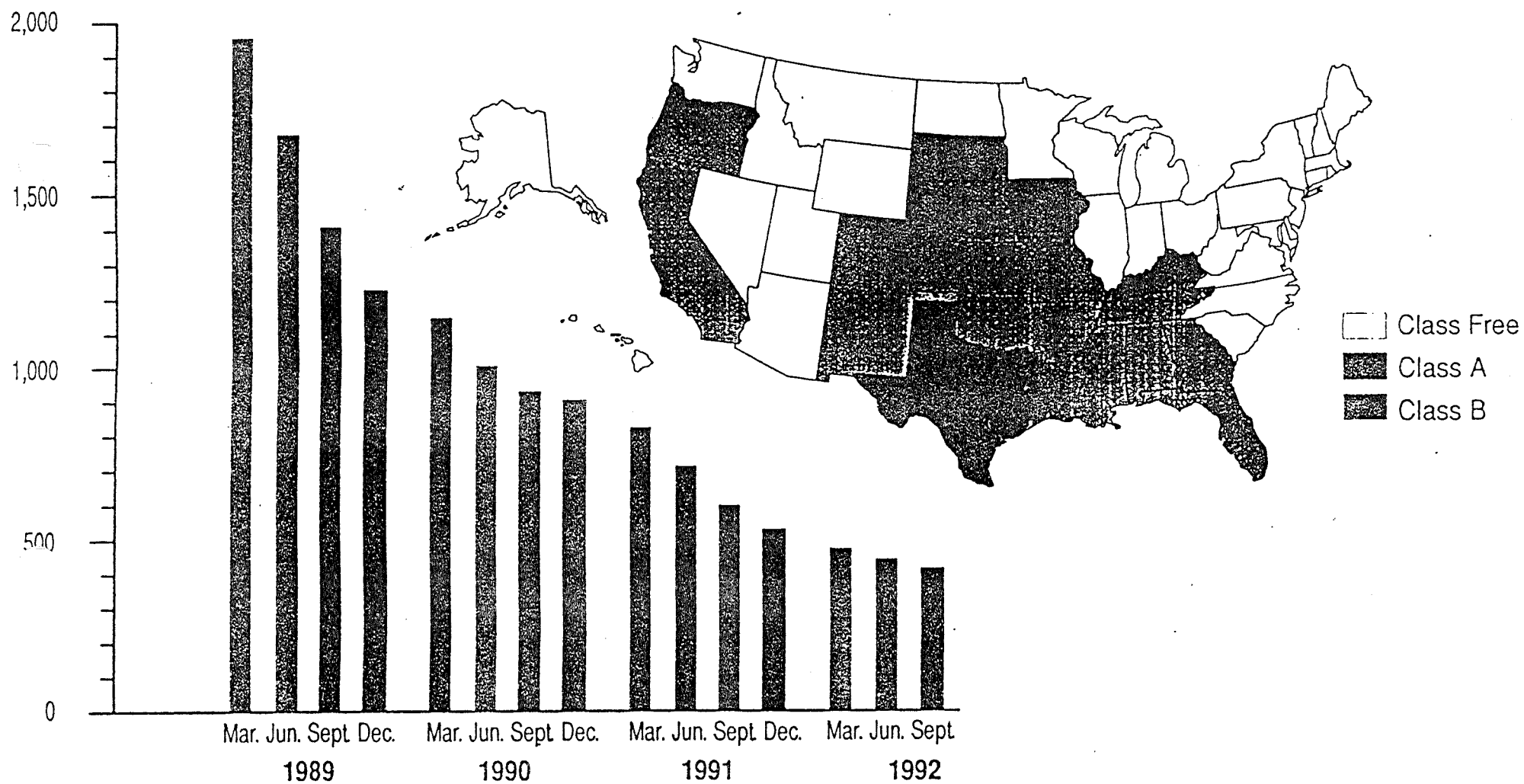
1-2



The Final Countdown

Cattle Herds Quarantined

1-3



NEWLY INFECTED
HERDS

HERDS UNDER
QUARANTINE

1991

723

601

1982

8,246

7,399

1975

13,713

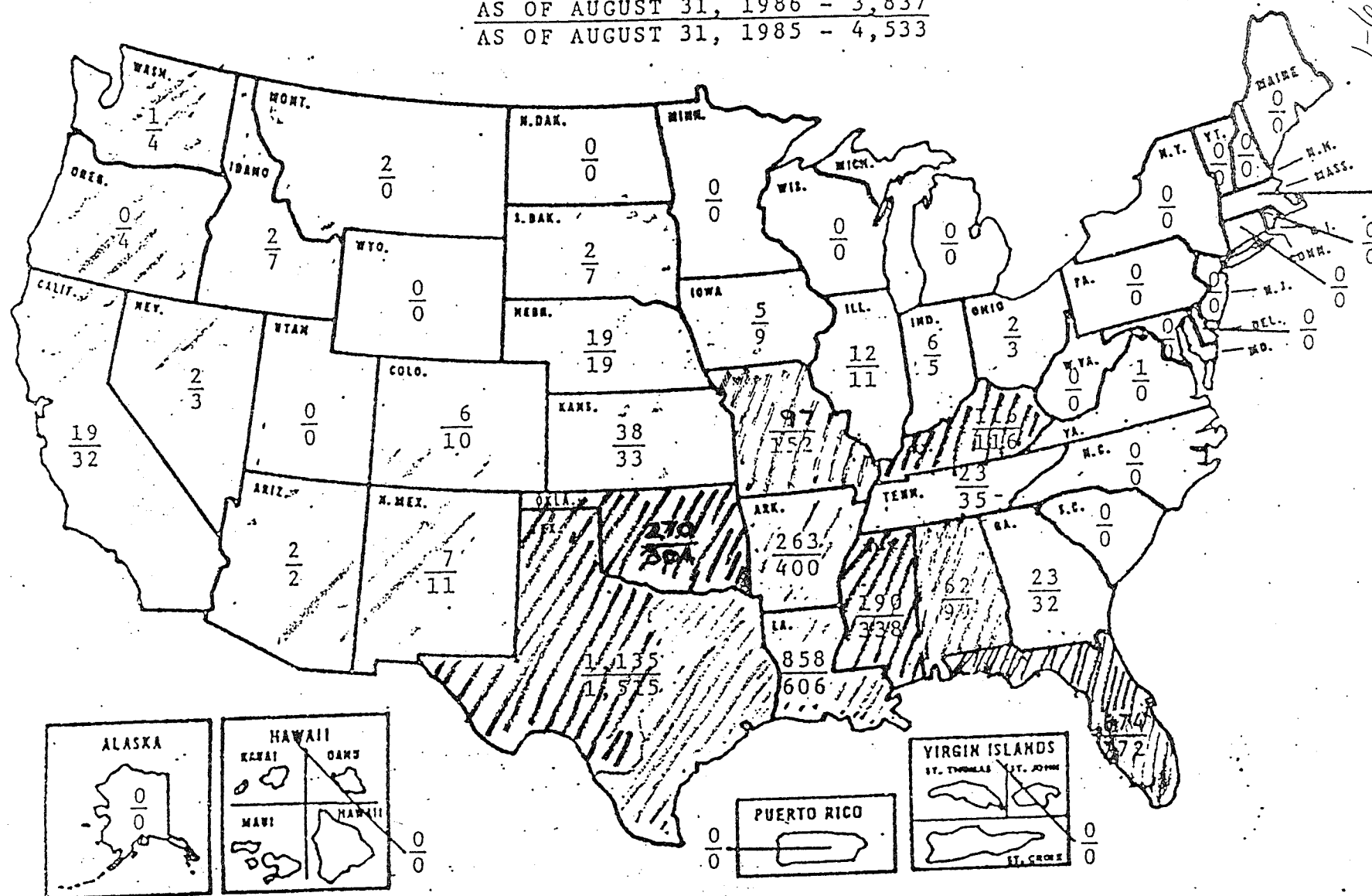
9,387

1980 20/1000 CATTLE TESTED WERE
REACTORS

1991 2.5/1000 CATTLE TESTED
WERE REACTORS

1-5

AS OF AUGUST 31, 1986 -	3,837
AS OF AUGUST 31, 1985 -	4,533

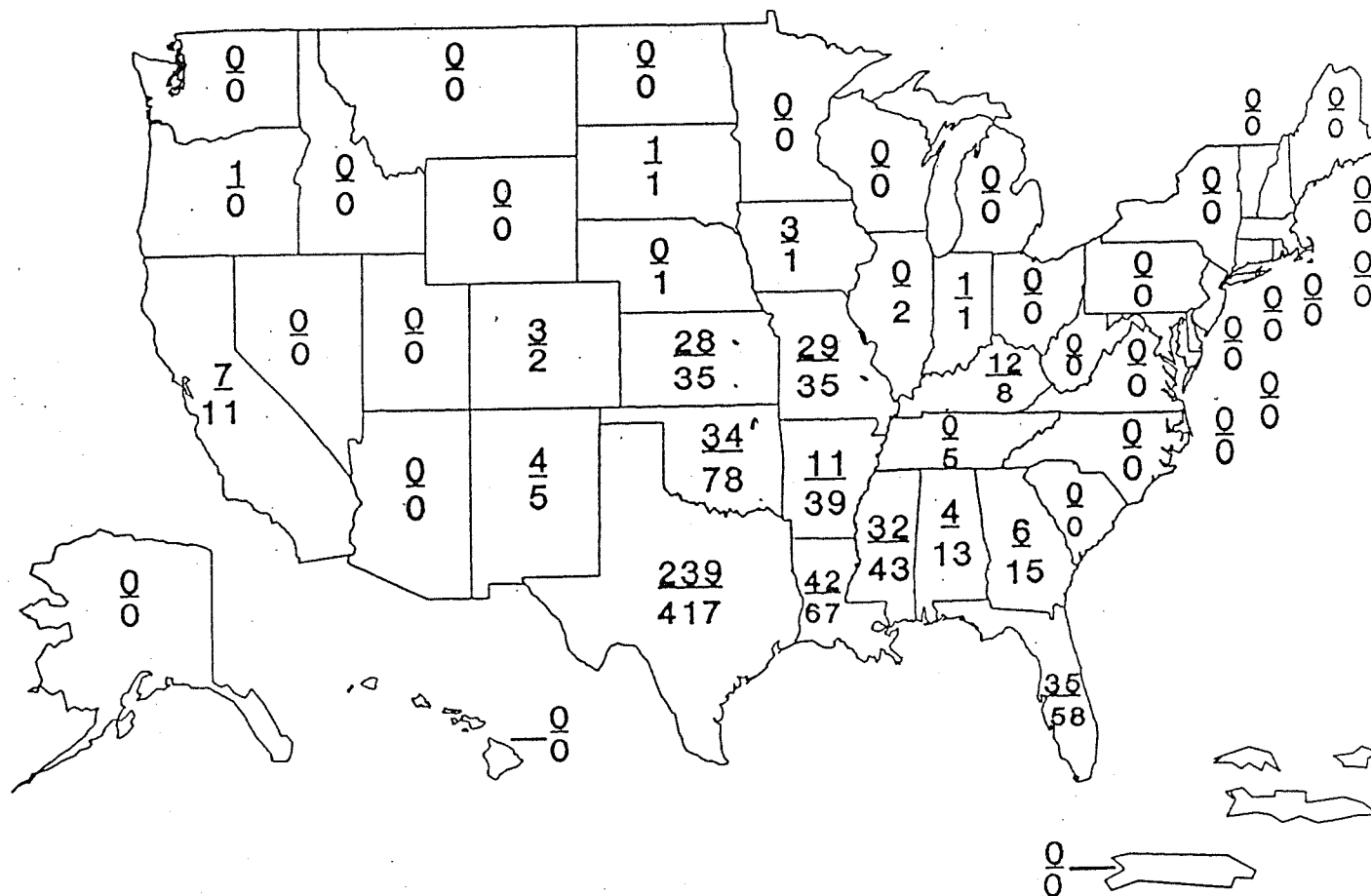


Class B TTTTT

HERDS QUARANTINED BECAUSE OF BRUCELLOSIS

AS OF FEBRUARY 29, 1992 - 492 - RATE 0.37

AS OF FEBRUARY 28, 1991 - 837 - RATE 0.63

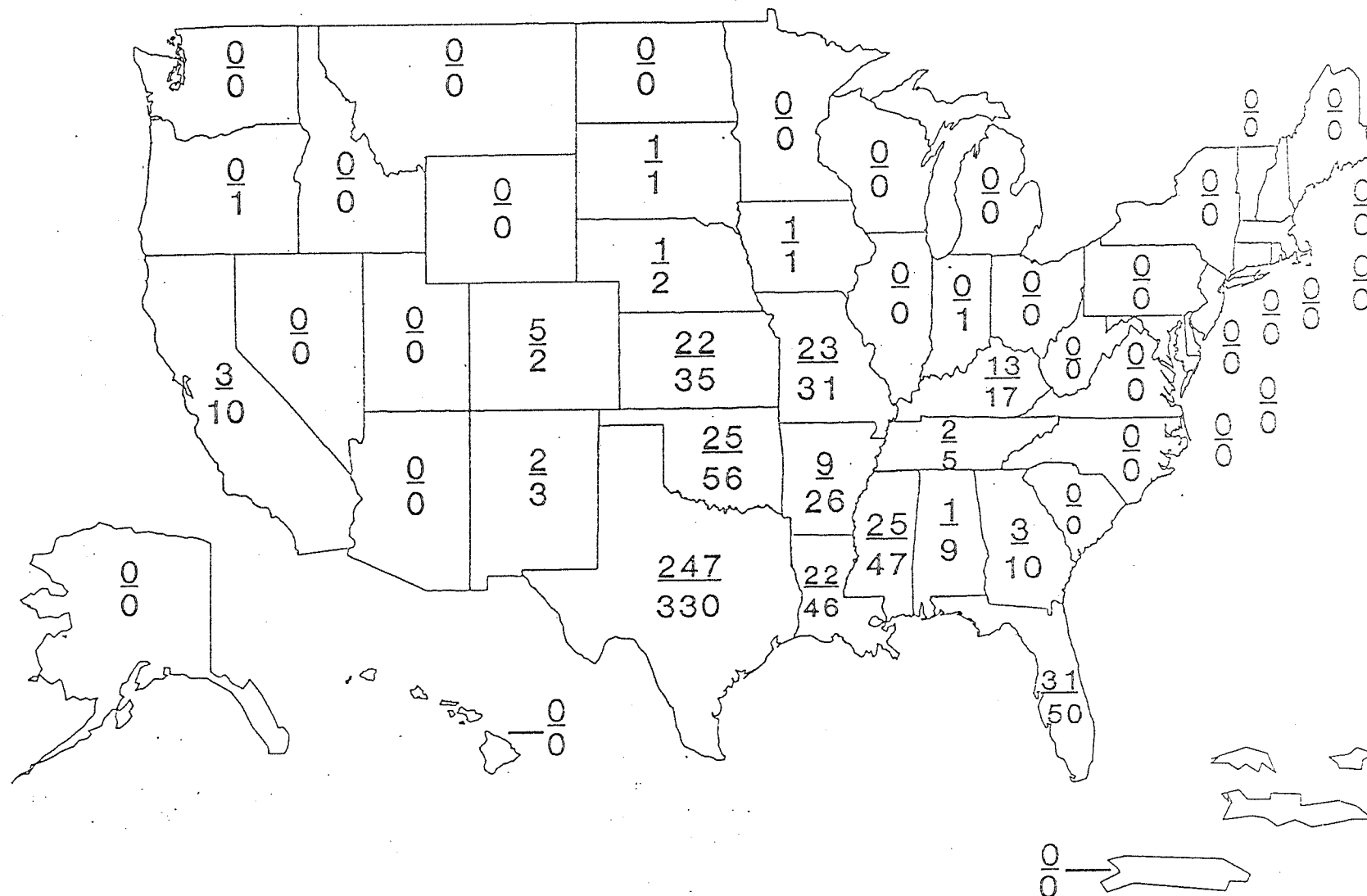


HERDS QUARANTINED BECAUSE OF BRUCELLOSIS

AS OF JULY 31, 1992 - 436 - RATE 0.33

AS OF JULY 31, 1991 - 683 - RATE 0.52

1-8



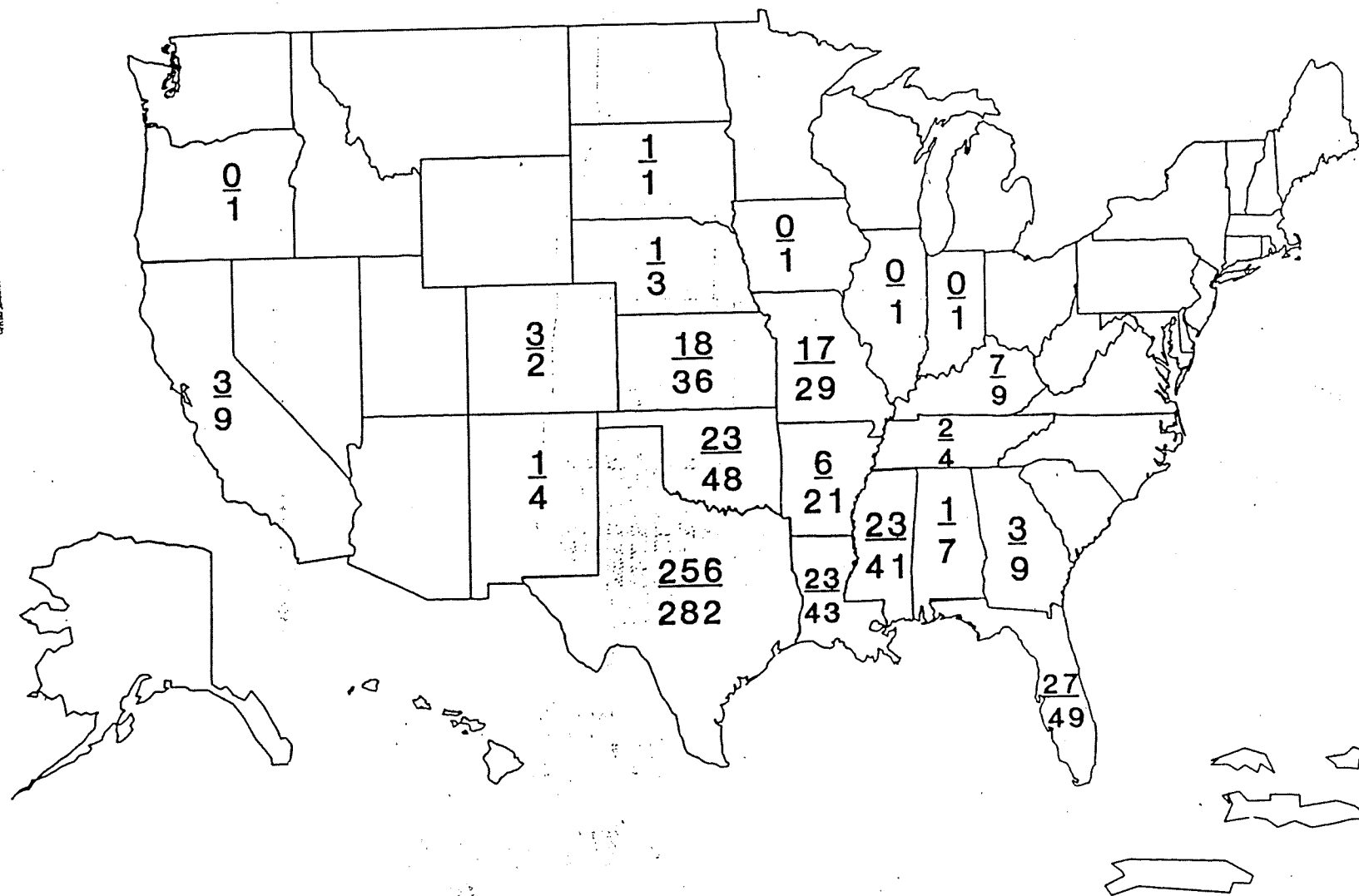
HERDS QUARANTINED BECAUSE OF BRUCELLOSIS

AS OF SEPTEMBER 30, 1992 - 415 - RATE 0.31

AS OF SEPTEMBER 30, 1991 - 601 - RATE 0.46

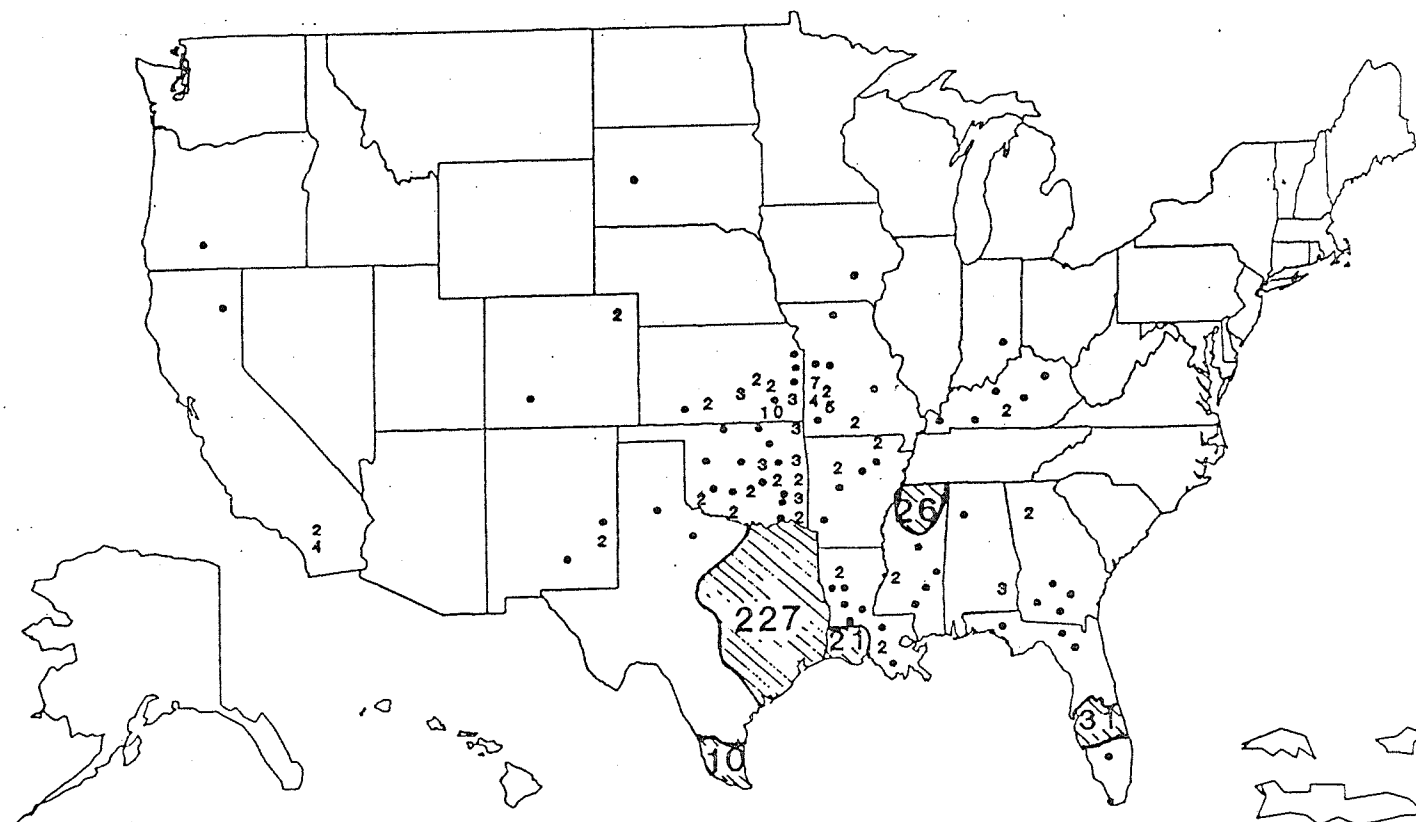
1-9

UNITED STATES LIVESTOCK COMMISSION



LOCATION OF QUARANTINED HERDS BY COUNTY OR AREA

MARCH 1992

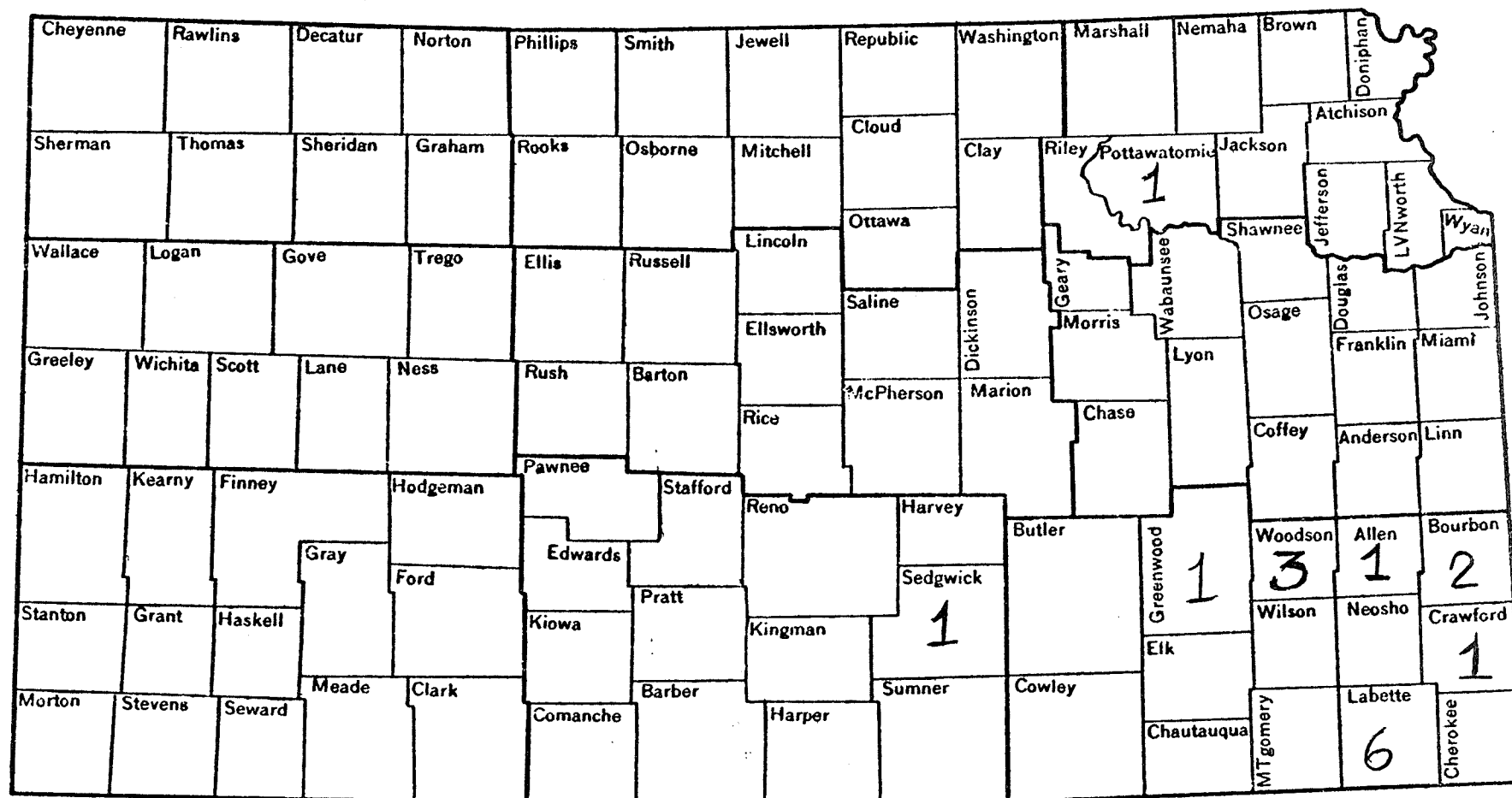


Numbers = Total Quarantined Herds in county or area
 • = Single Herd

1-10

111

KANSAS



1-12

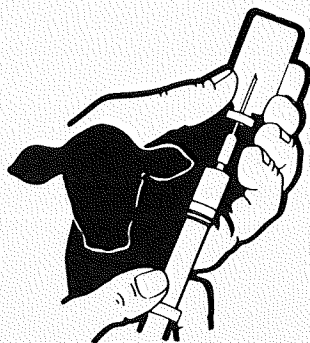
Brucellosis Eradication Rapid Completion Plan

PLAN FOR RAPID COMPLETION OF BRUCELLOSIS ERADICATION

1-13

INCREASED ACTIVITIES

- o STATE PROGRAM TECHNICAL REVIEWS
 - o ENHANCED FIRST POINT TESTING
 - o INCREASED ADJACENT AND CONTACT HERD TESTING
 - o INCREASED EPIDEMIOLOGY TESTING
 - o MANDATORY ADULT VACCINATION
 - o INCREASED DEPOPULATION
 - o AREA TESTING
 - o TRAINING
-



**Animal Health
Information Center**

A PROJECT OF THE KERR CENTER

Brucellosis:

purchasing replacement heifers — realizing the risk

The Case Of The \$50,000 Heifer

A few years ago in the southcentral United States a young man intent on entering the cattle business purchased a number of heifer calves through a local auction market. Aware that Bang's disease could be a significant risk to his cattle, the new cattle owner promptly had his veterinarian calfhooed vaccinate the heifers against the disease. When his heifers reached breeding age, he put a bull in with them and began to envision the profit from his first calf crop.

This prospective cattle producer was primarily in the Quarter Horse business. On his place, he maintained a high-powered stallion for stud service, along with 15 valuable brood mares. His movement into the cow-calf business was, he believed, a prudent step toward diversification.

But then one of his springing heifers aborted her calf. Again, the producer took precautions. He disposed of the aborted calf and afterbirth and isolated the heifer from the other cattle. He put her in the stud pen . . .

Down at the feed store, his neighbors told him that he should have the heifer tested for Bang's disease. "But, she's been calfhooed vaccinated," he retorted.

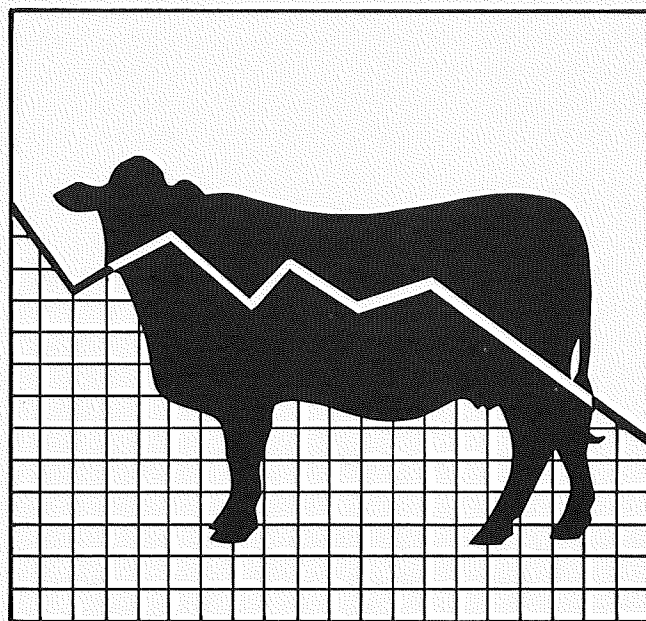
Finally he gave in to their suggestion and had her tested for Bang's. She was positive on the blood test. He was angry, chagrined, and perplexed. There were no other cattle within miles of his place, so how could she be infected? It made no sense to him that his calfhooed-vaccinated heifer could have contracted brucellosis.

His herd was quarantined and he followed the prescribed testing procedure until the quarantine was released. That original heifer was the only animal condemned to slaughter.

Three months after his herd was released from quarantine, he noticed a swollen area on his stallion's withers. He vaguely remembered something about Bang's being associated with fistulous withers in horses. By the time he had the stallion tested, the swelling had broken into an open draining fistula. He was told by his veterinarian that the chances of curing the condition were indeed meager. So, as a move to protect the rest of his herd, he sacrificed the horse to slaughter.

He had his brood mares tested. Nine out of the 15 showed a significant reaction on the blood test for brucellosis. By that time, a prize brood mare had swelling around the withers . . .

The well-intentioned producer had diversified himself right out of business.



1-14

The story of the \$50,000 heifer is true. While it may be an extreme case (in which brucellosis was spread only to horses) all too often brucellosis is introduced into a clean cattle herd through the purchase of replacement heifers. This case involved the infection of horses, but had the heifer been left in with other cattle — or had the cattle come in contact with the infected horses — the result would have been an infected cattle herd. There are things you can do to protect yourself against the prospect of “buying Bang’s.”

Risky Business

How serious is the risk of buying Bang’s disease? No one knows, but it is clear that the purchase of heifers can be a significant source of brucellosis infection. Depending on the source of replacement heifers and the age of the animals, the chances of purchasing infected animals may be as high as 10% or greater in some cases.

The Heifer Syndrome

The phenomenon of introducing Bang’s disease into a cattle herd through the addition of heifers from outside sources is known as the “heifer syndrome.” There are several different ways that heifers may become infected while they are under one year of age. These include:

Latent infection

Heifers exposed to brucellosis prior to (while still in the uterus) or shortly after birth may be infected and maintain this infection. These are most often heifers born to an infected cow. They usually do not react to the brucellosis tests until they either calve or abort, at which time they may spread the infection.

Early infection

While most young heifers are highly resistant to infection until they become sexually mature, a few may become infected while young. This is especially true if they are raised in a herd with a high rate of Bang’s infection, where they may obtain milk or be exposed to reproductive products from an infected cow.

Late infection

Some heifers become exposed and infected after they become sexually mature (8-12 months of age). This may occur in the herd of origin or at the market.

Age of heifer at purchase	Vaccir or veriny vaccination
Less than 4 months	Vaccinate after 4 months of age
4-8 months	X
8-12 months*	
12-18 months (must be vaccinated)	
Pregnant replacement (must be vaccinated)	

*The maximum age for vaccination may be less th

The Limits of Vaccination

Vaccination with *Brucella abortus* Strain 19 vaccine provides effective protection for an animal if the vaccine is given prior to exposure and infection. The vaccination of animals with latent, early, or late infection does not change the status of these animals — they remain infected. Therefore, the fact that animals are vaccinated is no guarantee that they are not infected.

Obtaining Replacement Heifers

Every herd owner needs replacement heifers to maintain herd size and production. Where you obtain these replacements will determine to a great extent the risk of introducing brucellosis into your herd. You do have options. Some are wiser than others.

Raise own replacements

If your herd is not infected, raising of your own replacements is the safest option.

Test & cinate if not vaccinated	Test at purchase	Retest at 60 days	Test prior to breeding	Test prior to calving (within 60 days)	Test 30-60 days after calving if negative	Add to herd
			X	X	X	X
			X	X	X	X
X			X	X	X	X
	X		X	X	X	X
	X	X		X	X	X

an 12 months in some states.

Buy replacements from known free herds

This procedure is usually safe. Brucellosis Certified Free herds are a good source of replacements.

Buy replacements from herds of unknown status

The fact that a herd is not under quarantine is not an assurance that the herd is free of infection. These animals may represent a risk.

Buy replacements from herds that are or have recently been infected

The purchase of animals from this type of herd should be avoided — the risk is too great.

Often, when purchasing heifers, especially at sales, you will not have access to any information on the herd's origin. If heifers must be purchased in this fashion, there are ways to minimize the risk of introducing infection, but they require good management. The above chart summarizes the steps necessary to protect against infection.

These procedures may seem to be excessive, but how much is it worth to prevent the introduction of brucellosis into your herd? You cannot be certain the animals are not infected until after they have calved and have been tested.

Remember Your Options

There are three management tools that should be used to assure that brucellosis will not be brought in with replacement heifers.

Calfhood Vaccination

Although calfhood vaccination is not 100% protective under all circumstances, it is the one tool that can maximize the chances of an animal resisting infection if it is exposed to the disease in the future. Heifer calves between the ages of 4 and 8 months should be vaccinated. If your state allows vaccination up to 12 months of age these older heifers (8-12 months) should be tested and vaccinated at the same time. When replacements are purchased older

than the calfhood vaccination age limit, calfhood vaccination should be verified before the deal is made. Calfhood vaccination can be verified by the presence of the official calfhood vaccination tattoo or orange eartag in the right ear or the calfhood vaccination certificate.

Diagnostic Blood Test

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Segregation of Replacements

Replacement heifers should be separated from the main herd until it is ascertained that they are not infected. This is after the post-calving test. Keeping new animals isolated is an important tool in preventing the spread of infection, whether that

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Summary

The "heifer syndrome" phenomenon is a significant risk factor that the cattleman should be aware of as he formulates his overall herd health management program. The testing intervals and times can be adjusted to fit into individual management routines. Brucellosis prevention begins at home.

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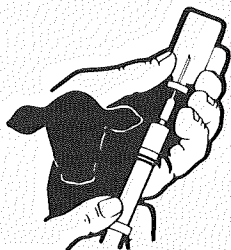
The Kerr Center
P.O. Box 588
Poteau, Oklahoma 74953
Telephone 918-647-9125

The Animal Health Information Center
P.O. Box 697
Hugo, Oklahoma 74743

This material is based upon work supported by the U.S. Department of Agriculture under Agreement Number 59-32R6-3-198 with Kerr Center. Any opinions, findings, and conclusions or recommendations expressed in this publication are those of the Author(s) and do not necessarily reflect the view of the U.S. Department of Agriculture.

December/1985

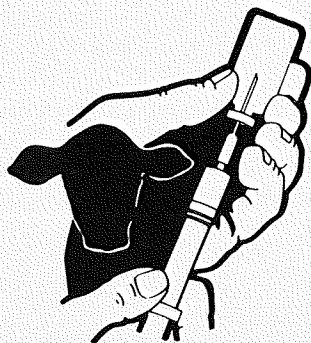
revised April/1986



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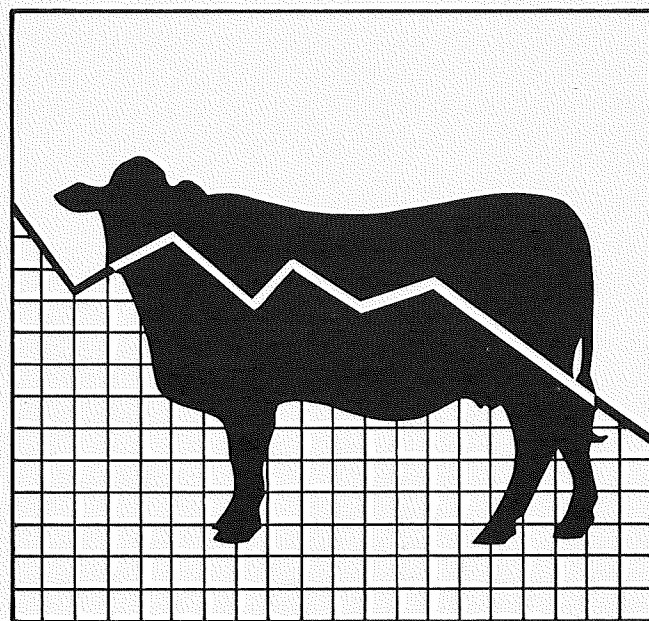
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	X		X	X	X	X
	X	X		X	X	X

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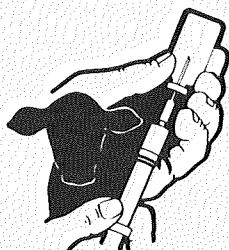
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December/1985

revised April/1986



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STATE OF KANSAS
Animal Health Department

KANSAS LIVESTOCK PRODUCERS

Please Note

A negative test for Brucellosis (bangs) means only that the test results show no sign of Brucellosis in the animal at the date of the test.

Modern science has not yet developed a 100 percent foolproof "card test" to detect Brucellosis infection. It is possible that additional testing at the state/federal laboratory, even after a negative card test at a livestock market, may result in a determination that the animal tests positive for Brucellosis.

It is also possible that animals testing negative on a given date may actually be harboring this disease and will test positive at a later date due to the lengthy incubation period associated with this disease.

State law requires Brucellosis testing of eligible breeding animals at the time of any change of ownership. This is to be done at the expense of the seller.

Therefore, the Kansas Animal Health Department encourages you to consider the following recommendations.

1. *That animals purchased be isolated for 10 days pending the results of tests conducted in Topeka.*
2. *That herd additions be retested (at owner's expense) 60 to 180 days after any change of ownership.*

Eradication of this disease can only be accomplished by placing the responsibility of good management practices on you, the Kansas Livestock Producer.

DON'T BUY BRUCELLOSIS

1-22



STATE OF KANSAS
Animal Health Department

February 2, 1993

Status Companion Animal Facilities Inspection Program

Presented before the
Kansas Senate Committee on Agriculture
Senator David Corbin, Chairperson
by
Jack Jones, Director
AHD Facilities Inspection Program

Mr. Chairman and Distinguished Committee Members:

I want to thank you for this opportunity to present the status report on the Companion Animal Facilities Inspection Program.

February 17, 1992, I was appointed to the position of Director, Facilities Inspection AHD.

After review of the post audit report, an administrative inspection of the division revealed inadequate follow up procedures and the absence of administrative accountability.

Problem 1: Sixty-five facility files were found in desk drawers and waste baskets.

Solution: Review of the files and follow up field investigations revealed forty-five files should have been listed as closed. The remaining fifteen resulted as follows.

- Three (3) collection of proper license fee
- Five (5) orders to inspect *
- Three (3) denial of license
- Four (4) revocation of license

* The facilities were given sixty (60) days to bring their locations into compliance at which time they were issued licenses.

Problem 2: One hundred/eighty (180) files required filed investigation due to no information as to status of problem information in files.

Solution: Follow up letters were sent to all locations, following results.

One hundred/thirty (130) notarized letters as to being not in operation.

- Two (2) pet shop licenses issued
- Four (4) "A" Dealers Licenses issued
- Five (5) Pounds/Shelter Licenses Issued
- Thirty-nine (39) no response*

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*On site contact was made of this group resulting in:
Ten (10) "A" Dealers licenses issued
Eight (8) locations closed non-compliance
Five(5) Hobby kennels registered
Sixteen (16) not operational out of business

Problem 3: No inter-agency liaison with USDA, AKC and UKC.

Solution: Established working relationship with USDA investigator and supervising DVM for Kansas as to exchange of information and dual training sessions with USDA inspectors and State inspectors.

Lines of communication were made with the investigative elements of AKC/UKC as to exchange of investigative and administrative follow up on marginal and sub standard facilities.

Problem 4: Administrative and logistical support.

Solution: Operational guidelines were placed in effect for the follow up investigations, assignment of special investigations in order all elements of a problem or offense could be corrected or proper action taken.

Necessary equipment was ordered for field personnel to enhance their performance capabilities.

Problem 5: Lack of adequate manpower to maintain inspections as required, resulting in backlog of inspections and investigations.

Solution: Manpower allocation study was completed and submitted to Office of the Governor, Personnel, and Appropriations Committee. This resulted in the authorization of two (2) additional FTE's.

Problem 6: Training and continued in-service training of field personnel.

Solution: In-service training sessions eight (8) hours are conducted every month. Inspectors attend various seminars during the year at Kansas State and other related agencies.

Problem 7: Lack of cooperation and exchange of information between the pet industry, humane organizations, and other private elements interested in animal care.

Solution: CAFID has established various lines of communication with the industry, humane and private elements. These elements are now taking with each other in a small way. CAFID has at this time been notified by the Regional Director of the HSUS they support the effort of AHD/Facilities Inspection 100%, National Society for The Protection of Animals 100% and People for Animal Rights 100%. In the past these elements have been on the other side of the fence.

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Problem 8: Funding, last session of the legislative body AHD/Facilities Inspection ask for 60% funding from GF and 40% Fees.

Solution: This request was approved. I am proud to say AHD/Facilities Inspection has met it's required goal of 40% plus 9%.

Kansas Facilities inspection program has been present to Missouri, Nebraska, Oklahoma and the American Animal Health Assn. In hopes they will have adequate pre-planning and not be faced with the many problems Kansas has endured in the past.

Ms. Stanley will brief you on the legal action taken by the unit.

I will close by stating there has not been any bad publicity relating to Kansas Facilities Inspection this fiscal year.



STATE OF KANSAS

Animal Health Department

Good morning, Mr. Chairman and members of the Committee. Thank you for this invitation to present you with a yearly summary of the actions of the Companion Animal Facilities Inspection Program.

I was appointed Special Assistant Attorney General assigned to the Department of Animal Health in mid-January of 1992. My appointment and the hiring of Jack Jones were brought about by continued problems with the implementation and enforcement of the Kansas Animal Dealer's Act, K.S.A. 47-1701 et. seq.

Upon arriving, I found things in quite a shambles. As Mr. Jones told you earlier, there was little internal organization to the administration of this program. While the progress made this year in this area may not be visible to someone not working with the program on a daily basis, the strides in this area are remarkable. This internal organization is the bricks and mortar of the structure, without that your base is not solid; your building in danger of toppling.

Legislation had not been drafted, funding proposals and budget information were incorrect and inadequate. It appeared that the Department had no idea how much money the program had or needed. Phone services were inadequate, office space was non-existent. Special interest groups on both sides of the issue were trying to control the program. The tail was truly wagging the dog.

This information is important for you to hear because what has happened this year is nothing short of reconstructing the program from the bottom up.

My portion of this presentation is to concentrate on litigation and enforcement. To place this information in its proper perspective, I need to give you some history.

During 1990, the Department took three actions against facilities.

During 1991, the Department took five actions against facilities. Many of those actions were taken under pressure from outside organizations, not from the clear decision and action of the Program.

During 1992, the Department took 15 actions against facilities. This is a 150% increase from 1991. This total is in addition to the 120 plus facilities that electively ceased business operations as of July 1, 1992.

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- We prosecuted two criminal trials in the McCall matter.
- There are presently three actions that are also on Judicial Review before the District Court of Shawnee County.
- We have taken numerous collection actions against individuals who have written insufficient fund checks.
- We have done numerous emergency inspections after receiving complaints. Many of these have been referred to the Consumer Protection Division of the Attorney General's office.
- We have instituted a complaint bank to aid us in dealing with complaints regarding Cruelty to Animals that fall under county or city jurisdiction. Presently, we have assisted 40 plus individuals, humane society employees and law enforcement members with there problems.

Presently, there are two revocation actions pending for 1993 and several Temporary Restraining Orders and revocations awaiting filing.

It is my sincere hope that you Mr. Chairman and the entire committee are pleased with the accomplishments of the program in the past 12 months.

While there have been accomplishments, we are by no means finished. For 1993, we are planning on revamping the Administrative Rules and Regulations and continuing to enforce the Act. Your assistance in helping us attain all of these goals is much appreciated.